



**Executive Board Meeting
AGENDA**
Friday, October 20, 2023 9:00 AM - 12:00 PM (PDT)
Central Contra Costa Sanitary District
5019 Imhoff Place, Martinez

To attend the meeting via Zoom or submit a comment please [request access](#).

Agenda Item	Time	Pages
ROLL CALL, INTRODUCTIONS, AND HYBRID MEETING ETIQUETTE	9:00 AM	
PUBLIC COMMENT Guidelines	9:05 AM	
CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER	9:10 AM	
CONSENT CALENDAR	9:15 AM	
1 August 18, 2023 BACWA Executive Board meeting minutes		3-7
2 August 18, 2023 BACWA NST Special Executive Board meeting minutes		8-10
3 September 15, 2023 BACWA NST Special Executive Board meeting minutes		11-13
4 August 2023 Treasurer's Report		14-24
APPROVALS AND AUTHORIZATIONS	9:20 AM	
5 <u>Approval</u> : Civic Edge Communications Support Amendment # 2, \$68,748 through FY25		25-38
6 <u>Approval</u> : Rich Cunningham Contract to provide SSMP guidance, \$50,000 for FY24		39-47
7 <u>Approval</u> : HDR Recycled Water follow-on work Amendment #1, \$35,000 for FY24		48-61
8 <u>Approval</u> : HDR Permit support Amendment #7, increase to \$295,000 though FY24		62-68
POLICY/STRATEGIC	9:30 AM	
9 <u>Discussion</u> : RMP Annual Priorities - Presentation		
10 <u>Informational</u> : BAPPG Image Licensing and Sharing		
11 <u>Informational</u> : Chlorine Permit Amendment Adoption 11/8		69-70
12 <u>Informational</u> : BAAQMD 9/18 Workgroup meeting debrief		71-73
13 <u>Informational</u> : CASA Air Toxics Update		
14 <u>Discussion</u> : Nutrient Communications update		
BREAK		
15 <u>Informational</u> : Notes from October 4 NMS Planning Subcommittee meeting	10:30 AM	74-75
16 <u>Informational</u> : PFAS - Phase 2 draft report and Summit Partners Workshop Summit Partners PFAS videos		
17 <u>Discussion</u> : Debrief from Recycled Water Interagency Workshop Sept 20		76-85
18 <u>Informational</u> : NPDES Permit amendment		86-88
19 <u>Discussion</u> : Update of fecal coliform limits in permits		
20 <u>Discussion</u> : Draft agenda for 10/31 Joint meeting with R2		89
21 <u>Discussion</u> - Recap of Strategy meeting at Pardee		
OPERATIONAL	11:30 AM	
22 <u>Discussion</u> : Feedback from Pardee Technical Seminar, and dates for 2024		
23 <u>Discussion</u> : BACWA Holiday lunch and leadership/representative appreciation		
24 <u>Discussion</u> : Dates and locations for future FY24 Board meetings		90
25 <u>Informational</u> : BACC Update		91
	11:50 PM	
26 Committee Reports		92-95
27 Member highlights		
28 Executive Director Report		96-98
29 Board Calendar and Action Items		99
30 Regulatory Program Manager Report		100-101
31 Other BACWA Representative Reports		
a. RMP Technical Review Committee	Samantha Engelage, Alicia Chakrabarti	
b. RMP Steering Committee	Karin North; Amanda Roa; Eric Dunlavy	
c. Summit Partners	Lorien Fono; Amit Mutsuddy	
d. ASC/SFEI	Lorien Fono; Amit Mutsuddy; Lori Schectel	
e. Nutrient Governance Steering Committee	Eric Dunlavy; alternates: Lori Schectel	

e.i Nutrient Planning Subgroup	Eric Dunlavey		
f. SWRCB Nutrient SAG	Lorien Fono		
h. BAIRWMP	Cheryl Munoz; Florence Wedington; Jackie Zipkin		
i. NACWA Emerging Contaminants	Karin North; Melody LaBella		
j. CASA State Legislative Committee	Lori Schectel		
k. CASA Regulatory Workgroup	Lorien Fono; Mary Cousins		
l. RMP Microplastics Liaison	Artem Dyachenko		
m. Bay Area Regional Reliability Project	Jackie Zipkin		
n. WateReuse Working Group	Cheryl Munoz		
o. San Francisco Estuary Partnership	Lorien Fono; Jackie Zipkin		
p. CPSC Policy Education Advisory Committee	Colleen Henry		
q. California Ocean Protection Council	Lorien Fono		
r. Countywide Water Reuse Master Plan	Karin North, Pedro Hernandez		
s. CHARG - Coastal Hazards Adaptation Resiliency Group	Jackie Zipkin		
t. California Water Quality Monitoring Council	Lorien Fono		
32 SUGGESTIONS FOR FUTURE AGENDA ITEMS		11:59 PM	
NEXT MEETING			
The next meeting of the Board is scheduled for November 17, 2023			
ADJOURNMENT		12:00 PM	



Executive Board Meeting Minutes

Friday August 18, 2023

ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Eric Dunlavey (City of San Jose); Jackie Zipkin (East Bay Dischargers Authority); Mary Lou Esparza (Central Contra Costa Sanitary District); Amit Mutsuddy (East Bay Municipal Utility District).

Other Attendees and Guests:

Name	Agency/Company
Andre Gharagozian	Carollo
Blake Brown	CCCSD
David Donovan	City of Hayward
David Richardson	Woodard and Curran
Jennifer Dymment	BACWA
Jennie Pang	SFPUC
Karin North	City of Palo Alto
Lorien Fono	BACWA
Mary Cousins	BACWA
Meg Herston	FSSD
Melanie Tan	Kennedy Jenks
Mike Connor	Consultant
Phoebe Grow	EBMUD
Talyon Sortor	FSSD
Tom Hall	EOA

Amit called the meeting to order at 9:20 am.

Agenda Item

1 CLOSED SESSION to discuss personnel matters pursuant to California Government Code Section 54957 CANCELLED

PUBLIC COMMENT **None**

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

ROLL CALL, INTRODUCTIONS, AND HYBRID MEETING ETIQUETTE

CONSENT CALENDAR

2 July 21, 2023 BACWA Executive Board meeting minutes

3 July 21, 2023 BACWA NST Special Executive Board meeting minutes

4 June 2023 Treasurer's Report

Consent Calendar items 2 thru 4: A motion to approve was made by Jackie Zipkin (East Bay Dischargers Authority) and seconded by Eric Dunlavey (City of San Jose). The motion was approved unanimously. SFPUC was not present.

APPROVALS AND AUTHORIZATIONS

5 Approval: FY24 1st Installment NMS Payment \$1.0M

Item 6: A motion to approve was made by Eric Dunlavey (East Bay Municipal Utility District) and seconded by Jackie Zipkin (East Bay Dischargers Authority). The motion was approved unanimously. SFPUC was not present.

6 Authorization: Rich Cunningham

BACWA ED shared that this was a follow up item from last meeting. This is an authorization to pay the balance on Rich Cunningham's invoice of \$3,741. No motion needed.

OPERATIONAL

7 Discussion: FY23 Closeout summary - BACWA ED reviewed the June 2023 Budget to Actuals spreadsheet and invited questions from agencies. General discussion followed.

8 Discussion: Logistics and invitations for Pardee Technical Seminar Sept 8-9, 2023 - BACWA ED shared chart with Pardee attendees. BACWA ED needs to know who plans to attend in person and spend the night to ensure there is enough food and sleeping accommodations.

9 Discussion: Draft Pardee Program - BACWA ED reviewed the draft Pardee program and general discussion followed.

10 Discussion: Updated BACWA Representation for RMP TRC and IRWMP CC - BACWA ED explained that we need representation from agencies for two openings on the Regional Monitoring Program Technical Review Committee (RMP TRC). Samantha Engelage (City of Palo Alto) and Alicia Chakrabarti (East Bay Municipal Utility District) have volunteered to participate. Jackie Zipkin (East Bay Dischargers Authority) volunteered to participate in the Integrated Regional Water Management Program Coordinating Committee (IRWMP CC).

11 Informational: BACC Update - Annual meeting August 22 - BACWA ED shared that a draft agenda for the annual BACC meeting is in the packet. We will put the final touches on the agenda over the next couple days and we will share a summary of the meeting at the next board meeting.

Action Item: Share BACC meeting summary at October BACWA Board meeting.

BREAK 10 minutes

POLICY/STRATEGIC

12 Discussion: 2023 Algal Bloom and media engagement - BACWA ED shared that SFEI's David Senn will be joining the afternoon Nutrient Strategy Team meeting to discuss observations from the 2023 algae bloom. BACWA ED has spoken with several media outlets to explain Bay Area wastewater planning efforts regarding nutrient loads. General discussion followed. BACWA ED shared the work we have been doing with Civic Edge and the ongoing development of a communications plan. The BACWA ED plans to authorize a separate and smaller scope of work with Civic Edge specifically related to nutrient / algae bloom communications. BACWA ED invited others to join the steering committee. Eric Dunlavey (City of San Jose) shared that their staff completed an interview with the Mercury News.

13 Discussion: Nutrient special studies next steps BACWA ED shared that HDR has provided updated cost estimates to escalate the high-level cost estimates from the 2018 optimization and upgrade study into 2023 dollars. Attendees shared that these cost estimates may be low, as construction prices have been increasing rapidly. BACWA staff plan to revisit the nutrient removal cost estimates compiled in early 2023 for the larger dischargers.

14 Discussion: SSS WDR support RFQ BACWA RPM shared that the Collection Systems Committee plans to issue an RFQ for consultant support to update Sewer System Management Plan guidance for collection system agencies. The update is required because the State Water Board reissued the General Order for Sanitary Sewer Systems in late 2022 with many new requirements.

15 Informational: Letter to ELAP on proposed fee regulations BACWA RPM shared a letter from the Laboratory Committee to ELAP, and encouraged attendees to nominate a representative from a BACWA member agency to fill one of several vacancies on the Environmental Laboratory Technical Advisory Committee (ELTAC).

16 Discussion: WQIF support letters and infoshare BACWA ED shared the BACWA is providing letters of support for five different WQIF grant proposals. Two of the proposals will also identify BACWA-funded NMS payments as matching funds. A PFAS-related proposal includes a pledge of \$100,000 in cash support over 5 fiscal years.

17 Informational: Risk reduction debrief to Water Board, 8/15 BACWA ED shared that BACWA recently hosted a webinar for Waterboards staff with presentations from the California Indian Environment Alliance (CIEA) and APA Family Support Services. BACWA contracted with these two community-based organizations to support member agency compliance with the risk reduction requirements of the 2017 Mercury and PCB Watershed Permit. BACWA also met with Waterboards staff to discuss continued risk reduction work to meet the requirements of the 2022 Mercury and PCB Watershed Permit. This could include support to CIEA to fund tribal surveys as part of the state's Bioaccumulation Monitoring Program Realignment.

18 Informational: Draft agenda for Recycled Water Interagency Workshop Sept 20 BACWA ED Shared the draft agenda and asked for member assistance in soliciting attendance by water agencies (particularly representatives from water resources departments and/or wholesalers).

Action Item: Circulate registration link for recycled water workshop and solicit registration from water agency representatives.

19 Informational: Chlorine Residual Blanket Permit Amendment - Tentative Order BACWA RPM shared that the Regional Water Board has released a Tentative Order NPDES blanket permit amendment for residual chlorine. The permit includes a “target” of 0.0 mg/L for chlorine but this should not be interpreted as an effluent limit or trigger. BACWA will work to communicate this distinction to its members.

20 Committee Reports

21 Member highlights Jackie Zipkin (East Bay Dischargers Authority) shared that Bruce Wolfe scholarship for 2023 was awarded to Lizeth De La Cruz to attend St. Mary’s College; Jackie also shared the information with Bruce Wolfe’s family. Karin North (City of Palo Alto) shared that City has begun construction on the secondary improvements project. Eric Dunlavey (City of San Jose) noted that a strike at the City was recently averted at the last moment. Jennie Pang (SFPUC) noted that they have awarded Notice to Proceed for construction of the new Treasure Island wastewater treatment plant.

22 Executive Director Report

23 Board Calendar and Action Items

24 Regulatory Program Manager Report

25 Other BACWA Representative Reports

a. RMP Technical Review Committee Mary Lou Esparza, Yuyun Shang, Samantha Engelage

b. RMP Steering Committee Karin North; Amanda Roa; Eric Dunlavey

c. Summit Partners Lorien Fono; Amit Mutsuddy

d. ASC/SFEI Lorien Fono; Amit Mutsuddy; Lori Schectel

e. Nutrient Governance Steering Committee Eric Dunlavey; alternates: Lori Schectel

e.i Nutrient Planning Subgroup Eric Dunlavey

f. SWRCB Nutrient SAG Lorien Fono

h. BAIRWMP Cheryl Munoz; Florence Wedington; Lorien Fono

i. NACWA Emerging Contaminants Karin North; Melody LaBella

j. CASA State Legislative Committee Lori Schectel

k. CASA Regulatory Workgroup Lorien Fono; Mary Cousins

l. RMP Microplastics Liaison Artem Dyachenko

m. Bay Area Regional Reliability Project Jackie Zipkin

n. WaterReuse Working Group Cheryl Munoz

o. San Francisco Estuary Partnership Lorien Fono; Jackie Zipkin

p. CPSC Policy Education Advisory Committee Colleen Henry

- q. California Ocean Protection Council Lorien Fono
- r. Countywide Water Reuse Master Plan Karin North, Pedro Hernandez
- s. CHARG - Coastal Hazards Adaptation Resiliency Group Jackie Zipkin
- t. California Water Quality Monitoring Council Lorien Fono

26 SUGGESTIONS FOR FUTURE AGENDA ITEMS

NEXT MEETING The next meeting of the Board is scheduled for **October 20, 2023**

ADJOURNMENT

ATTENDEES:

Executive Board Representatives: Mary Lou Esparza (Central Contra Costa Sanitary District); Amit Mutsuddy (EBMUD), Eric Dunlavey (San José); Jacqueline Zipkin (East Bay Dischargers Authority)

Other Attendees:

Name	Agency/Company
Mike Connor	-
Lorien Fono, Mary Cousins	BACWA
Andre Gharagozian	Carollo
Blake Brown, Dan Frost	CCCSD
Amanda Roa	Delta Diablo
Don Gray	EBMUD
Tom Hall	EOA
Talyon Sortor, Jordan Damerel, Emily Corwin	FSSD
David Donovan	Hayward
Melanie Tan	Kennedy Jenks
Denise Conners	LWA
Karin North	Palo Alto
Dave Senn	SFEI
Jennie Pang, Nohemy Revilla	SFPUC
Melody Tovar	Sunnyvale
Monte Hamamoto	SVCW
Armando Lopez	USD
Jennifer Harrington	Vallejo FWD
Dave Richardson	Woodard & Curran

Amit Mutsuddy called the meeting to order at 12:48 pm and led introductions. The meeting was conducted in hybrid format, with participants joining virtually and in-person at from EBMUD’s Orinda Watershed Center. There was no public comment.

2023 ALGAL BLOOM

The NMS Science manager David Senn attended the meeting and updated the group on field observations and remote sensing observations of the 2023 algae bloom in San Francisco Bay (see [slides](#)). The NMS team was able to mobilize quickly compared to 2022, completing two high-resolution Bay cruises in early August 2023. During the Bay cruises they observed better DO levels, relatively low chlorophyll, relatively low nitrogen, and lower density of *Heterosigma akashiwo* compared to conditions during the 2022 harmful algae bloom. Dave Senn noted that there are two algorithms being used to process remote sensing data [including this product from SFEI](#) that is better correlated to field observations and this [NOAA algorithm](#) that shows much

stronger chlorophyll signals in San Pablo Bay (possibly due to sediment interference).

BACWA COMMUNICATIONS ON NUTRIENTS

Attendees shared information about [recent media coverage](#) of the algae bloom. Attendees also noted potential engagement opportunities with the media, NGOs, and other local citizen groups. BACWA is developing a document summarizing the status of watershed permit negotiations. The document will be available before the Pardee Technical Seminar and will be formatted for sharing publicly (e.g., in member agency Board packets).

