



EAST BAY DISCHARGERS AUTHORITY
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A Joint Powers Public Agency

ITEM NO. 13

REGULATORY AFFAIRS COMMITTEE AGENDA

Wednesday, March 18, 2026

2:00 P.M.

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

Committee Members: Johnson (Chair); Andrews

- 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. Regulatory Reporting Checklist**
(The Committee will review a checklist of completed regulatory reporting items.)
- RA6. NPDES Annual Report**
(The Committee will review the Authority's Annual Report submittal.)
- RA7. BACWA Key Regulatory Issues Summary**
(The Committee will review BACWA's issues summary.)
- RA8. Nutrient Management Strategy State of the Science Report**
(The Committee will review a recent report from the San Francisco Estuary Institute.)
- RA9. East Bay Leadership Council Impact Report**
(The Committee will review the 2025 report.)
- RA10. 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.

Agenda Explanation
East Bay Dischargers Authority
Regulatory Affairs Committee
March 18, 2026

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

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

Next Scheduled Regulatory Affairs Committee Meeting Wednesday, June 16, 2026

ITEM NO. RA5 REGULATORY 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, 2025 – December 31, 2025; there are no outstanding activities.

<i>Authority</i>	<i>Required Action</i>	<i>Occurrence</i>	<i>Date Completed</i>
ADP Business Payroll	Payroll Tax Return Download Quarter 2	Quarterly	8/25/2025
Alameda County	Financial Statements Submittal	Annual	12/29/2025
Alliant Insurance Services, Inc	CSRMA Pooled Liability Program Renewal Questionnaire	Annual	11/4/2025
Bay Area Air Quality Management District	Pay renewal fee for <i>Permit to Operate</i> Plant #14531	Annual	7/15/2025
Bay Area Air Quality Management District	Complete <i>Data Update</i> form Plant #14528 - Permit Expiration Date: Nov 1	Annual	7/15/2025
Bay Area Air Quality Management District	Pay renewal fee for <i>Permit to Operate</i> Plant #14528	Annual	9/15/2025
Bureau of Automotive Repairs	Annual reporting transmittal (ART) Update with new vehicle information - SUBMIT BY DECEMBER 31	Annual	11/21/2025
Ca Sanitation Risk Mgmt Authority	Pooled Liability Insurance Program - EPL Incentive Application	Annual	12/8/2025
CalPERS	Out-of-Class Appointment Reporting	Annual	7/7/2025
CalPERS	SSSA Annual Information Request	Annual	7/26/2025
CalPERS CERBT	GASB 68 Reporting - Provide required data to contracted actuary	Annual	7/7/2025
East Bay Dischargers Authority	Spare Part Inventory	Annual	8/22/2025
East Bay Dischargers Authority	GM Remind Member Agencies to provide statement confirming Budget line item for EBDA Emergency Reserves Policy	Annual	8/15/2025
East Bay Dischargers Authority	Register.com - renew domain name registration	Annual	8/8/2025
Office of Emergency Services	Cal OES Form 130	Triennial	9/18/2025
Oro Loma Sanitary District	Lease Fees	Annual	8/28/2025
Oro Loma Sanitary District	Negotiate Land Lease Agreement Renewal - Expiration Date: June 30, 2030	Quinquennial	7/21/2025
Regional Monitoring Program % SFEI	Participant Fee	Annual	12/2/2025
Regional Water Quality Control Board	Recycled Water monthly reports	Monthly	12/22/2025
State Controller's Office	Financial Statements Submittal	Annual	12/29/2025
State Water Resources Control Board	NPDES monthly reports	Monthly	12/29/2025
State Water Resources Control Board	NPDES Quarterly Report (Apr-Jun)	Quarterly	7/28/2025
State Water Resources Control Board	NPDES Quarterly Report (Jul-Sep)	Quarterly	10/27/2025
State Water Resources Control Board	Annual Waste Discharge Permit Fee	Annual	12/2/2025
State Water Resources Control Board	Annual Recycled Water Permit Fee	Annual	12/2/2025
Various	Financial Statements Submittal	Annual	12/29/2025

ITEM NO. RA6 NPDES ANNUAL REPORT

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. Maintain consistent compliance with EBDA's National Pollutant Discharge Elimination System (NPDES) Permit.

Background

Each year at the end of January, EBDA is required by its NPDES permit to submit an annual report. The report provides a compendium of the status of EBDA's facilities, major projects undertaken by the Member Agencies, and discharge quality.

Discussion

EBDA's Annual Self-Monitoring Report is attached for the Commission's information.

2025 NPDES SELF-MONITORING PROGRAM ANNUAL REPORT

NPDES PERMIT NO. CA0037869

East Bay Dischargers Authority
City of San Leandro
Oro Loma Sanitary District
Castro Valley Sanitary District
City of Hayward
Union Sanitary District

January 29, 2026



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Section 1: Comprehensive Discussion of Treatment Plant Performance and Compliance

Major milestones and construction projects completed at the EBDA member treatment plants in 2025 included the following:

- Oro Loma/Castro Valley Sanitary Districts (OLSD/CVSan)
 - Installed new 580kW Tesla Megapack to shave peak energy loading from the utility. This is part of a new “micro-grid” battery system that ties all our energy producing equipment into one system. The stored energy will also assist with providing backup power to the treatment process in case of loss of utility connection. This will assist with continued operation of the treatment plant.
 - Continuing to operate a full scale sidestream nitrification process using Microvi’s biocatalyst. As constructed, approximately 100,000 gpd of belt press filtrate is treated each day. The sidestream contains approximately 17% of the total influent nitrogen. To date, the process reduces ammonia concentrations by 70%. Staff continues to work to improve the performance with a 90% removal target. The process is designed to reduce ammonia to nitrite or nitrate, which is readily available for denitrification in the mainstream process.
 - Much of the Oro Loma Sanitary District’s Capital Program spending has shifted to the collection system. The District is approximately 80% complete with its goal to replace 40 miles of sewer pipe by 2029 at an approximate cost of \$60M. The District has completed eight of ten planned contracts in 2025, with one currently in construction, and expects to award one more in 2026.
 - Oro Loma Sanitary District worked to improve chlorine dosing to EBDA by utilizing the EQ basin to remove peaks and valleys from our influent flow to maintain a chlorine residual setpoint at the disinfection channel.
 - Oro Loma Sanitary District is currently removing 98% ammonia from our influent flow. The District continues to monitor the process and evaluate ways to reduce the total nitrogen in their effluent.
- Union Sanitary District (USD)
 - Enhanced Treatment and Site Upgrade (ETSU) Program Phase 1A construction is ongoing. Phase 1A will modify the existing aeration basins, add an 8th aeration basin, and relocate existing administrative/operations/maintenance buildings to allow for phase 1B to be built.
 - Phase 1B completed the design phase and was recently awarded for construction. Phase 1B is expected to start construction late-spring or summer of 2026. Phase 1B will construct new secondary clarifiers, return

activated sludge pump station (RAS), waste activated sludge pump station (WAS) and new effluent pump station, including new chlorine contact channels. The completion of the ETSU program will allow USD to be an Early Actor with respect to nutrient removal.

- Construction of a new Standby Generator system was partially completed in 2025. The generators are awaiting the completion of a new switchgear and an interconnect agreement with PG&E (Electric Utility). Long lead times for electrical equipment and ongoing review by the electric utility have caused delays in the project's timeline.
- Replacement of the WAS Gravity Belt Thickeners is in the design phase, aimed at upgrading aging solids process equipment.
- Rehabilitation of Primary Digester No. 6, the plant's second-largest digester, is currently in the design phase.
- The Solids System Evaluation Study has commenced to review the scopes for currently budgeted CIP projects and to integrate the findings from various recent studies into a cohesive plan for the plant's solids system. The scope includes the development of process optimization strategies, evaluation of alternative technologies, and consideration of future regulatory impacts.

- City of Hayward

- The work for the Main Switch Board project began in early 2024. The 12KV Switch Gear replacement project was awarded to Carollo in late 2021 and since renamed the Main Switch Board project. The long lead items have arrived, and the contractors have begun installing the electrical equipment. The project is on track and is expected to be completed in the later part of 2026.
- The nutrient management upgrades and administration building design project was awarded to Brown and Caldwell in August of 2022. Construction of the administration building has begun and was 20% complete at the end of 2025.
- Design for Phase II nutrient upgrades was 100% complete in December 2025 as well as BAAQMD issued the City the approved permit for construction. The final documents should be completed in early 2026. The project will be put out to bid once funding has been secured.
- The North Vacuator concrete repairs, steel repairs and coatings were completed in 2025 and was put back into service.
- The City's Recycled Water Master Plan was 90% complete at the end of 2025. It is on track for full completion in 2026, after which the city will begin implementing its recommended projects.

- City of San Leandro

- Construction of Phase I of the Treatment Wetland project began in September 2025 and is expected to complete February 2026. This phase includes stabilization of the existing material in the pond and import of soil to raise the pond surface to its final height. Geotechnical advice is to allow at least 12 months for settling before final grading and construction. The City expects to open bidding for the project in early 2027 with construction completing late 2027 and commissioning in 2028. Phase II of the project includes installation of package MABR units. One of these units will be installed in February 2026 to confirm they meet the design criteria.
- The City completed a nutrient reduction planning project with HDR Engineering. The project included modeling of the plant based on additional testing. The report indicates that the combination of the Treatment Wetland, aeration upgrades and sidestream treatment will enable the City to meet its nutrient reduction obligations. The final report is expected in January 2026, after which the City will commence the design process.
- The City expects to open bidding in early 2026 to reconfigure the main influent pipes. This project is a follow up to the 2015 plant upgrade and will connect the influent pipes more directly to the new influent pumping station.
- Energy efficiency upgrades to the digester mixers and the aeration system are in design, with construction expected in 2026. A microgrid battery was installed in 2024 and is pending commissioning, pending approval from PG&E.

EBDA's major projects in 2025 included the following:

- EBDA continues to implement its Asset Management Plan to ensure appropriate renewal and replacement of infrastructure. The estimated total restoration cost over 20 years is approximately \$11.3 million. This includes \$420,000 annually through 2030 (for a total of \$4.2 million) that EBDA is contributing for capital improvements to the Union Effluent Pump station, per EBDA's Amended and Restated Joint Powers Agreement.
- EBDA completed the Hayward Effluent Pump Station (HEPS) Pump Replacement Project. This project to replace all four pumps and motors was completed in December 2025.
- EBDA continued the design of two new automatic transfer switches (ATSs) at the Oro Loma Effluent Pump Station (OLEPS). The two new ATSs will improve reliability of the pump station in the event of a power outage. If the 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 ATSs will allow the switch from primary to secondary backup to occur automatically. This ATS 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.

- In December 2025, EBDA completed an upgrade of the Supervisory Control and Data Acquisition (SCADA) System at the Marina Dechlorination Facility (MDF). This upgrade included a new SCADA computer and installation and implementation of the latest version of the SCADA software.
- In October 2025, EBDA completed restoration of the rip rap on the levee along the Bay in front of the MDF Meter Vault. This project restored a 60-foot wide section of the shoreline levee in front of MDF to its original condition, protecting the MDF Meter Vault following shoreline damage resulting from several large winter storms combined with King Tides. MDF sits along the San Leandro shoreline, just south of Marina Park. The Meter Vault in which EBDA's flow meters and effluent sample pumps are located sits across the bike path from the main facility, where the outfall extends to the Bay. This critical equipment is used for reporting and demonstrating compliance with EBDA's NPDES permit.
- Following the Water Board's adoption of the blanket permit amendment for total residual chlorine (TRC), EBDA turned off its continuous feed of sodium bisulfite (SBS) on January 2, 2024. EBDA implemented a new Chlorine Process Control Plan and programming at MDF to ensure that effluent consistently meets the new TRC limit of 0.98 mg/L as a one-hour average. The SBS savings at MDF continue to be substantial. The following table shows SBS usage before and after the new TRC effluent limit implementation:

YEAR	SBS GALLONS USED	SBS EXPENDITURE
2023	163,208	\$293,988
2024	12,230	\$22,793
2025	12,563	\$22,290

- EBDA continued its key role in multi-benefit shoreline adaptation along the Hayward Shoreline. These efforts, funded by an EPA Water Quality Improvement Fund grant, include design of a full-scale horizontal levee south of Oro Loma ("First Mile" Horizontal Levee Project), continued research at Oro Loma's horizontal levee pilot, advancement of pilot wetlands projects at San Leandro and Hayward, building capacity for nature-based solutions among Bay Area wastewater agencies. In close coordination with East Bay Regional Park District, Hayward Area Shoreline Planning Agency (HASPA), and San Francisco Estuary Partnership, EBDA has been managing the First Mile Project. In 2025, the First Mile team kicked off the 60% design phase, conducted several rounds of consultation with the Bay Restoration Regulatory Integration Team (BRRIT), and continued outreach to key stakeholders including the Alameda County Flood Control and Water Conservation District and Union Pacific Railroad. EBDA and partners also contracted with local non-profit organizations to initiate youth, tribal, and community engagement efforts along the shoreline, including facilitating a

Community Meeting attended by over 100 community members. EBDA is also engaging in HASPA's development of a Governance and Implementation Plan for their Hayward Shoreline Adaptation Master Plan.

- EBDA has been working closely with Cargill, Inc. to develop a project that would deliver mixed sea salt brine from Cargill's solar salt ponds in Newark to EBDA's transport system for dilution and discharge. Cargill now intends to pursue a strategy that involves lining and repurposing an abandoned jet fuel pipeline and constructing new pipelines that connect from their Newark facility to the jet fuel pipe and from the jet fuel pipe to EBDA's outfall, downstream of MDF. They are currently conducting due diligence on the jet fuel pipe and expect to complete design and entitlements in 2026. EBDA expects to resume CEQA analysis in 2026, and Cargill projects construction beginning sometime between 2027 and 2029 depending on permitting, with operation commencing between 2031 and 2033.
- EBDA's Member Agencies recycled 957 million gallons in 2025, an 11% increase from 2024. For consistency with recycled water totals submitted through GeoTracker, the totals presented below include in-plant reuse.

As shown in the following table, including the LAVWMA agencies, water recycling accounted for 2.9 billion gallons, about 13% of EBDA's outfall discharge last year of approximately 22.8 billion gallons.

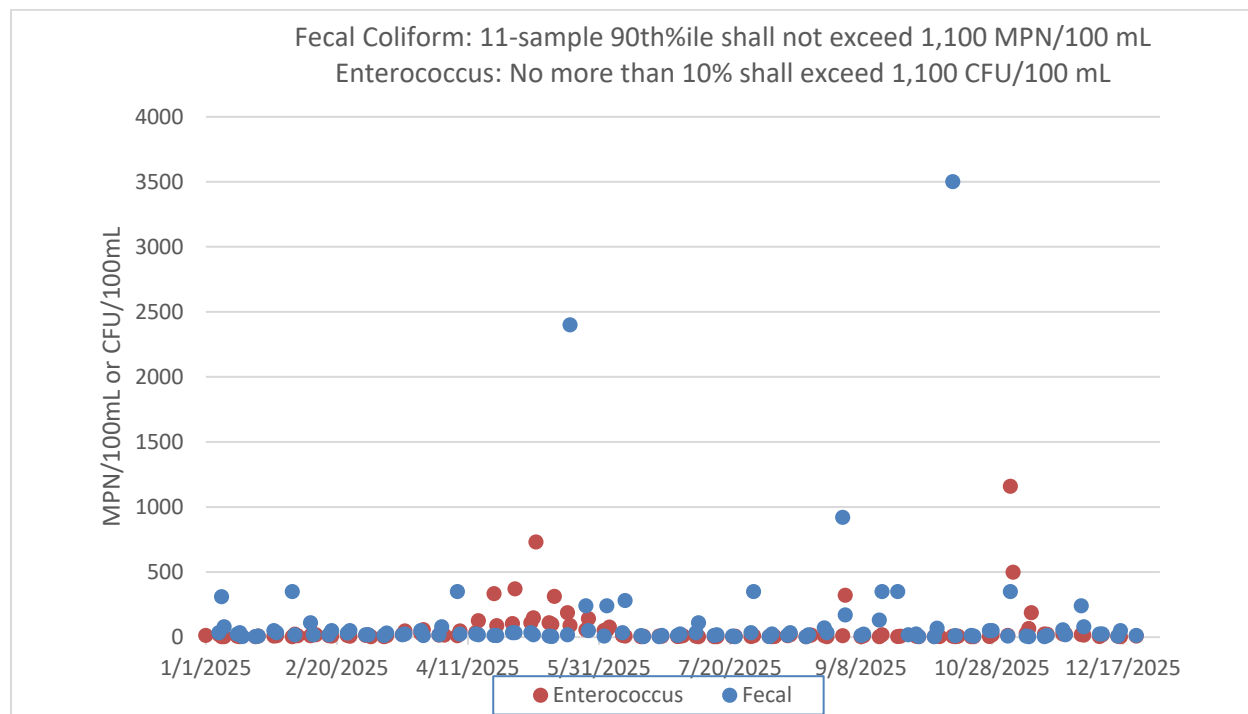
<i>Agency</i>	<i>2025 Recycled Water Production (MG)</i>
Hayward	475
San Leandro	86
EBDA Skywest Project	18
Oro Loma Sanitary District	36
Union Sanitary District	342
EBDA Total	957
Livermore	579
Dublin San Ramon Services District (DSRSD)	1396
LAVWMA Total	1975
Grand Total	2932

Bacterial Compliance

The chart that follows presents pathogen data from samples through the year. Note that permit limits are calculated as monthly geometric means or monthly 90%ile samples. Sporadically, at random intervals, a high sample can be detected. This outcome is probably due to the sloughing of pipe biofilms into the sample line. These non-representative events are why permit compliance is determined by geometric means. EBDA and its member agencies worked hard over the past few years to improve chlorine dosing to prevent periodic increases in bacterial contamination, which had occurred in prior years. This increased attention to chlorine dosing has led to consistent compliance with limits. That said, EBDA spends a considerable amount on chlorine to ensure that occasional high fecal coliform values do not compromise compliance, and therefore, we

look forward to the removal of fecal coliform limits from our permit, consistent with Basin Plan revisions that were made subsequent to permit adoption.

Figure 1 – EBDA Bacterial Contaminant Performance



Section 2: List of Analyses for Which the Discharger Is Certified

EBDA conducts no analyses of its own. Each member agency is certified by the State Water Resources Control Board for standard water quality tests such as BOD, TSS, pH, DO, enterococcus, and fecal coliform. City of San Leandro staff performs these analyses on the combined effluent. Beginning in 2024, Oro Loma Sanitary District allowed their ELAP certification to lapse, and all compliance samples were analyzed by certified contract laboratories.

All metals and organics analyses are performed by the Authority's contract laboratory, Caltest Analytical Laboratory. Caltest's lab is certified for these analyses. Caltest subcontracts for analytical work on some items, including dioxin and furan compounds and PCBs, to other certified labs.

Pacific Eco-Risk (PER), also a certified laboratory, conducts the required acute and chronic toxicity testing for the Authority.

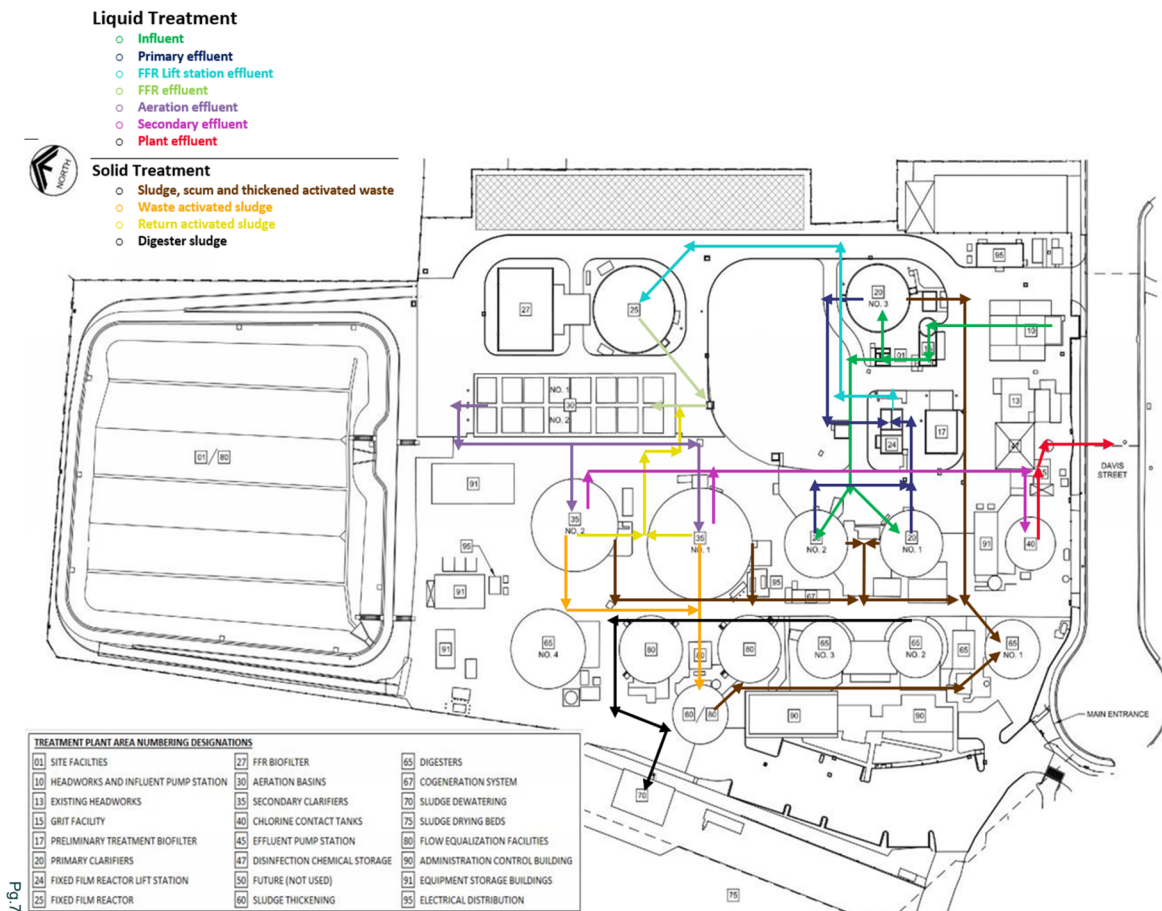
Copies of all laboratory reports are maintained on file at the Authority's office and are available for review upon request. Said reports are not included in this report.

