



**BACWA**  
**BAY AREA**  
**CLEAN WATER**  
**AGENCIES**

**Executive Board Meeting**  
**AGENDA**  
**Fri, August 21, 2020 9:00 AM - 3:30 PM (PDT)**  
<https://global.gotomeeting.com/join/691792805>  
 You can also dial in using your phone.  
 United States: +1 (872) 240-3212  
 Access Code: 691-792-805

<u>Agenda Item</u>	<u>Time</u>	<u>Pages</u>
ROLL CALL, INTRODUCTIONS, AND TELECONFERENCE ETIQUETTE	9:00 AM	
PUBLIC COMMENT <a href="#">Guidelines</a>	9:03 AM	
CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER	9:04 AM	
CONSENT CALENDAR	9:05 AM	
1 July 17, 2020 BACWA Executive Board Meeting Minutes		3-9
2 June 2020 Treasurer's Reports and FY 20 Close		10-20
APPROVALS AND AUTHORIZATIONS	9:06 AM	
3 <u>Approval</u> : RPM Contract for FY21 (\$98K)		21-25
4 <u>Approval</u> : Contract with SFEI for PFAS Study Design and Management (\$65K)		26-37
5 <u>Approval</u> : SGA Amendment #1 (\$30K)		38-43
6 <u>Approval</u> : SRT Amendment #2 on behalf of BABC		44-48
7 <u>Approval</u> : BAR Conflict of Interest Code		49-62
POLICY/STRATEGIC	9:30 AM	
8 <u>Discussion</u> : Region 2 PFAS Study		
9 <u>Discussion</u> : RMP Update		
10 <u>Discussion</u> : Draft Comments on Toxicity Provisions		
<b>BREAK</b>	10:45 AM	
11 <u>Discussion</u> : NACWA Cost of Wipes Report - final opportunity to comment		63-81
12 <u>Discussion</u> : BABC Update		
13 <u>Discussion</u> : Opportunity to engage in Plan Bay Area <a href="#">Link to Plan Bay Area Draft Blueprint</a>		
14 <u>Informational</u> : WBE Working Group update		
15 <u>Discussion</u> : COVID Issues Round-table		
OPERATIONAL	11:45 AM	
16 <u>Discussion</u> : Draft Agenda for September Online Pardee		82-83
17 <u>Discussion</u> : Brown Act requirements on noticing affiliated meetings		
18 <u>Discussion</u> : Invite Regulators to Annual Meeting		
19 <u>Discussion</u> : Strategic Planning Schedule		84
REPORTS	12:00 PM	
20 Committee Reports <a href="#">SFEI PFAS Presentation</a> <a href="#">PFAS Navigating Analytical Methods</a>		85-90
21 Member Highlights		
22 Executive Director Report		91-93
23 Regulatory Program Manager Report		94
24 Other BACWA Representative Reports		
a. RMP Technical Committee	Mary Lou Esparza, Yuyun Shang, Samantha Engelage	
b. RMP Steering Committee	Karin North; Robert Wilson; Eric Dunlavey	
c. Summit Partners	Lorien Fono; Lori Schectel	
d. ASC/SFEI	Lorien Fono; Eileen White	
e. Nutrient Governance Steering Committee	Eric Dunlavey; Eileen White; Lori Schectel	
e.i Nutrient Planning Subgroup	Eric Dunlavey	
e.ii NMS Technical Workgroup	Eric Dunlavey	
f. SWRCB Nutrient SAG	Lorien Fono	
g. NACWA Taskforce on Dental Amalgam	Tim Potter	

h. BAIRWMP	Cheryl Munoz; Linda Hu; Lorien Fono		
i. NACWA Emerging Contaminants	Karin North; Melody LaBella		
j. CASA State Legislative Committee	Lori Schectel		
k. CASA Regulatory Workgroup	Lorien Fono		
l. ReNUWIt	Jackie Zipkin; Karin North		
m. ReNUWIt One Water	Jackie Zipkin, Eric Hansen		
n. RMP Microplastics Liaison	Artem Dyachenko		
o. Bay Area Regional Reliability Project	Eileen White		
p. WateReuse Working Group	Cheryl Munoz		
q. San Francisco Estuary Partnership	Eileen White; Lorien Fono		
r. CPSC Policy Education Advisory Committee	Colleen Henry		
s. California Ocean Protection Council	Lorien Fono		
t. Countywide Water Reuse Master Plan	Karin North, Pedro Hernandez		
u. CHARG - Coastal Hazards Adampation Resiliancy Group	Jackie Zipkin		
LUNCH BREAK		12:10	
NUTRIENTS			
25 <u>Discussion:</u> Nutrients		1:00PM	
a. Regulatory			
i. July 17 NST meeting debrief			95-96
b. Technical Work			
i. NMS update with focus on modeling			
ii. Assessment Framework meetings debrief			97-100
iii. Discuss RFP for Technical Reviewer			101-110
iv. Review 2015 "BACWA Approach to Nutrient Issue"			111-112
c. Governance Structure			
i. July 13 PSC meeting 48 notes			113-115
ii. August 5 PSC Meeting 49 notes			116-118
26 SUGGESTIONS FOR FUTURE AGENDA ITEMS		3:20 AM	
NEXT MEETING		3:25 AM	
The next meeting of the Board is scheduled for September 17 to 18 - Online Pardee Technical Seminar			
ADJOURNMENT		3:30 PM	



# Executive Board Meeting Minutes

July 17, 2020

## ROLL CALL AND INTRODUCTIONS

**Executive Board Representatives:** Lori Schectel (Central Contra Costa Sanitary District); Amit Mutsuddy (City of San Jose); Eileen White (East Bay Municipal Utility District); Jacqueline Zipkin (East Bay Dischargers Authority); Amy Chastain (San Francisco Public Utilities Commission).

### Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Eric Dunlavey	City of San Jose
Lorien Fono	BACWA
Alina Constantinescu	LWA/ BACWA
Jennifer Dymont	BACWA
Tom Hall	EOA
Amanda Roa	Delta Diablo
Karin North	City of Palo Alto
Elisa Lee	Woodward & Curran
Greg Baatrup	Fairfield Suisun District
Dan Frost	Central San
Mary Lou Esparza	Central San
David Donovan	City of Hayward
Charles Hardy	West Yost Associates
Daniel Akagi	City of Berkeley
Warner Chabot	SFEI
Jaron Kaplan	SFEI
Sean Goris	Black & Veatch
Charles Hardy	West Yost
Tim Potter	Central San

Amit Mutsuddy started meeting at 9:04

**ROLL CALL - taken**

**PUBLIC COMMENT – None**

**CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER – None**

## CONSENT CALENDAR

### CONSENT CALENDAR 9:05 AM

- 1 June 19, 2020 BACWA Executive Board Meeting Minutes
- 2 June 12, 2020 NMS Steering Committee Meeting Minutes
- 3 May 2020 Treasurer's Reports

*After discussion, Item 2 pulled from consent calendar and moved to approvals. It was recommended that Attorneys be consulted on Item 2.*

**Consent Calendar Items 1 and 3:** *A motion to approve was made by EBMUD, Eileen White and seconded by EBBDA, Jacqueline Zipkin. The motion was approved unanimously.*

### APPROVALS AND AUTHORIZATIONS 9:06 AM

2. June 12, 2020 NMS Steering Committee Meeting Minutes - *A motion to approve was made by EBBDA, Jacqueline Zipkin and seconded by EBMUD, Eileen White. The motion was approved unanimously*
- 4 Approval: Payment #1 to NMS - \$1.0M

BACWA ED explained payment structure and financial impact. City of San Jose discussed SFEI's work plan.

**Item 4:** *A motion to approve was made by EBMUD, Eileen White and seconded by CCCSD, Lori Schectel. The motion was approved unanimously.*

- 5 Authorization: EDAR WateReuse for FY21
- 6 Authorization: EDAR Day Carter Murphy
- 7 Authorization: EDAR TDC Environmental

### POLICY/STRATEGIC 9:30 AM

- 8 Discussion: Nutrients

a. Regulatory

i. NST meeting agenda – BACWA ED reviewed the members of the Nutrient Strategy Team (NST), encouraged representative membership, and went over first meeting agenda. CCCSD requested that next meeting start at 1:30pm. EBDA recommended incorporating 15 mins breaks after every 1.5 hrs for long, online meetings.

ii. NBS CMG meeting - BACWA ED referred to slides in packet. Update on project will be provided in September meeting.

b. Technical Work

i. Article on Horizontal Levee Pollutant removal - BACWA ED and EBDA reviewed reduction of nitrate via subsurface flow in horizontal levees. EBDA discussed using grant funding to engage in equitable outreach efforts, and members were receptive and interested in participating.

ii. Ongoing work on designating subembayments – BACWA ED shared that SFEI is working on modeling to support subembayment designation and there will be a presentation at August meeting. BACWA ED proposed hiring a consultant to support review and to possibly participate in advisory group. City of San Jose, EBMUD and others discussed issues and role of consultant. BACWA ED to prepare RFP with SFEI and to present at August meeting and more about modeling advisory group. There was a discussion about the funding source for this consultant support. BACWA ED also reviewed a table of indicators for assessment framework and asked for board members and Permit Committee members for input.

9 Discussion: COVID Issues Roundtable – CCCSD - cautious approach, continuing teleworking and working with architectural firm to change office. Staff is very productive. Some field work but all outdoors, with PPE, safety protocols, etc. They have had their second case of COVID and have implemented internal contact tracking efforts. Operators are fully back. SFPUC - very similar to CCCSD. Essential workers are on rotating schedule. Working out requirements for confined space entry inspections. EBMUD – similar structure to other agencies. Discussed COVID cases amongst staff and contact tracking efforts. CDC responded to EBMUD regarding COVID in wastewater and stated there were no known cases of wastewater operators getting COVID from wastewater. EBDA – quick summary, similar working conditions. No known COVID cases. City of San Jose – similar working conditions, working on notification system for construction contractors and subcontractors. New requirements / policy for COVID positive staff and how many days they must take off work. Offered to share guidelines with BACWA. No comments from other members.

**BREAK            10:42-10:50 AM**

10      Discussion: Wastewater-Based Epidemiology Working Group – BACWA ED – UCB has secured funding for assembling a popup analytical facility. They hope to be up to 100 samples a day by the end of September. Goal is to be ready by the fall and to inform public health decision making. They are looking for additional private funding to pay for sample analysis. County health officers are very interested. Getting interest from State, and SFEI has been very helpful. An additional Working Group meeting will be held later this month - meeting time to be announced. Delta Diablo shared that the CDC gave a presentation for WEF earlier this week and CDC talked about their efforts in setting up a National Wastewater Surveillance System and they indicated that they are trying to get funding (including for sampling at POTWs). There was a discussion on how to collect samples and costs. Member mentioned that WBE is a very important, urgent effort and recommended joint letter to seek Federal CAREs Act funding from the state.

11      Discussion: PFAS - Update on State Water Board Order, and Region 2 Study – BACWA ED summarized progress on project. State Water Board interested in a regional project because of better quality control, synthesis of data, and adaptable management. RMP is developing Scope of Work to be presented at August meeting. Developing an equitable way to fund project.

12      Discussion: CASA engagement in Statewide Exfiltration Issues – BACWA ED summarized first step in statewide exfiltration study – building a reference library of existing studies and information.

13      Discussion: Sea Level Rise/Climate change planning requirements – BACWA RPM – At recent meeting with RWB, brought up existing spreadsheet from Recycled Water Studies. SLR plans are required from other regional water boards. General discussion from members about how \ if sea level rise is responsibility of POTWs. EBDA offered to provide a page summary of ongoing efforts in Bay Area.

14      Discussion: SWB Toxicity Provisions update. See link to provisions in packet – BACWA ED summarized areas of concern and how they responded. Changes to sensitive species, screening, effluent targets, calendar month, *Ceriodaphnia dubia* concerns, monitoring frequency. Discussion on BACWA comments will be held at August Permits' meeting and draft letter will be in August Board Meeting.

15 Informational: ReNUWIt update – BACWA ED summarized \$10,000 contribution and packet includes link to report. Any other BACWA members can get password as well – please contact BACWA ED.

16 Informational: Enterococcus Background Final Report – BACWA ED discussed SFEI was funded by BACWA to do a background enterococcus study to support the calculation of enterococci limits in permits, using dilution. BACWA ED reviewed packet document with meeting attendees and asked for questions or comments before sending final report to the RWB.

17 Informational: BAPPG Support for AB1672 – BACWA ED shared that, unlike other BACWA committees/Board, BAPPG participates in legislation comments and supports legislation. They are submitting a comment letter in support of AB1672 which will require “do not flush” labelling on wipes.

#### **OPERATIONAL 11:45 AM**

18 Discussion: Strategic Planning – BACWA ED looking to update strategic plan – vision, mission and values – treating it as a living document to drive resource decisions. BACWA ED would like to send out survey with questions to members to get feedback and involvement and asked for feedback on survey questions. BACWA ED also looking for recommendation to facilitate the collaborative process.

19 Discussion: Meeting Calendar for FY21 – BACWA ED summarized meeting schedule for rest of year and “Pardee” will be online on September 17 & 18, 2020.

20 Discussion: Topics for August and September Strategy Sessions – BACWA ED presented slides on proposed schedule for Strategic Planning sessions and asked for feedback on content and timing.

21 Informational: RPM Recruitment – BACWA ED encouraged all members to share posting. It is currently on BACWA website and CASA job board.

22 Informational: CEU Certificates – BACWA RPM Issued CEU Certificates for attendance at FY 19/20 Committee meetings.

**REPORTS 12:15 PM**

- 23 Committee Reports – BACWA ED – referred to packet for committee reports. No additional highlights from members.
- 24 Member Highlights
- 25 Executive Director Report – BACWA ED referred to packet report.
- 26 Regulatory Program Manager Report – BACWA RPM referred to report in packet.
- 27 Other BACWA Representative Reports
- a. RMP Technical Committee Mary Lou Esparza, Yuyun Shang, Samantha Engelage
  - b. RMP Steering Committee Karin North; Robert Wilson; Eric Dunlavey
  - c. Summit Partners Lorien Fono; Lori Schectel
  - d. ASC/SFEI Lorien Fono; Eileen White
  - e. Nutrient Governance Steering Committee Eric Dunlavey; Eileen White; Lori Schectel
  - e.i Nutrient Planning Subgroup Eric Dunlavey
  - e.ii NMS Technical Workgroup Eric Dunlavey
  - f. SWRCB Nutrient SAG Lorien Fono
  - g. NACWA Taskforce on Dental Amalgam Tim Potter
  - h. BAIRWMP Cheryl Munoz; Linda Hu; Lorien Fono
  - i. NACWA Emerging Contaminants Karin North; Melody LaBella
  - j. CASA State Legislative Committee Lori Schectel
  - k. CASA Regulatory Workgroup Lorien Fono
  - l. ReNUWIt Jackie Zipkin; Karin North
  - m. ReNUWIt One Water Jackie Zipkin, Eric Hansen
  - n. RMP Microplastics Liaison Artem Dyachenko
  - o. Bay Area Regional Reliability Project Eileen White

July, 17 2020 Executive Board Meeting Minutes

- p. WateReuse Working Group Cheryl Munoz
- q. San Francisco Estuary Partnership Eileen White; Lorien Fono
- r. CPSC Policy Education Advisory Committee Colleen Henry
- s. California Ocean Protection Council Lorien Fono
- t. Countywide Water Reuse Master Plan Karin North, Pedro Hernandez
- u. CHARG - Coastal Hazards Adaptation Resiliency Group Jackie Zipkin

33 SUGGESTIONS FOR FUTURE AGENDA ITEMS 12:22 PM

**NEXT MEETING 12:22 PM**

The next regular meeting of the Board is scheduled for August 21, 2020 from 9:00 am to 4:00 pm via videoconference.

**ADJOURNMENT 12:23 PM**



## Bay Area Clean Water Agencies

A Joint Powers Public Agency

Leading the Way to Protect our Bay

July 21<sup>st</sup>, 2020

MEMO TO: Bay Area Clean Water Agencies Executive Board  
MEMO FROM: Damien Charléty, Treasurer, East Bay Municipal Utility District  
SUBJECT: Twelfth Month FY 2020 Treasurer's Report

As required by section eight of the Joint Powers Agreement establishing the Bay Area Clean Water Agencies (BACWA) and California Government Code Sections 6500 et seq., attached is the BACWA Treasurer's Report for the period covering **July 1, 2019 through June 30, 2020** (Twelve months of Fiscal Year 2020). This report covers expenditures, cash receipts, and cash transfers for the following BACWA funds:

- Bay Area Clean Water Agencies (BACWA),
- BACWA Legal Reserve Fund (Legal Rsrv),
- Water Quality Attainment Strategy (WQA CBC),
- Bay Area Biosolids Coalition (BABC),
- Bay Area Chemical Consortium (BACC),
- Water/Wastewater Operator Training (WOT),
- Prop84 Bay Area Integrated Regional Water Mgmt (PRP84)

**Houck, Matt**

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**From:** Charléty, Damien  
**Sent:** Tuesday, July 21, 2020 3:16 PM  
**To:** Houck, Matt  
**Subject:** RE: BACWA - June 2020 Treasurer's Report

Approved.

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**From:** Houck, Matt  
**Sent:** Tuesday, July 21, 2020 1:15 PM  
**To:** Charléty, Damien  
**Subject:** BACWA - June 2020 Treasurer's Report

Hi Damien,

Please approve BACWA - June 2020 Treasurer's Report for distribution.

Thanks,

**Matt Houck**

Accountant I  
East Bay Municipal Utility District  
375 11TH St, MS 402, Oakland, CA 94607  
P 510-287-0238



## MONTHLY FINANCIAL SUMMARY REPORT

June 2020

### Fund Balances

In FY20 BACWA has three operating funds (BACWA, Legal, and CBC) and two pass-through funds for which BACWA provides only contract administration services (WOT & Prop 84).

BACWA Fund: This fund provides the resources for BACWA staff, its committees, and other administrative needs. The ending fund balance on June 30, 2020 was \$1,195,233 which is significantly higher than the target reserve of \$199,709 which is intended to cover 3 months of normal operating expenses based on the BACWA FY20 budget. \$241,999 of the ending fund balance is shown on the BACWA Fund & Investments Balance Report June 30, 2020 as obligated to meet ongoing operating line item expenses for BAPPG Committee Support, Legal services, IT services, Board meeting expenses, accounting services and BACWA staff support. This leaves actual unobligated excess funds of \$753,525 (i.e., actual fund balance of \$953,234 less target reserves) as of June 30, 2020. As the details of the costs of the various regulatory requirements included in the 2nd Nutrient Watershed Permit become better defined, these excess funds may be transferred to the CBC fund and used to offset potential Nutrient Surcharge increases to the BACWA members.

CBC Fund: This fund provides the resources for completing special investigations as well as meeting regulatory requirements. The ending fund balance on June 30, 2020 was \$1,772,881, which is significantly higher than the target reserve of \$1,000,000. \$759,992 of the ending balance is obligated to meet line item expenses for completion of the Group Annual Report contract, completion of the NBS Study and Recycled Water Evaluation. This leaves an actual unobligated excess fund balance of \$12,899 (i.e., actual fund balance of \$1,012,889 less target reserves) as of June 30, 2020. Total Disbursements for FY20 from the CBC Fund include the funding the Nutrient scientific investigations as required by the Nutrient Watershed Permit in the amount of \$2.4M (i.e., \$2.6M less the \$200k advanced payment made in FY19). As the strategy to fund compliance with the 2<sup>nd</sup> Nutrient Watershed Permit becomes better defined, any excess CBC funds could be used to offset potential Nutrient Surcharge increases to the BACWA members.

Legal Fund: This fund provides for needed legal services. The ending balance was \$300,000 which is at the target reserve of \$300,000.

### Budget to Actual

The BACWA Annual Budget includes all expected revenues as well as budgeted expenses. Transfers are made from the BACWA Fund and/or the CBC Fund to balance the Annual Budget if expenses exceed revenues and vice versa. It is therefore important to achieve the anticipated revenues and not exceed the budgeted expenses on an annual basis in order to maintain the BACWA and CBC Fund balances at the levels projected in the 5 Year Plan.

Revenues as of June 30, 2020 (100% of the FY) are at 100.76%. In addition, we are expecting another fund transfer from BABC for BACWA's administrative support fees and an affiliate contribution from the City of Berkeley. Currently there is nothing invested in "Higher Yield Investments". A \$300,000 bond matured in August and was never reinvested due to market conditions. That explains why only \$1,588 has been earned to date.

Overall Expenses as of June 30, 2020 (100% of the FY) are at 94.72% We anticipate less budgeted expenses this FY due to COVID-19. COVID-19 has resulted in the cancellation of multiple in-person meetings and trainings and eliminated the costs associated with that.



Those needing additional explanation are:

Labor: This category is 88% expended due to multiple staff changes.

Administration: This category is 77% expended. We budgeted more than the cost of EBMUD accounting services. We are over in Auditing Services because of the MAZE contract. We were only 45% spent in Administrative Expenses due to lack of travelling for meetings.

Meetings: This category is 85% expended. The annual meeting was overspent by 16%.

Communication: This category is 45% expended because less technical assistance was needed this FY.


Legal: This category is 212% expended due to additional legal counsel needed for designating a JPA signatory and assistance in commenting on ELAP regulations.

Committees: This category is 86% expended mostly due to cancelled in-person meetings and trainings because of COVID-19. The line item BAPPG was over budget due to incorrect invoicing, related to the multiple transitions in staff this FY. BAPPG line was billed \$60,000 in TDC Environmental expenses and \$30,000 of that amount should have been charged to Misc. Committee Support line. The Committees series did not go over budget in FY20 and we do not anticipate these kind of billing issues in FY21.

Collaboratives: This category is 60% expended. We elected not participate in the FWQC this FY due to COVID-19.

Unbudgeted Items: This category includes the costs for two AED recruitment fees by Koff & Associates.

FY 2020  
BACWA BUDGET to ACTUAL

						
<u>BACWA FY20 BUDGET</u>	<u>Line Item Description</u>	<u>FY 2020 Budget</u>	<u>Actual June 2020</u>	<u>Actual % of Budget June 2020</u>	<u>Variance</u>	<u>NOTES</u>
<b>REVENUES &amp; FUNDING</b>						
<b>Dues</b>	Principals' Contributions	\$506,774	\$506,775	100%	\$1	FY20: 2% increase. 5 @ \$101,355
	Associate & Affiliate Contributions	\$184,111	\$185,712	101%	\$1,601	FY20: 2% increase. 13 Assoc: \$8,364; 45 Affiliate: \$1,675. One collection member cancelled in FY19
<b>Fees</b>	Clean Bay Collaborative	\$675,000	674,250	100%	-\$750	Prin: \$450,000; Assoc/Affil: \$225,000
	Nutrient Surcharge	\$1,700,000	1,700,000	100%	\$0	See Nutrient Surcharge Spreadsheet
	Voluntary Nutrient Contributions	\$0	\$0	0%	\$0	
<b>Other Receipts</b>	AIR Non-Member	\$6,936	\$6,936	100%	\$0	2% increase (Santa Rosa)
	BAPPG Non-Members	\$3,876	\$3,876	100%	\$0	2% increase (Sta Rosa, Sac Reg'l, Vacaville) \$1,292/each
	Other	\$0	\$2,550	0%	\$2,550	
<b>Fund Transfer</b>	Special Program Admin Fees	\$5,100	\$9,117	179%	\$4,017	
<b>Interest Income</b>	LAIF	\$20,000	\$52,827	264%	\$32,827	BACWA, Legal, & CBC Funds invested in LAIF
	Higher Yield Investments	\$18,000	\$1,588	9%	-\$16,413	Alternative Investment Interest (Legal & CBC Funds invested in AltInv)
	<b>Total Revenue</b>	<b>\$3,119,797</b>	<b>\$3,143,631</b>	<b>100.76%</b>	<b>\$23,834</b>	
<u>BACWA FY20 BUDGET</u>	<u>Line Item Description</u>	<u>FY 2020 Budget</u>	<u>Actual June 2020</u>	<u>Actual % of Budget June 2020</u>	<u>Variance</u>	<u>NOTES</u>
<b>EXPENSES</b>						
<b>Labor</b>						
	Executive Director	\$207,531	\$200,226	96%	-\$7,305	ED requested 2.9%; \$99.77/hour; contract based on full time same as FY 19, 2080 hrs
	Assistant Executive Director	\$100,907	\$62,140	62%	-\$38,767	4.5% CPI (SF Bay Metro Area Dec 2018); \$63.07/hour; Reflects 1600 hours/yr (1500 FY 19 + 100 hrs additional for FY 20)
	Regulatory Program Manager	\$137,727	\$131,857	96%	-\$5,870	4.5% CPI (SF Bay Metro Area Dec 2018); \$100.16/hour; Reflects 1375 hours/yr (1250 FY 19 + 125 additional hrs for FY 20)
	<b>Total</b>	<b>\$446,165</b>	<b>\$394,223</b>	<b>88%</b>	<b>-\$51,942</b>	
<b>Administration</b>						
	EBMUD Financial Services	\$41,616	\$29,028	70%	-\$12,588	2% increase
	Auditing Services	\$5,240	\$8,740	167%	\$3,500	New contract with Auditors through EBMUD & MAZE
	Administrative Expenses	\$7,803	\$3,490	45%	-\$4,313	2% increase. Travel, Supplies, Parking, Mileage, Tolls, Misc.
	Insurance	\$4,682	\$4,696	100%	\$14	2% increase
	<b>Total</b>	<b>\$59,341</b>	<b>\$45,954</b>	<b>77%</b>	<b>-\$13,387</b>	
<b>Meetings</b>						
	EB Meetings	\$2,601	\$1,552	60%	-\$1,049	2% increase. Catering, Venue, other expenses
	Annual Meeting	\$12,000	\$13,928	116%	\$1,928	2% increase. Catering, Venue, other expenses
	Pardee	\$6,242	\$5,835	93%	-\$407	2% increase. Catering, Venue, other expenses
	Misc. Meetings	\$5,202	\$765	15%	-\$4,437	2% increase. Hol & Comm Chair Lunch, Staff Mtgs, Fin Comm, Summit Ptnrs, CASA, NACWA Tech WS, Low Flow WS
	<b>Total</b>	<b>\$26,045</b>	<b>\$22,080</b>	<b>85%</b>	<b>-\$3,965</b>	
<b>Communication</b>						
	Website Hosting (Computer Courage)	\$600	\$600	100%	\$0	Paid in advance in FY19 to lock in lower rate
	File Storage (Box.net)	\$750	\$720	96%	-\$30	
	Website Development/Maintenance	\$1,500	\$618	41%	-\$882	Domains (due again in FY20), website changes
	IT Support (As Needed)	\$2,600	\$637	25%	-\$1,963	
	Other Commun (MS, SM, Backup, PollEv)	\$1,750	\$680	39%	-\$1,070	MS Exchange, Survey Monkey (incr in FY20), Carbonite, Doodle Polls, PollEv, GoToMtg
	<b>Total</b>	<b>\$7,200</b>	<b>\$3,255</b>	<b>45%</b>	<b>-\$3,945</b>	
<b>Legal</b>						
	Regulatory Support	\$2,653	\$3,652	138%	\$999	2% increase
	Executive Board Support	\$2,133	\$6,518	306%	\$4,385	2% increase

