



**COMMISSION MEETING AGENDA**

**Thursday, May 16, 2024**

**4:00 PM**

**Oro Loma Sanitary District Boardroom  
2655 Grant Avenue, San Lorenzo, CA 94580**

**This meeting will also be teleconferenced from this location:  
4671 X Street, Sacramento, CA**

**Teleconference link: <https://us02web.zoom.us/j/89796898677>  
Call-in: 1(669) 900-6833 and enter Webinar ID number: 897 9689 8677**

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

**C O N S E N T C A L E N D A R**

- |               |   |
|---------------|---|
| <b>MOTION</b> | <b>5. Commission Meeting Minutes of April 18, 2024</b>                            |
|               | <b>6. List of Disbursements for April 2024 – See Item No. FM4</b>                 |
|               | <b>7. Treasurer’s Report for April 2024 – See Item No. FM5</b>                    |
|               | <b>8. Third Quarter Expense Summary, Fiscal Year 2023/2024 – See Item No. FM6</b> |

**R E G U L A R C A L E N D A R**

- |                    |  |
|--------------------|--|
| <b>INFORMATION</b> | <b>9. General Manager’s Report</b><br>(The General Manager will report on EBDA issues.)  |
| <b>INFORMATION</b> | <b>10. Report from the Managers Advisory Committee</b><br>(The General Manager will report on Managers Advisory Committee activities.)   |
| <b>INFORMATION</b> | <b>11. Report from the Regulatory Affairs Committee</b><br>(The General Manager will report on the meeting.)   |
| <b>MOTION</b>      | <b>12. Motion Authorizing the General Manager to Execute an Agreement with Azyura for Waterbits Licensing and Reporting Services for FY 2024/2025 through FY 2026/2027 in the Amount of \$98,130</b><br>(The Commission will consider the motion.) |

- INFORMATION 13. Report from the Financial Management Committee**  
(The General Manager will report on the meeting.)
- RESOLUTION 14. Resolution Adopting the East Bay Dischargers Authority's Fiscal Year 2024/2025 Budget – See Item No. FM7**  
(The Commission will consider the resolution.)
- INFORMATION 15. Report from the Operations & Maintenance Committee**  
(The Operations & Maintenance and General Managers will report on the meeting.)
- INFORMATION 16. Report from the Personnel Committee**  
(The General Manager will report on the meeting.)
- RESOLUTION 17. Resolution of Appreciation for Deborah A. Quinn**  
(The Commission will consider the resolution.)
- INFORMATION 18. Items from the Commission and Staff**  
(The Commission and staff may address items of general interest.)
- 19. Adjournment**

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

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

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

**Next Scheduled Commission meeting is  
Thursday, June 20, 2024 at 4:00 pm**

## GLOSSARY OF ACRONYMS

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

## GLOSSARY OF ACRONYMS

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

## **CONSENT CALENDAR**

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

- Item No. 5 Commission Meeting Minutes of April 18, 2024
- Item No. 6 List of Disbursements for April 2024 – See Item No. FM4
- Item No. 7 Treasurer’s Report for April 2024 – See Item No. FM5
- Item No. 8 Third Quarter Expense Summary, Fiscal Year 2023/2024 – See Item No. FM6

## **Recommendation**

Approve Consent Calendar

**ITEM NO. 5 COMMISSION MEETING MINUTES OF APRIL 18, 2024**

**1. Call to Order**

Chair Lathi called the meeting to order at 4:00 P.M. on Thursday, April 18, 2024 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
	Erica Gonzalez	Legal Counsel
	Alex Ameri	City of Hayward
	David Donovan	City of Hayward
	Hayes Morehouse	City of San Leandro
	Jimmy Dang	Oro Loma Sanitary District
	Paul Eldredge	Union Sanitary District

**4. Public Forum**

No members of the public were present.

**Motion to allow a member of the Commission to participate remotely pursuant to AB 2449**

Commissioner Azevedo requested to participate in the meeting remotely pursuant to AB 2449 on the basis of “emergency circumstances” as pursuant to Government Code section 54954.2 (b)(4), which allows the Commission to consider a request for remote appearance at the start of the meeting for an emergency circumstance if the request does not allow sufficient time to place the proposed action on the posted agenda. The request for remote appearance, and subsequent vote, was consistent with government code and EBDA’s Rules of the Commission. Commissioner Azevedo disclosed that no individuals over the age of 18 were present at the remote location.

Commissioner Simon moved to approve the request. The item was seconded by Commissioner Johnson and carried with the following roll call vote:

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

## CONSENT CALENDAR

### 5. Commission Meeting Minutes of March 21, 2024

### 6. List of Disbursements for March 2024

### 7. Treasurer's Report for March 2024

Commissioner Andrews moved to approve the Consent Calendar. The motion was seconded by Commissioner Simon and carried with the following roll call vote:

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

## REGULAR CALENDAR

### 8. General Manager's Report

The General Manager (GM) advised that the graphs in Item OM4 contained data for the wrong time period; revised NPDES compliance graphs were provided to the Commission. The GM also announced that LAVWMA selected Levi Fuller as the agency's next General Manager.

### 9. Report from the Managers Advisory Committee

The GM provided an update on the Nutrient Watershed Permit negotiations. The Water Board released a tentative order for public comment, with adoption of the permit scheduled for June 12.

### 10. Report from the Financial Management Committee

The GM reported on the April 17, 2024, meeting of the Financial Management Committee. The GM reviewed the status of the Authority's pension plan and other post-employment benefits (OPEB) trust. Lastly, the GM presented the FY 2024/2025 draft budget.

### 11. Report from the Operations and Maintenance Committee

The Operations and Maintenance (O&M) Manager reported on the April 16, 2024 meeting. The O&M Manager provided project updates on the Hayward Effluent Pump Station (HEPS) Pump Replacement Project and the Pond 3 Valve Actuator Replacement. The GM discussed the Cargill project and an upcoming site visit to one of the AQPI project radar locations. Lastly, the GM discussed the Water Board's inspection of the Marina Dechlorination Facility and a recently completed solar study.

### 12. Report from the Personnel Committee

The GM reported on the April 16, 2024 meeting. The GM presented the 2024/2025 draft

compensation plan. The GM advised that the Committee is considering retiree medical benefit options. The GM asked Commissioners to complete the Committee Preference form.

**13. Items from Commission and Staff**

Commissioner's announced Earth Day events taking place in their districts.

**14. Adjournment**

Chair Lathi adjourned the meeting at 4:51 pm.



**ITEM NO. 9 GENERAL MANAGER'S REPORT**

The General Manager will discuss items of interest to EBDA.

**ITEM NO. 10 REPORT FROM THE MANAGERS ADVISORY COMMITTEE**

**MANAGERS ADVISORY COMMITTEE  
AGENDA**

**Monday, May 6, 2024  
2:00 pm**

**Via Zoom**

- 1. Nutrients Watershed Permit Negotiation**
- 2. EBDA Commission Agenda**
- 3. Managers Information Sharing**

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**ITEM NO. 11**

**REGULATORY AFFAIRS COMMITTEE AGENDA**

**Monday, May 13, 2024**

**12:00 P.M.**

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

**This meeting will be teleconferenced from the following location:  
Guest Parking Area Located on Ocaso Camino, West of and Closest to the  
Intersection of Paseo Padre Parkway**

**Teleconference link: <https://us02web.zoom.us/j/82810609847>  
Call-in: 1(669) 900-6833 and enter Webinar ID number: 828 1060 9847**

**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. Statewide Wastewater Air Toxics Pooled Emissions Study**  
(The Committee will receive an update on a state-mandated study.)
- RA6. Nutrients Watershed Permit Update**  
(The Committee will receive a status update on negotiations.)
- RA7. Motion Authorizing the General Manager to Execute an Agreement with Azyura for WATERBITS Licensing and Reporting Services for FY 2024/2025 through FY 2026/2027 in the Amount of \$98,130**  
(The Committee will consider the motion.)
- RA8. Adjournment**

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Agenda Explanation  
East Bay Dischargers Authority  
Regulatory Affairs Committee  
May 13, 2024

be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available and are to be completed prior to speaking.

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<p><b>Next Scheduled Regulatory Affairs Committee Meeting</b> <b>TBD</b></p>
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## ITEM NO. RA5 STATEWIDE WASTEWATER AIR TOXICS POOLED EMISSIONS STUDY

### Recommendation

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

### Strategic Plan Linkage

1. **Regulatory Compliance:** Proactively meet or exceed regulatory requirements for protection of the environment and public health.

### Background

In the late 1980s/early 1990s, the California Air Resources Board (CARB) began implementation of AB 2588, which required wastewater plants to report estimated air emissions of toxic compounds. At the time, the wastewater community undertook a joint study to develop wastewater-specific emission factors. This study, which was conducted at 25 wastewater plants across the state over 11 months, resulted in a shortlist of volatile organic compounds that are likely to be found in wastewater and representative emission factors. By pooling resources and spending \$2.5 million (1990 dollars), the wastewater community avoided sampling every plant and every process unit to develop site-specific factors or having to use overly conservative non-wastewater specific emission factors. The resulting factors have been in use for wastewater reporting since.

### Discussion

In 2022, CARB adopted new rules that expand the list of compounds that must be estimated from approximately 500 compounds to over 1700 compounds, including PFAS chemicals. Similar to the 1990s, CARB agreed the wastewater sector could work as a group to reduce the overall costs to the sector, reduce the burden on source test specialists and laboratories, and reduce the burden on regulatory staff. A summary of the proposed approach is provided in the attached two-pager developed by the California Association of Sanitation Agencies (CASA).

The expected outcome is a shortlist of air toxics the sector must start monitoring and reporting beginning in 2028. The statewide study is estimated to cost up to \$10 million spread over the next 3-4 years, to be shared by sector participants. CASA has developed a cost allocation mechanism based on average flows and will be coordinating the study. The MAC recommended that EBDA and LAVWMA members' contributions be made through the Authority to reduce administration costs. These costs have been included in the proposed FY 2024/2025 budget included in Item No. FM7.

CASA staff has hired Yorke Engineering to manage the study, which is kicking off this month. CASA is also working closely with Bay Area Air Quality Management District (BAAQMD) staff to ensure that factors developed for CARB can also be used for compliance with BAAQMD's air toxics rule.



## Statewide Wastewater Air Toxics Pooled Emissions Study

The following document describes the “two-step process” pooled emissions study that is required by the California Air Resources Board (CARB). CASA has agreed to serve as the fiscal agent for this project with support from the regional associations (Bay Area Clean Water Agencies, Clean Water SoCal, and Central Valley Clean Water Association).

### Background

Reporting requirements for air toxics emitted from permitted stationary sources in California (including WWTPs) have expanded since CARB’s latest amendments to the Emissions Inventory Criteria and Guidelines (EICG) and the Reporting of Criteria Air Pollutants and Toxic Air Contaminants Regulations (CTR) became effective January 1, 2022. WWTPs can report business-as-usual through 2027 but are required to conduct a two-step process (on their own or as a group) to determine which of the 1,700+ air toxics referenced in the latest EICG need to be monitored and reported beginning in 2028. CARB’s provision for the wastewater sector to complete a two-step process to establish air toxics emission factors that can be adjusted for the capacity of the WWTP and will be applicable to all WWTPs. Identifying a shortlist of air toxic compounds to be tested requires:

1. Scanning emissions from representative WWTPs and unit processes to determine detectable air toxics
2. Quantifying emissions of the detectable air toxics using approved sampling and analysis methods to determine which must continue to be monitored and reported beginning with calendar year 2028

For the past few years, CASA has been working with a variety of agencies, regional associations, and the Air Quality, Climate Change, and Energy (ACE) Air Toxics Subgroup to develop an appropriate approach to initiating this two-step process on behalf of the wastewater community.

### Benefits of Engaging in the Two-Step Process and Pooled Emissions Study

Through CASA and the regional associations’ leadership, the wastewater sector is uniquely positioned to help lead the execution of a statewide two-step process in the form of a pooled emissions study (Study). Conducting the Study as a statewide group offers numerous benefits to the sector, including:

- **Representative Testing Cost Savings:** Having a select number of WWTPs<sup>1</sup> perform the Study and represent the sector versus every WWTP having to perform the Study. This allows the sector to streamline the work, avoid overwhelming source test specialists (which are already overextended across the state) and significantly reduce costs.<sup>1</sup>
- **Administrative Cost Savings:** Pooling funds as a sector and having CASA serve as the fiscal administrator relieves WWTPs of the burden of managing individual contracts and coordinating comparisons of the results across the state, significantly reducing overall administrative costs.
- **Streamlined Project Execution:** Hiring a single project manager (PM) to coordinate and produce a sound technical approach/source test protocol<sup>2</sup> that is consistently applied across the state, including selection of source test specialists and laboratory to streamline the execution of the Study and the analysis of results.
- **Coordinated Statewide Action:** Close coordination by the PM across CASA staff, regional association staff, WWTPs, CARB staff, Air District staff (including the California Air Pollution Control Officers’ Association or CAPCOA), Source Test Specialists, and other technical experts as needed to complete the Study in time for expanded monitoring and reporting to begin in 2028.
- **Single Reference Set for Future Use:** Producing a single set of emission factors for a shortlist of air toxics that all WWTPs can use for reporting purposes beginning in 2028.

The alternative would be for every WWTP (or smaller groups of WWTPs) to perform their own two-step process for the 1700+ air toxics identified by CARB. That approach poses significant challenges and increased costs for

<sup>1</sup> Per the regulations, WWTPs include covered (≥10 million gallons annual average daily flow) and uncovered (≥5 million gallons annual average daily flow) systems. Covered systems are defined as “...wastewater treatment having a covering over the physical area where the primary settling process occurs in the wastewater treatment process, such as sedimentation tanks. The primary tanks may be sealed or covered with a fixed, floating or retractable cover and shall be airtight, thus preventing emissions from being released to the air.”

<sup>2</sup> Scanning and sampling protocols will be developed in collaboration with and approved by local air districts and CARB staff. The PM and CASA Steering Committee will lead the coordination and development of the overarching Source Test Protocol.

the wastewater sector. Additionally, the numerous efforts will likely yield inconsistent results, in part from having to use multiple source test specialists and laboratories, which will make it very challenging to determine a single emission factor for any air toxic. Finally, the sampling and analyses necessary would be cost prohibitive for most WWTPs on their own. That is why it is important to maximize individual WWTP participation and contributions to the Study, which will serve as documentation for your agency’s compliance with the requirements under CARB’s EICG and CTR.

**Pooled Emissions Study Details and Next Steps**

We estimate the Study could take three to four years and could cost up to or possibly more than \$10 million for the wastewater sector to complete as a group. This time and cost factor is based on an assumption that we would be required to sample and analyze over seven families of air toxics across various WWTPs and unit processes, and extrapolation from a previous similar effort, the 1990 Pooled Emissions Estimation Program, which took just over two years to complete and focused on only one family of compounds.

The Study will be performed in two phases, with the vast majority of costs incurred in Phase 2:

1. During Phase 1 (2024), the selected PM in collaboration with CASA and Source Test Specialists will develop (and gain approval from CARB and Air Districts for) the overarching Source Test Protocol necessary to perform the two-step process.
2. During Phase 2 (2025-2027), the PM will coordinate completion of the two-step process with the selected Source Test Specialist(s) in close collaboration with CARB, air districts, the Steering Committee and WWTPs.

The results of Step 1 of this Study will inform the details needed as part of Step 2 (i.e., number of WWTPs, number of unit treatment processes to be sampled at each WWTP, and number of air toxics that will need to be sampled and analyzed from each unit process), at which time we will be able to refine the estimated cost and timeline to perform Step 2. As of November 1, 2023, CASA and the regional associations distributed a request for qualifications to interested entities, and plan to select a suitable PM for Phase 1 in early 2024.

**Agency Cost Sharing and Planning for Future Budget Allocations**

The \$10 million estimated budget is to be shared by the ~145 WWTPs<sup>1</sup> across the state who have annual average daily flows near or exceeding the regulatory threshold.<sup>1</sup> We have estimated contributions per million gallons of average annual daily flow, with the costs spread over the next three to four fiscal years. This resulted in a total project estimate of approximately **\$3,700 per MGD of average annual daily flow** (based on 2019-2021 flows) for each of the ~145 WWTPs<sup>1</sup>. For smaller agencies who may be exempt from these regulations at this time, we are still requesting your participation. CASA is requesting the following of those who wish to participate:

<b>Fiscal Year 2024: Pay now or July 1, 2024*</b>	<b>Fiscal Year 2025: Pay now or July 1, 2024*</b>	<b>Fiscal Year 2026: Pay July 1, 2025</b>	<b>Fiscal Year 2027: Pay July 1, 2026</b>
<b>\$200 per MGD</b>	\$1,000 per MGD	TBD, budget ~\$1,250 per MGD	TBD, budget ~\$1,250 per MGD
<b>*Paying now is encouraged. If not budgeted, please budget for Fiscal Year 2025 and send payment July 1, 2024.</b>			

Agencies that have budgeted for this Study in FY24 are encouraged to make contributions promptly to the maximum extent possible to fund Phase 1 PM costs. We recognize that some agencies may not have budgeted for FY24 – those agencies may pay both the FY24 and FY25 amounts as a lump sum in FY25. Any funds not spent on Phase 1 of the Study will be applied to Phase 2. CASA will track early contributions to ensure equity across the sector. Funding levels for FY 26 and FY 27 will be determined as part of Phase 1.

**Contact Information**

Please contact Shacara Gamboa at [sgamboa@casaweb.org](mailto:sgamboa@casaweb.org) to confirm participation in the statewide group and ability to contribute in FY 23/24 and 24/25. Please also provide a point of contact for invoicing. At the appropriate time, CASA can send an invoice for your contribution to the Study or work with your respective regional association (BACWA, CVCWA, or Clean Water SoCal) to administer the invoice. For substantive questions about the Study, please reach out to Sarah Deslauriers at [sdeslauriers@casaweb.org](mailto:sdeslauriers@casaweb.org).

## ITEM NO. RA6 NUTRIENTS WATERSHED PERMIT UPDATE

### Recommendation

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

### Strategic Plan Linkage

1. **Regulatory Compliance:** Proactively meet or exceed regulatory requirements for protection of the environment and public health.
  - b. Represent EBDA and the Member Agencies' interests by preemptively engaging in development of emerging regulations and permits and advocating for reasonable, science-based decisions.
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.
  - b. Partner with regulators to develop and implement permits and programs leading with science and lessons learned.

### 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 communities to question whether the Bay's resilience is weakening.

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.

In Summer 2022, a harmful algae bloom caused unprecedented decreases in dissolved oxygen in the Bay, resulting in significant fish kills. While it is unclear exactly what triggered this bloom, its timing did correspond with a prolonged period of unusually clear skies in the Bay Area, making available more light than usual for photosynthesis. Scientists believe that the bloom was nitrogen limited, meaning that nitrogen loads to the Bay sustained the bloom and likely contributed to its extent and duration. This conclusion, along with the increased media attention garnered by the event, has led to public and



political pressure on wastewater agencies and on 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 last summer amplified that pressure.

### **Discussion**

EBDA and our partners with BACWA are currently negotiating the third Watershed Permit for nutrients. An administrative draft of the permit was provided to stakeholders on February 15, 2024, and EBDA staff responded on March 6 with a comment letter, which provided to the Committee last month.

On April 5, the Water Board issued its [Tentative Order](#) – the formal public draft of the permit. The Tentative Order incorporates some of EBDA’s comments, while leaving other elements consistent with the prior draft. The permit relies on modeling to set a Bay-wide target of 40% reduction in nitrogen loads in ten years. Reductions are then allocated to individual dischargers in the form of effluent limits that would be enforceable in 2035.

The Water Board has expressed support for continuing to refine the underlying science and for allowing additional time for multi-benefit projects such as water recycling and nature-based solutions. While the permit does not expressly allow for more time to complete these projects, it states that the Water Board will “consider available regulatory mechanisms to provide more time to comply.” A new section has been added to the permit recognizing early actors that have already completed or begun construction or implementation of projects to reduce total inorganic nitrogen discharges to San Francisco Bay. For these dischargers, the permit contains the same language regarding the Water Board considering available regulatory mechanisms to provide more time to comply.