Section 3: Plan View Drawing or Map Showing the Discharger's Facility, Flow Routing, Sampling and Observation Station Locations

Marina Dechlorination Facility



San Leandro Plant – Process Flow Diagram

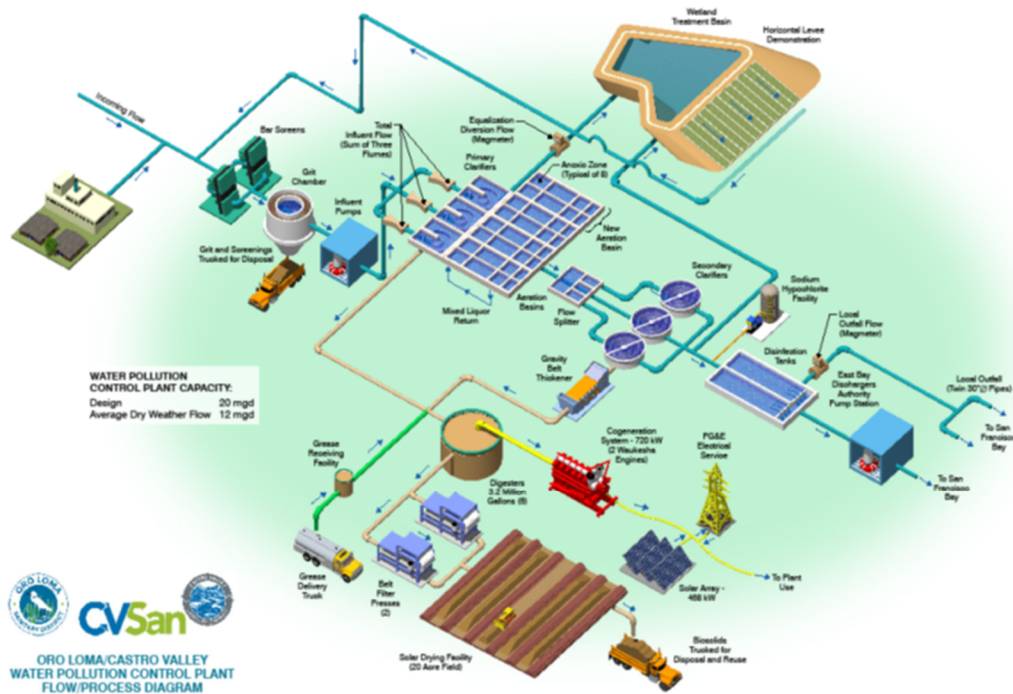


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San Leandro Plant – Sampling Locations



OLSD/CVSan Plant – Process Flow Diagram



OLSD/CVSan Plant – Sampling Locations

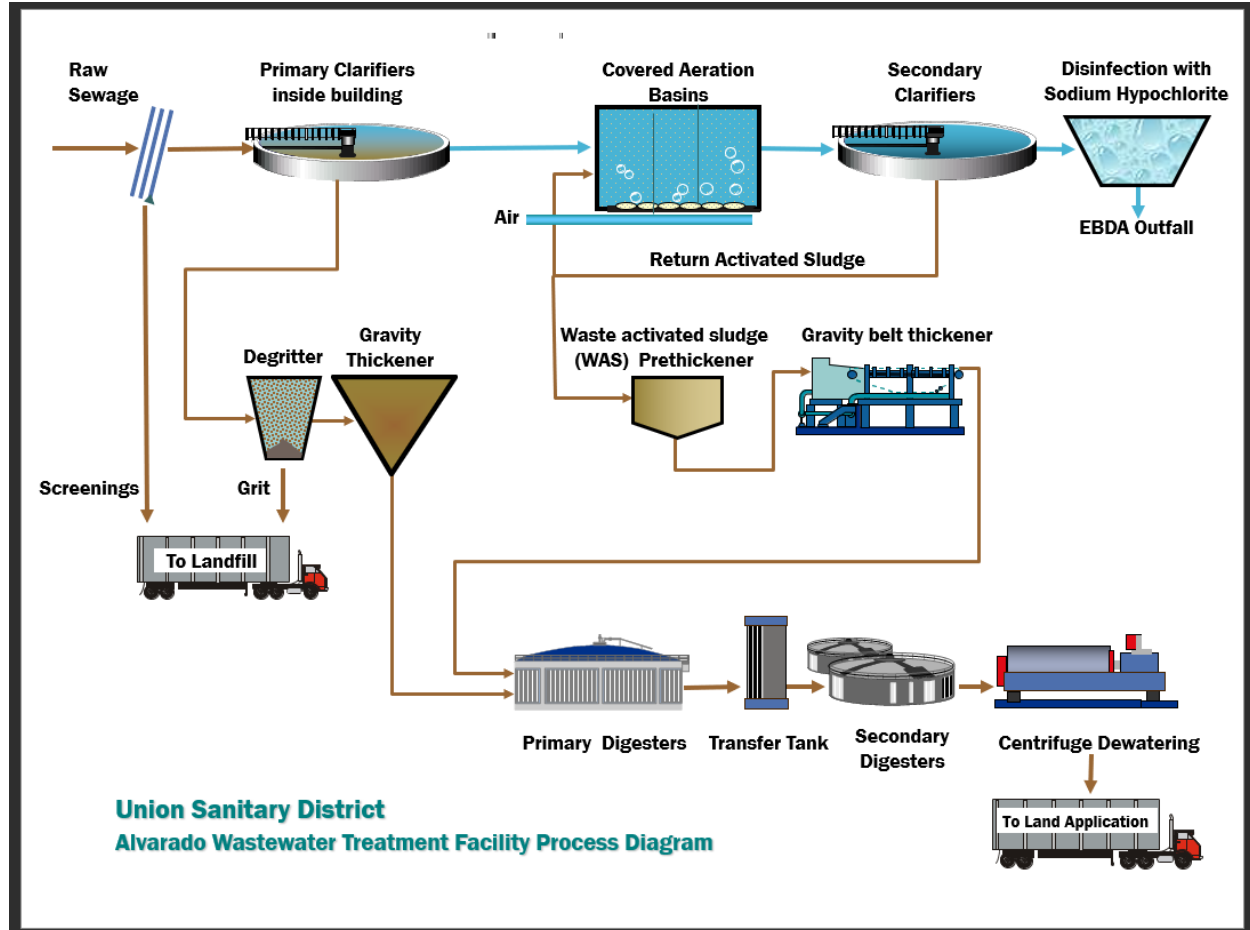


The diagram illustrates the wastewater treatment process at the RCEC. It begins with **Raw Sewage** entering the **Headworks**, where **RCEC Sludge** is also added. The **Influent** then flows to the **Primary Clarifiers** (Nos. 1-4). **North** and **South Vacuators** (redundant) are connected to the primary clarifiers. **GBT Filtrate** is recycled from the primary clarifiers to the **Trickling Filters** (East and West). The **Trickling Filter Effluent** flows through **Trickling Filter Underdrains** into the **Flow Equalization Basin**. The **PS** (Primary Sludge) is sent to the **Gravity Belt Thickener**, which also receives **WAS** (Waste Activated Sludge) from the **Aeration Basin**. The **GBT Filtrate to Trickling Filters** is recycled. The **Trickling Filter Effluent** is sent to the **Aeration Basin**, which also receives **RAS** (Return Activated Sludge) from the **Final Clarifiers**. The **Aeration Basin** effluent flows to the **Final Clarifiers** (Nos. 1-2). The **Final Clarifiers** effluent flows to the **3rd Treatment at RCEC**, which includes **Disinfection** and **Effluent Discharge**. The **Recycled Water Facility** is also shown. The **Sludge Handling** section includes **Drying Beds** and **Sludge Hauling**. The **Legend** defines the symbols: a red dot for **Sampling Location**, a green arrow for **Liquid Stream**, an orange arrow for **Solids Stream**, and a green dashed arrow for **Trickling Filter Recirculation**.

Hayward Plant – Sampling Locations



USD Plant – Process Flow Diagram



USD Plant – Sampling Locations



Section 4: Results of Facility Report Reviews

The tables in this section summarize the status of reviewing and updating the following documents: Operations & Maintenance (O&M) Manual, Contingency Plan, Spill Prevention Plan, and Wastewater Facilities Status Report.

EBDA Facilities

Document	Review Date	Review Procedures	Planned Actions	Schedule
O&M Manual	Jan 2026	Updated on an as-needed basis and reviewed annually by the EBDA O&M Manager.	The Authority maintains a comprehensive O&M Manual for the joint-use facilities. Chapters of the Manual are regularly reviewed and updated. EBDA's Wet Weather SOP is reviewed annually and updated as needed. With the completion of the MDF SCADA Upgrade, EBDA is starting a comprehensive systemwide review and update of its SCADA System Operations Manual.	Performed annually
Contingency Plan	Jan 2026	Updated annually by EBDA O&M and Administration Managers. EBDA is included in the Alameda County's Office of Emergency Service's Utility Unit.	The Emergency Operating Contingency Plan is supported by Operations & Maintenance Agreements between Member Agencies, which are compatible with their existing plans and known to all other local and county agencies for emergency purposes. Operation and maintenance activities are contracted with the Member Agencies for routine work. Emergency work is performed sometimes by Member Agencies and sometimes through contracts with private specialty firms.	Performed annually
Spill Prevention Plan	The SPCC Plan was updated in April of 2024.	Reviewed annually by EBDA O&M Manager	No major changes planned for 2026.	Performed as needed
Wastewater Facilities Status Report	Jan 2026	EBDA continues to implement a comprehensive Renewal and Replacement Program. The Authority has an Asset Management Plan that covers all critical equipment.	In 2025, EBDA completed the following projects: • UEPS payment #5 of 10 for a total of \$4.2 M • HEPS Pump Replacement Project • MDF SCADA System Upgrade • MDF Levee Restoration Project In 2026, the Authority is continuing work on the following upgrade to the EBDA system: • OLEPS ATS Replacement The Authority is also proceeding with several additional upgrades at OLEPS and a force main manhole improvement project.	Anticipated Completion: OLEPS ATS Replacement, June 2027

San Leandro Treatment Plant

Document	Review Date	Review Procedures	Planned Actions	Schedule
O&M Manual	Sections assigned and updated throughout the year	O&M manuals and SOPs are written and revised as necessary by designated Plant Operators and reviewed by the Operations Supervisor and Plant Manager	Review O&M chapters and SOPs as needed. Continue developing and revising SOPs for plant processes. Additional chapters have been added to the Online O&M Manual and SOPs have been organized for easy access in SharePoint. An upgrade to the Online O&M Manual is scheduled for 2026.	Performed continuously
Contingency Plan	January 2025	WPCP management reviews, edits and approves	The contingency plan is reviewed annually and updated as needed with changes. Vendor and emergency contact lists are verified as necessary.	Performed annually
Spill Prevention Plan	November 2023	WPCP management reviews, edits and approves	Currently up to date. No major changes planned for 2026	Performed as needed
Wastewater Facilities Status Report	January 2025		The City continues to execute on its 10-year Capital Improvement Plan. The sewer point repair project is scheduled to go to bid on in early 2026. Earthmoving and rough grading of the Treatment Wetland project will complete in early 2026. Final construction and commissioning are planned for 2027 and early 2028. This project will treat approximately 20% of the ADWF to remove nitrogen and other contaminants through both technological and nature-based processes. High level nutrient modeling and options analysis will complete in early 2026. Pre-design for the recommended aeration improvements is planned for 2026. Options analysis for sidestream treatment is planned for 2026, with pilot testing to follow as necessary thereafter.	10-year Capital Improvement Plan (completed in 2024)

Oro Loma/Castro Valley Sanitary District Treatment Plant

Document	Review Date	Review Procedures	Planned Actions	Schedule
O&M Manual	Ongoing	Continual reviews and revisions as necessary when new processes come online or when modifications are made to current processes.	The District has completed developing a computer-based training program for the 25 unit processes in the treatment plant (including the EBDA OLEPS pump station). Staff will continue to train on the modules.	Ongoing
Contingency Plan	December 2025	Management team completed its review and updated document to reflect changes in contact information or equipment/facility changes.	Continue to make updates as needed, at least annually.	Annually
Spill Prevention Plan	April 2024	The District performed a significant update to its plan in 2022 to reflect administrative audit findings from CUPA. It was updated again in 2024 to reflect updated staff members.	Currently up to date and will update as necessary.	As needed
Wastewater Facilities Status Report	January 2025		The District continues to execute its planned 10-year, \$168M capital program. The program includes extensive sewer pipe renewal (1.5% of system/year; the District is working to replace 40 miles (15%) of its 271-mile collection system by 2029), Digester Design and Cothickening improvements are underway and will likely be in construction in 2026, and Cogeneration System Replacement in 2030. By the end of 2025, the District had completed 80% of the construction to replace 40 miles of the collection system and began the design for the Digester Rehabilitation Project.	10-Year Capital Plan (Updated December 2025)

Hayward Water Pollution Control Facility

Document	Review Date	Review Procedures	Planned Actions	Schedule
O&M Manual	Ongoing	COH WPCF electronic O&M manuals, including SOP's, are reviewed and updated throughout the year by staff. Revisions are made to Sections and SOP's	Create new SOPs as required and review and update older SOPs throughout the year. Continually review and update O&M sections. Brown and Caldwell will be looking into a fully revised O&M as part of the nutrient management project.	SOP's and O&M sections are reviewed continuously
Contingency Plan	January 2025	The entire plan is reviewed by the WPCF manager with updates and edits made by the Senior Secretary.	Continue to make updates as needed.	Performed annually
Spill Prevention Plan	January 2025	Plan reviewed by WPCF Manager every January. Changes made by Senior Secretary.	Make updates as needed.	Performed annually
Wastewater Facilities Status Report	January 2025	The phase II Facilities Plan was completed in 2020. The city will implement projects as recommended in the 2020 Phase II Facilities Plan.	Complete Capital Improvement Projects according to the 10-year Master Plan CIP. Construction of the new MSB replacement project will be completed in 2026. The administration and lab building construction will continue throughout 2026. The Phase II Nutrient project is expected to go out to bid in 2026. The rock slope project intended to prevent erosion in the ponds will go out to bid in spring of 2026 and construction should be complete by the end of the summer in 2026. Design of the new return pump station at the old oxidation ponds should be completed in 2026.	10-year Master Plan CIP planning changes are made every year in July with mid-year adjustments made in January/February

Union Sanitary District Treatment Plant

Document	Review Date	Review Procedures	Planned Actions	Schedule
O&M Manual	Ongoing	Plant O&M documents are incorporated into the District's Competency-Based Training Program. USD utilizes Microsoft Sharepoint software to track document review.	Plant management reviews training documents and SOP's as changes occur (i.e., following construction) or as scheduled.	Each individual training module and SOP has a review frequency of 3 years.
Contingency Plan	December 2025	Plant Manager reviews and updates the Contingency Plan annually.	None. Contingency Plan was updated in December 2025.	Complete next review by December 2026.
Spill Prevention Plan	December 2025	Spill Prevention Plan is incorporated into our Contingency Plan and is reviewed at the same time.	None. Spill Prevention Plan was reviewed in December 2025.	Complete next review by December 2026.
Wastewater Facilities Status Report	December 2025	USD's Master Plans address most of the Facilities Evaluation requirements. Our Plant Master Plan is updated every 5 years and Pump Station and Collection System Master Plans are updated as needed. Asset management data is updated on an ongoing basis. CIP and Operating plans and budgets are reviewed and revised annually. 2025 Projects Completed/in-progress: - Standby Power Generation System Upgrade (Construction in progress) - Plant Miscellaneous Improvements (Construction in progress) - Primary Scum Pipeline Replacement (Construction in progress) - Alvarado Influent Valve Box Improvements (Construction completed) ETSU: Phase 1A: - Aeration Basin Modifications (Construction in progress) - New Campus Building (Construction in progress)	Complete capital improvements in accordance with 20-year CIP plan. Implement annual rate adjustments for Sewer Service Charges and Capacity Fees in accordance with 10-year financial plan. 2026 Projects Planned: - WAS Thickener Replacement (Construction to begin) - Primary Digester No. 6 Rehabilitation (Construction to begin) - Switchboard No. 3 and MCC No. 25 Replacement (Construction to begin) - Thickener No. 3 and No. 4 Overflow Line Replacement (Construction to begin) - Thickener No. 1 and No. 2 Rehabilitation (In Design) ETSU: Phase 1B: - New Secondary Clarifiers (Construction to begin) - New Effluent Facilities (Construction to begin) - New RAS/WAS Pump Station (Construction to begin)	20-year CIP annual update in June. Master Plans: - Alvarado Basin MP 2029-31 - Newark Basin MP 2025-27 - Irvington Basin 2027-29 - Pump Station Asset Condition Assessment 2028-31 - Plant Asset Condition Assessment 2027-29 - Plant Solids System/ Capacity Assessment 2032-34 - Solids System Evaluation 2025-26

Section 5: BACWA Watershed Permitting and Monitoring

EBDA participates in a number of group processes coordinated by the Bay Area Clean Water Agencies (BACWA) to fulfill permit requirements, including Receiving Water Quality Monitoring, TMDL/SSO Support, Mercury and PCBs Watershed Permit Support, Nutrients Watershed Permit Support, and Implementation of Copper Action. Participation in these items is described in an annual BACWA letter to the Regional Water Board found here:

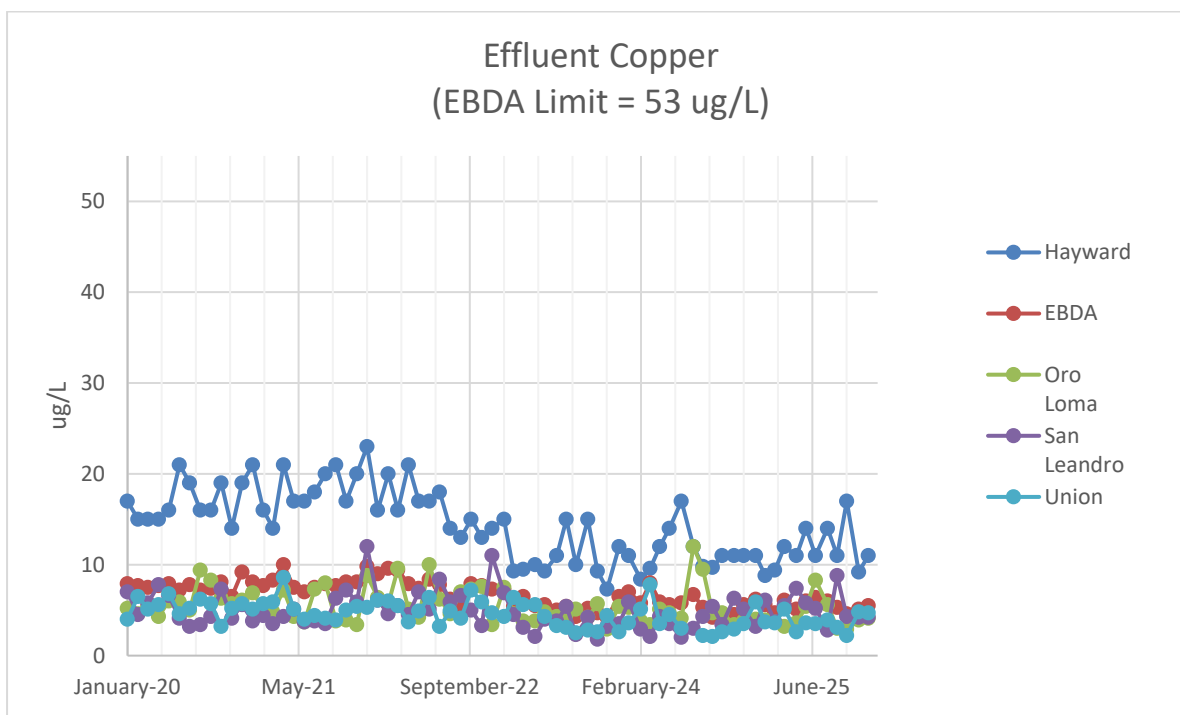
<https://bacwa.org/document/bacwa-npdes-permit-compliance-letter-for-cy25-2026-01-07/>

Section 6: Effluent Characterization Study and Report

EBDA regularly monitors and evaluates discharges from the common outfall and each contributing plant's effluent to identify any concerning trends. No significant increases over past performance were noted in 2025 data.

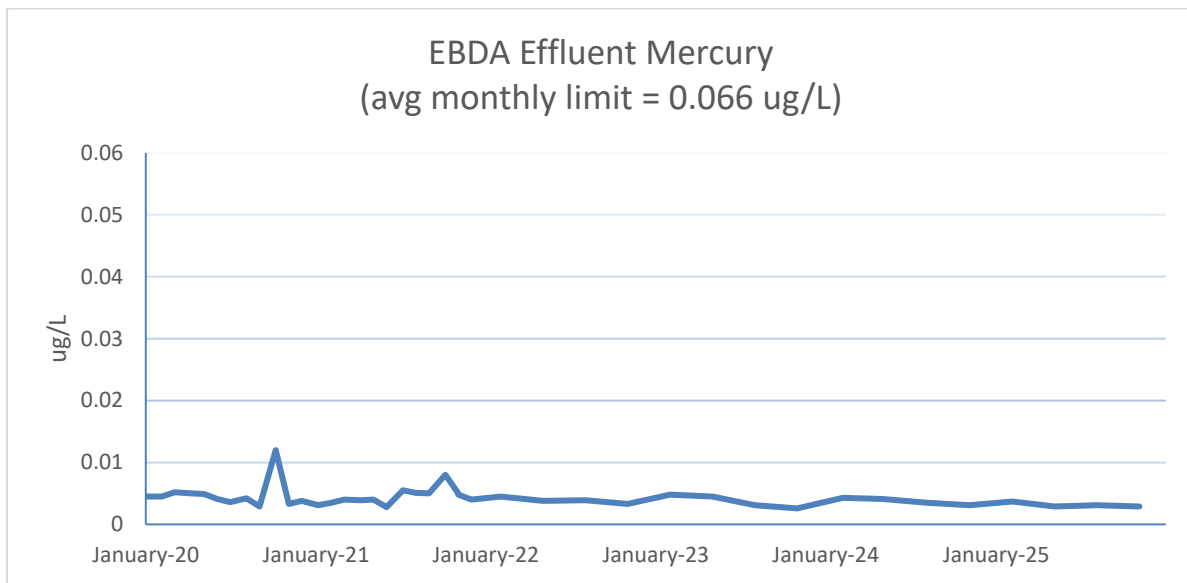
EBDA's five-year trend for copper shows that while individual member agency effluent concentrations have varied, EBDA's common outfall concentration consistently averaged less than 20 ppb, versus a permit limit of 53 ppb (see Figure 3).

Figure 3 – Effluent Copper Trend



EBDA's effluent mercury concentrations also continue to be well below permit limits, as shown in Figure 4.

Figure 4 – Effluent Mercury Trend



ITEM NO. RA7 BACWA KEY REGULATORY ISSUES SUMMARY

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.
 - 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.
 - c. Ensure compliance with non-NPDES permits and regulatory requirements, including air quality and hazardous waste.
 - e. Track and share scientific and regulatory developments related to emerging contaminants, and advocate for source control.

Background

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

Discussion

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



KEY REGULATORY ISSUE SUMMARY

Updated February 9, 2026

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

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New updates in this version are shown in Purple highlighting – [Link to Previous Versions](#)

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
NUTRIENTS IN SAN FRANCISCO BAY			
- San Francisco Bay receives some of the highest nitrogen loads among estuaries worldwide, yet has not historically experienced the water quality problems typical of other nutrient-enriched estuaries. - In the early 2000s, monitoring data of the Bay suggested that this historic resilience could be weakening. In 2012, stakeholders in the region formed the Nutrient Management Strategy (NMS) to prioritize scientific studies and ensure that all science to be used for policy decisions is conducted under one umbrella. - Program management of the NMS is led by the San Francisco Estuary Institute (SFEI). - In summer 2022, a harmful algae bloom in San Francisco Bay brought increased public attention to this topic.	- For FY26, BACWA is contributing \$2.2M to fund scientific research by the NMS science team, fulfilling a requirement of the 2024 Watershed Permit. - In recent years, the NMS has been successful in attracting funding from other sources, such as NOAA and EPA, complementing BACWA's contributions. Continued federal funding is uncertain. - The focus of current scientific efforts is improving model representation of biogeochemistry, light attenuation, dissolved oxygen, and harmful algal bloom dynamics. - In May 2025, the NMS Steering Committee finalized a multi-year 2025-2030 Science Plan, as well as a more detailed work plan for the near term in the FY26 Program Plan. Recent progress is summarized in the NMS FY26 Annual Report.	Share the recently-completed summary of the NMS science program with interested community members. Share outreach materials related to nutrients with the general public, such as this BACWA video on clean water infrastructure. Continue to participate in NMS steering committee, planning subcommittee meetings, and technical workgroups. Provide funding for scientific studies via the Nutrient Surcharge. - Continue to leverage BACWA members and technical consultants to provide review of recent work products and charge questions for the science team. - Continue to work with NMS scientists to obtain summaries of scientific accomplishments for public use.	Science to Inform Management: An Overview of the Nutrient Management Strategy BACWA Nutrients Page SFEI Nutrient Management Strategy Page NMS Steering Committee Meeting Materials FY26 Program Plan and 2025-2030 Science Plan NMS Work Products Data Visualizations, including remote sensing of algae blooms Baywise Website