**FY 2020**  
**BACWA BUDGET to ACTUAL**

<b>EXPENSES</b>						
	<b>Total</b>	<b>\$4,786</b>	<b>\$10,170</b>	<b>212%</b>	<b>\$5,384</b>	
<b>Committees</b>						
	AIR	\$76,000	\$61,681	81%	-\$14,319	\$75k consulting support, \$1k misc expenses
	BAPPG	\$100,000	\$118,719	119%	\$18,719	Includes CPSC @ \$10,000, OWOW @ \$10,000, and Pest. Reg Spt. @ \$15,000, Paid Baywise Hosting in FY19 to lock in rate
	Biosolids Committee	\$1,000	\$0	0%	-\$1,000	
	Collections System	\$1,000	\$0	0%	-\$1,000	
	InfoShare Groups	\$1,000	\$1,100	110%	\$100	Funds for 2 workgroups (Asset Mgmt & O&M - AM on hiatus in FY20)
	Laboratory Committee	\$1,000	\$0	0%	-\$1,000	
	Permits Committee	\$1,300	\$569	44%	-\$731	all meetings moved to include lunch hour for commuting purposes
	Pretreatment	\$2,000	\$3,402	170%	\$1,402	FY20: Includes \$1,000 for training
	Recycled Water Committee	\$1,000	\$0	0%	-\$1,000	
	Misc Committee Support	\$45,000	\$13,327	30%	-\$31,673	
	Manager's Roundtable	\$1,000	\$372	37%	-\$628	
	<b>Total</b>	<b>\$230,300</b>	<b>\$199,170</b>	<b>86%</b>	<b>-\$31,130</b>	
<b>Collaboratives</b>						
	<b>Collaboratives</b>					
	State of the Estuary (SFEP-biennial)	\$0	\$0	0%	\$0	Biennial in Odd Fiscal Years. (Paid biennially in odd years for even year conference)
	Arleen Navarret Award	\$2,500	\$1,923	77%	-\$577	Biennial in Even Fiscal Years. Increase in FY20
	FWQC (Fred Andes)	\$7,500	\$0	0%	-\$7,500	
	Stanford ERC (ReNUWit)	\$10,000	\$10,000	100%	\$0	
	Misc	\$5,000	\$3,100	62%	-\$1,900	BayCAN, NBWA
	<b>Total</b>	<b>\$25,000</b>	<b>\$15,023</b>	<b>60%</b>	<b>-\$9,977</b>	
<b>Other</b>						
	<b>Unbudgeted Items</b>					
	Other	\$0	\$25,000	0%	\$25,000	Koff & Associates
		<b>\$0</b>	<b>\$25,000</b>	<b>0%</b>	<b>\$25,000</b>	
<b>Tech Support</b>						
	<b>Technical Support</b>					
	Nutrients					
	Watershed	\$2,000,000	\$2,400,000	120%	\$400,000	1st year of 2nd WS Permit less \$200k paid in advance in FY19
	NMS Voluntary Contributions	\$0	\$0	0%	\$0	
	Additional work under permit	\$100,000	\$50,298	50%	-\$49,702	Includes HDR PO for \$225k spread out over FY20-24.
	Regional Study on Non-Gray Scape	\$500,000	\$64,080	13%	-\$435,920	New Line item in FY20
	Member Voluntary Nutrient Contributions	\$0	\$0	0%	\$0	
	Nutrient Workshop(s)	\$0	\$0	0%	\$0	Pilot Studies/Plant Review/Innovative Technologies
	General Tech Support	\$52,020	\$45,950	88%	-\$6,070	2% increase.
	Risk Reduction	\$20,000	\$12,500	63%	-\$7,500	\$50,000 over 5 years (FY19-FY23) 2 Contracts for \$25,000 each over FY19, 20, & 21
	<b>Total</b>	<b>\$2,672,020</b>	<b>\$2,572,828</b>	<b>96%</b>	<b>-\$99,192</b>	
	<b>TOTAL EXPENSES</b>	<b>\$3,470,857</b>	<b>\$3,287,703</b>	<b>94.72%</b>	<b>-\$183,154</b>	
	<b>NET INCOME BEFORE TRANSFERS</b>	<b>-\$351,060</b>	<b>-\$144,072</b>			
	<b>TRANSFERS FROM RESERVES</b>	<b>\$351,060</b>	<b>\$144,072</b>			aligns with strategy of drawing down reserves to lessen impact of Nutrient Surcharge
	<b>NET INCOME AFTER TRANSFERS</b>	<b>\$0</b>	<b>\$0</b>			
	<b>TOTAL OPERATING BUDGET</b>	<b>\$798,837</b>				
	<b>OPERATING RESERVE</b>	<b>\$199,709</b>				

**BACWA Fund Report as of June 30, 2020**

BACWA FUND BALANCES - DATA PROVIDED BY ACCOUNTING DEPT.							
DEPTID	DESCRIPTION	FISCAL YEAR BEGINNING FUND BALANCE	TOTAL RECEIPTS TO-DATE	TOTAL DISBURSEMENTS TO-DATE	MONTH-ENDING FUND BALANCE	OUTSTANDING ENCUMBRANCES	MONTH-END UNOBLIGATED FUND BALANCE
800	BACWA	1,185,382	724,636	714,785	1,195,233	241,999	953,234
804	LEGAL RSRV	300,000	-	-	300,000	-	300,000
805	CBC	1,926,714	2,418,995	2,572,828	1,772,881	759,992	1,012,889
	<b>SUBTOTAL 1</b>	<b>3,412,096</b>	<b>3,143,631</b>	<b>3,287,613</b>	<b>3,268,114</b>	<b>1,001,991</b>	<b>2,266,123</b>
802	BABC	-	299,805	83,291	216,514	-	216,514
806	BACC	-	-	1,563	(1,563)	-	(1,563)
810	WOT	322,375	-	46,211	276,164	-	276,164
	<b>SUBTOTAL 2</b>	<b>322,375</b>	<b>299,805</b>	<b>131,065</b>	<b>491,115</b>	<b>-</b>	<b>491,115</b>
811	PRP84	161,590	180,059	(2,859)	344,508	-	344,508
	<b>SUBTOTAL 3</b>	<b>161,590</b>	<b>180,059</b>	<b>(2,859)</b>	<b>344,508</b>	<b>-</b>	<b>344,508</b>
	<b>GRAND TOTAL</b>	<b>3,896,061</b>	<b>3,623,495</b>	<b>3,415,819</b>	<b>4,103,737</b>	<b>1,001,991</b>	<b>3,101,746</b>

Top Chart: Reflects CASH on the Books Includes Encumbrances  
Bottom Chart: Reflects CASH in the Bank Includes Payables (bills received but not paid)  
Allocations: Priority for non-liquid investments

BACWA INVESTMENTS BALANCES - DATA PROVIDED BY TREASURY DEPT.													
DEPTID	DESCRIPTION	FISCAL YEAR BEGINNING FUND BALANCE	TOTAL RECEIPTS TO-DATE	TOTAL DISBURSEMENTS TO-DATE	MONTH-ENDING FUND BALANCE	RECONCILIATION TO FINANCIAL STATEMENTS	MONTH-END RECONCILED FUND BALANCE	UNINVESTED CASH BALANCES	LAIF INVESTMENTS AMOUNTS	LAIF INVESTMENTS PERCENTAGE	ALTERNATIVE INVESTMENTS AMOUNTS	ALTERNATIVE INVESTMENTS IDENTIFIERS	ALTERNATIVE INVESTMENT INSTRUCTIONS AND NOTES
800	BACWA	1,185,382	724,636	714,785	1,195,233	147,789	1,343,022	1,153,303	189,719	8%	-		priority # 3 for allocation
804	LEGAL RSRV	300,000	-	-	300,000	-	300,000	-	300,000	13%	-		priority # 1 for allocation
805	CBC	1,926,714	2,418,995	2,572,828	1,772,881	-	1,772,881	-	1,772,881	78%	-		priority # 2 for allocation
	<b>SUBTOTAL 1</b>	<b>3,412,096</b>	<b>3,143,631</b>	<b>3,287,613</b>	<b>3,268,114</b>	<b>147,789</b>	<b>3,415,903</b>	<b>1,153,303</b>	<b>2,262,600</b>	<b>100%</b>	<b>-</b>		

802	BABC	-	299,805	83,291	216,514	-	216,514	216,514	-	0%	-		pass-through funds, no allocation
806	BACC	-	-	1,563	(1,563)	-	(1,563)	(1,563)	-	0%	-		
810	WOT	322,375	-	46,211	276,164	-	276,164	276,164	-	0%	-		pass-through funds, no allocation
	<b>SUBTOTAL 2</b>	<b>322,375</b>	<b>299,805</b>	<b>131,065</b>	<b>491,115</b>	<b>-</b>	<b>491,115</b>	<b>491,115</b>	<b>-</b>	<b>0%</b>	<b>-</b>		
811	PRP84	161,590	180,059	(2,859)	344,508	-	344,508	344,508	-	0%	-		pass-through funds, no allocation
	<b>SUBTOTAL 3</b>	<b>161,590</b>	<b>180,059</b>	<b>(2,859)</b>	<b>344,508</b>	<b>-</b>	<b>344,508</b>	<b>344,508</b>	<b>-</b>	<b>0%</b>	<b>-</b>		
	<b>GRAND TOTAL</b>	<b>3,896,061</b>	<b>3,623,495</b>	<b>3,415,819</b>	<b>4,103,737</b>	<b>147,789</b>	<b>4,251,526</b>	<b>1,988,926</b>	<b>2,262,600</b>	<b>-</b>			

verification

To be used to cover Reconciliation to Financial Statements (\$0)

**Reconciliation to Trial Balance - accrual basis**

Per Report above:

General	3,143,631	STB	1493	2,262,600	
WOT	299,805	STB	1505	1,988,926	
PROP	180,059			<b>4,251,526</b>	-
<b>subtotal</b>	<b>3,623,495</b>	STB	2135	(147,789)	
				<b>4,103,737</b>	-

Billings-Pending Receipts

4686	Mem Contrib	750
4687	Transfer	-
4690	Assoc Contrib	1,675
4696	Other	-
4731	State Grant	-
4732	Grant Retention	(180,059)
<b>subtotal</b>		<b>(177,634)</b>

Trial Balance Revenue Accounts

4411	Interest	(54,415)
4686	Mem Contrib	(1,368,275)
4687	Transfer	(122,422)
4690	Assoc Contrib	(187,388)
4696	Other	(1,713,362)
4731	State Grant	-
4732	Grant Retention	-
<b>subtotal</b>		<b>(3,445,861)</b>
<b>Difference</b>		<b>(0)</b>

## BACWA Revenue Report as of June 30, 2020

FUND #	DEPARTMENT	JOB	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE				UNOBLIGATED
					Admin & General	Contributons	Interest, Transfers, Others	Admin & General	Contributons	Interest, Transfers, Others	ACTUAL	
800	Bay Area Clean Water Agencies	0408511	Administrative & General	-	-	-	-	-	-	-	-	-
800	Bay Area Clean Water Agencies	1011099	BDO Member Contributions	506,774	-	-	-	-	506,775	-	506,775	(1)
800	Bay Area Clean Water Agencies	1011108	BDO Other Receipts	-	-	-	-	-	-	-	-	-
800	Bay Area Clean Water Agencies	1011109	BDO Fund Transfers	5,100	-	-	696	-	-	9,117	9,117	(4,017)
800	Bay Area Clean Water Agencies	1011117	BDO- Interest Income from LAIF	20,000	-	-	-	-	-	8,082	8,082	11,918
800	Bay Area Clean Water Agencies	1011133	BDO Assoc.&Affiliate Contr	184,111	-	-	-	-	110,407	-	110,407	73,704
800	Bay Area Clean Water Agencies	1014251	BDO Non-Member Contr BAPPG	3,876	-	-	-	-	3,876	-	3,876	-
800	Bay Area Clean Water Agencies	1014252	BDO Non-Member Contr AIR	6,936	-	-	-	-	6,936	-	6,936	-
800	Bay Area Clean Water Agencies	1014511	BDO-Alternative Investment Inc	18,000	-	-	-	1,588	-	-	1,588	16,412
800	Bay Area Clean Water Agencies	1015265	BDO Other Receipts (Misc)	-	-	-	-	-	2,550	-	2,550	(2,550)
800	Bay Area Clean Water Agencies	1015266	BDO Affiliate/Associate Dues	-	-	-	-	-	38,525	-	38,525	(38,525)
800	Bay Area Clean Water Agencies	1015267	BDO Affil/CS/Assoc Dues	-	-	-	-	-	36,780	-	36,780	(36,780)
<b>BACWA TOTAL</b>				<b>744,797</b>	-	-	<b>696</b>	<b>1,588</b>	<b>705,849</b>	<b>17,199</b>	<b>724,636</b>	<b>20,161</b>
805	WQA-CBC	1011099	BDO Member Contributions	675,000	-	-	-	-	674,250	-	674,250	750
805	WQA-CBC	1011108	BDO Other Receipts	1,700,000	-	-	-	-	1,700,000	-	1,700,000	-
805	WQA-CBC	1011117	BDO- Interest Income from LAIF	-	-	-	-	-	-	44,745	44,745	(44,745)
805	WQA-CBC	1014528	BDO-Voluntary Nutrient Contrib	-	-	-	-	-	-	-	-	-
<b>WQA CBC TOTAL</b>				<b>2,375,000</b>	-	-	-	-	<b>2,374,250</b>	<b>44,745</b>	<b>2,418,995</b>	<b>(43,995)</b>
<b>TOTAL</b>				<b>3,119,797</b>	-	-	<b>696</b>	<b>1,588</b>	<b>3,080,099</b>	<b>61,944</b>	<b>3,143,631</b>	<b>(23,834)</b>

	DEPARTMENT	JOB	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE				UNOBLIGATED
					Admin & General	Contributons	Interest, Transfers, Others	Admin & General	Contributons	Interest, Transfers, Others	ACTUAL	
802	BABC	1011099	BDO Member Contributions	-	-	-	-	-	186,500	-	186,500	(186,500)
802	BABC	1011109	BDO Fund Transfers	-	-	-	-	113,305	-	-	113,305	(113,305)
<b>BABC TOTAL</b>				-	-	-	-	<b>113,305</b>	<b>186,500</b>	-	<b>299,805</b>	<b>(299,805)</b>
810	WOT	1011117	BDO- Interest Income from LAIF	-	-	-	-	-	-	-	-	-
<b>WOT TOTAL</b>				-	-	-	-	-	-	-	-	-

	DEPARTMENT	JOB	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE				UNOBLIGATED
					Admin & General	Contributons	Interest, Transfers, Others	Admin & General	Contributons	Interest, Transfers, Others	ACTUAL	
811	PROP 84	1011142	Administrative Support	-	-	-	-	-	-	-	-	-
<b>PROP TOTAL</b>				-	-	-	-	-	-	-	-	-

<b>Grand Total</b>				<b>3,119,797</b>	-	-	<b>696</b>	<b>114,893</b>	<b>3,266,599</b>	<b>61,944</b>	<b>3,443,436</b>	<b>(323,639)</b>
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## BACWA Expense Detail Report for June 30, 2020

EXPENSE TYPE	JOB	AMENDED BUDGET	CURRENT PERIOD				YEAR TO DATE				OBLIGATED	UNOBLIGATED
			ENC	PV	DA	JV	ENC	PV	DA	JV		
LABOR												
AS-Executive Director	1011123	207,531	(31,665)	31,667	-	-	86,471	200,226	-	-	286,697	(79,166)
AS-Assistant Executive Directo	1011124	100,907	(7,280)	7,280	-	-	51,072	62,140	-	-	113,212	(12,305)
AS-Regulatory Program Manager	1011149	137,727	(36,631)	24,095	-	-	68,709	143,742	-	(11,885)	200,566	(62,839)
ADMINISTRATION												
AS-EBMUD Financial Services	1011125	41,616	(11,218)	11,218	-	-	12,588	29,028	-	-	41,616	-
AS-Audit Services	1014512	5,240	-	-	-	5,240	5,240	5,240	3,500	-	13,980	(8,740)
BDO Other Receipts	1011108	-	-	-	-	-	-	-	25,000	-	25,000	(25,000)
AS-BACWA Admin Expense	1011118	7,803	-	-	148	-	-	-	3,656	(166)	3,490	4,313
AS-Insurance	1011126	4,682	-	-	-	-	-	-	4,696	-	4,696	(14)
MEETINGS												
GBS-Meeting Support-Annual	1014514	12,000	-	-	-	-	-	-	14,198	(270)	13,928	(1,928)
GBS-Meeting Support-Exec Bd	1014513	2,601	(263)	191	-	-	1,155	1,014	538	-	2,707	(106)
GBS-Meeting Support-Misc	1014516	5,202	-	72	-	-	-	72	693	-	765	4,437
GBS-Meeting Support-Pardee	1014515	6,242	-	-	-	-	-	-	5,835	-	5,835	407
COMMUNICATION												
CAR-BACWA File Storage	1014518	1,500	-	-	-	-	-	-	720	-	720	780
CAR-BACWA IT Software	1014520	1,750	-	-	-	-	-	-	680	-	680	1,070
CAR-BACWA IT Support	1014519	2,600	-	-	-	-	2,600	-	637	-	3,237	(637)
CAR-BACWA Website Dev/Maint	1011116	600	-	-	-	-	-	-	618	-	618	(18)
CAR-BACWA Website Hosting	1014517	750	-	-	-	-	-	-	600	-	600	150
LEGAL												
LS-Executive Board Support	1011110	2,133	(2,133)	6,518	-	-	-	6,518	-	-	6,518	(4,385)
LS-Regulatory Support	1011107	2,653	-	-	-	-	69	3,562	-	-	3,631	(978)
COMMITTEES												
AIR-Air Issues&Regulation Grp	1014253	76,000	(23,675)	23,675	-	-	14,093	60,907	774	-	75,774	226
BC-BAPPG	1011147	100,000	(4,801)	9,801	-	2,025	1	75,999	40,695	2,025	118,720	(18,720)
BC-Biosolids Committee	1011101	1,000	-	-	-	-	-	-	-	-	-	1,000
BC-Collections System	1011097	1,000	-	-	-	-	-	-	-	-	-	1,000
BC-InfoShare Groups	1011102	1,000	-	-	-	-	-	-	1,100	-	1,100	(100)
BC-Laboratory Committee	1011103	1,000	-	-	-	-	-	-	-	-	-	1,000
BC-Permit Committee	1011098	1,300	-	-	-	-	-	174	395	-	569	731
BC-Pretreatment Committee	1011146	2,000	-	-	-	-	-	-	3,402	-	3,402	(1,402)
BC-Water Recycling Committee	1011100	1,000	-	-	-	-	-	-	-	-	-	1,000
BC-Manager's Roundtable	1014777	1,000	-	-	-	-	-	186	186	-	372	628
BC-Miscellaneous Committee Sup	1011104	45,000	-	-	5,000	-	-	-	13,327	-	13,327	31,673
COLLABORATIVES												
CAS-Arleen Navaret Award	1012201	2,500	-	-	1,923	-	-	-	1,923	-	1,923	577
CAS-FWQC	1012202	7,500	-	-	-	-	-	-	-	-	-	7,500
CAS-Misc Collaborative Sup	1014521	5,000	-	-	1,500	-	-	-	3,100	-	3,100	1,900
CAS-PSSEP	1011112	-	-	-	-	-	-	-	-	-	-	-
CAS-Stanford ERC	1011969	10,000	-	-	10,000	-	-	-	10,000	-	10,000	-
BACWA TOTAL		798,837	(117,666)	114,517	18,571	7,265	241,998	588,808	136,273	(10,296)	956,783	(157,946)
TECH SUPPORT												
WQA-CE Addl Work Under Permit	1014254	100,000	(202)	12,500	-	-	182,000	50,298	-	-	232,298	(132,298)
WQA-CE-Technical Support	1011127	52,020	-	-	-	3,548	238	40,378	2,024	3,548	46,188	5,832
WQA-CE Risk Reduction	1014023	20,000	-	-	-	-	-	-	12,500	-	12,500	7,500
WQA-CE-Nutrient WS Permit Comm	1014021	2,000,000	-	-	-	-	-	-	2,400,000	-	2,400,000	(400,000)
Recycled Water Evaluation	1015566	-	141,835	-	-	-	141,835	-	-	-	141,835	(141,835)
WQA-CE-Nature Based Solutions	1015367	500,000	(15,228)	15,228	-	-	435,920	64,080	-	-	500,000	-
TECH SUPPORT (CBC) TOTAL		2,672,020	126,405	27,728	-	3,548	759,993	154,756	2,414,524	3,548	3,332,821	(660,801)
GRAND TOTAL		3,470,857	8,739	142,245	18,571	10,813	1,001,991	743,564	2,550,797	(6,748)	4,289,604	(818,747)
BABC												
AS-Assistant Executive Directo	1011124	-	-	-	-	-	-	316	-	-	316	(316)
Administrative Support	1011142	-	-	-	-	696	-	-	-	4,017	4,017	(4,017)
BDO Contract Expenses	1011143	-	-	-	6,615	-	-	-	61,334	-	61,334	(61,334)
AS-Regulatory Program Manager	1011149	-	-	-	-	-	-	2,905	69	-	2,974	(2,974)
Collateral Development	1015374	-	-	-	-	-	-	-	14,650	-	14,650	(14,650)
BABC TOTAL		-	-	-	6,615	696	-	3,221	76,053	4,017	83,291	(83,291)
BACC												
Administrative Support	1011142	-	-	-	-	-	-	1,471	92	-	1,563	(1,563)
BACC TOTAL		-	-	-	-	-	-	1,471	92	-	1,563	(1,563)
WOT												
Administrative Support	1011142	-	-	-	-	-	-	-	5,361	5,100	10,461	(10,461)
BDO Contract Expenses	1011143	-	-	-	-	-	-	-	35,750	-	35,750	(35,750)
		-	-	-	18	-	-	-	41,111	5,100	46,211	(46,211)
GRAND TOTAL (BDO, CBC, BABC, BACC, WOT)		3,470,857	8,739	142,245	25,186	11,509	1,001,991	748,256	2,668,053	2,369	4,420,669	(949,812)

## BACWA Expense Detail Report for June 30, 2020

DEPTID	DEPARTMENT	EXPENSE TYPE	AMENDED BUDGET	CURRENT PERIOD				YEAR TO DATE				OBLIGATED	UNOBLIGATED
				ENC	PV	DA	JV	ENC	PV	DA	JV		
811	Prop84BayAreaIntegRegnlWtrMgmt	BDO Fund Transfers	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Administrative Support	-	-	-	-	-	-	-	-	(2,859)	(2,859)	2,859
811	Prop84BayAreaIntegRegnlWtrMgmt	BDO Contract Expenses	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Regional Green Infrastructure	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Hacienda Ave Green St Improvem	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Sears Point Wtlnd & Wtrshd Res	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Bay Friendly Landscape TP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Weather Based Irrigation Cntrl	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	High Efficiency Toilet & UR	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	High Efficiency Toilet & UI	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	High Efficiency Clothes Washrs	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Napa Co. Rainwater HP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Conservation Program Admin	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Flood Infrastructure Mapping T	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Stormwater Improvements & PBP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Richmond Shoreline & San PFP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Pescadero Integrated FRAH	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Restoration Guidance, San FC	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	SF Estuary Steelhead MP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Stream Restoration in North BD	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Watershed Program Admnstrtn	-	-	-	-	-	-	-	-	-	-	-
<b>PRP84 TOTAL</b>			-	-	-	-	-	-	-	-	(2,859)	(2,859)	2,859

## BACWA Revenue Report as of June 30, 2020

DEPTID	DEPARTMENT	JOB	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE				UNOBLIGATED
					Admin & General	Contributons	Interest, Transfers,Ot hers	Admin & General	Contributons	Interest, Transfers,O thers	ACTUAL	
811	Prop84BayAreaIntegRegnIWtrMgmt	1011117	BDO- Interest Income from LAIF	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1011142	Administrative Support	-	-	-	-	-	35,739	-	35,739	(35,739)
811	Prop84BayAreaIntegRegnIWtrMgmt	1011691	Water Efficient Landscape Reba	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1011702	Sears Point Wtlnd & Wtrshd Res	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1011705	Regional Green Infrastructure	-	-	-	-	-	116,839	-	116,839	(116,839)
811	Prop84BayAreaIntegRegnIWtrMgmt	1011706	Hacienda Ave Green St Improvem	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1011707	WQ Improve Flood Mgmt & EP	-	-	-	-	-	2,836	-	2,836	(2,836)
811	Prop84BayAreaIntegRegnIWtrMgmt	1011911	Stream Restoration w/Schools i	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1011912	Flood Infrastructure Mapping	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1012209	Water Efficient LRP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1012210	Bay Friendly Landscape TP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1012211	Weather Based Irrigation Cntrl	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1012212	High Efficiency Toilet & UR	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1012213	High Efficiency Toilet & UI	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1012214	High Efficiency Clothes Washrs	-	-	-	-	-	2,458	-	2,458	(2,458)
811	Prop84BayAreaIntegRegnIWtrMgmt	1012215	Napa Co. Rainwater HP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1012216	Conservation Program Admin	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1012218	Stream Restoration in North BD	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1012219	Flood Infrastructure Mapping T	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1012220	Stormwater Improvements & PBP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1012221	Richmond Shoreline & San PFP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1012222	Pescadero Integrated FRAH	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1012223	Restoration Guidance, San FC	-	-	-	-	-	15,353	-	15,353	(15,353)
811	Prop84BayAreaIntegRegnIWtrMgmt	1012224	SF Estuary Steelhead MP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	1012225	Watershed Program Admnstrtn	-	-	-	-	-	6,834	-	6,834	(6,834)
PROP 84 TOTAL				-	-	-	-	-	180,059	-	180,059	(180,059)



## BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 3

FILE NO.: 21-14

MEETING DATE: August 21, 2020

### TITLE: Regulatory Program Manager Services Agreement Fiscal Year 2021

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

### RECOMMENDED ACTION

Approve an agreement in the amount of \$98,000 with Mary Cousins to provide Regulatory Program Manager (RPM) services in FY21.

