



EAST BAY DISCHARGERS AUTHORITY  
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*A Joint Powers Public Agency*

**ITEM NO. 14**

**REGULATORY AFFAIRS COMMITTEE AGENDA**

**Tuesday, December 17, 2024**

**9:00 A.M.**

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

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

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

**RA6. Overview of CASA Actions on PFAS**  
(The Committee will review the summary.)

**RA7. Motion Authorizing the General Manager to Enter into a Funding Agreement with the Association of Bay Area Governments for the First Mile Horizontal Levee Project in the Amount of \$1,175,000**  
(The Committee will consider the motion.)

**RA8. 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 Administration Manager 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.

Agenda Explanation  
East Bay Dischargers Authority  
Regulatory Affairs Committee  
December 17, 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 Regulatory Affairs Committee Meeting  
Tuesday, February 18, 2025 at 9:00 a.m.**

**ITEM NO. RA5 QUARTERLY REPORTING CHECKLIST**

**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**

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

**Discussion**

The following checklist is extracted from a complete list of routine regulatory activities addressed throughout the year. The following items were completed during the period of July 1 – November 30, 2024; there are no outstanding activities.

<i>Authority</i>	<i>Required Action</i>	<i>Occurrence</i>	<i>Date Completed</i>
CalPERS	Out-of-Class Appointment Reporting	Annual	7/2/2024
CalPERS	SSSA Annual Information Request	Annual	7/2/2024
County of Alameda, Clerk/Recorder	Statement of Facts/Roster of Public Agencies Filing (FY changes to Commission)	Annual	7/3/2024
Secretary of State	Statement of Facts/Roster of Public Agencies Filing (FY changes to Commission)	Annual	7/3/2024
State of California	Annual posting of EE Reimbursements Report to EBDA Website (GC §53065.5)	Annual	7/5/2024
State Compensation Insurance Fund	Payroll Report, Semi-Annual Jan 01 - Jul 01	Semi-Annual	7/5/2024
Bay Area Air Quality Management District	Complete <i>Data Update</i> form Plant #14528 - Permit Expiration Date: Nov 1	Annual	7/5/2024
Bay Area Air Quality Management District	Pay renewal fee for <i>Permit to Operate</i> Plant #14531	Annual	7/15/2024
CalPERS	CERBT OPEB Valuation and Valuation Packet	Biennial	7/16/2024
Department of Toxic Substances Control	EPA ID Number (CAL000072039) Verification Questionnaire and Manifest Fees Assessment	Annual	7/25/2024
East Bay Dischargers Authority	GM Remind Member Agencies to provide statement confirming Budget line item for EBDA Emergency Reserves Policy	Annual	7/25/2024
State Water Resources Control Board	NPDES Quarterly Report (Apr-Jun)	Quarterly	7/26/2024
ADP Business Payroll	Payroll Tax Return Download Quarter 2	Quarterly	7/30/2024
East Bay Dischargers Authority	Register.com - renew domain name registration	Annual	8/27/2024
Oro Loma Sanitary District	Lease Fees	Annual	8/30/2024
Alliant Insurance Services, Inc	CSRMA Pooled Liability Program Renewal Questionnaire	Annual	9/19/2024
Bay Area Air Quality Management District	Pay renewal fee for <i>Permit to Operate</i> Plant #14528	Annual	9/30/2024
State Water Resources Control Board	NPDES Quarterly Report (Jul-Sep)	Quarterly	10/30/2024
Alameda County	Review <i>Conflict of Interest Code</i> and submit to Clerk of the Board	Biennial	10/30/2024
Regional Monitoring Program % SFEI	Participant Fee - Pay half	Annual	11/15/2024
Bureau of Labor Statistics	Report monthly employment figures, include Commissioners and Staff	Monthly	11/21/2024
Regional Water Quality Control Board	Recycled Water monthly reports	Monthly	11/26/2024
State Water Resources Control Board	NPDES monthly reports	Monthly	11/28/2024

## ITEM NO. RA6 OVERVIEW OF CASA ACTIONS ON PFAS

### Recommendation

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

### Strategic Plan Linkage

2. **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.
  - e. Track and share scientific and regulatory developments related to emerging contaminants, and advocate for source control.