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
SF BAY NUTRIENTS WATERSHED PERMIT			
• The 2024 Nutrients Watershed Permit requires: ○ Continued individual POTW nutrient monitoring and reporting; ○ Continued funding for science; ○ Effective in the 2025 dry season, interim performance-based effluent limits for Total Inorganic Nitrogen (TIN); ○ Effective in the 2035 dry season, final water quality-based effluent limits for TIN; ○ Continued group annual reporting for each water year (Oct. 1 – Sep. 30), with additional reporting related to the permit’s 10-year compliance schedule; ○ Recognition of “early actors” that began implementing nutrient removal projects before October 1, 2024; and ○ Completion of a regional planning study. • The final effluent limits in the 2024 Nutrients Watershed Permit are 40% lower than actual loads from the 2022 dry season, when San Francisco Bay experienced a harmful algae bloom. • More information related to the first (2014) and second (2019) Nutrients Watershed Permits is available on the BACWA website.	• Through the nutrient surcharge levied on permittees, BACWA funds compliance with the following provisions of the 2024 Nutrients Watershed Permit on behalf of its members: ○ Funding for scientific studies ○ Group Annual Reporting ○ Regional Planning Study • BACWA has hired the consulting firm HDR to assist with the Group Annual Reports and Regional Planning study. • In June 2025, BACWA submitted a Scoping Plan for the Regional Planning Study to the Regional Water Board. The Regional Planning study is due in March 2029 and will address elements such as schedule, capital costs, rate impacts, cross-media impacts to air and biosolids, opportunities for multi-benefit projects, nutrient trading, and more. In late 2025, The Freshwater Trust completed a water quality trading feasibility assessment as one of the initial tasks of the Regional Planning Study. • The 2024 Permit contains a 10-year compliance schedule for complying with the final effluent limits. Some agencies will have difficulty meeting this deadline due to the magnitude and complexity of anticipated projects. • The Regional Water Board is working on a Basin Plan Amendment that will allow compliance schedules longer than 10 years in limited circumstances. A draft Basin Plan Amendment was shared with BACWA members in August 2025. BACWA compiled member feedback and shared it with the Regional Water Board.	• Respond to a Request for Information from HDR related to nutrient removal planning. Responses to the current Request for Information are due February 13, 2026. HDR is assisting BACWA with these Requests for Information to support compliance milestone reporting and the Regional Planning Study. • Follow guidance on reporting 5-month average dry season TIN loads to CIWQS with each agency’s annual self-monitoring report. BACWA provided members with updated tips for reporting TIN loads in December 2025, reflecting a minor permit modification related to TIN reporting. • BACWA will continue to facilitate information-sharing on technical topics, such as the 2024 technical seminar on nutrient removal technology at Bay Area wastewater treatment plants, and the June 2025 tour of innovative treatment technologies at Linda County Water District. • Work with the Regional Water Board to support completion of CEQA Substitute Environmental Documentation for the planned Basin Plan Amendment. • BACWA intends to apply for recently announced grant funding from EPA’s San Francisco Bay program to fund innovative regional efforts to reduce nutrients.	2024 Nutrients Watershed Permit 2024 Resolution on Extending Compliance Schedule BACWA Nutrients Page Resources from Dr. David Jenkins Technical Series Nutrient Seminar (2024) 2024 Group Annual Report Request for Information for 2025 Group Annual Report Scoping Plan for Regional Planning Study May 13, 2025 Letter from Regional Water Board on Group Annual Report May 30, 2025 Clarification from Regional Water Board on Early Actors December 5, 2025 Minor Permit Modification Resources from Linda County Tour of Innovative Treatment Technologies EPA Notice of Funding Opportunity

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
OCEAN ACIDIFICATION & HYPOXIA			
• Ocean acidification (low pH) is one of the potentially harmful effects of climate change in water bodies. It is caused by the uptake of carbon dioxide from the atmosphere and other sources. Ocean acidification threatens the survival of many marine organisms, especially those with carbonate shells which can dissolve under low-pH conditions. • Nutrients from wastewater and other sources can cause algae blooms which can lead to hypoxia (low dissolved oxygen) when the algae decays and exerts biological oxygen demand. This process can also lead to acidification when the carbon from the algae is released into the ocean as carbon dioxide. Because nutrient inputs and algal production can contribute to both problems, they are grouped together under the umbrella term “Ocean Acidification & Hypoxia” (OAH). • State Water Board policy regarding discharges to the Ocean are contained in the California Ocean Plan. Currently, no regulations in the Ocean Plan directly address OAH caused by wastewater discharges. However, future regulations could limit coastal discharges of nutrients in order to reduce the potential for OAH. • The Ocean Protection Council (OPC) is the main State agency supporting scientific efforts related to Ocean OAH along the California coast.	• The Ocean Protection Council has funded the Southern California Coastal Water Research Project (SCCWRP) to conduct research and modeling on OAH due to nutrient pollution in southern California and along the San Francisco and Monterey coasts. Early modeling results show that the anthropogenic nutrient contributions to OAH is small in this region. • In 2023-2024, the National Water Research Institute convened an expert review panel to review the modeling efforts led by SCCWRP. Because of the work’s relevance to northern California wastewater agencies that discharge to coastal waters, BACWA’s Executive Director is assisting with the Project Steering Committee. Stakeholders are now in the process of implementing the expert panel’s recommendations to improve the model and make it suitable for application in a regulatory context. • In FY26, BACWA is financially contributing to a study of coastal nutrient loading led by CASA and HDR. The effort will characterize current and future nutrient loads by coastal POTWs to the coastal ocean between Monterey Bay and the Golden Gate. HDR will also provide an independent review of ROMS-BEC model parameters and run model scenarios. • OPC’s Strategic Plan for 2026-2030, adopted in late 2025, calls for “multi-benefit infrastructure upgrades” to “reduce nutrients to California’s coast and ocean.”	• Continue to track refinement of SCCWRP’s modeling tools, which could be used to establish State Water Board policy on nutrient discharges to the coastal ocean. The wastewater community is advocating for model improvements to accurately capture the impacts of wastewater discharges, and to inform monitoring work that will support our understanding of ocean impacts of nutrients. • Continue to participate in the San Francisco Bay Nutrient Management Strategy, which is already addressing many related issues.	State Water Resources Control Board’s California Ocean Plan Timelines for Planning, Policy, and Permitting Efforts at the State and Regional Water Boards Ocean Acidification and Hypoxia - California Ocean Protection Council Strategic Plan for 2026-2030, California Ocean Protection Council National Water Research Institute - Expert Review Panel

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
PESTICIDES			
- Pesticides are regulated via the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and not the Clean Water Act. POTWs do not have the authority to regulate pesticide use in their service area, but may be responsible for pesticide impacts to their treatment processes or to surface water. - EPA reviews all registered pesticides at least once every 15 years. Each review allows an opportunity for public comment. - Through the Bay Area Pollution Prevention Group (BAPPG) Pesticides Committee, BACWA aims to proactively support a scientific and regulatory advocacy program so that pesticides will not impact POTWs' primary functions of collecting and treating wastewater, recycling water, and managing biosolids, or impact receiving waters via the "down the drain" route. - BACWA continues to fund consultant support to write comment letters advocating for the consideration of POTW and surface water issues by EPA and the California Department of Pesticide Regulation (CalDPR). - The Regional Water Board leverages BACWA's efforts to provide their own comment letters.	- The BAPPG Pesticides Committee has developed a workplan for outreach on pet pesticides (see Jan. 2025 presentation). - Based on the most recent (2024) BAPPG/BACWA Pesticide Watch List, the pesticides of highest concern in wastewater are: - Pyrethroids (21 chemicals) - Fipronil - Imidacloprid The "moderate concern" tier includes pesticides with copper, zinc, and silver, the preservative carbendazim, and Quaternary Ammonium Compounds. - In December 2024, EPA released a proposal to use aquatic life benchmarks from the Office of Pesticide Programs in the Clean Water Act program, where they could be used as recommended water quality criteria. If adopted, the Clean Water Act program would have new recommended water quality criteria for more than 750 pesticides. - CalDPR is beginning to implement its Sustainable Pest Management Roadmap by setting up a process for pesticide prioritization. The prioritization process is to be led by a scientific advisory committee and will involve public engagement. - In December 2025, CalDPR released a draft aquatic life risk assessment for fipronil in pet products. Fipronil is one of BACWA's the highest-concern pesticides; CalDPR monitoring data shows fipronil is typically present in treated effluent at levels that exceed toxicity thresholds.	- Submit comments on CalDPR's draft aquatic risk assessment for fipronil, including suggestions for next steps to mitigate aquatic life toxicity risks. BACWA members are encouraged to conduct public and veterinary office outreach using flea and tick outreach toolkits. Baywise.org has flea and tick control messaging for pet owners and veterinarians. In addition, the BACWA website offers member agencies toolkits for conducting outreach to pet owners and veterinary offices. BAPPG's spring 2026 digital ad campaign will also be targeted at pet pesticides. - Advocate for implementation of specific actions from the CalDPR Sustainable Pesticide Management Roadmap. - Seek CalDPR grant funding related to outreach on flea and tick pet pesticides. - Continue to comment on and develop summaries of EPA pesticide re-registrations and CalDPR actions. - Engage with EPA on proposed changes to the regulatory approval process for pesticides. - Work with veterinary associations on messaging with respect to flea and tick control alternatives. - Look for opportunities to work with CalDPR on pesticides research. - Work with other regional associations, such as CASQA, to collaborate on funding pesticide regulatory outreach.	BACWA Pesticide Regulatory Support Page Toolkits for Member Outreach on Flea and Tick Pest Control Baywise flea and tick pages CalDPR Sustainable Pest Management Roadmap BAPPG/BACWA Pesticides Watch List (2024) EPA Proposal: Common Effects Approach for Aquatic Life Protective Values for Pesticides January 2025 Presentation from S. Hughes to BAPPG on Pesticides February 2025 Pesticides Update to BACWA Executive Board CalDPR Aquatic Life Risk Assessment for Fipronil in Pet Products (Draft, December 2025)

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
MERCURY AND PCBs			
• The Mercury & PCBs Watershed Permit is based on Total Maximum Daily Loads (TMDLs) for San Francisco Bay for each of these pollutants. • The Mercury & PCBs Watershed Permit was most recently reissued in December 2022, and it continues to require discharger support for risk reduction activities. BACWA is funding risk reduction activities on behalf of its members to comply with this permit provision. • Aggregate mercury and PCBs loads have been well below waste load allocations through 2023, the last year for which data have been compiled. • EPA Method 1668C for measuring PCB Congeners has not been promulgated by EPA. Effluent limitations are based on PCB Aroclors quantified using EPA Methods 625.1 or 608.3. BACWA prepared a guidance document to assist members with reporting results from EPA Method 1668C, which Water Board staff endorsed. • In 2017, EPA adopted federal pretreatment program rules requiring dental offices to install dental amalgam separators. The rule is intended to reduce dental office discharge of mercury. The compliance date was in 2020.	• The Regional Water Board plans to designate three new beneficial uses for Bay Area water bodies: Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB) and Subsistence Fishing (SUB). Water bodies with these beneficial uses could also be assigned lower mercury objectives. • In January 2026, the Regional Water Board issued a draft Basin Plan Amendment to incorporate tribal and subsistence fishing beneficial uses into the Basin Plan. Comments are due March 6, 2026. A subsequent Basin Plan Amendment will be required to designate the new beneficial uses for specific water bodies within the Bay Area. • In 2024, SFEI worked with stakeholders to develop a fish consumption survey for subsistence fishers that is needed for designation of the new beneficial use. In August 2025, BACWA contracted with SFEI to complete a pilot study of the fish consumption survey in 2025-2027. • In late 2024, EPA proposed a Methods Update Rule that would withdraw the existing analytical methods for Aroclors (PCB mixtures) and promulgate a new method for PCB Congeners (Method 1628). The Mercury & PCBs permit uses Aroclors for compliance monitoring. Even if the proposed rule were finalized, there will be no change to monitoring until the Permit is reissued (2027+). • The Regional Water Board tentatively plans to re-open the Mercury TMDL in 2028, and to re-open the PCBs TMDL in 2030.	• Keep members up-to-date on progress of the fish consumption survey that SFEI is piloting. This effort is being used to satisfy the risk reduction activities required for BACWA members to comply with the Mercury & PCBs watershed permit. • Work with Regional Water Board staff to understand the potential impact of a withdrawal of the EPA analytical method for PCBs Aroclors. • Continue outreach to dentists BAPPG and BACWA's pretreatment committee. Per federal rules, all dental facilities were required to submit one-time compliance reports by October 2020.	2022 Mercury & PCBs Watershed Permit (Effective Feb. 1, 2023) BACWA Risk Reduction Materials Mercury and PCB Load Trends 2013- 2024 Updated July 2025 Basin Plan Amendment - Tribal and Subsistence Fishing Beneficial Uses Fish Consumption Survey of Subsistence Fishers BACWA Guidance on PCB Congeners Sampling, Analysis, and Reporting Protocols (October 2024) EPA Methods Update Rules

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
STATE WATER BOARD TOXICITY PROVISIONS			
- The State Water Board adopted the Statewide Toxicity Provisions in 2021 as state policy for water quality control for all inland surface waters and estuaries. The Provisions establish: - Use of Test of Significant Toxicity (TST) as statistical method to determine toxicity, replacing EC25/IC25; - Numeric limits for chronic toxicity for POTWs >5 MGD and with a pretreatment program; smaller POTWs will receive effluent targets and only receive limits if Reasonable Potential is established; - Regional Water Board discretion on whether to require RPAs for acute toxicity; - For POTWs with <i>Ceriodaphnia dubia</i> as the most sensitive species, numeric targets rather than limits were initially in effect until completion of a statewide quality assurance study in 2023. - The Statewide Toxicity Provisions became effective in June 2023, following EPA approval. Individual NPDES permits reissued in the San Francisco Bay Region are implementing the Toxicity Provisions and requiring use of the TST for chronic toxicity testing. Reissued permits no longer require acute toxicity monitoring.	- EPA has not yet approved the Alternate Test Procedure for whole effluent toxicity testing. Until the Alternate Test Procedures are approved, the Regional Water Board has advised that dischargers should use the full five-concentration series for all tests, including routine monitoring and Species Sensitivity Screening Studies. - The State Water Board collaborated with stakeholders on a special study to improve the quality of <i>Ceriodaphnia dubia</i> testing. Upon completion of the study, the State Water Board compiled resources related to the study for dischargers that plan to use <i>C. dubia</i> for monitoring. - In 2024, the State Water Board received a staff report on implementation of the provisions, which stressed the importance of laboratories being ready to complete 3 chronic toxicity tests within a calendar month when there is a “fail” result. - In 2025, the BACWA Permits Committee provided member training on using the TST to interpret test results. - In August 2025, a California Appellate court ruled that the TST is not authorized under the federal Clean Water Act, but that it was properly adopted under State law. The State Water Board appealed the decision, and in November 2025 the CA Supreme Court granted the State Water Board’s petition for review. - Pending the CA Supreme Court’s review, the Regional Water Board is continuing to reissue NPDES permits that contain effluent limitations and monitoring requirements based on the TST.	Conduct toxicity testing using the Statewide Toxicity Provisions. All member agencies with individual NPDES permits reissued after August 2022 have transitioned to the new toxicity testing requirements. Plan to conduct a species sensitivity screening to comply with the Toxicity Provisions, which require a study no more than 10 years old be used to determine a “Tier I” species for use in compliance monitoring. The BACWA laboratory committee has compiled tips related to sensitivity screening studies for member agencies’ use. - Continue to follow progress of the CA Supreme Court case regarding the validity of the TST as an approved method under the Clean Water Act. - Members hiring a contract laboratory to perform testing using <i>Ceriodaphnia dubia</i> should utilize the Ceriodaphnia dubia Quality Assurance Guidance Recommendations from the multi-laboratory study, including the performance metrics listed in Appendix E of the report.	State Water Board Toxicity Page EPA Approval of Statewide Toxicity Provisions Ceriodaphnia dubia Study Resources, including link to <i>Quality Assurance Guidance Recommendations</i> CASA Webinar on Lessons from Ceriodaphnia Study Lab Committee Tips on Sensitive Species Screening State Water Board November 2024 Status Report on Implementation of Toxicity Provisions February 2025 Permits Committee Training on Using the Test of Significant Toxicity (McCampbell Analytical) CA Supreme Court Docket for State Water Board’s appeal of Fifth Appellate District opinion

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
CONTAMINANTS OF EMERGING CONCERN (CECS)			
- Pharmaceuticals and other trace contaminants of emerging concern (CECs) are ubiquitous in wastewater at low concentrations and have unknown effects on aquatic organisms. - The San Francisco Bay region has a CECs strategy focusing on monitoring/tracking concentrations of constituents with high occurrence and high potential toxicity. The State Water Board has also expressed support for similar risk-based monitoring strategies for use around the state. - The Regional Water Board has stated that wastewater agencies' voluntary and representative participation in RMP CECs studies is key to avoiding regulatory mandates for CECs monitoring. These studies are informational and not for compliance purposes. - BACWA developed a White Paper on representative participation to support facility selection for these studies. The white paper was updated in 2024 to include statistical information about POTWs to assist with future CECs study design.	- Bay dischargers are continuing to provide supplemental funding for RMP CECs studies through the NPDES Permit Amendment adopted in 2021 by the Regional Water Board (R2-2021-0028). - In the Bay Area, the RMP has designated organophosphate esters (OPEs) and PFAS as CECs of "high" concern. - CECs of "moderate" concern include alkylphenols and alkylphenol ethoxylates, bisphenols, fipronil and its degradates, imidacloprid, and microplastics. Carbendazim, a preservative used in paints and other products, was added to the "moderate" concern tier in 2024. - Quaternary Ammonium Compounds (QACs) are one of several classes of chemicals categorized as a "potential concern" due to lack of data. Monitoring studies of Bay water and stormwater are planned in coming years. A report on QACs in wastewater was published by SFEI in 2024. - In 2024, both the RMP Annual Meeting and the RMP's annual publication, <i>The Pulse of the Bay</i>, focused on CECs in San Francisco Bay.	- Continue to participate in the RMP Emerging Contaminants Workgroup. - Participate in RMP studies by collecting wastewater samples at member facilities. For 2026, the Emerging Contaminants Workgroup is focusing mainly on stormwater-related studies, including a study of PFAS in precipitation. The workgroup also plans to conduct wastewater and stormwater monitoring of biocidal preservatives, including carbendazim and isothiazolinones. - Work with RMP staff to assist with study design for any new studies of CECs in wastewater. In September 2025, the RMP authorized funding for a study on the co-benefits of regional nutrient upgrades on CECs removal. The first phase of the study will begin in 2026 and will focus on a literature review of expected CECs removal benefits based on existing and planned treatment technology in the Bay Area.	RMP Emerging Contaminant Workgroup BACWA CECs White Paper (2024 version) 2021 NPDES Permit Amendment for Monitoring and Reporting State Water Board CECs webpage SFEI Report on QACs in Wastewater The Pulse of the Bay 2024 – Contaminants of Emerging Concern RMP 2024 Annual Meeting Materials RMP Report: Contaminants of Emerging Concern in San Francisco Bay – A Strategy for Future Investigations (2024 version) Emerging Contaminants Update from SFEI (Presentation to BAPPG) August 2025

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
MICROPLASTICS			
• Microplastic pollution is an environmental threat with the potential to impact wastewater disposal and reuse, as well as biosolids end uses. • Microplastics have been a focus of the RMP in recent years. One conclusion of the RMP work is that POTWs contribute much lower microplastic loads than stormwater. As a result, the RMP is focusing future microplastics sampling efforts on stormwater pathways. • In 2022, the Ocean Protection Council (OPC) adopted a Statewide Microplastics Strategy that calls for increased water recycling, additional monitoring of wastewater, source control in wastewater, and additional scientific research. • OPC funded a study of microplastic removal through wastewater treatment processes, with participation from several BACWA member agencies. The study was completed in August 2024 and found overall removal efficiencies between influent and effluent averaged 95% 99%, and 99.9% for primary, secondary, and tertiary treatment, respectively. • Ongoing microplastics investigations by the RMP are focused on tire particles in stormwater.	• The 2024 California Integrated Report (303(d) List) adopted by the State Water Board notes that San Francisco Bay is “potentially threatened” by microplastics. Due to data limitations, the Bay was <u>not</u> listed as an impaired water body during this listing cycle. • Unlike the 2024 Integrated Report, the 2026 Draft California Integrated Report (303(d) List) did not include an assessment of impairment due to microplastics. • Additional research to improve scientific understanding of microplastics in aquatic ecosystems will be needed to support a future impairment determination for the Bay. The Water Boards and OPC are supporting allocation of funding towards these research efforts. • In October 2025, the Governor vetoed AB 823. The legislation would have expanded the existing ban on microbeads in rinse-off personal care products (per AB 888 (2015) to include cleaning products and leave-on personal care products.	• Continue to participate in the RMP Microplastics Workgroup. The workgroup is currently focused on monitoring efforts in the Bay and in urban stormwater. • Review and share the results of CASA-funded work being completed at the Southern California Coastal Water Research Project (SCCWRP) that is an add-on component to the recently completed OPC microplastics study. The add-on study will assess how well autosampling equipment, typically used by POTWs to collect wastewater samples for monitoring and compliance purposes, may provide representative samples for microplastics. The add-on study report is expected in February 2026. • Continue tracking State Water Board and Ocean Protection Council actions via the CASA Microplastics Workgroup.	BACWA Microplastics Fact Sheet RMP Microplastics Workgroup Ocean Protection Council Microplastics Strategy SCCWRP Report on Microplastics in California Wastewater Treatment Plants (2024) 2024 California Integrated Report / 303(d) List 2026 Draft California Integrated Report / 303(d) List

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)			
- Per- and polyfluoroalkyl substances (PFAS) are a group of human-made substances that are very resistant to heat, water, and oil. PFAS are used in surface coating and protectant formulations. Common PFAS-containing products are non-stick cookware, cardboard/paper food packaging, water-resistant clothing, carpets, and fire-fighting foam. PFAS in consumer products are a major source of PFAS to POTWs. - Perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) are two types of PFAS no longer manufactured in the US; however, other types of PFAS are still produced and used in the US. - PFAS are persistent in the environment, can accumulate within the human body, and have demonstrated toxicity at relatively low concentrations. - Potential regulatory efforts to address PFAS focus on drinking water in order to minimize human ingestion of these chemicals, although regulators have also expressed concern about uptake through food, especially fish. - In 2020, the State Water Board issued an investigative order for POTWs. At that time, BACWA obtained approval to fund and conduct a Regional PFAS Study in lieu of the investigative order. - In 2021, EPA released a PFAS Strategic Roadmap.	- In 2024, EPA finalized Maximum Contaminant Levels (MCLs) for several PFAS compounds in drinking water. In 2025, EPA announced its intent to retain the MCLs for PFOS and PFAS only, and to rescind the MCLs for the other PFAS compounds. The CA Division of Drinking Water California is working to adopt state drinking water limits, a 2025 priority. Drinking water limits will not be applicable to wastewater discharges to the Bay, but they could be used in NPDES permits for inland dischargers. - EPA identified industrial source control actions under Preliminary Effluent Guidelines Program Plan 16, but these efforts may be deferred by the current federal administration. - In December 2024, EPA released draft national recommended human health water quality criteria for PFOS, PFOA, and perfluorobutanesulfonic acid (PFBS). - In October 2025, Governor Newsom vetoed SB 682 (Allen), which would have required that PFAS be phased out of some consumer products, such as cookware. - The Regional Water Board's Site Cleanup Program has established Environmental Screening Levels for 16 PFAS compounds. - The Regional Water Board adopted a general NPDES permit for groundwater dischargers containing technology-based effluent limits for PFAS -- the first NPDES Permit with PFAS effluent limits in California. - The Water Boards are beginning to develop a strategy for controlling PFAS in wastewater.	Member agencies are encouraged to support PFAS source control efforts, including legislation, regulations, and public outreach. BACWA is focused on source control as the best way to reduce PFAS in wastewater. A source control approach can be used for residential, commercial, and industrial sources, as well as legacy sources like landfill leachate and contaminated groundwater. BACWA will continue to share resources on this topic, such as those shared at a BACWA webinar in November 2025. Members should use Clean Water Act methods (EPA Method 1633 or 1621) for monitoring effluent, biosolids, or industrial wastewater. - Work with Members and SFEI to develop a Sampling and Analysis plan for Phase 3 of BACWA's regional PFAS study. The effort will support the "PFAS Sources to Solutions" project being led by SFEI and the California Department of Toxic Substances Control. The project will be carried out in 2026 and 2027 and will be focused on sewershed sources of PFAS, such as specific residential or industrial loads. - Work the BACWA Pretreatment Committee, the State Water Board, and the Regional Water Board to develop concepts for controlling industrial sources of PFAS in wastewater.	BACWA PFAS Study Summary State Water Board PFAS Resources EPA PFAS Resources EPA Drinking Water Limits EPA POTW Influent Study EPA NPDES Permitting Guidance (Dec. 2022) Presentation on BACWA's Regional PFAS Study at RMP 2023 Annual Meeting "PFAS Sources to Solutions" Project Overview Baywise Website for PFAS BACWA PFAS Materials Regional Water Board Environmental Screening Levels Resources from November 2025 BACWA PFAS Webinar