DEBRIEFS FROM RECENT MEETINGS WITH STAKEHOLDER PARTNERS

BACWA's Executive Director recently met with Baykeeper and shared their key issues: a desire for POTWs to be creative, move quickly, and operate with transparency; a desire to bring refineries under the 3rd Watershed Permit; a desire to understand how solids upgrades will affect nutrient loads; and concerns about a potential trading program. BACWA's Executive Director also met with Regional Water Board staff to understand their position on interim and final effluent limits in the 3rd Watershed Permit (see discussion below).

WATERSHED PERMIT INTERIM LIMITS

The Water Board is proposing that the 3rd Watershed Permit contain a Bay-wide interim limit for Total Inorganic Nitrogen (TIN) that is based on the Bay-wide 95th percentile UTL (55,249 kg/d); that the 3rd Watershed Permit contain both individual and Bay-wide limits; and that the Bay-wide limit be allocated as individual agency limits that add up to the Bay-wide limit. The Bay-wide UTL is similar in magnitude to the "current performance" baseline established in the 2nd Watershed Permit (54,142 kg/d) and is also comparable to the sum of individual agency maximum dry season loads for the period 2013-2022.

The group consensus is that it would be preferable to work with the Water Board on a technical proposal to allocate the Bay-wide UTL among individual agencies, rather than BACWA independently determining this allocation. The preferred approach of attendees was a Bay-wide interim load based on the sum of individual agency UTLs, or based on the sum of individual agency maximum dry season loads.

WATERSHED PERMIT FINAL LIMITS

The Water Board plans to require significant Bay-wide load reductions (on the order of 40 to 60%), but further discussion with the Water Board is needed to understand whether the percentage reductions are compared to the "current performance" dry season baseline in the 2nd Watershed Permit (about 54,000 kg/d) or 2022 values (about 44,000 kg/d). The BACWA Executive Director will seek clarity on this point before the Pardee Technical Seminar.

Attendees discussed pros and cons with having individual final limits established in the 3rd Watershed Permit. Since the Water Board may not require individual final limits (only a Bay-wide limit), the BACWA Executive Director led a discussion about possible alternatives such as percent reductions, percent removal from influent to effluent, or loads based on concentration targets. This last alternative may have the unintended consequence of disincentivizing water

August 18, 2023 NST Meeting Summary

conservation.

NEXT STEPS

- Develop and share information about the impact of biosolids projects on nutrient loading.
- Continue to prepare for engagement with Water Board at Pardee Technical Seminar.
- Before the Pardee Technical Workshop, BACWA staff will circulate a summary of the current status of negotiations, and check back in with members to update their project planning descriptions, including identification of nutrient removal projects that may require more than 10 years to complete.
- Continue to prepare for engagement with Water Board at Pardee Technical Seminar

Jackie Zipkin adjourned the meeting at 3:16 PM.

ATTENDEES:

Executive Board Representatives: Jackie Zipkin (East Bay Dischargers Authority); Lori Schectel (Central Contra Costa Sanitary District); Alicia Chakrabarti (EBMUD), Eric Dunlavey (San José)

Other Attendees:

Name	Agency/Company
Mike Connor	-
Lorien Fono, Mary Cousins	BACWA
Andre Gharagozian	Carollo
Blake Brown, Dan Frost, Mary Lou Esparza	CCCSD
Amanda Roa	Delta Diablo
Don Gray	EBMUD
Tom Hall	EOA
Talyon Sortor, Jordan Damerel	FSSD
David Donovan	Hayward
Irene Chu	Hazen and Sawyer
Mike Falk	HDR
Denise Conners	LWA
Karin North	Palo Alto
Jeffrey Barich, Monty Dill	Richmond
Jennie Pang, Nohemy Revilla	SFPUC
Melody Tovar, Cameron Kostigen Mumper	Sunnyvale
Anir Bhagwat	SVCW
Armando Lopez	USD
Jennifer Harrington	Vallejo FWD

Jackie Zipkin called the meeting to order at 10:02 am and led introductions. The meeting was conducted in hybrid format, with participants joining virtually and in-person at from EBMUD's Administration Building. There was no public comment. Before beginning the nutrient-related portion of the meeting, Jackie Zipkin (EBDA) introduced a resolution recognizing Mary Lou Esparza of Central Contra Costa Sanitary District for her service to the BACWA community. The resolution was adopted unanimously by the Executive Board.

DEBRIEF ON PUBLIC COMMENT ON NUTRIENTS AT SEPTEMBER 2023 RWQCB MEETING

Representatives from local environmental organizations attended the September 13th Regional Water Board meeting to provide public comment. Baykeeper also collected signatures for a petition titled "[Don't Let Algae Blooms Become our New Normal](#)" and submitted it to the Regional Water Board ahead of the meeting. Commenters called on the Regional Water Board to implement limits on nutrients to prevent future algae blooms. Commenters also noted the high societal cost of infrastructure projects that would result from new limits, and noted the value of multi-benefit projects (such as recycled water projects).

REVISIONS TO KEY TENETS FOR 3RD WATERSHED PERMIT

BACWA's Executive Director led a discussion on potential revisions to the group's key tenets for the 3rd Watershed Permit. The following potential changes were discussed:

- **Monitoring and Reporting** – Smaller dischargers ($ADWF \leq 10$ MGD) may need to conduct influent monitoring of total nitrogen if the 3rd Watershed Permit establishes expectations for each facility's % nitrogen removal.
- **TIN Limitations** – Participants noted that all limits are to be expressed in units kg N/day.

Interim Limits. The group was mostly supportive of the Regional Water Board's proposal to identify an individual interim limit for each discharger based on the 95th percentile Upper Tolerance Limit (UTL), and to NOT include a group interim limit in the 3rd Watershed permit. Attendees would still like to better understand how the interim limits would be implemented (i.e., if they would be tied to other requirements, including calculation of final limits). Also, the group asked the Executive Director to clarify with Regional Water Board staff whether the UTL would be based on monthly ($n=50$) or annual ($n=10$) data.

Final Limits. The Executive Director shared three possible approaches for allocating individual final limits. Regardless of the approach used, the final limits would be expressed in units kg N/day (i.e., the permit would not contain concentration- or removal-based effluent limits). Each of the three approaches shared at the meeting adds up to about half the historical maximum of ~56,000 kg N/day. Attendees requested that BACWA staff provide additional information for approaches that would result in a load of approximately 33,000 kg N/day. One of the three approaches was based on % nitrogen removal, defined as $\{ [Total\ Nitrogen,\ Influent] - [TIN,\ Effluent] \} / [Total\ Nitrogen,\ Influent]$. This calculation is only possible for facilities with $ADWF > 10$ MGD, for whom monitoring was required in the 2nd Watershed Permit. If this approach is used, a different calculation approach will be necessary for smaller facilities without influent data available.

- **Special Studies** – No changes were proposed to the key tenets.
- **Support for Science** – No changes were proposed to the key tenets. On a related topic, the group discussed support for scientific investigations that may be led by individual agencies, such as WRF proposal for an investigation of *Heterosigma akashiwo* that EBMUD is currently pursuing. BACWA's Executive Director plans to bring a specific funding proposal to a future Executive Board meeting.

IMPACT OF NUTRIENT REMOVAL PROJECTS ON CUSTOMER RATES

BACWA plans to circulate a member survey about the cost of nutrient removal projects compared to total wastewater program costs (capital and O&M). This information is needed to estimate the regional cost of nutrient limits, and will also help the community advocate for increased funding at the regional, state and federal level. Participants noted that the costs will depend on the magnitude of the final limits in the 3rd Watershed Permit.

NEXT STEPS

- Individual agencies will review the influent loading data listed in the Group Annual Report and flag any issues to BACWA.
- BACWA will seek clarity from Regional Water Board staff about the proposed approach for establishing interim load limits based on the UTL.
- BACWA will prepare additional technical information about options for allocating final load limits among dischargers, for discussion at a future NST meeting.
- BACWA will circulate a survey about capital and O&M costs of nutrient removal projects.

Jackie Zipkin adjourned the meeting at 12:02 PM.



Bay Area Clean Water Agencies

A Joint Powers Public Agency

Leading the Way to Protect our Bay

September 25, 2023

MEMO TO: Bay Area Clean Water Agencies Executive Board
MEMO FROM: Phoebe Grow, Treasurer, East Bay Municipal Utility District
SUBJECT: Second Month FY 2024 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, 2023 through August 31, 2023** (Two months of Fiscal Year 2024). 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),
- BACC Legal Reserve Fund (BACC Legal Rsrv),
- Water/Wastewater Operator Training (WOT),

Houck, Matt

From: Grow, Phoebe
Sent: Tuesday, September 26, 2023 11:18 AM
To: Houck, Matt
Subject: RE: August 2023 Treasurer's Report

Approved. Thanks Matt.

Phoebe Grow, P.E. (she/her) | Principal Management Analyst | 510.287.0205 | phoebe.grow@ebmud.com

From: Houck, Matt <matt.houck@ebmud.com>
Sent: Tuesday, September 26, 2023 10:54 AM
To: Grow, Phoebe <phoebe.grow@ebmud.com>
Subject: August 2023 Treasurer's Report

Hi Phoebe,

Please approve BACWA - August 2023 Treasurer's Report for distribution.

Let me know if you have any questions.

Thanks,

Matt Houck

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



MONTHLY FINANCIAL SUMMARY REPORT

August 2023

Fund Balances

In FY23 BACWA has three operating funds (BACWA, Legal, and CBC) and three pass-through funds for which BACWA provides only contract administration services (WOT, BABC & BACC). As of October 31st, 2021, revenues are recognized when billed, not when payments are received.

BACWA Fund: This fund provides resources for BACWA staff, its committees, and other administrative needs. The ending fund balance on August 31, 2023, was \$842,219 which is significantly higher than the target reserve of \$366,899 which is intended to cover 3 months of normal operating expenses based on the BACWA FY24 budget. \$680,779 of the ending fund balance is shown on the BACWA Fund & Investments Balance Report August 31, 2023, as encumbered 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 an actual unencumbered reserve of negative \$202,459 (i.e., actual fund balance of \$164,440 less target reserves) as of August 31, 2023. Reserves will increase as agencies remit their FY24 BACWA dues payments.

CBC Fund: This fund provides the resources for completing special investigations as well as meeting regulatory requirements. The ending fund balance on August 31, 2023, was \$3,460,364 which is higher than the target reserve of \$1,000,000. \$49,490 of the ending fund balance is encumbered to meet line-item expenses for completion of the Group Annual Report contract, completion of the NBS Study, Recycled Water Evaluation, and the PFAS Regional Study. This leaves an actual unencumbered reserve balance of \$3,410,874 (i.e., actual fund balance of \$2,410,874 less target reserves) as of August 31, 2023. As directed by the BACWA Executive Board, the CBC fund has diminished over time due to BACWA's ongoing funding of the NMS program to comply with the Nutrient Watershed Permit.

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 to maintain the BACWA and CBC Fund balances at the levels projected in the 5 Year Plan.

Revenues as of August 31, 2023 (16% of the FY) are at 67%

Expenses as of August 31, 2023 (16% of the FY) are at 2.5%

FY 2023
BACWA BUDGET to ACTUAL

							
<u>BACWA FY24 BUDGET</u>	<u>Line Item Description</u>	<u>FY 2024 Budget</u>	<u>Projected Revenue as of August 2023 Changes from budget in blue</u>	<u>Actual August 2023</u>	<u>Actual % of Budget August 2023</u>	<u>Variance</u>	<u>NOTES</u>
REVENUES & FUNDING							
Dues	Principals' Contributions	\$537,795	\$537,795	\$537,795	100%	\$0	FY24: 2% increase 5 @ \$107,559
	Associate & Affiliate Contributions	\$190,078	\$190,078	\$0	0%	-\$190,078	FY24: 2% increase. 12 Assoc: \$8876; 47 Affiliate: \$1778
Fees	Clean Bay Collaborative	\$675,000	\$675,000	\$450,000	67%	-\$225,000	Same as FY23 Prin: \$450,000; Assoc/Affil: \$225,000
	Nutrient Surcharge	\$1,400,000	\$1,400,000	\$956,824	68%	-\$443,176	See Nutrient Surcharge Spreadsheet
	Voluntary Nutrient Contributions			\$0	0%	\$0	
Other Receipts	AIR Non-Member	\$7,361	\$7,361	\$0	0%	-\$7,361	2% increase (Santa Rosa)
	BAPPG Non-Members	\$4,114	\$4,114	\$0	0%	-\$4,114	2% increase (Sta Rosa, Sac Reg'l, Vacaville) \$1,380/each
	Other					\$0	
Fund Transfer	Special Program Admin Fees (WOT)	\$1,000	\$1,000	\$0	0%	-\$1,000	
	Special Program Admin Fees (BACC)	\$38,250	\$38,250	\$0	0%	-\$38,250	400 hours of AED support \$96.30/hr
	Special Program Admin Fees (BABC)	\$6,000	\$6,000	\$0	0%	-\$6,000	ED, AED and RPM support
Interest Income	LAIF	\$60,000	\$60,000	\$18,076	30%	-\$41,924	BACWA, Legal, & CBC Funds invested in LAIF
	Higher Yield Investments						
	Total Revenue	\$2,919,598		\$1,962,695	67.22%	-\$956,903	
BACWA FY24 BUDGET							
<u>BACWA FY24 BUDGET</u>	<u>Line Item Description</u>	<u>FY 2024 Budget</u>	<u>Projected Expense as of August 2023 Changes from budget in blue</u>	<u>Actual August 2023</u>	<u>Actual % of Budget August 2023</u>	<u>Variance</u>	<u>NOTES</u>
EXPENSES							
Labor							
	Executive Director	\$218,548	\$218,548	\$0	0%	-\$218,548	7% (incl. 4.9% CPI SF Bay Metro Area Dec 2022)
	Assistant Executive Director	\$92,024	\$92,024	\$9,740	11%	-\$82,284	7% (incl. 4.9% CPI SF Bay Metro Area Dec 2022); \$76.69/hour; Reflects 1200 hours
	BACC Administrator	\$38,520	\$38,520	\$1,156	3%	-\$37,364	400 hrs AED support at \$96.30 per hr
	Regulatory Program Manager	\$152,179	\$152,179	\$6,989	5%	-\$145,190	7% (incl. 4.9% CPI SF Bay Metro Area Dec 2022); \$112.72/hour, Reflects 1350 hours
	Total	\$501,271	\$501,271	\$17,884	4%	-\$483,387	
Administration							
	EBMUD Financial Services	\$43,297	\$0	\$0	0%	-\$43,297	FY24 no change
	Auditing Services	\$5,561	\$0	\$0	0%	-\$5,561	Financial Auditors through EBMUD; per auditor rate schedule
	Administrative Expenses	\$8,118	\$0	\$0	0%	-\$8,118	FY24 no change
	Insurance	\$9,351	\$0	\$0	0%	-\$9,351	15% increase over FY23 (10-15% est. increase per Alliant)
	Total	\$66,327	\$0	\$0	0%	-\$66,327	
Meetings							
	EB Meetings	\$2,760	\$0	\$647	23%	-\$2,113	2% increase from FY23
	Annual Meeting	\$14,369	\$0	\$0	0%	-\$14,369	FY24 no change
	Pardee	\$6,801	\$0	\$0	0%	-\$6,801	2% increase from FY23
	Misc. Meetings	\$7,500	\$0	\$1,227	16%	-\$6,273	30% increase from FY23 to accommodate conferences
	Total	\$31,430	\$0	\$1,874	6%	-\$29,556	
Communication							
	Website Hosting	\$728	\$0	\$0	0%	-\$728	2% increase from FY23, Go Daddy website hosting and domain registration
	File Storage	\$796	\$0	\$0	0%	-\$796	2% increase from FY22, box.net
	Website Development/Maintenance	\$1,592	\$0	\$0	0%	-\$1,592	2% increase from FY22
	IT Support	\$2,759	\$0	\$0	0%	-\$2,759	2% increase from FY22
	BACWA Value of Water Communication	\$40,000	\$0	\$0	0%	-\$40,000	New line in FY24
	Other Commun	\$1,857	\$0	\$160	9%	17 -\$1,697	2% increase from FY23; MS Exchange, Survey Monkey, PollEv, Zoom, Netfile