EBDA’s comment letter on the Tentative Order is attached and was submitted on May 8. The letter was developed as a collaborative effort with all of EBDA and LAVWMA’s member agencies and was submitted on the agencies’ behalf. The Water Board will issue a formal written response to comments in late May or early June. The permit is scheduled for an adoption hearing on June 12, 2024 and would go into effect on July 1.



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May 8, 2024

RE: Tentative Order Regulating Nutrients in Discharges from Municipal Wastewater Treatment Facilities to San Francisco Bay (NPDES Permit CA0038873)

Dear Mr. Schlipf:

The East Bay Dischargers Authority (EBDA) appreciates this opportunity to comment on the Tentative Order (TO) for the third Watershed Permit for Nutrients (Nutrient Permit). This letter is submitted on behalf of EBDA and our members and partners – City of San Leandro, City of Hayward, Castro Valley Sanitary District, Oro Loma Sanitary District, Union Sanitary District (USD), Dublin San Ramon Services District (DSRSD), and City of Livermore (together, “EBDA Agencies”). On behalf of these agencies, EBDA efficiently and reliably manages the wastewater resources of one million East Bay residents and thousands of businesses to protect human and environmental health. Along with our partners in the Bay Area Clean Water Agencies (BACWA), EBDA has been an active participant in and advocate for the Nutrient Management Strategy since its inception. Our agencies believe strongly in collaborative, science-based decision-making. We appreciate the challenge the Regional Water Quality Control Board (Water Board) is facing in crafting a permit that is responsive to the 2022 Harmful Algal Bloom and protective of the Bay going forward, while acknowledging the magnitude of investments that will be required to meaningfully reduce nutrient discharges and the progress that is already being made.

The proposed Order requires the largest investment in wastewater infrastructure in the Bay Area since the Clean Water Act of the 1970’s. Unlike the Clean Water Act improvements, there is no state or federal financial assistance associated with these required upgrades, placing the entirety of the cost burden on the region’s rate payers. Given that, it is extremely important that we collectively get this right.

The collaborative Nutrient Management Strategy (NMS) has been a model framework for addressing the challenge of nutrient enrichment in the nation’s waterways. As noted by the

CHAIR Anjali Lathi Union S.D.	VICE-CHAIR Fred Simon Oro Loma S.D.	COMMISSIONER Ralph Johnson Castro Valley S.D.	COMMISSIONER Bryan Azevedo City of San Leandro	COMMISSIONER Angela Andrews City of Hayward	GENERAL MANAGER Jacqueline T. Zipkin LEGAL COUNSEL Eric S. Casher
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National Association of Clean Water Agencies in presenting the NMS with a National Environmental Achievement Award:

The NMS program's regional collaborative approach benefits the environment by developing the appropriate regulatory response to the nutrient challenge; benefits the utilities by fully evaluating the alternatives to arrive at the best overall solution; and benefits the community by spending cost-effectively to reduce the financial burden to individual households, while ensuring protection of the Bay. The approach identifies nutrient management solutions that are well-suited to the unique set of scientific, regulatory, and economic challenges in San Francisco Bay and serves as a model for other watersheds nationwide.

Unfortunately, EBDA believes that the current TO abandons that promise of better outcomes through collaboration, and in doing so risks becoming a national model for the wrong reasons.

Water Board staff, Baykeeper, and the wastewater community agree that nutrient reductions should be made as expeditiously as possible to protect the Bay from future algal blooms. We all further agree that given the magnitude of expenditures that is required to make meaningful reductions, we should focus on projects that are synergistic with other wastewater infrastructure needs and that provide multiple benefits such as enhancing water supply and providing sea level rise resilience. Finally, the parties agree that given financial, logistical, and practical constraints, most agencies will not be able to complete sufficient nutrient reduction projects, especially those with multiple benefits, in ten years. However, rather than creating a compliance pathway that honors these three facts, the TO sets up a framework in which despite spending billions of dollars and working collaboratively toward the vision that we all share, public wastewater agencies will be in violation of effluent limits in 2035. While the Water Board states in the TO that they will use available regulatory mechanisms to provide more time, the idea of receiving a cease-and-desist order or other "enforcement discretion" provides cold comfort to an agency that has done everything asked of it and more, and raised rates significantly on vulnerable communities to do so.

EBDA believes that it does not serve our communities or the Bay to adopt a permit that ignores the fact that despite best efforts, its limits cannot be achieved by its deadline. We acknowledge that the Water Board has certain legal hurdles that have driven staff to structure the TO in this form. Accordingly, **EBDA strongly urges the Water Board to commit via resolution to creating a legal framework that provides more time for nutrient reduction projects. We further request that the Water Board employ a Best Management Practice (BMP)-based approach to establishing water quality-based effluent limits in this permit to allow for adaptive management.** A BMP-based approach allows our agencies to continue to make prudent investments in nutrient reduction without the threat of violating the permit, and it avoids boxing all parties into a set of numbers that we all acknowledge are likely to change given the nascent stage of scientific understanding and the infeasibility of determining numerical limits.

EBDA echoes the comments submitted by BACWA. In addition, our detailed comments and suggestions on the TO are included on the following pages. These comments outline our requests to provide additional flexibility and a regulatory framework that actively supports rather than

disincentivizes actions that meet our mutual goals. As described in further detail in the following pages, the EBDA Agencies have invested heavily in actions that the Water Board and other stakeholders purport to support including water recycling, nature-based solutions, and early action upgrades. It is in our collective interest for our efforts to be recognized and for the permit not to place us in compliance jeopardy despite these proactive investments. Our comments and suggestions are crafted with the intent of providing regulatory support for our shared vision.

**Comment 1. Concurrent with the Adoption of this Order, the Water Board Should Adopt a Resolution Committing to Creating a Regulatory Framework that Allows for Additional Implementation Time.**

EBDA requests that concurrent with the adoption of this Order, the Water Board approve a Resolution committing staff to amending applicable compliance schedule requirements to allow a compliance schedule that is longer than ten years for nutrient management in the San Francisco Bay region. The Resolution would also state that if this is found to be infeasible, Water Board staff would draft a Basin Plan Amendment extending compliance timelines to support region-wide strategic nutrient reduction that takes into account competing environmental priorities and affordability concerns.

As we have proven through our early actions, which are further outlined below, EBDA is committed to reducing nutrient discharges and to being effective stewards of the San Francisco Bay. However, we strongly believe that adopting a permit with final numeric effluent limits and a ten-year compliance schedule is the most expensive way to meet Bay-wide nutrient reduction goals, creates a race to single-benefit solutions, and endangers other environmental priorities, including addressing aging infrastructure and making our systems more resilient to climate change.

Significant capital projects at wastewater treatment plants take significant time. While ten years may sound like a long runway, in reality, agencies need several years for options analysis and conceptual design, then another couple of years for final design. During this process, agencies also need to develop and implement a funding strategy in the absence of (or at a minimum, to supplement) state and federal assistance. Permitting can also be a lengthy process, with simple air permits for generators recently taking up to two years. Once funding, permits, and design are in place, construction can commence, but that phase brings its own challenges. Care is needed to phase improvements such that site-constrained facilities can continue to treat wastewater 24/7 while undergoing upgrades. In addition, lead times for certain equipment, particularly electrical components, has spanned multiple years in recent times. For example, USD began the order process for a large transformer in 2021 to power its upgrades currently underway; it is currently scheduled to arrive in 2025. The City of Hayward similarly awarded an electrical upgrade project in 2022. Knowing that there were long lead times for the electrical equipment, they had planned completion for July 2025. Due to further delays in the fabrication and delivery of the transformer, they are now scheduled to complete the project in August 2026. These factors combine to create project schedules that span over a decade. If many agencies in the Bay Area are driven to undergo

major upgrades at the same time, these factors will be multiplied by the fact that there are limited consultant and contractor resources to get all the work done.

Multi-benefit approaches such as nature-based solutions and recycled water projects are further complicated by the fact that they require complex, sometimes novel permitting strategies as well as multi-agency agreements. DSRSD's partnership with East Bay Municipal Utility District to serve recycled water to the San Ramon Valley has been a huge success in diverting nutrients from the Bay and providing sustainable water supply. It should be noted that it took about a decade from project initiation until recycled water distribution actually commenced. Similarly, EBDA has been working for the past five years to advance the First Mile Horizontal Levee project at Oro Loma Marsh, which will provide additional effluent nutrient reduction while enhancing habitat and building shoreline resilience and flood protection. In those five years, we have engaged stakeholders, including East Bay Regional Park District, who owns the land, and many others. We have begun conversations with the Bay Restoration and Regulatory Integration Team (BRRIT) about permitting pathways and mitigation requirements, and we have developed a 30% design for the levee. We are still a long way from completing the project, with the next phase anticipated to include 60% and then final design, developing a governance structure for the project, identifying funding for construction and for ongoing maintenance, and submitting permit applications and securing environmental approvals, before finally embarking on construction. Ten years is simply not enough time to see these projects through completion, and the notion of going through all of this effort to then be faced with a compliance order does not seem appropriate.

Thoughtful regional planning is needed to understand the strategies to be employed around the Bay for nutrient reduction and the best way to phase and stagger them to maximize benefits and avoid exacerbating affordability concerns. For this reason, BACWA proposed, and the Water Board incorporated in the TO, a requirement to develop a Regional Plan. The benefits of this plan are negated by a ten-year compliance schedule and prescriptive milestone requirements. However, with a more open and adaptive approach, this Regional Plan could create a roadmap for regional nutrient reduction and establish a realistic timeline for achieving nutrient reduction goals.

EBDA understands that the Water Board believes it is limited by current policy to a ten-year compliance schedule. The main legal hurdle Water Board staff has identified is that Section 4.7.6 of the San Francisco Bay Region Basin Plan (Basin Plan) and the 2008 Compliance Schedule Policy state that compliance schedules in permits must not exceed ten years. Normally, this ten-year limitation applies when a permit contains new numeric limits. As a result, the Tentative Order includes final numeric effluent limits for nitrogen, which, in turn, allows staff to provide dischargers with ten-year compliance schedules. The TO approach, as currently drafted, results in enforcement orders at the end of the ten years, which even if handled in a friendly, cooperative manner, are not justified.

To ensure that sufficient time is available to effectively implement nutrient reduction projects, EBDA requests that the Water Board commit to finding a legal framework that allows for that time. We assert that there are several legal approaches to directly address the issues described above outside of the enforcement context:

- Amend applicable compliance schedule requirements in the Basin Plan and the State's Compliance Schedule Policy to allow a compliance schedule that is longer than ten years.
- Amend the Basin Plan to include adoption of new, revised, or newly interpreted water quality objectives that provide a compliance deadline that will not take effect until a date far enough in the future to allow completion of nutrient management projects or to support a ten-year compliance schedule following the compliance schedule under Section 6.3.3 of the permit. Basin Plans may include schedules of compliance. (Clean Water Act §303(c)(3)(F), 33 U.S.C. §1313(c)(3)(F).) Further, CWA section 301(b)(1)(C) authorizes water-quality based effluent limits (WQBELs) to comply with schedules of compliance. A compliance schedule specific to the biostimulatory substances water quality objective could be incorporated in this manner.
- Amend the Basin Plan to adopt a Water Quality Attainment Strategy that includes a realistic implementation plan for nutrient reductions. Basin Plan section 4.1.1 indicates that the Water Board will establish Water Quality Attainment Strategies (WQAS) including Total Maximum Daily Loads (TMDLs) where necessary and appropriate to ensure attainment and maintenance of water quality standards. WQAS are development and implementation actions associated with implementing (attaining) water quality standards. The Basin Plan further states that "The Water Board will establish WQAS including TMDLs at the level (the Estuary, smaller segments within the Estuary, or individual watersheds) deemed most appropriate in terms of effectiveness and efficiency relative to the applicable water quality standard, types and locations of pollutant sources, and type and scale of implementation actions."

Any of these strategies would be acceptable to EBDA. We understand that significant staffing resources would be needed for a Basin Plan Amendment, particularly one that involves a WQAS. As this is the most impactful action that the Water Board is likely to take in a generation, we believe that allocating staffing support for these actions is appropriate, particularly at a time when EPA Region 9 is in the process of prioritizing use of its newly established San Francisco Bay Program Office resources. If the Water Board can commit to pursuing these avenues, EBDA and our partners at BACWA will work with the Water Board and other stakeholders to identify resources to support the effort.

As explained in Comment 4, EBDA continues to believe that BMPs are a superior, appropriate, and permissible approach, but if the Water Board will not accept that suggestion, the Water Board could issue the Nutrient Watershed Permit as proposed, with the final numeric effluent limitation for nitrogen, so long as the Water Board adds a provision that commits to a regulatory mechanism to provide Dischargers more time for compliance. Under this approach, interim numeric limits would still apply, and an enforcement order is avoided.

If final numeric effluent limitations are included in the Nutrient Permit, it is our understanding from Water Board staff that the final effluent limitations are not subject to anti-backsliding because they are not effective until a future compliance date in 2034. If the Water Board continues to agree, the final Nutrient Permit should acknowledge this expressly. EPA has stated, "The Agency's

interpretation of the CWA is that the antibacksliding requirements of section 402(o) of the CWA do not apply to revisions to effluent limitations made before the scheduled date of compliance for those limitations." (69 Fed. Reg. 41720 (July 9, 2004).) Additionally, in a 1988 Interim Guidance Memo<sup>1</sup>, there is a statement: "The restrictions on backsliding do not apply to limits with a delayed implementation date . . ."

We propose the following revisions to the TO:

Page 7 - Section 2.2:

This Order requires Dischargers to take steps to comply with the 40 percent load reduction requirement within 10 years, while maintaining at least current performance in the interim. ~~If a Discharger cannot comply~~ Because Dischargers have demonstrated that compliance within 10 years is not feasible for all Dischargers, the Regional Water Board ~~will consider~~ shall, prior to issuance of the next nutrient permit, use available regulatory mechanisms ~~as warranted and as available to grant more time (see specified in~~ Fact Sheet sections 6.3.5 and 6.3.6) to provide more time to comply. This Order particularly recognizes that multi-benefit solutions, such as nature-based treatment or water recycling, ~~may take longer~~ are projected by Dischargers to require more than 10 years to implement, and that Early Actors will also need additional time to comply, as described in Fact Sheet section 6.3.6. ~~and~~ The Regional Water Board will ~~shall~~ use ~~any~~ available regulatory mechanisms to allow more time for these projects to be implemented.

Page 17 – Section 6.3.5:

**Multi-Benefit Solutions for Load Reductions.** Dischargers ~~that~~ shall identify long-term multi-benefit solutions<sup>4</sup> (e.g., water recycling, organics codigestion, or nature-based solutions) ~~that cannot be completed by the effective date of the final effluent limitations in Table 4 shall identify such projects by July 1, 2025,~~ and their intent to pursue and implement them, as part of the Regional Plan report required by Provision 6.3.4.3.2.1. ~~If these projects result in total inorganic nitrogen loads at or below the individual final effluent limitations in Table 4,~~ Recognizing that multi-benefit solutions are projected by Dischargers to require more than 10 years to implement, the Regional Water Board ~~will consider~~ shall, prior to issuance of the next nutrient permit, use available regulatory mechanisms to provide more time to comply as explained in the Fact Sheet.

<sup>4</sup>Multi-benefit solutions refer to initiatives that incorporate nature-based solutions, such as horizontal levees, open water treatment wetlands, organics codigestion, or wastewater recycling (both potable and non-potable). These projects are designed to provide benefits such as ~~reduce~~

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<sup>1</sup> <https://www3.epa.gov/npdes/pubs/owm0354.pdf>

~~nutrient loads while also providing other benefits, such as~~ enhancing flood control, increasing water supply, reducing greenhouse gas emissions, or improving habitat quality.

Page F-36 – Section 6.3.5:

**Multi-Benefit Solutions for Load Reductions.** Multi-benefit projects will take longer to complete than conventional projects due to additional challenges associated with interagency agreements, multi-agency permitting, and land acquisition. This provision requires Dischargers that identify long-term ~~multi-benefit solutions (i.e., water recycling or nature-based solutions)~~ nutrient management strategies that cannot be completed by the compliance date (October 1, 2034) for the final effluent limitations to identify such projects and their intent to pursue them. The Regional Water Board encourages Dischargers to pursue ~~these long-term strategies~~ multi-benefit solutions (i.e., water recycling or nature-based solutions) when feasible because they are likely to result in a greater benefit to the community and the environment relative to treatment plant improvements alone. ~~The~~ To enhance the affordability and implementation of these projects, the Regional Water Board ~~will consider~~ shall, prior to reissuance of the permit, use available regulatory mechanisms to provide more time to comply to Dischargers that identify ~~multi-benefit~~ long-term nutrient management projects likely to result in total inorganic nitrogen loads at or below the final WQBELs ~~more time to comply~~. Available regulatory mechanisms ~~may include, for example, amending the Basin Plan to include a water quality attainment strategy for biostimulatory substances; finding that a new compliance schedule under the Compliance Schedule Policy is justified based on~~ are, as follows:

- (a) amend applicable compliance schedule requirements to allow for compliance schedules of more than 10 years for nutrient management projects by amending Section 4.7.6 of the Basin Plan, requesting that the State Water Resources Control Board amend the 2008 Compliance Schedule Policy, or using other regulatory means;
- (b) amend the Basin Plan to include adoption of new, revised, or newly interpreted water quality objectives; ~~or imposing a time schedule under a time schedule order or cease and desist order.~~ for biostimulatory substances in order to specify that the new objective will not take effect until a date far enough in the future to allow completion of nutrient management projects or to support a 10-year compliance schedule following the compliance schedule under Section 6.3.3 of this permit; or



- (c) [amend the Basin Plan to include a water quality attainment strategy for biostimulatory substances with a compliance schedule of more than 10 years.](#)

EBDA further requests that, concurrent with the adoption of the Nutrient Permit, the Water Board approve a Resolution committing staff to amend the applicable compliance schedule requirements to allow more time for nutrient management programs in the San Francisco Bay region. The Resolution would also state that if this is found to be infeasible, Water Board staff would draft a Basin Plan Amendment extending compliance timelines to support region-wide strategic nutrient reduction that takes into account competing environmental priorities and affordability concerns. EBDA supports the example Resolution provided by BACWA.

The EBDA Agencies and our fellow dischargers around the Bay need more time to achieve nutrient reductions, and we need a roadmap that provides us with certainty as we plan and implement reduction projects. We believe that the Regional Plan that BACWA will develop under this permit can provide that roadmap if it is paired with a legal framework that allows for adequate time.

**Comment 2. Agencies that have taken Early Action need a Compliance Pathway**

The EBDA Agencies have taken the vulnerability of the Bay to nutrients seriously and have invested in an “all of the above” approach to reducing our loads within the current permit term and beyond. Through water recycling and plant upgrades, EBDA has already reduced loads by 1000 kg/d from 2019 levels. These load reductions create an important bridge that provides ongoing environmental value while other agencies finalize their nutrient reduction strategies. In addition, the EBDA Agencies have significant projects underway – both traditional upgrades and multi-benefit projects – that will result in additional reductions during the next permit term.

The previous Watershed Permit was issued with an incentive clause for early actions (Early Actor Clause) based on the understanding that after implementing their planned projects, the EBDA Agencies and other Early Actors would be moved to the “back of the line” and not asked to make further upgrades until other agencies made reductions. The EBDA Agencies went above and beyond what was required of us. The cost of these projects approaches \$1 billion, and the agencies have fully leveraged their financial resources to make them happen. We made design decisions based on the best information at the time, adding nutrient reduction to planned upgrade projects. Yet according to this TO, our best efforts are still not enough. EBDA shared with Water Board staff that *after* our major projects have been completed, our dry season total inorganic nitrogen load (TIN) is estimated to be 6,300 kg/d. This estimate incorporates population growth, which the Association of Bay Area Governments (ABAG) estimates at 1.2% annually for EBDA’s service area (see Comment 9). Including all feasible optimization measures and using “best case” assumptions for what the project designs can achieve and for recycled water demand, EBDA estimates our load could potentially get as low as 5,000 kg/d by 2034. However, this is still shy of the TO’s effluent limit for EBDA of 4,200 kg/d, and therefore, would put us in violation.

While we are very willing to take additional steps to further reduce nutrient loads beyond these projects, we simply will not have the financial capacity to do so within a ten-year compliance

schedule. Acknowledgement of this reality was the impetus behind the Early Actor Clause in the previous Watershed Permit.