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
SANITARY SEWER SYSTEMS			
• In 2022, the State Water Board reissued the statewide Sanitary Sewer Systems General Order (SSS-WDR). The reissued order replaced the 2006 Order and the 2013 Monitoring and Reporting Program. • The 2022 SSS-WDR became effective in June 2023 and contains numerous new and modified requirements, such as: ○ A prohibition on discharges to groundwater ○ Reduced spill reporting requirements for small spills (spills from laterals or <50 gallons) ○ New spill monitoring requirements such as photo documentation and faster water quality sampling ○ New requirements for preparation of Sewer System Management Plans (SSMPs), including a focus on system resiliency, prioritizing corrective actions, and coordinating with stormwater agencies ○ Modified annual reporting requirements ○ New mapping requirements ○ Modified timelines for preparation of audits and SSMPs.	• Due dates for audits and SSMPs under the reissued SSS-WDR vary by agency. The State Water Board has prepared an online tool to assist agencies in determining compliance dates. • Sewer system agencies were required to provide the State Water Board with a Geographic Information System (GIS)-based service area boundary map by December 31, 2025. In the future, the State Water Board intends to share these sewershed maps via an online platform. Agencies that have changes to their service area boundary should provide an updated GIS map along with their Annual Report. • Maintaining an updated SSMP is a core requirement of the SSS-WDR. SSMP updates are required every six years, and must contain the 11 elements described in the reissued SSS-WDR. BACWA has prepared a Guide for Developing and Updating SSMPs, now available through the BACWA and State Water Board websites. • In 2024, BACWA completed a member survey of sewer lateral ordinances. Agencies are using sewer lateral replacement ordinances and incentive programs to address ongoing concerns about infiltration and inflow (I&I). • The California Underground Safety Board is developing GIS standards for subsurface installations, including sewer pipelines. In July 2025, the Board released draft GIS Regulatory Language for stakeholder comment.	• Participate in review of GIS regulatory language applicable to installation of new sewer system infrastructure. The Underground Safety Board recently collected comments on an initial draft, and formal rulemaking will follow at a later date. • Work with State Water Board staff to review online viewing tools for sewershed mapping, as such tools are developed. • Continue to use the Collections System Committee as a forum for discussing best practices for completing audits and SSMPs. • Continue to coordinate with CASA and CWEA on training opportunities for members to address compliance with new requirements in the 2022 SSS-WDR. • Additional actions related to sea level rise and other climate-related flood risks are listed under Climate Change Adaptation (see page 13).	State Water Board SSS-WDR page Reissued SSS-WDR (General Order 2022-0103-DWQ), Effective June 5, 2023 Materials from Clean Water Summit Partners Webinars on Reissued SSS-WDR SSMP and Audit Due Dates Lookup Tool from State Water Board Guide for Developing and Updating Sewer System Management Plans (2024) BACWA Private Sewer Lateral Survey Results (2024) State Water Board guidance document on submitting boundary maps Underground Safety Board Draft GIS Regulatory Language and Staff Report

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
LABORATORY ACCREDITATION			
• In 2020, the State Water Board adopted new regulations for the Environmental Laboratory Accreditation Program (ELAP). • The new ELAP regulations replaced the previous state-specific accreditation standards with a national laboratory standard established by The NELAC Institute (TNI). • Compliance with TNI standards was required beginning January 1, 2024. • The TNI standards pose a particular challenge to small laboratories, many of which have closed because they cannot economically meet the new standards. This reduction has contributed to significant ELAP fee increases for the remaining laboratories. • From 2021 to 2024, the BACWA Lab Committee hosted 30 virtual sessions on the TNI standards. Diane Lawver of Quality Assurance Solutions, LLC, provided the training. The training sessions were recorded, and are available to download with a password (available upon request).	• The TNI standards apply to every ELAP-certified laboratory, regardless of certificate expiration date and regardless of location. Some laboratories have not yet been assessed to the TNI standard. Starting January 1, 2024, ELAP will be sending laboratories a written request asking for information about assessment plans and requesting a TNI-compliant Quality Assurance manual. • In FY25, ELAP restructured its fees to increase fees for large laboratories with more than 500 fields of accreditation. Smaller laboratories had no fee increase. No increases to ELAP fees are expected in FY26. • ELAP is now implementing EPA's 2021 Method Update Rule, and advised labs to update any outdated methods by February 2024. • In April 2024, EPA finalized a routine Methods Update Rule (rMUR 2). In October 2024 and April 2025, the BACWA Laboratory Committee provided member training on changes to Standard Methods affected by this Methods Update Rule. This Methods Update Rule will be implemented by ELAP at a later date. • In December 2024, EPA proposed Methods Update Rule 22 to promulgate EPA Method 1633A for 40 PFAS compounds, EPA Method 1621 for adsorbable organic fluorine, and Method 1628 for 209 PCB Congeners. The action also proposes to withdraw the existing methods for PCB Aroclors.	• Continue to work through BACWA's Laboratory Committee to support members as they navigate laboratory accreditation under the new TNI standards. • Keep members up-to-date on proposed changes to Clean Water Act methods as part of the EPA Methods Update Rule 22. • Publicize training opportunities offered by consultants, ELAP, and others.	State Water Board's ELAP regulations page, including links to timeline and relocation guidance tools ELAP Implementation of 2021 Method Update Rule EPA Methods Update Rules ELAP Fees – Stakeholder Meeting Information Materials from BACWA TNI Training Sessions 2021-2024 - request password from BACWA staff BACWA Laboratory Committee Meeting Materials

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
BIOSOLIDS			
- Regulatory drivers are leading to the phase-out of biosolids used as alternative daily cover (ADC) or disposed in landfills. SB 1383, requiring reductions in the amount of organic material deposited in landfills, went into effect in 2022. CalRecycle is the state agency responsible for implementation. - Local enforcement of SB 1383 began in 2024, and compliance was required by January 1, 2025. Requirements include: - Diverted biosolids must be anaerobically digested and/or composted to qualify as landfill reduction. - CalRecycle can determine whether specific treatment technologies qualify as landfill reduction (per Article 2 of SB 1383). - Local ordinances restricting land application are disallowed. - While the regulations implementing SB 1383 do not explicitly forbid biosolids disposal/reuse in landfills, it is assumed that since biosolids are a relatively "clean" waste stream that can be easily diverted, landfills will stop accepting biosolids. - The Bay Area Biosolids Coalition (BABC) was formed to find sustainable, cost-effective, all-weather options for biosolids management.	- Jurisdictions that divert organic waste must also procure the end products of diversion, such as biogas, biomethane, and compost (but not biosolids). Proposed State legislation (AB 643) would widen the procurement options to include California-licensed fertilizers made from organic residuals such as biosolids. - In September 2025, EPA affirmed its determination of PFOA and PFOS as CERCLA hazardous substances. Congress is considering liability protections for "passive receivers" – entities that did not manufacture or use PFAS – through HR 1267. - Concern over PFAS in biosolids is leading some other states to introduce restrictions on land application. These bans typically result in increased landfilling of biosolids. The Bay Area Biosolids Coalition (BABC) is working with other biosolids stakeholders to support completion of technical analysis on the full economic and environmental costs of potential land application bans, for use by legislators and other policy-makers. - In early 2025, EPA released a draft risk assessment for PFOA and PFOS in biosolids. EPA is now reviewing the numerous comments submitted by those in the wastewater sector and beyond. Many commenters found EPA's approach to estimating the risk of PFOA and PFAS in biosolids was overly conservative.	- As of July 2025, the Bay Area Biosolids Coalition (BABC) merged with BACWA and became BACWA's biosolids committee. The committee discusses topics such as communication, scientific research, land application, and regionalization of biosolids treatment. All members are invited to participate. - Continue to follow emerging science and regulatory developments regarding PFAS, including EPA's draft risk assessment and potential CERCLA liability exemptions for passive receivers. - Engage through CASA and BABC to follow new legislation affecting biosolids processing and disposal. - Actively work through CASA with State agencies to develop sustainable long-term options for biosolids beneficial use. - Meet with Air District staff regularly to discuss alignment of state and local regulations that affect biosolids treatment and end uses.	BACWA Biosolids Trends Surveys Bay Area Biosolids Coalition CASA White Paper on SB 1383 Implementation CalRecycle - Short-Lived Climate Pollutant Reduction Strategy CalRecycle Procurement FAQ (Updated by AB 1985) SB1383 Article 2 Determination EPA National Sewage Sludge Survey EPA Draft Risk Assessment for PFOA and PFOS in Biosolids

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
CLIMATE CHANGE ADAPTATION			
- Climate change and water resilience are strategic priorities of both the State Water Board and Regional Water Board. - The State's Climate Change Assessment is the scientific foundation for climate-related vulnerability. Each assessment also includes details specific to the Bay Area region. The Fifth Climate Change assessment for California is currently underway. - The State's Climate Adaptation Strategy is updated every three years, mostly recently in September 2025. - Bay Area coordination occurs through Bay Adapt, the Bay Area Climate Adaptation Network (BayCAN), and other venues. BACWA has signed a letter of support for the Bay Adapt Joint Platform. - The Regional Water Board is modifying the Basin Plan to address climate change and wetland policy. The changes will occur through multiple Basin Plan amendments. - Shallow groundwater response to SLR is a concern in low-lying Bay Area communities. Information and maps about current and future depth-to-groundwater is available for five Bay Area counties from Pathways Climate Institute and SFEI (plus Solano County mapping is underway), while Valley Water offers information on Santa Clara County.	- In 2024, the Ocean Protection Council (OPC) adopted updated SLR guidance. - In 2024, the Bay Conservation and Development Commission (BCDC) adopted Sea Level Rise planning guidelines for the Bay Area as part of the Regional Shoreline Adaptation Plan. To comply with SB 272, the Plan requires cities and counties to develop subregional sea level rise adaptation plans by 2034. BCDC offers a Plan Resources website and training events, such as three "Planning Essentials" webinars planned for spring 2026. - In late 2024, the California Coastal Commission updated its sea level rise policy guidance to conform to OPC's new guidance. The guidance document also contains specific recommendations related to wastewater infrastructure. - In June 2024, the Regional Water Board adopted a Climate Change Basin Plan amendment addressing dredge and fill procedures near the region's shorelines, especially for climate adaptation projects. As of December 2025, the Basin Plan Amendment is now in effect. - SFEI offers resources to support planning of nature-based shoreline adaptation projects, such as the Baylands Resilience Metrics Mapbook. - OneShoreline (San Mateo County) is developing Resilient Public Infrastructure Guidance to help local stormwater, wastewater, and transportation agencies adapt to changing climate conditions.	Understand and participate in the development of Subregional Shoreline Adaptation Plans. These adaptation plans are required for cities and counties per BCDC's 2024 Regional Shoreline Adaptation Plan; special districts should also participate in their development. Plans are due by 2034. Begin using the OPC's updated Sea Level Rise Guidance. Updates to the Coastal Commission's "Critical Infrastructure at Risk" SLR planning guidance are expected to follow. - Continue to develop committee content on technical topics related to climate change, such as sea level rise projections and changes in precipitation. For example, OneShoreline (San Mateo County) is developing infrastructure guidance - Work with Regional Water Board staff and BACWA members to update and revisit the Climate Change Information Request first sent to NPDES permittees in 2021. - Continue to work with Regional Water Board and other resource agencies to look for regulatory solutions to encourage wetlands projects for shoreline resiliency. SFEI recently began developing a decision support tool to help accelerate the implementation of nature-based shoreline projects.	Regional Water Board Basin Plan Amendment on Climate Change and Aquatic Habitat OPC 2024 Sea Level Rise Guidance California Coastal Commission Sea Level Rise Policy Guidance Update (Nov. 2024) California Climate Adaptation Strategy (2025) BayCAN Funding Tracker BCDC Resources for Regional Shoreline Adaptation Plans Bay Adapt SFEI Shallow Groundwater Mapping (March 2025) Valley Water - Groundwater Response for Santa Clara County SFEI - Baylands Resilience Metrics Mapbook OneShoreline Resilient Public Infrastructure Guidance

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
CLIMATE CHANGE MITIGATION			
• The California Air Resources Board's (CARB's) 2022 Climate Change Scoping Plan Update lays out the approach for the State to meet its greenhouse gas (GHG) emissions, including policies addressing short-lived climate pollutants, carbon sequestration, and the largest emitters (transportation, electricity, and industrial sectors). • CalRecycle is implementing SB 1383 (Short-Lived Climate Pollutant Reduction) to reduce methane emissions. SB 1383 requires diversion of organic waste from landfills, and re-routing organics from landfills to digesters at POTWs is one way to accomplish this. • The Bay Area Air District developed a Clean Air Plan that outlines local strategies to address climate pollutants. The Air District is currently leading an effort to develop a Comprehensive Climate Action Plan for eight counties in the region. • The Air District proposed the development of Regulation 13 (climate pollutants) targeting methane and nitrous oxide reductions. After a pause of several years, the Air District began revisiting Regulation 13 in 2024. • The State Water Board's 2017 Climate Change Resolution addresses adaptation, ecosystem resilience, water use and efficiency, and greenhouse gas emissions.	• CARB has pursued rapid fleet conversion to zero-emission vehicles (ZEVs), including medium and heavy-duty vehicles, through the Advanced Clean Fleets Regulation. • In January 2025, CARB withdrew its waiver requests to EPA for key portions of the Advanced Clean Fleets rule. CARB plans to continue to enforce the State and Local Government Agency Fleets portion of the regulation. • In 2024, CARB re-opened the Advanced Clean Fleets regulations to incorporate requirements of AB 1594 by expanding ZEV purchase and daily usage exemptions for public agency utilities. In early 2026, CARB is expected to release a revised draft regulatory package (15-day notice) for amendments to the Advanced Clean Fleets and Low Carbon Fuel Standards regulations. CASA is continuing to advocate for a pathway for use of renewable natural gas as a transportation fuel in the context of these amendments. • As a first step in revisiting Regulation 13, the Air District is developing a white paper on anaerobic digesters and potentially associated emissions. A draft version of the white paper could be shared in the first half of 2026. • The State Water Board is crafting a new Climate Change Resolution that will address Water Boards actions on climate change mitigation and adaptation. A draft is expected in spring 2026. • Carbon Mapper is a new tool to track methane emissions via satellite. Agencies can check for methane plumes around their facility using such tools.	• Work with the Clean Water Summit Partners to elevate policymaker understanding of the connections between regulations for Biosolids, Air, Climate, Energy & Nutrients (BACEN). A webinar on the topic will be held on February 11th, including several talks related to the nexus between climate change mitigation nutrient removal, and biosolids. • Continue to track implementation of the Advanced Clean Fleets rule. A revised draft regulatory package is expected in early 2026. • Support the Air District's development of a white paper on anaerobic digestion by providing applicable information on digestion and associated energy generation infrastructure. Review and provide comments on the draft white paper once it is released later in 2026. • Work with PG&E and the Air District to explore options for POTWs to inject biogas into PG&E pipelines under the utility's state-mandated biomethane procurement program. • Work with CASA to review and provide comments on the State Water Board's Climate Change Resolution.	CARB Climate Change Scoping Plan CARB Low Carbon Fuel Standard Amendments (Effective July 1, 2025) CARB Advanced Clean Fleets Rule CARB Rulemaking on Advanced Clean Fleets to incorporate AB 1594 (July 2025) CARB's ZEV Purchase Exemption List CalRecycle and SB 1383 Bay Area Clean Air Plan Bay Area Comprehensive Climate Action Plan Bay Area Air District's Regulation 13 for Climate Pollutants EPA Renewable Fuel Standards PG&E Procurement Carbon Mapper

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
TOXIC AIR CONTAMINANTS			
● Regulation 11, Rule 18 (Rule 11-18), adopted in 2017, is the Air District's local effort to protect public health from toxic air pollution from existing facilities, including POTWs. ● Per the Rule, the Air District will determine each facility's prioritization score (PS). Health Risk Assessments (HRAs) will be conducted for all facilities with a cancer PS>10 or non-cancer PS>1. Facilities verified to be above a threshold will have to implement a Risk Reduction Plan. ● AB 617 (Community Air Protection Program) requires CARB to harmonize community air monitoring, reporting, & local emissions reduction programs for air toxics and GHGs. POTWs within communities already impacted by air pollution may have to accelerate implementation of risk reduction measures. ● AB 2588 (Air Toxics "Hot Spots" Program) established a statewide program for the inventory of air toxics emissions from individual facilities, as well as requirements for risk assessment and public notification. ● Since 2022, Air District staff and BACWA representatives have been meeting about 3-4 times per year to address concerns related to toxic air contaminants and associated rule-making. Workgroup materials are available on the AIR Committee website.	● In 2024, the Air District finalized updated Implementation Procedures for Rule 11-18 describing how the Air District will conduct HRAs. It also established rules for contractors to conduct HRAs, if allowed by the Air District. In August 2025, the Air District released draft amendments to Rule 11-18 that aim to improve program efficiency and accelerate the preparation of HRAs by requiring facility owners to conduct HRAs (rather than the Air District). BACWA submitted comments on the draft amendments in October 2025. A proposed rule package is expected in Summer 2026. ● To comply with provisions of AB 617 and AB 2588, the wastewater sector has until 2028 to perform a Pooled Emissions Study to update outdated default emission factors for toxic air contaminants. CASA is directing the Pooled Emissions Study with consultant support from Yorke Engineering. 27 BACWA member agencies are participating in the study, and are providing financial support totaling about \$620,000 in FY26. ● Throughout 2025, the project team met with CARB and staff from regional Air Districts to discuss the study plan. Regulator approval of the study plan is required before sampling can begin. The draft study plan for the Pooled Emissions Study was submitted to CAPCOA (a coalition of regional air district staff) in Fall 2025; after CAPCOA review is complete, the draft study plan will be submitted to CARB. The draft study plan is available to participating BACWA members upon request.	● Review the proposed amendments to Rule 11-18. BACWA's AIR Committee will review the proposed rule package when the Air District releases it in early 2026. The Air District is not planning to hold additional workshops. ● Review and understand the updated Rule 11-18 Implementation Procedures. For most POTWs with a relatively low prioritization score, the HRAs will not occur right away. These POTWs will likely be able to use updated emissions factors from the statewide pooled emissions study, as described below ● Report "business as usual" for air toxics through 2028 (through year 2027 data). The wastewater sector has until 2028 to perform the statewide Pooled Emissions Study. ● Continue participating in the BACWA-Air District workgroup to discuss toxic air contaminants, rule development, and related air quality regulatory issues.	Bay Area Air District Facility Risk Reduction Program Amendments (Rule 11-18) BACWA Comment Letter on Rule 11-18 Amendments Bay Area Air District New Source Review of Toxic Air Contaminants (Rule 2-5) CARB page on AB 617 and AB 2588 and Final Statement of Reasons CASA Handout on Pooled Emissions Study CARB List of Approved Independent Contractors for Test Methods Timing of Rule 11-18 vs. Process for AB 617 July 2024 BACWA Update to Air District Stationary Source Committee BACWA AIR Committee website

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
AIR DISTRICT PERMITTING			
• Best Available Control Technology (BACT) is a requirement for major new or modified sources of air pollution. • BACT is defined locally as part of the Air District's Rule 2-2, "New Source Review." BACT is established based on the most stringent level of emissions control that is achieved in practice and that is technologically feasible & cost effective. • CARB is working on proposed amendments to the off-road new diesel engine standards, called "Tier 5" rulemaking. The Tier 5 rulemaking aims to reduce oxides of nitrogen (NOx), particulate matter, and may also include first-time carbon dioxide (CO₂) emissions standards. • The Bay Area Air District has launched a three-year Engineering Program Manager Pilot Program with the intent of improving the permitting process for complex applications. This program will dedicate two Air District managers to work with selected facilities on challenging permit applications to ensure more efficient reviews, better communication, and improved transparency. Participating facilities will pay to cover the costs of Air District personnel.	• BACWA has been working with the Air District to provide better transparency for future BACT determinations. The Air District plans to hire a BACT / Consistency Coordinator in FY26 to support the effort. • BACT for all standby generators >50 bhp is now Tier 4 emissions standards. The Air District issued a BACT determination for Tier 4 emissions standards for large standby generators (≥ 1,000 bhp) in 2020, and for midsize standby generators (> 50 bhp and < 1,000 bhp) in 2024. Options to comply include: (a) an EPA-certified Tier 4 engine (b) a Tier 4-compliant engine that is packaged by the engine manufacturer with abatement equipment, or (c) A lower tier engine that has been retrofitted with after-market abatement equipment to meet Tier 4 standards. • In 2024, CARB began working on proposed amendments to the off-road diesel engine emissions standards (Tier 5 rulemaking). A workshop was held in October 2024. Based on CARB's schedule, Tier 5 standards would go into effect in the 2029-2034 timeframe. • BACWA is participating in an early, no-fee phase of the Engineering Program Manager Pilot Program throughout the first half of 2026, which could expedite permit processing for three participating BACWA members. • The Air District recently established a Permit Efficiency Taskforce to address efficiency issues in the permit process. The Permit Efficiency Taskforce will meet monthly. The Kick-off meeting was in January 2026.	• Design new or modified standby generators to meet Tier 4 emissions standards. • Continue to coordinate with CASA to participate in review and public comment on CARB's Tier 5 rulemaking. • Execute a Memorandum of Understanding with the Air District to participate in a pre-development phase of the Engineering Program Manager Pilot Program. • Participate in the Air District's Permitting Efficiency Taskforce. Member agencies are able to view the meetings virtually.	Air District BACT/TBACT Workbook Air District October 2024 Workshop on BACT Determination Slides and Video CARB Tier 5 Rulemaking Air District Engineering Program Manager Pilot Program Flyer and Webinar Recording Air District Strategic Plan

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
RECYCLED WATER			
- Approximately 10 percent of the municipal wastewater of Bay Area POTWs is currently recycled. Expansion of recycled water projects is a goal of many BACWA members, but implementation is slowed by high costs and administrative requirements. - In 2018, the State Water Board adopted uniform water recycling criteria for two types of Indirect Potable Reuse: surface water augmentation and groundwater augmentation. - In 2023, the State Water Board adopted uniform water recycling criteria for two types of Direct Potable Reuse: raw water augmentation and treated water augmentation. - As of 2020, virtually all recycled water in the Bay Area was produced at centralized facilities using municipal wastewater, and was treated to meet standards for non-potable reuse. There are not yet any Indirect or Direct Potable Reuse projects in the Bay Area, although several are in the planning stage.	- In November 2025, the State Water Board adopted regulations for Onsite Nonpotable Reuse in multi-family, mixed use, and commercial buildings. The new regulations will go into effect only after they are approved by the Office of Administrative Law and adopted into the state's building code by the CA Dept. of Housing and Community Development, which could occur as soon as 2027. After that, local jurisdictions can establish local programs that reference the updated state building code. - In 2023, BACWA completed a Regional Evaluation of Potential Nutrient Discharge Reduction by Water Recycling, as required by the 2nd Nutrients Watershed Permit. - In 2024 the Regional Water Board finalized a Basin Plan Amendment that will allow greater flexibility for NPDES permitting of reverse osmosis concentrate discharges to San Francisco Bay. - Direct Potable Reuse regulations were finalized in 2024 and are now in effect. - In October 2025, Governor Newsom signed SB31, which aims to provide more flexibility for the use of disinfected tertiary recycled water in outdoor eating areas, residential common areas, decorative water bodies, and around food handling facilities. The Division of Drinking Water has not yet identified a pathway to implement the legislation, so agencies should wait to update their permitting and inspection practices.	- Assist with implementation of the new Onsite Nonpotable Reuse regulations by working with regulators and other stakeholders on guidance for wastewater agencies. - Continue to provide members with technical resources related to interagency coordination, such as cost-sharing agreements and permitting. These topics are based on feedback from BACWA's 2023 workshop on interagency collaboration in which wastewater and water agency representatives convened to discuss challenges and opportunities for expanding water recycling in the Bay Area. - Continue to track the role of recycled water projects in diverting nutrient loads from San Francisco Bay. Significant nutrient load reductions and annual reporting on recycled water nutrient load diversions are required by the 2024 Nutrients Watershed Permit. BACWA will continue to compile information on recycled water nutrient load diversions as part of the Regional Planning Study due in 2029 (see page 2). - Track California legislation with potential impacts on recycled water funding, mandates, or regulations.	Water Boards Recycled Water Policy and Regulations Direct Potable Reuse Regulations Rulemaking for Onsite Nonpotable Reuse Regulations (updated November 2025) BACWA Special Studies of Recycled Water and Nature-Based Systems California's Water Supply Strategy (2022) Basin Plan Amendment affecting Water Recycling (now also incorporated into the Basin Plan) Meeting Materials from April 2025 Joint Workshop with WaterReuse Northern California SB 31 – Legislative Changes to Water Code for Nonpotable Recycled Use

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

ACRONYMS

ADC	Alternate Daily Cover	PCB	Polychlorinated Biphenyl
BABC	Bay Area Biosolids Coalition	PFAS	Per- and Polyfluoroalkyl Substances
BACT	Best Available Control Technology	PFHxS	Perfluorohexane Sulfonic Acid
BCDC	Bay Conservation and Development Commission	PFNA	Perfluorononanoic Acid
bhp	brake horsepower	PFOA	Perfluorooctanoic Acid
CalDPR	California Department of Pesticide Regulation	PFOS	Perfluorooctane Sulfonic Acid
CARB	California Air Resources Board	POTW	Publicly-Owned Treatment Works
CASA	California Association of Sanitation Agencies	PS	Prioritization Score
CEC	Compound of Emerging Concern	QAC	Quaternary Ammonium Compound
CIWQS	California Integrated Water Quality System	RMP	Regional Monitoring Program
CWEA	California Water Environment Association	RPA	Reasonable Potential Analysis
EC25/IC25	25% Effect Concentration/25% Inhibition Concentration	SF Bay	San Francisco Bay
ELAP	Environmental Laboratory Accreditation Program	SFEI	San Francisco Estuary Institute
ELTAC	Environmental Laboratory Technical Advisory Committee	SLR	Sea Level Rise
EPA	United States Environmental Protection Agency	SSMP	Sewer System Management Plan
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act	TMDL	Total Maximum Daily Load
FY	Fiscal Year	TIN	Total Inorganic Nitrogen
GHG	Greenhouse Gas	TNI	The NELAC Institute
HFPA-DA	Hexafluoropropylene Oxide (HFPO) Dimer Acid, also known as GenX	TST	Test of Significant Toxicity
MCL	Minimum Contaminant Level (Drinking Water)	WQO	Water Quality Objective
MGD	Million Gallons per Day	ZEV	Zero-Emission Vehicle
NELAC	National Environmental Laboratory Accreditation Conference		
NMS	Nutrient Management Strategy		
OAH	Ocean Acidification and Hypoxia		
OEHHA	Office of Environmental Health Hazard Assessment		
OPC	Ocean Protection Council		

ITEM NO. RA8 NUTRIENT MANAGEMENT STRATEGY STATE OF THE SCIENCE REPORT

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.
 - b. Maintain consistent compliance with EBDA's National Pollutant Discharge Elimination System (NPDES) Permit.
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.