FY 2023
BACWA BUDGET to ACTUAL

EXPENSES							
	Total	\$47,732	\$0	\$160	0%	-\$47,572	
Legal							
	Regulatory Support	\$2,929	\$0	\$0	0%	-\$2,929	2% increase from FY23, Downey Brand LLP
	Executive Board Support	\$2,355	\$0	\$0	0%	-\$2,355	2% increase from FY23, Day Carter & Murphy LLP
	Total	\$5,284	\$0	\$0	0%	-\$5,284	
Committees							
	AIR	\$76,000	\$0	\$3,644	5%	-\$72,356	\$75k consulting support, \$1k misc expenses. Carollo Engineers
	AIR Support for ACE	\$20,000	\$0	\$0	0%	-\$20,000	New in FY23
	BAPPG	\$159,000	\$0	\$1,940	1%	-\$157,061	17% increase from FY23. Includes CPSC @ \$5,000, OWOW @ \$10,000, NSAC @ \$10,000 and Pest. Reg Spt. @ \$71,500
	Biosolids Committee	\$0	\$0	\$0		\$0	
	Collections System	\$56,000	\$0	\$0	0%	-\$56,000	SSS WDR Support
	InfoShare Groups	\$500	\$0	\$0	0%	-\$500	\$500 decrease from FY23
	Laboratory Committee	\$4,050	\$0	\$1,121	28%	-\$2,929	\$2350 less than FY23, TNI Training
	Permits Committee	\$500	\$0	\$0	0%	-\$500	\$500 decrease from FY23
	Pretreatment	\$500	\$0	\$0	0%	-\$500	\$500 decrease from FY23
	Recycled Water Committee	\$10,000	\$0	\$0	0%	-\$10,000	Carry forward from FY23
	Misc Committee Support	\$45,000	\$0	\$3,740	8%	-\$41,260	Same as FY23
	Manager's Roundtable	\$1,000	\$0	\$254	25%	-\$746	Same as FY23
	Total	\$372,550	\$0	\$10,699	3%	-\$361,851	
Collaboratives							
	Collaboratives						
	State of the Estuary (SFEP-biennial)	\$0	\$0	\$0	0%	\$0	Biennial in Odd Fiscal Years. (Paid biennially in odd years for even year conference)
	Arleen Navaret Award	\$2,500	\$0	\$0	0%	-\$2,500	Biennial in Even Fiscal Years. FY24 Award likely to be paid in FY24
	BayCAN	\$5,000	\$0	\$0	0%	-\$5,000	
	Bay Area One Water Network	\$5,000	\$0	\$0	0%	-\$5,000	Same as FY23
	Bruce Wolf Scholarship	\$4,000	\$0	\$0	0%	-\$4,000	FY22, FY23, FY24, FY25 FY26
	Passthrough for CASA for air toxics	\$425,000	\$0	\$0	100%	-\$425,000	Estimate - new line in FY24
	Misc	\$1,500	\$0	\$0	0%	-\$1,500	NBWA (\$1,500)
	Total	\$443,000	\$0	\$0	0%	-\$443,000	
Other							
	Unbudgeted Items						
	Other	\$0	\$0	\$0	0%	\$0	
	Total	\$0		\$0	0%	\$0	
Tech Support							
	Technical Support						
	Nutrients						
	Watershed	\$1,800,000	\$0	\$0	0%	-\$1,800,000	Advance funding for 2nd Watershed Permit Sciece Studies; Final \$ TBD
	NMS Voluntary Contributions	\$0	\$0	\$0	0%	\$0	
	Additional work under permit	\$100,000	\$0	\$0	0%	-\$100,000	Includes HDR PO for \$225k spread out over FY20-24.
	Regional Study on Nature based systems	\$80,000	\$0	\$0	0%	-\$80,000	SFEI \$500K, expires 06/30/2023: Possible funds left over from FY23 to be spent on additional work
	Regional Recycling Evaluation	\$0	\$0	\$0	0%	\$0	HDR \$154K, expires 12/31/2023
	Nutrient Workshop(s)	\$0	\$0	\$0	0%	\$0	Pilot Studies/Plant Review/InDecative Technologies
	NMS Reviewer	\$50,000	\$0	\$510	1%	-\$49,490	M. Connor Contract
	General Tech Support	\$100,000	\$100,000	\$7,580	8%	-\$92,420	AB617 emissions factors, PFAS, other nutrient support
	CEC Investigations	\$60,000	\$0	\$52,002	87%	-\$7,999	PFAS Study Phase II
	Risk Reduction	\$12,500	\$0	\$0	0%	-\$12,500	APA FSS completed \$12,500 contract in FY20, CIEA will complete \$12,500 contract in FY23
	Total	\$2,202,500	\$100,000	\$60,092	3%	-\$2,142,409	
	TOTAL EXPENSES	\$3,670,094	\$601,271	\$90,709	2.47%	-\$3,579,386	
	PROJECTED EXPENSE DEVIATION FROM BUDGET		-\$3,068,823				
	NET INCOME BEFORE TRANSFERS	-\$750,496					
	TRANSFERS FROM RESERVES	\$750,496				18	aligns with strategy of drawing down reserves to lessen impact of Nutrient Surcharge

FY 2023
BACWA BUDGET to ACTUAL

<u>EXPENSES</u>							
	NET INCOME AFTER TRANSFERS	\$0					
	TOTAL OPERATING BUDGET	\$1,467,594					
	OPERATING RESERVE	\$366,899					

BACWA Fund Report as of August 31, 2023

BACWA FUND BALANCES - DATA PROVIDED BY ACCOUNTING DEPT.							
DEPTID	DESCRIPTION	FISCAL YEAR BEGINNING FUND BALANCE	TOTAL BILLED REVENUE TO-DATE	TOTAL DISBURSEMENTS TO-DATE	MONTH-ENDING FUND BALANCE	OUTSTANDING ENCUMBRANCES	MONTH-END UNOBLIGATED FUND BALANCE
600	BACWA	347,671	540,145	45,597	842,219	680,779	161,440
604	LEGAL RSRV	300,000	-	-	300,000	-	300,000
605	CBC	2,097,905	1,422,550	60,091	3,460,364	49,490	3,410,874
	SUBTOTAL 1	2,745,576	1,962,695	105,688	4,602,583	730,269	3,872,314
602	BABC	190,244	73,500	10,395	253,349	100,198	153,151
606	BACC	31,025	-	31,156	(131)	37,364	(37,495)
607	BACC LEGAL RSRV	60,000	30,000	-	90,000	-	90,000
610	WOT	253,257	-	(10,000)	263,257	-	263,257
	SUBTOTAL 2	534,526	103,500	31,551	606,475	137,562	468,913
	GRAND TOTAL	3,280,102	2,066,195	137,239	5,209,058	867,831	4,341,227

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 BILLED REVENUE TO-DATE	TOTAL DISBURSEMENTS TO-DATE	MONTH-ENDING FUND BALANCE	RECONCILIATION TO FINANCIAL STATEMENTS A/R	RECONCILIATION TO FINANCIAL STATEMENTS A/P	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
600	BACWA	347,671	540,145	45,597	842,219	(539,195)	60,649	363,673	-	363,673	16%	-		priority # 3 for allocation
604	LEGAL RSRV	300,000	-	-	300,000	-	-	300,000	-	300,000	13%	-		priority # 1 for allocation
605	CBC	2,097,905	1,422,550	60,091	3,460,364	(1,406,824)	-	2,053,540	486,942	1,566,598	68%	-		priority # 4 for allocation
	SUBTOTAL 1	2,745,576	1,962,695	105,688	4,602,583	(1,946,019)	60,649	2,717,213	486,942	2,230,271	96%	-		
602	BABC	190,244	73,500	10,395	253,349	(73,500)	-	179,849	179,849	-	0%	-		pass-through funds, no allocation
606	BACC	31,025	-	31,156	(131)	-	-	(131)	(131)	-	0%	-		
607	BACC LEGAL RSRV	60,000	30,000	-	90,000	-	-	90,000	-	90,000	4%	-		priority # 2 for allocation
610	WOT	253,257	-	(10,000)	263,257	-	-	263,257	263,257	-	0%	-		pass-through funds, no allocation
	SUBTOTAL 2	534,526	103,500	31,551	606,475	(73,500)	-	532,975	442,975	90,000	4%	-		
	GRAND TOTAL	3,280,102	2,066,195	137,239	5,209,058	(2,019,519)	60,649	3,250,188	929,917	2,320,271	100%	-		

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

Reconciliation to Trial Balance

Per Report above:		STB	14930	2,320,271	
General	1,962,695	STB	15050	929,917	
WOT, BABC, & BACC	103,500			3,250,188	-
PROP	-	STB	16300	2,019,519	
subtotal	2,066,195	STB	21350	(60,649)	5,209,058

Trial Balance Revenue Accounts

40100	Interest	(18,076)
40101	Mem Contrib	(1,061,295)
40102	Transfer	(30,000)
40103	Assoc Contrib	-
40104	Other	(956,824)
47310	State Grant	-
47320	Grant Retention	-
subtotal		(2,066,195)
Difference		-

BACWA Revenue Report as of August 31, 2023

Cost Center Code	Cost Center Description	Program Segment Description	Program Segment Value	Amended Budget	Current Period	FY24 - Year to Date	Unobligated
600	Bay Area Clean Water Agencies	BABC - AED and RPM Support	6200	(6,000.00)	-	-	6,000.00
		BACC - AED Support	6199	(38,250.00)	-	-	38,250.00
		BDO Affil/CS/Assoc Dues	6104	-	-	-	-
		BDO Affiliate/Associate Dues	6103	-	-	-	-
		BDO Assoc.&Affiliate Contr	6102	(190,078.00)	-	-	190,078.00
		BDO Fund Transfers	6141	(1,000.00)	-	-	1,000.00
		BDO Member Contributions	6101	(537,795.00)	(537,795.00)	(537,795.00)	-
		BDO Non-Member Contr AIR	6136	(7,361.00)	-	-	7,361.00
		BDO Non-Member Contr BAPPG	6135	(4,114.00)	-	-	4,114.00
		BDO Other Receipts	6105	-	-	-	-
		BDO Other Receipts (Misc)	6140	-	-	-	-
		BDO- Interest Income from LAIF	6142	(60,000.00)	-	(2,349.85)	57,650.15
		BDO-Alternative Investment Inc	6143	-	-	-	-
600 Total				(844,598.00)	(537,795.00)	(540,144.85)	304,453.15
602	Bay Area Biosolids Coalition	BDO Fund Transfers	6141	-	-	-	-
		BDO Member Contributions	6101	-	(73,500.00)	(73,500.00)	(73,500.00)
602 Total				-	(73,500.00)	(73,500.00)	(73,500.00)
605	Clean Bay Collaborative	BDO Fund Transfers	6141	-	-	-	-
		BDO Member Contributions	6101	(675,000.00)	(450,000.00)	(450,000.00)	225,000.00
		BDO Other Receipts	6105	(1,400,000.00)	(956,824.00)	(956,824.00)	443,176.00
		BDO- Interest Income from LAIF	6142	-	-	(15,725.92)	(15,725.92)
605 Total				(2,075,000.00)	(1,406,824.00)	(1,422,549.92)	652,450.08
606	Bay Area Chemical Consortium	BDO Member Contributions	6101	-	-	-	-
606 Total				-	-	-	-
607	BACC Legal RSRV	BDO Fund Transfers	6141	-	-	(30,000.00)	(30,000.00)
607 Total				-	-	(30,000.00)	(30,000.00)
Grand Total				(2,919,598.00)	(2,018,119.00)	(2,066,194.77)	853,403.23

BACWA Expense Detail Report for August 31, 2023

Cost Center Code	Program Segment Description	Program Segment Value	Balance Type	Current Period Activity	FY24 - Year to Date
600	AIR-Air Issues&Regulation Grp	6153	Actual	3,643.75	3,643.75
			Encumbrance	91,356.25	84,104.59
			Obligated	95,000.00	87,748.34
	AS-Assistant Executive Directo	6175	Actual	9,739.63	9,739.63
			Encumbrance	(9,739.63)	82,284.37
			Obligated	-	92,024.00
	AS-Audit Services	6180	Actual	4,907.00	(545.00)
			Encumbrance		
			Obligated	4,907.00	(545.00)
	AS-BACWA Admin Expense	6173	Actual	-	-
			Obligated	-	-
	AS-EBMUD Financial Services	6176	Actual	-	-
			Encumbrance	43,297.00	43,297.00
			Obligated	43,297.00	43,297.00
	AS-Executive Director	6174	Actual	-	-
			Encumbrance	-	218,548.00
			Obligated	-	218,548.00
	AS-Insurance	6177	Actual	-	-
			Obligated	-	-
	AS-Regulatory Program Manager	6179	Actual	6,988.64	6,988.64
			Encumbrance	(6,988.64)	133,821.86
			Obligated	-	140,810.50
	Administrative Support	6178	Actual	-	-
			Obligated	-	-
	BC-BAPPG	6152	Actual	19,339.50	19,339.50
			Encumbrance	110,660.50	110,660.50
			Obligated	130,000.00	130,000.00
	BC-InfoShare Groups	6148	Actual	-	-
			Obligated	-	-
	BC-Laboratory Committee	6149	Actual	1,121.25	1,121.25
			Encumbrance	(1,121.25)	2,778.75
			Obligated	-	3,900.00
	BC-Manager's Roundtable	6154	Actual	-	254.34
			Obligated	-	254.34
	BC-Miscellaneous Committee Sup	6150	Actual	3,740.15	3,740.15
			Encumbrance		
			Obligated	3,740.15	3,740.15
	BC-Permit Committee	6145	Actual	-	-
			Obligated	-	-
	BC-Pretreatment Committee	6151	Actual	-	-
			Obligated	-	-
	BC-Water Recycling Committee	6146	Actual	-	-
			Encumbrance	-	-
			Obligated	-	-
	CAR-BACWA File Storage	6165	Actual	-	(720.00)
			Obligated	-	(720.00)
	CAR-BACWA IT Software	6167	Actual	159.79	159.79
			Obligated	159.79	159.79
	CAR-BACWA IT Support	6166	Actual	-	-
			Encumbrance		
			Obligated	-	-
	CAR-BACWA Website Dev/Maint	6163	Actual	-	-
			Obligated	-	-
	CAR-BACWA Website Hosting	6164	Actual	-	-
			Obligated	-	-
	CAS-Arleen Navaret Award	6160	Actual	-	-

Cost Center Code	Program Segment Description	Program Segment Value	Balance Type	Current Period Activity	FY24 - Year to Date
			Obligated	-	-
	CAS-BayCAN	6204	Actual	-	-
			Obligated	-	-
	CAS-Misc Collaborative Sup	6162	Actual	-	-
			Obligated	-	-
	CAS-PSSEP	6157	Actual	-	-
			Obligated	-	-
	CAS-Stanford ERC	6159	Actual	-	-
			Obligated	-	-
	GBS-Meeting Support-Annual	6170	Actual	-	-
			Obligated	-	-
	GBS-Meeting Support-Exec Bd	6169	Actual	321.53	647.16
			Obligated	321.53	647.16
	GBS-Meeting Support-Misc	6172	Actual	1,227.29	1,227.29
			Obligated	1,227.29	1,227.29
	GBS-Meeting Support-Pardee	6171	Actual	-	-
			Obligated	-	-
	LS-Executive Board Support	6156	Actual	-	-
			Encumbrance	2,355.00	2,355.00
			Obligated	2,355.00	2,355.00
	LS-Regulatory Support	6155	Actual	-	-
			Encumbrance	2,929.00	2,929.00
			Obligated	2,929.00	2,929.00
	WQA-CE-Nature Based Solutions	6196	Actual	-	-
			Obligated	-	-
	Write-Off Doubtful Accounts	6208	Actual	-	-
			Obligated	-	-
600 Total			Actual	51,188.53	45,596.50
600 Total			Encumbrance	232,748.23	680,779.07
600 Total			Obligated	283,936.76	726,375.57
602	AS-Assistant Executive Directo	6175	Actual	-	-
			Obligated	-	-
	AS-Regulatory Program Manager	6179	Actual	-	-
			Obligated	-	-
	Academia Research & Development	6203	Actual	-	-
			Obligated	-	-
	Administrative Support	6178	Actual	-	-
			Obligated	-	-
	BDO Contract Expenses	6186	Actual	-	-
			Obligated	-	-
	Collateral Development	6197	Actual	-	-
			Obligated	-	-
	Program Manager Expense	6202	Actual	10,395.00	10,395.00
			Encumbrance	109,605.00	100,197.60
			Obligated	120,000.00	110,592.60
602 Total			Actual	10,395.00	10,395.00
			Encumbrance	109,605.00	100,197.60
602 Total			Obligated	120,000.00	110,592.60
605	Recycled Water Evaluation	6198	Actual	-	-
			Encumbrance	-	-
			Obligated	-	-
	WQA - CEC Investigations	6201	Actual	52,001.50	52,001.50
			Encumbrance	-	-
			Obligated	-	-
	WQA-CE Addl Work Under Permit	6191	Actual	-	-
			Encumbrance	-	-
			Obligated	-	-
				-	-