EBDA appreciates the inclusion of new early action language in the TO in response to our comments on the Administrative Draft. We believe this is necessary but not sufficient, and as noted in Comment 1, we implore the Water Board to expeditiously pursue amendments to compliance schedule requirements, a Basin Plan Amendment, or other legal mechanism that will allow for more time. EBDA takes our long record of permit compliance incredibly seriously. Our elected officials view it as their role to ensure consistent compliance, and they made difficult political decisions to increase rates and proceed with projects before they were required to on the basis that those proactive efforts would provide some measure of regulatory certainty, moving them to the back of the line. Instead, the TO largely disregards EBDA's efforts because the Water Board is not implementing its prior commitment under the Early Action Clause. The Water Board has advised that after the ten-year compliance schedule in the TO, the Water Board will most likely issue a cease-and-desist order or other enforcement order to provide the additional time that everyone today knows will be needed for full nutrient reduction implementation. To receive a time schedule order, cease and desist order, consent decree, or any other type of enforcement order would be seen as failure and would naturally lead the EBDA Agencies to question the value of acting early in the future.

With respect to the TO language, we request the following edits:

Page 17 – Section 6.3.6:

**Recognition of Early Actors.** Dischargers that have already completed or begun construction or implementation of projects to reduce total inorganic nitrogen discharges to San Francisco Bay by the effective date of this Order ~~may~~ will qualify as early actors. These Dischargers shall provide updates with each Annual Nutrients Report required by MRP section 5.2.2. Upon completion of these projects, if a Discharger's total inorganic nitrogen loads are above the individual final effluent limitations in Table 4, the Regional Water Board shall, prior to issuance of the next nutrient permit, use ~~will consider~~ all available regulatory mechanisms to provide more time to comply as explained in Fact Sheet section 6.3.~~5~~6.

Page F-37 – Section 6.3.6:

**Recognition of Early Actors.** The previous order encouraged Dischargers to make early investments in nutrient reductions in the absence of nutrient load limitations. Fact Sheet section II.E of the previous order identified several Dischargers that planned to take early actions to reduce total inorganic nitrogen loads to San Francisco Bay. Once complete, these projects were expected to result in effluent total inorganic nitrogen concentrations below 20 mg/L. Because of these investments, nutrient loads from these Dischargers to San Francisco Bay will be realized well before those of other Dischargers that have yet to undertake such investments.

[For example, the six agencies that discharge through the East Bay Dischargers Authority's combined outfall have each taken significant steps to implement nutrient reduction projects prior to the adoption of this Order. The table below summarizes these efforts.](#)

<u>Agency</u>	<u>Plant Upgrade</u>	<u>Water Recycling</u>	<u>Nature-based Solutions</u>
<u>Oro Loma/Castro Valley Sanitary Districts</u>	<u>\$20M Nutrient Optimization Project was placed into operation in 2020. Oro Loma’s load in 2022 was 304 kg/d. Using their 2022 flows and pre-upgrade concentrations, their load would have been 1388 kg/d - a reduction of over 1000 kg/d that potentially decreased the severity of the algal bloom.</u>	<u>Recycled Water provided to former Skywest Golf Course during dry season.</u>	<u>The pioneering Oro Loma Horizontal Levee Demonstration Project has provided the data and framework to support many projects around the Bay that will achieve water quality improvement while also enhancing habitat and offering flood protection. EBDA is also continuing to pursue the First Mile Horizontal Levee Project, which was recently funded for final design and permitting and would receive Oro Loma effluent.</u>
<u>Union Sanitary District</u>	<u>Currently in construction on a \$509M upgrade, designed to achieve a 50% nutrient load reduction. Expected project completion in 2029.</u>	<u>Participating in Regional Purified Water Pilot Project with Alameda County Water District, Zone 7, San Francisco PUC, Dublin San Ramon Services District, and others.</u>	<u>Horizontal levee project being evaluated in cooperation with South Bay Salt Ponds as part of continuing work by BACWA assessing Nature-Based Solutions for Nutrient Removal.</u>
<u>City of Hayward</u>	<u>Currently in design on a \$300M upgrade, designed to achieve a 30% nutrient load reduction. Expected project completion in 2029.</u>	<u>Currently send 1-2 MGD of recycled water to Russel City Energy Center year-round (subject to RCEC’s demands). An additional ~0.5 MGD is provided to irrigation customers.</u>	<u>Feasibility studies completed and design underway for a treatment wetland and horizontal levee at the former Hayward Oxidation Ponds.</u>
<u>City of San Leandro</u>	<u>Currently evaluating optimization strategies and sidestream treatment options with a goal of achieving Level 2 concentration.</u>	<u>Recycled water provided to Monarch Bay Golf Course for irrigation.</u>	<u>Construction expected to commence this summer on a treatment wetland at the plant site. Studies will begin this Spring on expanded treatment wetland concepts on additional land owned by the City.</u>
<u>Dublin San Ramon Services District (DSRSD)</u>		<u>DSRSD maximizes water recycling during the dry season. At times, recycled water demands exceed available influent wastewater flows, resulting in no flow (or corresponding nutrient load) being sent to EBDA. DSRSD has invested \$240M in this program.</u>	
<u>City of Livermore</u>		<u>Livermore has invested \$100M in its recycled water program, which diverts approximately 1/3 of Livermore’s flow and load in the dry season.</u>	

This provision requires Dischargers that have already completed or begun construction or implementation of their projects by the effective date of this Order and that seek to be recognized as early actors to provide updates with each Annual Nutrients Report required by MRP section 5.2.2. Because early actions to reduce total inorganic nitrogen loads to San Francisco Bay will make excessive algae blooms less likely sooner, the Regional Water Board ~~will consider~~ shall, prior to issuance of the next nutrient permit, use available regulatory mechanisms to provide more time to comply to any such Dischargers that ~~are unable to need more time~~ to comply with final WQBELs upon completion of their projects ~~more time to comply~~. Available regulatory mechanisms are as follows:

- (a) amend applicable compliance schedule requirements to allow for compliance schedules of more than 10 years for nutrient management projects by amending Section 4.7.6 of the Basin Plan, requesting that the State Water Resources Control Board amend the 2008 Compliance Schedule Policy, or using other regulatory means;
- (b) amend the Basin Plan to include adoption of new, revised, or newly interpreted water quality objectives for biostimulatory substances in order to specify that the new objective will not take effect until a date far enough in the future to allow completion of nutrient management projects or to support a 10-year compliance schedule following the compliance schedule under Section 6.3.3 of this permit; or
- (c) amend the Basin Plan to include a water quality attainment strategy for biostimulatory substances with a compliance schedule of more than 10 years.

### **Comment 3. NMS Science Work has been Misapplied in Setting the Effluent Limits**

EBDA has been an active participant in the NMS since its inception, and we are proud of the collaborative joint fact finding that has been advanced through the NMS Science Program. However, we believe that the Water Board has overstated its confidence in the science and modeling as a basis for imposing final numeric effluent limits. The April 2, 2024 Water Board memo outlining the numeric translation of the narrative objective for biostimulatory substances relies on a series of model runs performed by the NMS Science Team, in collaboration with key stakeholders, including EBDA. However, the San Francisco Estuary Institute (SFEI) memo (Contribution #1175<sup>2</sup>) summarizing this underlying science and modeling was only made publicly available by request in late April, and only in draft form.

EBDA has significant concerns with the TO's reliance on these documents as the bases for final numeric effluent limits. As was conceded in the Water Board's memo (p. 5): "The model was developed and validated to simulate the typical long-term ambient conditions observed in the Bay, and it performs reasonably well in predicting algae growth and dissolved oxygen levels under those

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<sup>2</sup> SFEI, 2024, Simulations of Load Reduction Scenarios to Inform Nutrient Management Planning for San Francisco Bay April 2024 – DRAFT, SFEI Contribution#1195

conditions. However, it was not developed to simulate HAB-like events similar to the one observed in 2022 so we did not use the NMS model to predict algae growth and dissolved oxygen for our analysis.”

As noted in that memo, there were multiple “worst case assumptions” included in the sequence of “back of the envelope” calculations used to derive the proposed 40 percent overall loading reductions. SFEI’s analysis involved multiple variables including 1) three different modeling approaches for calculating dissolved inorganic nitrogen (DIN), 2) three different ambient pre-bloom dissolved oxygen (DO) concentrations (8, 9, 10 mg/L) and 3) year-round vs. seasonal loading reductions.

Each of the three modeling approaches yielded moderately to significantly different results, with the greatest differences seen in the Lower South Bay (LSB) and South Bay. The SFEI report noted that one of the known limitations/uncertainties of the existing model is that it overestimates DIN for the LSB and lower portion of the South Bay. This is a critical uncertainty that needs to be resolved prior to adopting final loading reductions with uncertain benefits to DIN concentrations and resultant DO conditions, should a July/August 2022 type algal bloom reoccur.

Contribution #1175 Section 3.3 – Overview of Uncertainties – acknowledged that “There are clearly major unknowns that remain about the factors that triggered the August 2022 HAB event, and about mechanisms/factors that influenced the bloom’s progression” and that “HAB events are notoriously challenging to accurately simulate.” Section 3.3 also noted that “Fully characterizing these uncertainties was beyond the scope of this project, however, quantifying/constraining these uncertainties will be pursued as part of on-going modeling work.” EBDA supports this important need for further modeling work to address the limitations and uncertainties noted above and to improve the level of scientific confidence in the water quality outcomes of proposed nutrient loading reductions.

SFEI modeling efforts prior to the 2022 bloom had been focused on long-term trends and not on the more challenging effort to predict or even to identify and track the myriad of potential conditions necessary to trigger a short-term “acute” bloom. This is also the first use of the SFEI model for running load reduction scenarios. The approach and results have not been independently validated or peer reviewed, for example by the Model Advisory Group. It is problematic that the first time the model was ever used to conduct scenario runs, it was used to inform the very significant and impactful load reduction requirements included in the TO.

The known limitations of the “back-of-the-envelope” approach used for deriving the proposed loading reductions highlights the critical need for an open and comprehensive evaluation of these uncertainties prior to adopting numeric final limits. We remind the Water Board that the established numeric limits will drive over \$11B in regional infrastructure investments, which will impact ratepayers and necessitate prioritization over other infrastructure needs. Given this level of consequence, EBDA believes that we need an adaptive management approach that allows the science to continue to evolve before we lock ourselves into numeric limits. It would be prudent public policy, given the magnitude of public resource commitments involved, to modify the TO as requested in Comment 4 to utilize a BMP-based approach until further science and modeling

development is able to provide a greater level of confidence in the likely benefits of loading reductions on a given subembayment.

EBDA applauds the advances in understanding that have been made as part of the NMS Science Program, and we believe that it is in all stakeholders' interest to allow the science to advance and incorporate future learnings as we continue to reduce nutrient loads. The current level of scientific uncertainty necessitates an iterative, adaptive management-focused approach to nutrient management. An ideal regulatory approach would require us to be closely monitoring the Bay and improving the model, while our nutrient management investments should be no-regrets via strategic use of existing facilities, synergistic upgrades at our facilities, and a focus on multi-benefit projects. As discussed in Comment 4, we recommend that the Water Board find that as in Puget Sound, the science currently does not allow for the establishment of numeric WQBELs, and in so finding, establish BMP-based limits.

**Comment 4. The Permit Should Employ a Best Management Practices-based Approach to Effluent Limits.**

As asserted in Comment 3, flexibility is needed to reflect the current state of the science and the need to adapt to new information while continuing to progress nutrient reduction projects. Luckily, the Clean Water Act provides the Water Board discretion to decide how to formulate final effluent limitations in an NPDES permit. EBDA believes that the best means to achieve needed flexibility in permitting is to require best management practices (BMPs) as final effluent limits. Effluent limits include any restriction on the concentration of pollutants (40 CFR §122.2) and may consist of narrative or numeric limitations. BMPs may be used in lieu of a numeric effluent limit when numeric effluent limitations are infeasible (40 CFR §122.44(k)(3)). BMPs may also be used in lieu of numeric effluent limits when the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the Clean Water Act (40 CFR §122.44(k)(4)).

In the Puget Sound region in Washington State, the Washington Department of Ecology made the finding that based on the state of the science, it was not feasible to calculate Water Quality-Based Effluent Limits. Instead of implementing numeric limits, they required dischargers to implement BMPs.<sup>3</sup> It should be noted that the Salish Sea numerical model used in Puget Sound is significantly more advanced than the current model under development for the San Francisco Bay. EBDA believes that rather than calculating numeric water quality-based effluent limits (WQBELs), the Water Board could instead make a similar finding and require dischargers to implement actions aimed at reducing nutrient loadings by 40% from 2022 loads via BMPs.

A BMP-based approach for the Nutrient Watershed Permit would rely on specific actions in lieu of numeric limits. The Nutrient Permit would include BMP milestones that are achievable within ten years and would put us on the path to attaining the narrative water quality standard. EBDA and other dischargers would document the projects we have completed and nutrient reductions those projects have realized, as well as additional projects that we are planning, along with their design goals. An adaptive management approach to nutrient management would allow us to course-

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<sup>3</sup> <https://ecology.wa.gov/regulations-permits/permits-certifications/nutrient-permit>

correct as we get more information about the impact of nutrients on the Bay as we move forward into future permits. BMPs in lieu of numeric limits would allow more flexibility when effluent limits inevitably change in response to new scientific developments (see Comment 3). BMPs would also provide protection against mandatory minimum penalties for Early Actors and other agencies who are diligently working toward nutrient reduction.

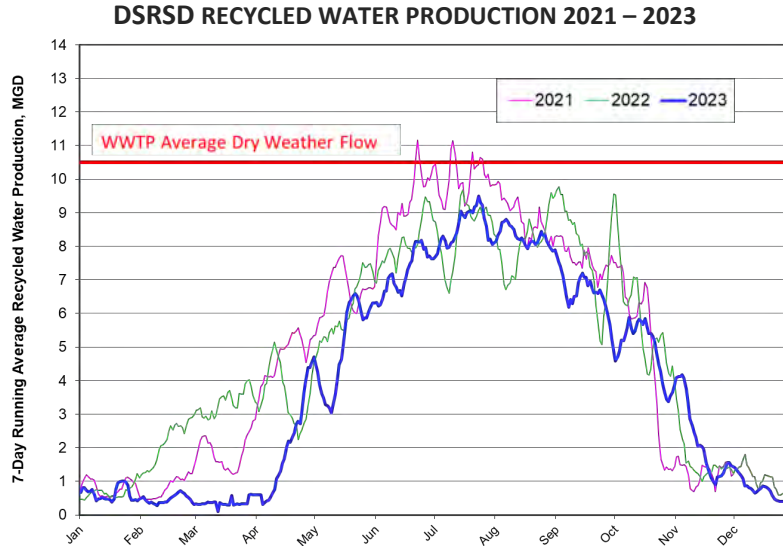
Importantly, a BMP-based approach can also be implemented consistent with the 2008 Compliance Schedule Policy. For the Compliance Schedule Policy to apply, the policy requires new or newly interpreted limits in a permit. Section 1e of the Compliance Schedule Policy defines “[n]ewly interpreted water quality objective or criterion in a water quality standard” to include “a narrative water quality objective or criterion that . . . results in a numeric permit limitation more stringent than the limit in the prior NPDES permit . . .” Notably, the policy does not state that the numeric limitation must be an effluent limitation. The Water Board, therefore, does not need to issue a permit with a final numeric effluent limitation. The Water Board could impose numeric limitations as numeric targets that are implemented via BMP limits in the Nutrient Watershed Permit. These targets stem from the narrative biostimulatory objective and would be included in the Nutrient Permit as numeric permit limitations more stringent than the prior NPDES permit.

We submit that a BMP-based effluent limitation is the only type of limitation appropriate for the Nutrient Permit. The Reasonable Potential Analysis under 40 CFR§122.44(d)(1)(vi) requires an effluent limit that assures it will achieve a water quality standard. At this time, actions that can feasibly be taken within ten years provide the best set of restrictions on pollutants to achieve the water quality standard, with some potential project completions as early as 2025 to reduce nitrogen loads. EBDA supports BACWA’s proposed edits to the TO that would implement the BMP-based approach.

**Comment 5. Compliance Flexibility is Needed to Account for Recycled Water Demand Variability**

The EBDA Agencies have been leaders in water recycling. DSRSD serves as a model for the region and is exploring agreements to take on additional agencies’ effluent to meet peak summer demands, and Hayward, San Leandro, and Livermore also have significant long-standing programs. Continuing to support and expand water recycling as a strategy for dry season nutrient load diversion is a stated priority for the wastewater community, environmental NGO community, and the Water Board. However, recycled water demands are not within wastewater agencies’ control, and are highly variable. Nutrient diversion via recycled water is not possible when recycled water demand decreases. For example, a very wet spring can significantly depress recycled water demand in May, leading temporarily to higher nutrient discharges. As illustrated in the figure below, recycled water demands reached their maximum in 2021, followed by two years of decline due to wet weather. Recycled water demands were notably lower in May 2023 following a historically wet winter (25% lower compared to 2021).





Additionally, non-seasonal factors can temporarily impact agencies’ ability to divert nutrients via recycled water. For example, if a school or park irrigation customer elects to replace their field with turf, or if a power station that uses recycled water curbs production, agencies will need time to identify other customers to make up those demands. Additionally, unplanned outages of the recycled water treatment plant due to PG&E or process issues can be unavoidable at times.

EBDA believes it is counter to our common goals to penalize agencies for temporary demand decreases and force investment in plant upgrades, diverting financial resources from expanding water recycling programs. DSRSD estimates that adding nutrient reduction at its wastewater treatment plant could cost approximately \$54 million and divert future funding away from expanding the recycled water program. In contrast, expansion of DSRSD’s recycled water program, which would include diversion of wastewater from neighboring agencies to meet recycled water peak demands, would reduce nutrient loads to the Bay overall.

To address this inherent variability and incentivize expansion of recycled water programs, EBDA requests several revisions to the TO:

- **Exclude the month of May** which historically has the largest variation in recycled water demand. Wet hydrologic conditions result in lower demand and risk of algal blooms. Drier hydrologic conditions naturally result in higher recycled water demands and increased nutrient reductions.
- Base compliance with final seasonal limitations on a **3-year rolling average** of from discharges from June 1 – September 30.
- **Allow agencies to exclude data points** where recycled water demands have been impacted due to factors beyond an agency’s control from compliance calculations.

EBDA appreciates staff’s addition of Footnote 1 to Table E-4, which we assume was intended to address our concerns related to the impacts of wet weather on recycled water diversion. We believe as currently written, the provision is impractical to implement, and we would prefer the

opportunity to exclude data points rather than refrain from sample collection. We suggest the following modifications:

Samples need only to be collected when discharging (i.e., seasonal Dischargers shall collect samples only during the discharge season). For compliance monitoring (between May 1 and September 30), samples shall be representative of dry season conditions. ~~and shall not be collected if~~ effluent flows are higher than normal due to ~~unseasonal wet weather that increases flows to the treatment plant or results in~~ reduced recycled water demand, such as following periods of unseasonably wet weather, the Discharger ~~is unable to collect representative samples at the monitoring frequency required by Table E-4, it shall~~ exclude such data from reported averages for the purpose of compliance determination and shall include documentation in the transmittal letter of its monthly self-monitoring report that explains effluent flows during that period were ~~higher than normal due to wet weather~~ not representative.

**Comment 6. Flexibility Should be Provided for Temporary Excursions Due to Employment of Innovative Strategies**

As agencies work toward achieving the ambitious nutrient load reductions contemplated by this TO, they necessarily will be seeking innovative strategies to optimize their processes and/or employ new technologies. This is particularly true for the EBDA Agencies, who will have largely completed major upgrades and will be looking to squeeze incrementally more nitrogen removal out of their plants. EBDA requests that the permit include a mechanism to acknowledge this necessary and encouraged process of trial and error. We suggest that the permit state, perhaps also in Footnote 1 to Table E-4, that an agency may exclude a data point that is non-representative due to optimization efforts or trial of innovative technology and explain its reasons for doing so in its monthly self-monitoring report.

**Comment 7. Load Allocations Should be Based on Influent Flows to Appropriately Recognize Recycled Water Diversions**

On pages F-25 and F-26 of the Fact Sheet, Water Board staff outlines their use of modeling to determine a total aggregate load of total inorganic nitrogen to the Bay that would have been protective during the 2022 algal bloom. EBDA's concerns with the uncertainties in establishing this aggregate number are highlighted in Comment 3. However, presuming that number is correct, the Water Board has significant discretion in allocating that load among Bay dischargers to develop individual final effluent limits. The Fact Sheet notes that "individual WQBELs are based on the concentration that, when the various flows are considered, results in loads summing to the total aggregate average load of 26,700 kg/day, assuming 2022 dry season flows."