### SUMMARY

During the staff transitions in early 2020, BACWA retained interim RPM Support from Larry Walker & Associates to maintain continuity of service to the Executive Board, its members, and its committees. The process of initiating a selection process for a permanent RPM was then temporarily curtailed while the BACWA community adjusted to the new working environment precipitated by the COVID-19 Pandemic.

BACWA began a competitive selection process for the RPM contract in July 2020. The selection process resulted in Dr. Mary Cousins, as an individual consultant, being chosen to serve as the BACWA RPM. Her hourly rate is \$98, with 1,000 hours in the contract, reflecting 100 hours per month for the remaining 10 months in FY21. In accordance with the BACWA contracting policy, the new agreement termination date may be extended for additional years, at BACWA's discretion, with amendments to the agreement.

### FISCAL IMPACT

Funds for the agreement are available in the BACWA FY21 Budget under line item Labor/Regulatory Program Manager.

### ALTERNATIVES

1. Do not fund the position: This alternative is not recommended since BACWA has evaluated the position for seven years and the Board has determined that the work is important and necessary.
2. Reissue the Request for Proposal: This is not recommended since Mary Cousins was deemed to have the needed qualifications for providing the Regulatory Program Manager services and proposed a cost that was within the recommended level of effort for the position.

### Attachments:

*Contract*

*Scope of Work*

Approved:

Date:

\_\_\_\_\_  
Amit Mutsuddy, Chair  
BACWA

File:

**BAY AREA CLEAN WATER AGENCIES  
PROFESSIONAL SERVICES CONTRACT  
*Regulatory Program Manager***

This PROFESSIONAL SERVICES CONTRACT, effective August 21, 2020, is between Bay Area Clean Water Agencies ("BACWA"), a joint powers agency which exists as a public entity separate and apart from its Member Agencies, created January 4, 1984 by a Joint Powers Agreement between Central Contra Costa Sanitary District, East Bay Dischargers Association, East Bay Municipal Utility District, the City and County of San Francisco and the City of San Jose, with a mailing address of P.O. Box 24055, MS 59, Oakland, CA 94623, and Mary Cousins ("Consultant"), an individual doing business at 78 Sonia Street, Oakland, California, for professional services as described in any Exhibit A attached hereto.

The primary purpose of BACWA is to advocate for regulations that are based on sound science. BACWA often supports scientific investigations such as funding the collection of data on aquatic life and quality of waters in the San Francisco Bay system, interpretation of the data to assess the effects of pollution and other factors on the Bay, developing and disseminating information about the Bay, and carrying out other programs of interest to its members.

In consideration of the mutual covenants, stipulations and agreements, the parties agree as follows:

1. Consultant will perform the Services as described by and in accordance with Exhibit A in a manner acceptable to BACWA. Consultant retains the sole right to control and direct the manner in which it provides the services. Notwithstanding the foregoing, BACWA shall, have a right to inspect the work, which shall include the right to stop the work if necessary to ensure that it conforms to BACWA's standards and expected results.
2. Consultant shall not contract with or otherwise use any subconsultants, subcontractors or other non-employee persons or entities ("Subconsultants") to perform the Services without the prior written approval of BACWA. If Consultant and BACWA agree that Subconsultants shall be used, Consultant shall ensure Subconsultants' compliance with all the terms and conditions of this agreement.
3. BACWA will pay Consultant for services at an hourly rate of \$98.00 for a maximum of 1,000 hours in FY2021. Consultant will not exceed the maximum amount payable without obtaining prior written approval from BACWA. BACWA's Executive Director has discretion to increase the maximum amount payable in any fiscal year by a maximum of ten percent (10%). Any future increases shall be implemented via an amendment to this contract.
4. BACWA agrees to reimburse Consultant for actual and reasonable expenses necessary to carry out the work. This includes, but is not limited to, travel expenses for BACWA-related meetings and events, and the cost of attending trainings necessary for the Consultant to act as the Regulatory Program Manager. Travel to meetings, events and trainings outside of the San Francisco Bay and Sacramento Area must be approved by the Executive Director in advance.
5. Consultant shall submit invoices on a monthly basis. Payments under this Contract will be due thirty (30) days after BACWA's receipt of invoices. BACWA may withhold from any progress or final payment any damages, backcharges or claims incurred or anticipated by BACWA to the extent caused by Consultant.
6. Consultant will maintain all records relating to this Contract in accordance with generally accepted accounting principles and for at least three years following termination of this

Contract. Consultant will grant BACWA and its representatives access upon request to all such records and all other books, documents, papers, drawings, and writings of Consultant that refer or relate to this Contract.

7. All drawings, specifications, reports, programs, manuals, and other work product of Consultant that result from this Contract ("Work Product") will be considered the exclusive property of BACWA. Consultant agrees that it will not use, disclose, communicate, publish or otherwise make available to third parties any products, analyses, data, compilations, studies, proposals, technical or business information, and any other information related to the Services provided to BACWA without BACWA's prior written approval.
8. The Consultant expressly agrees to indemnify, defend and hold BACWA, its officers, and directors, free and harmless from and against any and all loss, liability, expense, claims, costs, suits and damages, including attorney's fees, arising out of negligence of the Consultant's work and or performance under this Contract, excepting only such injury or damage as may be caused by the negligence of BACWA.
9. This contract shall automatically terminate on June 30, 2021. Either party may also terminate this Contract in whole or in part at any time for its convenience. For a termination for convenience, the termination will be effective thirty (30) days following receipt of a written notice of termination by one party from the other.
10. This contract is non-exclusive. Contractor is free to perform services for his or her other clients outside the scope of this Agreement, provided such services do not create a conflict of interest with BACWA.

This Contract constitutes the entire, legally binding contract between the parties regarding its subject matter. No waiver, consent, modification or change of terms of this Contract is binding unless in writing and signed by both parties.

The following document is incorporated into and made a part of this Contract. Any conflicts between this document and this Contract will be resolved in favor of this Contract.

Exhibit A – Scope of Work

**CONSULTANT:**

\_\_\_\_\_  
78 Sonia Street  
\_\_\_\_\_  
Street Address  
Oakland, CA 94618  
\_\_\_\_\_  
City, State, Zip Code  
\_\_\_\_\_  
Tax Identification No.

\_\_\_\_\_  
Consultant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Cousins, Regulatory Program Manager

---

*Name, Title*

---

*BACWA Signature*

---

*Date*

Amit Mutsuddy, BACWA Executive Board Chair

---

*Name, Title*

**Exhibit A**  
**BACWA REGULATORY PROGRAM MANAGER**  
**SCOPE OF WORK**

CONSULTANT will act as the Regulatory Program Manager and provide professional services as requested by the BACWA Executive Director to support BACWA and its Special Programs at a rate of \$98.00/hour for a maximum of 1,000 hours consistent with the following key activities:

**Scope of Work**

The applicant selected will work under the direction of the BACWA Executive Director to assist with some or all of the following:

- Provide periodic briefings and alerts on key regulatory issues;
- Monitor regulatory issues at the local, regional, state and national level and provide technical advice and input to the BACWA Board and its Committees in their efforts to repond
- Coordinate and participate in meetings with regulatory agencies, including the State Water Resources Control Board, the San Francisco Bay Regional Water Quality Control Board, the Environmental Protection Agency, and the Bay Area Air Quality Management District;
- Attend and report to the Executive Board on public and industry meetings, including but not limited to environmental stakeholder groups, regulatory tasks forces and workgroups, scientific organizations and BACWA Committee Meetings;
- Coordinate with other professional associations including CASA and NACWA;
- Provide support for designated BACWA committees and workgroups;
- Manage communications with the membership through the monthly BACWA Bulletin and the BACWA website;
- Assist the Executive Director with contract and program management, and with other related tasks as requested.
- Represent BACWA at the California Water Environment Association Annual Conference, and any such other conferences authorized, in writing, by the Board Chair on case-by-case basis.



## EXECUTIVE BOARD AUTHORIZATION REQUEST

AGENDA NO.: 4

FILE NO.: 21-15

MEETING DATE: August 21,  
2020

**TITLE: Request for BACWA Executive Board Approval to Execute Agreement with the San Francisco Estuary Institute (SFEI) for Phase 1: Study design, coordination of PFAS sample collection, data quality assurance and reporting.**

☐ RECEIPT      ☐ DISCUSSION      ☐ RESOLUTION      ☒ APPROVAL

### RECOMMENDED ACTION

Authorize the execution of an agreement with SFEI to manage Per- and Polyfluoroalkyl Substances (PFAS) Monitoring for Bay Area Publicly-Owned Treatment Works, Phase 1: Study design, coordination of sample collection, data quality assurance and reporting in an amount not to exceed \$65,000.

### SUMMARY

In July 2020, the State Water Board issued a 13267 Investigative Order to POTWs around the State to complete one year of monitoring for a suite of PFAS compounds in influent, effluent, and biosolids. The State Water Board estimated that the total cost for each facility of conducting the sampling and preparing the reports required by this Order is in the range of \$5,000 to \$25,000 for sampling and reporting. Region 2 POTWs were excluded from this Order with the understanding that they would work with SFEI's San Francisco Bay Regional Monitoring Program (RMP) to develop a POTW monitoring study that focuses more on data management and synthesis, in return for reduced monitoring compared to the 13267 Order. BACWA will fund and manage the study on behalf of its members.

SFEI will develop and implement a study to investigate PFAS in matrices from Bay Area POTWs to inform the monitoring strategy and program decisions for the RPM and address monitoring needs for the State Water Board. The study is currently envisioned as a two-phase study, with Phase II to be developed and funded via a contract amendment after Phase I is complete.

Phase 1 will analyze samples from a representative set of Bay Area POTWs to measure concentrations of PFAS in wastewater influent, effluent, biosolids, and reverse osmosis concentrate. Tasks to be undertaken by SFEI in Phase 1 consist of project management, study design, coordination of sample collection, data management and quality assurance, data upload, and reporting (described in Tasks 1 through 5 below). ***This Scope of Work does not include the cost of laboratory analysis of samples; BACWA is expected to develop a separate contract with a commercial laboratory to cover analytical costs.***

### SOLE SOURCE JUSTIFICATION

The RMP has an ongoing program to study CECs and their sources to the SF Bay, and has an existing

PFAS monitoring program. The RMP will be conducting studies on PFAS in Bay waters in the summer of 2021, as well as in stormwater in the wet season of 2020/21. The State Water Board considered SFEI's expertise and synergy of this effort with ongoing work when they agreed to exempt POTWs from the 13267 Order in exchange for a Regional Study.

## **FISCAL IMPACT**

The FY21 April 18, 2020 budget anticipated spending \$50,000 for the management of the study. The proposed budget for Phase I exceeds this amount. Phase II efforts are expected to be funded from the FY22 budget.

## **ALTERNATIVES**

1. Do not complete this work: This alternative is not recommended since each member agency would be responsible for conducting their own monitoring and reporting under a 13267 Order, at a greater total cost to the POTW community.
2. Shift reporting of Phase I results to Phase II to reduce level of effort in Phase I. This alternative is not recommended because having a written report earlier will support discussions for Phase II, and since the reporting effort will need to be completed later, there will not be a saving to BACWA over the course of the entire study.
3. Shift reporting responsibility to member agencies to reduce level of effort in Phase I. This alternative is not recommended because a key advantage of a centrally managed Regional Study is data quality control.
4. Select another consultant to conduct the work: This alternative is not recommended since SFEI is uniquely qualified to complete the study and the Water Board staff supports SFEI undertaking the study

Attachments:

Agreement 1: SFEI Contract

Scope of Work with budget and schedule

Approved: \_\_\_\_\_

Amit Mutsuddy, Chair,  
BACWA Executive Board

Date: August 21, 2020

## **BAY AREA CLEAN WATER AGENCIES PROFESSIONAL SERVICES CONTRACT**

This PROFESSIONAL SERVICES CONTRACT, effective 8/21/2020, is between Bay Area Clean Water Agencies ("BACWA"), a joint powers agency which exists as a public entity separate and apart from its Member Agencies, created January 4, 1984 by a Joint Powers Agreement between Central Contra Costa Sanitary District, East Bay Dischargers Association, East Bay Municipal Utility District, the City and County of San Francisco and the City of San Jose, with a mailing address of P.O. Box 24055, MS 702, Oakland, CA 94623, and the San Francisco Estuary Institute ("Consultant"), a 501 (c)3 Non-Profit doing business at 4911 Central Ave., Richmond, CA 94904 for professional services as described in any Exhibit A attached hereto.

In consideration of the mutual covenants, stipulations and agreements, the parties agree as follows:

### **Description and Standard of Services to be Performed**

1. Consultant will perform the Services as described by and in accordance with Exhibit A in a manner acceptable to BACWA.
2. Consultant shall not contract with or otherwise use any subconsultants, subcontractors or other nonemployee persons or entities ("Subconsultants") to perform the Services without the prior written approval of BACWA. If Consultant and BACWA agree that Subconsultants shall be used, Consultant shall ensure Subconsultants' compliance with all the terms and conditions of this agreement.
3. Consultant will exercise that degree of care in performing the Services in accordance with that prevailing among firms of comparable standing in the State of California ("Professional Standard"). Consultant will promptly correct or re-perform those Services not meeting the Professional Standard without additional compensation.
4. Consultant warrants that it is fully licensed, registered and otherwise fully authorized to perform the Services in the State of California to the extent applicable law requires such licensure, registration or authorization.
5. BACWA's review, approval, acceptance, use, or payment for all or any part of the Services hereunder will not alter the Consultant's obligations or BACWA's rights hereunder, and will not excuse or diminish Consultant's responsibility for performing all Services consistent with this Contract.

### **Payment for Services**

6. BACWA will pay Consultant based on the lump sum amounts for the various tasks shown in the scope of work in Exhibit A, up to a maximum amount payable of \$63,180. Consultant will not exceed the maximum amount payable without obtaining prior written approval from BACWA.
7. Consultant shall submit invoices quarterly (March, June, September, December), or upon completion of major project milestones, with progress made on each task as indicated by a percent of task completed. Payment will be made based on the lump sum for the task and the percentage of the task completed, as listed in Exhibit B. Invoices shall include the lump sum amount requested and a brief description of the work performed.
8. Payments under this Contract will be due thirty (30) days after BACWA's receipt of invoices. BACWA may withhold from any progress or final payment any damages, backcharges or claims incurred or anticipated by BACWA to the extent caused by Consultant.

#### Document Ownership and Retention

9. Consultant will maintain all financial records relating to this Contract in accordance with generally accepted accounting principles and for at least three years following termination of this Contract. Consultant will grant BACWA and its representatives access upon request to all such records and all other books, documents, papers, drawings, and writings of Consultant that refer or relate to this Contract.
10. All drawings, specifications, reports, programs, manuals, and other work product of Consultant that result from this Contract ("Work Product") will be considered the exclusive property of BACWA. Consultant agrees that it will not use, disclose, communicate, publish or otherwise make available to third parties any products, analyses, data, compilations, studies, proposals, technical or business information, and any other information related to the Services provided to BACWA without BACWA's prior written approval.

#### Indemnification

11. To the fullest extent allowed by law, Consultant will indemnify, hold harmless, reimburse and defend BACWA, its Member Agencies, and each of their officers, directors, employees and agents from, for and against any and all claims, demands, damages, losses, expenses, liabilities and penalties, including but not limited to reasonable attorneys' and expert witnesses' fees, arising out of or relating to the Services but only to the extent caused by the negligent or other wrongful acts or omissions of Consultant or any person or entity for whose acts or omissions any of them are responsible, or by the failure of any such party to perform as required by this Contract.

#### Insurance

12. Consultant will purchase and maintain, at Consultant's expense, the following types of insurance, covering Consultant, its employees and agents:
  - a. Workers' Compensation Insurance as required by law, subject to a waiver of subrogation in favor of BACWA;
  - b. Employers Liability Insurance with a per accident value at \$1,000,000, Policy Limit of \$1,000,000 and Each Employee of \$1,000,000, subject to a waiver of subrogation in favor of BACWA.
  - c. Comprehensive General Liability Insurance covering personal injury and property damage with a combined single limit, or the equivalent, of not less than \$1,000,000.00 each occurrence, \$2,000,000.00 general aggregate, and naming BACWA as an additional insured.
  - d. Business Automobile Liability Insurance with combined single limit coverage of not less than \$1,000,000.00 aggregate for each claim, incident, or occurrence; and naming BACWA as an additional insured.

#### Assignment

13. Consultant will not assign or transfer any of its interest in this Contract, in whole or in part, without the prior written consent of BACWA. BACWA may assign this Contract and any rights relating to this Contract (including but not limited to its right to assert claims and defenses against Consultant) at BACWA's discretion.

#### Independent Contractor

14. Consultant will perform the Services as an independent contractor. Although Consultant will perform its Services for the benefit of BACWA, and although BACWA reserves the right to determine the schedule for the Services and to evaluate the quality of the completed performance, BACWA does not control the means or methods of Consultant's performance. Consultant is solely responsible for determining the appropriate means and methods of performing the Services, and Consultant's liability will not be diminished by any review, approval, acceptance, use or payment for the same by BACWA or any other party.

#### Termination of Contract; Suspension of Services

15. This contract shall automatically terminate on June 30, 2022. Either party may also terminate this Contract in whole or in part at any time for its convenience. For a termination for convenience, the termination will be effective thirty (30) days following receipt of a written notice of termination by one party from the other. BACWA may terminate this Contract in whole or in part for cause, in which event the termination will be effective ten (10) days after Consultant's receipt of BACWA's written notice and Consultant's failure during that period to cure the default.

#### Dispute Resolution

16. Consultant will give prompt written notice to BACWA of any claim, dispute or other matter in question, but in no event will Consultant give such notice later than ten (10) days after Consultant's becoming aware of the event or circumstance giving rise to the claim, dispute or matter in question.
17. All claims, disputes and other matters in question between BACWA and Consultant arising out of or relating to this Contract will be subject to alternative dispute resolution. If both parties agree to arbitration it will be conducted in accordance with the Commercial Arbitration Rules of the American Arbitration Association then in effect. Notice of the demand for arbitration will be filed in writing with the other party to this Contract and with the American Arbitration Association. Any arbitration arising out of or relating to this Contract will include, by consolidation, joinder or joint filing, any other person or entity not a party to this Contract that is substantially involved in a common issue of law or fact and whose involvement in the consolidated arbitration is necessary to achieve a final resolution of a matter in controversy therein. This agreement to arbitrate will be specifically enforceable by any court with jurisdiction thereof.
18. A demand for dispute resolution by either party will be made within a reasonable time after the claim, dispute, or other matter in question has arisen, and in no event will it be made after the date when institution of court litigation based on such claim, dispute or other matter in question would be barred by the applicable period of limitations. For all claims by BACWA against Consultant, the applicable period of limitations will not commence to run, and any alleged cause of action will not be deemed to have accrued (whether such action is based on negligence, strict liability, indemnity, intentional tort or other tort, breach of contract, breach of implied or express warranty, or any other legal or equitable theory), unless and until BACWA is fully aware of all three of the following: (1) the identity of the party(ies) responsible, (2) the magnitude of the damage or injury and (3) the cause(s) of the damage or injury. The contractual limitations period and discovery rule provided herein applies in lieu of any otherwise applicable statute or related case law.
19. The failure of either party to enforce any provision of this Contract will not constitute a waiver by that party of that or any other provision of this Contract.

### Severability

20. BACWA and Consultant agree that if any term or provision of this Contract is determined to be illegal, in conflict with any law, void or otherwise unenforceable, and if the essential terms and provisions of this Contract remain unaffected, then the validity of the remaining terms and provisions will not be affected and the offending provision will be given the fullest meaning and effect allowed by law.

### Survival

21. All rights and obligations set out in this Contract and arising hereunder will survive the termination of this Contract (i) as to the parties' rights and obligations that arose prior to such termination and (ii) as is necessary to give effect to rights and obligations that arise after such termination but derive from a breach or performance failure that occurred prior to the termination.

This Contract constitutes the entire, legally binding contract between the parties regarding its subject matter. No waiver, consent, modification or change of terms of this Contract is binding unless in writing and signed by both parties.

The following documents are incorporated into and made a part of this Contract. Any conflicts between these documents and this Contract will be resolved in favor of this Contract.

### Exhibit A – Scope of Work, Schedule, and Budget

CONSULTANT:

San Francisco Estuary Institute

---

4911 Central Ave.

---

Street Address  
Richmond, CA 94904

---

City, State, Zip Code  
94-2951373

---

Tax Identification No.

---

Consultant Signature

---

Date

[Click here to enter text.](#)

---

Name, Title

8/21/2020

---

BACWA Signature  
Amit Mutsuddy, BACWA Executive Board Chair

---

---

Date

---

Name, Title

## Exhibit A

### Scope of Work (SOW)

Professional Services by San Francisco Estuary Institute (SFEI)

Period of 8/21/2020 - 9/1/2021

**Scope of Work:** Per- and Polyfluoroalkyl Substances Monitoring for Bay Area Publicly-Owned Treatment Works, Phase 1: Study design, coordination of sample collection, data quality assurance and reporting

**Objective:** San Francisco Estuary Institute (SFEI) will develop and implement a study to investigate per- and polyfluoroalkyl substances (PFAS) in matrices from Bay Area Publicly-Owned Treatment Works (POTWs) to inform the monitoring strategy and program decisions for the Regional Monitoring Program for Water Quality in San Francisco Bay (RMP) and address monitoring needs for the State Water Board. The study is currently envisioned as a two-phase study.

Phase 1 will analyze samples from a representative set of Bay Area POTWs to measure concentrations of PFAS in wastewater influent, effluent, biosolids, and reverse osmosis concentrate. Tasks to be undertaken by SFEI in Phase 1 consist of project management, study design, coordination of sample collection, data management and quality assurance, data upload, and reporting (described in Tasks 1 through 5 below). This Scope of Work does not include the cost of laboratory analysis of samples; BACWA is expected to develop a separate contract with a commercial laboratory to cover analytical costs.

Some of the management questions that will be explored via Phase 1 include the following:

- What are concentrations of PFAS entering POTWs (through influent) and discharged to the Bay or ocean (through effluent or reverse osmosis concentrate)?
- What are concentrations of PFAS in biosolids?
- Are there suggestive relationships between service population characteristics and levels of PFAS in influent? Do levels and patterns of PFAS in wastewater indicate unique and/or elevated sources of PFAS in some service areas?
- Have concentrations of specific PFAS in effluent changed relative to monitoring conducted in 2014 and earlier?
- Do specific PFAS concentrations (including estimate of total oxidizable precursors) increase or decrease during treatment? Are there clear differences in liquid/solid partitioning between secondary and advanced secondary facilities?

This Scope of Work describes only Phase 1 of the study. Phase 2 is expected to start immediately after the end of Phase I during the summer of 2021. Phase 2 monitoring, informed by Phase 1 results, is expected to include additional monitoring at select POTWs, and will be designed to explore specific research questions to inform management decisions.

### **Task 1: Project Management (Budget: \$1,800)**

SFEI will provide a final workflow diagram for the completion of Tasks 2 through 5 of this Scope of Work, with key decision points noted, and an associated schedule.

SFEI will conduct project management activities, including:

- Supervise, coordinate, and monitor project progress and sub-contracts in conformance with best practices and other governing agency requirements;
- Notify BACWA of any changes in scope or budget as soon as possible and propose actions if necessary to correct these changes;
- Maintain communication with BACWA by being available by phone or e-mail and responding in a timely fashion;
- Maintain project files; and
- Provide quarterly invoices to BACWA.

### **Task 2: Sampling and Analysis Plan Development and Implementation (Budget: \$13,000)**

By September 15, 2020, or 30 days from the issuance of the notice to proceed, SFEI will provide a draft sampling and analysis plan (SAP). The SAP will be developed in consultation with BACWA and the Water Boards to select a representative set of POTWs to monitor wastewater influent, effluent, biosolids, and reverse osmosis concentrate. SFEI will also support BACWA in selecting and contracting with a commercial laboratory with appropriate PFAS accreditation and using methods consistent with statewide investigation orders.

BACWA and the Water Boards will have the opportunity to provide comments on the draft SAP before it is finalized, and it is expected that final comments will be received within fourteen days of receiving the draft SAP. BACWA and the Water Boards will approve the final SAP before it is implemented. Delay in receiving approval for the SAP may delay implementation of monitoring activities.