Cost Center Code	Program Segment Description	Program Segment Value	Balance Type	Current Period Activity	FY24 - Year to Date
	WQA-CE Risk Reduction	6190	Actual	-	-
			Encumbrance		
			Obligated	-	-
	WQA-CE Voluntary Nutr Contrib	6193	Actual	-	-
			Obligated	-	-
	WQA-CE-Nature Based Solutions	6196	Actual	-	-
			Encumbrance	-	-
			Obligated	-	-
	WQA-CE-Nutrient WS Permit Comm	6188	Actual	-	-
			Obligated	-	-
	WQA-CE-Technical Support	6181	Actual	7,580.00	7,580.00
			Encumbrance	-	-
			Obligated	-	-
	WQA-NMSReviewer	6205	Actual	-	510.00
			Encumbrance	-	49,490.00
Obligated			-	50,000.00	
605 Total			Actual	59,581.50	60,091.50
605 Total			Encumbrance	-	49,490.00
605 Total			Obligated	-	50,000.00
606	Administrative Support	6178	Actual	1,155.60	1,155.60
			Encumbrance	(1,155.60)	37,364.40
			Obligated	-	38,520.00
	BDO Fund Transfers	6141	Actual	-	30,000.00
			Obligated	-	30,000.00
	GBS-Meeting Support-Misc	6172	Actual	-	-
Obligated			-	-	
606 Total			Actual	1,155.60	31,155.60
606 Total			Encumbrance	(1,155.60)	37,364.40
606 Total			Obligated	-	68,520.00
610	Administrative Support	6178	Actual	-	-
			Obligated	-	-
	BC-BAPPG	6152	Actual	(10,000.00)	(10,000.00)
			Obligated	(10,000.00)	(10,000.00)
	BDO Contract Expenses	6186	Actual	-	-
			Obligated	-	-
610 Total			Actual	(10,000.00)	(10,000.00)
610 Total			Encumbrance	-	-
610 Total			Obligated	(10,000.00)	(10,000.00)
Grand Total Actual				112,320.63	137,238.60
Grand Total Encumbrance				341,197.63	867,831.07
Grand Total Obligated				393,936.76	945,488.17



EXECUTIVE BOARD AUTHORIZATION REQUEST

AGENDA NO.: 5

MEETING DATE: October 20, 2023

TITLE: BACWA Executive Board Chair approval for Civic Edge Consulting to provide BACWA Communications Strategy Support, not to exceed \$68,748 through FY25.

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

ACTION

Approval of a contract amendment with Civic Edge Consulting for public communication strategy support through FY2025, not to exceed \$68,748.

SUMMARY

In the Fall of 2022, the BACWA Executive Board gave the Executive Director direction to launch a public communication initiative to provide public education and outreach on the valuable work done by the clean water community on behalf of the communities we serve. In November 2022, BACWA convened the first Communications Steering committee made up of staff from member agencies representing a diversity of size and geographical distribution. The Steering Committee launched a competitive process for BACWA communications support and chose to move forward with Civic Edge Consulting. A contract was approved by the BACWA Executive Board on April 21, 2023 for Civic Edge Consulting to develop a messaging document and communication plan. A contract amendment will be brought to the BACWA Board in the Fall of 2023 to implement the communications plan.

In August 2023, The BACWA Executive Director solicited a scope of work from Civic Edge Consulting that can be implemented in the following weeks to respond to the August 2023 harmful algal bloom event, and to communicate BACWA members' efforts at nutrient reductions. The BACWA Chair Authorized a \$9,073 contract Amendment #1 to develop messaging and strategy related to nutrients.

It was envisioned that the algal bloom/nutrient communication work would be one piece of a scope of work for broader communication about the value of wastewater services in our region. The attached scope of work lays out a plan to carry forward this larger effort. The proposed contract Amendment #2 includes a not-to-exceed level of effort of \$59,675 to be carried out through Fiscal Year 2025. Combined with the nutrient specific work that was authorized in Amendment #1, the total new contract level will be \$68,748.

The work under this contract will be carried out under the supervision of Lorien Fono, BACWA Executive Director.

FISCAL IMPACT

BACWA has allocated \$40,000 funds in its BACWA FY24 Budget approved April 21, 2023. As this project will continue through FY25, further funding to support this work will be allocated in FY25 budget. These expenditures are anticipated within BACWA's 5-year plan.

ALTERNATIVES

1. Do not complete this work – This is not recommended, as public communication was identified as a high priority for FY24 by the BACWA Executive Board.
2. Select another consultant to conduct the work – This is not recommended as Civic Edge consulting was selected via a competitive process to provide communication support to BACWA.

Attachments: Amendment #2 for FY24/25
Scope of Work
CAR and Scope of Work for Amendment #1
Original FY23 Contract with Civic Edge

Approved:

Date:

Amit Mutsuddy, Chair
BACWA

AMENDMENT NO. 2
TO AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES and
Civic Edge

This Amendment No. 2 is made this 20th day of October 2023, in the City of Martinez and County of Contra Costa, State of California, to that certain agreement of April 21, 2023 (original agreement), by and between Civic Edge Consulting and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and Civic Edge Consulting agree to an amended contract that terminates on June 30, 2025.
2. The new contract amount is \$68,748 to perform the attached Scope of Work for both nutrient communications support, and public communication strategy support.
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 _____

By _____
Amber Shipley
Civic Edge Consulting

Date _____



Civic Edge Consulting (Civic Edge) is excited by the prospect of supporting Bay Area Clean Water Agencies (BACWA) in refining and implementing a public communications and outreach strategy based on the Draft Communications Plan submitted in July 2023.

This scope of work details our planned support for BACWA with messaging and outreach efforts from November 2023 through June 2025.

TIMING

What follows is a draft implementation calendar, which can be easily updated based on future conversations. We look forward to working with the BACWA team to develop an implementation schedule that aligns with your needs and resources.

	Q4 2023	Q1 2024	Q2 2024	Q3 2024	Q4 2024	Q1 2025	Q2 2025
Weekly Check-In Meetings	X	X	X	X	X	X	X
Finalize Key Messaging Document	X	X			X	X	
Fact Sheets and Infographics	X	X					
Website Refresh		X	X	X		X	X
Earned Media	X	X	X	X	X	X	X
Outreach to Key Audiences to Amplify Messaging		X	X			X	X

WEEKLY CHECK-IN MEETINGS

It will be helpful to continue our 30-minute weekly check-in meetings with agendas shared the day prior. We have found the weekly meetings to be a perfect opportunity to share the progress of our work and check in on anything that needs to be addressed. We can always skip the meetings when discussion isn't needed.

Deliverables:

- Agendas, logistics, etc.

FINALIZE KEY MESSAGING DOCUMENT

Guided by input and edits from BACWA staff, the Civic Edge team will assist in the finalization of the key messaging document.

Deliverables:

- Final key messaging document

BUILD OUT FACT SHEETS AND INFOGRAPHICS ON KEY TOPICS

Guided by the final key messaging document, the Civic Edge team will use this approved language to create draft fact sheets that will share key messages for distribution to the media as well as member agencies. BAPPG will be consulted on any pollution prevention messaging. As timing and budget allows, we might also create accompanying infographics. Topic areas that would benefit from fact sheets/infographics include:

- Clean Water Infrastructure 101

- Algal Blooms/Nutrients (if not already done)
- What you need to know about PFAS
- How Bay Area clean water agencies are planning for a resilient future

Deliverables:

- Draft and final fact sheets
- Infographics, as time and budget allows

BACWA SIMPLE WEBSITE REFRESH

BACWA's current website is internal-facing to clean water agencies and subject matter experts. Using approved language from the final key messaging document, the Civic Edge team will support the BACWA team in creating a public facing section of the BACWA website (or new site if desired). The site should be easily navigable and include key messaging in easily digestible sections. Because this is a "simple" refresh, we recommend the BACWA team select only a few additions to the site at this time:

- "Where does your wastewater go" section/search function – functionality that allows community members to identify their clean water agency and links to content as available
- Infographics/videos on key pollution prevention messaging, algal blooms, or other timely topics – with calls to action
- Media section linking to trusted sources
- Spotlights of innovative actions clean water agencies are taking (nature based solutions, renewable energy, etc.)
- A call to action to write legislators to ban PFAS

Deliverables:

- Using approved language from final messaging document, draft of new public-facing website pages for simple refresh
- Two rounds of page edits with the BACWA team
- Icons or graphics, as needed

Consideration will be given to integration with baywise.org for messaging on pollution prevention.

EARNED MEDIA

To support BACWA in serving as a hub for media relations and providing a cohesive regional voice on important clean water issues, the Civic Edge team will support on earned media strategies, including:

- **Publishing Op eds** – submitting timely op-eds to Bay Area news sources is a great way to get BACWA key messaging in front of new audiences while staying in control of the narrative and correcting inaccurate information.
- **Cultivating reporter relationships** – we can begin work on a media contacts database and outreach tracker based on the list included in the draft Communications Plan. Starting with reporters/outlets that have [previously covered BACWA](#) representatives, we would proactively reach out to reporters who cover clean water issues and offer to meet with them and provide resources on clean water issues.
- **Pitching positive news stories** – as part of cultivating reporter/media relationships, BACWA could pitch positive stories. Below are some initial ideas, but BACWA should solicit addition

ideas for media stories/content from BACWA member agencies and then pitch them on their behalf.

- Innovative approaches to climate resilience - Nature Based Solutions case studies
 - Employee profiles
 - Women in wastewater
 - What happens to your waste water?
 - A follow-up story on clean water agencies role in COVID tracking
- **Developing a media library** – reporters need pictures, videos, and infographics to make their stories compelling. BACWA could source from member agencies and maintain high quality photos, infographics, and videos that can be easily shared. This will further cement BACWA as the go-to place for media contacts covering these topics.
 - **Media/spokesperson training** – to support BACWA spokespeople we recommend hosting a media training that includes how to deliver consistent and memorable talking points, how to handle difficult questions, how to pivot during press conversations, as well as development of internal protocol for responding to time sensitive press inquiries and making introductions to member agencies.

Deliverables:

- Brainstorm of key op ed contributors
- Draft op ed(s)
- Media contacts database and tracker
- Outreach to key reporters as needed

OUTREACH TO KEY AUDIENCES TO AMPLIFY MESSAGING

There are many non-governmental organizations in the Bay Area whose projects, interests, and audiences overlap with BACWA's. In the short term, these organizations may be interested in learning more about BACWA's key messages and communicating that information with their communities. Civic Edge will create a partnership contacts database and outreach tracker, which can be updated collaboratively to compile a list of organizations and contacts who may be receptive to short-term information dissemination and long-term partnership. We will draft an email for the BACWA team to send to these key audiences by way of introduction, and support in regular updates as needed.

Deliverables:

- Partnership contacts database
- Introductory email based on final key messaging document
- Regular updates to key audiences as needed

BUDGET

Please find a draft budget below. Civic Edge charges for time and materials, so if budget on any task is not needed, it will not be spent.

Tasks	Assumptions / Notes	Amber Shipley, Partner	Violetta Muselli, Director	Martyn Bonaventura, Senior Graphics Designer	
		\$275.00	\$215.00	\$135.00	
Communications Plan Implementation					
Weekly check-in meetings	30 minutes bi-weekly, Nov 2023 through June 2025 (~20 months)	20	20		\$9,800.00
Finalize key messaging document	Up to 2 rounds of edits, updated twice over length of the contract	8	15		\$5,425.00
Fact sheets and infographics	Based on final key messaging doc, new infographics as needed	15	15	35	\$12,075.00
BACWA website refresh	Simple website refresh relying on approved language in messaging doc	10	30	15	\$11,225.00
Earned media	Reporter contacts, pitching stories, op ed writing, etc.	25	30		\$13,325.00
Outreach to key audiences	Partnership contacts database, introductory email, updates as needed	5	30		\$7,825.00
				TOTALS	\$59,675.00



BACWA CHAIR AUTHORIZATION REQUEST

AGENDA NO.: _____

MEETING DATE: October 20, 2023

TITLE: BACWA Executive Board Chair approval for Civic Edge Consulting to provide BACWA Communications Support for nutrients, not to exceed \$9,073 for FY24.

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

ACTION

Approval of a contract with Civic Edge Consulting for nutrient public communications support, not to exceed \$9,073.

SUMMARY

Following the Summer 2022 algal bloom, the media spotlight turned to Bay Area POTWs. As a consequence of this event, in the Fall of 2022, the BACWA Executive Board gave the Executive Director direction to launch a public communication initiative to provide public education and outreach on the valuable work done by the clean water community on behalf of the communities we serve. In November 2022, BACWA convened the first Communications Steering committee made up of staff from member agencies representing a diversity of size and geographical distribution. The Steering Committee launched a competitive process for BACWA communications support and chose to move forward with Civic Edge Consulting. A contract was approved by the BACWA Executive Board on April 21, 2023 for Civic Edge Consulting to develop a messaging document and communication plan. A contract amendment will be brought to the BACWA Board in the Fall of 2023 to implement the communications plan.

In 2023, a second algal bloom propelled BACWA members back into the media spotlight. The BACWA Executive Director solicited a scope of work that can be implemented in the following weeks to respond to this event. At the August 18, 2023 BACWA Executive Board meeting, the Board concurred that this is an appropriate use of resources. The attached contract amendment provides support for BACWA to develop nutrient communications and proactively engage with the media on nutrients.

The work under this contract will be carried out under the supervision of Lorien Fono, BACWA Executive Director.

FISCAL IMPACT

Funds are available for this agreement and have been allocated for this project within the BACWA FY24 Budget approved April 21, 2023.

ALTERNATIVES

Do not complete this work – This is not recommended, as public communication on nutrients was identified as a high priority for FY24 by the BACWA Executive Board.

Select another consultant to conduct the work – This is not recommended as Civic Edge consulting was selected via a competitive process to provide communication support to BACWA.

Attachments: Original FY23 Contract with Civic Edge
Amendment #1 for FY24

Approved:

Date:

Amit Mutsuddy, Chair
BACWA

AMENDMENT NO. 1
TO AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES and
Civic Edge

This Amendment No. 1 is made this 23rd day of August 2023, in the City of Oakland and County of Alameda, State of California, to that certain agreement of April 21, 2023 (original agreement), by and between Civic Edge Consulting and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and Civic Edge Consulting agree to an amended contract that terminates on June 30, 2024.
2. The new contract amount is \$9,073 to perform the attached Scope of Work
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 _____

By _____
Amber Shipley
Civic Edge Consulting

Date _____



Civic Edge Consulting (Civic Edge) is excited by the prospect of supporting Bay Area Clean Water Agencies (BACWA) in August and September 2023 as the algal bloom unfolds. This scope of work details our planned support for BACWA with messaging and outreach efforts.

WEEKLY CHECK-IN MEETINGS

It will likely be helpful to continue our 30-minute weekly check-in meetings with agendas shared the day prior. We have found the weekly meetings to be a perfect opportunity to share the progress of our work and check in on anything that needs to be addressed.