As discussed in Comment 2, EBDA Agencies have been diverting significant flows from the Bay via water recycling since long before 2022. In selecting a load limit based on 2022 effluent flows, the Water Board has penalized these efforts, giving EBDA and other water recyclers a much lower effective concentration limit. Use of influent flows would set a more even playing field among dischargers, incentivizing reuse by giving credit for load diversion. Use of influent in the allocation is also fairer to agencies like the City of San Leandro that have significant contributing industries such as food processing in their service areas.

Having run the numbers, EBDA recognizes that switching to an influent-based calculation would not significantly change EBDA's final effluent limit. However, we believe that if incentivizing water recycling is a policy objective, the basis for load allocations should reflect that, not run counter to it. EBDA therefore recommends reconsidering the load allocation methodology and employing influent flow as a basis.

**Comment 8. Moving to a Year-round Limit would Upend all Current Nutrient Reduction Efforts**

As discussed above, one of the EBDA Agencies' primary strategies for dry season nutrient reduction is diversion through non-potable water recycling. This strategy works because seasonal demand for recycled water in the Bay Area coincides with the dry season that has been determined so far to be most critical to preventing algal blooms. Other nutrient reduction strategies such as optimization rely on use of available tankage during the dry season for implementing biological nutrient removal. Nature-based solutions are also most effective during the dry season when flows through the system can be carefully managed. Lastly, upgrades currently in design or construction, including those being implemented by USD and Hayward, have been designed to achieve dry season load reductions.

For these reasons, we are greatly concerned by the language on page 8 of the TO, which states, "For the permit reissuance scheduled for 2029, the Regional Water Board will consider any new information available (e.g., observational data, improved load response modeling, and other scientific updates generated by the Nutrient Science Program) to reassess and refine the final limits in this Order to ensure that they remain appropriate to protect San Francisco Bay beneficial uses. This may involve adjusting the magnitude of the required load reductions, the spatial scale for the load reductions (e.g., by subembayment instead of baywide), *or the time-period used to evaluate nitrogen loading (e.g., year-round versus seasonal).*" (emphasis added)

While we understand the need to adjust the regulatory framework over time as new science is developed and absolutely support adaptive management, this must be balanced with some level of regulatory certainty. A change so fundamental and consequential as the seasonality of the limits would require extensive stakeholder discussions and an even longer time horizon for compliance.

We believe this very uncertainty inherent in the current science points to why it is unnecessary and counter-productive to include final numeric effluent limits in this permit (see Comment 4). That said, we request at a minimum that the explicit reference to potentially changing the time period for nitrogen loading limits be struck from this permit.

**Comment 9. The Permit Should Acknowledge Population Growth**

EBDA wishes to highlight that while the Water Board is characterizing the load cap as a 40% reduction over 2022 levels, the actual reductions required to meet load limits will be far higher over time due to population growth. As shown in the table below, Plan Bay Area 2050<sup>4</sup> estimates

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<sup>4</sup> <https://planbayarea.org/>

growth in EBDA’s service area to be 1.2% annually, with the Tri-Valley area growing at 1.7% per year.

	Primary Jurisdictions	Households			Total % Growth	Annual Growth
		2015	2050	Growth		
East Alameda County	Dublin, Livermore, Pleasanton	72,000	132,000	60,000	83%	1.7%
South Alameda County	Newark, Fremont, Union City	105,000	152,000	47,000	45%	1.1%
Central Alameda County	San Leandro, Hayward	120,000	160,000	40,000	33%	0.8%
	Total	297,000	444,000	147,000	49%	1.2%

Because influent nitrogen load is almost entirely driven by population, this growth means that the EBDA Agencies and dischargers around the Bay will need to target load reductions beyond what’s reflected in the Fact Sheet and will need to continue to find additional ways to reduce loads as population continues to grow. As currently written, this permit is effectively a moratorium on growth without significant infrastructure investment, which is contrary to the region and States priority of creating more affordable housing.

**Comment 10. Co-digestion Projects should be Considered Multi-Benefit**

Organic waste in landfills releases 20% of California’s methane, a climate super pollutant 84 times more potent than carbon dioxide. In 2016, the legislature adopted SB 1383, requiring organics to be diverted from landfills. By codigesting food scraps with wastewater solids in digesters, the state can take advantage of available digestion capacity rather than building new facilities, create renewable energy critical to our transition from fossil fuel, and create soil amendment to complete the cycle. In recognition of this opportunity, Bay Area wastewater agencies are under increasing pressure to accept diverted organics for codigestion to assist the state in meeting climate goals. Adding food scraps to a wastewater digester increases nitrogen loads from the solids sidestream. This additional nitrogen can be removed, but additional time will be needed to add sidestream treatment or other nutrient reduction strategies. EBDA therefore requests that codigestion be added as another example of a multi-benefit project that can be afforded additional time for compliance through available regulatory mechanisms. EBDA’s specific proposed revisions to the TO are reflected in our markup in Comment 1.

**Comment 11. Reporting Provisions should be Streamlined and Clarified**

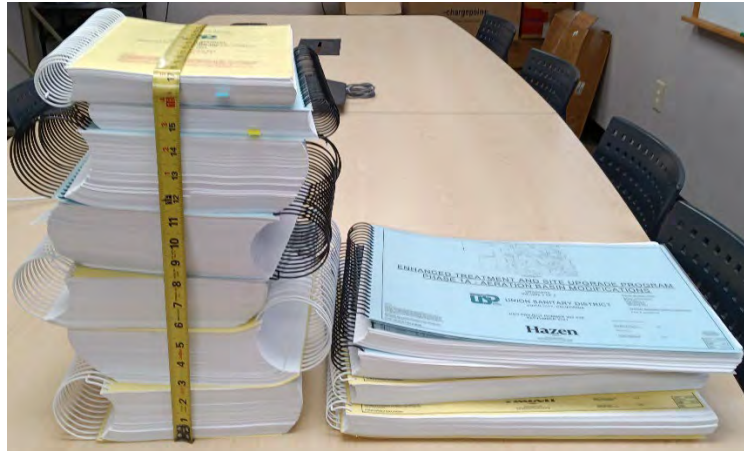
The Tentative Order includes two major regional reports: The “Group Annual Report” and the “Regional Planning Report.” EBDA suggests the Water Board differentiate these two reports more clearly, avoid duplicative content, and remove overly prescriptive requirements:

- The **Group Annual Report** is a data-focused report that is mainly concerned with tracking compliance and regional trends in nutrient loading to the Bay. As an annual report for the entire region, it is a good place to capture high-level information about nutrient load reduction efforts, and to report on the completion of major project milestones, including those listed in Section 6.3.3.2 of the TO. Longer-term plans would be captured in the Regional Planning Study. Since the Group Annual Report will now contain additional narrative information about projects, EBDA requests an extension of the due date of the annual deadline from February 1 to April 1.

- The **Regional Planning Study**, a one-time report that will be developed over several years, is the best location for more detailed descriptions of projects, including those with longer planning timeframes. As described in Comment 1, ideally the Regional Planning Study is the vehicle to lay out a regional roadmap for nutrient reductions required in this permit and beyond and associated timelines.

EBDA is also concerned that as written, the reporting requirements in the TO would put an undue strain on agencies as they diligently work on nutrient reduction projects, would provide the Water Board with detailed information they are unlikely to need or use, and would make it difficult for smaller agencies to compete for limited engineering resources. Further, the proposed deadlines will stifle innovation and the ability for agencies to pursue desired multi-benefit projects. EBDA requests that Water Board staff work with BACWA to revise Section 6.3.3.2. Additional detail supporting this recommendation is as follows:

- **Due date alignment will strain resources.** In Section 6.3.3.2, the imposition of standardized due dates for major deliverables such as “Final Design Drawings” would unwittingly exacerbate the regional strain on resources such as engineers, construction contractors, and financing. Smaller agencies including the City of San Leandro are already finding that upon the release of the Administrative Draft of this permit, consultants with expertise in nutrient removal became increasingly difficult to get ahold of as agencies vie for their support in developing and implementing nutrient reduction strategies. Standardizing due dates only exacerbates this competition for limited resources. EBDA proposes to retain the list of major project milestones within the Group Annual Report, and to report annually on those milestones that are already completed or for which estimated completion dates are available. The remainder of Section 6.3.3.2 is duplicative with the Regional Planning Report, which already states that it can be developed individually or in collaboration with other stakeholders.
- **Document submittal requirements are impractical.** Several of the proposed deliverables in Section 6.3.3.2 do not conform to typical practice at public agencies. For example, the term “Preliminary Design Report” is preferable to “Draft Design Report,” because a draft document would be unsuitable for submittal to the Water Board. “Final Design Drawings” may contain sensitive information that agencies would not want to submit to the Water Board in the midst of a bidding process. Additionally, the documentation that the Water Board is requesting is voluminous. The photo below illustrates Final Design Drawings and Specifications of the type required in Section 6.3.3.2.5 for Phase 1 of 3 of the USD Enhanced Treatment and Site Upgrade Project. On a regional basis, the Water Board would be receiving over 100 times this amount of paper (3 phases x 37 dischargers), which doesn’t seem practical or useful.



EBDA would be happy to provide the date of completion of various deliverables in the Group Annual Report rather than providing entire documents. The documents would be readily available upon request from specific dischargers.

- **Load reductions are an unwieldy measurement.** Throughout this section, EBDA proposes to remove reporting requirements that refer to “load reductions.” This metric is poorly suited for projects with variable load reductions (e.g. process upgrades) or where the baseline is unclear. This is particularly true for agencies such as EBDA’s that have been diverting nutrients via recycled water diversion for many years or who have completed early action projects. In EBDA’s experience, it is difficult to track or forecast compliance using the metric of “load reductions,” whereas it is comparatively straightforward to track actual loads.
- **The due date for identifying multi-benefit projects is too early, and the definition of multi-benefit projects is too constrained.** The TO identifies July 1, 2025 as the due date for identifying multi-benefit projects in order for them to be considered eligible for extended timelines. This early due date disincentivizes multi-benefit projects by providing an inadequate planning horizon. EBDA proposes that agencies identify such projects in the Group Annual Report due in early 2028. This deadline would also allow projects to be included in the final Regional Planning Report due March 31, 2029.

**Comment 12. Environmental Justice and Public Outreach Must consider Rate Impacts on Vulnerable Communities**

Thus far, the Water Board’s environmental justice outreach has not considered economic impacts, which is particularly relevant given the magnitude of public resources required to meet the permit, as written. We, therefore, urge the Water Board to re-consider its conclusion on page F-40 of the Fact Sheet that economic impacts need not be evaluated.

Water Code sections 189.7 and 13149.2 and other statutory and regulatory provisions and guidance require specific outreach and findings related to potential environmental justice, tribal impact, and racial equity considerations for reissued permits that include time schedules for achieving compliance with water quality objectives. The Water Board held a workshop to engage with

interested groups on March 5, 2024. However, it is our understanding that the significant costs associated with implementing the proposed requirements, and the impact associated rate increases will have on disadvantaged communities, were not highlighted. EBDA believes this oversight is a fundamental flaw in the outreach that must be rectified. Of course, when presented with information on how nutrient reductions will reduce the likelihood and severity of future algal blooms, community groups are likely to express support. However, to leave out information on rate increases that will disproportionately affect the most vulnerable Bay Area residents is misleading and irresponsible. Section 25.4(b)(2) of the Code of Federal Regulations in Title 40 requires that “social, economic, and environmental consequences of proposed decisions shall be clearly stated in [informational materials].”

In order to fully satisfy State Water Resources Control Board Resolution No. 2021-0050 and Water Code §§ 189.7,13149.2, the Water Board must conduct additional required outreach and make findings required under the Water Code § 13149.2 showing how it considered the impact of the compliance schedule on disadvantaged communities.

State and federal law require the Water Board to conduct environmental justice review and outreach to meet requirements set out by California Assembly Bill 2108. AB 2108 was enacted to require “outreach to identify issues of environmental justice [that] needs to begin as early as possible in...permitting processes.” (Wat. Code § 189.7(a).) The Water Board is required to “engage in equitable, culturally relevant community outreach to promote meaningful civil engagement from potentially impacted communities of proposed discharges of waste that may have disproportionate impacts on water quality in disadvantaged communities.” (Wat. Code § 189.7(a)(1).) Culturally relevant community outreach is defined to include “[s]eeking out and facilitating the involvement of people potentially affected by the decisions and taking into account community concerns.” (*Id.*, subd. (d).) Further, Water Code § 13149.2 requires that the Water Board facilitate the development of analyses and findings that apply environmental justice objectives, goals, and policies in a transparent and inclusive manner. The Water Board must (a) prepare a concise summary of the anticipated water quality impact in disadvantaged communities as a result of the permitted activity and (b) identify measures to address the impacts of the permitted activity or facility in a disadvantaged or tribal community.

In addition, State Water Resources Control Board Resolution 2021-0050 (the Racial Equity Resolution) acknowledges that in the past “Water Boards had not explicitly acknowledged the role racism has played in creating inequities in affordability and access to clean and safe water and in the allocation and protection of water resources.” (SWRCB Res. No. 2021-0050, Findings ¶ 7.) Paragraph 10 of the resolution mandates that Water Board staff must provide “accessible, open and transparent opportunities for people to participate in our public meetings, hearings, and workshops” and that staff meet “people in their communities and spaces to seek out their perspectives.”

U.S. EPA’s 2016 and 2023 guidance recommends consideration of any economic challenges that may be exacerbated by the regulatory action for relevant population groups of concern. The guidance states: “[I]f costs are unevenly distributed such that low-income households bear a larger

relative share, it is possible that they may experience net costs even after accounting for environmental improvements.”<sup>5</sup>

Particularly when combined with other resource demands associated with aging infrastructure, nutrient requirements will result in skyrocketing wastewater rates in the coming years. As discussed previously, forcing nutrient upgrades into a ten-year compliance schedule will further exacerbate these economic pressures by driving up construction costs in a contractor-limited market and overburdening state and federal funding programs. EBDA and our wastewater partners have advised Water Board staff that the environmental justice impacts of the draft Order are too severe for a compressed ten-year compliance schedule, and that the brunt of this burden will be borne by the most vulnerable communities. Under Prop 218, utilities do not have the ability to provide discounts or otherwise shift costs based on affordability.

These concerns are consistent with recent studies. The January 27, 2023 Bay Area Equity Atlas report found that “nearly half of all residents in the nine-county Bay Area are either low income or very low income” and “Black and Latinx residents make up a disproportionate amount of the very low-income residents in the nine-county Bay Area.”<sup>6</sup> The Water/Color 2023 study found Black communities “suffer disproportionately from water unaffordability.”<sup>7</sup>

EBDA disagrees that with the Water Board’s conclusion on page F-40 that “cost concerns are beyond the scope of Water Board section 131949.2. To the contrary, the second consideration under section 13149.29(b)(2) of the Water Code is to “address *impacts of the permitted activity* or facility in a disadvantaged or tribal community.” (Emphasis added.) Impacts are not limited to “water quality impact[s]” as in they are in subdivision (b)(1), reflecting that the Legislature purposefully chose not to limit considerations only to “water quality impacts” but generally to “impacts of the permitted activity.” We further disagree that Finding 2.2 adequately considers economic impacts. It merely lists total costs, not how disadvantaged communities must bear portions of those costs.

EBDA believes that a legal framework for providing more time, as is described in Comment 1, is necessary to prevent undue burden on the Bay Area’s environmental justice communities. The Water Board should not adopt this permit unless or until such a commitment is made and appropriate outreach to affected communities is conducted.

**Comment 13. EBDA Requests the Following Edits to Fact Sheet Language Regarding Nature-based Solutions.**

Page F-11:

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<sup>5</sup> See 2016 U.S. EPA Technical Guidance for Assessing Environmental Justice at p. 57, available at [https://www.epa.gov/sites/default/files/2016-06/documents/ejtg\\_5\\_6\\_16\\_v5.1.pdf](https://www.epa.gov/sites/default/files/2016-06/documents/ejtg_5_6_16_v5.1.pdf) and draft 2023 guidance available at <https://www.epa.gov/environmental-economics/epa-draft-revision-technical-guidance-assessing-environmental-justice>.

<sup>6</sup> See “Who is Low Income and Very Low Income in the Bay Area? (An Updated Look), January 27, 2023, available at <https://bayareaequityatlas.org/distribution-of-incomes#:~:text=More%20than%20half%20of%20the,the%20nine%2Dcounty%20Bay%20Area>

<sup>7</sup> See Legal Defense Fund “Water/Color 2023” available at <https://tminstitutelfd.org/water-color-2023/#:~:text=We%20are%20in%20a%20national,suffer%20disproportionately%20from%20water%20unaffordability>



**Union Sanitary District.** [In conjunction with South Bay Salt Pond Restoration Project.](#) The district explored the feasibility of building a horizontal levee on adjacent land. Although the district does not own the land, it has pledged support for the concept and will assist with moving the project forward. The [Union Sanitary District](#) plans to significantly reduce nutrient discharges with treatment plant upgrades. Construction started in 2022 and is expected to be completed by 2029.

**Comment 14. EBDA Requests that Table F-3 Break Out Individual EBDA Dischargers.**

To better highlight the significant recycled water programs operated by several of the EBDA agencies, we request that the following additions be made to Table F-3. Current and Projected Water Recycling.

Page F-12 - Table F-3:

Discharger	Average Daily Discharge Oct 2019-Sept 2020	2020 Water Recycled (MGD)	2020 Fraction Recycled	2025 Projected Water Recycled (MGD)	2030 Projected Water Recycled (MGD)
	East Bay Dischargers Authority (EBDA)	62.1	6.0	0.10	6.5
Dublin San Ramon Services District	10.25	3.5	0.34	3.7	3.7
City of Hayward	10.9	0.8	0.07	1.1	1.2
City of Livermore	4.08	1.4	0.35	1.5	1.5
Oro Loma Sanitary District	11.2	0.03	0.00	0.0	0.0
City of San Leandro	5.0	0.3	0.05	0.3	0.3
Union Sanitary District	23.0	0	-	0	0

**Conclusion**

The EBDA Agencies have done everything that has been expected of us and more. We have invested significant capital in treatment plant upgrades to remove nutrients. We have maximized water recycling to provide water supply and nutrient diversion. We have pioneered multi-benefit nature-based approaches to nutrient removal. We might be able to do more – further optimize our processes, explore sidestream treatment, expand water recycling – but we need more time.

Given the state of the science, the monumental investments that are needed regionally to achieve necessary nutrient reductions, the desire of all stakeholders to have those investments go further through multi-benefit projects, the impacts to environmental justice communities if we compress those investments into too short a window, and the good faith efforts that have been made by the wastewater community to both advance the science and make meaningful nutrient reductions in the absence of requirements, an adaptive management framework is in everyone’s interest. It does not make sense to box ourselves into numeric limits and a ten-year compliance schedule when we have other viable options. We respectfully request that the Water Board employ a BMP-based

approach and commit to extending the compliance schedule to ensure that agencies that are engaged in multi-benefit projects and those that have implemented early action will not be held in violation in 2034 and that as a region, we can adapt to new information. With this slight course-correction, we have an opportunity through this permit to continue to be the beacon of science-based, collaborative, and practical regulation of nutrients that the San Francisco Bay region is known for.

We welcome your questions and continued collaboration on these challenging issues. You can reach me at (510) 278-5910 or [jzipkin@ebda.org](mailto:jzipkin@ebda.org).

Sincerely,



Jackie Zipkin, P.E.

General Manager

Cc:

Eileen White, Tom Mumley, Bill Johnson – Regional Water Board

Ellen Blake, Peter Kozelka – USEPA Region 9

Lorien Fono, Mary Cousins – Bay Area Clean Water Agencies

Jon Rosenfield, Ian Wren – San Francisco Baykeeper

EBDA Agencies

**ITEM NO. RA7 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AGREEMENT WITH AZYURA FOR WATERBITS LICENSING AND REPORTING SERVICES FOR FY 2024/2025 THROUGH FY 2026/2027 IN THE AMOUNT OF \$98,130**

**Recommendation**

Approve a motion authorizing the General Manager execute an agreement with Azyura.