### Background

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

### Discussion

Over the past several years since PFAS emerged as a high priority class of compounds for wastewater managers, the California Association of Sanitation Agencies (CASA) has worked to advocate for thoughtful regulation and a focus on source control to prevent the compounds from reaching the environment via receivers like wastewater treatment plants and landfills. CASA's efforts, which are anchored in leadership from its members including EBDA and our Member Agencies, are summarized in the attached overview document. The document also contains a multitude of useful links and references on the topic.

CASA's work continues to be timely as agencies including the State Water Resources Control Board and USEPA continue to place a high priority on PFAS, and public interest continues to grow through media coverage of the issue. In November, USEPA released a status report on efforts under their PFAS Strategic Roadmap, which can be found here: [https://www.epa.gov/system/files/documents/2024-11/epas-pfas-strategic-roadmap-2024\\_508.pdf](https://www.epa.gov/system/files/documents/2024-11/epas-pfas-strategic-roadmap-2024_508.pdf). It is currently unclear whether the incoming administration will continue to advance PFAS efforts at the same pace.

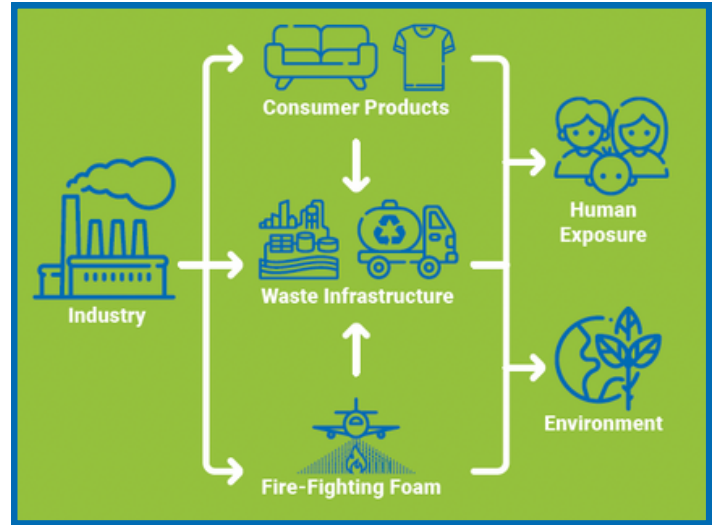


## **Overview of CASA Actions on PFAS**

On behalf of our members, CASA has been exceptionally active on all facets of per- and polyfluoroalkyl substances (PFAS). Activities include sponsoring state legislation, supporting federal legislation, commenting on developing state and federal regulatory policies, tracking litigation, hosting deep-dive webinars, preparing communication materials and fact sheets based on sound science, and many others. The intent of this overview is to provide a summary of CASA's actions over the last few years, as well as share links to the many resources and materials available to our members for reference and use.

## Background

PFAS is a class of manmade fluorinated compounds used in both the manufacturing and production of industrial and commercial products. These compounds are widely used because they are resistant to heat, water, oil and degradation. Because of those properties, they are commonly found in household products, including carpets, furniture, clothing, cosmetics, lubricants, paint, non-stick cookware, pizza boxes, popcorn bags and many others. However, there is evidence that [exposure to specific PFAS](#) compounds at certain levels could lead to [adverse human health effects](#).



Public wastewater treatment plants are involuntary recipients of these ubiquitous compounds because they are found in an array of consumer products being washed down indoor drains and flushed down toilets. Source control and other upstream actions are critical for stopping the transport of these compounds at their source for the wastewater sector to uphold its mission of protecting public health and the environment.

## Communications Efforts, Conference Sessions, Webinars & More

One of CASA's highest priorities is the development and distribution of accurate communication materials regarding the sources, impacts and management options related to PFAS. In addition to our core advocacy on PFAS, CASA has developed and shared educational resources to our members, regulators, legislators and by extension the public through a series of webinars, fact sheets, presentations and other media. For example, CASA developed a [guide for firefighters](#) on the proper disposal of firefighting foam containing PFAS, avoiding the use of storm and sanitary sewers in support of Senate Bill (SB) 1044. CASA has also produced fact sheets at the [state-level](#) and, in support of a [national coalition](#), to address common questions from members about PFAS relating to wastewater treatment, including effluent and biosolids. Another way CASA works to educate its stakeholders is by contributing to articles published in magazines and newspapers. For example, CASA contributed an article in the [Western City Magazine](#) discussing the impact of PFAS on cities.