Deliverables:

- Agendas, logistics, etc.

ALGAL BLOOM FACT SHEET

Guided by the Messaging Document created earlier this year and input from BACWA staff, the Civic Edge team will create a draft algal bloom fact sheet that will share key messages for distribution to the media as well as member agencies. Member agencies can use the fact sheet in their communications, as part of press kits, and in preparation for interviews they may be fielding. As timing and budget allows, we might also create an infographic on algal blooms and nutrients.

Deliverables:

- Draft and final fact sheet
- Infographic, as time and budget allows

SHARING CONTENT WITH MEMBER AGENCY COMMUNICATIONS STAFF

Based on our interviews earlier this year, we know communications staff at Bay Area clean water agencies would welcome content and messaging in support of their work. This task would include supporting BACWA in reaching out to member agencies with the fact sheet once approved and an offer to serve as a “quarterback” on any algal bloom media inquiries.

Deliverables:

- Supporting the BACWA team in sharing out information with member agencies

EARNED MEDIA

As part of the larger draft Communications Plan, we recommend BACWA serve as a hub for media relations, providing a cohesive regional voice on important clean water issues, including the algal bloom. Recommended strategies to support algal bloom earned media include:

- **Publishing Op eds** – submitting timely op-eds to Bay Area news sources is a great way to get BACWA key messaging in front of new audiences while staying in control of the narrative and

correcting inaccurate information.

- **Cultivating reporter relationships** – we can begin work on a media contacts database and outreach tracker based on the list included in the draft Communications Plan. Starting with reporters/outlets that have [previously covered BACWA](#) representatives, we would proactively reach out to reporters who cover clean water issues and offer to meet with them and provide resources on the algal bloom and other clean water issues.

Deliverables:

- Brainstorm of key op ed contributors
- Draft op ed
- Media contacts database and tracker
- Outreach to key reporters

BUDGET

Please find a draft budget below. Civic Edge charges for time and materials, so if budget on any task is not needed, it will not be spent.

		Amber Shipley, Partner	Jenny Zhou, Senior Account Manager	Martyn Bonaventura, Senior Graphics Designer	
Tasks	Assumptions / Notes	\$275.00	\$215.00	\$135.00	SUBTOTALS
Algal Bloom Media Support					
Weekly check-in meetings	30 minutes per week through Sept (6 weeks)	3	2	2	\$1,417.50
Algal Bloom Fact Sheet	Draft and final fact sheet	5	2	15	\$3,830.00
Sharing Content	Support in sharing out content	2			\$550.00
Earned Media	Op ed brainstorm, drafting, placing	3	2		\$1,255.00
	Begin reporter contacts database		3		\$645.00
	Reporter outreach	5			\$1,375.00
				TOTALS	\$9,072.50

2023 ALGAL BLOOM PRESS TO DATE

Some media hits so far this year:

- <https://alamedapost.com/features/alameda-life/likely-algal-bloom-reported-along-central-east-bay-shoreline/>
- <https://www.kqed.org/science/1983775/as-algal-bloom-returns-to-the-bay-is-swimming-safe-for-humans-and-pets>
- <https://www.kqed.org/science/1983631/last-summers-fish-killing-algae-bloom-is-back-in-the-bay>
- <https://www.berkeleyside.org/2023/08/11/satellite-map-san-francisco-bay-algae-blooms>
- https://www.sfexaminer.com/news/climate_change/harmful-algal-bloom-returns-to-sf-bay-despite-winter-storms/article_511dec76-2feb-11ee-987d-933641146ae1.html
- <https://www.mercurynews.com/2023/07/31/red-tide-returns-to-san-francisco-bay-one-year-after-large-fish-die-off/>
- https://www.smdailyjournal.com/news/bay_area/san-francisco-bay-regional-water-quality-control-board-red-tides-have-not-brought-widespread-fish/article_2860dbc4-3269-11ee-8c40-3b420347387d.html
- <https://oaklandside.org/2023/08/01/algae-bloom-that-caused-lake-merritt-fish-kill-is-spotted-along-east-bay-shoreline/>
- <https://sfist.com/2023/07/31/fish-beware-another-red-tide-toxic-algae-bloom-could-be-coming-to-bay-area-waters-this-summer/>
- <https://www.kqed.org/science/1983938/bay-area-red-tide-crisis-ends-watchdog-group-declares-algae-bloom-over>

Date: April 21, 2023

BAY AREA CLEAN WATER AGENCIES CONSULTING AGREEMENT

TO: Amber Shipley, Managing Partner hello@thecivicege.com
Civic Edge Consulting 415-915-0511
101A Clay Street #267
San Francisco, CA 94111

FROM: Lorien Fono, Executive Director lfono@bacwa.org
BACWA
PO Box 24055, MS702
Oakland, CA 94623

RE: BACWA Agreement for FY23 with Civic Edge Consulting to provide public outreach and communications support to the Bay Area Clean Water Agencies.

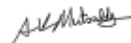
This Agreement covers professional services to be performed by Civic Edge Consulting in order to develop a Communication Plan for BACWA. The work under this contract will be carried out under the supervision of Lorien Fono, BACWA Executive Director. The total cost of professional services to be performed by Civic Edge Consulting is not to exceed \$20,000. This contract will be funded by the BACWA Budget under the General Technical Support line item. The term of this contract shall expire on September 30, 2023.

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 Civic Edge Consulting for professional and competent services rendered to the date of termination upon delivery of assigned work products to BACWA.

Civic Edge Consulting shall submit invoices to the BACWA Assistant Executive Director via e-mail. Invoices shall indicate hours associated with each task. Invoices will be paid within thirty (30) days of receipt.

BACWA AED E-mail: Jennifer Dymant jdymant@bacwa.org


Approved:

By 
Amit Mutsuddy
Chair, BACWA Executive Board

05 / 03 / 2023

Date _____

BACWA EIN: 94-3389334

By 
Amber Shipley
Civic Edge Consulting

04 / 25 / 2023

Date _____

COMPANY EIN: 26-4702704



EXECUTIVE BOARD AUTHORIZATION REQUEST

AGENDA NO.: 6

MEETING DATE: October 20, 2023

TITLE: BACWA Executive Board Chair approval for Utility Software, LLC to provide Updated Guidance for Sewer System Management Plans, not to exceed \$50,000 through FY24.

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

ACTION

Approval of a contract with Utility Software, LLC, led by Richard Cunningham, for support of the BACWA Collection Systems Committee by preparing updated guidance for Sewer System Management Plans (SSMPs) in FY24, not to exceed \$50,000.

SUMMARY

All sanitary sewer systems enrolled in the statewide General Order for Sanitary Sewer Systems (Order WQ 2022-0103-DWQ) are required to maintain a Sewer System Management Plan (SSMP). The General Order requires enrollees to prepare an updated SSMP every six years. The requirements for an SSMP were originally listed in State Water Board Order No. 2006-0003-DWQ. BACWA previously contributed to statewide SSMP guidance materials, including the most recent version from 2015. As of June 2023, the required elements of an SSMP have substantially changed due to the State Water Board's reissuance of the General Order. Because the regulatory requirements for SSMPs have changed, the BACWA Collection Systems Committee is supporting the development of updated guidance materials for its members and other enrollees around the state.

In spring 2023, the BACWA Collection Systems Committee requested that BACWA's FY24 budget include \$50,000 to facilitate consultant support for this task. The BACWA Executive Board approved this request in the FY24 budget adopted on April 21, 2023. In August and September 2023, the committee issued a Request for Qualifications (RFQ) for consultant support. Utility Software, LLC submitted a statement of qualifications identifying a project team of Richard Cunningham, Paul Causey, Jim Fischer, and Sam Rose. The BACWA Collection Systems Committee has determined that this team is qualified to perform the work. The attached scope of work for \$50,000 will be carried out in FY24 so that sanitary sewer systems can begin to use the guidance in their SSMP updates due in 2025.

The work under this contract will be carried out under the supervision of Mary Cousins, Regulatory Program Manager.

FISCAL IMPACT

The Collection Systems Committee line item in the BACWA FY24 Budget approved April 21, 2023 includes \$50,000 for this task.

ALTERNATIVES

1. Do not complete this work – This is not recommended, as preparation of SSMP Guidance was identified as a priority for FY24 by the Collection Systems Committee.
2. Select another consultant to conduct the work – This is not recommended, as BACWA staff issued a Request for Qualifications and Utility Systems, LLC was selected via a competitive process as a highly qualified team to provide support to BACWA.

Attachments: FY24 Contract with Utility Software, LLC

Approved:

Date:

Amit Mutsuddy, Chair
BACWA

BAY AREA CLEAN WATER AGENCIES PROFESSIONAL SERVICES CONTRACT

This PROFESSIONAL SERVICES CONTRACT, effective October 20, 2023, 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 Utility Software, LLC (“Consultant”), a California corporation doing business at 999 Victoria Ct., Lafayette, CA 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”) other than those listed in Exhibit B to perform the Services without the prior written approval of BACWA. For the Subconsultants listed in Exhibit B, 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 rates in Exhibit B, up to a maximum amount payable of \$50,000. Consultant will not exceed the maximum amount payable without obtaining prior written approval from BACWA.
7. Consultant shall submit invoices monthly. Invoices shall include the hours charged by each employee, a brief description of the work performed, and a description of costs for which Consultant seeks reimbursement and which are specified in Exhibit B.
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, 2024. 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
Exhibit B – Hourly Rates

CONSULTANT: Utility Software, LLC
 999 Victoria Ct.
 Lafayette, CA 94549
 Employer Identification No.: 22-3868456

_____	_____
Consultant Signature	
Richard Cunningham, Utility Software, LLC	Date

_____	_____
BACWA Signature	Date
Amit Mutsuddy, BACWA Executive Board Chair	

EXHIBIT A
SCOPE OF WORK

Updated Guidance For Sewer System Management Plans (SSMPs)

Professional Services by Richard Cunningham

Fiscal Year 2023-2024

Richard Cunningham will provide professional services to Bay Area Clean Water Agencies (BACWA) for the following activities, the costs of which are **not to exceed \$50,000**:

Task 1. Develop SSMP Guidance. Attend meetings with BACWA staff, subject matter experts from BACWA Collection Systems Committee member agencies, and statewide partners to discuss content of the updated guidance document.

Task 2. Update SSMP Guidance Document. Update the 2015 Guidance Document *A Guide for Developing and Updating of Sewer System Management Plans*¹ to reflect the requirements of the 2022 General Order for Sanitary Sewer Systems² ("2022 General Order"), as follows:

- a. For each of the eleven required SSMP Elements, clearly identify:
 - Recitation of requirements, per the 2022 General Order;
 - Practical suggestions for interpreting SSMP requirements based on collection system size and other characteristics.
- b. For each of the eleven required SSMP Elements, clearly identify:
 - List of changes from the previous 2006 Order
 - Enrollee actions and/or SSMP changes needed to maintain compliance;

Content that is related to differences between the 2006 Order and the 2022 General Order should be clearly demarcated from other guidance materials.

- c. Review and update terminology and external references in the guidance document for consistency with the 2022 General Order.
- d. Update other sections of the guidance document as needed, including the Introduction, SSMP Appendices, and Frequently Asked Questions and Answers.
- e. Streamline content where possible, with the intent of keeping the total page count of the guidance document to approximately 100 pages or less.

Assumptions:

- The consultant will provide a complete draft Guidance Document in electronic format to BACWA. BACWA will be responsible for finalizing and publishing the Guidance Document.

¹ Available online at https://www.waterboards.ca.gov/water_issues/programs/sso/docs/ssmp_guidance_091015.pdf

² Order WQ 2022-0103-DWQ is available online at https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo_2022-0103-dwq.pdf

- There will be three progressive rounds of review by (1) BACWA Collection System Committee members, (2) statewide wastewater agency partners, such as the CASA Collection Systems Workgroup and (3) regulators at State and Regional Water Boards. BACWA staff will take responsibility for collating edits proposed by stakeholders. The consultant will then incorporate the three rounds of edits into the Guidance Document.
- The consultant will be responsible for providing technical attachments such as volume estimation worksheets.
- The consultant will be responsible for formatting the document per Web Content Accessibility Guidelines (WCAG) 2.1 standards.

Task 3. Outreach. Assist with development of training materials (such as presentation slides) to summarize key points from the Guidance Document. Provide at least two training sessions in virtual format to the BACWA Collection Systems Committee and/or similar stakeholder groups.

Task 4. Project Management. Keep BACWA Collection System Committee representatives updated on progress and budget.

Task 5. Audit Guidance (OPTIONAL). As schedule and budget allow, the consultant will incorporate information into the guidance document regarding self-audits. This may include recommendations for use of the State Water Board's updated pre-inspection questionnaire for sewer collection systems.

EXHIBIT B
HOURLY RATES

<u>Consultant / Subconsultant</u>	<u>Hourly Rate</u>
Paul Causey	\$175
Richard Cunningham	\$175
Jim Fischer	\$175
Sam Rose	\$175



EXECUTIVE BOARD AUTHORIZATION REQUEST

AGENDA NO.: 7

MEETING DATE: October 20, 2023

TITLE: Request for BACWA Executive Board Approval to Amendment #1 with the HDR Engineering, Inc. for follow-on work to the Regional Evaluation of Potential Nutrient Discharge Reduction by Water Recycling, in an amount not to exceed \$35,000.

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

RECOMMENDED ACTION

Authorize the execution of an Amendment #1 with HDR Engineering, Inc. to perform follow-on work pertaining to the Regional Evaluation of Potential Nutrient Discharge Reduction by Water Recycling, in an amount not to exceed \$35,000.

SUMMARY

The 2nd Nutrient Watershed Permit was adopted by the San Francisco Water Board on May 8, 2019. The Permit requires that, individually or in collaboration, the major Dischargers shall develop evaluate options and develop planning-level costs for nutrient discharge reduction by water recycling. On May 31, BACWA issued a Request for Proposals for consultant support of the evaluation. A team led by HDR submitted a proposal that was deemed acceptable by a selection committee made up of BACWA Staff, a BACWA Executive Board member, as well as BACWA Recycled Water Committee leadership. A scope of work is attached with a contract cost of \$154,133 was approved on July 19, 2019, and the report was successfully completed and submitted in June, 2023.

The Executive Board has requested follow-on tasks, consisting of comparison of recycled water costs to other means of nutrient reduction, as well as support in communicating the results of the recycled water regional evaluation. The Executive Board has also agreed to reimburse overages related to the evaluations, as the level of effort exceeded what was anticipated. The scope of work is described in the attached letter dated October 16, 2023.

FISCAL IMPACT

Funds for this work are available in the Technical Support category of the FY24 BACWA Budget approved on April 21, 2023.

ALTERNATIVES

Do not complete this work: This alternative is not recommended since this work has been identified as a high priority by the BACWA Executive Board.

Attachments:

1. Contract Amendment #1
2. October 16, 2023 letter outlining scope of work
3. Original BAR and Contract

Approved: _____

Amit Mutsuddy, Chair,
BACWA Executive Board

Date: _____

**AMENDMENT NO. 1
TO AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES AND
HDR Engineering)
FOR
Follow-on Services related to the Recycled Water Study under the 2nd Nutrient Watershed
Permit**

This Amendment No. 1 is made this 20th day of October, 2023, in the City of Martinez, County of Contra Costa, State of California, to that certain agreement of July 19, 2019, by and between HDR Engineering) and Bay Area Clean Water Agencies, (BACWA) (the “Agreement”) in consideration of the covenants hereinafter set forth.

1. BACWA and HDR Engineering agree to an increase not to exceed amount of \$35,000.
2. The new expiration date for this portion of the agreement will be June 30, 2024.
3. The Scope of Work will be as described in the HDR Proposal of October 16, 2023.
4. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By _____ Date
Amit Mutsuddy, BACWA Chair

HDR Engineering

By _____ Date



October 16, 2023

Lorien Fono, PhD, PE
Executive Officer
Bay Area Clean Water Agencies
PO Box 24055, MS 59
Oakland, CA 94623

RE: HDR's Amendment for the Recycled Water Study under the 2nd Nutrient Watershed Permit

Dear Dr. Fono:

HDR is requesting an amendment to provide continued consulting services related to the recently completed and ongoing services for the 2nd Nutrient Watershed Permit (Watershed Permit). More specifically, HDR is seeking funds to cover an overage for the recently completed recycled water study (task under the 2nd Watershed Permit), as well as providing guidance for monetizing non-economic parameters for recycled water and nature-based solutions. The efforts described herein would be performed under this amendment.