**Strategic Plan Linkage**

2. **Regulatory Compliance:** Proactively meet or exceed regulatory requirements for protection of the environment and public health.
  - b. Maintain consistent compliance with EBDA's National Pollutant Discharge Elimination System (NPDES) Permit.

**Background**

EPA and the State Water Board have been requiring EBDA to submit its NPDES permit data electronically for the last decade. In collaboration with City of San Leandro lab staff, EBDA works with its member agencies to maintain a uniform laboratory database using Ethosoft's XLIMS software. While XLIMS provides a very effective way of storing the extensive data sets of EBDA and its member agencies, it is not currently configured to create reports in the required format for submittal through the California Information Water Quality System (CIWQS).

Since 2015, EBDA has been using Azyura, a local woman-owned business, to combine data and convert it into the format required by CIWQS. Darlene Reddaway, Azyura's founder, has an incredible depth of knowledge in NPDES reporting and relationships with the State Water Board's CIWQS staff. She is able to quickly respond to EBDA's needs, and member agency laboratory staff have found her to be quite responsive to meeting the Water Board's deadlines and requirements. She also provides outputs in multiple formats to facilitate agency review. Finally, Ms. Reddaway conducts data review, providing another set of eyes to make sure that data sets are complete and correct.

Azyura's contracts over the past several years have had a value under \$25,000 and have therefore been administratively approved by the General Manager.

**Discussion**

Staff is proposing a multi-year agreement with Azyura to continue to provide reporting services. Funding for services in FY 2024/2025 is included in the proposed budget under Item No. FM7. In addition to standard reporting services, efforts this next year would include labor associated with modifications to EBDA's reports that are required as a result of incorrect programming by the State Water Board and its contractor.

In parallel, staff is working with San Leandro lab staff and Ethosoft to create a framework that will enable XLIMS to generate reports suitable for upload to CIWQS. EBDA staff would continue to use reports generated by Azyura as the primary approach to reporting, but

would have XLIMS reports available as a backup in the event that Azyura staff or systems were unavailable, or for data checking.

May 8, 2024

**PROPOSAL TO EBDA FOR  
AZYURA WATERBITS HOSTING, REPORTING AND DATA MANAGEMENT  
SERVICES  
PERIOD JULY 2024 TO JUNE 2027**

**FY 2024/2025**

MONTHLY AND ONGOING SERVICES AND LICENSING 2024-2025	\$ 21,000
DMR IMPLEMENTATION FOR 2022 ORDER AND DATA RESUBMISSIONS	\$ 13,000
FINISH CONGENERS RESUBMISSIONS, OTHER TBD PROJECTS	\$ 3,500
<b>FY 2024/2025 TOTAL</b>	<b>\$ 37,500</b>

**FY 2025/2026**

MONTHLY AND ONGOING SERVICES AND LICENSING 2025-2026	\$ 21,630
NEW NUTRIENT ORDER FOR THE PERIOD JULY 2024 TO JUNE 2025	\$ 4,000
OTHER TBD PROJECTS	\$ 3,500
<b>FY 2025/2026 TOTAL</b>	<b>\$ 29,130</b>

**FY 2026/2027**

MONTHLY AND ONGOING SERVICES AND LICENSING 2026-2027	\$ 23,000
DATA AND DRAFT ORDER REVIEW FOR PERMIT REISSUANCE	\$ 5,000
OTHER TBD PROJECTS	\$ 3,500
<b>FY 2026/2027 TOTAL</b>	<b>\$ 31,500</b>

**MONTHLY AND ONGOING SERVICES AND LICENSING INCLUDE:**

Azyura validates, cleans, and stores CIWQS data in its Waterbits application.  
Azyura hosts the Waterbits application and provides all software and maintenance updates.  
Azyura generates all eSMR, eDMR, Annual Mercury Loading, Annual HDR Nutrient, and monthly Agency Reports.  
Azyura provides support on data inquiries necessary for any study.  
Azyura provides up to 5 more report templates for recurring reports

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**ITEM NO. 13**

**FINANCIAL MANAGEMENT COMMITTEE AGENDA**

**Wednesday, May 15, 2024 at 8:00 AM**

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

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

**FM1. Call to Order**

**FM2. Roll Call**

**FM3. Public Forum**

**FM4. Disbursements for April 2024**  
(The Committee will review the Lists of Disbursements.)

**FM5. Treasurer's Report for April 2024**  
(The Committee will review the Treasurer's Report.)

**FM6. Third Quarter Expense Summary, Fiscal Year 2023/2024**  
(The Committee will review the third quarter expenses for FY 2023/2024.)

**FM7. Resolution Adopting the East Bay Dischargers Authority's Fiscal Year 2024/2025 Budget**  
(The Committee will consider the resolution.)

**FM8. Adjournment**

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

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

Agenda Explanation  
East Bay Dischargers Authority  
Financial Management Committee  
May 15, 2024

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

**Next Scheduled Financial Management Committee is  
Wednesday, June 19, 2024 at 8:00 am**





**EAST BAY DISCHARGERS AUTHORITY**  
**List of Disbursements**  
**April 2024**

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
26429	04/15/2024	8042011	BACWA	BACC PARTICIPATION FEE	399.60	399.60
26430	04/15/2024	3536	BAY POWER LLC	OLEPS GENERATOR TROUBLESHOOTING & FUEL PUMP RELAY REPLACEMENT	3,653.76	3,653.76
26431	04/15/2024	8428	CAYUGA INFORMATION SYSTEMS	IT SERVICES	1,050.00	1,050.00
26432	04/15/2024	JAN-MAR 2024	CHARLES V. WEIR	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	442.74	442.74
26433	04/15/2024	395764	CITY OF SAN LEANDRO	MDF O&M - FEB	19,073.85	19,073.85
26434	04/15/2024	55836	COMPUTER COURAGE	WEBSITE HOSTING	150.00	150.00
26435	04/15/2024	Nov-23	DEBORAH QUINN	ACCOUNTING SERVICES - NOV	6,032.56	8,211.62
26435	04/15/2024	Dec-23	DEBORAH QUINN	ACCOUNTING SERVICES - DEC	2,179.06	
26436	04/15/2024	194911	ENVIRONMENTAL SCIENCE ASSOCIATES	FIRST MILE PROJECT WORK ORDER NO. 3	28,432.75	28,432.75
26437	04/15/2024	JAN-MAR 2024	KARL D. ROYER	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	4,622.46	4,622.46
26438	04/15/2024	215838	MEYERS NAVE	LEGAL SERVICES - FEB	2,023.70	4,275.00
26438	04/15/2024	216490	MEYERS NAVE	LEGAL SERVICES - BRINE PROJECT	2,251.30	
26439	04/15/2024	CD_000764812	RINGCENTRAL INC	DIGITAL PHONE SERVICE	212.73	425.46
26439	04/15/2024	CD_000786835	RINGCENTRAL INC	DIGITAL PHONE SERVICE	212.73	
26440	04/15/2024	4246-0445-5568-7627	U.S. BANK	PURCHASING CARD EXPENSES	1,728.46	1,728.46
26441	04/15/2024	003063	UNION SANITARY DISTRICT	UEPS & FORCE MAIN O&M AND PG&E - FEB	45,114.44	45,114.44
26442	04/30/2024	56236	CALCON	HEPS NEW WATER LINE & PLC PROGRAMMING	1,630.40	6,949.70
26442	04/30/2024	56237	CALCON	MDF ELECTRICAL UPGRADE NEW MAIN BREAKER	2,052.76	
26442	04/30/2024	56297	CALCON	MDF ANALYZER UPGRADE	3,266.54	
26443	04/30/2024	718713	CALTEST	LAB TESTING SERVICES - MAR	1,633.96	1,633.96
26444	04/30/2024	4055674	CALTRONICS	COPIER USAGE AND MAINTENANCE	66.51	66.51
26445	04/30/2024	754884	CORRPRO COMPANIES, INC	FORCE MAIN DEPOLARIZATION SURVEY	1,665.00	1,665.00
26446	04/30/2024	10154	MBC CUSTODIAL SERVICES INC	JANITORIAL SERVICES - MAR	130.00	130.00
26447	04/30/2024	16587	REGIONAL GOVERNMENT SERVICES	MANAGEMENT AND ADMINISTRATIVE SERVICES	13,968.20	13,968.20
					<b>141,993.51</b>	<b>141,993.51</b>

**EAST BAY DISCHARGERS AUTHORITY**  
**List of Disbursements**  
**April 2024**

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
<b>ELECTRONIC PAYMENTS</b>						
	04/03/2024	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	65,110.31	65,110.31
	04/09/2024	100000017486787	CALPERS	HEALTH PREMIUMS - APR	8,249.51	8,249.51
	04/03/2024	100000017454726	CALPERS	PENSION CONTRIBUTION, CLASSIC 3/16 - 31/2024	5,710.87	5,710.87
	04/23/2024	100000017482623	CALPERS	PENSION CONTRIBUTION, CLASSIC 4/01 - 15/2024	5,710.87	5,710.87
	04/04/2024	6281596	MISSION SQUARE	DEFERRED COMPENSATION CONTRIBUTION 3/31/2024	2,106.70	2,106.70
	04/17/2024	6047839	MISSION SQUARE	DEFERRED COMPENSATION CONTRIBUTION 4/15/2024	2,106.70	2,106.70
	04/19/2024	1001649292	STATE COMPENSATION INSURANCE FUND	WORKERS COMPENSATION PREMIUM - APR	878.00	878.00
	04/10/2024	51048304397166	AT&T	MDF TELEPHONE SERVICE	277.92	277.92
	04/04/2024	2404031744	INTERMEDIA.NET INC	EMAIL EXCHANGE HOSTING	101.53	101.53
	04/01/2024	9958026979	VERIZON WIRELESS	WIRELESS PHONE SERVICES - FEB	63.04	63.04
	04/18/2024	9960523690	VERIZON WIRELESS	WIRELESS PHONE SERVICES - MAR	63.03	63.03
<b>TOTAL ELECTRONIC PAYMENTS</b>					<b>90,378.48</b>	<b>90,378.48</b>
<b>PAYROLL</b>						
	04/29/2024		ADP, LLC	PAYROLL PERIOD: 04/16-30/2024	27,452.24	27,452.24
	04/12/2024		ADP, LLC	PAYROLL PERIOD: 04/01-15/2024	23,940.24	23,940.24
	04/05/2024		ADP, LLC	PAYROLL FEES, 3/16-31/2024	102.06	102.06
	04/19/2024		ADP, LLC	PAYROLL FEES, 4/01-15/2024	87.86	87.86
<b>TOTAL PAYROLL</b>					<b>51,582.40</b>	<b>51,582.40</b>
<b>TOTAL DISBURSEMENTS</b>					<b>283,954.39</b>	<b>283,954.39</b>

**ITEM NO. FM5 TREASURER'S REPORT FOR APRIL 2024**

The cash balance as of April 30, 2024 is \$4,500,447.44. EBDA's LAIF balance is \$1,299,193.19, and the average monthly effective yield for April is 4.272%. EBDA's CAMP balance is \$1,554,473.64, and CAMP's 7-day yield is 5.44%.

**Approval is recommended.**

**EAST BAY DISCHARGERS AUTHORITY**

**TREASURER'S REPORT**

**April 2024**

FUND	FUND DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	\$ 1,815,755.08	\$ (53,450.81)	\$ 247,951.04	\$ 1,514,353.23
13	PLANNING & SPECIAL STUDIES	337,587.42	45,722.35	28,432.75	354,877.02
14	RECLAMATION O & M (SKYWEST)	74,971.81	9,000.00	0.00	83,971.81
15	BRINE ACCEPTANCE	141,285.00	-11,961.44	2,251.30	127,072.26
31	RENEWAL & REPLACEMENT	2,241,212.80	184,279.62	5,319.30	2,420,173.12
<b>TOTALS</b>		<b>\$ 4,610,812.11</b>	<b>\$ 173,589.72</b>	<b>\$ 283,954.39</b>	<b>\$ 4,500,447.44</b>



**ITEM NO. FM6 THIRD QUARTER EXPENSE SUMMARY, FISCAL YEAR 2023/2024**

**Recommendation**

Approve the Third Quarter Expense Summary for Fiscal Year 2023/2024.

**Background**

The Third Quarter Expense Summary for FY 2023/2024 is attached for the Committee's review. Expenses are presented by Program and by Account Code. These categories have been grouped to provide an overview of Authority expenses. The tables include discussion of particular items that varied significantly (>10%) from the budget.

**Discussion**

At the end of the third quarter, 75% through the fiscal year, EBDA's spending is under budget, at 67% spent. This wet season, the storms were spaced out in such a way that systems were able to recover, and flows rarely peaked at levels requiring extra pumping capacity. Additionally, the January 1 effective date of the new permit limit for chlorine residual has significantly decreased use of sodium bisulfite for dechlorination.

Staff also notes that the Authority's most significant annual fees including BACWA dues, Nutrient Surcharge, Water Research Foundation, and NPDES permit fee have been paid, and therefore those line items are expected to revert to budget at year end.

# East Bay Dischargers Authority

## EXPENSE SUMMARY BY PROGRAM

FY 2023/2024 THROUGH MARCH 31, 2024 (75% of YEAR)

	YTD Expenses	Budget	Revenues Cargill, Grant, & Skywest	Variance	% of Budget	Explanations for Variance Over 10%
<b>O&amp;M EFFLUENT DISPOSAL</b>						
General Administration	\$959,845	\$1,487,812		(\$527,967)	65%	
Outfall & Forcemains	\$86,648	\$269,800		(\$183,152)	32%	Budget was conservative as we transitioned service providers.
Marina Dechlor Facility	\$325,846	\$614,100		(\$288,254)	53%	Decrease in chemical costs due to permit change.
Oro Loma Pump Station	\$448,375	\$613,000		(\$164,625)	73%	
Hayward Pump Station	\$134,713	\$186,000		(\$51,287)	72%	
Union Pump Station	\$329,591	\$466,000		(\$136,409)	71%	
Bay & Effluent Monitoring	\$558,558	\$729,867		(\$171,309)	77%	
<b>TOTAL O&amp;M EFFLUENT DISPOSAL</b>	<b>\$2,843,575</b>	<b>\$4,366,579</b>	<b>\$0</b>	<b>(\$1,523,004)</b>	<b>65%</b>	
<b>SPECIAL PROJECTS</b>						
NPDES Permit Fees	\$685,195	\$693,023		(\$7,828)	99%	Permit fee paid for FY.
Regional Monitoring Program	\$142,611	\$293,760		(\$151,150)	49%	Fees paid for two quarters.
Alternative Monitoring and Reporting	\$16,315	\$32,314		(\$15,999)	50%	Fees paid for two quarters.
Nutrient Surcharge	\$240,143	\$240,143		\$0	100%	Fee paid for FY.
Water Research Foundation	\$27,553	\$27,665		(\$112)	100%	Fee paid for FY.
Strategic Planning	\$363	\$0		\$363	-	
Nature-Based Solutions Study	\$158,620	\$200,000	\$158,620	(\$200,000)	79%	
Solar Feasibility Study	\$3,944	\$5,000		(\$1,056)	79%	
Bruce Wolfe Memorial	\$0	\$1,000		(\$1,000)	0%	Contribution will be made later this year.
<b>TOTAL SPECIAL PROJECTS</b>	<b>\$1,274,743</b>	<b>\$1,492,905</b>	<b>\$158,620</b>	<b>(\$376,782)</b>	<b>75%</b>	
<b>TOTAL AGENCY-FUNDED PROGRAMS</b>	<b>\$4,118,318</b>	<b>\$5,859,484</b>	<b>\$158,620</b>	<b>(\$1,899,786)</b>	<b>68%</b>	
<b>WATER RECYCLING</b>						
Skywest Golf Course	\$27,735	\$36,000	\$27,000		77%	
<b>TOTAL WATER RECYCLING</b>	<b>\$27,735</b>	<b>\$36,000</b>	<b>\$27,000</b>		<b>77%</b>	
<b>BRINE ACCEPTANCE</b>						
Brine Acceptance	\$50,428		\$50,428			All work performed is reimbursed by Cargill.
<b>TOTAL BRINE ACCEPTANCE</b>	<b>\$50,428</b>		<b>\$50,428</b>			
<b>TOTAL ALL PROGRAMS</b>	<b>\$4,196,480</b>	<b>\$5,895,484</b>	<b>\$236,047</b>	<b>(\$1,935,051)</b>	<b>67%</b>	



## East Bay Dischargers Authority

### PRELIMINARY EXPENSE SUMMARY BY ACCOUNT

FY 2023/2024 THROUGH MARCH 31, 2024 (75% OF YEAR)

	YTD Expenses	Budget	Revenues Cargill, Grant, & Skywest	Variance	% of Budget	Explanations for Variance Over 10%
4010 - Salary	\$477,647	\$663,595	\$14,558	(\$200,505)	70%	
4020 - Benefits	\$193,522	\$257,217		(\$63,695)	75%	
4030 - Commissioner Compensation	\$25,200	\$45,000		(\$19,800)	56%	Budget assumes maximum number of meetings.
4070 - Insurance	\$85,031	\$75,900	\$5,000	\$4,131	105%	Premiums paid for the FY and have increased.
4080 - Memberships & Subscriptions	\$161,886	\$166,472		(\$4,586)	97%	BACWA & WRF dues paid for the FY.
4100 - Supplies, Variable	\$335,290	\$670,000		(\$334,710)	50%	Decrease in chemical costs due to permit change.
4100 - Supplies, Fixed	\$7,981	\$23,000		(\$15,019)	35%	Deferred replacement of several computers.
4110 - Contract Services	\$39,289	\$60,841		(\$21,552)	65%	
4120 - Professional Services	\$466,812	\$598,831	\$202,145	(\$334,164)	44%	Revenues from Cargill and grant bring item under budget overall.
4140 - Rents & Fees	\$938,467	\$939,446		(\$979)	100%	Fees paid for FY.
4141 - NPDES Fines	\$0	\$9,000		(\$9,000)	0%	Reserve funds in case of enforcement.
4150 - Maintenance & Repair	\$480,680	\$937,100	\$12,774	(\$469,194)	50%	Force Main budget was conservative as we transitioned service providers.
4160 - Monitoring	\$301,120	\$558,282	\$1,570	(\$258,732)	54%	RMP paid for two quarters.
4170 - Travel	\$7,338	\$18,000		(\$10,662)	41%	Reduced travel due to many meetings transitioning to video conference.
4191 - Utility, Variable	\$674,461	\$864,800	-	(\$190,339)	78%	
4200 - Acquisitions & Other	\$1,756	\$8,000	-	(\$6,244)	22%	Allowance for Skywest capital projects.
<b>TOTAL ALL ACCOUNTS</b>	<b>\$4,196,480</b>	<b>\$5,895,484</b>	<b>\$236,047</b>	<b>(\$1,935,051)</b>	<b>67%</b>	

**ITEM NO. FM7 RESOLUTION ADOPTING THE EAST BAY DISCHARGERS AUTHORITY'S FISCAL YEAR 2024/2025 BUDGET**

**Recommendation**

Adopt a resolution approving the Authority's FY 2024/2025 Budget.

**Strategic Plan Linkage**

3. **Financial:** Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers' resources.
  - b. Proactively manage expenditures to stay within adopted budget.

**Background**

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

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

Driving factors and considerations for the Fiscal Year (FY) 2024/2025 budget were discussed with the Financial Management Committee in March 2024, and a draft budget was reviewed in April 2024.

**Discussion**

The proposed FY 2024/2025 Budget is presented in the following format:

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

Staff expects the FY 2024/2025 to be very similar to the FY 2023/2024 budget total, with a current projection of a 0.6% increase. Only minor revisions were made to the draft budget presented in April. Specifically, electricity projections were updated based on the most recent PG&E bills, and a slight increase was made to the level of effort for Azyura (see Item No. RA7).

While chemicals costs continue to rise on a unit cost basis, staff is proposing a significant decrease in EBDA's chemical budget due to implementation of the new effluent limit for chlorine residual. The budget for sodium bisulfite for dechlorination is being lowered from \$350,000 in FY 2023/2024 to \$50,000 in FY2024/2025. This decrease in chemical cost will offset expected increases in other areas. These expected increases include the following:

- At the recommendation of the MAC, staff has added \$100,000 to the NPDES

Permit Issues budget to provide flexibility in responding to the Nutrient Watershed Permit – see Item No. RA6. While staff is hopeful that negotiation prior to adoption will result in a workable permit, budgeting funds will provide flexibility for retaining technical and/or legal support in the event that EBDA decides to appeal the permit.