Finally, CASA has supported a group of members ([PFAS411.org](#)) in developing [public facing materials](#) to help explain to the broader audience the issues facing the wastewater sector due to PFAS.

## Communications Efforts, Conference Sessions, Webinars & More (cont.)

CASA has also hosted several workshops and conference sessions on this topic.

We worked closely with the Clean Water Summit Partners to host [webinars](#) that deliver direct insight into the state of PFAS. Additionally, CASA has established a forum for presentations and discussion during our Annual and Winter [conferences](#), consisting of technical tracks or roundtables focused on PFAS. Our 2023 Winter Conference featured a [keynote](#) on PFAS by an NGO leader. Other examples of engagement include a suite of interactive webinars that over the years, including:

- An [webinar](#) featuring an [Overview, Perspectives and Communication in Addressing PFAS](#) and [State and Local Approaches and Research Updates](#) viewed by more than 400 attendees, including CASA members, regulators, legislative staff and other policy makers.
- An [“Ask the Experts” webinar](#) in 2022 entitled “Partnering on PFAS”.
- A [comprehensive webinar](#) in 2021 that reviewed the results of the SWRCB investigative order, an examination of PFAS migration in soil and biosolids and a summary of state and federal initiatives.

In addition to educating stakeholders, there is a significant level of misunderstanding and misinformation about PFAS related to its various sources, pathways and effects that need to be tracked and addressed. CASA has been at the forefront of identifying and clarifying the role of the clean water sector as it relates to the larger context. For example, in 2022, CASA [provided remarks](#) in response to the Sierra Club report entitled [“Sludge in the Garden: Toxic PFAS in Home Fertilizers Made from Sewage Sludge.”](#) Additionally, when the State of Maine began exploring a ban on land application of biosolids based on data that only represented paper mill residuals, CASA led a coalition of organizations to [provide scientific input](#) on the matter. While Maine experienced a unique environmental problem, the sources of the PFAS which caused it were paper mills that either produced or recycled paper products containing PFAS. In contrast, [Michigan took a more proactive approach](#). If biosolids exceeded a specific threshold, they would then be considered industrially impacted and regulators would work with the wastewater sector to identify, mitigate and abate the PFAS contamination at the source. This approach proved successful, has been adopted by other states, and is conceptually supported by the U.S. Environmental Protection Agency (USEPA). CASA provided opportunities for Michigan regulators to share this approach in numerous California-based meetings and webinar settings. We have prioritized providing our members with accurate, reliable and effective communication regarding PFAS for several years, and will continue to do so in the future.

## State & Federal Regulatory Engagement

At the state level, CASA is engaged at the California Environmental Protection Agency (CalEPA) with the State Water Resources Control Board (State Water Board) and the Department of Toxic Substances Control (DTSC) to address the introduction of PFAS into California's wastewater system. Specifically, CASA has been advocating for regulations that curtail usage of PFAS in manufacturing processes and in commercial products. At the same time, CASA has encouraged regulatory bodies to continue investigating the health risks of PFAS in an effort to develop strategies that mitigate and abate the PFAS impacts to wastewater systems. CASA is a valued stakeholder at the State Water Board and has been from the very beginning of [Phase 3](#) of their [PFAS investigation at publicly owned treatment works](#). Notably, CASA was engaged when the State Water Board was drafting the [13267 investigative order](#) distributed to permittees in 2020. In April 2022, the State Water Board invited CDM Smith and CASA to present to the Board the analysis and findings from the year-long investigation, which notably concluded that most wastewater effluent contains non-detectable amounts of targeted PFAS analytes. CASA has also been involved with [DTSC](#) efforts to examine and potentially ban PFAS uses in specific consumer products (such as [carpeting](#)), and provided [stakeholder feedback](#) to the State Water Board and USEPA for their consideration in the development of [maximum contaminant levels for drinking water](#).