Background

While the loads of nutrients such as nitrogen and phosphorus to San Francisco Bay are higher than those of 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 the San Francisco Bay Regional Water Quality Control Board (Water Board) staff 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 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 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 in 2023 amplified that pressure.

EBDA and our partners with BACWA negotiated the [third Watershed Permit](#) for nutrients, which was adopted on July 10, 2024 and became effective on October 1, 2024. The permit relies on modeling to set a Bay-wide target of a 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.

Discussion

The Nutrient Management Strategy science program, led by the San Francisco Estuary Institute (SFEI) provides the technical underpinning for regulatory actions on nutrients in the Bay. SFEI has been working to improve its communication outside the science community about what they have learned and what about the effects of nutrient discharges to the Bay. To that end, in December 2025, SFEI published a Nutrient Management Strategy State of the Science Report summarizing knowledge gained over the past decade of work. The Report's Executive Summary is attached, and the full report can be found at

https://drive.google.com/drive/u/0/folders/1QNxJBQuEk_ZWcmSRX0Y8thpp9lsFEhXO.

Additional information on the science program can also be found on SFEI's website here: <https://www.sfei.org/programs/cw/nutrients>. This work will continue to inform future efforts to regulate nutrient discharges as the watershed permit is renewed every five years.

NUTRIENT MANAGEMENT STRATEGY
STATE OF THE SCIENCE REPORT
SAN FRANCISCO BAY





NUTRIENT MANAGEMENT STRATEGY
STATE OF THE SCIENCE REPORT
SAN FRANCISCO BAY
2014 -2025

DECEMBER 2025
SFEI San Francisco
Estuary Institute

SAN FRANCISCO ESTUARY INSTITUTE PUBLICATION #1290

*A product of the **Nutrient Management Strategy** team at SFEI*

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REPORT AVAILABILITY

Report is available online at www.sfei.org/programs/cw/nutrients

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Executive Summary

This State of the Science report for the San Francisco Bay Nutrient Management Strategy (NMS) synthesizes eleven years of comprehensive research, monitoring, and modeling conducted from 2012 to 2025. The document traces the program's establishment in 2012 to the pivotal 2022 *Heterosigma akashiwo* (*H. akashiwo*) harmful algal bloom (HAB)—the largest in San Francisco Bay's recorded history—and the subsequent adaptive management response that has fundamentally transformed the region's approach to nutrient management.

Program Origins and Strategic Framework

Regional Focus

San Francisco Bay represents the largest estuary on the Pacific Coast of North America, encompassing approximately 1,600 square kilometers and supporting a population of around 8 million people. Despite receiving among the highest area-normalized nutrient loads globally—ranking in the 87th percentile for nitrogen loading among 163 estuaries worldwide—the Bay historically exhibited remarkable resistance to eutrophication due to high turbidity, strong tidal mixing, and intense grazing pressure from filter-feeding bivalves.

This resistance, however, was neither permanent nor guaranteed. Studies conducted in the decade leading up to 2012 documented substantial shifts in the Bay's response, or sensitivity, to nutrients—observations that raised concerns that the Bay's resistance to elevated nutrients was waning or that adverse impacts were occurring in previously understudied regions.

Regulatory Mandate and Governance

The NMS emerged from a 2012 regulatory mandate when the San Francisco Bay Regional Water Quality Control Board determined that additional scientific information was needed to develop appropriate nutrient criteria. Initial program funding was secured in FY2012/13, followed by establishment of the NMS Charter in 2013 and creation of a 15-member Steering Committee with representation from wastewater agencies, regulatory bodies, environmental organizations, and scientific institutions.

A Scientific Foundation convening in 2014 brought together national experts to establish the initial scientific framework, develop the conceptual model for nutrient dynamics, and identify science priorities that would guide the program's research efforts. This expert-advised approach ensured that resources were directed toward the most tractable and management-relevant questions.

Two-Track Science Priority Framework

The 2014 Scientific Foundation (Senn & Novick, 2014) and 2016 Science Plan (SFEI, 2016) established a dual-track approach to addressing the program's overarching management questions: (1) What nutrient loads are protective of beneficial uses within San Francisco Bay and (2) What management actions are needed to achieve protective nutrient levels?

Track A—Chronic Conditions Assessment: Evaluating existing impacts; characterizing and detecting gradual eutrophication trends over time; developing in-depth understanding of dose-response relationships between nutrient loads and primary productivity; informing caps or changes in nutrient loads to prevent degradation and maintain acceptable conditions.

Track B—Future Scenarios and Acute Events: Evaluating system responses under altered environmental conditions; assessing vulnerability to extreme events; modeling for acute conditions including major bloom events.

Work during the first eight years of the program (2014–mid 2022) focused primarily on Track A. This prioritization reflected the foundational need to improve mechanistic and quantitative understanding before applying models to future scenarios and the explicit expert guidance that some priorities in Track B would prove exceptionally challenging. In particular, expert advisors indicated that establishing mechanistic links between HABs/toxins and nutrients had proven difficult to isolate in other estuarine systems due to the complex combination of environmental forcings and cues that influence HAB events. The program strategically deferred intensive HAB mechanistic work in favor of building foundational monitoring and modeling capabilities for chronic condition assessment, with Track B topics planned for higher priority in future years.

Monitoring Infrastructure

The NMS has built upon one of the most comprehensive estuarine monitoring systems in North America, stemming from the U.S. Geological Survey's monitoring program established in 1969. Current capabilities include:

- **Moored sensor network:** 15 stations spanning Lower South Bay to Central Bay, collect data at 15-minute intervals for chlorophyll-a, dissolved oxygen, salinity, temperature, turbidity, and pH, with nitrate sensors at three stations
- **Ship-based channel monitoring:** 38 stations with monthly to bimonthly transects provide a complete nutrient suite, phytoplankton community data, and molecular samples
- **High-speed shoal mapping:** Seven annual cruises characterize previously understudied shallow habitats that comprise the majority of Bay surface area
- **Custom remote sensing:** The Red Edge algorithm (RE-SFB), validated through 426 spatial matchups, provides Bay-wide chlorophyll estimates optimized for the Bay's complex optical conditions
- **Molecular HAB detection:** Environmental DNA, qPCR, and amplicon sequencing for species-specific identification
- **Regional Coordination:** Funding from NOAA's Monitoring and Event Response for Harmful Algal Blooms (MERHAB) program and multi-million dollar commitments from the US EPA through the San Francisco Bay Water Quality Improvement Fund support expanded regional coordination and the development of HAB monitoring and modeling capabilities

Key Scientific Findings

The scientific understanding developed through the NMS monitoring and synthesis efforts reveal both long-term trends and emerging vulnerabilities that preceded—and help explain—the unprecedented 2022 *H. akashiwo* bloom. Findings are presented in logical progression from foundational understanding to advanced insights.

Nutrient Loading Patterns and Sources

Publicly-owned treatment works (POTWs) constitute the dominant nutrient source, contributing approximately 62% of total annual nitrogen loads Bay-wide and exceeding 90% during dry season months in Central and South Bays. Current POTW discharges average 34,300 kg/day of ammonium, 11,500 kg/day of nitrate, and 3,900 kg/day of dissolved inorganic phosphorus. Combined nitrogen loads from the region's five largest POTWs increased 25–30% between 2000 and 2018, reflecting both population growth and the expansion of wastewater infrastructure without corresponding nutrient removal technologies.

San Francisco Bay's high nutrient concentrations create the potential for severe adverse impacts under the right environmental conditions. The Bay's status as highly enriched in nitrogen and phosphorus—with levels sufficient to fuel substantial problems if more fully utilized—underscores the idea that historical resistance should not be presumed permanent.

Productivity Trends and Ecosystem Change

Long-term monitoring revealed a fundamental shift in San Francisco Bay's phytoplankton dynamics beginning in the 1990s. Central Bay gross primary production increased from approximately 300 mg C m⁻² d⁻¹ in the early 1990s to approximately 825 mg C m⁻² d⁻¹ by 2018–2019—a shift from the oligotrophic-mesotrophic boundary to the mesotrophic-eutrophic boundary. These findings demonstrated that the Bay's response to elevated nutrient concentrations can change, and that the system can shift into more nutrient-sensitive states—a critical insight for evaluating protective load levels under future scenarios.

Importantly, regional trajectories differed. Gross primary production in Lower South Bay peaked in the mid- to late-2000s before decreasing to approach early-1990s levels by the late-2010s. In contrast, gross primary production in Central Bay and northern South Bay remained elevated, with Central Bay approaching conditions classified as eutrophic. Despite these productivity increases, dissolved oxygen in deep channel habitats remained relatively stable, rarely dropping below 5 mg/L.

Lower South Bay Margin Habitat Stress

Based on NMS-led monitoring, we now know some shallow slough environments South of the Dumbarton Bridge experience chronic hypoxia. Guadalupe Slough, for example, recorded dissolved oxygen below 5 mg/L—a critical threshold for several fish species—approximately 60–70% of summer hours, with 704 unique excursions below this threshold between 2015–2017. Meanwhile, respiration rates in Alviso Slough can reach 27 g O₂/m²/day—among the highest reported for temperate estuaries—and cause rapid drops in dissolved oxygen.

Salt pond restoration combined with elevated nutrients contribute to these conditions: ponds' physical characteristics—shallow, long residence time, warmer temperature—allow for high phytoplankton growth rates. Tidal exchange between the sloughs and the ponds delivers POTW-derived nutrients to ponds—further supporting growth—and exports the ponds' phytoplankton biomass to sloughs where respiration draws down dissolved oxygen.

Harmful Algal Bloom Vulnerability

Molecular surveillance documented 14 priority HAB genera between 2015–2021, with *H. akashiwo* detected in 44% of samples—confirming the species' endemic presence. The presence of multiple HAB toxin classes, including domoic acid, microcystin, saxitoxin, and diarrhetic shellfish toxins in Bay mussel tissue samples provides additional evidence of HAB presence.

The NMS monitoring program focused considerable attention on toxin-producing organisms—*Alexandrium* (paralytic shellfish toxins), *Pseudo-nitzschia* (domoic acid), and freshwater cyanobacteria (microcystin)—that pose direct risks to human and wildlife health. Prior to 2022, *H. akashiwo*, while on the HAB watchlist, was not among the organisms considered most concerning because it does not produce toxins that bioaccumulate in food webs. Based on understanding from other systems, its impacts occur through massive biomass accumulation, oxygen depletion, and ichthyotoxic mechanisms. Since 2022, *H. akashiwo* has become the primary organism of focus.

The effects on wildlife from chronic exposure to HAB toxins at the levels observed in San Francisco Bay remain unknown—a knowledge gap explicitly identified prior to 2022 that continues to warrant investigation.

Modeling and Predictive Capabilities

The San Francisco Bay Biogeochemical Model (SFB-BGCM) provides the technical foundation for nutrient management decision-making. The coupled hydrodynamic-biogeochemical framework achieves skill scores exceeding 0.7 for dissolved inorganic nitrogen and root mean squared errors below 1 mg/L for dissolved oxygen.

Model applications include source apportionment analysis quantifying individual POTW facility contributions throughout the Bay system and scenario evaluation that provided the technical foundation for the Regional Water Board's development of water quality-based effluent limits under the 2024 Nutrient Watershed Permit. Prior to 2022, model development focused primarily on simulating chronic conditions—seasonal patterns, long-term trends, and dose-response relationships under typical environmental forcing. The 2022 event catalyzed a fundamental reorientation toward modeling acute conditions approximating the bloom event itself: rapid bloom development, severe dissolved oxygen depletion, and major ecosystem impacts.

The 2022 Bloom: A Watershed Moment

The August 2022 *H. akashiwo* bloom marked a turning point in San Francisco Bay's ecological history and the NMS program's trajectory. The event represented the convergence of conditions documented throughout this report: elevated baseline productivity, chronic margin habitat stress, endemic HAB presence, and sustained nutrient loading.

Event Characteristics

The bloom developed over six weeks, ultimately encompassing nearly the entire lower estuary. Peak chlorophyll-*a* concentrations reached 527 µg/L on August 23, 2022, with cell densities exceeding 1 million cells per liter. The bloom consumed approximately 725 Mg nitrogen—more than 50% above the amount available at the start of the bloom—before collapsing abruptly around August 28, 2022. That value indicates that additional nitrogen entered the system, fueling the bloom.

Unprecedented Biological Impacts

The bloom caused the largest fish mortality event in San Francisco Estuary's recorded history:

- 947 total sturgeon reported dead, including 279 white sturgeon and 19 green sturgeon
- Population assessment revealed white sturgeon declined from approximately 30,000 to 6,447 legal-size fish
- Most sturgeon mortalities involved reproductive adults from 2006 and 2011 cohorts
- Broad taxonomic scope indicated community-level disruption across multiple species

Mechanistic Understanding

The 2022 event occurred under conditions opposite those typically observed with *H. akashiwo* blooms—during drought with elevated salinity rather than following freshwater stratification. Bloom termination involved nutrient exhaustion, intense microbial respiration (2–3 mg O₂/L/day), and increased grazing pressure.

The expanded monitoring infrastructure developed during the preceding decade proved essential for intensive study of the bloom's development, peak, and collapse—validating the strategic investments in high-frequency sensors, molecular detection capabilities, and remote sensing tools. Causal factors and mechanisms remain a major focus of ongoing research using observations and models.

Strategic Pivot: From Chronic to Acute Conditions Focus

The 2022 HAB fundamentally altered the NMS program's trajectory. Topics that had received limited attention prior to 2022—including forecasting conditions under plausible future scenarios, risk assessment, and mechanistic links between HABs and nutrients—became priorities.

As a result, the program pivoted its primary focus from chronic condition assessment (Track A) toward expanded emphasis on acute conditions modeling and HAB prediction (Track B). This includes:

- **Expanded HAB monitoring:** MERHAB-funded program integrating molecular detection, community science, and real-time data systems
- **Acute conditions modeling:** Simulating scenarios approximating the 2022 event—rapid bloom development, severe dissolved oxygen depletion, major ecosystem impacts
- **HAB mechanism investigation:** Intensive research on bloom initiation, species dynamics, and causal factors that had previously been strategically deferred

Adaptive Response and Future Directions

The NMS Steering Committee approved a 5-year science plan in June 2025 to guide research through 2030. Priorities include:

- **Expanded Monitoring:** Northern subembayment coverage, POTW upgrade effectiveness tracking, real-time data integration with telemetry systems and HAB dashboard
- **Priority Research:** HAB prediction and prevention mechanisms, pond management and habitat co-benefits, biogeochemical process quantification including denitrification rates and sediment interactions
- **Emerging Management Tools:** Nutrient trading framework supported by source apportionment modeling, nature-based solutions including treatment wetlands, integrated Bay-watershed-coastal ocean assessment

Top Ten Lessons Learned

1. **Historical resilience is not permanent.** San Francisco Bay's natural defenses against eutrophication—high turbidity, strong mixing, intense grazing—have weakened over decades, culminating in the 2022 bloom that demonstrated the system's vulnerability under changing conditions.
2. **Long-term monitoring is irreplaceable.** The USGS program established in 1969 provided the essential baseline for detecting the productivity shift after 2000 and informing management responses to the 2022 event.
3. **High-frequency monitoring reveals critical dynamics.** The 15-minute sensor network captured rapid oxygen depletion events and bloom progression that monthly sampling would miss entirely.
4. **Shoal environments matter disproportionately.** Despite comprising the majority of Bay habitat, shallow areas were historically understudied; high-speed mapping revealed productivity hotspots and spatial heterogeneity essential for understanding Bay-wide dynamics.
5. **Endemic HAB populations await favorable conditions.** *H. akashiwo* was detected in 44% of samples during 2015–2021, indicating the 2022 bloom resulted from triggering conditions aligning rather than species introduction.
6. **Point sources dominate but can be managed.** POTWs contribute 62% of nitrogen loading Bay-wide and over 90% during critical dry-season months, making them the most tractable target for load reductions.
7. **Margin habitats serve as early warning systems.** Chronic hypoxia in some Lower South Bay sloughs demonstrated nutrient-driven oxygen depletion at local scales years before the Bay-wide 2022 event.
8. **Models bridge science and regulation.** Biogeochemical modeling provided the quantitative foundation for the 40% reduction mandate, translating scientific understanding into regulatory requirements.
9. **Crisis accelerates action.** The 2022 bloom catalyzed a regulatory response, demonstrating how extreme events can trigger decision-making.
10. **Adaptive management requires sustained investment.** The transition from reactive monitoring to proactive ecosystem management demands continued funding for monitoring, modeling, and research to track system response and adjust strategies as needed.

ITEM NO. RA9 EAST BAY LEADERSHIP COUNCIL IMPACT REPORT

Recommendation

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

Strategic Plan Linkage

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).

Background

Since 2023, EBDA has been a member of the East Bay Leadership Council (EBLC). EBLC is a public policy advocacy organization focused on advancing economic vitality and quality of life across Contra Costa and Alameda counties. The organization is made up of public agencies, private businesses, and non-profits with common interests in the East Bay. EBDA staff has been active in EBLC's Water, Energy, and Environment Task Force, which has monthly meetings that are well-attended by staff and elected officials from East Bay drinking water and wastewater agencies, in addition to cities and private companies. This year, EBDA's General Manager joined EBLC's Board of Directors and Executive Committee as a liaison on water issues.

Discussion

In February, EBLC released its first annual Impact Report summarizing the organization's activities and accomplishments. The report is intended to be viewed online and can be accessed here: <https://eastbayleadershipcouncil.com/impact>. Many of EBLC's initiatives are well-aligned with EBDA's Strategic Plan, and membership allows EBDA to tap into broader cross-sector support for our priorities. As an example, EBLC recently provided a letter of support for the wastewater coalition grant proposal submitted to EPA.



ITEM NO. 14 MOTION ADOPTING UPDATES TO THE AUTHORITY'S PERSONNEL POLICY

Recommendation

Adopt the revised Personnel Policy.

Strategic Plan Linkage

4. **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

The Authority's Personnel Policy governs human resources decisions for the agency. It was last amended in September 2024 to adjust the list of Authority holidays to add Juneteenth and to adjust floating holiday benefits commensurately. The Policy is reviewed annually or as needed.

Discussion

At its February 2026 meeting, the Personnel Committee reviewed and recommended adoption of the Personnel Policy with the following revisions:

1. In Section VI – Selection Procedure, the Medical Examination language states that “the individual shall be required to satisfactorily pass a medical examination.” To provide flexibility when conducting a recruitment, the word “*shall*” has been changed to “*may*.”
2. Verbiage has been added to clearly state that gambling is prohibited while at work, not just at Authority properties.
3. To align with practices at Member Agencies, language has been added to allow employees to receive payment for accrued, unused vacation leave. Previously, only vacation accruals exceeding the maximum cap were paid to the employee at the end of the fiscal year. In addition to providing a benefit to employees, this policy addition helps the Authority more effectively manage its financial liability by decreasing outstanding leave balances on the balance sheet.
4. Reproductive Loss Leave was added to Section XIII of the policy to ensure compliance with Government Code section 12945.6.

Personnel Policy

Reviewed February 17, 2005
Reviewed March 16, 2006
Revised March 15, 2007
Revised March 19, 2009
Revised July 16, 2009
Revised November 23, 2009
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Revised September 22, 2016
Revised October 18, 2018
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Revised January 16, 2020
Revised November 19, 2020
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SECTION I – DEFINITIONS

Allocation	The assignment of a position to an appropriate class on the basis of the nature, difficulty and responsibility of duties actually performed.
Applicant	Any person who has made application for a position.
Authority	The East Bay Dischargers Authority.
Candidate	A qualified applicant who has been selected to participate in the selection process.
Class or Classification	A position or group of positions, the duties and responsibilities of which are sufficiently similar so that the same descriptive title, examples of duties and tests for fitness may apply.
Class Specification	A written description of duties, responsibilities and desirable qualifications for employment in a classification.
Commission	The East Bay Dischargers Authority Commission, the legislative and governing body of the Authority.
Compensation	The salary, wage, allowances and all forms of valuable consideration paid to any employee by reason of service in any position.
Demotion	A change of an employee from one position to any other position having a lower maximum salary.
Eligible	A person whose name is on an active employment list.
Employment List	A list of persons who may be considered for appointment to a specific position with the Authority.
Employee	A person officially appointed to a position in the adopted Classification Plan.
Examination	The selection procedure used to measure the relative fitness of persons applying for positions with the Authority.
Full-Time Schedule	The Authority considers full-time employment to be forty (40) hours per week.
General Manager	The General Manager of the Authority, as appointed by the Commission or their duly designated representative.
Job Description	A written description of duties, responsibilities and desirable qualifications for employment in a specific position.
Part-time Position	A position to which an employee shall be assigned for less than forty hours per week.

Personnel Committee	A panel advisory to the Commission on personnel matters consisting of two members of the Commission.
Position	A group of current duties and responsibilities designated by the Commission as requiring the employment of one person.
Probationary Appointment	A working test period during which an employee selected from an employment list is required, by actual performance, to demonstrate fitness for the duties of the position to which appointed.
Promotion	A change of an employee from one position to another position that has a higher maximum salary.
Provisional Appointment	Appointment for a period not to exceed six months to a position for which no employment list exists.
Reallocation	Change in the assignment of a position from one existing class to a new class resulting from a change in the Classification Plan.
Regular Appointment	The type of status granted to an employee who has successfully completed a probationary period.
Seniority	The total length of satisfactory service of an employee within each specific class.
Suspension	Temporary separation of employment with or without pay.
Temporary Appointment	Assignment of an employee to a position for a limited duration.
Termination	Permanent separation of an employee from Authority service.
Unclassified Position	Certain management, professional or confidential positions designated by the Commission to fall outside the classified service and to be exempted from certain provisions of these Rules.

SECTION II – GENERAL PROVISIONS

Purpose

The Personnel Policy is established to provide a comprehensive personnel system and procedure for its administration whereby the Authority may:

1. Establish consistent employment practices.
2. Provide guidelines for recruiting and selection of the best candidates.
3. Establish a fair and equitable compensation system.
4. Provide for the welfare of all employees.
5. Establish guidelines for separation of employment.

Employment under this Personnel Policy shall not constitute an employment contract, and the General Manager may interpret and implement the provisions included in this document as deemed appropriate. Any changes to this document must be in writing and must be adopted by the Commission. Copies shall be provided to employees so that they are aware of all changes to the Personnel Policy. No oral statements shall in any way change or alter the provisions of this Personnel Policy.

Applicability

This Personnel Policy shall apply to all employees of the Authority. In the case of conflicting language, an employment agreement shall supersede this Personnel Policy. The following list of persons are exempt from this document:

1. Commissioners of the Authority
2. Members of Committees advisory to the Commission
3. Persons engaged under contract to supply expert, professional, technical or other services
4. Volunteer personnel

Administration

The Commission shall appoint, and may remove, a General Manager who shall have responsibility for and control of the affairs of the Authority and who shall, among other duties, administer the personnel system set forth herein, including preparation and maintenance of the Classification and Compensation Plans, all essential records required for maintenance of the system and application of the rules, and shall enforce the provisions herein and all other pertinent regulations, directives and policies.