At a minimum, the SAP will include the following elements:

- Identify specific POTWs that represent the range of POTWs in the Bay; this will include the largest facilities that account for the majority of wastewater flows to the Bay, as well as a range of medium and small facilities that discharge to the Bay. It is estimated that between 10-15 POTWs will be selected to participate in the study. Selected POTWs will be representative of geographic distribution, presence of various industries that are potential sources of PFAS, and different proportions of residential, commercial, and industry service populations. To support selection of POTWs, BACWA and all POTWs in Water Board Region 2 will promptly (within two weeks) provide answers to the POTW Information Questionnaire in the State Water Board's investigation orders. The POTW Questionnaire will be uploaded to GeoTracker by the individual POTWs.
- Detailed description of sampling design and instructions on how samples should be collected. Sample collection methods will be consistent with statewide investigation orders. Specification of when samples should be collected will also be provided to make

sure samples are representative of dry weather conditions and comparable within the sample set.

- Description of laboratory analyses to be conducted:
  - Targeted analysis of PFAS in influent, effluent, reverse osmosis concentrate, and biosolids from participating POTWs for PFAS consistent with statewide investigation orders.
  - Total oxidizable precursor (TOP) PFAS analysis in influent and biosolids to screen for the presence of PFAS precursors that are not captured in the targeted analysis.
- Essential quality assurance and quality control considerations. A project-specific Quality Assurance Project Plan will not be developed due to time constraints for initiating this study and budget limitations. Analytical results will be evaluated using Quality Assurance/Quality Control (QA/QC) criteria for PFAS specified in the Department of Defense (DoD) Quality Systems Manual (QSM) dated 2017, version 5.1 or later. PFAS sampling guidelines specified by the State Water Board, including description of products and materials that should be avoided to prevent PFAS contamination of samples, will also be included. Relevant field sampling QA/QC criteria for this study specified in the RMP QAPP, such as recommended number of field blanks and field duplicates per number of field samples, will be explicitly stated in the SAP. Likewise, the RMP QAPP process for data evaluations, including steps to address data that do not meeting QA/QC criteria will be followed and explicitly included in the SAP for the Water Boards to review and approve.

Guided by the SAP, SFEI will coordinate sample collection and handling procedures with the POTWs and the analytical laboratory, to ensure sampling is completed and quality control measures are met.

#### Schedule and Deliverables

- Questionnaire for BACWA POTWs regarding service population: Wednesday, August 26, 2020. Responses expected by Friday, September 4, 2020.
- Draft Sampling and Analysis Plan: Friday, September 25, 2020; Comments from BACWA and Water Boards expected by Friday, October 9, 2020.
- Final Sampling and Analysis Plan: Wednesday, October 28, 2020.
- Support Sample Collection: October 28 - November 30, 2020.

#### **Task 3: Data Management and QA/QC Review (Budget: \$23,000)**

It is expected that the laboratory results will be reported in a single batch for each matrix that includes analytical results from all participating facilities. Specific tasks required of SFEI include:

- Set up the EDD template for targeted analytical results and coordinate with the laboratory to populate the EDD template accurately according to standardized format.
- Provide additional data formatting as necessary for reporting.

- Review analytical results compared to quality control considerations specified in the SAP and QA/QC criteria specified in DoD Table B-15 of Quality Systems Manual (QSM), dated 2017, version 5.1 or later. Data results will not be modified, and data that do not meet QA/QC criteria will be flagged as described in the SAP.
- Prepare QA summary for reporting and data evaluation purposes that will be included in the monitoring report.

#### Schedule and Deliverables

- QA summary within 60 days of receiving data results from the analytical laboratory.

#### **Task 4: Data and Report Upload to GeoTracker (Budget: \$4,200)**

Within 60 days of receiving the final analytical laboratory report, SFEI will upload an Electronic Data Format (EDF) of the analytical results into the Water Board's GeoTracker system on behalf of BACWA and participating POTWs. The budget is based on the assumption that site information for each participating facility is already in the GeoTracker system; additional site information may need to be added to the GeoTracker system, and will be done by the participating facility.

Within 90 days of the receipt of the final analytical laboratory report, SFEI will upload a monitoring report via GeoTracker's ESI portal. One monitoring report will be developed for the Phase 1 study, which will be submitted on behalf of each facility. It is expected that each facility will provide SFEI with information about the sampling locations, flow measurements, and flow measurement devices used during sampling in a timely manner. SFEI will compile all reported data (analytical results, QA/QC analyses, any deviations from the SAP reported from each facility, and sampling locations and flow measurements reported by each facility) into one monitoring report.

#### Schedule and Deliverables.

- Analytical results uploaded to the GeoTracker system within 60 days of receiving the final laboratory analytical report.
- Monitoring report submitted to the GeoTracker system within 90 days of receiving final laboratory analytical report.

#### **Task 5: Preliminary Data Analysis and Technical Memo (Budget: \$23,000)**

SFEI will analyze data and present results addressing management questions to BACWA and the Water Boards. SFEI will also provide recommendations for Phase 2 monitoring informed by Phase 1 results. Results and recommendations will be summarized in a technical memo. Possible questions that may be answered during Phase 1 and possible Phase 2 monitoring strategies are shown in Table 1.

**Table 1:** Phase 2 monitoring strategies

Possible Phase 1 Result Questions	Possible Phase 2 Monitoring Strategy
What subset of POTWs warrant a second round of influent, effluent monitoring?	Conduct second-round monitoring at subset of POTWs, particularly the largest facilities, those with historic data (trends), and possibly additional medium or small facilities if patterns are different from large facilities.
Do variations in biosolid concentrations warrant additional monitoring and at more POTWs?	Conduct follow-up biosolids monitoring at subset or all POTWs.
Do data indicate a significant presence of precursors?	Conduct additional target, TOF, TOP, suspect screening analyses in influent, effluent, biosolids (Collaboration with UC Davis).
Do results indicate different PFAS patterns from different service populations? Do data indicate unusual analytes or patterns that indicate unique sources?	Investigate possible unique sources or uses in sewershed (target, TOP on influent) (Collaboration with specific POTWs).

#### Schedule and Deliverables

- Technical memo describing preliminary Phase 1 monitoring results and recommendations for Phase 2 monitoring strategies and identification of decisions points: second quarter of 2021. A final report will be provided at the completion of Phase 2 monitoring and is not included in this SOW.
- Revised scope of work that includes Phase 2 monitoring: one month after receiving comments on technical memo.

**Table 2:** Budget

Task	Description	Budget
1	Project Management	\$1,800
2	Sampling and Analysis Plan Development and Implementation	\$13,000
3	Data Management and QA/QC Review	\$23,000
4	Data and Report Upload to GeoTracker	\$4,200
5	Preliminary Data Analysis and Technical Memo	\$23,000
	<b>Total</b>	<b>\$65,000</b>



## EXECUTIVE BOARD AUTHORIZATION REQUEST

AGENDA NO.: 5

FILE NO.: 21-16

MEETING DATE: August 21, 2020

**TITLE: Request for BACWA Executive Board Approval to Amendment #1 to the Agreement with S. Groner Associates to Provide Support for BAPPG's FY21 Priority Pollutant Campaigns**

☐ RECEIPT      ☐ DISCUSSION      ☐ RESOLUTION      ☒ APPROVAL

### RECOMMENDED ACTION

Authorize the execution of an agreement with S. Groner Associates, Inc. to provide outreach and media support for priority pollutant campaigns in an amount not to exceed \$30,000 for FY21.

### SUMMARY

In 2019, BACWA and BAPPG underwent a competitive process to select a consultant to provide public outreach and education. At the June 21, 2019 Executive Board Meeting, the BACWA Executive Board approved a contract with SGA for BAPPG support. The contract allows for up to four one-year extensions. This contract amendment will provide support for public outreach, graphic design, media relations, and administrative support for placement and payment of advertising services for the Bay Area Pollution Prevention Group (BAPPG). The consultant will support BAPPG Project Leads in executing effective outreach messages and search for new opportunities to inspire behavior change in target groups that will result in reduced pollutant discharges to the wastewater stream in the Bay Area.

Outreach and media efforts will be carried out under the supervision of the project manager Robert C. Wilson with the City of Santa Rosa.

### FISCAL IMPACT

Funds are available for this agreement and have been allocated for this project within the BAPPG FY21 budget approved on April 17, 2020.

### ALTERNATIVES

1. Do not complete this work. This alternative is not recommended since this work was included in BAPPG's approved FY21 budget and will assist BACWA/BAPPG with executing effective outreach messages and search for new opportunities to inspire behavior change in target groups.
2. Select another consultant to conduct the work. This alternative is not recommended as BACWA completed and RFQ and RFP and S. Groner Associates was selected as the most qualified media consultant.

*Attachments:* FY19 Agreement with S. Groner Associates  
FY21 S. Groner Associates's Scope of Work  
Amendment #1

Approved: \_\_\_\_\_  
Amit Mutsuddy, Chair,  
BACWA Executive Board

Date: \_\_\_\_\_

AMENDMENT NO. 1  
TO AGREEMENT BETWEEN  
BAY AREA CLEAN WATER AGENCIES and  
S. Groner Associates  
FOR  
BAPPG Committee Support

This Amendment No. 1 is made this 21st day of August 2020, in the County of Alameda, State of California, to that certain agreement of July 19, 2019, between and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and S. Groner Associates agree to a new contract amount of \$30,000 for BAPPG Committee Support for Fiscal Year 2021.
2. BACWA and S Groner Associates agree to a new period of July 1, 2020 — June 30, 2021.
3. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By \_\_\_\_\_  
Amit Mutsuddy, Chair  
BACWA Executive Board

August 21, 2020  
Date \_\_\_\_\_

By \_\_\_\_\_  
Stephen Groner, PE  
S. Groner Associates

Date \_\_\_\_\_



## OVERVIEW

This Scope of Work is intended to provide structure for outreach activities S. Groner Associates (SGA) will implement on behalf of the Bay Area Pollution Prevention Group (BAPPG) for the 2020/2021 fiscal year. The overall goal is to develop two campaigns to address wastewater pollution issues: the first in the fall to coincide and expand around Pollution Prevention Week and the second in the spring to coincide and expand around Earth Day.

## TASK 1: POLLUTION PREVENTION WEEK

SGA will conduct regional educational outreach efforts to address pollutants that residents are disposing of incorrectly via their toilet. The focus of the outreach is to develop an online digital campaign to target residents most likely to use their “Toilet as a Trashcan.” SGA will identify and/or develop creative materials to be used and work with the BAPPG contract manager on their approval/use. Task will be implemented in September and October of 2020.

## TASK 2: EARTH DAY

SGA will conduct regional outreach to promote pollution prevention around the issue of pesticides (specifically use on pets). These messages will be timed in April around Earth Day/Earth Week, and developed using materials found on the Baywise site. The outreach will focus on an online digital campaign and target residents most likely to use pesticides on their pets. Task will be implemented in the spring of 2021.

## TASK 3: GRAPHIC DESIGN & COPYWRITING

SGA will provide graphic design, copywriting, content editing assistance with the BAPPG 2020 Annual Report, the Baywise.org website, and other as needed design, writing and editing tasks throughout the 2020/2021 fiscal year.

## TASK 4: PROJECT MANAGEMENT

SGA will provide ongoing project management and outreach strategy support, including updates, reporting, and providing general as-needed assistance to the BAPPG Steering Committee. Task will be ongoing throughout the 2020/2021 fiscal year.



#### TOTAL BUDGET

Task 1 - Pollution Prevention Week	\$8,000
Task 2 - Earth Day	\$8,000
Task 3 - Graphic Design & Copywriting	\$11,000
Task 4 - Project Management Support	\$3,000

#### SGA RATES - FULLY BURDENED HOURLY RATES

JOB FUNCTION:	HOURLY RATE:
Project Director	\$187.00
Strategic Director	\$172.00
Project Manager	\$165.00
Sr. Project Coordinator	\$150.00
Creative Strategist	\$150.00
Graphic Designer	\$130.00
Project Coordinator	\$130.00
Research/Survey Coordinator	\$130.00
Video Services	\$130.00
Project Specialist	\$114.00
Outreach Specialist	\$106.00




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Social Media Coordinator	\$106.00
<b>EXPENSES:</b>	
Local Mileage	Current Federal Mileage Rate
Out of Pocket Expenses	Billed at Cost + 10%
Translation Costs	\$0.20/word

**BAY AREA CLEAN WATER AGENCIES**  
**CONSULTING AGREEMENT**

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TO: Stephen Groner, PE [sgroner@sga-inc.net](mailto:sgroner@sga-inc.net)  
S. Groner Associates, Inc. 562.597.0205  
317 Washington St., Suite 204  
Oakland, CA 94607

FROM: David Williams, Executive Director [dwilliams@bacwa.org](mailto:dwilliams@bacwa.org)  
BACWA Phone: 925-765-9616  
PO Box 24055, MS702 FAX: (510) 287-1351  
Oakland, CA 94623

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RE: BACWA Agreement for FY20 BAPPG, Outreach and Media Support for Priority Pollutant Campaigns.

This Agreement covers professional services to be performed by S. Groner Associates in order to implement the FY20 BAPPG Outreach and Media Support for Priority Pollutant Campaigns. This work is described in the attached Scope of Work and under the direction of Robert C. Wilson of the City of Petaluma. The total cost of professional services to be performed by S. Groner Associates is not to exceed \$30,000. This contract will be funded by the BACWA Budget under the BAPPG Committee line item.

**This agreement may be extended for up to four additional one-year terms upon approval of the BACWA Executive Board and an amendment to this agreement.**

This Agreement may be terminated by either party at any time for convenience with 30 day's notice. In the event of termination by BACWA, BACWA shall pay S. Groner Associates for professional and competent services rendered to the date of termination upon delivery of assigned work products to BACWA.

S. Groner Associates shall submit invoices to the BACWA Executive Director via e-mail along with approval by BAPPG Chair, Autumn Cleave, and/or Robert Wilson. Invoices shall indicate hours associated with each task. Invoices will be paid within thirty (30) days of receipt.


BACWA Executive Director E-mail: David Williams [dwilliams@bacwa.org](mailto:dwilliams@bacwa.org)

Approved:

By

  
Lori Schectel  
Chair, BACWA Executive Board

By

  
Stephen Groner, PE  
Groner Associates

Date July 19, 2019

Date July 22, 2019

BACWA EIN: 94-3389334

EIN: 33-0935957



## BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 6

FILE NO.: 21-17

MEETING DATE: August 21, 2020

**TITLE: Request for BACWA Executive Board Approval for Amendment #2 to the Contract with SRT Consultants, Inc. for FY21 BABC Communications and Branding, Phase II.**

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

### RECOMMENDED ACTION

Authorize Amendment #2 to the contract BACWA and SRT Consultants, Inc. for BABC Communications and Branding, Phase II, not to exceed \$1,125.

### SUMMARY

The Bay Area Biosolids Coalition is a Program of Special Benefit of BACWA. BACWA provides administrative services for BABC, but BABC programs are funded by its own member dues, and projects are managed and overseen by the BABC steering committee. BACWA staff time used to support BABC is reimbursed by BABC.

BABC is working with SRT Consultants to develop a communications platform and visual brand identify for the Coalition. The intent of developing this brand is to ensure regional biosolids communications and messages are consistent, benefit-oriented rather than safety-oriented, and written in a way that internal and external target audiences can understand and relate to. The Bay Area Biosolids Coalition needs to expand their safety brochure from four to eight pages and add two infographics consisting of a series of charts. This work is described in the attached Scope of Work and under the direction of Manon Fisher, San Francisco Public Utilities Commission.

### FISCAL IMPACT

This item will be funded by BABC, and will have no impact on the BACWA Budget.

### ALTERNATIVES

No alternatives presented, as SFPUC has approved the extension.

*Attachments:* Original Agreement between BACWA and SRT Consultants  
Amendment #2  
SRT Scope of Work

Approved: \_\_\_\_\_  
Amit Mutsuddy, Chair,  
BACWA Executive Board

Date: August 21, 2020

AMENDMENT NO. 2  
TO AGREEMENT BETWEEN  
BAY AREA CLEAN WATER AGENCIES AND  
SRT Consultants Inc. for Communications Services to BABC

This Amendment No. 2 is made this 21st day of August 2020, in the County of Alameda, State of California, to that certain agreement of July 19, 2019 by and between SRT Consultants Inc. and the Bay Area Clean Water Agencies, (BACWA) (the “Agreement”) in consideration of the covenants hereinafter set forth.

1. BACWA and SRT agree to a new contract amount of \$1,125 for the BABC work described in scope of work.
2. BACWA and SRT agree to a new period August 21, 2020 until June 30, 2021
3. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By \_\_\_\_\_  
Amit Mutsuddy, Chair  
BACWA Executive Board

Date: August 21, 2020

By \_\_\_\_\_  
Tanya Yurovsky  
SRT Consultants

Date: \_\_\_\_\_

## BABC CHANGE ORDER

JUNE 22, 2020

**CLIENT CONTACT:** TANYA YUROVSKY SRT CONSULTANTS (415) 231-5768 tanya@srtconsultants.com

**SOMELAB CONTACT:** MARCELA BARRIENTOS (360) 376-2570 marcela@somalabdesign.com

### PROJECT DESCRIPTION

The Bay Area Biosolids Coalition needs to expand their safety brochure from four to eight pages and add two infographics consisting of a series of charts.

### SAFETY BROCHURE

- Four additional pages
- Two additional infographics

*Two rounds of revisions to included in all above deliverables.*

### FEES

The estimate below is based on the details outlined in the proposal.

If the scope changes, we can update the estimate.

- **Design**
  - Four additional pages
  - Two additional infographics
- **Project management and meetings**

Total: \$1,125

## TERMS AND CONDITIONS

### Responsibility

Final proofreading is the responsibility of the client.

### Ownership

All selected design directions and artwork created by Somelab under this proposal will be for the unlimited use of the client other than for the promotional use of Somelab. Ownership of the work does not transfer until full payment is received. All preliminary and unselected concepts, artwork, and visual presentations produced by Somelab remain the property of Somelab and may not be used without the written permission of Somelab.

### Change Orders and Schedule Changes

Changes in scope may affect the cost of the project in which case a change order will be created for client approval prior to continuing work on the project.

### Cancellation

Somelab or the client can cancel this project at any time for any reason. If cancellation occurs the client agrees to pay Somelab for all time and materials incurred.

### Payments

Invoice will be issued on completion of work and due within 30 days.

I approve the estimate and terms outlined in this document:

Marcela Barrientos | Principal | Somelab



Tanya Yurovsky, P.E.\* | Principal | SRT Consultants

Signature

Date

**BAY AREA CLEAN WATER AGENCIES**  
**CONSULTING AGREEMENT**

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TO: Tanya Yurovsky [tanya@srtconsultants.com](mailto:tanya@srtconsultants.com)  
SRT Consultants, Inc. 562.597.0205  
90 Montgomery St. Suite 905  
San Francisco, CA 94105

FROM: David Williams, Executive Director [dwilliams@bacwa.org](mailto:dwilliams@bacwa.org)  
BACWA Phone: 925-765-9616  
PO Box 24055, MS702 FAX: (510) 287-1351  
Oakland, CA 94623

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RE: BACWA Agreement for FY20 BABC Communications and Branding.

This Agreement covers professional services to be performed by SRT Consultants in order to implement the FY20 Bay Area Biosolids Coalition (BABC) Phase II Branding and Communications Strategy. This work is described in the attached Scope of Work and under the direction of Manon Fisher, San Francisco Public Utilities Commission. The total cost of professional services to be performed by SRT Consultants is not to exceed \$ \$52,050. This contract will be funded by the BACWA Budget under the BABC line item.


This Agreement may be terminated by either party at any time for convenience with 30 day-notice. In the event of termination by BACWA, BACWA shall pay SRT Consultants for professional and competent services rendered to the date of termination upon delivery of assigned work products to BACWA.

SRT Consultants shall submit invoices to the BACWA Executive Director via e-mail along with approval by Project Manager Manon Fisher. Invoices will be paid within thirty (30) days of receipt.

BACWA Executive Director E-mail: David Williams [dwilliams@bacwa.org](mailto:dwilliams@bacwa.org)

Approved:

By   
Lori Schectel  
Chair, BACWA Executive Board

By   
Tanya Yurovsky  
SRT Consultants

Date: 7/26/19

Date: 7/26/19

BACWA EIN: 94-3389334

EIN/TIN:34-2012788



## BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 7

FILE NO.: 21-18

MEETING DATE: August 21, 2020

**TITLE: Request for BACWA Executive Board to Review and Confirm the Current BACWA Conflict of Interest Code.**

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

### RECOMMENDED ACTION

Authorize Staff to file a 2020 biennial statement by the October 1, 2020 deadline that the BACWA Conflict of Interest Code has been reviewed by the Board and no amendment is required.

### SUMMARY

The Political Reform Act (Act) prohibits a public official from using his or her official position to influence a governmental decision in which he or she has a financial interest. Every state and local agency must adopt a conflict of interest code that identifies all officials and employees within the agency who make governmental decisions based on the positions they hold. The individuals in the designed positions must disclose their financial interests as specified in the agency's conflict of interest code. To help identify potential conflicts of interest, the law requires public officials and employees in designated positions in a conflict of interest code to report their financial interests on a form called Statement of Economic Interests (Form 700). The conflict of interest codes and the Form 700s are fundamental tools in ensuring that officials are acting in the public's best interest and not their own.

Over time, the structure of an agency will change because employees' duties shift, positions are renamed or eliminated, and the organizational structure is modified. When an agency makes these types of changes, the conflict of interest code must be amended accordingly. To ensure the codes remain current and accurate, a multi-county agency must review its code biennially during even-numbered years.

When determining whether to amend, an agency should carefully review its current conflict of interest code and consider the following:

- Is the current code more than five years old?
- Have there been any substantial changes to the agency's organizational structure since the current code was adopted?
- Have any positions been eliminated or renamed since the current code was adopted?
- Have any new positions been added since the current code was adopted?
- Have there been any substantial changes in duties or responsibilities for any positions since the current code was adopted?
- If an agency answers "yes" to any of the above questions, most likely its conflict of interest code will need to be amended.
- 

After reviewing the current Conflict of Interest Code, staff recommends no changes.

**FISCAL IMPACT**

There is no fiscal impact.

**ALTERNATIVES**

1. Do not approve the filing. This alternative is not recommended since BACWA would then be in violation of the Act.

**Attachments:**

BACWA Conflict of Interest Code  
BACWA Consultants Requirements  
2020 Biennial Notice

Approved: \_\_\_\_\_

Amit Mutsuddy, Chair,  
BACWA Executive Board

Date: \_\_August 21, 2020\_\_\_\_\_

**RESOLUTION NO. 8004-16**  
**RESOLUTION OF THE EXECUTIVE BOARD**  
**OF THE BAY AREA CLEAN WATER AGENCIES**  
**APPROVING CONFLICT OF INTEREST CODE**

WHEREAS, the provisions of the Political Reform Act require California public agencies to adopt a conflict of interest code (Government Code Section 87300); and

WHEREAS, the governing body (the "Board") of the Bay Area Clean Water Agencies ("BACWA") wishes to adopt such a code (the "Code") so as to conform with the Political Reform Act and the associated regulations; and

WHEREAS, the Fair Political Practices Commission has determined the Political Reform Act requires the designation of positions in conflict of interest codes that may foreseeably have a material affect on financial interests within the BACWA boundaries; and,

WHEREAS, the Fair Political Practices Commission has determined that adopting a conflict of interest code is an action that requires a formal notice and comment period; and,

WHEREAS, BACWA has drafted a notice of intent to adopt a conflict of interest code; and,

WHEREAS, BACWA has scheduled a 45 day notice and comment period, beginning on March 9, 2001 and culminating on April 24, 2001, to accept written comments from the public and encourage public involvement in the decision-making process; and,

WHEREAS, no public hearing was requested in any comment received and BACWA has accepted and considered comments from interested persons throughout the comment period; and

WHEREAS, the Board has reviewed the Code attached hereto as Attachment A; and

WHEREAS, the Code requires the Board to designate a filing officer for BACWA.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board hereby adopts and approves the Code as BACWA's conflict of interest code, conditioned only upon the approval of the Code by the Fair Political Practices Commission.
2. The Board hereby authorizes and directs BACWA's Executive Director to submit the Code, together with a copy of this resolution, to the Fair Political Practices Commission for approval.

3. Upon approval of the Code by the Fair Political Practices Commission, BACWA's Executive Director is appointed as the designated filing officer for BACWA's conflict of interest code.
4. The Board hereby authorizes each of the officers of BACWA to execute all documents and take any other action necessary or advisable to carry out the purposes of this resolution.

**CERTIFICATION**

The foregoing Resolution was adopted by the Executive Board of Bay Area Clean Water Agencies at its regularly scheduled meeting held on April 26, 2001.

  
\_\_\_\_\_  
DONALD BIRRER,  
Executive Director

## ATTACHMENT A

### BAY AREA CLEAN WATER AGENCIES CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Board has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Board to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Board, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the conflict of interest code of the Bay Area Clean Water Agencies.

Designated employees shall file statements of economic interests with the Executive Director of the Bay Area Clean Water Agencies who shall make the statements available for public inspection and reproduction. (Gov.Code Section 81008.)

APPENDIX A  
BAY AREA CLEAN WATER AGENCIES  
CONFLICT OF INTEREST CODE

PART I  
DESIGNATED POSITIONS

		Disclosure <u>Categories to Report</u>
1.	General Counsel	All
2.	Consultants*	All
3.	Members and Alternates of the Executive Board	All
4.	Executive Director	All

\*Consultants shall be included in the list of designated employees. However, the Executive Director may determine in writing that a particular consultant, although in a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as the conflict of interest code.

It has been determined that the positions listed below manage public investments and will file a Statement of Economic Interest pursuant to Government Code § 87200: Treasurer.