- A new pass-through cost has been added to fund a CASA-led effort to estimate air toxic emissions from wastewater treatment plants – see Item No. RA5 for additional detail. This new item is shown in Fund 13 and totals \$80,797 across the agencies.
- Per industry trends, staff is projecting a 14.7% increase to insurance costs.
- As in previous years, PG&E costs are expected to increase. Staff has assumed an overall budgetary increase in electrical costs of 5.7%.
- Consistent with prior direction from the Personnel Committee, the proposed budget assumes a 2.6% cost of living adjustment for salaries.
- The State Water Resources Control Board is currently expecting to increase National Pollutant Discharge Elimination System (NPDES) Permit Fees by 2%. This is significantly less than the 8.8% and 11.8% increases implemented in the past two years.
- Dues for the Bay Area Clean Water Agencies (BACWA) are increasing by 3%. EBDA receives tremendous value from its participation in BACWA, including group reporting and other compliance activities, as well as advocacy on regulatory issues.

Staff expects to continue efforts associated with the Cargill project in FY 2024/2025, including potentially performing additional CEQA analysis on the new proposed pipeline route. This project will continue to be shown as part of a separate brine fund that recognizes the revenue associated with Cargill's complete reimbursement of EBDA's expenditures.

The agencies' Renewal and Replacement Fund (RRF) contribution remains flat at \$750k. This includes \$330k for ongoing asset management and \$420k in credit to USD to fulfill the annual JPA obligation for UEPS capital. Note that because San Leandro and LAVWMA contributions are specific to certain facilities, they pay their share of RRF expenses at the end of each fiscal year.

## FISCAL YEAR 2024/2025 BUDGET BY FUND

FUND NO	PROGRAM DESCRIPTION	EBDA'S TOTAL PROPOSED BUDGET FY 2024/2025	OUTSIDE REVENUES and CARRYOVER FY 2024/2025	AGENCY-FOCUSED BUDGET INFORMATION				Explanations for Changes Over 10%
				AGENCY REVENUES for FY 2024/2025	AGENCY REVENUES for FY 2023/2024	PERCENTAGE CHANGE from FY 23/24 to FY 24/25	DOLLAR CHANGE from FY 23/24 to FY 24/25	
<b>12</b>	<b>O&amp;M EFFLUENT DISPOSAL</b>							
12 06	General Administration	\$ 1,571,346	\$ -	\$ 1,571,346	\$ 1,487,812	5.3%	\$ 83,534	
12 10	Outfall & Force mains	\$ 220,000	\$ -	\$ 220,000	\$ 269,800	-22.6%	\$ (49,800)	FY 23/24 budget was conservative to cover staffing transition.
12 14	Marina Dechlor Facility	\$ 310,000	\$ -	\$ 310,000	\$ 614,100	-98.1%	\$ (304,100)	Significant decrease in sodium bisulfite (SBS) cost due to implementation of chlorine residual limit change.
12 16	Oro Loma Pump Station	\$ 650,000	\$ -	\$ 650,000	\$ 613,000	5.7%	\$ 37,000	
12 18	Hayward Pump Station	\$ 194,000	\$ -	\$ 194,000	\$ 186,000	4.1%	\$ 8,000	
12 20	Union Pump Station	\$ 465,000	\$ -	\$ 465,000	\$ 466,000	-0.2%	\$ (1,000)	
12 21	Bay & Effluent Monitoring	\$ 772,494	\$ -	\$ 772,494	\$ 729,867	5.5%	\$ 42,627	
	<b>TOTAL FUND # 12</b>	\$ 4,182,840	\$ -	\$ 4,182,840	\$ 4,366,579	-4.4%	\$ (183,739)	
<b>13</b>	<b>SPECIAL PROJECTS</b>							
13 36	NPDES Permit Fees	\$ 707,899	\$ -	\$ 707,899	\$ 693,023	2.1%	\$ 14,876	
13 37	NPDES Permit Issues	\$ 100,000	\$ -	\$ 100,000	\$ -	100.0%	\$ 100,000	Placeholder for nutrients permit response.
13 48	Regional Monitoring Program	\$ 293,778	\$ -	\$ 293,778	\$ 293,760	0.0%	\$ 18	
13 49	Nutrient Surcharge	\$ 270,608	\$ -	\$ 270,608	\$ 240,143	11.3%	\$ 30,465	Decrease in subsidy from BACWA reserves.
13 46	Alternative Monitoring & Reporting	\$ 33,609	\$ -	\$ 33,609	\$ 32,314	3.9%	\$ 1,295	
13 53	Water Research Foundation	\$ 28,494	\$ -	\$ 28,494	\$ 27,665	2.9%	\$ 829	
13 77	Nature-Based Solutions	\$ 200,000	\$ 200,000	\$ -	\$ -	0.0%	\$ -	
13 78	Biosolids Feasibility Study	\$ 100,000	\$ 100,000	\$ -	\$ -	0.0%	\$ -	Funds collected in prior period.
13 79	Solar Feasibility Study	\$ -	\$ -	\$ -	\$ 5,000	-100.0%	\$ (5,000)	Study complete.
13 82	Bruce Wolfe Memorial	\$ 1,000	\$ -	\$ 1,000	\$ 1,000	0.0%	\$ -	
13 XX	Air Toxics Pooled Emissions Study	\$ 80,797	\$ -	\$ 80,797	\$ -	100.0%	\$ 80,797	New study required by regulation.
	<b>TOTAL FUND # 13</b>	\$ 1,816,184	\$ 300,000	\$ 1,516,184	\$ 1,292,905	14.7%	\$ 223,280	
	<b>TOTAL OPERATING BUDGET</b>	\$ 5,999,024	\$ 300,000	\$ 5,699,024	\$ 5,659,484	0.7%	\$ 39,541	
<b>31</b>	<b>RENEWAL &amp; REPLACEMENT</b>							
	Contribution to R&R Fund	750,000	-	750,000	750,000	0.0%	-	
	<b>TOTAL AGENCY FUNDING</b>	\$ 6,749,024	\$ 300,000	\$ 6,449,024	\$ 6,409,484	0.6%	\$ 39,541	
<b>14</b>	<b>WATER RECYCLING</b>							
14 80	Skywest	36,000	36,000	-	-	0.0%	-	
	<b>TOTAL FUND # 14</b>	\$ 36,000	\$ 36,000	\$ -	\$ -	0.0%	\$ -	
<b>15</b>	<b>BRINE ACCEPTANCE</b>							
15 68	Mixed Sea Salt Brine (Cargill)	200,000	200,000	-	-	0.0%	-	
15 83	Zone 7 Brine (DSRSD)	-	-	-	-	0.0%	-	
	<b>TOTAL FUND # 15</b>	\$ 200,000	\$ 200,000	\$ -	\$ -	0.0%	\$ (200,000)	
	<b>TOTAL EXPENDITURES</b>	\$ 6,985,024	\$ 536,000	\$ 6,449,024	\$ 6,409,484	0.6%	\$ 39,541	

### FISCAL YEAR 2024/2025 BUDGET BY ACCOUNT

ACCOUNT NUMBER	ACCOUNT TITLE	EBDA'S TOTAL PROPOSED BUDGET FY 2024/2025	OUTSIDE REVENUES and CARRYOVER FY 2024/2025	AGENCY-FOCUSED BUDGET INFORMATION				Explanations for Changes over 10%
				AGENCY REVENUES for FY 2024/2025	AGENCY REVENUES for FY 2023/2024	PERCENTAGE CHANGE from FY 23/24 to FY 24/25	DOLLAR CHANGE from FY 23/24 to FY 24/25	
4010	Salary	\$ 684,820	-	\$ 684,820	\$ 663,595	3.1%	\$ 21,225	
4020	Benefits	\$ 315,100	-	\$ 315,100	\$ 257,217	18.4%	\$ 57,883	Increase in medical premiums.
4030	Commissioner Compensation	\$ 45,000	-	\$ 45,000	\$ 45,000	0.0%	\$ -	
4070	Insurance	\$ 88,000	5,000	\$ 83,000	\$ 70,900	14.6%	\$ 12,100	Premiums expected to increase, per industry trends.
4080	Memberships & Subscriptions	\$ 170,528	-	\$ 170,528	\$ 166,472	2.4%	\$ 4,056	
4100	Supplies, Fixed	\$ 12,000	-	\$ 12,000	\$ 23,000	-91.7%	\$ (11,000)	Lowered to better reflect recent actual expenditures.
4100	Supplies, Variable	\$ 380,000	-	\$ 380,000	\$ 670,000	-76.3%	\$ (290,000)	Significant decrease in sodium bisulfite (SBS) cost due to implementation of chlorine residual limit change.
4110	Contract Services	\$ 78,898	8,000	\$ 70,898	\$ 60,841	14.2%	\$ 10,057	Increases in software costs.
4120	Professional Services	\$ 1,070,297	500,000	\$ 570,297	\$ 398,831	30.1%	\$ 171,466	New air toxics study required by regulation, added placeholder for response to nutrients permit.
4140	Rents & Fees	\$ 984,787	-	\$ 984,787	\$ 939,446	4.6%	\$ 45,341	
4141	NPDES Fines	\$ 9,000	-	\$ 9,000	\$ 9,000	0.0%	\$ -	
4150	Maintenance & Repair	\$ 897,000	17,000	\$ 880,000	\$ 920,100	-4.6%	\$ (40,100)	
4160	Monitoring	\$ 564,595	5,000	\$ 559,595	\$ 553,282	1.1%	\$ 6,313	
4170	Travel & Training	\$ 18,000	-	\$ 18,000	\$ 18,000	0.0%	\$ -	
4191	Utility, Variable (PG&E)	917,000	1,000	\$ 916,000	\$ 863,800	5.7%	\$ 52,200	
<b>SUBTOTAL ALL ACCOUNTS</b>		<b>\$ 6,235,024</b>	<b>\$ 536,000</b>	<b>\$ 5,699,024</b>	<b>\$ 5,659,484</b>	<b>0.7%</b>	<b>\$ 39,541</b>	
<b>CONTRIBUTION TO R&amp;R FUND</b>		<b>\$ 750,000</b>		<b>\$ 750,000</b>	<b>\$ 750,000</b>	<b>0.0%</b>	<b>\$ -</b>	
<b>TOTAL EXPENDITURES</b>		<b>\$ 6,985,024</b>		<b>\$ 6,449,024</b>	<b>\$ 6,409,484</b>	<b>0.6%</b>	<b>\$ 39,541</b>	

**ESTIMATED ANNUAL BILLS TO THE EBDA MEMBER AGENCIES FOR FISCAL YEAR 2024/2025**

	Agency Allocations					
	San Leandro	Oro Loma	CVSan	Hayward	USD	LAVWMA
Special Study Rate	13.0%	18.0%	6.0%	30.0%	33.0%	varies
Variable Rate	9.5%	17.2%	7.3%	22.0%	43.9%	19.3%
Variable Rate - MAs w/o CSL	-	19.0%	8.1%	24.4%	48.5%	20.9%
Fixed Rate	13.7%	19.1%	10.3%	14.7%	42.1%	26.1%
Fixed Rate - MAs w/o CSL	-	22.2%	11.9%	17.1%	48.8%	-
RRF	varies	22.2%	11.9%	17.1%	48.8%	varies
Regional Monitoring Program	6.2%	10.8%	4.6%	30.9%	28.1%	19.4%
Nutrient Surcharge	8.1%	5.5%	2.8%	16.9%	46.4%	20.3%
NPDES	7.1%	12.1%	6.5%	17.2%	30.6%	26.6%
Alternative Monitoring and Reporting	16.7%	10.8%	5.8%	16.7%	16.7%	33.3%

	REVENUES AND CARRYOVERS						MEMBER TOTAL	AGENCY TOTAL	GRAND TOTAL	
	SAN LEANDRO	ORO LOMA	CVSAN	HAYWARD	USD	LAVWMA				
<b>O&amp;M</b>										
O&M Fixed Charges w/San Leandro	\$ 197,310	\$ 274,856	\$ 147,911	\$ 211,383	\$ 604,567	\$ 507,176	\$ 1,436,027	\$ 1,943,203	\$ 1,943,203	
O&M Fixed Charges w/o San Leandro	-	12,038	6,453	9,272	26,461	9,414	54,223	63,637	63,637	
O&M Variable Charges w/San Leandro	50,055	90,293	38,421	115,598	230,071	143,561	524,439	668,000	668,000	
O&M Variable Charges w/o San Leandro	-	261,914	111,448	335,318	667,371	131,949	1,376,051	1,508,000	1,508,000	
<b>Total O&amp;M</b>	<b>\$ 247,365</b>	<b>\$ 639,099</b>	<b>\$ 304,233</b>	<b>\$ 671,572</b>	<b>\$ 1,528,471</b>	<b>\$ 792,100</b>	<b>\$ -</b>	<b>\$ 3,390,739</b>	<b>\$ 4,182,840</b>	<b>\$ 4,182,840</b>
Last year	\$ 266,132	\$ 601,263	\$ 313,905	\$ 725,614	\$ 1,693,707	\$ 765,959	\$ -	\$ 3,600,620	\$ 4,366,579	\$ 4,366,579
<b>Special Projects</b>										
NPDES Permit Fee	56,958	97,428	52,461	138,647	247,316	215,090	592,809	807,899	807,899	
Regional Monitoring Program	18,197	31,842	13,516	90,804	82,416	57,003	236,775	293,778	293,778	
Nutrient Surcharge	21,968	15,006	7,503	45,636	125,573	54,922	215,686	270,608	270,608	
Alternative Monitoring and Reporting	5,601	3,641	1,961	5,601	5,601	11,203	33,609	33,609	33,609	
Water Research Foundation	2,720	4,906	2,088	6,281	12,500	-	28,494	28,494	28,494	
EPA Grant for Nature-based Solutions	-	-	-	-	-	-	200,000	-	200,000	
Biosolids Feasibility Study	-	-	-	-	-	-	100,000	-	100,000	
Air Toxics Study	6,030	10,873	3,624	13,047	27,580	19,643	61,154	80,797	80,797	
Special Studies Fee	130	180	60	300	330	-	1,000	1,000	1,000	
<b>Total Special Projects</b>	<b>\$ 111,604</b>	<b>\$ 163,875</b>	<b>\$ 81,212</b>	<b>\$ 300,315</b>	<b>\$ 501,317</b>	<b>\$ 357,861</b>	<b>\$ 300,000</b>	<b>\$ 1,169,527</b>	<b>\$ 1,516,184</b>	<b>\$ 1,816,184</b>
Last Year	\$ 107,521	\$ 119,134	\$ 62,545	\$ 258,659	\$ 412,464	\$ 332,582	\$ 200,000	\$ 960,323	\$ 1,292,905	\$ 1,492,905
<b>Total Operating Budget</b>								<b>\$ 4,560,266</b>	<b>\$ 5,699,024</b>	<b>\$ 5,999,024</b>
Last Year								\$ 4,560,943	\$ 5,659,484	\$ 5,859,484
<b>Programs with Other Funding</b>										
Skywest							36,000	-	-	36,000
Mixed Sea Salt Brine (Cargill)							200,000	-	-	200,000
<b>Total</b>							<b>\$ 236,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 236,000</b>
Last Year							\$ 536,000	\$ -	\$ -	\$ 536,000
<b>Renewal and Replacement Fund</b>										
RRF Contribution		166,500	89,250	128,250	366,000	-	750,000	750,000	750,000	
<b>Total RRF</b>	<b>\$ -</b>	<b>\$ 166,500</b>	<b>\$ 89,250</b>	<b>\$ 128,250</b>	<b>\$ 366,000</b>	<b>\$ -</b>	<b>\$ 750,000</b>	<b>\$ 750,000</b>	<b>\$ 750,000</b>	
Last Year		\$ 166,500	\$ 89,250	\$ 128,250	\$ 366,000	\$ -	\$ 750,000	\$ 750,000	\$ 750,000	
<b>Grand Total for FY 2024/2025</b>	<b>\$ 358,969</b>	<b>\$ 969,474</b>	<b>\$ 474,695</b>	<b>\$ 1,100,137</b>	<b>\$ 2,395,788</b>	<b>\$ 1,149,961</b>	<b>\$ 536,000</b>	<b>\$ 5,310,266</b>	<b>\$ 6,449,024</b>	<b>\$ 6,985,024</b>
<b>Grand Total FY 2023/2024</b>	<b>\$ 373,652</b>	<b>\$ 886,897</b>	<b>\$ 465,700</b>	<b>\$ 1,112,523</b>	<b>\$ 2,472,171</b>	<b>\$ 1,098,541</b>	<b>\$ 736,000</b>	<b>\$ 5,310,943</b>	<b>\$ 6,409,484</b>	<b>\$ 7,145,484</b>

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

RESOLUTION NO. 24-01

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

**RESOLUTION ADOPTING THE EAST BAY DISCHARGERS AUTHORITY'S  
FISCAL YEAR 2024/2025 BUDGET**

**WHEREAS**, the East Bay Dischargers Authority Joint Exercise of Powers Agreement (“JPA”) requires that a Fiscal Year Budget be adopted annually, to provide an operating guideline and authorize expenditure of funds; and

**WHEREAS**, the General Manager has prepared a budget for Fiscal Year 2024/2025 which is attached to the accompanying Staff Report and reflects the anticipated need for the effective management of the East Bay Dischargers Authority (“Authority”) during the ensuing fiscal year; and

**WHEREAS**, the Managers Advisory Committee and the Financial Management Committee reviewed the proposed FY 2024/2025 Budget and recommend adoption by the Commission; and

**WHEREAS**, the Managers Advisory Committee and the Financial Management Committee further recommend that unspent FY 2023/2024 funds for ongoing Special Projects shall be carried over into FY 2024/2025; and

**WHEREAS**, the Managers Advisory Committee and the Financial Management Committee further recommend that the Authority bill the Member Agencies for their allocated contributions on a semi-annual basis; and

**NOW, THEREFORE, BE IT RESOLVED**, the Commission of the East Bay Dischargers Authority hereby adopts the Fiscal Year 2024/2025 Budget for the Authority, as outlined in the accompanying Staff Report.

**BE IT FURTHER RESOLVED**, that the sums set forth in the Fiscal Year 2024/2025 Budget for the Authority, as outlined in the accompanying Staff Report are hereby appropriated for expenditure as detailed, and that any and all expenditures for or relating to the Budget, when expended or entered into under authority of or by the General Manager, are hereby approved and authorized, and warrants therefore may be drawn by the General Manager/Treasurer, commencing July 1, 2024, and ending June 30, 2025.

SAN LORENZO, CALIFORNIA, MAY 16, 2024, ADOPTED BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
CHAIR  
EAST BAY DISCHARGERS COMMISSION

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

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**ITEM NO. 15**

**OPERATIONS & MAINTENANCE COMMITTEE AGENDA**

**Tuesday, May 14, 2024**

**2:00 PM**

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

**This meeting will be teleconferenced from the following location:  
Guest Parking Area Located on Ocaso Camino, West of and Closest to the  
Intersection of Paseo Padre Parkway**

**Teleconference link: <https://us02web.zoom.us/j/88293365682>  
Call-in: 1(669) 900-6833 and enter Webinar ID number: 882 9336 5682**

**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. Draft Renewal and Replacement Fund Project List for Fiscal Year 2024/2025**

(The Committee will review the proposed RRF project list for FY 2024/2025.)

**OM7. Ava Community Energy Rate Plan**

(The Committee will provide direction on rate plan selection.)