The Commission shall appoint a Personnel Committee consisting of two members of the Commission, the function of which is to review and make recommendations on all personnel matters coming before the Commission for action, including revision to the Classification or Compensation Plans and these Rules, and to hear appeals as indicated herein. Action by the Committee with respect to grievances (Section XVIII) shall be final

and shall not require further action by the Commission unless appealed to the full Commission.

Non-Discrimination (Equal Employment Opportunity)

No person within the service of the Authority, or seeking entry thereto, shall be employed, promoted, demoted, suspended, discharged, in any way favored or discriminated against, or retaliated against for charging acts of discrimination in accordance with Federal Equal Employment Opportunity Laws (EEO) and State of California Department of Fair Employment and Housing Act. This includes but is not limited to the following protected classes and activities:

- Age (40 and over)
- Ancestry
- Citizenship
- Color
- Disability (mental and physical) including HIV and Aids
- Equal Compensation
- Denial of Family and Medical Care Leave
- Gender, Gender Identity, Transgender and Gender Expression
- Genetic Characteristics and Genetic Information
- Marital Status
- Medical Condition
- Military or Veteran Status
- National Origin
- Political Affiliation
- Race
- Religion
- Religious Creed
- Sex (which includes pregnancy, childbirth and medical conditions related to pregnancy or childbirth)
- Sexual Orientation
- Whistleblowing

The Authority is an equal opportunity employer and its personnel policies shall be administered in accordance with applicable state and federal law.

Incompatible Activities

No officer or employee of the Authority shall:

1. Participate in any political activity during working hours on the Authority premises.
2. Use for private gain or advantage the influence of an Authority position or the facilities, equipment or supplies of the Authority.
3. Solicit or accept any favors or gifts from persons, concerns or corporations who have, or seek to have, business contacts with the Authority.

4. Divulge confidential information to anyone to whom issuance of such information has not been authorized by the General Manager.
5. Participate in any employment or other activity which, will prevent the employee from completing assigned duties in an efficient and capable manner, which brings discredit upon the Authority, or which might result in a conflict of interests between the employee's private interest and official duties and responsibilities, or in any event which has not been approved by the General Manager.
6. Provide information or services to contractors or other persons, which would give a competitive advantage over others dealing with the Authority.

Violation

Violation of these rules shall be grounds for rejection of application, removal from an eligible list, suspension, demotion, discharge or other discipline of employees deemed appropriate under the circumstances.

Severability

If any section, subsection, sentence, clause or phrase herein or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Policy.

SECTION III – CLASSIFICATION PLAN

Preparation

The General Manager may review the duties and responsibilities of all positions within the Authority service. All positions shall be grouped into classes and each class shall include those positions sufficiently similar in respect to their duties and responsibilities that similar requirements as to training, experience, knowledge, skills, personal qualities, and the same salary range may be made to apply with equity to all positions in the same class.

Content

The Classification Plan shall have written class specifications, which shall include concise descriptive titles, physical requirements and working conditions as required by the Americans with Disabilities Act, general descriptions of the essential duties and responsibilities of the class including job definitions, and statements of the required and desirable qualifications.

Each class specification outlines the main characteristics and qualification requirements of positions allocated to the class and gives examples of duties which employees holding such positions may properly be required to perform. The class specification is descriptive and explanatory, but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks and duties of related kind or character or of lesser skills. The statement of desirable qualifications in a class specification is intended to be

used as a guide in selecting candidates for employment as an aid in the preparation of competitive examination, and for use in determining the relative value of positions in one class with positions in other classes. Such personal characteristics as honesty, sobriety and industry are deemed to be included in all class requirements and need not be specifically mentioned.

Nothing in the class specifications is to be interpreted as restricting a supervisor in assigning an employee of one class to perform the duties of a higher class for limited relief periods. Such assignment to perform the work of a higher class for a limited period comes within the requirements of work in all classes.

Adoption

Before the Classification Plan or any part thereof shall become effective, it shall be adopted by the Commission upon recommendation of the Personnel Committee.

Revisions

Each basic revision in the Classification Plan shall be made in the same manner as the Plan was originally established.

The General Manager may review duties of positions and prepare recommendations to the Personnel Committee for action by the Commission to ensure that the Plan is kept current and those changes in existing classes, the establishment of new classes or the abolition of classes is properly reflected in the Classification Plan.

The General Manager may reallocate a position to a different class whenever its duties change materially. Any proposed reallocation to be made shall be made with the knowledge of the employee concerned.

Whenever a new position is proposed, the General Manager shall prepare a comprehensive statement of the circumstances and description of the proposed duties and responsibilities and recommend allocation of the position to an appropriate class in the Classification Plan. No new position shall be filled by an individual until the position has been created by the Commission and until there is an approved class specification describing the work to be performed which has been adopted under the Classification Plan.

Reclassification of a position may not be used to circumvent the procedures concerning demotion, promotion, or compensation.

Incumbents of Reclassified Positions

When a position is reclassified from one class to another, the employee occupying the position may be retained in the position without further competitive examination provided that:

1. It is determined by the General Manager that the reclassification results from a change in duties and responsibilities that have already occurred.

2. The performance of the duties and responsibilities of the incumbent have been satisfactory.
3. The General Manager certifies that the incumbent possesses the knowledge, skills and abilities necessary to perform the duties of the new class.

The incumbent has regular status in the class to which the position was formerly allocated.

SECTION IV – COMPENSATION PLAN

Content

The Compensation Plan shall consist of a schedule of monthly salary ranges, the method of computing hourly equivalents of actual salaries, and a summary list of additional benefits provided by the Authority.

Preparation

At least once annually, prior to the beginning of the fiscal year, the General Manager shall prepare a tentative Compensation Plan and shall present it to the Personnel Committee for review and recommendation to the Commission.

In preparing the tentative plan, the General Manager shall take into consideration class-by-class salary comparisons with Member Agencies and other comparable agencies to be designated by the Personnel Committee and across-the-board compensation adjustments received by Member Agencies since the last EBDA adjustment. Appropriate consideration shall be given to adjustments of the cost of living as measured by the Consumer Price Index for All Urban Consumers (CPI-U), the base figure for comparison shall be the San Francisco-Oakland-Hayward, CA for the period of January 1 through December 30 of the previous year. Adjustments in the cost of living shall be considered once a year as the General Manager prepares the Compensation Plan. The cost-of-living adjustment (COLA) shall be based on the above index within a floor-to ceiling-range of 2% - 5%. The COLA range shall be reviewed every three years. In adopting a COLA, the Commission may also consider the short- and long-term financial status of the Authority. Effective July 1, by adoption of an amended Compensation Plan, adjustments shall be applied to the salary range of each position to reflect the COLA.

Adoption

The Compensation Plan for all employees shall be established by the Commission upon recommendation of the Personnel Committee prior to the effective date of any amendments thereto.

Administration

The Compensation Plan shall be administered by the General Manager. The General Manager, after review by the Personnel Committee and approval by the full Commission, shall determine the actual salary of individual employees, within the ranges established

in the compensation plan, based on an evaluation of the employee's qualifications, performance and merit.

Salary step increases shall be earned, shall be subject to satisfactory service, and shall not be considered a right of the employee. After an employee completes twelve (12) months of continuous service in the same position, the employee may be advanced to the next higher rate of compensation as set forth in the Compensation Plan upon approval of the General Manager. Subsequent step increases shall be effective annually on the anniversary of the employee's hire date until the employee reaches the top step of the range. After reaching step 5, the employee shall remain at the same rate provided for at step 5 while continuing to serve in the same position, subject to satisfactory service.

A written performance evaluation shall accompany a recommendation for salary advancement. Performance standards are based on satisfactory achievement of the qualifications outlined in the classification plan in addition to customary employment standards, such as knowledge of the position; quality of work; ability to handle responsibility; acceptable rate of productivity; demonstrated initiative; and an acceptable attendance record. Performance evaluations, which may include employee comments or rebuttals, shall be maintained in the employee's personnel file. A copy shall be provided to the employee.

SECTION V – RECRUITMENT AND APPLICATION

Recruiting

Public announcement of all employment opportunities shall be made at least three weeks prior to the final filing date of the announcement. The General Manager shall prepare an official announcement for posting in appropriate public places and its publication in appropriate news media or trade journals. The announcement shall contain all information of importance for potential applicants. Suitable and effective methods of distributing information concerning employment opportunities and securing the most qualified candidates available for competition shall be practiced.

Application

Applications for employment shall be made readily available to potential applicants. Applications filed with the Authority shall be filed at the time, place, and manner prescribed in the job announcement and, once filed, shall become the property of the Authority.

Disqualification of Applicants

The Authority may reject an application, may disqualify an applicant in an examination, may refuse to place a name on an eligibility list, or may remove a name from an eligibility list for any legitimate reason, including but not limited to the following:

1. Substantive failure to fulfill any of the qualifications for the class or position for which the application is made.

2. Failure to pass written examinations required by the Authority.
3. Failure to pass the appraisal board interview.
4. Failure to pass a pre-offer background check and/or post-offer physical examination.
5. Failure to furnish true statements of material facts.
6. Practice or attempted practice of fraud or deception in connection with filing an application or during examination.
7. Previous dismissal from any public service for cause.
8. Previous resignation from the Authority or a Member Agency without adequate notice or under other prejudicial circumstances.
9. Being under the influence of intoxicant(s) that would impair the applicant's ability to perform in a safe and competent manner.
10. Previous conviction of a crime against person or property of a violent nature.
11. Failure of an applicant, after notification, to present themselves promptly at the time and place designated for any portion of the examination.
12. Obtaining either directly or indirectly, information about an examination that, as an applicant or competitor, would give applicant an unfair advantage or to which applicant was not entitled.
13. Failure to respond to communications concerning the applicant's availability for employment.
14. Request by the applicant that their name be withheld from consideration.

Confidentiality

The names of applicants and information contained on applications for employment shall not be made public.

Verification

Information presented on applications may, during the course of the hiring process, be verified, and applicants may be subject to a background check by the Authority. The Authority has the right to conduct a complete and exhaustive background investigation of all applicants seeking employment.

Exemption

All at-will positions shall be exempted from the foregoing recruitment and application procedure. Recruitment and application for at-will positions shall be conducted in a manner established by the Commission as vacancies occur.

SECTION VI – SELECTION PROCEDURE

The selection procedure shall be impartial, of a practical nature, and shall indicate a good faith effort to fairly measure and evaluate capacities of the applicants to execute the

essential duties and responsibilities of the position to which they seek to be appointed. Applicants participating in the recruitment shall compete in the same process and follow the same selection methodology. The selection procedure may include any one or a combination of the following:

- A. Information extracted from the application form, resume and other pertinent documentation submitted;
- B. Written, practical (hands-on), or physical tests or examinations, or any combination thereof;
- C. Oral interview with an appraisal board and/or one-on-one interview with Authority staff; and/or,
- D. Other appropriate means.

Applications shall be screened and evaluated. The most qualified candidates will be selected to participate in the selection process.

The Authority shall notify each applicant in writing of their standing as important steps in the selection process are completed. Once a candidate is selected and a job offer is made, the other candidates on the eligibility list shall be notified of the fact, and informed that their names will remain on the eligibility list for that position for a period of one year.

Medical Examination

Before any appointment may be made to a regular position, the individual may be required to satisfactorily pass a medical examination given by a regularly licensed physician designated by the Authority and made at the Authority's expense. No person shall be given a probationary or regular appointment that, at the time of such appointment, is physically unable to satisfactorily fulfill the duties of the position. An eligible candidate may be accepted conditionally when it is the opinion of the examining physician that the individual's physical disqualification may be temporary or when it is deemed that treatment may satisfactorily correct any impairment. Such impairment shall be corrected no later than one month prior to the completion of the employee's probationary period. Regular employees being appointed to positions involving increased physical effort may also be required to satisfactorily pass an appropriate physical examination.

SECTION VII – EMPLOYMENT LISTS

Establishment

At the completion of the examination process, an employment list containing the names of all persons who have successfully passed all parts of the selection process shall be prepared by the General Manager.

Order of Names

The names of successful candidates shall be placed on the employment list in the order of their final ratings. If two or more candidates have final scores that are identical, these candidates shall occupy an identical position on the employment list.

Duration of List

Each employment list shall normally remain in force for one year from the date of its establishment, except that the General Manager, may extend the list for an additional period of time up to one year.

Removal of Names

The name of any eligible candidate may be removed or withheld from an employment list for any of the reasons specified in Section V.

Restoration of Names

An eligible candidate's name shall be reinstated to an employment list in the same relative position as originally held upon showing cause satisfactory to the General Manager.

Termination of List

An employment list may be terminated prior to its usual expiration date upon recommendation of the General Manager and approval of the Commission when it is considered to be in the best of interest of the Authority.

SECTION VIII – APPOINTMENT

The power to appoint, discipline and dismiss employees of the classified service shall be vested in the General Manager or designee.

The successful candidate will be required to provide proof of identity and authorization to work in the United States. Documentation of eligibility to work in the United States will be required as a condition of employment.

Oath

In accordance with California Constitution Article 20, Section 3, and as mandated by California Government Code Sections 3100-3109, all public employees are declared to be disaster service workers, and must take and subscribe to an oath of loyalty as a condition of employment.

Regular Appointments

Regular appointments shall be made by the General Manager or designee from established eligibility lists. Candidates appointed to regular positions shall be considered in a probationary status until successfully completing the probationary period. For employees who are not classified as at-will, regular appointments shall be made upon successful completion of the probationary period.

Provisional Appointments

The General Manager may make a provisional appointment to a position if there is no eligibility list for the class, and if the needs of the service require that the position be filled before a selection process can be completed. A provisional appointee shall:

- Meet the requirements of training and experience established for the position;
- Not be continued for more than thirty (30) days after an eligibility list for the position has been established, unless there are no candidates on such eligibility list who are available or wish to be considered for appointment to the position;
- Not serve under provisional appointment for longer than a 12-month period except when employed for a specific contract undertaken by the Authority.

Temporary Appointments

If an employee is needed for a temporary period, certification shall be made from the names of those eligible candidates, if any are available, that have indicated willingness to accept temporary employment and appointment shall be made by the General Manager. The duration of the temporary appointment shall be limited to the period of the need.

The acceptance or refusal of a temporary appointment shall not affect an eligible candidate's standing on an employment list and the period of temporary service shall not constitute a part of a probationary period. Successive temporary appointments to the same position shall not be made nor shall an individual receive continued temporary appointments. If an appropriate employment list does not exist, an offer of temporary appointment may be made to a person who has not qualified under provision of these rules, but through a comparable process.

Part-Time Appointments

If an employee is needed for less than a total of 40 hours per week, a part-time appointment shall be made by the General Manager from eligible candidates that have indicated willingness to accept part-time employment. The Authority is responsible for following the same recruitment/selection process for part-time employees as for regular, full-time employees.

SECTION IX – EMPLOYMENT STATUS

Probationary Status

The first six (6) months of employment is a period of evaluation for all regular employees and is called a Probationary Period. This is a time to monitor both work performance and work habits of the newly appointed employee. The probationary period may be extended for an additional period, not to exceed six (6) additional months, if an employee requires additional evaluation. If an employee successfully completes the probationary period, the employee moves from probationary status to regular status.

If, at the sole determination of the Authority, the newly appointed employee is unsuccessful in completing the probationary period, the employee shall be terminated with no right of appeal or hearing.

Regular full-time employees occupying management or supervisory positions are not subject to probationary periods and serve as at-will employees at the pleasure of the Authority; they can be terminated anytime, with or without cause.

Regular Full-Time Status

Regular full-time employees are not in a temporary status and are regularly scheduled to work the Authority's full-time schedule. Generally, they are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefit program.

Employees in this employment status have completed the probationary period and work a forty (40) hour work week on a regular basis.

At-Will Status

An at-will employee is one whose employment may be terminated at the discretion of the Commission and/or General Manager at any time with or without cause. At-will positions include managerial employees whose terms of employment are stipulated in a written employment agreement signed by both parties. At-will status also applies to any probationary, provisional, and/or temporary employee.

At-will employees shall enjoy the same statutory protections of regular employees, including laws that prohibit discrimination or harassment based on protected classes such as those listed in the [Non-Discrimination section](#) of the General Provisions in Section II. At-will employees shall also be entitled to engage in protected activities without fear of retaliation, such as filing a charge of discrimination, whistleblowing or participating in an investigation.

Rules providing pre-discipline meeting rights and post-discipline appeal rights for discipline or separation for cause do not apply to at-will employees.

Part-Time Employment

Part-time positions are those that are required on a long-term basis and are scheduled to work less than 40 hours per week. Part-time employees do not serve a probationary period. At the end of each 2080 hours worked, the part-time employee is eligible for a salary step increase based on satisfactory performance. Such employees serve at the discretion of the General Manager, are at-will, and can be terminated any time, with or without cause. The General Manager shall periodically review the part-time positions to determine that there are appropriate staffing levels to meet the needs and requirements of the Authority and make adjustments as necessary.

Part-time employees shall be entitled to participate in the Authority's benefit programs as specified in the Compensation Plan. The Authority's payment toward these insurance programs shall be proportionate to the employee's scheduled work hours.

Temporary Employment

Temporary employees are hired as interim replacements if regular staff are unavailable, to temporarily supplement the workforce, or to assist in the completion of a specific project or set of projects for a limited duration. Employment beyond any initially-stated period does not in any way imply a change in employment status.

Temporary full-time employees are scheduled to work the Authority's full-time schedule. Temporary part-time employees are scheduled to work less than 40 hours per week. Employees in temporary classes are not eligible for benefits or accrued leaves, with the exception of sick leave.

Resignation

An employee who resigns shall present notice in writing to the Authority at least 14 calendar days prior to the effective date of the resignation.

Reduction in Force

The Commission may separate any employee, without prejudice, because of lack of work or funds, or because of material change in duties or organization. No regular employee, however, shall be separated while there are provisional, probationary or temporary employees serving in the same class; provided, however, a regular employee otherwise subject to separation under this Policy may elect voluntary demotion to a lower class if vacancies exist. The order of separation due to reduction in force shall be based upon seniority. All employees subject to separation under these provisions shall receive written notice at least 14 calendar days prior to the effective date.

A summary of employment types and relevant status and benefits is provided in the following table:

	Status	Benefits
Temporary Part-time	At-will	Sick leave only
Temporary Full-time	At-will	Sick leave only
Regular Part-time	At-will	All proportionate to scheduled work hours
Probationary Full-time	At-will	All
Regular Full-time	Subject to discipline procedures	All

SECTION X – DISCIPLINE AND GENERAL RULES OF CONDUCT

It is expected that all employees shall render the best possible service and reflect credit on the Authority. Therefore, the highest standards of professional conduct are essential and expected of all employees. This Section does not apply to temporary, probationary, and provisional employees, though the Authority holds these employees to the same high

standards of professional conduct. Discipline for at-will employees is at the discretion of the General Manager.

Disciplinary Actions

The Authority may invoke the following types of disciplinary actions:

- a) Verbal Warning
- b) Written Reprimand
- c) Suspension With or Without Pay
- d) Reduction in Pay
- e) Demotion
- f) Disciplinary Probation
- g) Discharge/Termination

Grounds for Discipline

Disciplinary measures may be taken for any good and sufficient cause. Authority employees who are employed at-will, including temporary, provisional, and probationary employees, are not subject to the requirement of good cause, and are not entitled to pre-discipline procedures or appeals under these policies and may be separated with or without advance notice.

Good cause exists not only when there has been an improper act or omission by an employee in the employee's official capacity, but when any conduct by an employee brings discredit to the Authority, affects the employee's ability to perform their duties, causes other employees to be unable to perform their duties, or involves any improper use of the employee's position for personal advantage or the advantage of others. Rules requiring good cause do not apply to at-will employees. The type of disciplinary action shall depend on the seriousness of the offense and the relevant employment history of the employee. Causes for disciplinary action against an employee may include, but shall not be limited to, the following:

- a) Misstatements or omissions of fact in completion of the employment application or to secure appointment to a position with the Authority.
- b) Furnishing knowingly false information in the course of the employee's duties and responsibilities.
- c) Inefficiency, incompetence, carelessness or negligence in the performance of duties.
- d) Violation of safety rules.
- e) Violation of any of the provisions of these personnel rules and regulations or Authority policies.
- f) Inattention to duty.
- g) Tardiness, or overstaying lunch periods.

- h) Being under the influence of an intoxicating beverage or non-prescription drug, or prescription drugs not authorized by the employee's physician, while on duty or on Authority property, or when called in for emergency duty.
- i) Disobedience to proper authority, refusal or failure to perform assigned work, to comply with a lawful order, or to accept a reasonable and proper assignment from an authorized supervisor.
- j) Any violation of the Authority's No Harassment Policy.
- k) Unauthorized soliciting on Authority property.
- l) Unauthorized absence without leave; failure to report after leave of absence has expired or after a requested leave of absence has been disapproved, revoked or canceled; or any other unauthorized absence from work.
- m) Conviction of a felony, or a misdemeanor involving moral turpitude, or a violation of a federal, state or local law which negatively impacts the employee's ability to effectively perform assigned job or brings discredit to the Authority.
- n) Offensive treatment of the public or other employees.
- o) Falsifying any Authority document or record.
- p) Misuse of Authority property; improper or unauthorized use of Authority equipment or supplies, damage to or negligence in the care and handling of Authority property.
- q) Fighting, assault, and/or battery.
- r) Theft or sabotage of Authority property.
- s) Sleeping on the job, except as specifically authorized for 24-hour duty personnel.
- t) Accepting bribes or kickbacks.
- u) Intimidation or interference with the rights of any employee.
- v) Outside work or any other activity or conduct which creates a conflict of interest with Authority work, which causes discredit to the Authority, negatively impacts the effective performance of Authority functions or is not compatible with good public service.
- w) Failure to maintain the minimum qualifications, including necessary licenses or certifications specified for the position.
- x) Abusive or intemperate language toward or in the presence of others in the workplace.
- y) Any other conduct of equal gravity to the reasons enumerated above as determined by the Authority.

Procedure for Disciplinary Action

Regular employees covered by this policy shall be governed by the following provisions:

Written Notice

The General Manager shall issue a written notice of discipline, describing the intended discipline, the basis for the discipline, and attaching any documents upon which the discipline is based. The affected employee may respond by submitting a rebuttal to be lodged in the employee's personnel file, and in the case of a suspension of one to four days, shall have the ability to present their side of the story by responding orally or in writing before the discipline becomes final within five working days of the notice being issued. Any such response to a proposed suspension of one to four days shall be considered before a final decision is made. For minor discipline—any action up to and including a suspension of four (4) working days—no further appeal shall be permitted. For disciplinary actions of suspensions of more than four (4) working days, a reduction in pay resulting in loss of pay equal to or exceeding a suspension of more than four (4) days, demotion or termination (serious discipline), employees shall retain pre-discipline meeting and post-discipline appeal rights as described below.

Pre-Discipline Meeting

For serious discipline, the employee shall receive written notice of the charges upon which the disciplinary action is based, the materials upon which the charges are based, and the employee's rights under *Skelly vs. State Personnel Board*, 15 Cal.3d 194 (1975.) The employee then has an opportunity to respond, either orally or in writing.

The General Manager shall designate an individual to convene a meeting to review the employee's response and position before imposing discipline. As soon as practical following the meeting, the designated individual shall present their written opinion for consideration by the General Manager. If the General Manager is not the direct supervisor of the employee, the General Manager may convene the meeting.

The employee shall be entitled to a representative of their choice; provided, however, that the inability of a particular representative to attend the meeting shall not cause a continuance of the meeting. At the meeting, the employee shall be provided the opportunity to respond to the charges and to present any new information for consideration by the General Manager or their designee.

Final Action

After the employee responds to the charges, they shall be given by the General Manager a final notice of discipline to be imposed and an opportunity to appeal the discipline after it is imposed, in accordance with the rules contained herein. The notice shall include the final decision, the effective date of the discipline, and the facts upon which the discipline is based.

Appeal

For serious discipline, employees shall have the right to appeal the final decision. The notice of appeal must be received within seven (7) calendar days from the date of the final notice of discipline, or the right to appeal is waived and the discipline shall become final.

The appeal shall be heard by an independent hearing officer from the Office of Administrative Hearings of the State of California; a neutral mediator from another recognized organization; or a neutral mediator selected by mutual agreement of the employee and the Authority.

The costs of the hearing officer shall be borne by the Authority. Either party may request that the matter be transcribed. The requesting party shall bear the expense of the transcript.

The hearing officer shall have the authority to convene the hearing, receive evidence through testimony and documents, and to make findings of fact and conclusions about the discipline. The hearing officer may recommend an outcome, but the final authority rests with the Commission. The hearing officer shall serve a recommended decision on the Authority and the employee. The Commission shall issue a final decision. The Commission's decision is reviewable by administrative writ of mandamus.