Our proposed scope of work, budget, and schedule for the proposed as-needed work is provided below.

Scope of Work

Task 5 – Recycled Water Overage

As discussed, toward the end of the recycled water study (submitted in June 2023), HDR and its subconsultant are requesting funds to cover an overage associated with the recycled water study. The basis for the request is predicated on the following:

- Greater effort in obtaining cost estimates from the agencies associated with the recycled water study.
- Greater effort on securing volumes associated with recycled water than simply having the initial data request workbook populated. Several agencies ended up providing recycled water reports that required our team to populate the workbook. The agencies did not have the means to populate the data request workbook, as in most cases their staff were simply too busy and it was resulting in unforeseen delays.
- The calculations (emphasis on potable reuse calculations) were more challenging than anticipated.

- The inclusion of Confidence Level 4. While we understood agencies reluctance to include such projects, it took considerable effort to navigate which projects to include.
- Unit cost comparison: this initial attempt was focused on economics and as such did not include relevant non-economic parameters.
- Inflation: salaries staff increased over time as the effort is lump sum.

DELIVERABLES:

- N/A as the work has already been completed.

ASSUMPTIONS:

- HDR has already completed the work. This task is limited to the overage associated with the recycled water study for the 2nd Watershed Permit.

Task 6 – Guidance for Monetizing Non-Economic Parameters

As part of the 1st Watershed Permit, HDR normalized the costs by providing unit values (e.g., \$/gpd and \$/lb nutrient removed). While effective at comparing against various alternatives within the 1st Watershed Permit, such an approach was deemed non-viable for the 2nd Watershed Permit, specifically, while comparing the unit costs within the 2nd Watershed Permit against those from the 1st Watershed Permit.

Moving forward, it was concluded as part of the 2nd Watershed Permit that non-economic parameters should be included to compare the suite of alternatives developed for the 1st and 2nd Watershed Permits. A list of potential non-economic parameters to consider are as follows:

- Cost of potable water to offset volumes provided by recycled water.
- Water supply diversity portfolio/resiliency (emphasis on recycled water).
- Sea level rise (NbS can address sea level rise [if designed for such a feature]).
- Greenhouse gas (GHG) emissions (NbS can sequester carbon).
- Permitting risk (emphasis on NbS and uncertainty on future potable reuse projects).
- Habitat restoration (emphasis on NbS).
- Others.

The vision is that HDR would perform a desktop review for an agreed upon list of non-economic parameters. The desktop review would produce a single table that would include a range of values, average values, and relevant references. Additionally, HDR would provide a flow-chart of how BACWA and its member agencies might use such information to perform their own economic/non-economic analysis. The flow chart would provide several alternatives for the actual analysis (up to five; e.g., multi-criteria determinate analysis) and provide a list of examples/references.

HDR would present the findings from this desktop study at a BACWA Executive Board Meeting, as well as to the Nutrient Steering Technical (NST) Committee.

DELIVERABLES:

- Draft and final list of non-economic parameters to evaluate.
- Draft and final table that summarizes the non-economic parameters desktop review findings.
- Draft and final flow chart that illustrates the potential steps associated with comparing economic and non-economic parameters for the 1st and 2nd Watershed Permit results.

ASSUMPTIONS:

- HDR will provide the draft and final deliverables via email to BACWA.
- The draft and final table will be up to 1 page.
- The draft and final flow chart will be up to 1 page.
- Draft and final presentation material, such as PPT and PDF files delivered via email.
- HDR to present content at a BACWA executive board meeting and an NST meeting.

Task 7 – Assisting BACWA with Preparation of Outreach Content

A key aspect of the nutrient management strategy has been the preparation of outreach content to inform both the industry and the public. HDR has been instrumental in supporting BACWA through such efforts to date. The vision is for HDR to continue such efforts with an emphasis on a few key areas:

- The preparation of a messaging strategy for BACWA's nutrient program, including the identification of communication goals, an audience assessment, a key message library, and recommended outreach methods.
- A nutrient webpage content audit with update recommendations and up to two custom graphics to improve user-friendliness and emphasize the program's key messages.

DELIVERABLES:

- One two-hour virtual messaging strategy kick-off meeting, including agenda.
- One draft and final messaging strategy document.
- One website content audit report.
- Up to two custom website graphics.

ASSUMPTIONS:

- BACWA will provide its organizational brand guidelines, high-resolution logo files, past communication plans or strategy documents created for the nutrient management strategy, and similar resources for HDR's reference.
- Up to three HDR staff will attend the messaging strategy kickoff meeting.
- BACWA will help to identify appropriate participants for the messaging strategy kick-off meeting and extend invitations to them.
- Budget assumes one round of review per deliverable.
- BACWA will provide one consolidated set of deliverable review comments from its staff to HDR.
- The website deliverables do not include the implementation of audit recommendations.

Compensation

We propose to perform the scope of work described for a lump sum amount of \$35,000 for Tasks 5 through 7, according to the following:

Task 5 – Overage for the Recycled Water Study:	\$20,000
Task 6 – Monetizing Non-Economic Parameters for Recycled Water and NbS	\$10,000
Task 7 – Assisting BACWA with Preparation of Outreach Content	\$5,000

The work will be billed on a lump sum basis.

Schedule

HDR assumes the work described for Tasks 5 and 6 will be performed this calendar year (2023). Task 7 will begin in calendar year 2023 through the end of calendar year 2024.

Thank you for the opportunity to present this proposal. We very much value our ongoing relationship with BACWA and we look forward to supporting you into the future. Please let us know if you have any questions or require additional information.

Sincerely,
HDR ENGINEERING, INC.



Holly L.L. Kennedy, PE (CA #74682)
Vice President



Michael W. Falk, PhD, PE (CA #C77787)
Senior Project Manager



EXECUTIVE BOARD AUTHORIZATION REQUEST

AGENDA NO.: 6

FILE NO.: 20-17

MEETING DATE: July 19, 2019

TITLE: Request for BACWA Executive Board Approval to Execute Agreement with the HDR Engineering, Inc. for the Completion of a Regional Evaluation of Potential Nutrient Discharge Reduction by Water Recycling in an amount not to exceed \$154,133.

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

RECOMMENDED ACTION

Authorize the execution of an agreement with HDR Engineering, Inc. to complete a Regional Evaluation of Potential Nutrient Discharge Reduction by Water Recycling in an amount not to exceed \$154,133.

SUMMARY

The 2nd Nutrient Watershed Permit was adopted by the San Francisco Water Board on May 8, 2019. The Permit requires that, individually or in collaboration, the major Dischargers shall develop evaluate options and develop planning-level costs for nutrient discharge reduction by water recycling.

On May 31, BACWA issued a Request for Proposals for consultant support of the evaluation. A team led by HDR submitted a proposal that was deemed acceptable by a selection committee made up of BACWA Staff, a BACWA Executive Board member, as well as BACWA Recycled Water Committee leadership. A scope of work is attached with a contract cost of \$154,133.

Once a contract for the work has been executed, the BACWA Recycled Water Committee will oversee completion of the study and keep the Board apprised on progress. To control the level of effort, BACWA staff will assist the consultant team in working with BACWA's member agencies to obtain the needed information for the evaluation.

FISCAL IMPACT


The BACWA 5 Year Plan anticipated spending \$150,000 for the Evaluation. The funds needed to complete the study are included in the Nutrient Surcharges for individual agencies that has been provided to the BACWA membership and will be collected over the next five years of the 2nd Nutrient Watershed permit term.

ALTERNATIVES

1. Do not complete this work: This alternative is not recommended since the study is a requirement of the 2nd Nutrient Watershed Permit and the BACWA members are relying on BACWA to complete the study on their behalf.
2. Select another consultant to conduct the work: This alternative is not recommended since HDR Engineering Inc. was selected through a competitive process to complete the work.

Attachments:

Contract with HDR Engineering, Inc.
Scope of Work with Level of Effort

Approved: 
Lori Schectel, Chair,
BACWA Executive Board

Date: _____ July 19, 2019

BAY AREA CLEAN WATER AGENCIES PROFESSIONAL SERVICES CONTRACT

This PROFESSIONAL SERVICES CONTRACT, effective 7/19/2019, 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 HDR Engineering Inc. (“Consultant”), a corporation doing business at 2121 N. California Blvd., Walnut Creek, CA 94596 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 \$154,133. 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 December 31, 2023. 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

Exhibit B – Level of Effort and Budget

CONSULTANT:

HDR Engineering Inc.

2121 N. California Blvd


Street Address

Walnut Creek, CA 94596

City, State, Zip Code

47-0680568

Tax Identification No.



HDR Engineering, Inc.

7/23/2019

Date

Holly Kennedy, Sr. Vice President

Name, Title

David R. Williams

July 19, 2019

BACWA Signature

Date

David R. Williams, Executive Director

Name, Title



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 8

MEETING DATE: November 16, 2018

TITLE: Approval of Amendment #7 to Optimization/Upgrade Contract with HDR, new not-to-exceed value of \$295,000.

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

RECOMMENDED ACTION

Approve Amendment No. 7 to the HDR contract approved on September 9, 2014, increasing the contract amount of from \$225,000 to \$295,000 for services during the term of the 2nd Watershed Permit.

SUMMARY

On November 16, 2018, the BACWA Board approved Amendment No. 6 to the Optimization and Upgrade studies contract. The Amendment added three scope of work items to provide for continued support during the term of the 2nd Watershed Permit: 1) Prepare Group Annual Reports during the term of the 2nd Watershed Permit; 2) Provide As Needed Services related to the 2nd Watershed Permit; and 3) Provide Project Management. As the level of effort exceeded the originally anticipated contract level, Amendment #7 would increase the contract amount from \$225,000 to \$295,000 as follows:

	GAR	As-needed support	Project management
Amendment #6	150,000	50,000	25,000
Spent through FY23	133,352	84,085	25,000
Proposed Amendment #7 (i.e. new total)	170,000	100,000	25,000

This agreement does not change the termination date of the agreement, which is June 30, 2024.

FISCAL IMPACT

In the BACWA Budget Approved on April 21, 2023, \$100,000 was budgeted for this line item for FY24.

ALTERNATIVES

1. Do not proceed with this work. This is not recommended as the Group Annual report is required by the Nutrient Watershed permit. Additionally, BACWA is in need of this support as it negotiates the 3rd Watershed Permit with the Water Board.

Attachments:

1. Amendment #7
2. Amendment # 6 BAR and Scope of Work

Approved:

Date:

Amit Mutsuddy, Chair
BACWA

**AMENDMENT NO. 7
TO AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES AND
HDR Engineering)
FOR
Services During the Term of the 2nd Watershed Permit**

This Amendment No. 7 is made this 20th day of October, 2023, in the City of Martinez, County of Contra Costa, State of California, to that certain agreement of September 9, 2014, and last Amended on November 16, 2018, by and between HDR Engineering) and Bay Area Clean Water Agencies, (BACWA) (the “Agreement”) in consideration of the covenants hereinafter set forth.

1. BACWA and HDR Engineering agree to a new not to exceed amount of \$295,000.
2. The expiration date for this portion of the agreement will continue to be June 30, 2024.
3. The Scope of Work is unchanged from Amendment #6.
4. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By _____ Date
Amit Mutsuddy, BACWA Chair

HDR Engineering

By _____ Date



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 8

FILE NO.: 19-27

MEETING DATE: November 16, 2018

TITLE: Approval of Amendment #6 to Optimization/Upgrade Contract with HDR

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

RECOMMENDED ACTION

Approve Amendment No. 6 to the HDR contract 13,397 approved on September 9, 2014 in the amount of \$225,000.00 for services during the term of the 2nd Watershed Permit.

SUMMARY

HDR currently has a lump sum contract to complete the Optimization/Upgrade studies required by the Nutrient Watershed Permit. Amendment No. 6 will add three scope of work items to provide for continued support during the term of the 2nd Watershed Permit: 1) Prepare Group Annual Reports during the term of the 2nd Watershed Permit; 2) Provide As Needed Services related to the 2nd Watershed Permit; and 3) Provide Project Management.

FISCAL IMPACT

This scope of work was not included in the original lump sum contract for the HDR work. The term of this Amendment will begin in FY19 and run through the five year term of the 2nd Watershed Permit (FY20 through FY24). Of the \$225,000 total contract scope of work, \$50,000 is for as-needed services and will only be spent if a need arises for technical assistance connected to the 2nd Watershed Permit.

The annual budget includes a line item for additional work under the Watershed Permit. In FY19 \$100,000 was budgeted for this line item. To date BACWA has committed \$29,410 to HDR for Water Board Staff meeting support and preparation of a brochure that can be used by the BACWA members to assist in informing their governing bodies and the public about the nutrient issue; and \$5,000 for a separate presentation to the Water Board staff on the details of the Op/Upgrade Report and providing support at the Pardee Technical Seminar on presenting the Group Annual Report and technical assistance in discussing future regulatory approaches. Based on the 5-Year Plan, adequate funds will be available in the BACWA budget under the line item for Additional Work Under Permit during Fiscal Years 2020 through 2024.

ALTERNATIVES

1. Select another consultant to complete the work. This is not recommended since the bulk of the work is the preparation of the next five years of Group Annual Reports, a regulatory requirement, and since HDR has gained the expertise and effectiveness to efficiently complete the reports as a result of doing so over the last four years
2. Eliminate the as-needed work item. This is not recommended since it has been demonstrated that unforeseen technical expertise needs are periodically identified by the BACWA members and the regulators and without an omnibus contract in place, response would be severely restricted or delayed.

Attachments: Proposal/Scope of Work
Amendment # 6

Approved:

Date:

Lori Schectel, Chair
BACWA Executive Board



November 12, 2018

Mr. Dave Williams, PE
Executive Officer
Bay Area Clean Water Agencies

RE: HDR's Proposal for Additional Services to Support Compliance with the Nutrient Watershed Permit

Dear Mr. Williams:

Per your request, HDR is pleased to present this proposal to provide additional services for continued consulting services related to the Nutrient Watershed Permit, both the current permit and expected requirements under the second permit. More specifically, HDR would continue to coordinate and prepare the Group Annual Reports through the 2nd Watershed Permit and continue to present and support BACWA at various meetings through the 2nd Watershed Permit.

Our proposed scope of work, budget, and schedule is provided below.

Scope of Work

Task 1 – Preparation of Group Annual Reports

The purpose of this task is to prepare the Group Annual Nutrients Reports for 2019, 2020, 2021, 2022, and 2023.

Consultant shall coordinate with the discharger agencies to collect the previous year's nutrient loading data (July 1 – June 30th of the preceding year). Consultant will review and compile the data and will coordinate with the discharger agency to resolve data gaps and inconsistencies, if needed.

Consultant will prepare a draft appendix for each discharger agency and provide that to the agency for review and comment. Agreed upon data and results will then be compiled into the main report. The complete draft report will be provided to BACWA for review and comment. Comments will be incorporated and a final report will be provided by October 1st of each year for submission to the Water Board. It is assumed, that the format of the report, including trend analysis approach, will be the same as that employed for the most recent 2018 submittal.

hdrinc.com

100 Pringle Ave., Suite 400, Walnut Creek, CA 94596
T 925.974.2500

Following submission of the final report (each year), HDR will support BACWA with preparation and presentation of materials at the Annual Retreat at Pardee and will subsequently present the information to BACWA's membership at the Annual Meeting.

HDR RESPONSIBILITIES:

- Prepare the Group Annual Report for 2019, 2020, 2021, 2022, 2023.
- Participate in one review meeting/presentation (per year) with BACWA to present draft Group Annual Report findings.
- Prepare and present materials at BACWA's Annual Pardee Retreat each year.
- Present at BACWA's Annual Meeting each year.