**APPENDIX B**  
**BAY AREA CLEAN WATER AGENCIES**  
**CONFLICT OF INTEREST CODE**

Investments and business positions in business entities, and income from sources which provide facilities, services, supplies, or equipment of the type utilized by or within BACWA, including, but not limited to:

1. Office equipment and supplies
2. Safety equipment and facilities
3. Engineering services
4. Printing or reproduction services
5. Soil tests, compaction and grading
6. Audit and other accounting services
7. Environmental analysis
8. Geology services
9. Chemical or biological laboratory or field survey or testing services

This is the last page of the conflict of interest code for the **Bay Area Clean Water Agencies**.



**CERTIFICATION OF FPPC APPROVAL**

Pursuant to Government Code Section 87303, the conflict of interest code for the Bay Area Clean Water Agencies was approved on March 19, 2002. The code will be effective on April 18, 2002.

A handwritten signature in dark ink, reading 'Mark Krausse', written over a horizontal line.

Mark Krausse  
Executive Director  
Fair Political Practices Commission

(Regulations of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations.)

### **18730. Provisions of Conflict of Interest Codes.**

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, *et seq.* The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, *et seq.*), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, *et seq.*

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the

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<sup>3</sup> For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup> Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10

designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(8.1) Section 8.1 Prohibition on Receipt of Gifts in Excess of \$320.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$320 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from

of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
  - a. The date the loan was made.
  - b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
  - c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by

02/1/01

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18730

87300-87302, 89501, 89502 and 89503, Government Code.

# 2020 Multi-County Agency Biennial Notice

Name of Agency: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone No. \_\_\_\_\_

Email: \_\_\_\_\_ Alternate Email: \_\_\_\_\_

Counties within Jurisdiction, or for Charter Schools, Counties in which the School is Chartered:  
(if more space is needed, include an attachment):  
\_\_\_\_\_

No. of Employees\* \_\_\_\_\_ No. of Form 700 Filers\* \_\_\_\_\_

*\*Including board and committee members*

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.**

Please identify which statement accurately describes your agency's status.

- ☐ This agency has reviewed its conflict of interest code. The current code designates all positions which make or participate in making governmental decisions. The designated positions are assigned accurate disclosure categories that relate to the job duties of the respective positions. The code incorporates FPPC regulation 18730 so that all relevant Government Code Sections are referenced.
- ☐ This agency has reviewed its conflict of interest code and has determined that an amendment is necessary. An amendment may include the following:
- New positions which involve the making or participating in the making of decisions which may foreseeably have a material impact on a financial interest
  - Current designated positions need renaming or deletion
  - Statutorily required provisions of the code need to be addressed
  - Disclosure categories need revision

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## Verification (to be completed if no amendment is required)

*This multi-county agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.*

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Signature of Chief Executive Officer

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Date

All multi-county agencies must complete and return this notice, including those agencies whose codes are currently under review. Please return this notice no later than **October 1, 2020** to the FPPC at [biennialnotice@fppc.ca.gov](mailto:biennialnotice@fppc.ca.gov) or 1102 Q Street, Suite 3000, Sacramento, CA 95811.

[www.fppc.ca.gov](http://www.fppc.ca.gov)  
FPPC Advice: [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov) (866.275.3772)  
Page 1 of 1



# THE COST OF WIPES

## On America's Clean Water Utilities

*Executive Summary*

**National Association of Clean Water Agencies**

Washington DC  
January 2020

# The Cost of Wipes on America's Clean Water Utilities

In 2019, the National Association of Clean Water Agencies (NACWA) conducted a nationwide study of the costs of wipes. NACWA worked closely with other national and state organizations to conduct this analysis. This Executive Summary presents the headlines of our full report, which is available at [www.NACWA.org](http://www.NACWA.org).

## Background

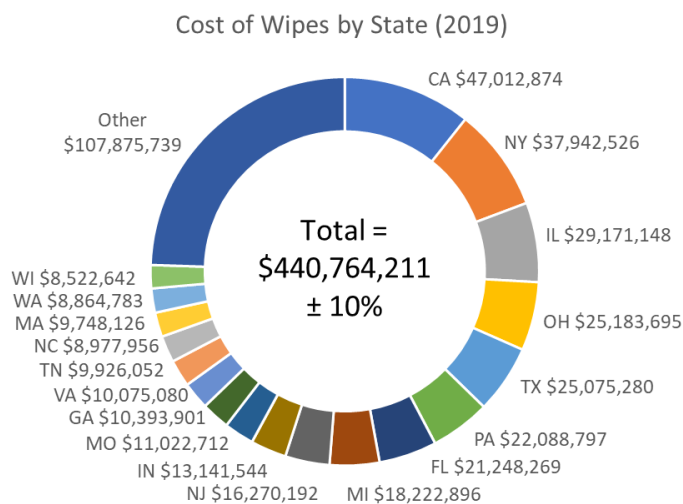
It is estimated that North American businesses and households spent some \$2.5 billion on personal wipes in 2019. There are no reliable statistics about how many wipes are flushed down toilets, but there are hundreds of reports each year of clogged household plumbing and costly damage to public sewer systems and treatment plants caused by wipes when they are flushed. Accordingly, this study is designed to help wipe manufacturers, wipe users, and policy makers better understand the cost of wipes when they are either flushed down toilets despite being labeled as “not flushable” or flushed as “flushable” wipes that in practice do not degrade sufficiently to prevent clogs in household plumbing and/or on-site or municipal wastewater collection and treatment infrastructure.

## Study Design

This study was designed to provide reasonable, but conservative estimates of the likely costs of wipes at the national and US state levels. It is based on data collected from 25 utilities in 19 states that were broadly representative of the population of utilities in the US. Utilities documented both capital and operating costs caused by wipes anywhere in their collection and treatment infrastructure, although our estimates scaled to the nation can be considered conservative in that they consider only operating costs. Our estimates are conservative because we did not consider several other types of costs that were reported, but for which we had insufficient data to include: costs associated with household, commercial, or industrial plumbing or laterals that connect these systems to public collection infrastructure; damages that wipes may cause to on-site septic systems; damages caused in the treatment works themselves (we included only costs in collection systems); and costs that wipes may impose on treatment infrastructure or in the environment.

## Results

NACWA estimates that wipes result in about \$441 million a year in additional operating costs in the collection systems of US clean water utilities. The distribution of these costs by state, which generally follows wastewater flow by state, is presented in the graphic below:



Based on these estimates, wipes impose \$30,467 a year in additional collection system operating costs on the average utility nationwide. In many states, costs are significantly higher, as in California and New Jersey, for example, where the average utility pays about \$100,000 a year in additional collection system operating costs because of wipes.

With an average of \$7.65, wipes impose significant costs at the household level, but these vary considerably from state to state from a high of just under \$25.00 (Illinois) to a low of less than \$5.00 (Kansas, Oklahoma, Maryland, Puerto Rico, Vermont, Wyoming, Florida, Arizona, New Mexico, North Dakota, South Dakota).

## Concluding Thoughts

This is the first comprehensive examination of the cost of wipes on US clean water utilities. NACWA believes that these estimates are low relative to the costs that many utilities experience, given the limits of available, scalable data discussed above. Nonetheless, these results indicate clearly that wipes end up in public wastewater systems and cause damages whether or not they are labelled as “flushable.” Further, our results have documented these effects broadly across the nation, at all size utilities, regardless of collection system configuration, conveyance material, or topography of the service area. When improperly flushed, wipes in sewers can create problems virtually anywhere.



# THE COST OF WIPEs

## On America's Clean Water Utilities

*An Estimate of Increased Utility Operating Costs*

**National Association of Clean Water Agencies**

Washington DC  
January 2020

# The Cost of Wipes on America's Clean Water Utilities

In 2019, the National Association of Clean Water Agencies (NACWA) conducted a nationwide study of the costs of wipes. NACWA worked closely with other national and state organizations to conduct this analysis. This special report presents the results of NACWA's work.

## Background

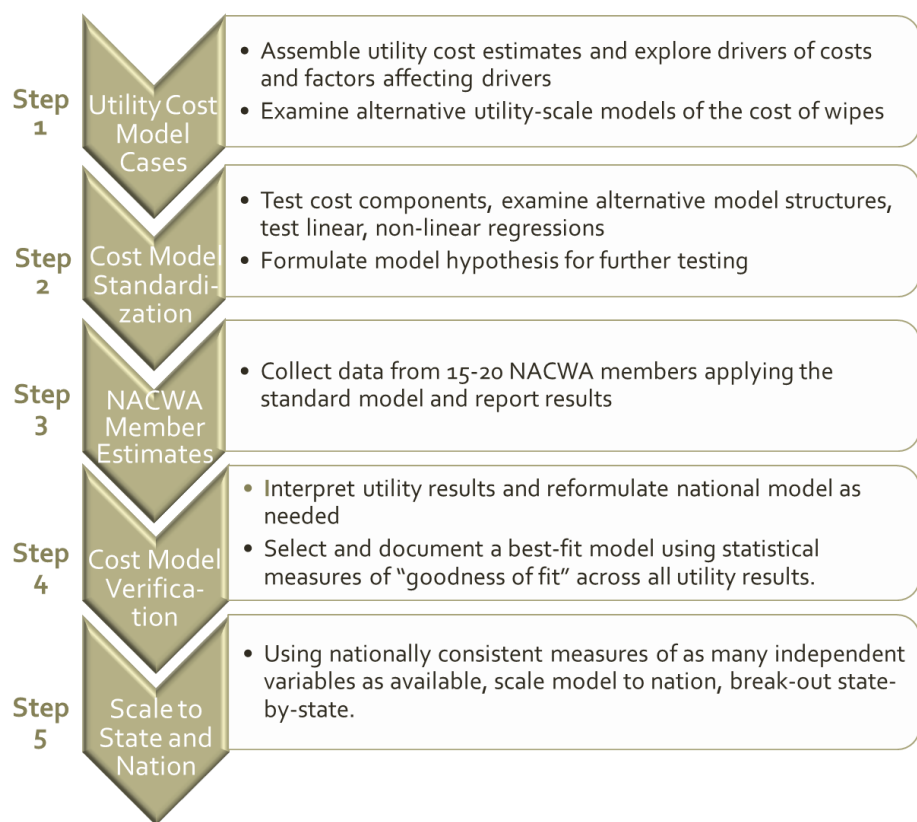
It is estimated that North American businesses and households spent some \$2.5 billion on personal wipes in 2019.<sup>i</sup> There are no reliable statistics about how many wipes are flushed down toilets, but there are hundreds of reports each year of clogged household plumbing and costly damage to public sewer systems and treatment plants caused by wipes when they are flushed.

Not all wipes cause damage when flushed and not all wipes are labeled as “flushable.” The wipes industry has already taken steps to encourage wipes manufacturers to label their products as flushable or non-flushable based on these products meeting a series of tests.<sup>ii</sup> But according to a 2019 study conducted at Ryerson University in Toronto that examined 101 single-use wipes products - including 23 wipes products labeled as “flushable” by the manufacturer - none of these products fell apart or dispersed enough to safely pass through an average home's plumbing system to the public sewer, and through the sewer system for 30 minutes, without “a risk of clogging or causing damage to infrastructure.”<sup>iii</sup>

Accordingly, this study is designed to help wipe manufacturers, wipe users, and policy makers better understand the cost of wipes when they are either flushed down toilets despite being labeled as “not flushable,” or flushed as “flushable” wipes that in practice do not degrade sufficiently to prevent clogs in household plumbing and/or on-site or municipal wastewater collection and treatment infrastructure.

## Study Design

This study was designed to provide reasonable, but conservative estimates of the likely costs of wipes at the national and US state levels. As such, the research leading to such estimates followed a five-step process:



**Utility Cost Model.** NACWA conducted a thorough literature search from which we prepared a standard utility cost model that captured the major costs of wipes as reported by clean water utilities. The standard model considered both capital and operating costs and followed the hydrology of a municipal wastewater utility from collection to treatment, to disposal of residuals.

During this step, we noted that most utilities reported costs of cleaning and maintenance of conveyance infrastructure and fewer reported capital replacement costs associated with wipes. This was taken into consideration in subsequent steps where we requested documented cost data from our sample of wastewater utilities.

NACWA did not document costs associated with plumbing systems or laterals that connected households, businesses, or industries to public collection systems. As well, NACWA did not document the cost of wipes within on-site septic systems. The literature is clear that these costs exist and for some locations, the literature suggests these costs are substantial. This is the first area where our national model is conservative.

**Model Standardization.** Based on results of step 1, the following standard cost model emerged:

**Collection System**

- Cleaning and unclogging
- Sanitary sewer backup remediation from clogs

**Lift Stations**

- Cleaning bar screens of accumulated wipes
- Upgrading screens/etc. to accommodate wipes
- Pump maintenance from clogs due at least in part to wipes
- Pump/grinder pump replacement after failure due to clogs
- Acquisition of new grinder pumps to accommodate wipes
- Extra electricity costs due to wipe-clogged pumps
- Extra disposal costs due to wipes

**Headworks**

- Extra maintenance of bar screens due to wipes
- Upgrading screens/etc. to accommodate wipes
- Extra disposal costs due to wipes
- Extra electricity costs due to wipe-clogged pumps

**Treatment Works**

- Maintenance of clogged primary clarifier equipment due to wipes
- Maintenance of clogged primary sludge pumps due to wipes
- Maintenance of mechanical mixers in secondary treatment chambers due to wipes
- Maintenance of clogged pumps/equipment in aeration tanks
- Extra vactoring in secondary settling tanks due to wipes clogs
- Maintenance/replacement of activated sludge pumps due to wipes
- Maintenance of chlorine contact tanks due to wipes
- Maintenance of sludge thickening equipment/grinder pumps due to wipes clogs
- Maintenance/replacement of sludge dewatering pumps and cetrifuges due to wipes overloading/clogs

**Combined Sewer Overflows (CSOs)**

- CSO remediation from clogs
- Fines and penalties for excess CSO events

**General and Adminisrative Costs**

- Public education on proper wipe use and disposal

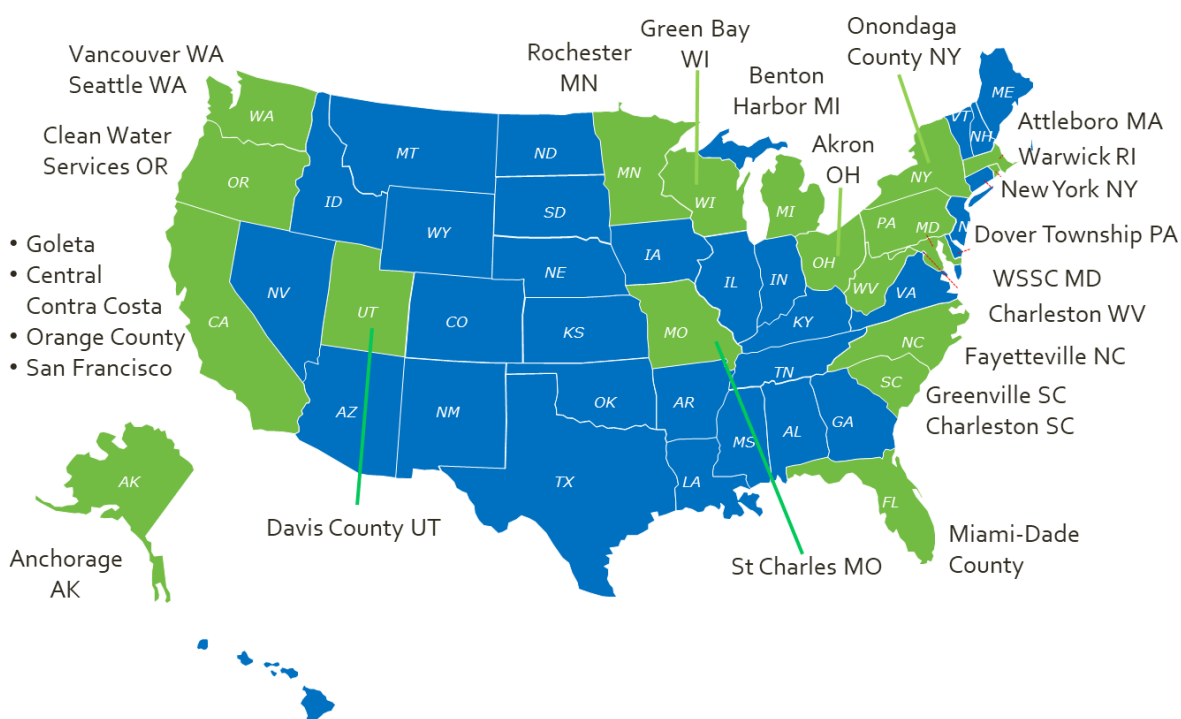
**Environmental**

- Sewer overflows due to wipes clogging conveyance networks or causing pumps to fail

These types of costs are widely reported in the literature, although not every utility reported costs in every category. NACWA tested this model with members and adjusted line items to ensure that the model was comprehensive and easy to understand. But, it is important to note that costs vary considerably from one utility to

the next, depending on their size, the topography with their service area, population density, and many other factors.

**Utility Data Collection.** NACWA provided a standard cost model template to members and other utilities through its affiliated state associations. An attempt was made to collect actual costs from a variety of large and smaller utilities located in geographies that were broadly representative of the population of utilities in the US. We encouraged utilities to provide detailed narratives to explain how frequently operating and capital costs were incurred, how costs were calculated (e.g., direct only, or direct plus indirect costs), and any other information that might inform our subsequent analyses. Twenty-five utilities from 19 states (shown in green) provided inputs:

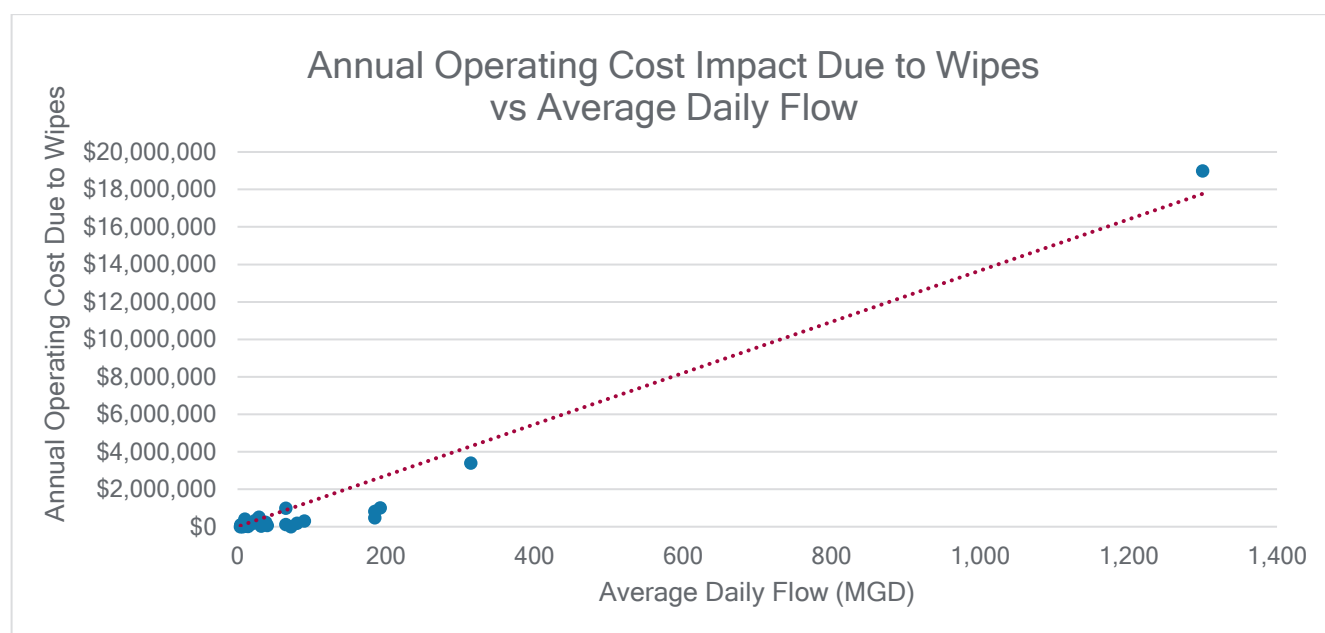


**Model Verification.** NACWA cleaned, verified, and analyzed data from these 25 utilities to assure that inputs were comparable across all utilities. While some utilities submitted capital costs associated with wipes such as pump replacement from clogged impellers, we concluded that we had insufficient information on capital costs to include them in our national estimate. That we included only operating and no capital costs in our final cost estimate is the second area where our national cost model is conservative.

Annual operating costs associated with wipes were then regressed against four independent variables to test the predictive value of one or more combinations of the following:

- Average Daily Flow
- Miles of Sewers
- Number of Lift Stations
- Population Served

Both linear and non-linear forms of relationships between combinations of independent variables and annual operating costs of wipes were modeled for goodness of fit. Since the independent variables are themselves correlated, not surprisingly, the simplest one-variable models produced nearly as strong a relationship as more complex combinations of independent variables. We chose a simple model using average daily flow as the basis of our final national cost model:



In the above relationship, variation in flow explains a little more than 95 of the variation in cost ( $R^2=95.4\%$ ), which indicates a strong statistical fit of this regression line to the 25 observations.

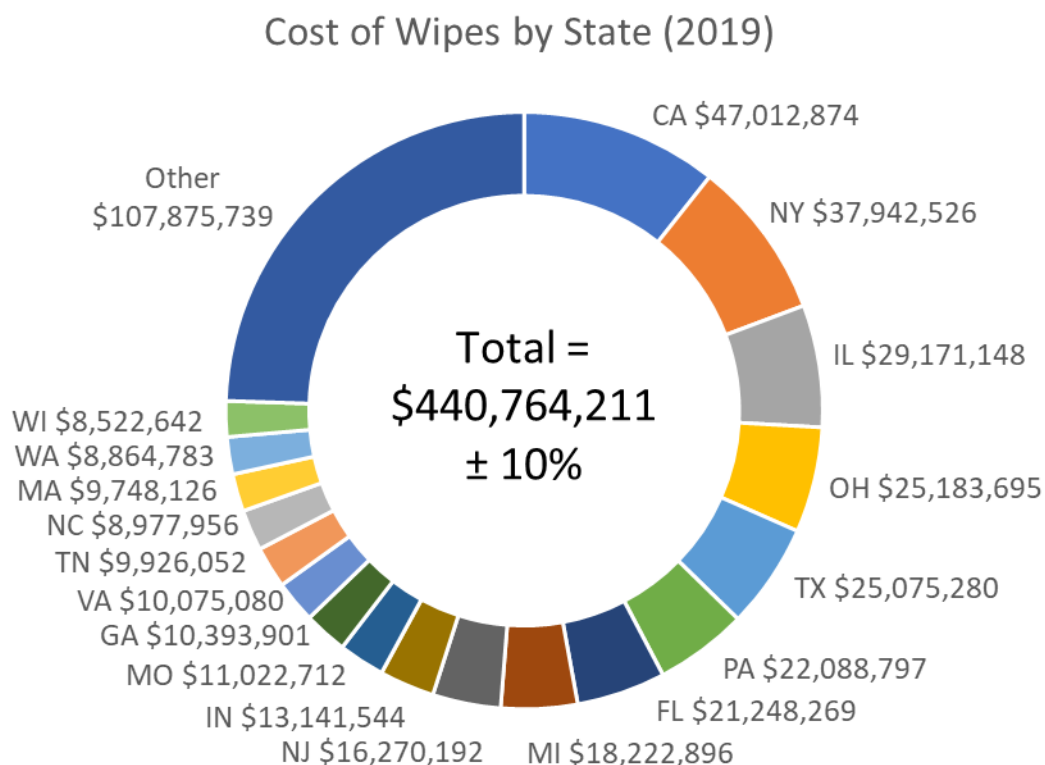
**Scale Up to the Nation.** In the final step, NACWA applied the model above to data extracted from the US Environmental Protection Agency's most recent *Clean Watersheds Needs Survey* for 14,467 utilities in 50 states plus the District of Columbia and Puerto Rico with collection systems.<sup>iv</sup> Treatment-only utilities were excluded from our scale-up since our data collection step indicated that most costs were associated

with collection infrastructure. This is the third factor that helps keep our analysis conservative.

Results were then summarized by state in terms of the most likely value as well as a lower and upper 95% confidence interval around the most likely value. Statistically, these lower and upper bounds represent a range within which we can be 95% certain the most likely value will fall.