SECTION XI – HOURS OF WORK

Hours of Work

A full-time employee shall be scheduled to work a forty (40) hour work week within a seven (7) day work period. Employees may vary their starting and ending times with management approval, and provided there is sufficient coverage during the hours the Authority is open to the public.

The General Manager may vary the working hours of any employee within the limits of State Law or other labor regulations should the need arise. Daily attendance records shall be kept and certified for payroll purposes. Any employee absent without leave, who fails to return to work within 24 hours after notice to return, shall be subject to disciplinary action.

Overtime

Authorized or required work performed by non-exempt employees in excess of forty (40) hours per week shall be deemed overtime.

Overtime Rate

Overtime shall be paid at the rate of one and one-half (1.5) times the straight-time hourly rate. Overtime hours may be paid on the next regular pay check. With the approval of the General Manager prior to performance of the overtime work, employees may choose to receive compensatory time off rather than overtime pay. Compensatory time shall be used or paid to the employee within a 12-month period from the date earned.

Call Back

When an employee is required to return to work following a lapse of at least one hour after their normal working hours, a minimum of two hours shall be recorded.

Exception

Exempt positions shall not accrue overtime but may adjust their working hours in lieu thereof as approved by the General Manager.

SECTION XII – HOLIDAYS

Authority Holidays

The following days shall be holidays for all full-time Authority employees:

New Year's Eve	December 31
New Year's Day	January 1
Martin Luther King's Birthday	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

If a holiday falls on a Sunday, the following Monday shall be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. A part-time employee's holiday leave shall be proportionate to their scheduled work hours.

Floating Holidays

Full-time employees are allotted twenty (20) hours of floating holiday to be used within the fiscal year, July 1 – June 30. Use of the allotted hours shall be approved by the General Manager. Floating holiday leave hours do not accrue and employees will not be compensated for unused hours.

A person hired after July 1, or a temporary full-time employee hired to work for less than 12 months, shall be provided the pro rata share of floating holiday hours for the number of months of work in the fiscal year compared to the annual allotment of floating holiday hours.

Floating holiday hours shall be reconciled upon an employee's permanent separation from the Authority. Hours used in excess of those earned shall be deducted from the employee's final pay.

Compensation for Holidays Worked

Holidays shall be worked only on order and authorization of the General Manager. Work performed by a non-exempt employee on a holiday shall be compensated at the rate of one and one-half (1.5) times the straight-time hourly rate.

SECTION XIII – LEAVES AND VACATIONS

Vacation Leave

Vacation leave is an earned benefit of eligible employees and its use shall be approved by the General Manager. Employees shall take vacation leave in increments of one (1) hour. Leave begins to accrue upon date of hire, but shall not be granted to the employee for use during the first six (6) months of employment. Vacation is accrued for all regular hours worked and shall continue to be earned during other authorized leaves with pay.

Vacation Leave Allowance

All full-time employees, shall earn vacation leave at the rate of 80 working hours per year from the date of employment. Full-time employees shall earn an additional eight (8) hours vacation leave allowance for each full year of continuous employment thereafter, up to a maximum of 200 working hours per year. With the exception of the General Manager, whose maximum annual accrual is governed by their agreement, all full-time employees that were earning the maximum vacation leave prior to January 18, 2024, shall receive the maximum of 200 working hours per year. Part-time employees shall earn vacation leave proportionate to their scheduled work hours.

All eligible employees shall be permitted to accumulate unused vacation at a rate of 2-1/2 times their annual vacation allowance. Vacation accruals will be reviewed at the end of each fiscal year. If the accrual exceeds 2-1/2 times the annual allowance, the value of the excess accrual shall be paid to the employee at the end of that fiscal year and those hours shall be subtracted from the balance.

Vacation Leave Cash-Out

Prior to the beginning of each calendar year, a full-time employee wishing to cash out vacation leave may make an irrevocable election to cash-out up to eighty (80) hours of unused accrued vacation leave before the end of the following calendar year. The irrevocable vacation election must be completed annually. The employee may request to have up to two (2) payments made per calendar year. If the requested cash-out hours are not available at the time of the payment, only the available hours will be cashed out.

Approval of a cash-out request is subject to the following conditions:

- a. The employee must have taken at least forty (40) hours of vacation leave in the previous 12 months; and
- b. The employee must maintain a minimum balance of eighty (80) hours of vacation leave after the cash out is processed.

Computing and Recording Vacation Leave

Vacation leave credits shall be computed and recorded in increments of one hour. When periods of less than one full month have been worked, vacation leave credits shall be based on service computed to the nearest half month.

On July 1st of each year, employees who have completed at least six months of satisfactory full-time continuous service shall be credited in advance with vacation leave allowance for the entire fiscal year. Vacation leave shall be earned during authorized leave with pay. When a holiday falls during an employee's absence on vacation leave, it shall not be deducted from the employee's accrued leave.

Vacation leave shall be reconciled upon an employee's permanent separation from the Authority. Unused vacation leave is not transferable to retirement service credit. Leave used in excess of earned leave shall be deducted from the employee's final pay. Leave that is earned but unused at the time of separation shall be added to employee's final pay.

Administrative Leave

Exempt employees are expected to observe their regular work schedules and perform any further hours needed to satisfactorily execute the duties and responsibilities of their positions without receiving overtime pay. In recognition of the additional time they spend, all full-time exempt employees shall be granted ten (10) days at the start of each fiscal year. Any unused hours shall expire at the end of the fiscal year.

Sick Leave

The Authority's sick leave policy complies with the Healthy Workplaces/Healthy Families Act of 2014. Sick leave shall be allowed in case of actual sickness of the employee. Sick leave shall be granted only on approval of the General Manager in increments of not less than one hour. If an employee will not be at work as scheduled, they must notify the supervisor within one-half hour of the time to report for work or at the first practical opportunity.

An employee may use a maximum of five (5) days of sick leave each fiscal year for absences caused by the illness or injury of a *family member*. A family member is defined as a child, parent, spouse or registered domestic partner, grandparent, grandchild, sibling, or designated person. A "designated person" under the Healthy Workplaces/Healthy Families Act means a person identified by the employee at the time the employee requests paid sick leave. This definition does not require the person be related by blood, or even a family-equivalent relationship. Use of sick leave for this purpose is intended to apply in serious and unforeseen conditions where the presence of the employee in the home or hospital is required for the care, legal requirement, or health of the family member. Authorization to use additional sick leave beyond the five-day maximum may be granted by the General Manager when exceptional circumstances warrant.

Sick Leave Accrual

Employees who work thirty (30) days or more within a year shall receive sick leave in accordance with the Healthy Workplace, Healthy Families Act of 2014.

Regular and Temporary Full-time employees accrue sick leave at the rate of four (4) hours per payroll period, up to 96 hours per calendar year. Part-time employees shall accrue sick leave proportionate to their scheduled work hours, with a minimum of 40 hours per year. Sick leave shall be cumulative without limit.

Computing and Recording Sick Leave

Initial crediting of sick leave shall be based on service computed to the nearest half month. Sick leave records shall be maintained on an hourly basis. On July 1st each year, an employee shall be credited in advance with the annual allowance. After an absence is approved as sick leave, it shall be deducted from the employee's leave balance. If at time of separation an employee owes the Authority for unearned sick leave, the actual time shall be deducted from their final pay.

Medical and Dental Appointments

Sick leave may be used for medical, dental, therapy or similar purposes for a minimum period of one (1) hour and should not exceed four (4) hours except in unusual circumstances. A maximum of forty (40) hours of sick leave per year may be used for medical, dental or therapy appointments for a family member when the employee's presence is required.

Payment for Unused Sick Leave

CalPERS' sick leave credit benefit is included in the Authority's pension contract. An employee whose effective date of retirement is within four months of separation from employment shall be credited with 0.004 year of service credit for each unused day of sick leave.

Upon the death of an employee prior to separation from employment, the employee's heir(s) or beneficiary(ies) shall receive compensation for sick leave earned but unused by the employee equal to 0.167% of the number of hours of sick leave, times the number of whole months of continuous employment, times the employee's hourly rate of pay at the time of death.

Bereavement Leave

Full-time regular employees shall be granted bereavement leave with pay not to exceed twenty-four (24) hours, as necessary, upon the occasion of the death of a family member. A family member is defined as a spouse, domestic partner, child, parent, parent-in-law, sibling, grandparent, or grandchild. An employee may also use other available paid time off such as vacation pay, personal leave, sick leave, or compensatory time off during their leave. The General Manager may grant bereavement leave for other relatives on a case-by-case basis. Additional leave for travel purposes not to exceed five (5) calendar days may be granted by the General Manager when circumstances warrant.

Catastrophic Leave

Full-time regular employees (i.e., excludes temporary, probational, and part-time employees), are eligible to receive catastrophic leave donations in the following circumstances:

- The employee must have exhausted all available leave (i.e., vacation and sick leave, floating holidays).
- The absence must be due to the employee's or their spouse, domestic partner, or child's life threatening or debilitating illness, injury, or condition.
- Use of catastrophic leave must be approved by the General Manager.

Employees may donate vacation leave on a voluntary basis. The employee making the donation must authorize in writing that a designated portion of their accrued vacation may be transferred from their leave account to the recipient employee's vacation account. Once made, donations are irrevocable.

All donated hours shall be converted to the donor's hourly rate, and the equivalent dollar amount shall be deposited and converted to hours at the recipient's hourly rate. Donors must retain a minimum of eighty (80) hours of their own vacation leave.

Family Leave

The California Family Rights Act (CFRA) and Family Medical Leave Act (FMLA) entitle eligible employees of covered employers to take unpaid, job-protected leave for certain specified reasons. While EBDA is a covered employer under the CFRA and FMLA, only leave benefits under the CFRA are available for eligible employees. The maximum amount of leave employees may use under this policy is twelve (12) weeks within a 12-month period.

Employees that meet the following conditions are eligible for CFRA leave:

- the employee has worked for EBDA for at least twelve (12) months; and
- the employee worked at least 1,250 hours in the 12 months prior to their leave.

Eligible employees may take CFRA leave for any of the following reasons:

- For the employee's own serious health condition.
- To care for or bond with a newborn child.
- To care for or bond with a child placed with the employee and/or the employee's registered domestic partner for adoption or foster care.
- To care for an immediate family member (spouse, parent, parent-in-law, registered domestic partner, child or registered domestic partner's child of any age, sibling, grandparent, grandchild, or designated person) with a serious health condition. A "designated person" under CFRA means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave.

Reproductive Loss Leave

Employees who have worked for the Authority for at least 30 days before taking leave are eligible to take up to five (5) unpaid days of leave from work following a reproductive loss event under California Government Code Section 12945.6. Employees may use accrued and available vacation or sick leave for a reproductive loss event. An employee can take leave following their own reproductive loss event or that of another person, such as a spouse or partner, if the employee would have been the parent of the child born or adopted.

For purposes of this policy, a reproductive loss event is any of the following:

- Miscarriage
- Stillbirth
- Failed adoption – for example, if a birth mother or legal guardian breaches or dissolves an adoption agreement, or if an adoption is not finalized for another reason
- Failed surrogacy – for example, if a surrogate breaches or dissolves a surrogacy agreement, or if an embryo transfer fails
- Unsuccessful assisted reproduction – a failed intrauterine insemination or embryo transfer

Employees are not required to take the five days consecutively, but the leave must be completed within three (3) months of the reproductive loss event. Employees can take up to five (5) days for each qualifying reproductive loss. If an employee experiences more than one reproductive loss event in a year, they are entitled to no more than twenty (20) days of reproductive loss leave in that one year.

Reproductive loss leave is separate from, and in addition to, other types of leave to which employees are entitled, such as the California Family Rights Act (CFRA) and Family and Medical Leave Act (FMLA), or leave for disabilities related to pregnancy or childbirth available under the Fair Employment and Housing Act (FEHA). If an employee is on another type of leave during the reproductive loss event, they can take reproductive loss leave within three (3) months of finishing the other form of leave.

Time Off to Vote

An employee may take time off to vote at the beginning or the end of the shift, whichever provides the most time to vote. The employee may take off no more than two (2) hours without loss of pay, providing that reasonable notice is given to their supervisor.

Jury and Witness Duty

Leave is provided for employees who are called to serve jury duty or who are summoned to appear as a witness in a judicial proceeding, pursuant to a subpoena or other court order. Employees must notify the Authority as soon as practicable of the need for leave under this policy. Employees will receive time off with regular base pay for the length of service. If an employee does not have to attend court, the employee is expected to report to work. Any jury fees received by an employee shall be remitted to the Authority. Reimbursements for mileage or food may be retained by the employee.

Military Leave

Any employee who is a member of the Reserve Corps of the Armed Forces of the United States, the National Guard or the National Militia is entitled to a temporary leave while engaged in military duty ordered for purposes of military training, drills, encampment, naval cruises, and special duty or like activity. Such temporary leave does not have to exceed seventeen (17) calendar days including travel time and does not have to be compensated. Military leave shall be granted in accordance with the provisions of State law. All employees entitled to military leave shall give the General Manager an opportunity, within the limits of military requirements, to determine when such leave shall be taken. Military leave may be granted with pay provided employees reimburse the Authority for the amount of compensation, excluding travel and sustenance, which may be earned during the leave period.

Time Off To Appear At School When Required By the School

All employers must allow a parent or guardian of a pupil to appear at the school when the school has given advance notice. It is not a requirement that the employee be compensated for the time. The employee is required to give reasonable notice to the employer. An employee may take vacation or personal leave.

Disability Leave

For employee injury or disability falling within the provision of the State Workers' Compensation Disability Act, disability compensation at the rate allowed under said Act shall be basic remuneration during the employee's period of disability. In the case of full-time employees, additional compensation equal to the difference between said employee's regular pay and disability compensation allowance shall be granted not to exceed one year for any one period of incapacity. In the event a waiting period is required before an employee's disability compensation allowance is payable, the employee's regular pay shall be provided during said waiting period.

Compensation for short- and long-term disability leave resulting from employee injury or disability not related to Workers' Compensation is addressed in the Compensation Plan. Authority employees do not pay into the California State Disability Insurance (SDI) Program.

Voluntary Leave of Absence

The Commission, upon written request of a full-time regular employee (i.e. excludes temporary, probational, and part-time employees), may grant a voluntary leave of absence, without pay, for a period up to six (6) months. Upon written request of the employee, accompanied by justification and assurance of intent to return to duty, such leave of absence may be extended by the Commission another six (6) months, for a total continuous leave not to exceed a period of one (1) year. Leaves hereby authorized shall include educational leave, maternity leave, and leave for any other purpose promoting the good of the service. Upon expiration of such a leave, the employee shall be reinstated to the position held at the time leave was granted. Failure of the employee to report promptly at its expiration, or within 24 hours after notice to return to duty, shall terminate

their right to be reinstated. During such leave an employee shall not earn sick leave or vacation leave, but shall maintain seniority at the time leave was first granted.

If the employee elects to maintain benefits during a voluntary leave of absence, prior to the start of the leave period, the employee shall pay to the Authority an amount equal to 100% of medical, dental, vision and disability insurance premium costs that are due and payable during the scheduled leave period. If the employee elects to suspend or discontinue benefits during a voluntary leave of absence, they may re-enroll during the Open Enrollment period upon return to work.

SECTION XIV – EMPLOYEE EDUCATION OR TRAINING

An employee may be authorized to attend special training courses, seminars or conferences which are determined to be job-related or will enhance the employee's work performance. In addition to receiving leave with pay, the employee may be reimbursed for the cost of registration, tuition, books, supplies or other expenses incurred in attending special training courses, seminars or conferences which are job-related or will enhance work performance.

SECTION XV – EMPLOYEE HEALTH AND SAFETY

Accident Reports

Any employee involved in an accident (whether involving injury or not) while on the job, must notify their supervisor and complete the required accident report forms within 24 hours of occurrence.

Work Injury or Illness

If an employee is unable to work as a result of what is believed to be an injury or illness arising out of or in the course of employment, the employee must visit a doctor for examination and the necessary forms shall be prepared for compliance with State laws and compensation insurance. If it is determined that the injury or illness is job-related, no deduction will be made from the employee's sick leave.

Filing a false or fraudulent workers' compensation claim is a violation of Authority policy, and will result in disciplinary action, up to and including immediate termination.

Employee Health

When, in the judgment of the General Manager, an employee's health or physical condition may have an adverse effect on the performance of the employee's duties, or affect safety or health of fellow employees, the employee may be required to undergo a medical or psychological examination at the expense of the Authority.

On the basis of authoritative medical advice, the General Manager shall determine whether an employee is physically and psychologically incapacitated for the duties of their position and may take whatever action deemed appropriate.

Safety Rules

All employees shall be expected to comply with all safety rules which may be adopted by the Authority as an integral part of their job duties. Failure to comply with adopted safety rules shall be grounds for disciplinary action.

Safety Equipment

The Authority shall determine the need for protective clothing and safety equipment for all employees and shall require its use where necessary for the protection of the employee. The Authority will furnish, at no expense to the employee, all protective clothing and safety equipment required for the employee's performance of duties.

SECTION XVI – ANTI-HARASSMENT POLICY

The Authority does not tolerate harassment of any of our employees, customers or clients. Any form of harassment which violates federal, state or local law, including, but not limited to the items listed in the [Non-Discrimination](#) section of the General Provisions in Section II is a violation of this policy and will be treated as a disciplinary matter. For these purposes the term harassment includes slurs and any other offensive remarks or jokes, and other verbal, graphic, or physical conduct. Harassment also includes sexual advances, requests for sexual favors, unwelcome or offensive touching and other verbal, graphic or physical conduct of a sexual nature.

Questions about what constitutes harassing behavior shall be directed to the General Manager or to the Commission Chair.

Harassment shall be immediately reported to the General Manager or to the Commission Chair. The Authority strictly prohibits retaliation of any kind and will not tolerate employees' attempts to hinder internal investigations and/or corrective actions. All complaints of harassment that are reported to management will be looked into as promptly as possible and may be investigated. All complaints of harassment that are reported to management will be treated to the extent allowable by law.

Harassment of our employees in connection with their work by non-employees is also strictly prohibited. Any employee who experiences harassment by a non-employee or who observes harassment of an employee by a non-employee should report such harassment to the General Manager or Commission Chair. Harassment of our customers or clients by our employees is also strictly prohibited. Any violation of this policy will result in appropriate disciplinary action, up to and including termination.

Authority employees are required to complete sexual harassment prevention training and education that meet all requirements outlined by Government Code §12950.1.

SECTION XVII – LACTATION ACCOMMODATION POLICY

Per California Senate Bill (SB) 142, the Authority will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break

time already provided to the employee. The employer shall make reasonable efforts to provide the employee with the use of a room, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private. The room may include the place where the employee normally works.

Employees requesting an accommodation under this policy are responsible for communicating their needs to the General Manager. The General Manager will work with the employee to make the appropriate accommodations needed, including allowing for flexible break periods if necessary.

Management will not discriminate or retaliate against any employee for exercising or attempting to exercise their rights under this policy.

If an employee feels that their rights, as described in this Policy, have been violated, they may file a complaint with the California Labor Commissioner.

SECTION XVIII – GRIEVANCES

Definition

A grievance is any dispute between the Authority and an employee or employees with respect to the meaning, interpretation, application or enforcement of Authority rules and regulations or other terms or conditions of employment. Grievance shall not include actions taken by the Authority in accordance with [Section X](#), Discipline and General Rules of Conduct, hereof.

Policy

It is the intent of the Authority to anticipate and diminish causes of grievances and to settle any which arise, at the lowest practicable level of supervision and as fairly and promptly as possible. Therefore, time limits have been established between initiation of a grievance and its occurrence and between steps of the procedure. Any grievance not initiated or pursued within these limits will be considered settled on the basis of the last timely demand or answer, unless the time is extended to a definite date by agreement of the Authority and the employee.

Any regular employee (i.e. excludes temporary, probationary, and part-time employees) shall have the right to use this grievance procedure free from restraint, discrimination, pressure or reprisal from any other employee or officer of the Authority. Each employee shall have the right to present the grievance individually or through a designated representative at any step of the procedure. Employees shall have the right to withdraw the grievance at any step in the procedure

Procedure

If an employee has a grievance which cannot be settled by informal discussion with their immediate supervisor, the employee shall proceed in the following manner:

- Step 1. Present the grievance, in writing, to the General Manager, within ten (10) working days following occurrence of the event on which the grievance is based. The General Manager shall make a thorough investigation of the reported grievance and circumstances surrounding it and render a decision, in writing, to the employee within three (3) working days.
- Step 2. If the employee is not satisfied with the decision in Step 1, they may appeal to the Personnel Committee. Such appeal must be made within five (5) working days after the General Manager's decision is received. The Personnel Committee shall make a thorough investigation and shall arrange for a hearing of the grievance at which both the employee and the Authority shall have the right to call witnesses. The Personnel Committee shall render its decision in writing within five (5) days after close of the hearing.
- Step 3. If the employee is not satisfied with the decision of the Personnel Committee in Step 2, they may appeal to the Commission. Such appeal must be made within five (5) working days after the Personnel Committee's decision is given. The Commission or its appointed representative shall conduct an investigation and hearing within twenty (20) days and shall render a decision in writing. The decision of the Commission shall be final in all grievance proceedings.

SECTION XIX – PERSONNEL RECORDS

Personnel records are maintained in accordance with State and Federal guidelines. The personnel file shall contain, but not be limited to, performance evaluations, as well as other forms, letters, and memoranda addressed to or pertaining to an employee. If an employee refuses to sign a form, letter, or document, the supervisor shall indicate "REFUSED TO SIGN" on the document and shall sign their name as witness to the fact, and the document shall then be placed in the employee's personnel file.

The personnel employment records are confidential. Only administrative staff specifically designated by the General Manager and those persons who are in a supervisory capacity to an employee may review an employee's file. Employees may review their own file upon request by scheduling an appointment with the administrative staff.

SECTION XX – WHAT THE AUTHORITY EXPECTS OF YOU

Attitude

Every employee should display a positive attitude toward their job. A negative attitude creates a difficult working environment and prevents the Authority from providing quality service.

Business Ethics and Conflict Of Interest

The Authority requires its personnel to conduct Authority business with integrity and to maintain a high standard of personal conduct in outside activities.

Employees are expected to recognize and avoid activities or investments which involve, or might appear to involve, a conflict of interest. While it is impossible to list in this policy statement every circumstance which may suggest a possibility of conflict of interest, the standards for evaluating such activities or investments set forth in the paragraph below are suggested for use by employees in deciding whether a conflict may exist.

No employee may engage in any outside business activity, pursuit, action or investment which could by its nature or scope (with or without personal gain): be objectively construed as preventing or potentially preventing an impartial discharge of duties; or interfere with the satisfactory performance of assigned duties within the Authority; or reflect a compromise or misuse of Authority information; or adversely affect the interests or reputation of the Authority.

Commissioners and the General Manager are required to attend ethics training classes that meet all requirements outlined by Government Code Section 53234-53235.

Electronic Systems and Media

East Bay Dischargers Authority's electronic media is provided for employees to perform job functions. Electronic media includes but is not limited to: computers, software, laptops, telephones, cellular phones, electronic mail (e-mail) and internet access. Personal use of the Authority's electronic media shall be kept to a minimum. The Authority reserves the right to access these items at any time with or without prior notice, and the employees should have no expectation of privacy when storing or exchanging information on these devices or system.

All files and records stored on Authority computers are the property of the Authority. Authority computers are for business purposes only. No personal information or personal advertising or soliciting is permitted on our computer system. Use of Authority computers for unauthorized purposes is prohibited.

Authority e-mail is to be used for business purposes only and is considered Authority property. The Authority maintains the right to access these items at any time with or without prior notice, and the employees should not assume that such messages are confidential. Inappropriate or offensive messages are prohibited. Passwords are assigned in complete confidence. Employees are not to share their passwords with anyone. Upon suspecting that someone has learned their password, the employee shall contact the General Manager immediately.

Employees shall conduct Authority business only on their Authority e-mail account, not on personal e-mail accounts.

Telephone, Voice Mail, and Cell Phone Use

The Authority has a limited number of telephone lines. It is essential that we keep those lines open for business calls. Therefore, employees are to minimize use of the Authority's telephone lines for personal calls. Use of the Authority's voice mail system for personal reasons shall also be kept to a minimum.

The Authority may provide managers with cellular phones to facilitate Authority business. Personal use of the employer-provided cell phone is excludable from the employee's income as a working condition de minimus fringe benefit.

Employees who prefer to use their personal cell phones for business reasons shall be entitled to a tax-free reimbursement in an amount equal to the monthly cost per line for Authority provided cell phones, or the employee's actual cost for their cell phone plan, whichever is lower. The reimbursement shall be paid with the first payroll of every month. The reimbursement amount shall be reviewed every January and updated as needed, to reflect the then in-effect monthly cost per line under the Authority's cellular service plan. The Authority's cellular service plan will also be reviewed periodically to ensure that it is the most cost-effective available.