BACWA RESPONSIBILITIES:

- Provide a timely review of materials prepared as part of this task.

ASSUMPTIONS:

- This task will be billed on a lump sum basis.

Task 2 – As-Needed Services

The purpose of this task is to provide as-needed consulting services related to the 2nd Nutrient Watershed Permit. These services could include additional analyses, meeting participation and presentation, preparation of memos, etc. Consultant will coordinate with BACWA's Executive Director to define the scope and appropriate level of effort prior to task includes management and coordination of the work defined in this scope of services.

ASSUMPTIONS:

- This task will be billed on a time and materials basis.

Task 3 – Project Management

Consultant will manage the scope of work, schedule, and resources for the project. Consultant will coordinate with BACWA's Executive Director as appropriate.

HDR RESPONSIBILITIES:

- Management of the project, including project coordination, project schedule, and coordination of Quality Assurance/Quality Control (QA/QC) activities.
- Prepare regular invoices (invoices will be prepared as appropriate and at least twice yearly).
- Regular communication with BACWA.

ASSUMPTIONS:

- This task will be billed on a lump sum basis.

Compensation

We propose to perform the scope of work described for a not to exceed cost of \$225,000. Tasks 1 and 3 will be billed on a lump sum basis and Task 2 will be billed on a time and materials basis, as summarized in the table below. The expected level of effort for any services provided under Task 2 will be agreed upon prior to incurring costs. A rate schedule is provided in Attachment A for the time and materials services.

Task	Fee Basis	Task Value
Task 1 – Group Annual Report	Lump Sum	\$150,000
Task 2 – As-Needed Services	Time and Materials	\$50,000
Task 3 – Project Management	Lump Sum	\$25,000
Total		\$225,000

Schedule

HDR assumes the work described in this proposal will be performed through the 2nd Watershed Permit (through 2023). Each Group Annual Report will be submitted to BACWA prior to October 1st of each calendar year.

Thank you for the opportunity to present this proposal. We very much value our relationship with BACWA and we look forward to the opportunity to continue supporting you into the future. Please let us know if you have any questions, or require additional information.

Sincerely,
HDR ENGINEERING, INC.



Holly L.L. Kennedy, P.E.
Senior Vice President

MWF:pk/18-10021533



September 29, 2023

Robert Schlipf
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

VIA EMAIL: Robert.Schlipf@waterboards.ca.gov

**Subject: Comments on Tentative Order Amending Waste Discharge Requirements
for Municipal Wastewater Dischargers to Update Total Residual Chlorine
and Oil & Grease Requirements**

Dear Robert Schlipf:

The Bay Area Clean Water Agencies (BACWA) appreciate the opportunity to provide comments on the San Francisco Bay Regional Water Quality Control Board's (Regional Water Board's) Tentative Order amending Waste Discharge Requirements to update Total Residual Chlorine and Oil & Grease requirements for municipal wastewater dischargers.

BACWA is a joint powers agency whose members own and operate publicly-owned treatment works and sanitary sewer systems that collectively provide sanitary services to over seven million people in the nine-county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health. BACWA closely collaborated with Regional Water Board staff during early stages of the Tentative Order's development, and strongly supports its adoption.

The proposed NPDES Permit Amendment will reduce the need for BACWA members to dose effluent with dechlorinating agents such as sodium bisulfite prior to discharging to receiving waters, providing an environmental benefit. Historically, BACWA members have used an overdosing strategy to guarantee compliance with effluent limitations for chlorine, which were expressed as an instantaneous maximum. The previous limitations did not allow consideration of time averaging or dilution in the receiving water. The Tentative Order's new water quality-based effluent limitations allow consideration of both factors, allowing BACWA members to save an estimated \$2M per year on sodium bisulfite purchases. The change will also allow BACWA members to reduce loading of sodium bisulfite into San Francisco Bay and its tributaries, benefiting water quality and the environment.

September 29, 2023

Page 2 of 2

We look forward to coordinating with your staff and our member agencies on the implementation of this NPDES Permit Amendment, as agencies work to comply with their new monitoring and reporting requirements. In the meantime, do not hesitate to contact us with any questions or concerns.

Respectfully Submitted,

A handwritten signature in blue ink, reading "Lorien Fono". The signature is fluid and cursive, with the first name "Lorien" being more prominent than the last name "Fono".

Lorien Fono, Ph.D., P.E.

Executive Director

Bay Area Clean Water Agencies

Cc: BACWA Executive Board

BACWA-BAAQMD Implementation Workgroup Meeting Summary

Date: September 18, 2023
Time: 1-3 pm
Zoom Link: Link provided in meeting invite
Call-in: Details provided in meeting invite

- 1) **Introductions – BACWA** – Lorien Fono, Jason Nettleton, Lori Schectel, Amit Mutsuddy, Chris Dembiczak, Nohemy Revilla, Courtney Mizutani, Sarah Deslauriers; **BAAQMD** – Carol Allan, Sanjeev Kamboj, Greg Nudd, Jerry Bovee, Pamela Leong
- 2) Modifications to the Agenda – no additions/modifications.
- 3) **Overview of Previous Meeting: Decisions and Action Items**
(see table on following page for detailed status updates)
- 4) **Outlook on Engagement**
 - a) Status of Report to BAAQMD Board – Lorien Fono
 - b) Future BACT Determination Process and Handbook Updates – Jason Nettleton
 - i) Pam Leong to contact BAAQMD’s Legal department to discuss how to approach WWTP project planning relative to BACT determination. Pam referenced CARB and EPA’s BACT clearinghouses. BAAQMD is trying to keep their internal “folder” up to date as well as update the guidelines in the Handbook. Some approaches suggested to inform POTWs:
 - (1) Provide updates on BACT to POTWs as soon as possible. For example, Carol mentioned she and her staff are looking at TBACT for diesel fired engines <1000 hp. Tier 4 may be deemed TBACT soon, working to collect source test data by the end of 2023. BAAQMD will review Sacramento’s determination, San Joaquin didn’t have enough source test data.
 - (2) Clarification on which BACT is applicable...at the time the application was submitted, or the timing of BAAQMD’s review. Pam mentioned once BAAQMD has the emissions, the application should be deemed complete. Need to clarify that with Legal.
 - ii) Pam Leong stated that they would notify the community and provide the public time to provide feedback on the next BACT and TBACT determination.
 - iii) Amit Mutsuddy stated that emerging technologies are not always reliable. As essential public service providers we need reliable technologies. Achieved-in-Practice requirements are in place to address this. Carol stated it is also necessary to be deemed Technologically Feasible and Cost-Effective as part of the standard (BACT 1 Standard). Carol suggested having a discussion with Legal regarding the term “proven technology” as well, considering we operate essential public services for community protection.
 - c) Tier 4 Equivalence – Jason Nettleton
 - i) We are now planning for Tier 4 BACT/TBACT (to come) going forward. That said, certified engines have an auto-shutoff feature that cannot be overridden. We’d like to consider Tier 4 Equivalent engines to avoid the induced shutoff.
 - (1) Pam stated they would require testing of PM, NOx, CO, and possibly ammonia slip, to allow the Tier 4 Equivalent emissions. Testing would be required every three years.

- (2) Pam and Sanjeev to provide the standard permit condition for backup generators for BACWA to review.
- d) Update from BAAQMD on Strategic Planning Initiative – Lorian Fono
 - i) Management Audit – Pam stated that BAAQMD is still working with the auditor to get them information. Acknowledged there are many upcoming retirements.
 - ii) Staffing Update – Greg stated BAAQMD newly hired three Deputy Executive Officers. Recommended scheduling a special meeting with EO Phil Fine. Other positions are being reviewed and approved in engineering and enforcement – they have openings but have been unable to fill them due to lack of qualifications (including a requirement of two years’ experience). BAAQMD will be interviewing another set of engineers shortly.
 - iii) 5-Year Plan comes out of the Strategic Planning process (to coincide with the budget process) – hired a consultant (Blue Point Panel) for strategic planning and another (the Metropolitan Group) for the Environmental Justice and Equity Plan. BAAQMD may need more funds to expand the footprint of staff. They will hold an introductory meeting this week to get folks internally engaged. Public engagement will be initiated in the next few weeks. Their goal is to develop a draft framework for feedback from stakeholders.
 - iv) White Papers on Future Regulations (Ongoing) –
 - (1) AB 617 Community Reduction Plans (e.g., West Oakland Plan includes AD and WWTP operations), scope will include GHGs/Nitrous Oxide, Air Toxics/Ethylene Oxide, and Odors. To cover “what we know”, “what we don’t know” ...impact of “changes in regulations”. BACWA will hear from staff in a few weeks on information needs.
 - (2) Rule 11-18 updates coming in a couple of months. Settlement agreement with CBE – resulted in removing implementation plans and flow chart from website. New implementation procedures to be shared and a public process to begin in first quarter of next year.
- e) Status of Edits to Standard Permit Conditions – Courtney reminded that group that BACWA has provided draft updates to three sets of permit conditions and are seeking feedback from BAAQMD.
 - i) Sanjeev stated Brenda has been reviewing BACWA edits. She will be out for six (6) weeks – Ryan Atterbury to serve as Acting Supervisor in Brenda’s absence. Source testing staff will review edits as well.
 - ii) In the meantime, BACWA may work to edit other conditions but should not yet submit them to BAAQMD.
- f) BAAQMD / CASA Air Toxics Study Coordination – Sarah Deslauriers updated the group that CASA is moving ahead in developing an RFQ for a firm to manage the 2-step air toxics emissions study.
 - i) Testing in SoCal – hearing about medical warehouses as a source. Ethylene Oxide background levels very high. Other jurisdictions showing similar levels.
 - ii) Other industries have to undergo this process as well, but there has been no indication that they are moving forward.
- 5) **Next Meetings**
 - a) **Quarterly Meeting:** In-Person meeting December 18th
 - b) **Source Test Workshop** (Hybrid – San Jose): November 6th (lunch included)
- 6) **Adjourn**

Subject	Actions	Lead	Initiated	Status	General Comment
a) Engage BACWA in BAAQMD Strategic Planning	<p><i>Include EO Fine in future Workgroup meetings as an opportunity to engage with him and update him on workgroup activities.</i></p> <p><i>BACWA provided public comment on need for additional staff assigned to POTW permits.</i></p> <p><i>BACWA will track Finance and Administration Committee agendas to identify opportunities to engage in Strategic Planning.</i></p>	<p>BAAQMD</p> <p>BACWA</p> <p>BACWA</p>	<p>2/2023</p> <p>4/2023</p> <p>2/2023</p>	<p>Ongoing</p> <p>Complete</p> <p>Ongoing</p>	<p>Greg Nudd to follow up and target November Board meeting.</p>
b) Source Test extensions from Enforcement, not Source Testing	<i>Jeff Gove, Director of Compliance, recommends POTWs contact their inspector if they need an extension.</i>	-	-	Complete	BACWA shared this with member agencies during an AIR Committee Meeting
c) Edits to Standard Permit Conditions	<p><i>Brenda and Sanjeev to respond to edits and propose additional SPCs for BACWA review. Sanjeev to send SPCs to Jerry.</i></p> <p><i>Consider source testing in permit conditions. Pam noted that revisions to the Permit Handbook include Source Testing to review permit conditions (permit engineer/supervisor to consult with Source Testing).</i></p>	<p>BAAQMD</p> <p>BAAQMD</p>	<p>2/2023</p> <p>7/2022</p>	<p>Pending</p> <p>Pending</p>	<p>Protocol for submitting edits - BACWA to work directly with Brenda Cabral. Copy Sanjeev on emails to keep him informed.</p> <p>Based on timing of the Permit Handbook updates.</p>
d) Standard formatting for source test results	<p><i>BACWA to work with BAAQMD (Jerry) to plan source testing workshop, including source testing firms.</i></p> <p><i>Jerry offered that BAAQMD could provide comparison of EPA guidance and BAAQMD requirements.</i></p>	<p>BACWA</p> <p>BAAQMD</p>	<p>6/2023</p> <p>6/2023</p>	<p>Complete</p> <p>11/2023</p>	<p>Source Testing Workshop 11/6/2023. Others to follow.</p> <p>BAAQMD and source test specialists are under-resourced. Standardization would be helpful and save source test specialists and facilities time and effort.</p>
e) BAAQMD / CASA Air Toxics Study coordination	<p><i>Coordination via CASA and with CARB. Sanjeev and Brenda would like to provide input on Bay Area facility selection for source testing.</i></p> <p><i>BACWA will send out invitation for meeting with CARB/CAPCOA/Air Districts in 2023, based on discussion with CARB 9/26/2023.</i></p>	<p>CASA</p> <p>BACWA</p>	<p>12/2020</p>	<p>Ongoing</p> <p>Pending</p>	<p>First meeting with BAAQMD 12/7/22. Track alignment between CARB two-step process and BAAQMD Rule 11-18 implementation.</p>
f) Review PM 2.5 Local Risk Method	<i>BACWA to monitor Stationary Source, Advisory Council, and Community Advisory Council meetings. Update expected late fall or early 2024.</i>	BACWA	7/2022	Ongoing	
g) Nitrous Oxide emissions	<i>BAAQMD to identify point of contact for this issue.</i>	BAAQMD	6/2023	Ongoing	N ₂ O is emitted from the receiving water or treatment processes. Discussed uncertainties in N ₂ O generation. N ₂ O is not an ozone or PM precursor.
h) Report to BAAQMD Board	<p><i>BACWA to update draft report, then send to BAAQMD staff for final edit.</i></p> <p><i>BAAQMD to include Report in BAAQMD Board meeting packet.</i></p>	<p>BACWA</p> <p>BAAQMD</p>	<p>2/2023</p> <p>4/2023</p>	<p>Complete</p> <p>Pending</p>	<p>BACWA provided a draft report 6/12/2023, to be reviewed and included in the BAAQMD Board packet. Targeting November 2023 Board meeting.</p>

Planning Subcommittee (PSC) Meeting No. 79

October 4, 2023

9:30 am – 12 pm

Teleconference

Chair: none identified

Meeting Notes

Attendees: Dave Senn, Ian Wren, Richard Looker, Lorien Fono, Tom Mumley, Kevin Lunde, Robert Schlipf, Ariella Chelsky.

1. Program update

The NOAA grant for the MERHAB program was announced yesterday. Dave provided an infographic about the project that can be shared with stakeholders. This project will include a Technical Advisory group including Water Board leadership.

The science program is hiring an entry level environmental analyst.

Dave talked about the NMS website update that will make materials more easily accessible. SFEI is also undergoing a revamp of its website, and the two efforts are overlapping, but not identical.

The team will not be able to produce a budget-to-actual document in time for the steering Committee meeting but will provide it at the next meeting. Dave will also provide a detailed budget to the PSC in December. Dave will be allocating near-term resources to writing up details of the HAB investigations.

The November meeting will be rescheduled to the 6th. December meeting will stay on the 6th. The January meeting will be moved to the 9th.

4. Oct 27 Steering Committee Agenda

Dave shared a proposed agenda for the October 27 Steering Committee meeting.

Items include:

- Program update
- Technical Updates
 - Update on the July/Aug 2023 HAB event
 - Details of the NOAA grant and 2022/23 WQIF grant
 - Update on LSB Dissolved Oxygen condition
 - EBMUD Proposal – EMBUD submitted a successful preproposal to WRF to study heterosigma. They have asked BACWA for matching funds, and would like the project to be included under the NMS umbrella.
 - Permit-related : load reductions, model

- Other
- Step 1 for Science Planning, Permit#3 – recruit volunteers to start process

Tom mentioned that he discussed with EPA that there may be a future non-competitive process for supporting the NMS and SFEI.

5. Developing science priorities

Dave shared a rough map of this process, with the goal being for a final draft of the science priorities to be available in March 2024. Interim goals will be set in December and February. The assessment framework will partially dictate the monitoring program. There was a discussion about how USGS agreement should evolve in the future.

6. Modeling for the Watershed Permit

There was a discussion about how risk and uncertainty figure into the Water Board's decision making. If we want to look at an alternative to the 17% threshold that Richard identified as being associated with the impairment threshold, we can consider it. We will set up a meeting to follow up.