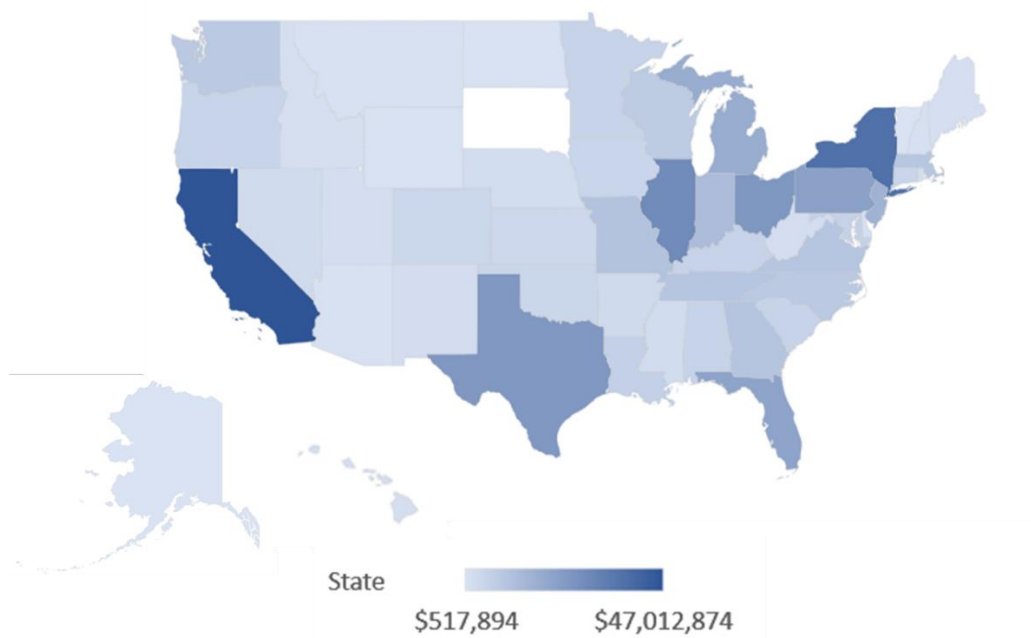
## Results

NACWA estimates that wipes result in about \$441 million a year in additional operating costs at US clean water utilities. The distribution of these costs by state, which generally follows wastewater flow by state, is presented in the graphic below:

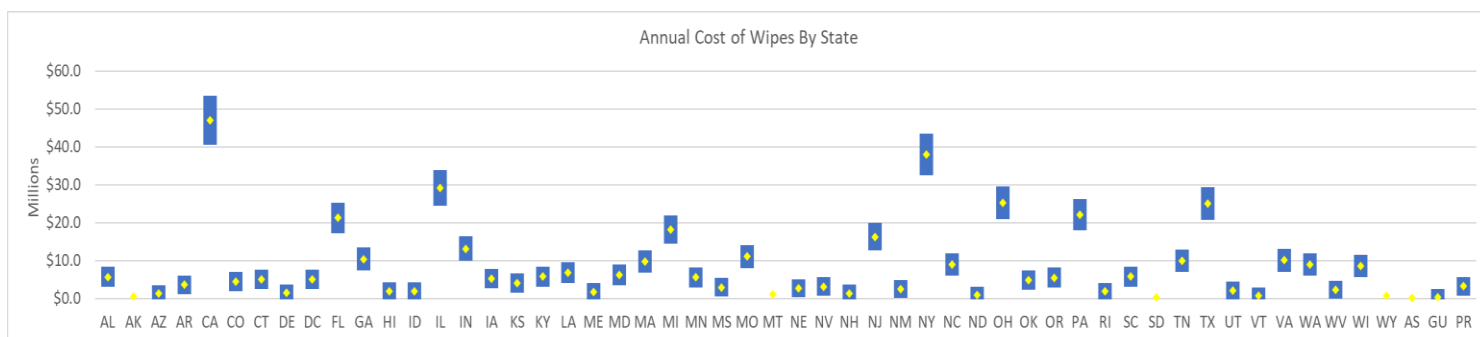


Not surprisingly, the 18 states with the highest levels of wastewater collection account for about 75% of total national costs of wipes. Eight states account for about half of the total US costs of wipes.

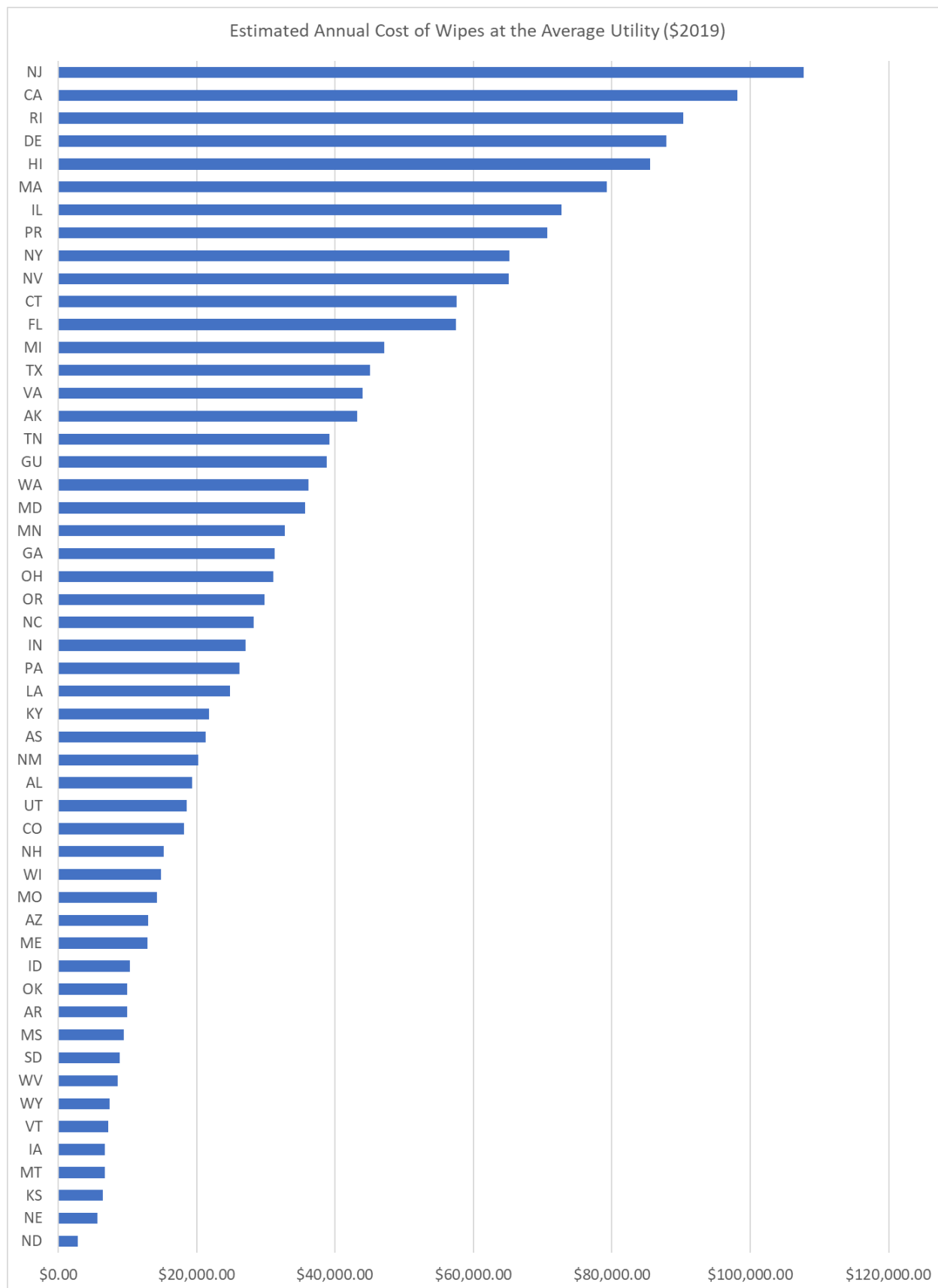
States with the highest costs of wipes tend to be located along the coasts and in heavily populated industrial portions of the Midwest, as indicated in the map below:



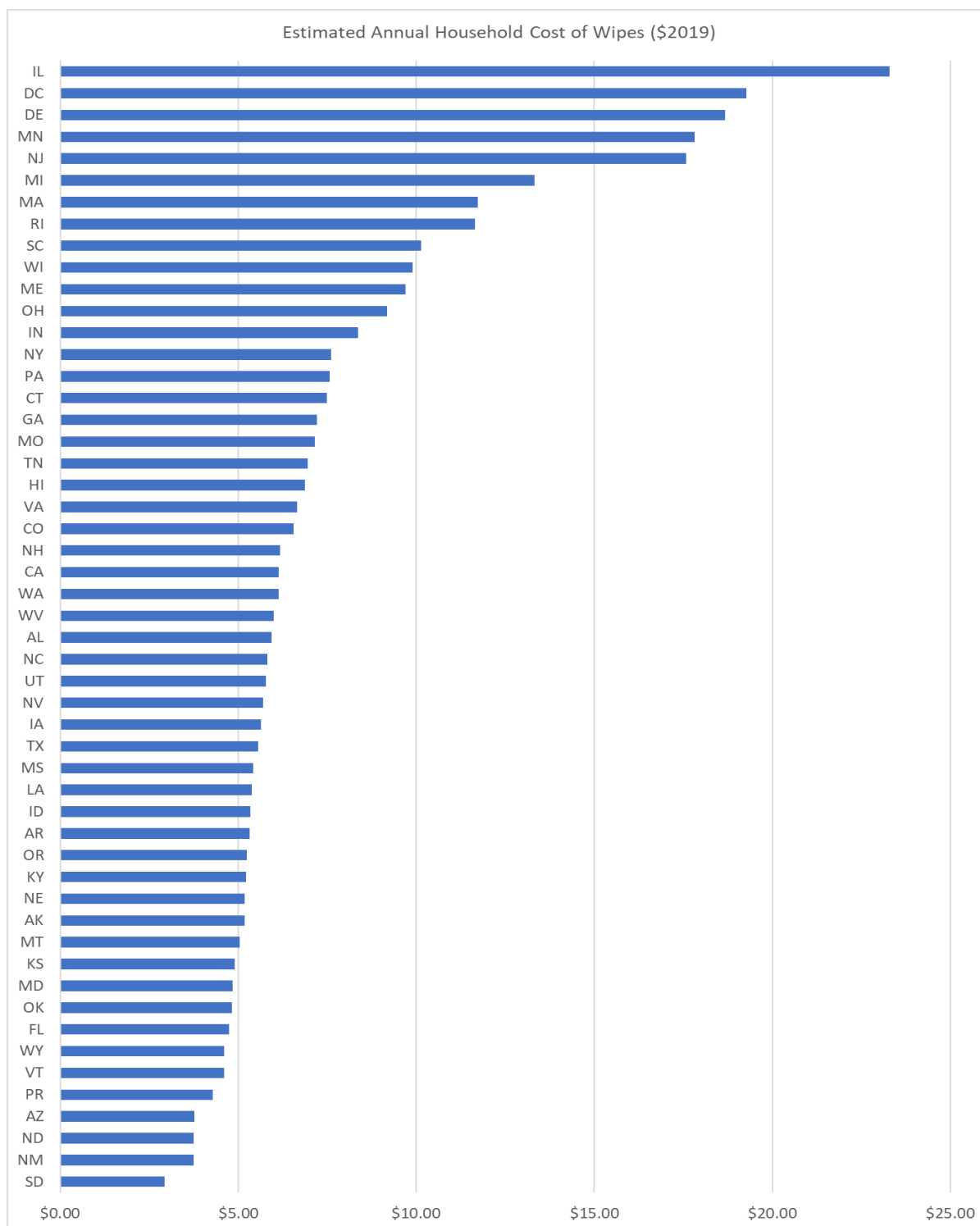
Upper and lower bounds on our estimates of the costs of wipe by state are provided in the graphic below:



Based on these estimates, wipes impose \$30,467 a year in additional operating costs on the average utility nationwide. In many states, especially those with relatively few utilities with high flows at each, however, the average utility pays significantly more than this figure (see graphic below). Utilities in California and New Jersey, for example, pay on average about \$100,000 a year in additional operating costs because of wipes.



Wipes impose significant costs at the household level, but these vary considerably from state to state, as shown below. The average annual cost is \$7.65 per household, with a high of just under \$25.00 per household (Illinois) to a low of less than \$5.00 per household (Kansas, Oklahoma, Maryland, Puerto Rico, Vermont, Wyoming, Florida, Arizona, New Mexico, North Dakota, South Dakota).



## Concluding Thoughts

This is the first comprehensive examination of the cost of wipes on US clean water utilities. Because we made four conservative assumptions that eliminated certain costs from our estimates despite ample anecdotal evidence that they exist in practice, NACWA believes that these estimates are likely less than actual costs in any given year. First, our estimates did not consider costs associated with household, commercial, or industrial plumbing or laterals that connect these systems to public collection infrastructure. Second, NACWA did not consider damage that wipes may cause to on-site septic systems. Third, NACWA did not include any capital replacement costs in our forecast. Our estimates at the national, state, and utility levels include only operating costs associated with wipes. Finally, since our survey data indicated that most of the problems, and therefore costs of wipes, in clean water utilities occur within collection systems, NACWA did not include any costs that wipes may impose on treatment infrastructure or in the environment.

Other factors must be considered, however, that may affect the cost estimate. First, it must be noted that survey data were insufficient to estimate the probability that wipes will cause problems when flushed, although actual cost data were collected from a wide variety of locations, size systems, conveyance materials, and system configurations, which in itself is an indicator that when improperly flushed, wipes can create problems virtually anywhere. Instead, our forecast assumed that if flushed, wipes will on average, cause problems in collection systems regardless of the type, size, or location of collection infrastructure. Second, while EPA's 2012 Needs Survey contains the most current, internally consistent and nationally comprehensive utility-scale data available, we would have preferred a more recent set of data on which to scale up our model to the nation. Our assumptions in using these data are that on average, flows and population served are the same today as they were in 2012. There is evidence that municipal water use (and by extension, wastewater flows) on average across the US declined as much as 10% between 2000 and 2005.<sup>v</sup> No one knows whether this trend has continued since 2005, although more recent surveys suggest that between 2010 and 2019, demand for municipal water supplies was up in some locations and down in others, but nationally, they appear to have remained steady.<sup>vi</sup> Continued growth in population served across the US since 2012 will tend to offset any flow effects in our estimates of costs at the household level.

## ENDNOTES

<sup>i</sup> This figure is extrapolated from an estimated market of \$2.2 billion in 2015, growing at 3% a year, including general purpose wipes, baby wipes, feminine hygiene wipes, and cosmetic wipes, as reported by Brad Kalil, Director of Market Research and Statistics, INDIA, the Association of Nonwoven Fabric Industry, based on Euromonitor International's report, *Wipes in the US*, and presented at the 2016 World of Wipes Conference in Chicago II June 7-10, 2016.

<sup>ii</sup> According to INDIA's *Guidelines for Assessing the Flushability of Disposable Nonwoven Products*, as updated in 2018, a product is flushable when it "clears toilets and properly maintained drainage pipe systems...; passes through properly maintained wastewater conveyance systems and is compatible with wastewater treatment, reuse, and disposal systems without causing [problems]; and is unrecognizable in effluent leaving on-site and municipal treatment systems and in digested sludge from wastewater treatment plants..."

<sup>iii</sup> See: *Defining "Flushability" for Sewer Use*, Ryerson University, Final Report, prepared for the Municipal Enforcement Sewer Use Group of Canada by Anum Khan, Barry Orr, and Darko Joksimovic, March 31, 2019.

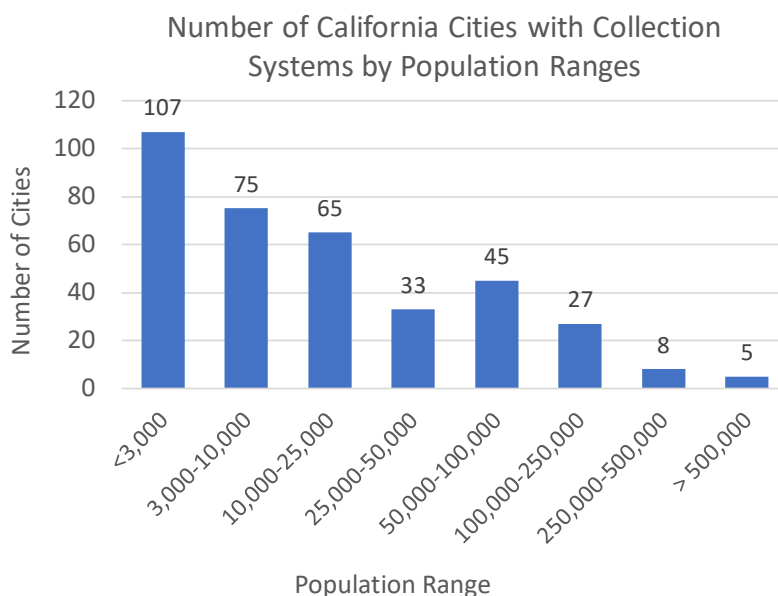
<sup>iv</sup> For details, see: <https://www.epa.gov/cwns/clean-watersheds-needs-survey-cwns-2012-report-and-data#access> Note that these data do not contain any entries for collection systems in South Carolina, so cost for that state was estimated based on total population.

<sup>v</sup> See, Dieter, C.A., and Maupin, M.A., 2017, *Public Supply and Domestic Water Use in the United States, 2015*. U.S. Geological Survey Open-File Report 2017-1131, 6 p., <https://doi.org/10.3133/ofr20171131>.

<sup>vi</sup> See, for example, American Water Works Association, *2019 State of the Water Industry Report*, [https://www.awwa.org/Portals/0/AWWA/ETS/Resources/2019\\_STATE%20OF%20THE%20WATER%20INDUSTRY\\_post.pdf](https://www.awwa.org/Portals/0/AWWA/ETS/Resources/2019_STATE%20OF%20THE%20WATER%20INDUSTRY_post.pdf)

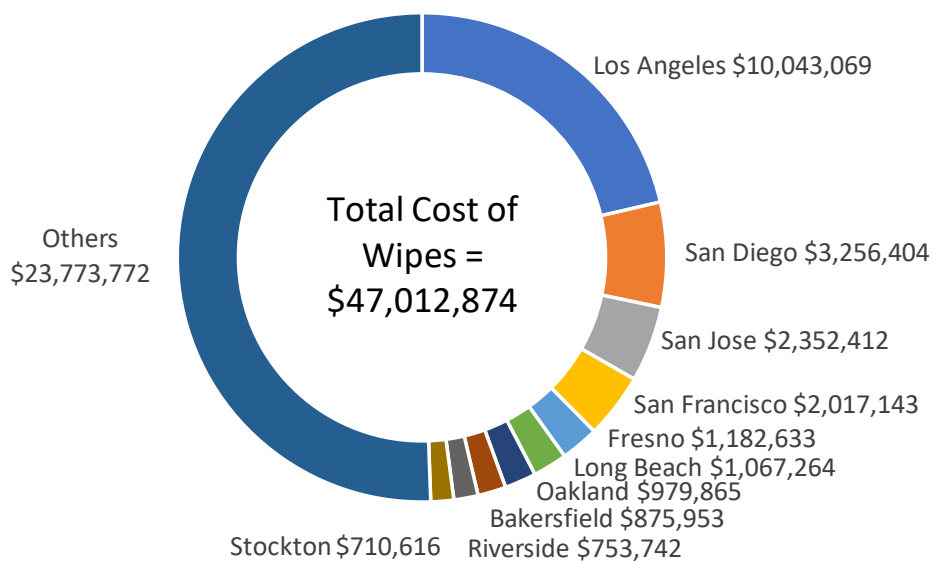
## California Addendum

The most recent data show 365 cities in California served by one or more collection systems. These cities are predominantly small, with sewer populations of less than 25,000.



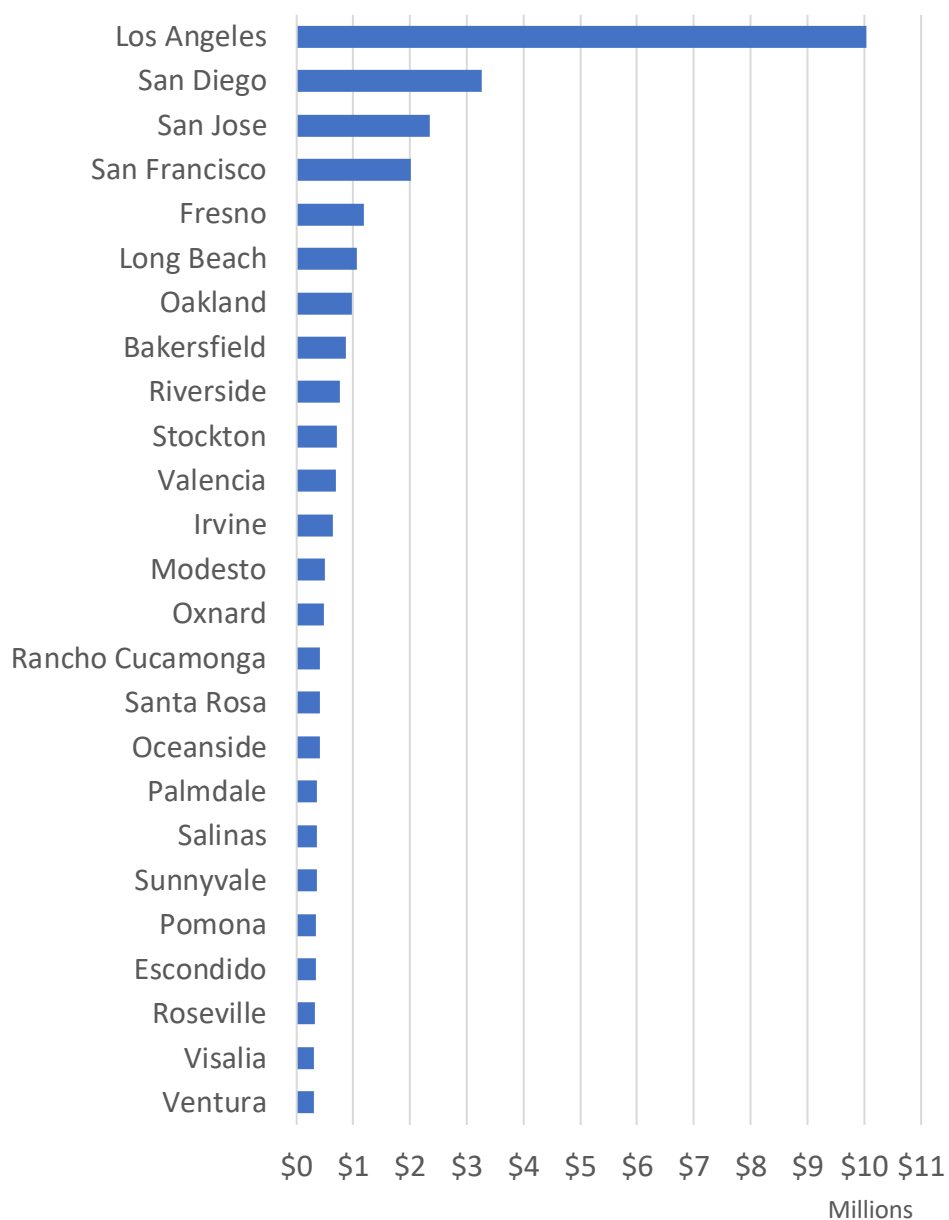
Ten of the largest of these cities account for nearly half of the total cost of wipes for all cities with collection systems in California, \$47,012,874 a year.

Cost of Wipes in California Cities: Top Ten

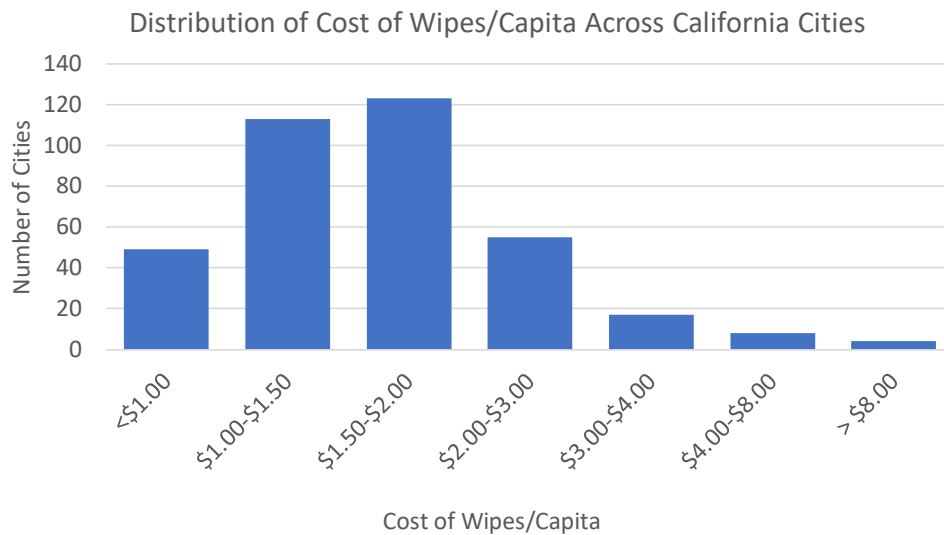


The cost of wipes across these 365 cities ranges from about \$100 a year to about \$9 million a year, with an average cost of wipes of \$129,000 a year. But since there are so many more small and medium sized cities than there are larger ones, the median cost of wipes is much smaller, about \$23,000 a year. The graphic below presents cost of wipes for the top 25 California cities:

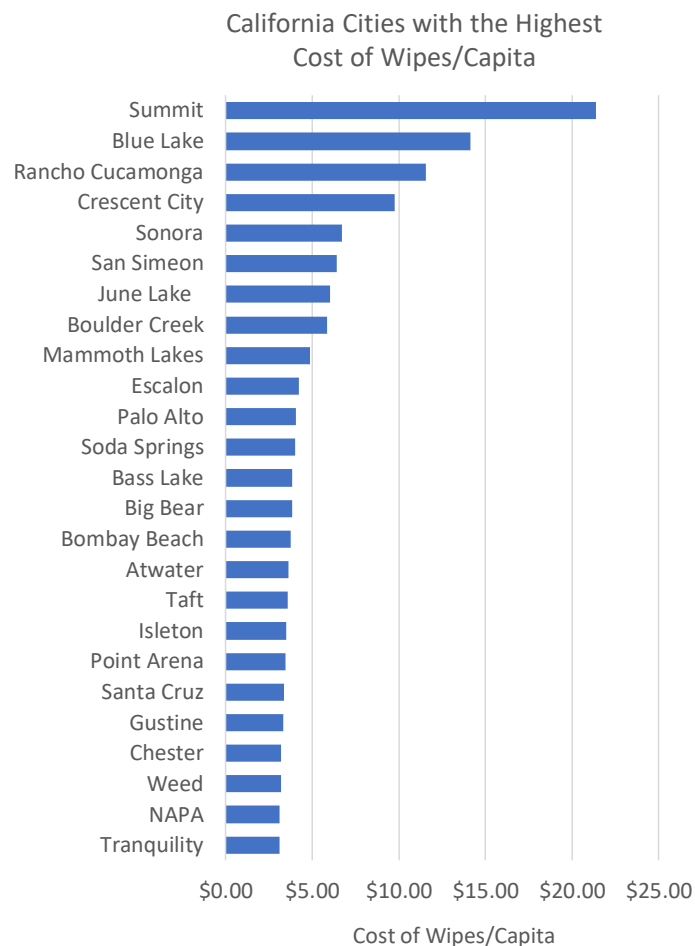
Annual Cost of Wipes -- Top 25 California Cities



Wipes cost the average individual in California about \$1.85 a year, although that figure varies considerably from city to city, with people in the highest cost city paying \$21.39 a year and those in the lowest cost city paying \$0.23 a year.