Federal regulatory efforts have been one of the most active arenas for the regulation of PFAS. Most of these efforts have been spearheaded by USEPA, which is responsible for advancing regulatory action to address PFAS contamination and pollution in environmental media. CASA has provided detailed technical and substantive input during the rulemaking and policy guidance process, weighing in every step of the way. Under the Biden Administration, the USEPA developed a [PFAS Strategic Roadmap](#) for 2021-2024 setting out timetables and priorities for the PFAS regulatory process. CASA recognized the importance of the Roadmap and worked with USEPA to educate agency officials as they developed [effluent guidelines](#). As one example of these efforts, CASA provided comments on numerous documents including the [interim guidance for PFAS destruction and disposal](#) followed by USEPA's [Fifth Unregulated Contaminant Monitoring Rule](#) to monitor for PFAS in drinking water, and the [three actions to protect communities and the environment from PFAS](#). At the same time, CASA has been highly engaged with USEPA on the [risk assessment of biosolids](#), anticipated to be complete by end of 2024. CASA provided [comments](#) on USEPA's proposed information collection request to sample and collect data on PFAS in wastewater for further study. For the last few years, CASA has hosted its annual Washington, D.C. [Policy Forum](#) where USEPA officials present the status of their latest efforts related to PFAS and how rules and guidance would impact the wastewater sector. Our annual forum ensures that CASA remains in step with USEPA and tracks actions that might impose new requirements on member agencies.



## State Legislative Efforts: True Source Control, Essentiality, & More

CASA has been advocating for PFAS source control through the California Legislature and the Governor's office for many years. More specifically, CASA has sponsored several bills, some of which passed through the legislature and were enacted, others which passed in the legislature but were unfortunately vetoed, and others which died during the legislative process due to cost concerns. These bills include [AB 2247 \(Bloom\)](#) 2022, which would have required manufacturers to [disclose intentionally added PFAS](#) in their products and [AB 727 \(Weber\)](#) 2023, which would have banned [PFAS in cleaning products](#). CASA also supported [AB 2515 \(Papan\)](#) 2024, [AB 1423 \(Schiavo\)](#) 2023, [AB 1817 \(Ting\)](#) 2022, [AB 2771 \(Friedman\)](#) 2022, [AB 652 \(Friedman\)](#) 2021 and [AB 1200 \(Ting\)](#) 2021. In 2024, CASA sponsored [SB 903 \(Skinner\)](#), which would have established a ban on the sale of products containing intentionally added PFAS and establish a framework for the DTSC to evaluate currently unavoidable uses of PFAS in commerce. While there has been mixed success on PFAS legislation, the ongoing process of informing legislators about our status and the need to focus on source control for these products is exceptionally valuable. In addition, our successful partnership with the environmental NGO community on addressing PFAS and the important joint messaging that occurred as these bills moved through committees has elevated CASA as a leading stakeholder relative to PFAS policy development at the Capitol.

## Federal Legislative Efforts: PFAS Designation as Hazardous Substance

One of the most significant PFAS issues for the clean water community in the federal legislative arena is the designation of [PFAS as a hazardous substance](#) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The designation creates the potential for imposing clean-up liability on public agencies despite the fact that agencies are involuntary receivers of PFAS. CASA advocated for legislation and regulations that clarify the designation would not impose liability on the clean water sector. In fact, CASA has been working with the USEPA to address the CERCLA designation of PFOA & PFOS since the concept was first introduced. CASA's advocacy has focused on holding those responsible for the manufacture and introduction of these chemicals into the stream of commerce liable for their actions and advocating for an exemption for local public agencies who are "involuntary receivers" of PFAS. CASA has garnered [support for this position](#) from key Members of Congress and has provided information and comments on proposals to address potential liability as requested by Congress. CASA has participated in [Congressional briefings](#) on PFAS to share the clean water community's perspective on these chemicals. We are also involved with the [passive receivers coalition](#) of similarly situated entities, where CASA has been a leading member, providing testimony during Congressional Hearings to educate Representatives on how the clean water sector does not contribute PFAS to the environment, but could potentially be left with the responsibility of mitigating the environmental impacts.



## Coalition Efforts, Research Efforts, & Legal Advocacy

CASA is an active partner within the passive receivers coalition at the federal level working with stakeholders to develop common sense approaches protecting involuntary receivers, like the wastewater sector, and the public at-large to ensure the burden of cleanup does not fall upon ratepayers. We also work with our regional partners (BACWA, Clean Water SoCal and CVCWA) on PFAS related issues and information. Additionally, our sponsored state legislation has been developed in close collaboration with Clean Water Action, Natural Resources Defense Council, Environmental Working Group and other environmental NGOs. Through our work on PFAS, CASA established and deepened existing partnerships with a broad array of stakeholders who now understand the perspective of the clean water community on issues beyond PFAS.