**OM8. Adjournment**

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

Agenda Explanation  
East Bay Dischargers Authority  
O&M Agenda  
May 14, 2024

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

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

**Next Scheduled Operations and Maintenance Committee is  
Tuesday, June 18, 2024, at 2:00 pm**

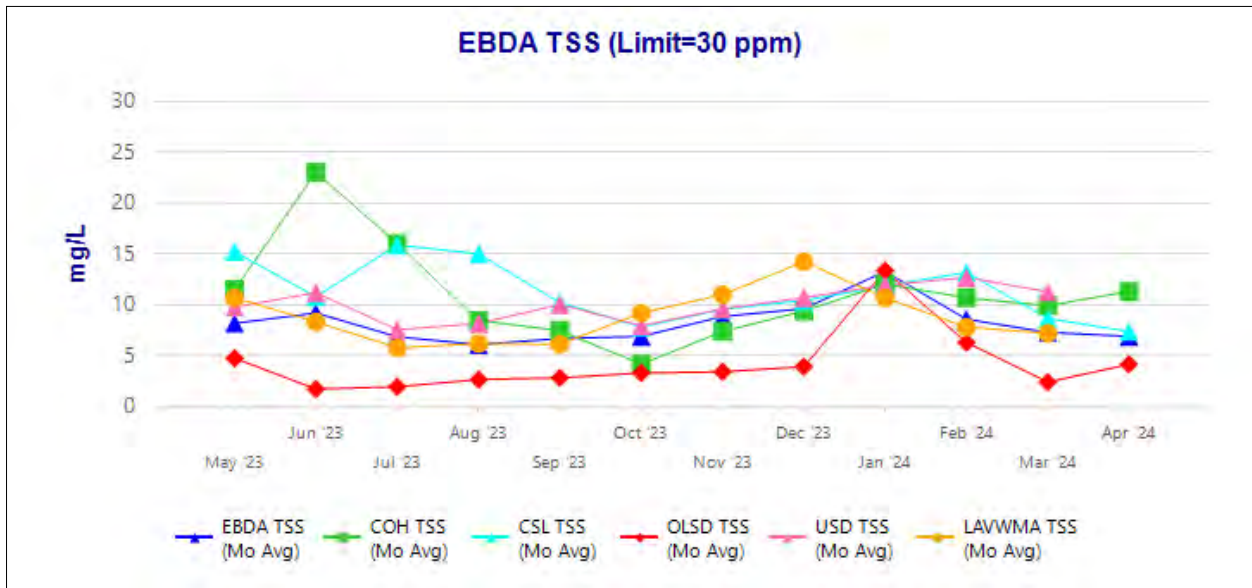
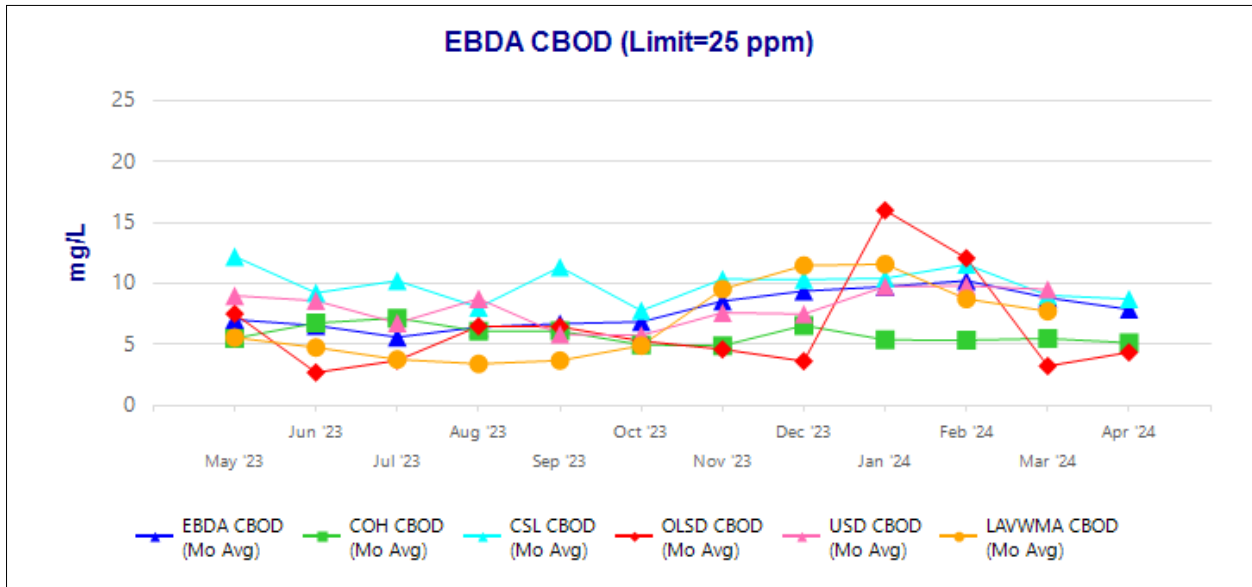
**ITEM NO. OM4 EBDA PERMIT COMPLIANCE**

**Recommendation**

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

**Discussion**

EBDA and its members continued our NPDES compliance in March, and preliminary April data indicates compliance as well. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators follows.



## EBDA Bacterial Indicators

Date	FECAL	ENTERO
	MPN/ 100mL	MPN/ 100mL
Limit (90th Percentile)	1100	1100
Limit (Geomean)	500	280
<b>May 2023 Geomean</b>	<b>15</b>	<b>122</b>
<b>June 2023 Geomean</b>	<b>8</b>	<b>83</b>
<b>July 2023 Geomean</b>	<b>7</b>	<b>18</b>
<b>August 2023 Geomean</b>	<b>17</b>	<b>5</b>
<b>September 2023 Geomean</b>	<b>47</b>	<b>4</b>
<b>October 2023 Geomean</b>	<b>18</b>	<b>3</b>
<b>November 2023 Geomean</b>	<b>8</b>	<b>8</b>
<b>December 2023 Geomean</b>	<b>7</b>	<b>5</b>
<b>January 2024 Geomean</b>	<b>12</b>	<b>4</b>
<b>February 2024 Geomean</b>	<b>8</b>	<b>15</b>
3/4/2024	4	2
3/5/2024	13	4
3/11/2024	2	10
3/12/2024	2	163
3/13/2024	NA	2
3/18/2024	13	10
3/19/2024	8	4
3/20/2024	NA	6
3/25/2024	33	8
3/26/2024	2	4
<b>March 2024 Geomean</b>	<b>6</b>	<b>7</b>
4/1/2024	2	2
4/2/2024	7	2
4/8/2024	22	4
4/9/2024	13	< 2
4/15/2024	11	2
4/16/2024	2	4
4/22/2024	170	2
4/23/2024	8	6
4/29/2024	4	< 2
4/30/2024	7	8
<b>April 2024 Geomean</b>	<b>9</b>	<b>3</b>

## **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 forms around the new concrete base for Effluent Pump No. 4 were removed on April 26, and installation of the new pump is tentatively scheduled for May 10. The new pump will be electrically connected the week of May 13. Once this work is complete, the new pump will be put in service and tested for several weeks before work is started on the next pump.

#### **Pond 3 Valve Actuator Replacement**

As part of the FY 2022/2023 RRF project list, EBDA agreed to split the cost of a new Pond 3 valve actuator with the City of Hayward. The actuator is the property of the City of Hayward, but replacing it will benefit both the City and EBDA. The current actuator does not have a feedback loop, so the information displayed on SCADA is limited. During wet weather storm events, having better information on SCADA will greatly improve EBDA operations. The ability to automatically divert flow to Pond 3 will save EBDA the cost of pumping the flow to Pond 7, which requires using the HEPS pumps. The ability to automatically divert flow to Pond 3 will also save the City the cost of adding sodium hypochlorite to the diverted flow. This project also includes the programming necessary to add the valve operations to SCADA.

The new Pond 3 valve actuator had been scheduled to be installed in mid-April. However, due to an issue with the supplier, the new valve actuator was returned to the manufacturer, and a replacement is on order. Fortunately, the actuator is critical during wet weather and staff expects replacement to be complete well before the next wet season.

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

#### **Retirement of Jeff Schier**

EBDA staff wishes to thank and congratulate Jeff Schier on his retirement in April. Jeff (Gus) Schier began his career with Oro Loma Sanitary District (OLSD) as a Mechanic II on September 11, 2001. He was later promoted to Electrical & Mechanical Technician on January 9, 2017. Jeff held his Journeyman Electrician License from the IBEW since 1975. He is a graduate of the John O'Connell Technical Institute of San Francisco (1972) and has a long history of customer service and quality craftsmanship in the public and private sectors. He has experience installing and servicing equipment in heavy industrial settings including the USS Enterprise Naval Aircraft Carrier, electrical retrofits on commercial and US Naval Ships, generating systems, cargo crane systems, and large equipment

balancing and troubleshooting. During his career, he supervised teams of up to 25 people with tight schedules and was responsible for tens of millions of dollars of mechanical and electrical improvements. In 2019, Jeff's guide roller for the discharge hose on the portable hose reel was awarded first place for the Gimmick/Gadget of the Year Award from the CWEA. He was also part of the team that won the CWEA Plant Safety Award in 2014.

During Jeff's tenure with OLSD, he was responsible for maintaining the EBDA equipment at OLEPS. Jeff was an extraordinary employee who treated the EBDA equipment as if it was his own. Jeff was always available to be called in on nights, weekends, and holidays to repair EBDA equipment as necessary.

EBDA staff has the privilege of working with some exceptional Member Agency employees, and Jeff is one of them. Part of the reason that the EBDA GM and O&M Manager can sleep at night is thanks to the hard work of employees like Jeff. EBDA would like to thank Jeff for his 23 years of dedicated service to the EBDA system and its rate payers.

### **Automatic Transfer Switch Upgrade**

Todd Beecher, EBDA's contract electrical engineer, has commenced the design of two new automatic transfer switches (ATs) at OLEPS. The two new ATs will improve reliability of the pump station in the event of a power outage. If PG&E power fails, the OLEPS emergency generator is the primary source of backup power. Currently, if the emergency generator fails to start, operators can manually switch to the secondary source of backup power from OLSD. The installation of two new ATs will allow the switch from primary to secondary backup to occur automatically. This AT work is being completed as part of Phase Two of the OLEPS Electrical Upgrades. Replacement of the breakers and refurbishment of the Main Switchboard was completed in Phase One of the OLEPS Electrical Upgrades last year.

### **Skywest Pump Station**

#### **Recycled Water Production**

During the month of April 2024, the Skywest Recycled Water System operated for one day and produced 0.57 million gallons of recycled water.

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

#### **Tree Removal & Trimming**

From April 29 to May 2, five large trees and four small trees at MDF were removed, and the remaining small trees were trimmed. The main concern was the risk that the large trees behind MDF and next to the SBS Storage Building would topple during future storms. During the recent wind storms, one of the small trees at MDF was blown down. The tree did some minor damage to the barbed wire on top of the fence in front of the facility. During this past winter, several large trees at the Golf Course in San Leandro,

near MDF, were blown down. Out of an abundance of caution, the large trees at MDF were removed.



Before



After



Before



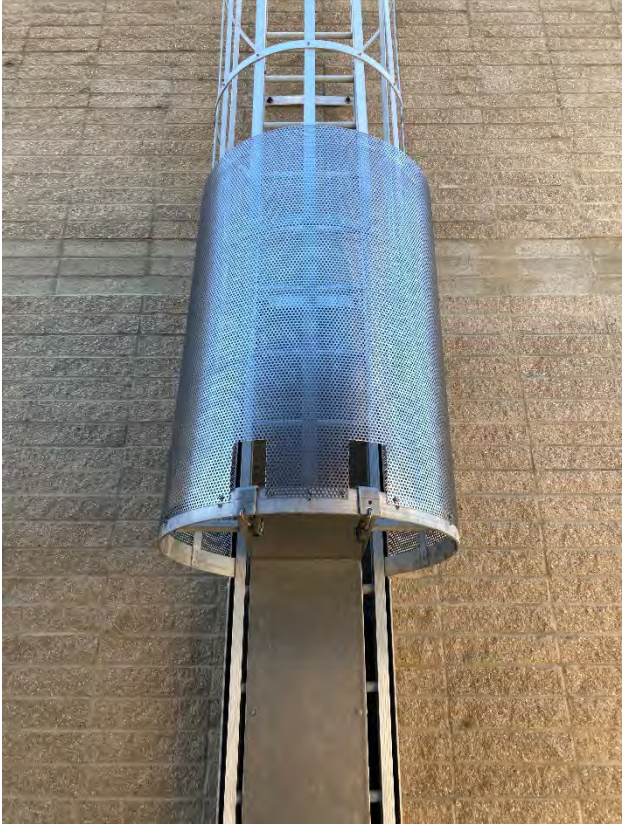
After

**Fence Repair & Security Improvements**

On May 3, several cuts in the MDF perimeter fence that had been temporarily repaired in the past were permanently repaired, and barbed wire that was damaged by a blown-down tree was also repaired. Additional security improvements were also made, including installation of additional barbed wire along the back fence, and installation of a sheet of perforated aluminum around the SBS Building roof ladder safety cage. The security improvements should deter people from trying to unlawfully access MDF and the SBS Building roof.



Before



After

**Force Main**

No change; all equipment is operational.

**Operations Center**

No change; all equipment is operational.



## **Miscellaneous Items**

### **Underground Service Alerts**

EBDA received nine (9) Underground Service Alert (USA) tickets during the month of April 2024. Four required an Electronic Positive Response (EPR), and of the four, two required calls/emails to the excavators, and field verification.

### **Wet Weather**

During the month of April 2024, there were no significant rain events that required the operation of an OLEPS diesel pump, and there were no capacity exceedance events.

## **Special Projects**

### **Cargill Brine Project**

As discussed at previous Commission Meetings, 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. Cargill is continuing to meet with landowners along the new proposed route. Meetings are planned in the coming weeks with the City of San Leandro and Alameda County Flood and Water Conservation District. Cargill is also investigating an alternative that would upgrade and repurpose a former Shell pipeline.

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. Cargill has requested that EBDA consider an interim Project Approval Agreement between the parties that would allow Cargill to begin construction on elements of the project that do not directly affect EBDA, such as reconfiguration of intakes and pond structures at Cargill’s Newark salt facility. Staff is currently working with Meyers Nave to review and revise a draft agreement and expects to bring it to the Commission for consideration in the coming months. The Project Approval Agreement would be superseded by the final Operating Agreement, once negotiated.

### **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 Las Trampas Regional Wilderness Park in December 2022. Data from the Rocky Ridge site finally became available in early December 2023, and can be viewed and downloaded from the AQPI [website](#). 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, which they expect to make available before the 2024-2025 wet season. Staff is planning a site visit to Rocky Ridge for interested Commissioners and other parties in the coming months.

**ITEM NO. OM6 DRAFT RENEWAL AND REPLACEMENT FUND PROJECT LIST  
FOR FISCAL YEAR 2024/2025**

**Recommendation**

Review proposed Renewal and Replacement Fund (RRF) Project List and provide direction to staff.

**Background**

Each year, the Commission is asked to approve a list of capital projects to be undertaken in the upcoming fiscal year using funds from the Authority's Renewal and Replacement Fund. The project list is developed using the Authority's Asset Management Plan (AMP), with input from the Managers Advisory Committee (MAC).

**Discussion**

The Authority's draft RRF Project List for FY 2024/2025 is presented on the following page for the Committee's review and comment, with project explanations on the subsequent pages. Staff plans to bring the final FY 2024/2025 project list to the Commission for consideration in June 2024. Staff is recommending that the agencies' total contribution to the RRF for FY 2024/2025 is \$750,000, consistent with the AMP 20-year projection of funding needs.

**RRF Projects for FY 2024/2025**

<u>Facility</u>	<u>Renewal Replacement Fund Items</u>	<u>Projected Completion Date</u>	<u>Estimated Costs</u>
UEPS	Payment #5 of 10 Per JPA	July 2024	\$ 420,000
HEPS	Painting	June 2025	\$ 50,000
OLEPS	Diesel Engine #1 (Pump #2) Major Service	June 2025	\$ 30,000
OLEPS	Water System Upgrade	June 2025	\$ 30,000
OLEPS	Pump #1 Gear Drive	June 2025	\$ 10,000
MDF	PG&E Access Upgrade	June 2025	\$ 30,000
MDF	Electrical Upgrade	June 2025	\$ 30,000
		FY 2024/2025 Sub-Total	\$ 600,000
		Small Projects Fund	\$ 100,000
		<b>FY 2024/2025 Total</b>	<b>\$ 700,000</b>

**UEPS Payment #5 of 10 per JPA – \$420,000**

The Amended and Restated Joint Powers Agreement (JPA) states that “in fiscal years from 2020/21 through 2029/30, the Authority will pay Union a total of Four Million, Two-Hundred Thousand dollars (\$4,200,000), divided in ten equal and annual installments, as a credit toward their annual budget contribution for Operation and Maintenance Costs, for all Capital Costs associated with the Union Effluent Pump Station during the Term of the Agreement.”

**HEPS Painting – \$50,000**

Painting of the HEPS generator enclosure, piping, and new pumps and motors.

**OLEPS Diesel Engine #1 (Pump #2) Major Service – \$30,000**

Major service including replacing all filters, fluids, thermostats and hoses, replacing the oil cooler, performing valve adjustments, and checking injector timing.

**OLEPS Water System Upgrade – \$30,000**

As part of a past project, EBDA connected a #4 water line from OLSD to OLEPS. The water line is used as a backup to the OLEPS water system to provide cooling water for the pump gear drives and must be switched manually. This project will allow the water to also be used to hose the OLEPS wet wells when they are taken down for preventive maintenance and will add automatic switching capability.

**OLEPS Pump #1 Gear Drive Refurbishment – \$10,000**

Refurbishment of the OLEPS Effluent Pump #1 right-angle gear drive.

**MDF PG&E Access Upgrade – \$30,000**

Replacement of the doors that provide access to the PG&E meter and main breaker behind MDF. This project also includes replacing a section of the concrete walkway behind MDF that provides access to the electrical equipment to address tripping hazards.

**MDF Electrical Upgrade – \$30,000**

A previous project budgeted \$20,000 to replace the MDF Automatic Transfer Switch (ATS) electronic controls. This work was delayed due to implementation of the new chlorine requirements and coordination with PG&E. This project will supplement the funds originally allocated to complete the project and incorporate the replacement of the MDF main breaker.

**Small Projects Fund (formerly Contingency Fund) – \$100,000**

The purpose of the Small Projects Fund is to provide additional funding for unidentified projects and/or equipment that may need to be replaced or refurbished in FY 2024/2025. Much of the smaller ancillary equipment and components that the Authority owns are operated with the intent to ‘run to failure.’ This is a common practice at wastewater facilities with these types of assets, which include fans, valves, actuators, and small pumps and motors. While preventive maintenance is completed on a regular basis, forecasting an exact date of failure is not possible. The criteria for ‘run to failure’ are both

that the equipment can be readily procured and that there is sufficient redundancy to meet system firm capacity. In some cases, staff will purchase critical items and have them on the shelf, reducing system equipment downtime.

**ITEM NO. OM7 AVA COMMUNITY ENERGY PLAN RATE PLAN**

**Recommendation**

Provide direction to staff on any recommended changes to the Authority’s energy plan selections.

**Background**

In 2018, East Bay Community Energy (EBCE), now [Ava Community Energy](#) (Ava), began providing electric energy service to Alameda County customers. Ava is a Joint Powers Authority (JPA) formed by the County of Alameda and eleven of its cities. The JPA expanded in 2021 to include additional Alameda County communities and expects to extend service in 2025 to the San Joaquin County cities of Stockton and Lathrop. Ava currently serves the unincorporated areas of Alameda County (including Ashland, Castro Valley, Cherryland, Fairview, San Lorenzo, and Sunol) as well as San Leandro, Hayward, Fremont, Newark, and Union City.

The goal of Ava is to provide more renewable energy at competitive rates. Ava reinvests earnings back into the community to create local green energy jobs, local programs, and clean power projects.

At the outset, EBCE offered three plans:

Bright Choice	1.5% discount from PG&E rates	85% carbon free and of that, 38% renewable
Brilliant 100	Same rate as PG&E	100% carbon free, 40% renewable
Renewable 100	\$0.01 per kWh above PG&E rates	100% renewable

Enrollment in EBCE plans happened automatically in November 2018. EBCE initially enrolled the accounts for EBDA facilities in plans consistent with the plans selected by the cities in which those facilities reside. The facilities located in San Leandro and San Lorenzo - MDF, SLEPS, and OLEPS – were on the Bright Choice Plan. HEPS was on the Brilliant 100 Plan, as chosen by Hayward. EBDA does not have an account for UEPS; electric services are billed through USD. After considering the costs and benefits of the plan options, the Commission directed enrollment of all EBDA facilities in the Brilliant 100 Plan.