The cost of wipes per capita tends to be higher in smaller cities. In fact, the ten most expensive cities in terms of cost of wipes/capita have populations less than 7,500. With the exception of Palo Alto, Santa Cruz, Atwater, and Napa, the 25 cities with the highest cost of wipes per capita all have populations less than 10,000.



**Draft PROGRAM**  
**BACWA ANNUAL TECHNICAL SEMINAR**  
**2 days, September, 2020**  
**Videoconference**

<u>Day</u>	<u>Time</u>	<u>Theme</u>	<u>Topic</u>	<u>Desired Outcomes</u>
Thur	9:00 AM	Welcome and Introductions		
	9:05 AM	BACWA Operational	<u>Financial</u>	
			FY 21 Budget	understanding of budget status
			5 Year Plan	seek input on future level of reserves given anticipated cash flow needs
			-Assumptions for Future Dues/CBC/Nutrient Surcharges	
			-2nd NMS payment	discussion about timing and level of support
			Executive Board meeting management	Discussion about input on improving meetings
			ED Performance Plan	Review of ED priorities for FY21
			FY 21 Calendar	reminder of key Board activities
			Annual Meeting planning	Seek input on structure of Annual Meeting
	10:45 AM		<u>Break</u>	
	11:00 AM	Regulatory topics	AIR Update	Rule development and engagement with BAAQMD
			PFAS Study	Update on Phase I monitoring plan
			Toxicity	Updates on State Toxicity provisions
	12pm	Strategic Planning Check-in	Review of Strategic Planning Meeting Part 1 and next steps	Plan for Strategic Planning Meeting Part 2
	12:30 PM		<b>LUNCH BREAK</b>	
	1:30 PM	NST - Challenges to Address in Advance of 3rd WS permit	<u>Update and Discussion</u>	
			-Identification of early actors	seek viewpoints on issues to be addressed over next 4 -5 yrs
			- load caps based on science	Develop discussion points to be raised with RWB
			- scientific certainty vs. time and cost	Preferred approach to extension of 2nd WSP
			- extension of 2nd WS Permit	
			- Continued science funding	
			- Assessment Framework	
	3:45 AM		Plan to Engage Water Board on Friday	
	4:00 PM		<u>Adjorn</u>	
<u>Day</u>	<u>Time</u>	<u>Theme</u>	<u>Topic</u>	<u>Desired Outcomes</u>
	Water Board joins 9am	NMS Update	<u>Update and Discussion</u>	
			Science Plan Key Updates and Issues (Dave Senn)	understanding of status and providing input to SFEI on direction
			-brief update on findings	focus on key work products to drive decisions for 3rd WSP
			-update on Assessment Framework	
			-Decision points over coming years	

		-COVID-19 impacts to science plan	
10:45 AM		<b>Break</b>	
11am	<b>2nd Watershed Permit</b>	<u><b>Update and Discussion</b></u> -Status of NBS Study -Status of Recycled Water Report	understanding of status and resolution of identified issues understanding of status and resolution of identified issues
12:15 PM		<u><b>Lunch Break</b></u>	
1:00 PM	<b>3rd Watershed Permit</b>	<u><b>Update and Discussion</b></u> Discussion of issues identified by NST	
2:30 AM	<b>Regulatory Issues</b>	<u><b>Update and Discussion</b></u> PFAS Study Climate change planning Toxicity	
3:00 AM		<u><b>Adjorn</b></u>	

### **BACWA Strategic Planning Schedule Update**

- March to August – Interviews with Board members
- August/September – Discussions with relevant committees
- August – Strategic Planning member survey sent out
- September 9 Strategic Planning Meeting Meeting Part 1 – Develop Vision, Mission, and Values
- **Tbd** Strategic Planning Meeting Meeting Part 2 – Finalize Goals, Objectives, Metrics
- October 16 EB Meeting – Review of draft Strategic Plan
- October/November – Member and committee comment period
- November 20 Board Meeting – Strategic Plan Adoption
- Annual Strategic Plan Review at Pardee

**Committee Request for Board Action:** none

49 attendees (via teleconference only) representing 20 member agencies

**PFAS Sampling**

Taryn McKnight from Eurofins [presented](#) on PFAS sampling and analytical methods. The presentation is posted the Committee website.

**Regional PFAS Study**

Rebecca Sutton and Diana Lin (SFEI) [presented](#) on the framework for a planned POTW study for our region. While the State Water Board issued a statewide order for PFAS monitoring at all WWTPs >1MGD, the order exempts POTWs in Region 2. Instead, POTWs in our region plan to collaborate on a Regional PFAS Study, through BACWA and SFEI. The Committee discussed the proposed Scope of Work from SFEI for the first phase of such a study – proposing influent, effluent, biosolids, and RO reject monitoring at select Bay Area POTWs. The first round of sampling is expected in the fourth quarter.

**NPDES Permit Language re: 1-2diphenylhydrazine**

EBMUD brought to the attention of their NPDES permit writer that a small correction is needed to Attachment G re: 1,2-diphenylhydrazine is measured as azobenzene by EPA 625.1. The change was made for EBMUD as well as for the upcoming Old Alameda Creek USD permit. It is unclear whether the change will be made across the board (Attachment G is a standard language, supposed to be the same for all permits). BACWA will follow-up.

**Wastewater-Based Epidemiology**

Committee was briefed on 8/7 meeting with UC Berkeley, BACWA, County health agencies, and others interested in monitoring presence of COVID-19 in sewersheds. Agencies can [email](#) Sasha Harris-Lovett to join.

**Announcements**

- It is unclear whether the new ELAP regulations will come into effect October 1, as anticipated. Information was not submitted to the Office of Administrative Law so implementation may be delayed.
- Links for several CWEA certification/ training webinars were shared with the committee.
- New [ELAP Fee Schedule](#) was adopted July 21.

**Committee Leadership**

Dan Jackson (Union Sanitary District) and Nicole Van Aken (FSSD) are the committee chair and vice-chair, respectively, for FY20/21. Attendees thanked Jason Mitchell (EBMUD) for his leadership this current FY.

**Next meeting: August 9, 2020**

**Committee Request for Board Action: None**

**28 attendees by teleconference, representing 18 member agencies.**

**Revised Toxicity Provisions**

- The Committee discussed the recently released draft [Revised Toxicity Provisions](#) as well as the State Water Board's [response to comments](#) received on the previous December 2018 draft. Comments on this version of the Provisions are due August 24. Attendees discussed potential comments to be submitted by BACWA such as requesting reasonable potential analysis and triggers (in lieu of numeric limits) for all dischargers, not just WWTP <5MGD. BACWA will prepare a draft comment letter and circulate to the committee.
- Regional Water Board staff will be invited to the October Committee meeting to discuss how the new provisions will be applied in NPDES permits.

**RMP Data Collection and Accessibility**

- Melissa Foley and Adam Wong (SFEI) discussed how receiving water data is collected for the RMP program and ways for BACWA members and the public to access this information.

**Enterococci in SF Bay**

- SFEI released the [final report](#) from Enterococci sampling in the deep waters of SF Bay. There were no comments from the Committee. Sampling results indicate that there is assimilative capacity in the Bay and it justifies setting NPDES permit limits using dilution credits. The EBMUD draft permit recently released includes these credits.

**PFAS Regional Study**

- While the State Water Board issued a statewide order for PFAS monitoring at all WWTPs >1MGD, the order exempts POTWs in Region 2. Instead, POTWs in our region plan to collaborate on a Regional PFAS Study, through BACWA and SFEI. The Committee discussed a proposed Scope of Work from SFEI for the first phase of such a study – proposing influent, effluent, biosolids, and RO reject monitoring at select Bay Area POTWs. The first round of sampling is expected in the fourth quarter. A presentation on this topic, from the Lab Committee, was reviewed and is available [here](#).

**Nutrients**

- [Nutrient Discharge Reduction Studies](#): Information from permittees was submitted to HDR; they are compiling data and will contact agencies if more info is needed.
- [Nutrient Strategy Team](#): Committee was briefed on the July Nutrient Strategy Team meeting and an announcement about the next meeting, following the 8/21 BACWA Board meeting was made.

**Upcoming Permits**

**September:** EBMUD, comments closed

**October:** USD Old Alameda Creek, comments due 9/3, no issues noted

**Wastewater-based Epidemiology**

- Committee was briefed on 8/7 meeting with UC Berkeley, BACWA, County health agencies, and others interested in monitoring presence of COVID-19 in sewersheds. Agencies can [email](#) Sasha Harris-Lovett to join.

**BACWA Strategic Planning**

- BACWA ED announced that BACWA is embarking on an effort to refresh and reframe our Strategic Plan, which was developed in 2009. Member feedback is requested via an online [survey](#). Agencies are also welcome to participate in the Strategic Planning meetings. The first of these meetings will be held via videoconference on Wednesday September 9, from 1-4 pm.

**Announcements**

- ELAP presentation from the 6/9 BACWA Lab Committee meeting is available [here](#).
- CASA Annual [Conference](#): Wed-Thu, 8/12-8/13
- CWEA Annual [Conference](#): Oct 19-23

**Next BACWA Permits Committee Meeting:** October 13, 2020.

**Committee Request for Board Action: none**

Detailed notes from meetings are posted [online](#).

**28 attendees (all participating remotely) representing 13 member agencies**

**Updates on funding opportunities:**

Federal:

- WIIN Act:

Funding: Bureau of Reclamation has yet to release list of projects to be funded under FY19, thus also delaying the list for FY20. Due to all the delays, it appears that the plan is to skip the FY20 award selection process and distribute the FY20 grant total (~ \$20M) to the FY19 awardees. No money has been appropriated for FY21 yet, but they're anticipating another \$20M.

Reauthorization bills: Bills waiting in the background as Congress focuses on COVID-19 relief bills.

This includes Napolitano's bill (H.R. 1162) to reauthorize the program at \$500M. Other bills also in the works, but none introduced to the Senate, yet.

State (BAIRWM Prop 1):

- The final awarded [projects](#) from the San Francisco Bay Area funding have been posted. They total close to \$23M. The next phase is drafting the funding agreements with DWR.

**EPA's Draft National Water Reuse Action Plan**

The group received updates on the status of collaboration opportunities on EPA's Draft National Water Reuse Action Plan, specifically proposed action 2.2.1.6. Most contracts are in place now. The team is finalizing a list of sites/agencies for further study; likely candidates: Hampton Roads VA, Dallas/ Fortworth TX, Pima County/ Tucson AZ, and Valley Water and partner agencies, CA. They are also coordinating with Bay Area One Water/ Renewit

**Transition to State General Order**

Maggie Monahan (Regional Water Board) noted that the Regional Water Board is reviewing documents from Napa San, SASM, and City of Livormore and hoping to complete these agencies' enrollments in the next couple of months. Staff is presenting to the Regional Water Board members on September 9 and may ask this committee's help in preparing the presentation.

**Regional Recycled Water Update**

Mike Falk (HDR) reported that they are reviewing and compiling responses to the Request for Information (RFI) and will let individual agencies know if more info is needed.

**WaterReuse California Virtual Conference update**

Attendees noted that they enjoyed the technical sessions but the in-person, prev-COVID time interactions were sorely missed. Live presentations were more engaging than pre-recorded sessions. There was good feedback on the conference platform used.

### **Legislation and Regulatory Updates**

1. Update on Water Use Efficiency Legislation (2018) Implementation - Pete Brostrom (Water Use Efficiency Branch, DWR)
  - Landscape area measurement & indoor residential standard report due January 2021.
  - Recommendations to the water board by Oct 2021 that includes outdoor efficiency standard, variances, and CII performance measures. Variances will include recycled water with high TDS.
2. Update on Bond Activities (AB 3256, SB 45, and Governor's January Proposal)
  - Governor has pulled his proposal for bond out of proposed state budget.
  - Garcia bill (AB 3256) amended to include \$300M for recycled water. Recycled water funding is included in Allen bill (SB 45).
3. Water Board Business Continuity and Budget
  - Water board proposing to fund a few new positions for water recycling to support update of T22, permitting, addressing CECs and pretreatment.
4. CA CWSRF IUP and Discussion on Streamlining Application Reviews
  - Adopted by Board on June 16 with change sheet that addressed CASA and WRCA comments including provisions for stimulus package administration, streamline of review process, and ability to possibly finance projects with scores of 13.
5. Development of 1211 Wastewater Change Petition Checklist
  - WaterReuse is developing checklist.
  - Board adoption/discussion in the fall.
6. Central Coast Recycled Water Policy Issues
  - Cayucos Sanitary District's draft permit for new ocean outfall contained 100% recycled water mandate, but latest iteration softened of language (maximize reuse but remove mandate).
7. SB996 CECs update
  - Shelved until 2021

**Next Meeting** – Tuesday, September 15, 2020, 10:30 am to 12:30 pm, teleconference only

**Committee Request for Board Action: none**

Detailed notes from meetings are posted [online](#).

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Funding: Bureau of Reclamation has yet to release list of projects to be funded under FY19, thus also delaying the list for FY20. Due to all the delays, it appears that the plan is to skip the FY20 award selection process and distribute the FY20 grant total (~ \$20M) to the FY19 awardees. No money has been appropriated for FY21 yet, but they're anticipating another \$20M.

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**Next Meeting** – Tuesday, September 15, 2020, 10:30 am to 12:30 pm, teleconference only



## Executive Director's Report to the Board July 2020

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### **NUTRIENTS:**

Completed a variety of tasks and activities associated with BACWA's interests on nutrients and collaborating with the Water Board including:

- Participated in NBS CMG meeting on 7/10
- Attended and drafted summary for 7/13 NMS Planning Subcommittee meeting
- Attended Assessment Framework meeting on 7/14 and convened meeting with interested BACWA members on Assessment Framework matrix on 7/27
- Prepared for and facilitated NST meeting on 7/17
- Communicated with Paul Stacy regarding Long Island Sound trading program

### **BACWA BOARD MEETING AND SUPPORT**

- Edited minutes and action items from 6/19 meeting
- Worked with BACWA staff to plan and manage 7/17 BACWA Executive Board meeting
- Conducted the monthly agenda review with the BACWA Chair
- Researched digital tools for remote workshopping and strategic planning
- Continued to track all action items to completion

### **COVID-19:**

- Discussed wastewater-based epidemiology (WBE) with members and ReNUWIt
- Participated in WBE Regional Working Group Steering Committee meeting on 7/16
- Worked with UC Berkeley to distribute survey to BACWA members to gauge interest in Regional monitoring initiative for SAR-CoV-2

### **COMMITTEES:**

- Discussed BACWA collaboration with BAAQMD Regulation 13 development with AIR committee leadership and with BAAQMD staff
- Planned and held 7/24 Managers Roundtable
- Worked with BAPPG on pesticide letter submission
- Worked with BAPPG and website consultant on document security

### **REGULATORY:**

- Participated in 7/29 State Water Board workshop on changes to Toxicity Provisions
- Reviewed Water Board Response to Comments on Toxicity Provisions
- Discussed regional strategy for PFAS monitoring on calls with Water Board and RMP staff
- Discussed Sea Level Rise questionnaire with Regional Water Board Staff

### **FINANCE:**

- Reviewed the monthly BACWA financial reports, summary, and budget to actual tracking sheet for May

- Reviewed reserve level to plan for NMS payments for FY21
- Reviewed and approved invoices
- Reviewed invoices to Principals
- Developed FY 21 Invoice Cover Letter
- Answered questions to support FY20 audit through EBMUD
- Reviewed end of FY20 financial report

#### **COLLABORATIONS:**

- Participated in 7/6 One Water Stormwater meeting
- Participated in 7/7 BARR Task Force Meeting
- Participated in 7/9 CASA call on strategy on exfiltration
- Participated in 7/15 BayCAN meeting
- Participated in 7/16 CASA RWG meeting
- Participated in 7/29 NWRI workshop on Valley Water RO concentrate management

#### **ASC**

- Reviewed materials sent via email by ASC ED

#### **BABC:**

- Participated in BABC teleconference meeting on 7/20 and drafted meeting summary
- Worked with AED and BABC PM to develop BABC FY21 contracts for Communications Support

#### **ADMINISTRATION:**

- Planned for and conducted the monthly BACWA staff meeting to prepare for the Board Meeting and to coordinate and prioritize activities.
- Signed off on invoices, reviewed correspondence, prepared for upcoming Board meetings, responded to inquiries on BACWA efforts, oversaw updating of web page and provided general direction to BACWA staff.
- Worked with the RPM in the preparation of the monthly BACWA Bulletin.
- Developed and responded to numerous emails and phone calls as part of the conduct of BACWA business on a day-to-day basis.
- Responded to CalPERS information request
- Managed committee Google Groups
- Reviewed AED performance plan
- Finalized and posted RFP for RPM support

#### **MISCELLANEOUS MEETINGS/CALLS:**

- Worked with BACWA Chair and Committee Chairs on items that arose during the month
- Other miscellaneous calls and inquiries regarding BACWA activities
- Responded to Board members requests for information



## BACWA ACTION ITEMS

Number	Subject	Task	Responsibility	Deadline	Status
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Action Items from July 17, 2020 BACWA Executive Board Meeting			resp.	deadline	status
2021.07.01	Board attendance at steering committee & public noticing	BACWA staff to review what is required with attorney	ED	7/31/2020	Complete
2021.07.02	Consultant for subembayments modeling	BACWA staff to prepare RFP for August meeting	ED	7/31/2020	Complete
2021.07.03	San Jose to share COVID policies	BACWA staff to share these with BACWA members	ED	7/31/2020	Complete
2021.07.04	Strategic Planning Meeting date	BACWA staff to send out a doodle poll for meeting in August or September	ED	7/31/2020	Complete

Action Items Remaining from Previous BACWA Executive Board Meetings					
2019.12.46	Risk reduction	Reach out to cities with public health clinics to work with CIEA	RPM	2/29/2020	Completed
2019.8.12	BAAQMD Permit Backlog	Set up separate meeting to discuss with Air District management	RPM/ED	11/30/2019	pending
2019.7.05	Sewer Rate Survey	Post as Google Sheet, and publicize update	RPM	8/31/2019	pending
2018.4-93	Website Policy	Add reference to regulatory requirements for Agency websites	ED	4/30/2019	pending

FY21: 4 of 4 Action items completed  
 FY20: 67 of 70 Action Items completed  
 FY19: 109 of 110 action Items completed  
 FY18: 66 of 66 Action Items completed  
 FY17: 90 of 90 Action Items completed



## Regulatory Program Manager's Report to the Board July 2020

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**REGULATORY COMMENTS:** None.

**COLLABORATIONS:** Attended CASA/CWEA/SCAP Exfiltration Strategy call 7/9; attended CASA Regulatory Workgroup meeting 7/16; attended discussion with Regional Water Board re: Sea Level Rise 7/22.

**COMMITTEE SUPPORT:**

**AIR** – Reviewed/ finalized Board Report from June meeting.

**Collection Systems** – Succession planning, plan for third quarter meeting.

**Executive Board** – Attended 7/17 Board and Nutrient Strategy Team meetings, provided input on minutes and action items.

**Recycled Water** – Attended 7/21 meeting, prepared meeting notes and Board Report.

**Permits** – Reviewed second draft of Revised Toxicity Provisions, summarized response to BACWA comments, emailed Committee.

**BAPPG, Collection Systems, Laboratory, and Pretreatment** – Responded to requests for CWEA Continuing Education Units based on meeting attendance in FY19/20.

**BACWA BULLETIN** – Prepared July Bulletin.

**OTHER REGULATORY TASKS** – Attend State Water Board Toxicity Workshop (7/29); Review final SFEI Enterococci Report.

**ADMINISTRATION/STAFF MEETING** – Met with BACWA ED and AED to prepare for July activities and discuss BACWA operations (7/2).

**MEETINGS ATTENDED:**

Staff Meeting (7/2); CASA/CWEA/SCAP Exfiltration Strategy (7/9); CASA Regulatory Workgroup (7/16); Executive Board (7/17); Nutrient Strategy Team (7/17); Recycled Water Committee (7/21); Regional Water Board Sea Level Rise (7/22); State Water Board Toxicity Workshop (7/29).



## Nutrient Strategy Team July 21, 2020 Meeting Summary

### ROLL CALL AND INTRODUCTIONS

**Executive Board Representatives:** Lori Schectel (Central Contra Costa Sanitary District); Amit Mutsuddy (San Jose); Eileen White (East Bay Municipal Utility District); Jacqueline Zipkin (East Bay Dischargers Authority); Jennie Pang (SFPUC).

### Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Lorien Fono	BACWA
Alina Constantinescu	LWA/ BACWA
Eric Dunlavey	City of San Jose
Tim Grillo, Congna Li	USD
Jennifer Harrington	Vallejo Sanitation & Flood Control District
Amanda Roa	Delta Diablo
Blake Brown, Dan Frost	Central San
David Donovan	City of Hayward
Azalea Mitch	City of San Mateo
Monte Hamamoto	Silicon Valley Clean Water
Greg Baatrup	FSSD
Elissa Lee	Woodard & Curran
Karin North	Palo Alto
Ramana Chinnakotla, Cameron Kostigen Mumper	City of Sunnyvale
Tom Hall	EOA
Yung Shang	EBMUD
Nohemi Revilla	SFPUC

### BACKGROUND

BACWA ED presented an introduction/ history of this topic including a History of the Nutrient Management Strategy (NMS) Science Program for SF Bay and key points and output of the previous (1.0) and current (2.0) version of the Nutrient Watershed Permit (NWP). A timeline of the current permit, with the potential for a 1-year extension (if COVID-19 is impacting progress on some of the scientific work) was also discussed. A brief discussion/ background on the role of the Nutrient Strategy Team followed.

### **WATER BOARD VISION DOCUMENT FOR NWP 3.0**

The ED summarized the 4-page document provided by Regional Water Board staff outlining their regulatory vision for the third Nutrient Watershed Permit. The vision lays out a sustained monitoring and modeling program, as well as load caps (mentioned in the second permit's fact sheet) implemented using antidegradation as a rationale. It also would require regional planning for further nutrient load reductions (with possible trading within subembayments), and corrective action plans by individual agencies, should the science indicate the Bay is impaired by nutrients in the future.

There was a lengthy discussion regarding regional planning (how that would be coordinated, efforts that would require coordination with other regulatory agencies may be outside of POTW control – e.g., ArmyCorps requirements on wetland restoration) as well as corrective action plans with heightened concerns for requesting permit language that would recognize early actors. On regional planning, it was agreed that we need to understand the makeup/ boundaries of subembayments; a presentation on this specific topic will be scheduled for the group in the near future.

### **RESPONSE TO WATER BOARD AND NEXT STEPS**

The group noted the discussion will continue at the August NST meeting as well as at the 'virtual' Pardee meeting in September.

INDICATOR	DECISION / ACTION				
	A. On-going Monitoring and Condition Assessment	Regulatory/Management Decision			
		B. Enhanced Monitor/Study	C. 303(d)	D. Load Caps	E. Load Reductions
DO deep subtidal	◦ rel-magnitude ◦ trend	◦ thresh <sub>B</sub> ◦ trend <sub>B</sub>	◦ thresh <sub>C</sub>	◦ thresh <sub>D</sub>   freq <sub>D</sub> ◦ trend <sub>D</sub>	◦ thresh <sub>E</sub>   freq <sub>E</sub> ◦ trend <sub>E</sub>
Phyto-biomass, general (chl <sub>eutro</sub> )	◦ rel-magnitude ◦ trend	◦ thresh <sub>B</sub> ◦ trend <sub>B</sub>		◦ thresh <sub>D</sub>   freq <sub>D</sub> ◦ trend <sub>D</sub>	◦ thresh <sub>E</sub>   freq <sub>E</sub> ◦ trend <sub>E</sub>
Phyto-biomass:DO (chl <sub>DO</sub> )	◦ rel-magnitude ◦ trend	◦ thresh <sub>B</sub> ◦ trend <sub>B</sub>		◦ thresh <sub>D</sub>   freq <sub>D</sub> ◦ trend <sub>D</sub>	◦ thresh <sub>E</sub>   freq <sub>E</sub> ◦ trend <sub>E</sub>
Phyto-biomass:HAB (chl <sub>HAB</sub> )	◦ rel-magnitude ◦ trend	◦ thresh <sub>B</sub> ◦ trend <sub>B</sub>		◦ thresh <sub>D</sub>   freq <sub>D</sub> ◦ trend <sub>D</sub>	◦ thresh <sub>E</sub>   freq <sub>E</sub> ◦ trend <sub>E</sub>
GPP	◦ rel-magnitude ◦ trend	◦ thresh <sub>B</sub> ◦ trend <sub>B</sub>	◦ thresh <sub>C</sub>	◦ thresh <sub>D</sub>   freq <sub>D</sub> ◦ trend <sub>D</sub>	◦ thresh <sub>E</sub>   freq <sub>E</sub> ◦ trend <sub>E</sub>
HAB-abundance	◦ rel-magnitude	◦ rel-magnitude	◦ thresh <sub>C</sub>	◦ thresh <sub>D</sub>   freq <sub>D</sub> ◦ trend <sub>D</sub>	◦ thresh <sub>E</sub>   freq <sub>E</sub> ◦ trend <sub>E</sub>
Toxins: water column	◦ rel-magnitude	◦ rel-magnitude	◦ thresh <sub>C</sub>	◦ thresh <sub>D</sub>   freq <sub>D</sub>	◦ thresh <sub>E</sub>   freq <sub>E</sub>
Toxins: biota	◦ rel-magnitude	◦ rel-magnitude	◦ thresh <sub>C</sub>	◦ thresh <sub>D</sub>   freq <sub>D</sub>	◦ thresh <sub>E</sub>   freq <sub>E</sub>
Nutrient Loads	◦ rel-magnitude	◦ rel-magnitude		◦ trend <sub>D</sub> ◦ rel-magnitude	◦ trend <sub>E</sub> ◦ rel-magnitude
Ambient N&P	◦ rel-magnitude	◦ rel-magnitude		◦ rel-magnitude	◦ rel-magnitude

Primary Indicator

A **Primary Indicator** satisfies the following criteria: i. Closely linked to, or representative of, Beneficial Use attainment; ii. Mechanistic link to nutrients; iii. Possible to develop quantitative metric(s) against which condition can be evaluated. The level of confidence needed for each of these criteria may vary by the Action/Decision it is informing (e.g., importance of the Action/Decision).