Employees must comply with submitting data from personal cell phones used for Authority business in the event of a public records request for such information.

Confidentiality

All records and files of the Authority are property of the Authority and considered confidential. No employee is authorized to copy or disclose any file or record.

Notwithstanding the confidentiality provision, requests for information are subject to the California Public Records Act, Government Code §7920, et seq., and shall be responded to in the manner permitted by law.

Copy Machines and Facsimile

The facsimile and copy machines are for legitimate business purposes only and should not be used for personal use. Employees are prohibited from using these machines for the purpose of transmitting, receiving or copying materials which may be deemed offensive or insulting. Any employee who receives such materials via facsimile transmission, the mail, or from any other source, should report the transmission immediately to the General Manager.

Gambling

Gambling is strictly prohibited during work hours and on Authority property, including all facilities, vehicles, and remote worksites operated by the Authority.

Personal Mail

Employees shall minimize personal mail deliveries to the Authority premises. Mail sent to an employee at the Authority will be opened by office personnel.

Authority postage meters and letterhead may not be used for personal correspondence.

Searches and Inspections

Employees do not hold any privacy rights in any Authority property. The Authority reserves the right, at all times and without prior notice, to inspect and search any and all of its property for the purpose of determining whether any policy, rule, or directive has been violated, or when the Authority determines an inspection is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. These inspections may be conducted during or after business hours and in the presence or absence of the employee. These searches may include, without limitation, workspaces, desks, electronic devices and equipment, cabinets, motor vehicles, and where appropriate non-Authority belongings that are brought onto District property.

All files and records stored on Authority computers are the property of the Authority and may be inspected at any time. Electronic mail and voice mail messages are to be used for business purposes only and are considered Authority property. The Authority may access these items at any time with or without prior notice, and the employee should not assume that such messages are confidential.

Unauthorized Interviews

From time to time, Authority employees may be contacted by outside parties to discuss Authority business. As a means of protecting employees and the Authority, no unauthorized interviews are permitted to be conducted by individuals representing themselves as attorneys, peace officers, investigators, reporters, or someone who wants to *ask a few questions* regarding Authority business. If an employee is asked questions about the Authority or its current or former employees, the employee is to refer that individual(s) to their supervisor. A decision will then be made as to whether that individual may conduct any interview. Similarly, an employee becomes aware of an unauthorized interview occurring at the Authority, they must immediately notify the General Manager.

This provision is not intended to, nor does it interfere with any employee's ability to speak on matters of public concern; to report suspected harassment, discrimination, retaliation, fraud, misuse of public funds/resources and/or suspected criminal activity; or to engage in any lawful whistleblowing activities.

Whistleblowing

Notwithstanding the provisions of unauthorized interviews, the Authority will not prevent an employee from disclosing information to a government agency or law enforcement agency when the employee has reasonable cause to believe the information discloses a violation of a state or federal statute or a violation or noncompliance with a state or federal rule or regulation. Furthermore, the Authority will not retaliate against an employee for making such a disclosure or for refusing to participate in an activity that would result in a violation of state or federal statute, or violation or noncompliance with a state or federal rule or regulation. Employees who believe they have been retaliated against shall promptly report such retaliation to the General Manager or Commission Chair.

ITEM NO. 15 MOTION ADOPTING UPDATES TO THE RULES OF THE COMMISSION

Recommendation

Adopt the revised Rules of the Commission.

Strategic Plan Linkage

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.

Background

Following adoption of the Amended and Restated Joint Powers Agreement in 2020, the Authority adopted Rules of the Commission to govern Commission operations and conduct. The Rules were last amended in March 2024 and are reviewed in even years.

Discussion

Staff has recommended updates to Rule VI, which concerns remote participation in meetings. The Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. Beginning in 2021, the California Legislature codified revised standards for remote participation to accommodate teleconferencing as a public health measure during the COVID-19 pandemic. This includes, but is not limited to, Assembly Bill ("AB") 2449 (2022) which authorizes a member of a legislative body to participate in a public meeting remotely if "emergency circumstances" or "just cause" exists. These rules were set to expire on January 1, 2026. In anticipation of the expiration of the temporary remote meeting provisions enacted during and after the pandemic, the California Legislature enacted comprehensive changes to the Brown Act under Senate Bill ("SB") 707 (Durazo). SB 707 was signed into law by Governor Newsom on October 3, 2025 and goes into effect July 1, 2026.

SB 707 makes permanent the remote attendance provisions of AB 2449. It also 1) consolidates the two categories for remote appearances, just cause and emergency circumstances, by incorporating the bases for emergency circumstances into the single definition of just cause, and 2) expands the definition of "just cause" exception, which now includes illness, caregiving needs, or being immunocompromised.

The proposed revisions to the Rules of the Commission incorporate these changes stemming from SB 707. No other revisions to the Rules are proposed at this time. The Personnel Committee reviewed and recommended adoption of the revised Rules.

EAST BAY DISCHARGERS AUTHORITY

RULES OF THE COMMISSION

March 2026

EAST BAY DISCHARGERS AUTHORITY

RULES OF THE COMMISSION

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EAST BAY DISCHARGERS AUTHORITY COMMISSION

RULES OF THE COMMISSION

The Commission of the East Bay Dischargers Authority (“EBDA”) adopts these Rules pursuant to Section 7(j) of the Amended and Restated Joint Exercise of Powers Agreement dated July 1, 2020 (“Amended and Restated JPA”).

The Commission is the legislative body that governs EBDA and is accountable to the member agencies for the following actions:

- Establish policies for EBDA operations;
- Establish and oversee the EBDA's finances and its budgets, programs, and performance; and
- Provide the resources needed by staff to carry out EBDA policy.

These Rules are designed solely to facilitate the Commission’s conduct of its own meetings and proceedings. They are not intended to, and do not, create procedural or substantive rights in any person.

The Rules are subordinate to state and federal law.

RULE I. OFFICERS OF THE COMMISSION

- A. Chair. The Commission shall elect a Chair from among its members annually at the regular meeting in June. Until otherwise determined by the Commission, current Commission policy is to provide for the equitable rotation of the Chair position among members (see Resolution 99-11). The Chair typically will have served as the Vice-Chair the prior year.

The Chair shall preside at all meetings of the Commission.

The Chair's duties shall include calling meetings to order, adjourning meetings, announcing the business before the Commission in order in which it is to be acted upon, recognizing members and non-members entitled to the floor, putting to vote all questions moved and seconded, announcing results of votes, maintaining the rules of order, executing documents on behalf of the Commission when duly approved for action, and such other powers and duties as are provided elsewhere in these Rules or delegated by the Commission. Subject to any statutory requirement otherwise, the Chair shall be entitled to exercise his or her full voting rights on all questions before the Commission and need not relinquish the chair to discuss a question before the Commission.

The Chair may appoint members of the Commission to standing and ad hoc committees of the Commission and may designate the chairs of such committees.

The Chair may also appoint members of the Commission to serve as the representative of EBDA to other groups and organizations, unless the law requires such appointments to be made by action of the full Commission.

- B. Vice-Chair. The Commission shall elect a Vice-Chair from among its members annually at the regular meeting in June.

The Vice-Chair shall perform the duties of the Chair in the Chair's absence or incapacity. In the case of a vacancy of the office of the Chair, the Vice-Chair shall succeed to that office. In the case of a vacancy of the office of the Vice-Chairperson, an election shall be held at the next regular meeting to fill the vacancy.

- C. General Manager. The General Manager's duties and authority shall be as specified in Section 7(f) of the Amended and Restated JPA.
- D. Treasurer and Auditor. The Treasurer's and Auditor's duties and authority shall be as specified in Section 7(g) of the Amended and Restated JPA.
- E. Term. The term of officers shall be for one year commencing on July 1 of each and every Fiscal Year.

RULE II. MEETINGS OF THE COMMISSION

A. Call of Meetings

1. Regular Meetings. The Commission will hold at least six regular meetings each year. The date upon which, and the hour and place at which each such regular meetings will be held, will be fixed by resolution of the Commission. The date and/or time of a particular regular meeting may be changed by the Commission as needed to accommodate scheduling conflicts, subject to the notice requirements in Rule II.B below.
2. Special Meetings. Special meetings of the Commission may be called by the Chair or by a majority of the members of the Commission¹. The notice of the meeting shall state the particular business to be conducted. The Commission may not consider other business at such meetings.
3. Emergency Meetings. The majority of the members of the Commission may call an emergency meeting in the case of an "emergency situation," as defined in the Brown Act.

- B. Notice of Meetings. A notice stating the time and place of the meeting shall be sent to each Commissioner no later than the time the agenda is required to be

¹ Special meetings may be called in accordance with Government Code Section 54956; weighted voting does not apply.

distributed by Rule II.C. If the date, time or place of a regular meeting is changed, notice of the change shall be sent at least 72 hours in advance of the regular meeting date or the rescheduled date, whichever is earlier, to each member and to all newspapers of general circulation and radio and television stations that have requested notice of meetings pursuant to the Brown Act.

- C. Regular Meeting Location. Unless otherwise specified, the Regular Meeting Location for the Commission shall be the Board Room of Oro Loma Sanitary District at 2655 Grant Ave. San Lorenzo.

- D. Agenda of Meetings. The General Manager shall prepare the agenda of all meeting of the Commission, in consultation with the Chair.

A copy of the agenda shall be posted in a location freely accessible to the public, EBDA's website, and delivered to each member, at least 72 hours before each regular meeting and at least 24 hours before each special meeting.

A copy of the agenda, and of all documents (other than those exempt from disclosure under the Public Records Act) distributed to the members with the agenda, shall be available for public inspection at EBDA's office at least 72 hours before each regular meeting and at least 24 hours before each special meeting. A copy of the agenda and such supporting documents shall also be available for public review at the meeting.

- E. Meetings Open to the Public. All meetings of the Commission shall be open and public and conducted in accordance with the Brown Act.

- F. Order of Business. The Order of Business shall generally be as follows:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Public Forum
- Consent Calendar
- Regular Calendar
- Reports
- Commissioners' Comments and/or Agenda Requests
- Closed Session (if any)
- Adjournment

A member may request that an item be taken out of order. The Chair may take any item out of order in response to a request by a member or on his or her own initiative, subject to the right of a member to appeal.

- G. Procedure.

1. Role of Chair. Authority for conduct of meetings is assigned to the Chair, who shall be responsible for timely, fair and reasonable conduct

of the meeting's business. Decisions of the Chair on questions of procedure are final, except that any ruling may be appealed to a vote of the Commission.

In the event both the Chair and Vice-Chair are absent from a meeting which otherwise would constitute a quorum and a Chair pro tem was not designated by the Chair at the last regular meeting, any member may call the meeting to order and a chair pro tem may be elected by majority vote, as set forth in Section 7(c)(1) of the Amended and Restated JPA, to serve until the Chair or Vice-Chair is present. In such case, the Chair pro tem is authorized only to conduct meetings of the Commission pursuant to these Rules and is not authorized to add items to the Agenda for any meeting of the Commission or exercise any other duties of the Chair or Vice-Chair of the Commission.

2. Convening the Meeting and Quorum. A majority of the full Commission (or, in the absence of a member, that member's alternate) constitutes a quorum for the conduct of business. The Chair shall be responsible for ascertaining and announcing the presence of a quorum and the due convening of the meeting. In the event a majority of the Commission is not also a majority of the Commissioner and weighted voting calculations pursuant to Section 7(c)(1) of the Amended and Restated JPA, the Commission may convene and hold a meeting to receive reports and information, but it may not take action to approve any item.
3. Consent Calendar. Matters to be included on the Consent Calendar are those that are regularly presented to the Commission and are routine in nature, such as approval of minutes. All matters on the Consent Calendar may be acted upon by a single vote. Any Commission member may request that a matter on the Consent Calendar be removed for comment only, prior to a single vote on the entire Consent Calendar. If any member requests that a matter on the Consent Calendar be considered and acted upon separately, the matter shall be removed from the Consent Calendar. In the event a member of the public requests that a matter on the Consent Calendar be considered and acted upon separately, the Chair has full discretion to determine whether or not such matter shall be removed from the Consent Calendar. Such matters shall be separately considered immediately after approval of the remainder of the Consent Calendar, subject to the Chair's authority to take up the matter later in the meeting.
4. General Principles for Discussion or Debate. Discussion of any issue is subject to regulation by the Chair to assure adequate consideration of relevant points of view in the best interests of EBDA. The objectives of discussion are to:

- Determine the will of the Commission.
 - Assure sufficient discussion and consideration of issues so that all pertinent points of view are considered.
 - Maintain the dignity and decorum of the meeting so that each recognized speaker's views are made known to the members and to ensure that appropriate respect is accorded all members and the public.
 - Present the consideration of business in a manner understood by all participants.
5. Motions. The Commission prefers a flexible format for meetings and does not insist that its meetings be conducted strictly in accordance with formal rules of procedure. The conduct of the Commission's meetings will be informed by Robert's Rules of Order, but the Commission will not be obligated to strictly comply with Robert's Rules.

The following rules of motion practice are to be applied as a guide to the Chair in disposition of motions. If a member believes that adequate order is not being maintained or that the procedures being followed do not allow for adequate and orderly discussion of an item, the member may raise a point of order to the Chair. If the member is not satisfied with the ruling of the Chair, the member may appeal to the full Commission.

All matters requiring Commission action must be presented in the form of a motion. In order for a vote to be taken on a motion, the motion must be seconded by another member. When a motion has been made and seconded, it shall be stated by the Chair for consideration by the Commissioners.

In general, every agenda item requiring action will be presented with a written staff report and clear recommendation; however, action may be by motion and reflected in the minutes. In certain circumstances, statutory law requires Commission action by written resolution, such as matters related to CalPERS. Furthermore, in practice, the Commission may choose to adopt significant governing policies, such as a Reserve Policy and Procurement Policy, by written resolution. In each case, the Chair will call for a motion to adopt such action.

Under these Rules, motions should be limited to those set forth on the Chart of Motion Practice (Attachment 1). Motions on Attachment 1 are listed in order of precedence. When a motion is pending, any motion listed above it on the chart is in order, but those below it are out of order.

6. Voting. The affirmative vote of (a) three or more commissioners; and (b) greater than fifty percent of the weighted votes based on Maximum Flow Rate Capacity is required to adopt any action, including passing a main motion, except for unanimous or other special voting protocols as set forth in Sections 7(c)(2) and 7(c)(3) of the Amended and Restated JPA. A voice vote shall be taken first on all motions subject to weighted voting. If the voice vote is not unanimous, a roll call vote shall be taken.

A roll call shall be taken on the vote on all main motions associated with an ordinance or resolution and on any other motion when requested by a member. All votes will be recorded.

The number of votes assigned to each member for purposes of weighted voting is shown on Attachment 2.

7. Time Limit on Meetings. When a meeting of the Commission has lasted two and one quarter hours or more, no new item of business may be taken up for discussion or action unless the Commission votes to extend the meeting. This provision may be invoked by the Chair or any member. However, it has no effect on the validity of any action taken by the Commission unless and until it is invoked. Upon motion, items which were not completed within the allotted time may be continued as a future agenda item.
8. Adjournment. Upon completion of the meeting's agenda, or upon conclusion of a meeting pursuant to Rule II.G.7, the Chair shall adjourn the meeting. Adjournment may be accomplished by a motion or announcement of the Chair.
9. Minutes. The General Manager shall prepare minutes of each Commission meeting, which shall be submitted for action at a subsequent meeting. Minutes shall record the ayes and nays on roll call votes. Minutes should not include the text of ordinances and resolutions, which shall be maintained by the General Manager in separate volumes. Minutes are intended to be a record of Commission action and a brief summary of discussion; they should not be an exhaustive record of deliberation.

RULE III. COMMITTEES OF THE COMMISSION

- A. Standing Committees. The Commission may establish standing committees that have continuing jurisdiction over a particular subject matter, or a set meeting schedule pursuant to the Brown Act. Rules II.B, C, D, and E shall apply to all meetings of a standing committee. Until otherwise determined by the Commission, the current policy is that the physical presence at the Regular Meeting Location of a single Standing Committee member is sufficient to constitute a quorum (see Resolution 05-13). The Regular Meeting Location for

Committees shall be the EBDA Conference Room at 2651 Grant Ave. San Lorenzo.

Standing committees may include, but shall not be limited to the following:

1. Financial Management Committee. The Financial Management Committee advises the Commission and General Manager regarding financial matters applicable to EBDA and its related budget and expenses.
 2. Operations and Maintenance Committee. The Operations and Maintenance Committee advises the Commission and General Manager on long range objectives of EBDA and the operation and maintenance of its facilities.
 3. Personnel Committee. The Personnel Committee advises the Commission and General Manager regarding personnel matters before the Commission.
 4. Regulatory Affairs Committee. The Regulatory Affairs Committee advises the Commission and General Manager on regulations and legislation at the local, State and Federal level which may affect EBDA, requirements of regulatory agencies, coordination with environmental and water quality organizations in and about San Francisco Bay, and other EBDA policy decisions.
- B. Ad Hoc Committees. The Commission, or the Chair on his or her own initiative, may establish ad hoc advisory committees to undertake special, specific or limited assignments on behalf of the Commission pursuant to the Brown Act.
- C. Committee Members and Alternates. Following the submission of each member's preference, the Chair may appoint members to standing and ad hoc committees of the Commission and may designate the chairs of such committees. Such appointments are effective on July 1 of each and every Fiscal Year. In the event of an absence of a Committee member, including the designated chair, that Commissioner's agency-appointed alternate will represent the Committee member, including serving as chair, if designated. In the event of a vacancy of a designated chair of a committee, the Commission Chair will designate a new committee chair.

RULE IV. REMOTE PARTICIPATION IN MEETINGS

- A. Quorum in Person. For a Commission or Committee meeting to proceed as scheduled, a quorum must be present in-person at the designated physical meeting location, which must be open to the public and within the boundaries of the Authority.

B. Remote Participation Pursuant to AB 2449. A Commissioner may participate in a Commission or Committee Meeting via teleconference or web-conferencing platform for just cause pursuant to AB 2449 (Govt. Code § 54953.8.3), provided that the following conditions are met:

- The Authority has also provided to the public a two-way audiovisual platform or two-way telephonic service, allowing the public to remotely hear and visually observe the meeting, and remotely address the Commission; and
- The Commissioner has not invoked the provisions of AB 2449 more than twice within a calendar year; and
- At least a quorum is present at the noticed agenda location; and
- “Just cause” exists as defined by Government Code Section 54953.8.3, as either:
 - (i) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely;
 - (ii) a contagious illness that prevents a member from attending in person;
 - (iii) a need related to a physical or mental disability as defined by statute; or
 - (iv) travel while on official business of the legislative body or another state or local agency.
 - (v) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that requires the member to participate remotely.
 - (vi) A physical or family medical emergency that prevents a member from attending in person.
 - (vii) Military service obligations that result in a member being unable to attend in person because they are serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the member to be at least 50 miles outside the boundaries of the local agency.

The Commissioner shall notify the Commission at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances

relating to their need to appear remotely at the given meeting. The minutes for the meeting shall identify the specific just cause provision above which the Commissioner relied upon to participate remotely.

- The Commissioner shall disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the Commissioner, and the general nature of the Commissioner's relationship with any of those individuals.

- C. Remote Participation under the Brown Act. A Commissioner may participate in a Commission or Committee meeting remotely via teleconference or web-conferencing platform without invoking AB 2449 if the Commissioner has provided notice in the agenda of the physical location from which they intend to participate. The public must also have access to address the Commission from that location.

RULE V. COMMUNICATIONS TO THE COMMISSION

- A. General. Members of the public should address comments and questions to the Chair.
1. Agenda Items. Members of the public may speak on any item on the agenda, after receiving recognition from the Chair.
 2. Non-Agenda Items. Members of the public may speak on matters not on the agenda during Public Forum. The Commission will take no immediate action on matters which are not on the Agenda. Such items raised by the public may be referred to staff for review and analysis and may be reported back to the Commission at a subsequent meeting. Members and staff may also briefly respond to statements or questions made during Public Forum or take any other action permitted by law.

If a speaker refers to any document, writing, record, picture, or other exhibit, the General Manager shall request a copy so that it can be included in the record.

- B. Time Limits on Public Comments. The Chair may impose time limits on each speaker.

RULE VI. COMMISSIONER COMMUNICATIONS

- A. Communications with Staff. Members should endeavor to direct all questions and requests to the General Manager for delegation to staff, as needed. Members, by making a request to the General Manager, shall have access to information relative to the operations of EBDA, including but not limited to statistical information, information serving as the basis for certain actions of staff, justification for staff recommendations, etc. Members should receive any

information from staff as preliminary and be cautious with the use of the information until the General Manager makes a formal recommendation for action.

- B. Communications on behalf of EBDA. Individual members have no authority and should not make any promises on behalf of the Commission or EBDA. Only the Commission may commit EBDA to an action or a policy. If a member is speaking on behalf of EBDA at another agency's public meeting, he/she should always clearly state that what he/she is saying has been approved by the Commission and not deviate from the message and/or position. If a member speaks as a private citizen at a public gathering, he/she should clearly state that he/she is doing so in an individual capacity.
- C. Communications with the Public. Commissioners may always speak with members of the public regarding EBDA matters. It is advisable to inform the General Manager as soon as practicable regarding complaints and concerns from members of the public. Only the Chair and General Manager are authorized to speak with the media regarding EBDA matters. All media requests should be directed to the General Manager.

RULE VII. SUSPENSION/AMENDMENT/REPEAL

A Rule may be suspended at any Commission meeting by a majority vote of the Commission. The Rules may be amended or repealed by a vote of the Commission.

ATTACHMENT 1				
CHART OF MOTION PRACTICE				
Motion	Second Required?	Debatable?	Amendable?	Vote Required*
MEETING CONDUCT (PRIVILEGED) MOTIONS				
Point of Privilege	No	No	No	None
Point of Order	No	No	No	None
To Appeal Ruling of Chair	No	Yes	No	Majority + Weighted
To Recess	Yes	Yes	Yes	Majority + Weighted
To Adjourn	Yes	Yes	No	Majority + Weighted
DISPOSITION (SUBSIDIARY) MOTIONS				
To Withdraw a Motion	No	No	No	None
To Postpone Consideration (Table)	Yes	Yes	Yes	Majority + Weighted
To Refer to Committee	Yes	Yes	Yes	Majority + Weighted
To Amend	Yes	Yes	Yes	Majority + Weighted
To Limit or Close Debate (Call the Question)	Yes	Yes	Yes	2/3
MAIN MOTIONS				
To Take Action; To Reconsider	Yes	Yes	Yes	Majority + Weighted

* For privileged and subsidiary motions, required vote refers to those present and voting. Main motions require a majority of the full Commission, whether or not present and voting. Except where noted, for purposes of this motion practice, weighted voting does apply.

ATTACHMENT 2

MEMBER AGENCY VOTES **UNDER WEIGHTED VOTING CALCULATION**

<u>Name of Agency</u>	<u>No. of Votes</u>
Castro Valley	10.30
Hayward	14.72
Oro Loma	19.14
San Leandro	13.74
Union	42.10

In the event one or more Agencies adjusts its Maximum Flow Rate Capacity as set forth in Section 11 of the Amended and Restated JPA, this attachment will be recalculated, and all agencies will be informed, pursuant the Amended and Restated JPA. After such recalculation, a revised Attachment 2 will be automatically incorporated in these Rules.

ATTACHMENT 3

COMMISSION VOTING

A. Weighted Voting:

Except as set out in B and C below, every action will be subject to two vote calculations.

- 1) A calculation of Commissioner's votes where each Commissioner is allocated one vote; and
- 2) A calculation of weighted votes as set forth in Attachment 2.

B. Unanimous Voting:

The following actions require unanimous approval:

- 1) Amendment of the Amended and Restated JPA;
- 2) Termination of the JPA during the Term;
- 3) Approval of modifications to, or extension of, the Master Agreement between the Livermore-Amador Valley Water Management Agency ("LAVWMA") and the Authority, dated April 26, 2007;
- 4) Approval of any agreement that would result in the utilization of the Facilities to dispose of brine pursuant to Section 23(b)(1) of the Amended and Restated JPA;
- 5) Changes to the ownership of Authority Facilities; and
- 6) Approval of the Authority Policies and Procedures regarding purchasing and brine.

C. Other Actions:

For the purpose of Commission actions related to effluent violations addressed in Section 16(b) of the Amended and Restated JPA, the unanimous vote requirement will not include the violating Agency(ies) and the Commissioner from the violating Agency(ies) will not be permitted a vote.