In January 2022, EBCE eliminated the Brilliant 100 plan from its offerings. The updated options were as follows:

Bright Choice	1% below PG&E rates	40% renewable
Renewable 100	\$0.01 per kWh above PG&E rates	100% renewable

After again considering the costs and benefits of the plan options, the Commission directed enrollment of all EBDA facilities in the Renewable 100 Plan.

**Discussion**

Ava has once again updated the details of its rate plans, and staff is seeking direction on plan selection for Authority facilities. MDF, OLEPS, and HEPS are currently enrolled in Renewable 100, based on previous direction. Current rate options are as follows:

Bright Choice	5% below PG&E rates	49.4% renewable
Renewable 100	\$0.0025 per kWh above PG&E rates	100% renewable

Currently, of EBDA’s members, the Cities of San Leandro and Hayward, as well as Oro Loma have opted for the Renewable 100 Plan, and USD is on the Bright Choice Plan.

To illustrate the range of potential cost savings EBDA would realize by switching from Renewable 100 to Bright Choice, staff looked at FY 2021/2022, a dry year, and FY 2022/2023, a wet year. Results of this analysis are shown below. Total savings if all facilities were switched to Bright Choice would range from approximately \$12k to \$19k.

**Dry Year Example (FY 2021/2022):**

	Renewable 100	Bright Choice	Difference
HEPS	\$62,425	\$60,575	\$1,850
MDF	\$51,853	\$50,298	\$1,555
OLEPS	\$289,076	\$280,714	\$8,362
Total	\$403,354	\$391,588	\$11,767

**Wet Year Example (FY 2022/2023):**

	Renewable 100	Bright Choice	Difference
HEPS	\$82,682	\$79,777	\$2,905
MDF	\$54,480	\$52,482	\$1,998
OLEPS	\$389,455	\$375,501	\$13,954
Total	\$526,617	\$507,761	\$18,857

Staff is seeking Committee direction on whether to retain the Renewable 100 plan for all three facilities, or whether to switch to Bright Choice for individual or all facilities. Plan changes can be made at any time. The proposed FY 2024/2025 budget presented in Item No. FM7 assumes Renewable 100 for all facilities.

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**ITEM NO. 16**

**PERSONNEL COMMITTEE AGENDA**

**Tuesday, May 14, 2024  
4:00 PM**

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

**This meeting will be teleconferenced from the following location:  
4671 X Street, Sacramento, CA**

**Teleconference link: <https://us02web.zoom.us/j/85037576026>  
Call-in: 1(669) 900-6833 and enter Webinar ID number: 850 3757 6026**

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

- P1. Call to Order**
- P2. Roll Call**
- P3. Public Forum**
- P4. Review of Retiree Medical Benefits**  
(The Committee will discuss options for Authority benefits.)
- P5. General Manager Performance Review Template**  
(The Committee will review the GM performance review form and process.)
- P6. 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 Juanita Villasenor at [juanita@ebda.org](mailto:juanita@ebda.org) or (510) 278-5910. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

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

**Next Scheduled Personnel Committee meeting is  
June 18, 2024 at 4:00 pm**

## ITEM NO. P4 REVIEW OF RETIREE MEDICAL BENEFITS

### Recommendation

Provide direction to staff on any changes to retiree medical benefits.

### Strategic Plan Linkage

4. **Financial:** Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers' resources.
  - b. Proactively manage expenditures to stay within adopted budget.
5. **Sustained Organization:** Sustain a functional, productive, resilient organization to ensure EBDA can strive to achieve its Mission and Vision.
  - b. Provide professional development opportunities and competitive pay and benefits to attract and retain high caliber staff.

### Background

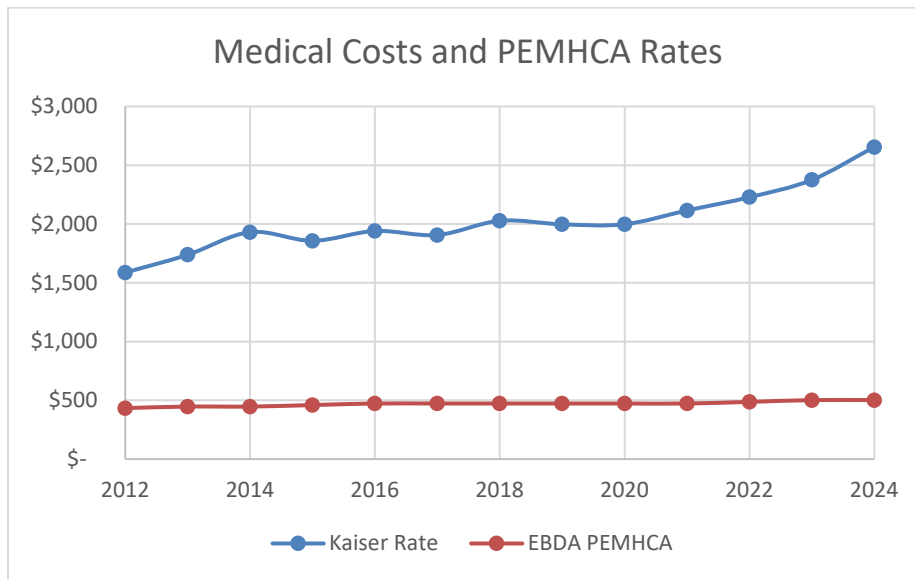
In reviewing benefits-related budget assumptions in February and staff's draft Compensation Plan in March, the Committee requested additional information on EBDA's current retiree medical benefits, trends of EBDA's benefits and medical costs, and practices for retiree medical benefits employed by other agencies.

The Authority provides medical benefits to its eligible retirees through the CalPERS Health Plan, which is governed by the Public Employees' Medical and Hospital Care Act (PEMHCA). In FY 2023/2024, the Authority pays up to \$502 per month toward the cost of the monthly medical premiums for the retired employee and dependents. Currently, six EBDA retirees participate in the health plan. Four participants receive the PEMHCA rate as their medical benefit, and two participants negotiated contracts to receive full reimbursement for two-party medical premiums. Actual cost for retiree medical ranges from \$448.15 (with Medicare subsidy) to \$2,042.82 (for employee and spouse without Medicare).

As presented in last month's Financial Management Committee, the Authority's California Employers Retiree Benefit Trust (CERBT) Fund to pre-fund other post-employment benefits (OPEB) is currently funded at 99%, exceeding the Commission's target funding level of 80%. The Authority has taken reimbursements from the CERBT to fully cover retiree medical disbursements each of the past several years.

### Discussion

As discussed previously, the Authority's contributions to retiree medical coverage via PEMHCA rates have not kept up with escalating medical costs. EBDA first adopted a PEMHCA rate in 1976. The graph below shows EBDA's PEMHCA over time.



Last month, staff presented the Committee with a range of options for bringing EBDA’s retiree health benefits more in line with other agencies’. These included the following:

- Raising the PEMHCA.
- Establishing a health reimbursement agreement (HRA). Under this approach, EBDA would contribute a percentage of each employee’s salary to an account from which the employee could draw for medical benefits upon retirement.
- Providing a defined benefit equal to some portion of the current Kaiser medical premium.

Upon further evaluating these options, staff is recommending that the Commission employ the third option of providing a defined benefit. Government Code Section 22892(a) requires amendments to the Authority’s health contract, such as changes to the employer contribution (“PEMHCA rate”), be made by resolution submitted to CalPERS. By pegging the value of the benefit in relation to the premium, for example a percentage of the one-party rate, the benefit will automatically adjust. Modifying benefits outside of changes to the PEMHCA rate can be done administratively through the Authority’s Personnel Policy.

The current price of coverage for the retiree plus one without Medicare is \$2,043. For the retiree only, the price is \$1,021. As noted above, EBDA currently has four retirees that receive PEMHCA as their medical benefit, and two retirees that already receive retiree plus one medical coverage for themselves and their spouses based on their negotiated contracts. Most of EBDA’s retirees also qualify for Medicare, significantly lowering their premiums. The table below summarizes monthly costs for current retirees in FY 2023/2024.

Agenda Explanation  
 East Bay Dischargers Authority  
 Personnel Committee  
 May 14, 2024

Retiree	Current Retiree Health Benefit	Medicare	Total Premium	EBDA Paid	Employee Paid
A	PEMHCA	X	\$ 896	\$ 502	\$ 394
B	PEMHCA	X	\$ 785	\$ 502	\$ 283
C	PEMHCA	X	\$ 448	\$ 448	
D	PEMHCA	X	\$ 448	\$ 448	
E	PEMHCA plus reimbursement		\$ 1,346	\$ 1,346	
F	PEMHCA plus reimbursement	X	\$ 650	\$ 650	
			\$ 4,574	\$ 3,896	\$ 678

As illustrated by the table, the overall cost to EBDA if the Authority were to move from the current PEMHCA-only system to covering the premium is \$678 per month. Note that in FY 2024/2025, the monthly medical premium for retiree “E” will be reduced by \$697 per month when their spouse becomes eligible for Medicare, thus offsetting the increase in cost associated with the change.

As discussed in April, the Committee may also consider increasing the vesting period for the retiree health benefits. EBDA’s current vesting requirement for its PEMHCA-based benefit is five years of continuous employment with the Authority. The Committee may wish to consider a gradually increasing vesting period tied to increasing benefits, similar to several of EBDA’s Member Agencies, as shown below:

Oro Loma Sanitary District  
 (% of one-party rate)

YEARS	AGE	PERCENTAGE
<b>Minimum Age 60</b>		
15	60	50%
16	60	60%
17	60	70%
18	60	80%
19	60	90%
20	60	100%
Minimum age and service to collect benefits is 15 years at age 60.		

**Table C**

Castro Valley Sanitary District  
 (% of one-party rate)

Years of Service	Percentage
10	50
11	55
12	60
13	65
14	70
15	75
16	80
17	85
18	90
19	95
20	100

A summary of all member agencies' current retiree medical benefits is presented in the following table.

**EBDA Member Agencies Retiree Medical Benefits for Management**

Agency	Hire Date	Benefit	Eligibility Requirements	
			Health Vesting	Minimum Age
Castro Valley Sanitary District	After March 1, 2011	50% one-party rate, increasing 5% for each additional year, up to 100% @ 20 yrs	10	
Oro Loma Sanitary District	After June 27, 2011	50% one-party rate, increasing 10% each additional year, up to 100% @ 20 yrs	15	60
Union Sanitary District		\$475 @ 10 yrs, \$575 @ 15 yrs, \$675 @ 20+ yrs	10	50
City of San Leandro		Reimbursement up to \$360 including PEMHCA amount paid directly to CalPERS.	5	
City of Hayward		\$274.72	10	

Staff recommends that EBDA adopt a graduated benefit with increasing years of service, consistent with CVSan and Oro Loma's, as follows:

Years of CalPERS Service	Percentage of One-party Health Plan Cost
10	50
11	55
12	60
13	65
14	70
15	75
16	80
17	85
18	90
19	95
20	100

Because EBDA's positions are management level, employees are unlikely to have started their careers with the agency. They are more likely to be closer to retirement, having moved up through the ranks at other agencies. For this reason, staff recommends vesting periods based on years of CalPERS service rather than years with the Authority. The five-year minimum service with EBDA would still apply for all retiree health benefits. Staff further recommends that any change to the vesting period apply to employees hired after January 1, 2013.

**ITEM NO. P5 GENERAL MANAGER PERFORMANCE REVIEW TEMPLATE**

**Recommendation**

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

**Background**

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

**Discussion**

At the Commission Meeting in June, the Commission will meet in closed session to discuss the following:

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

Attached for the Committee's review and discussion is the performance review template that has been used for the Commission's GM performance review process for the past several years. Following any feedback from the Committee, the template will be distributed to the Commission via email as a spreadsheet to be completed and returned to EBDA Administration Manager for compilation. This same template has been used for the past four years, and provides a means for tracking progress and trends over time. As discussed previously, in lieu of individual performance goals for FY 2022/2023, the GM will be compared to the Commission's Strategic Plan goals, which were adopted in September 2023. Section D of the template provides an opportunity for Commissioners to provide that assessment. A copy of the adopted Strategic Plan is attached for reference. The General Manager's self-assessment for FY 2023/2024 will be provided to the Committee for consideration as part of the process in June.

DRAFT EBDA GM Performance Review

Performance Review - EBDA General Manager								
2023-24								
In the spaces provided (under your agency's name) rate the General Manager using the following criteria: 1= unsatisfactory 2= needs improvement 3=competent 4= very good 5= outstanding n/a= not applicable								
	CVSan	San Leandro	OLSD	USD	Hayward	Total	Average	
<b>A</b>	<b>Accountability and Fiscal Responsibility</b>							
1						0	#DIV/0!	Manages staff to produce high quality, accurate work, using resources efficiently and effectively.
2						0	#DIV/0!	Meets all deadlines, follows up on detail, completes projects on time and within budget.
3						0	#DIV/0!	Gives regular project and strategic planning goal updates at relevant meeting.
4						0	#DIV/0!	Conducts thorough research and analyzes data for informed decision making.
5						0	#DIV/0!	Actively anticipates, solves problems, and is forthright about mistakes.
6						0	#DIV/0!	Models a high level work ethic.
7						0	#DIV/0!	Has in depth, comprehensive knowledge, and keeps up-to-date on policies, regulations, and laws.
8						0	#DIV/0!	Represents organization accurately, positively, and in a professional manner in public.
9						0	#DIV/0!	Actively implements improvements by reducing expenditures and increasing efficiency.
	0	0	0	0	0	0	0.0	
Comments:								

DRAFT EBDA GM Performance Review

		CVSan	San Leandro	OLSD	USD	Hayward	Total	Average	
<b>B</b>	<b>Leadership</b>								
	1						0	#DIV/0!	Fully involves appropriate stakeholders in shaping plans and decisions that effect them.
	2						0	#DIV/0!	Actively demonstrates creative and strategic thinking and planning at meetings.
	3						0	#DIV/0!	Solicits feedback from others on own performance on a regular basis.
	4						0	#DIV/0!	Is consistently open and non-defensive when receiving feedback.
	5						0	#DIV/0!	Is proactive in assisting in day-to-day problem solving.
	6						0	#DIV/0!	Exhibits flexibility in decision making associated with changing priorities.
	7						0	#DIV/0!	In crisis situations, makes excellent, timely decisions.
	8						0	#DIV/0!	Communicates a purpose and clear direction for all projects.
	9						0	#DIV/0!	Fully tracks progress of all contracts and holds them accountable
		0	0	0	0	0	0		
									Comments:



DRAFT EBDA GM Performance Review

	CVSan	San Leandro	OLSD	USD	Hayward	Total	Average	
<b>C</b>	<b>Teamwork &amp; Cooperation</b>							
1						0	#DIV/0!	Fully cooperates with others to find win-win solutions.
2						0	#DIV/0!	Gives credit & acknowledgment without fail to those deserving.
3						0	#DIV/0!	Keeps all time agreements: meetings, projects, appointments, and is fully prepared.
4						0	#DIV/0!	Works collaboratively to solve problems.
5						0	#DIV/0!	Regularly encourages, supports, and contributes to other's success.
	0	0	0	0	0	0		
	Comments:							
	CVSan	San Leandro	OLSD	USD	Hayward	Total	Average	
<b>D</b>	<b>Achievement relative to goals</b>							
1						0	#DIV/0!	<b>Regulatory Compliance:</b> Proactively meet or exceed regulatory requirements for protection of the environment and public health.
2						0	#DIV/0!	<b>Operations &amp; Maintenance:</b> Ensure reliable operations & maintenance of the EBDA system to protect public health and the Bay.
3						0	#DIV/0!	<b>Financial:</b> Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers' resources.
4						0	#DIV/0!	<b>Sustained Organization:</b> Sustain a functional, productive, resilient organization to ensure EBDA can strive to achieve its Mission and Vision.
5						0	#DIV/0!	<b>Resilience:</b> Champion resilience for communities and the environment through regional leadership and advancing priority programs to support the Member Agencies in achieving their sustainability goals.
6						0	#DIV/0!	<b>Internal Collaboration:</b> Expand cooperation among EBDA Member Agencies to improve economies of scale, reduce duplication of effort, and enhance each Agency's capacity.
7						0	#DIV/0!	<b>External Collaboration:</b> Collaborate with external stakeholders to build strong relationships for joint problem-solving and to expand EBDA's and its Member Agencies' reach.
	0	0	0	0	0	0		
	Comments:							

DRAFT EBDA GM Performance Review

	CVSan	San Leandro	OLSD	USD	Hayward	Total	Average		
<b>E</b>	<b>Personal Characteristics (Character, Trust, Integrity)</b>								
1						0	#DIV/0!	Actively listens, without judgment or defense. Checks facts vs. making assumptions.	
2						0	#DIV/0!	Keeps others informed in a timely manner. Avoids "surprises."	
3						0	#DIV/0!	Writes and speaks clearly and concisely.	
4						0	#DIV/0!	Habitually uses constructive feedback & positive body language.	
5						0	#DIV/0!	Keeps open lines of communication, speaking his/her convictions.	
6						0	#DIV/0!	Takes the time to be available to listen to stakeholders	
7						0	#DIV/0!	Never has hidden agenda (5pts = never)	
8						0	#DIV/0!	Is completely truthful and trustworthy.	
9						0	#DIV/0!	Is fair in all dealings, listens and reports all sides of issue.	
10						0	#DIV/0!	Treats others equally, not showing any favoritism.	
	0	0	0	0	0	0			
Comments:									
<b>Give your overall rating and reasons for this rating, citing any other relevant examples</b>									
CVSan	0	0	0	0	0	0	0.0		
San Leandro	0	0	0	0	0	0	0.0		
OLSD	0	0	0	0	0	0	0.0		
USD	0	0	0	0	0	0	0.0		
Hayward	0	0	0	0	0	0	0.0		
						Totals	Possible		
<b>Accountability and Fiscal Responsibility</b>						0	225	0.0%	
<b>Leadership</b>						0	225	0.0%	
<b>Teamwork &amp; Cooperation</b>						0	125	0.0%	
<b>Achievement</b>						0	175	0.0%	
<b>Personal Characteristics (Character, Trust, Integrity)</b>						0	250	0.0%	
						0	1000	Overall Average = %	
								0.0%	
<b>Comments:</b>									



# EBDA Strategic Plan

Adopted September 21, 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*.

CHAIR  
Anjali Lathi  
Union S.D.

VICE-CHAIR  
Fred Simon  
Oro Loma S.D.

COMMISSIONER  
Ralph Johnson  
Castro Valley S.D.

COMMISSIONER  
Bryan Azevedo  
City of San Leandro

COMMISSIONER  
Angela Andrews  
City of Hayward

GENERAL MANAGER  
Jacqueline T. Zipkin  
LEGAL COUNSEL  
Eric S. Casher

- 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. 17 RESOLUTION OF APPRECIATION FOR DEBORAH A. QUINN**

Deborah A. Quinn served as the Authority's contract accountant beginning in March 1, 1989. Initially engaged for a period of six months, Ms. Quinn retired in early 2024 after thirty-five years of dedicated service. Authority staff and Commissioners congratulate Debbie on her retirement and wish her well.

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

RESOLUTION NO. 24-02

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

**RESOLUTION OF APPRECIATION FOR  
DEBORAH A. QUINN**

**WHEREAS**, Deborah A. Quinn was contracted to provide financial services for the East Bay Dischargers Authority in March 1989; and

**WHEREAS**, as the Authority's contract accountant, Deborah A. Quinn was responsible for accounting and bookkeeping tasks for a period of thirty-five years; and

**WHEREAS**, Deborah A. Quinn played a key role in the successful completion of annual audits of the Authority's Financial Statements; and

**WHEREAS**, Deborah A. Quinn provided valuable expertise and historical knowledge to the Authority on all things finance; and

**WHEREAS**, during Deborah A. Quinn's tenure, the Authority has continued to be a recognized leader among wastewater agencies in the San Francisco Bay Area.

**NOW, THEREFORE, BE IT RESOLVED**, that the Commission and staff of the East Bay Dischargers Authority and its member agencies hereby extend their appreciation and gratitude to Deborah A. Quinn for her many contributions and dedicated service.

**BE IT FURTHER RESOLVED**, that the Commission and staff of the East Bay Dischargers Authority and its member agencies hereby offer best wishes to Deborah A. Quinn.

SAN LORENZO, CALIFORNIA, MAY 16, 2024, ADOPTED BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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

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



**ITEM NO. 18 ITEMS FROM THE COMMISSION AND STAFF**

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

**ITEM NO. 19 ADJOURNMENT**