Working alongside national clean water groups, we are expanding our reach and conducting important advocacy and education, including distribution of key resources. For example, the [Environmental Council of the States \(ECOS\)](#) has published materials on PFAS, including an evaluation of different states' actions and efforts on PFAS. The Water Environment Federation has developed a [compendium of materials](#) exceptionally useful to members, and there have been several efforts led by private consulting firms, including development of a tool for the American Water Works Association membership to help [calculate PFAS compliance costs](#).

Research into PFAS is also an essential element of addressing the array of issues related to these chemicals. While CASA does not perform its own research, CASA has worked closely with our NGO partners to ensure legislation and regulation is based on the most up to date science. In support of this, CASA has not only been tracking related research to date, but we have also proactively supported research efforts. CASA advocated in support of [Pima County, Arizona](#) where they were facing a temporary ban based in part on PFAS concerns. We closely tracked efforts led by Dr. Ian Pepper at the University of Arizona to determine if PFAS migrated to groundwater following long-term land application of biosolids. The ban on land application of biosolids was ultimately lifted in Pima County based on [research](#) showing minimal transport of and exposure to PFAS from biosolids. Since the success of that project, CASA then worked with Dr. Pepper to expand the [University of Arizona Water & Energy Sustainable Technology \(WEST\) Center-led National Collaborative Study. The National Collaborative Research Project](#) obtained soil samples from 23 sites in 17 states, including California, to evaluate the potential for migration of PFAS into groundwater from biosolids. The [preliminary report](#) was released in July of 2024, and the final report summarizing the results of the first phase of the study should be released by the end of 2024. A second phase is planned to follow with the goal of evaluating the potential for crop uptake of PFAS using the same sites that were used in the first phase. In addition to research support, CASA continues tracking ongoing research out of the Water Research Foundation, the USEPA, the W5170 multi-state USDA research committee and other groups.

## Coalition Efforts, Research Efforts, & Legal Advocacy (cont.)

CASA also encourages scientific reviews of studies by respected experts, and tracks the development of [analytical methods](#) for PFAS testing. An example of this is the research investigating the [toxicity of PFOA on aquatic life](#). In 2020, [CASA commissioned GSI Environmental Inc.](#) to perform and summarize an [environmental evaluation of the underlying science](#) used by the Office of Environmental Health Hazard Assessment (OEHHA) and the State Water Board. It was relied upon in the development of regulations that set [notification levels](#) for PFAS in treated effluent. Of critical importance, CASA has commissioned seven of the pre-eminent PFAS and biosolids researchers to review the science on which the publication of USEPA's risk assessment model is based. The group's review will inform CASA's efforts to formulate thoughtful comments on the assessment model. CASA also led efforts to produce [a letter co-signed by all US Regional Biosolids Associations to the USEPA](#) outlining potential consequences for accepted management practices. In this letter we expressed a willingness to work with USEPA to communicate the release of the risk assessment model to the public.

CASA closely tracks litigation, facilitates collaboration among attorneys and has been a signatory on multiple amicus briefs and comment letters related to the PFAS regulatory environment's impact on the clean water sector. For example, CASA partnered with ACWA and NACWA to submit an amicus brief on the [South Carolina MDL](#). Additionally, through our Attorneys Committee, CASA has provided special presentations on the [PFAS Class Action lawsuit](#) and the [State of California v. PFAS Manufacturers](#) Litigation where the California Attorney General filed an action against several PFAS manufacturers. CASA has worked to keep the clean water legal community informed of current legal issues, including chemical manufacturers' settlement of [PFAS legal claims](#) and [regulatory enforcement proceedings](#). The CASA attorneys continue to support the wastewater sector's position as involuntary receivers and underscore the need for source control.

## Conclusion

Per- and polyfluoroalkyl substances are pervasive, ubiquitous, and found in all media, including water, soil and air. This creates a complex and challenging situation for clean water agencies. CASA's role in educating our members, regulators and other stakeholders on the impacts of PFAS on wastewater treatment is ongoing, and the wastewater sector's ability to protect the public and beneficially use recovered renewable resources in support of community resilience remains our top priority. As long as these compounds are manufactured and persist in the environment, CASA will continue its PFAS advocacy on behalf of clean water agencies.

**ITEM NO. RA7 MOTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A FUNDING AGREEMENT WITH THE ASSOCIATION OF BAY AREA GOVERNMENTS FOR THE FIRST MILE HORIZONTAL LEVEE PROJECT IN THE AMOUNT OF \$1,175,000**

**Recommendation**

Approve the motion authorizing the General Manager to enter into a funding agreement with the Association of Bay Area Governments (ABAG).