Supporting Indicator

A **Supporting Indicator** addresses the same criteria as Primary Indicator, but may not rise to the same level of confidence in one or more criteria; e.g., it may be *a priori* decided that achieving high confidence would be time- or cost-prohibitive or targeting that confidence is otherwise not a priority.

Not Used

No color indicates that the indicator is not used to inform that decision.

**text in cells:** Indicator metric (threshold, frequency, trend, relative magnitude). The numeric value for an indicator metric could vary by decision/action (denoted by subscript, x) In some cases numeric metrics may already be established (e.g., threshold for DO in deep subtidal). If not, developing or refining the metric would be part of AF1.0 and/or AF2.0.

- thresh<sub>x</sub>:** numeric threshold.
- thresh<sub>x</sub> | freq<sub>x</sub>:** numeric threshold and exceedance frequency.
- trend<sub>x</sub>:** change over time. Relevant details include direction (+,-); magnitude; period of time over which trend quantified or sustained; amount of time before unacceptable conditions (threshold) might be reached if trend continues; and confidence interval or uncertainty.
- rel-magnitude:** relative magnitude, for example compared to what would generally be considered unimpacted condition.

# Proposed Approach -- Overview

## Regulators & Stakeholders

### Management Relevance/Utility | Importance

1. Identify/delineate realistic management decisions or actions
2. Develop Matrix to focus discussion: Decisions/Actions vs. Potential Indicators
  - a. Explore roles that indicator(s) could play → decisions/actions
    - primary vs. secondary indicator
  - b. What metric(s)? e.g., threshold & exceedance frequency; trend
3. Capture input, priorities informed by
  - a. Decision-Importance vs. Indicator-Confidence
  - b. Areas of agreement/disagreement between Regulators / Stakeholders
4. Translate this input into
  - a. Options for prioritized workplan
  - b. Charge questions for expert discussion and feedback

9. Review Recommendations.
10. Management Decision: Final Workplan, informed by expert input

13. Periodic review, feedback
14. Decision: Adopt final AF

## Expert Input | Technical Work

5. Review Workplan Priorities and Options
6. Address Regulator/Stakeholder management and science questions
7. Assess strength of indicators: mechanistic links, potential to improve confidence / decrease uncertainty in relationships, ability to set meaningful metrics (threshold & exceedance frequency, trend)
8. Recommendations: Begin on obvious/no-regrets analysis ASAP.

11. Execute Workplan, working with expert teams
12. Periodic report-outs

## Survey results

1. Does the draft matrix capture regulator and stakeholder input? If not, where does it miss the mark?
  - Should take the critiques from AF 1.0 into account (dischargers)
  - Indicate which are for open Bay and sloughs/creeks (everyone)
2. Do you agree with all of the indicators listed? If not, which ones do you think should be removed or be lower priority?
  - Deprioritize all HAB-related indicators due to lack of established linkages with nutrients (HABs in biota should stay and additional data would be useful) (dischargers)
  - Remove nutrient loads and concentrations as indicators used to make decisions (but consider antidegradation purposes) (regulators)
  - Chl:DO indicator is lower priority; would use DO directly (regulators)
3. Are there additional indicators that should be considered?
  - Biological communities, at least as a secondary indicator or ancillary data; explain how those data would be used
4. Does the matrix capture the relevant decisions and actions? If not, what should be added?
  - Show how multiple lines of evidence would be considered when making a decision

## Survey results (con't)

5. Do you agree with the designations for primary and secondary indicators? If not, which ones would you change?
  - It would be good to have text describing why they are listed as primary or secondary, particularly with respect to level of certainty.
  - Flag any primary indicators that could be used alone to make a decision (high certainty).
  - Change HAB abundance and toxins to secondary for load decisions
  - GPP as secondary indicator for 303(d) unless a reliable evaluation guideline is found or developed (not high priority)
6. Do you agree with the indicator metrics (e.g., threshold, trend) outlined for each decision-indicator combination? If not, what would you change?
  - Not enough information now to assess
7. Which indicators and metrics will play the most important roles in informing decisions?
  - Indicators - DO (but may be a lagging indicator of degradation), GPP
  - Metrics - thresholds, trends
8. Of the most important indicators you identified in the previous question, which require the most effort to decrease uncertainty? Do you think there is broad agreement about the priority level?
  - Start with indicators for which we have been collecting data
  - Primary indicators that will inform load management

## Survey results

9. Does this two-track approach that includes stakeholders and experts align with your expectations of how the work will be advanced? If not, what would you change?
- Keep stakeholders apprised of opportunities to engage.
  - Likely will need to be more discussion among stakeholders, especially around determining what questions the experts should to answer versus the stakeholders.
10. Is there enough interplay between the stakeholders and experts throughout the process? If not, where could additional overlap occur?
- So far so good; keep reviewing as the process continues.

DRAFT

# Review of NMS Technical Documents

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Bay Area Clean Water Agencies (BACWA)

Request for Proposal

**Date**

## Table of Contents

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### Attachments:

A – BACWA’s Approach to the Nutrient Issue

B – SF Bay Numerical Modeling 2020 Update

C – Sample Agreement

## Request for Proposals

### *Provide Review of Technical Documents Produced as Part of the Bay Area Nutrient Management Strategy (NMS)*

#### Introduction

**Background:** San Francisco Bay is recognized as a nutrient-enriched estuary. Historically, the San Francisco Bay has not been adversely impacted by nutrient loading even though it is nutrient-enriched compared to other estuaries around the country. Stakeholders in the Region wish to better understand this resiliency, and whether it may be threatened in the future.

The *San Francisco Bay Nutrient Management Strategy (NMS)*<sup>1</sup> is a locally-supported, multi-interest, long-term science strategy and an associated implementation program to provide information that is needed to support nutrient-related management decisions in the Bay. The NMS defines and guides this science, implementation, information-sharing, and public outreach approach. As such, the NMS and the work of stakeholders supporting the NMS will inform policies specifically decided by the San Francisco Regional Water Quality Control Board (Water Board). A *Charter*<sup>2</sup> establishes an organizational structure for implementing the NMS and set forth the key entities that would be involved in the governance and implementation of the NMS and how they would function.

Since 2013 BACWA has been funding scientific studies being conducted by the San Francisco Estuary Institute (SFEI). BACWA voluntarily funded the initial studies in order to better understand the impacts of nutrients on the Bay. With the adoption of the Charter for governance, SFEI has been designated as the scientific body to conduct the studies for the NMS. The 2nd 5 Year Nutrient Watershed Permit was adopted in 2019 and requires BACWA to contribute \$2.2M per year to SFEI to fund the scientific studies. BACWA is actively engaged in supporting the NMS for San Francisco Bay and is committed to continuing to engage in a collaborative approach to nutrient science and regulation. Our members participate in key governance activities of the NMS including the Steering Committee, the Planning Subcommittee, the Nutrient Technical Workgroup and the other small single-purpose working groups.

BACWA has developed a position on the nutrient issue entitled *BACWA's Approach to the Nutrient Issue* (see attachment A) which focuses on the need to protect San Francisco by relying on robust scientific investigations and prudent expenditures of public resources. More information about BACWA's involvement in nutrient issues can be found on our nutrient webpage<sup>3</sup>.

**Commented [LF1]:** This will be reviewed and updated as necessary.

#### **Scientific Studies and Technical Documents:**

As part of the NMS, SFEI has produced a Science Plan which sets forth a 5-year effort to answer key scientific questions regarding the impacts of nutrients on the beneficial uses of the Bay. SFEI provides a Science Manager and staff as well as contracts with other scientists to conduct the needed studies identified in the Science Plan.

<sup>1</sup> <https://sfbaynutrients.sfei.org/>

<sup>2</sup> <https://sfbaynutrients.sfei.org/sites/default/files/SF%20NMS%20Charter%20Revised%2006082018.pdf>

<sup>3</sup> <https://bacwa.org/nutrients/>

Although BACWA has several volunteers who are engaged in monitoring the technical work being undertaken by the NMS science team, all of the BACWA volunteers have their regular workload at their agency or city and don't have the time to immerse themselves in thoroughly reviewing all of the technical documents that have been produced or are in production. For this reason, BACWA is seeking to retain an outside expert to review key documents produced by the NMS science program from the perspective of a POTW. The independent review would help inform the BACWA membership on key aspects of the scientific reports as they relate to a public utility, pointing out areas of study or conclusions that have the potential to impact future management or policy decisions and assessing the scientific underpinnings of those conclusions and recommendations. It is also the intention that retaining technical support in this capacity will help support the NMS to develop more robust and defensible work products.

## Current Status

There are several documents that have been or are in the process of being developed as part of the Science Plan. Previous documents can be found on the SFEI website<sup>4</sup> and were prepared by or under the direction and oversight of the science team at SFEI. A report entitled *SF Bay Numerical Modeling 2020 Update* (Attachment B) is being prepared by the SFEI staff. This document, among other things, outlines the preliminary approach to designate subembayments. This work will be key to establishing a potential nutrient trading program if loads are capped in the future. (Include here a description of the document). A modeling expert review panel will be convened in late Fall 2020 to review the findings in the report.

As part of the NMS process, an Assessment Framework is being developed to provide the conceptual basis for regulatory findings of impairment. This Assessment Framework will be used to provide the scientific underpinnings for potential regulatory decisions regarding nutrient management actions by POTWs. A work plan for the Assessment Framework is currently in development. An expert panel is being convened through the NMS to inform decision making related to the Assessment Framework.

## Project Description

The Project consists of providing ongoing critical review of key technical documents being produced as part of the NMS and the Science Plan. The consultant will be asked to review technical documents from a POTW perspective, and provide technical interpretation. Using the *BACWA's Approach to the Nutrient Issue* as a guide to understanding BACWA's position, the consultant will be asked to provide their findings as to the scientific soundness of the assumptions, findings, conclusion and recommendations of the documents reviewed. They will also be asked to help develop charge questions to expert panels convened by the NMS for work product review.

BACWA is specifically interested in the implications of the assumptions made in preparing the scientific studies, the potential for the documents to provide a basis from which management or policies decision may ultimately be made, and other areas of study that may be warranted in order to answer key question on the nutrient issue.

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<sup>4</sup> <https://sfbaynutrients.sfei.org/books/reports-and-work-products>

A brief summary of findings from the technical review would be prepared and a briefing scheduled with the BACWA Board. Comment letters on the technical soundness and consideration for alternative approaches may be requested from the consultant. Attendance at meetings with the Science Team, regulators, or relevant workgroups, may also be requested.

The intent is to enter into an omnibus agreement whereby BACWA would retain the consultant and call upon the consultant's technical expertise on an as needed basis.

## Request for Proposals

BACWA seeks the services of an individual(s), a firm, or team (Consultant) to provide as-needed technical review on documents produced as part of the NMS as well as consultations on strategy to ensure that the BACWA Goal for nutrients is achieved. This Request for Proposal (RFP) includes the information needed for proposal preparation and includes various links and attachments associated with proposal preparation and contractual requirements, including a sample agreement (Attachment C). The Scope of Work and all attachments included are intended to provide the needed background and documentation for the consultant to prepare a brief letter proposal to BACWA.

## Scope of Work

The first document for which technical review is requested is the *SF Bay Numerical Modeling 2020 Update*.

The outside expert will not be responsible for assessing the competence of the scientific work or any modeling efforts or re-doing any work completed but rather reviewing the existing documents from a POTW perspective and raising issues and questions for BACWA consideration. The key elements of the scope of work for the outside expert for the *SF Bay Numerical Modeling 2020 Update* review include the following:

1. Review key assumptions, critical referenced reports, conclusions and recommendations and report strengths and weaknesses.
2. Identify major issues, data gaps, and important questions.
3. Identify where additional explanations from the authors is needed.
5. Suggest where additional studies or investigations are warranted.
6. Discuss policy and permit ramifications.
7. Develop charge questions for expert advisory panels convened through the NMS
7. Provide BACWA guidance/advice on next steps given the desire to continue with the collaborative process while addressing any potential unintended regulatory consequences of the work product.

The work would involve four biweekly conference calls with BACWA and one in-person meeting in the Bay Area with BACWA. A Final brief Report with key findings, conclusions and recommendations should be prepared. An estimate for additional in-person meetings should be provided on a per meeting basis.

**Commented [LF2]:** Review and edit when modeling report is available.

## Qualifications

The following qualifications would be desirable for the outside expert:

1. Technical knowledge and expertise in dealing with nutrient issues in water bodies particularly estuaries.
2. Experience with watershed permits, trading and multi-jurisdictional permits
3. Experience with assessment of nutrient impacts
4. Experience with nutrient permits and alternate approaches

## Project Schedule

The Scope of Services shall be completed in FY21.

Major Milestone	Date
Proposal due	
Proposal review and telephone interviews	
Selection of Consultant(s)	
Notice to Proceed	
Memo summarizing findings	
Presentation to Executive Board	

## Organization and Content of the Proposal

The Proposal can be submitted in the form of a letter proposal with attachments. Please limit the overall number of pages, including appendices and attachments to 20 or less. If added pages are needed please contact the BACWA Executive Director with the rationale.

Suggested proposal outline.

Section	Contents
Cover Letter	Transmittal
1	Identification of Proposer
2	Project Team and Qualifications
3	Project Approach
4	Project Experience
5	Project Schedule

6	Fee Estimate
7	Exceptions to Contract Terms and Conditions
8	Resumes of Key Staff

### Level of Effort

It is estimated that the above described scope of work would cost roughly \$x. The contract estimate for review of the *Assessment Framework* should be presented as a lump sum amount based on the above Scope of Work with an estimate provided for additional meetings if needed as well as hourly rates for key personnel should additional consultations, comment letters, etc., be needed.

It is envisioned that an omnibus contract in the amount of \$x would be executed recognizing the need for follow-on as-needed services for review of other documents and/or consultation on the NMS. The BACWA standard consulting agreement will be used for this work (see attachment C)

### Proposal Evaluation Criteria

Criteria	Points
Project approach – How the Consultant intends to provide the needed services	15
Expertise of proposed individual or team in similar endeavors	50
Principal in Charge/Project Manager – Availability and responsiveness	20
Ability to provide additional resources if needed	5
Level of Effort – cost effectiveness of individual or team	10
<b>Total</b>	<b>100</b>

**ATTACHMENT A**

**BACWA's Approach to the Nutrient Issue**

**ATTACHMENT B**

**San Francisco Bay Numerical Modeling 2020 Update**

ATTACHMENT C

**Standard Agreement**

BACWA's standard agreement for consulting services will be used for this contract

## **BACWA's Approach to the Nutrient Issue**

### **Introduction**

In the course of discussions on nutrients over the last few years many approaches on how to deal with the nutrient issue have been discussed but have not been adopted as the official BACWA Position. The BACWA coalition dealing with nutrients depends on the great majority of POTW members understanding the direction the organization is heading and what strategies are being followed to get to the desired outcomes.

The purpose of this paper is to confirm the BACWA goal on nutrients and then focus on strategies that will help achieve that goal. With a goal statement and strategies in place, specific tactics can be identified which will be pursued in support of the strategies recognizing that both strategies and tactics may need to adapt to changing circumstances as time passes. This paper will help to increase clarity on the nutrient issue for all BACWA members which should provide for a stronger coalition

### **BACWA Goal**

By definition a goal is a high level statement of something to be achieved. As a coalition of public agencies charged with protecting public health and the environment, BACWA takes its role as stewards of the Bay very seriously. BACWA is committed to working collaboratively with the Water Board to clearly understand the impacts on nutrient loadings on the Bay and stands ready to do whatever is necessary to ensure protection of the beneficial uses of the Bay. With these basic concepts supported by the membership, the BACWA Nutrient goal statement is as follows:

*Nutrient regulations should be protective of the environment, ensuring that all beneficial uses of the Bay are achieved; be based on robust scientific investigations; and makes effective use of the public's resources in achieving this goal.*

### **BACWA Strategies**

Several strategic concepts have been discussed within the BACWA coalition. From those discussions the following strategies have emerged:

**1. Sound Science:** *Support the concept that regulation should be based on sound science and help fund the science.*

2. **Beneficial Uses:** *Demonstrate that beneficial uses are being protected.*
3. **Highest Priorities:** *Work to prioritize all environmental needs such that the highest priorities with the largest positive impact can be accomplished first.*
4. **Multiple Benefits:** *Emphasize that on-going and increasing efforts to recycle wastewater and enhance wetlands can have multiple benefits including providing new water supplies, protecting and increasing habitat, protection from sea level rise, and reduction in nutrient loadings; while recognizing that these efforts need time to be developed and converge on the optimal point of maximizing cost-benefits of expending public resources.*

**Planning Subcommittee Meeting No. 48**

**July 13, 2020**

**3:00 am – 5:00 pm**

**Teleconference**

**Chair: Eric Dunlavey**

**Meeting Notes**

Attendees: Dave Senn, Tom Mumley, Eric Dunlavey, Ian Wren, Robert Schlipf, Richard Looker, Lorien Fono.

1. *Agenda Modifications (All) 5 min*

None

2. *Review Outstanding Action items (DW) 5 min*

- Meet with new OPC rep to plan OAH staff report item at SC – Dave and Ian - complete
- Finalize Charter Markup and circulate to Steering Committee – Ian – complete, with the expectation that some additional changes will be made to charter.
- Finalize and distribute Steering Committee Agenda – Ian - complete

3. *Science Program update (DS) 10 min*

a. *Staffing*

The NMS hired a modeler, who started on June 22. The intention was that he would overlap with Ali, but she went on leave early. SFEI extended an offer to a second modeler, but she is considering a different research position. SFEI would want this person for at least two years, and made that clear as part of the offer. The post doc funded by the Delta Science partnership started July 1. A second postdoc who will do the biogeochemical field work will be arriving in August.

b. *Other*

As soon as Bay modeling reports are wrapped up the team needs to pivot to modeling work in the Delta. The goal for the report was this Friday, but it may be delayed for another week or two.

There was a discussion about looking ahead to the end of this permit and the questions that are on the table as part of this permit cycle. The Steering Committee approved a general plan to account for fieldwork slowdowns due to COVID. This will be refined and develop more specificity once we get more clarity on what the restrictions will be moving forward. The Science Manager asked if the PSC had more specific guidance about identifying a path forward, with our eye on what questions need to be answered by 2024 in advance of the next permit term.

The permit will likely be extended by some mechanism that will be agreed to in the future. Ian requested that the Water Board outline scenarios. The options are either to reissue it early, or to administratively extend it when it expires, although this one may be difficult because there is no application for reissuance. There is no consequence to the permit expiring, and the Water Board can issue the monitoring/reporting and support for the science as a 13267 letter. This is an issue that the Water Board will investigate further. The Water Board mentioned that there will likely be a standards action/Basin Plan Amendment that will result from the NMS.

The Science Manager wants to ensure the program pace is sustainable for staff over the next several years. Ideally, there would be an updated vision and schedule, with a corollary Science Plan update. The team will work to update the schedule and Water Board will develop permitting timeline scenarios based on that.

The Water Board described that the next permit would combine precautionary load caps with ongoing monitoring/modeling that would help to give information about the impairment and future impairment status of the Bay. There was a question about whether we will have enough confidence in our models to inform management actions. Having a documented regulatory strategy is necessary for planning future projects.

If we're trying to inform load caps, that requires a lower degree of confidence than if we're trying to inform load reductions. Dave used DO in the LSB as an example of what kinds of results are possible over the next the years. In this case, we will have confidence in current condition, but probably won't have a model that includes the sloughs and has the capability of predicting DO levels. This model would be needed to predict future condition and the impact of TIN reductions. The Water Board made the point that we should understand what kind of information would lead to decisions about the need for reductions. There is a modeling project that will start in 2023 that is designed to help quantify uncertainty.

The Science Manager discussion potentially convening a modeling advisory group in November. The Stakeholders would be responsible for developing charge questions.

#### 4. NMS Priority Updates

##### a. Report-Outs

A multi-section report describing work over the past year is coming out soon. This will include recent biogeochemistry results, as well as the output of a model that can look at a year of hydrodynamic + biogeochemical processes in one hour, rather than a

week, as was the case with previous modeling work. This model is being used to address source apportionment. This will be a substantial report, and will potentially be reviewed by Model Advisory group which is yet to be convened.

Dave discussed using the Nutrient Technical Workgroup more regularly, and create more structure for that. The NTW meeting would be scheduled for September or October.

b. *Current Issues* –  
none

c. *NMS Calendar Review -10 min*

i. Review future SC and PSC meeting schedules (LF)

The next PSC meeting will be August 5 and the next Steering Committee meeting is on September 11.

5. Other Updates

a. None

6. Planning the next Steering Committee meeting

Discussion postponed to August meeting.

a. Review of Action items from meeting (LF)

- Develop updated schedule of work products in advance of August meeting for discussion about permit extension alternatives - Dave
- Develop a list of potential WSP extension alternatives – Water Board
- Plan NTW meeting for Fall - Dave

7. Adjourn or address Parking Lot items

Parking Lot of Identified PS Future Agenda Items

- a. Outreach to resource agencies re: DO objectives
- b. Brainstorming on future priorities for the PS (ALL)
- c. EPA nutrient criteria discussion
- d. Discuss concept of holding an annual forum on nutrients
- e. Finish

**Planning Subcommittee Meeting No. 49**

**August 5, 2020**

**9:00 am – 12:00 pm**

**Teleconference**

**Chair: Ian Wren**

**Meeting Notes**

Attendees: Dave Senn, Eric Dunleavey, Ian Wren, Robert Schlipf, Richard Looker, Lorien Fono.

1. *Agenda Modifications (All) 5 min*  
None
2. *Review Outstanding Action items (LF) 5 min*
  - Develop updated schedule of work products in advance of August meeting for discussion about permit extension alternatives - Dave
  - Develop a list of potential WSP extension alternatives – Water Board
  - Plan NTW meeting for Fall – Dave
3. *Science Program update (DS) 10 min*
  - a. *Staffing* - none
  - b. *Other* - None
4. *NMS Priority Updates*
  - a. *Report-Outs* - none
  - b. *Current Issues* –none
  - c. *NMS Calendar Review -10 min*
    - i. Review future SC and PSC meeting schedules (LF)  
The next PSC meeting will be September 2 and the next Steering Committee meeting is on September 11.
5. *Other Updates*

*HAB Monitoring* - SFEI staff did some unplanned HAB sampling after being alerted to a potential bloom by a local citizen. Approximately \$2K was spent in lab and staff time, not counting overhead costs. The Science Manager asked the group what the NMS' responsibility is to follow up on issues like these. When notified of a problem, the Regional Water Board will typically ask agencies who may be responsible for an impairment to do followup investigations via 13267 letter. There was a discussion about whose responsibility it is to investigate citizen concerns. Perhaps there's a way to formalize a relationship between SFEI and BayKeeper to provide monitoring for these types of notifications where warranted. The NMS could carve out some budget for these types of monitoring responses. The funds would

be covered under the monitoring budget and could be on the order of \$20k/year. There will be a proposal to present to the Steering Committee at the September meeting.

*National Estuaries Grant Application* – The National Estuaries Program posted a 3-page letter of intent for a grant application. SFEI is working on a proposal that calls out the need to do monitoring in and adjacent to the salt ponds. These data are needed to inform nutrient cycling in ponds and would support restoration efforts. There needs to be match funds offered in the grant application, and it was suggested that either the mooring field work or providing the instrumentation could be proposed. There is also funding in the Science Plan for undefined biogeochemical studies. The concern is that while a higher match supports a stronger grant proposal, anything used as a match may constrain those funds from being used as a match in future grant applications. The group was asked to help develop a match figure between \$35K and \$150K to pursue this \$250K grant, along with what work is allocated to that funding. We don't want to be in a position where the Science Plan is constrained by promised matching projects. The money wouldn't be available until FY22, it's not possible to fully identify what specific work would be proposed for the match. Project P1b plus moored sensors is equivalent to \$135, and the group agreed that would be the recommended figure.

*Steering Committee Meeting* – The Science Manager asked if the group would propose an abbreviated meeting since there are no key decisions to be made at this point. There was a question about whether to integrate the NTW meeting with the Steering Committee meeting, and the group decided not to. The Steering Committee meeting will be approximately 2.5 to 3 hours to provide technical updates and flesh out the C+ plan that accommodates COVID restrictions on field work. The technical updates will include a report on DO in LSB, and the modeling report.

There was a discussion about a permit extension and what that would mean for the Science Program. A discussion about certainty in science products from this process will inform regulatory options. The NTW meeting will be scheduled about a month later.

## 6. Planning the next Steering Committee meeting

### a. Review of Action items from meeting (LF)

- Develop draft Agenda for SC meeting that includes fleshing out C+ plan and review recent reports
- Carry forward action items from meeting 48:

## 7. Adjourn or address Parking Lot items

Parking Lot of Identified PS Future Agenda Items

- a. Outreach to resource agencies re: DO objectives
- b. Brainstorming on future priorities for the PS (ALL)
- c. EPA nutrient criteria discussion
- d. Discuss concept of holding an annual forum on nutrients
- e. Finish