**Strategic Plan Linkage**

- 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.
  - b. Advance concepts for shoreline adaptation and climate resilience.

**Background**

Wetlands, horizontal levees, and other “Nature-Based Solutions” (NBS) have the potential to provide multiple benefits including water quality improvement through reduction of nutrients and contaminants of emerging concern, creation or restoration of habitat, and protection from sea level rise.

In June 2019, the San Francisco Estuary Partnership (SFEP), was awarded a grant from the EPA Region IX Water Quality Improvement Fund (WQIF) for the Transforming Shorelines Project. The project contained several components aimed at advancing NBS at wastewater treatment plants, including continued UC Berkeley research at the Oro Loma Horizontal Levee demonstration project, a feasibility study for NBS at the Hayward Ponds, and design of the EBDA “First Mile” Horizontal Levee Project. As a sub-grantee, EBDA was responsible for leading, in close partnership with SFEP, implementation of the Hayward Ponds Study and the First Mile Project. To implement these projects, EBDA entered into a Funding Agreement with the Association of Bay Area Governments (ABAG), SFEP’s fiscal agent in the amount of \$650,000. Funds were used to reimburse EBDA for consultant expenses to advance the design. This grant concluded in June 2024. Work products included 30% design drawings and documentation for the First Mile.

In 2024, SFEP was awarded another grant from the EPA Region IX WQIF, this time for the Pivot Points Project. This project includes four components:

<b>Project Component</b>	<b>Lead Organization</b>
Developing an implementation strategy for the Hayward Area Shoreline Planning Agency’s (HASPA) Shoreline Adaptation Master Plan and strengthening HASPA’s capacity for governance of the NBS projects in the Master Plan in the long-term.	East Bay Regional Park District

Getting the First Mile Horizontal Levee to a shovel-ready state through design, permitting, and community engagement.	EBDA
Building institutional support and facilitating technology transfer for NBS through regional convenings and outreach to elected officials.	Save the Bay
Creating an NBS ‘State of Play’ report that leverages the work of a broad range of stakeholders to describe the status of NBS in the San Francisco Bay, identify key challenges and opportunities, and develop design guidelines for horizontal levees.	SFEP

Work also continues on development of NBS concepts for the Hayward Ponds under a separate WQIF grant secured by SFEP. That work is being led by the City of Hayward.

At the Commission meeting, staff will present an update on the status of the First Mile Project.

**Discussion**

Staff is recommending that the Authority enter into a new Funding Agreement with ABAG to implement the next phase of work on the First Mile Project. Because of the evolving nature of the scope for the project, the Funding Agreement maximizes flexibility to continue defining the project and deliverables while providing a framework for flow of grant funds and documentation. Under the Agreement, which runs through February 14, 2028, ABAG will reimburse EBDA for external project expenses up to \$1,175,000. Proposed tasks are as follows:

TASK	DESCRIPTION	COMPLETION DATE
<b>Task A: EBDA Project Management</b>		
A.1	Quarterly Reports and Invoices	Ongoing
<b>Task B: First Mile Horizontal Levee Design and Permitting Phase 1)</b>		
B.1	Final 60% Design	1/31/26
B.2	Permitting Roadmap	12/31/26
B.3	Copies of Submitted Permit Applications	12/31/27
B.4	QAPP (if needed)	12/31/27
<b>Task C: First Mile Horizontal Levee Design and Permitting Phase 2</b>		
C.1	Final 90% Design	04/30/27
C.2	Construction Strategy	07/31/27
C.3	Project Cost Estimate	10/31/27
C.4	CEQA Documentation	12/31/27

Agenda Explanation  
East Bay Dischargers Authority  
Regulatory Affairs Committee  
December 17, 2024

Following approval of the Funding Agreement, staff intends to issue a Request for Proposals seeking a consultant to complete the design and permitting work. Costs for the consultant would be reimbursed by SFEP per the Funding Agreement. The Agreement also requires a grant fund “match” of \$135,000, which would be provided by EBDA as in-kind staff support during the term of the Agreement.

In parallel and coordination with the EBDA-led design and permitting work, SFEP will also be leading public engagement efforts for both the HASPA Implementation Plan and the First Mile Project. This work will include partnership with [Teach Earth Action](#), a non-profit based at Chabot College.