7. Action items:

- Send out updated Planning Subcommittee calendar invites
- Update the budget for the December PSC meeting
- Circulate a draft agenda for the 10/27 Steering Committee meeting

Advancing Water Reuse in the Bay Area: Exploring Opportunities and Challenges for Interagency Collaboration – Final Question Responses

The following two questions were posed to attendees at the end of the meeting. Responses were recorded on sticky notes and attached to posters with each question. After the meeting, responses were sorted into the following response types: Continued Collaboration, Funding, Public Outreach, Regulation, and General/Individual.

What would you like to see as next-steps for recycled water?

Continued Collaboration

- Reach out to ACWA
- Similar meetings – I would like to hear what other agencies are doing in terms of projects and studies
- I would love for another meeting/workshop to be convened to continue this discussion in the future
- Create a regional map showing all the projects in concept and planning in the Bay Area
- Continued reuse community events such as today
- The areas outlined where there are shared areas of interest and focus, a la, natural areas of collaboration
- Break down some regional reuse projects that have real barriers and brainstorm real solutions to move forward
- Do some case studies of current projects and develop the critical path steps with the major agencies to ensure success and also as a training for future projects
- Joint meetings between ACWA and CASA, and ACWA Regs and BACWA
- Some group to maintain and make public a list of high probability of proceeding recycled water projects
- Short list of potential indirect potable reuse projects linked to ground water basins and/or surface water reservoirs
- Furthering the discussion on the barriers and how to overcome them for recycled water projects
- Reconvene 2-3 times per year
- Take 2-3 priorities and create a framework to address each
- Urge RB2 or BACWA to convene a subregional, focused meeting
- Pilot efforts to build collaboration within one region (subarea) in the Bay Area
- Alameda LAFCO Countywide Recycled Water Committee
- This workshop was fantastic and good to be with folks facing similar issues. Another workshop!
- Explore more about potential regional partnerships
- Work with local potential users

Funding

- A template for valuing projects/benefits that can be applied regionally
- A cost allocation template
- More federal and/or grant funding
- More funding and less jurisdictional constraints (use across cities, counties, and agencies)

- I would like to see more federal funding for recycled water projects
- Standardized cost structures for wastewater
- Regional funding
- Economic success stories of water and wastewater agencies around recycled water projects
- Forum on funding opportunities
- More funding

Public Outreach

- Find universal driver for recycled water
- Better messaging and education to agricultural users and the public
- A more regional approach to messaging around purified water or reuse in general. What about a website on the BARR webpage
- Wastewater viewed as a resource

Regulation

- Potable Reuse – ROC discharge to Bay and nutrient reduction seem to contradict. Need more alternatives for managing ROC
- Regional effort in regulatory issues
- Compilation of California reuse rules for each use type in one place
- I would like to see more leadership, guidance, and regulation from the State Water Board to facilitate and encourage or require more water recycling

General Steps

- Continue research in the subject area
- Continued development of both non-potable and potable reuse
- See indirect potable reuse and direct potable reuse more utilized throughout California and use of indirect potable reuse to replenish groundwater supplies
- Role reversal
- Training at staff level
- Implement more recycled water projects in the Bay Area
- Identification of main industrial water uses and ways to supply them with recycled water

What actions will you commit to?

Continued Collaboration

- I will commit to help facilitate partnerships to accelerate recycled water projects
- Connecting San Leandro and EBMUD
- Continue efforts to bridge wastewater agencies with reuse potential with water agencies that would benefit from portfolio diversification enhancing resiliency (e.g. Marin County). Efforts include bringing in Regional or State entities to facilitate dialogue
- Help develop collaboration relationship map of the Bay Area (Dave Smith)
- I commit to building new relationships at the staff level of the agencies mine needs to partner with. All levels matter.

- Facilitating or helping to facilitate a meeting between water agency leadership and wastewater agency leadership
- Work with the city to move the recycled water master plan forward
- Continue the collaborative efforts and agreements to increase recycled water usage
- Work with my management team to develop and inherit relationships built by them with other agencies/organizations to develop more reuse projects
- Continued participation in BACWA and supporting better integration of water supply agencies into this discussion through ACWA to support regional project development
- Follow up with at least three participants
- Engage my GM on establishing other collaborating groups
- Following up to see how we can contribute to supporting collaboration that supports reuse
- Continue to engage at meetings
- Participate on potable reuse project partnerships
- Pursue the current water reuse projects and foster the partner relationships
- Continue pursuing regional partnerships to implement reuse projects and grant funding
- Coordinated meeting with vision-statement between local water and wastewater boards
- I would like to talk to my wastewater agencies more often and hear what their issues are and how I can help them to come to the table for collaboration
- Continue developing and expanding partnerships to promote/build reuse facilities
- Movement toward agreements
- Having regular lunch with partners
- Alameda LAFCO to consider contract at November meeting to do a collaborative test study

Funding

- Investigate opportunities for funding and cost sharing, in view of broader social and environmental values
- Research the avoided cost of curtailment and how that could help fund recycled water

Public Outreach

- Educate my elected officials more about recycled water
- Become a bigger champion of recycled water
- More outreach to water agencies
- Continue educating people about recycled water
- I will commit to look into the social acceptance of recycled water and work with experts (Data Instincts) on this subject
- Continue to provide information by publishing reports/studies or meeting/Zoom discussion groups
- Continue to promote/discuss importance and value of recycled water with the community

Regulation

- Gather lessons from indirect potable reuse projects to apply within the SF Bay Region (in particular around the permitting process)

Individual Actions

- Review our long-term plans in light of what was discussed today
- Stay engaged at a high and impactful level
- Intentionally monitor staff and create lasting organizational culture with respect to collaborations
- Pursue recycled water or alternative water supply in areas where available
- Ensuring that multi-benefit projects are brought to the forefront during planning exercises. The focus is too easily siloed into nutrients, aging infrastructure, etc.
- Continue to look for recycled water opportunities and continue the dialogue
- Read the Plan 2.16 report
- Read the Lessons for Successful Collaboration document
- Follow up with Dave Richardson on WRF funding for direct potable reuse study
- Sharing/researching more best practices for getting talent hired

Advancing Water Reuse in the Bay Area: Exploring Opportunities and Challenges for Interagency Collaboration

Meeting Summary

The goal of this meeting was to bring together water agencies, wastewater agencies, consultants, regulators, and non-profits to discuss the different challenges and drivers for recycled water. Through discussion, we hope to recognize opportunities for partnerships to address current and future challenges. This meeting was hopefully the first of many similar efforts to increase collaboration and advance recycled water.

Welcome - Melody Labelle, Central Contra Costa Sanitary District

- Attendees included representatives from water agencies, wastewater agencies, regulatory agencies, and consultant firms.
- Big picture: the Bay Area wastewater community is facing up to \$15 billion in investment costs for nutrient treatment upgrades to protect SF Bay, and we will all bear that cost
- Water recycling can help address many challenges, including:
 - Droughts and water shortages
 - Population/demand growth
 - Ensuring adequate environmental flows
- We will review findings from the *Multi-Agency Water Reuse Programs: Lessons for Successful Collaboration* report to understand what factors help make complex, multi-partner water reuse projects happen
- Desired outcomes for the meeting include:
 - Identify similarities and differences in issues and drivers
 - Recognize opportunities for partnerships to address current and future reuse challenges
 - Evaluate the right scale(s) for collaboration

Drivers and Opportunities

Wastewater Agency Perspective – Lorien Fono, BACWA

- The POTW community's mission has evolved over time
 - At its core, the mission is to reduce public health risk from wastewater
 - The Clean Water Act expanded the mission include protecting water in the environment
 - Climate change is forcing them to become resource recovery agencies
 - Now nutrient management is becoming a key directive
 - Next year wastewater agencies will be required to reduce nutrient concentration in discharge
- Recycled water is just one tool to meet this mission
 - Recycled water is not the cheapest way to reduce nutrient concentrations, and traditional upgrades may be cheaper
 - However, recycled water has multiple benefits that must be considered, which makes it a worthwhile investment in many cases

Water Agency Perspective – Manisha Kothari, SFPUC and Hossein Ashktorab, Valley Water

- The primary drivers for reuse among water agencies are:
 - Regulatory changes that limit availability
 - E.g., environmental flows, curtailments, etc.
 - Climate change and the increasing frequency and severity of droughts
 - Demographic changes including population growth, changing employment patterns, housing needs, and more
- The three tenants of integrated water resources management are (water reuse is part of all three):
 - Optimize use of all available resources,
 - Diversify water supply sources,
 - Demand management and conservation
- Considerations that determine water reuse feasibility are:
 - Nature, location, and timing of end-use demand
 - Infrastructure needs
 - Regulator requirements
 - Costs and ratepayer impacts
 - Community acceptance
- Most easy opportunities to provide non-potable reuse are gone. Further opportunities require new/updated infrastructure. The emphasis is now on potable reuse
- Lesson learned from existing multi-jurisdictional projects include:
 - Communication is important
 - Bring in your elected officials as early as you can (bipartisan)

Regional Board Perspective – Alexis Strauss Hacker, CA State Water Resources Control Board

- The Regional Water Board can bring greater emphasis through their regulations
- They are creating a draft permit and have had great engagement on that project
- They will provide the path forward for brine residuals (what to do with RO concentrate)
- Historically, the Water Board has had regular engagement with wastewater agencies, but they are not as connected with water supply agencies
- The board wants to be part of accelerating water recycling efforts

Importance of Collaboration – Felicia Marcus, Stanford University

- Encourages empathy amongst collaborators
- This field is growing rapidly across the U.S.
- Goals in other states center around nutrient reductions and less on water scarcity
- Encourages even more communication and listening

Breakout #1 Report Outs

During the first breakout session, groups were asked to consider the following questions:

1. What are your agency's top two priorities?

- a. What are the greatest water challenges you face?
 - b. What solutions are you considering?
2. What are your thoughts about how water reuse fits into your future plans?
 - a. If you are not considering water reuse, why not?
3. If you had a magic wand, what would you do today to move water reuse forward?
 - a. What obstacles would you remove to allow action?
 - b. What support do you need to allow action?

Priorities:

- Identify additional forms of funding
 - Lock-in funding for multiple years
- Address uncertainty around future regulations/standards for nutrients etc.
- Avoid to stranding assets/aging infrastructure
- Collaborate to work across jurisdiction boundaries (boundary busting)
- Create capacity for staff to look beyond day-to-day, allow for future focus
- Ensure equitable use/address bias towards affluent communities
- Create centralized outreach resources with a single set of messages for the entire region
 - Potable reuse will likely require additional outreach
 - Have an individual with public respect/attention help drive outreach
 - Water color is an issue with dual plumb facilities and public acceptance
- Create storage to ensure supply during droughts
- Move beyond studies and scale up for larger projects
- Provide a reliable and affordable water supply
- Produce master plans as a tool for implementation (challenging to do)
- Consider banning coastal discharge
- Assign a monetary value to in-stream flows to allow them to compete with other priorities
- Create leadership alignment and move fast when there is alignment
- Create enduring institutions that will outlast senior leaders/elected officials

Magic wand desires (not incorporated in priorities):

- Get rid of I&I
- Instantaneous public understanding (especially of the costs of inaction)
- Reduced NIMBY sentiment for facilities
- More JPAs
- Improve collaboration and negotiation skills for staff
- An industry standard on how to divide costs
- Creative and pragmatic thinking from the Regional Board to create opportunities for agencies to advance these projects
- Consolidate agencies (or increase communication),
- Legislation giving impacted communities a seat at the table for decision making (ex: 1383)
- Enshrine progress in regulation
- Solve the issue of RO concentrate, PFAS and other CECs (could tie those to regulations on discharge, which would create even more challenges)
- Give wastewater agencies the right to distribute recycled water in their jurisdiction

- Reduce water contracts to incentivize providers to diversify their portfolios (i.e., water cuts)

“Lessons Learned” in WRAP 2.16

Wrap 2.16 selected five multi-agency case studies to assess the characteristics that made projects successful. Those findings were then grouped according to five factors: governance, regulatory, economics, management, and leadership.

Governance Lessons – Dave Smith

- Existing utilities have narrow missions, and problems evolve faster than the governance structures. We should view structures as connection points (not boundaries)
- To reuse water, utilities must reach beyond their institutional borders to develop collaborative relationships
 - Collaboration involves reassessing organizational purpose, structure, and goals
 - Collaboration can occur at different scales (regional and subregional)
 - There are existing effective collaboration structures (ex: Bay Area Regional Reliability Process, Bay Area One Water Network, etc.)
 - Formal arrangements have also been successful
 - MOUs, JPAs, and Consolidation (not always an option)

Regulatory Lessons – Felicia Marcus

- Successful project proponents will:
 - Know the applicable regulations at the outset of the project
 - Engage regulators early and often
 - Not just to sell the project when it is designed, but to enlist them in helping solve a community problem
 - Not to argue about the rules, but to see how they can help give regulators what they need to get to yes
 - Remember that regulators are people, approach from a place of desired connection
- Regulators can help advance the project through early advice, project acceleration, and funding

Economics Lessons – Bob Raucher

- Utilities can combine responsibilities to capture, treat, and reuse water more efficiently
- Recycled water is expensive due to new infrastructure, but it helps the triple bottom line:
 - Quality of life improvements, ecological benefits, avoided costs (of water supply shortfalls and others)
- Wastewater and suppliers want the other entity to pay. Consider the following:
 - Have beneficiaries pay accordingly. Identify and quantify the benefits and who receives them, they should pay in proportion
 - Prices are always passed to the customer, so we must pay attention to social equity and affordability
- Path Forward
 - Identify and quantify all the benefits (thinking across jurisdictions)
 - Communicate the benefits to all

- Consider who benefits (allocate costs accordingly)

Management Lessons – Eric Rosenblum

- Mutual recognition of individual agency benefits and constraints is important
- Collaborating managers build trust to promote shared responsibility. Building trust takes time
- Pilot projects provide engineers, operators, laboratory technicians and others the opportunity to work together
- Improve formal communication with informal relationships, i.e., “get lunch”

Leadership Lessons – Shannon Spurlock

- Balance short-term and long-term interests
- Successful leaders:
 - Meet the immediate needs of their ratepayers
 - Provide services whose long-term value extends beyond their boundaries
 - Communicate the benefits of long-term, regional planning to their constituents
- The future is uncertain, so we must plan for change and be adaptable
- Relationships are core, trust needs to be established prior to legal agreements (and legal agreements rarely result without trust)
 - Get to know people out of the office (interpersonal relationships are closely tied with successful implementation)

Breakout #2 Report Outs

During the second breakout session, groups were asked to consider the following questions:

1. How is your ability to form partnerships impacted by governance, regulation, economics, management, and leadership?
2. Which external partnerships do you need to establish to enhance the effectiveness of your organization now and in the future for considering and advancing water reuse?
3. What individuals or groups at your agency and in the broader Bay Area community need to be brought to the table to successfully implement water reuse?

Examples of collaborations

- North Bay Water Reuse Authority had success getting funds through lobbying and as a planning entity
- Bay Area Regional Desal project was a great research collaboration, but implementation requires further alignment
- Having BACWA as a single entity is highly valuable to centralizing discussions. ACWA Region 5 overlaps with BACWA, so a meeting between the two could be valuable

General comments

- Organizations can be strengthened by regular goal setting/mission adaptation
- Involving elected officials can benefit projects due to their profile, but individual agendas may lead to conflict

- Smaller communities have a hard time participating in these organizations. We need to find ways to make their involvement easier
- Take advantage of formal and informal networks of association to convene people on the topic
- Bring underrepresented groups, NGOs, Tribes, upstream users, and research organizations to have a seat at the table from the outset. They can be advocates if they are invested
- Building capacity: increase retention, increase mentoring/training capacity, create succession plans, designate interagency backups
- Staffing issues in cities limit capacity, not just funding. How to compete with other issues?
- Water quality varies. Emphasis on Hetch-Hetchy water quality decreases demand for alternative water sources
- These projects often result in a clash of environmental values (locating near the Bay is touchy)
- Personalities matter (changes entire organization when there are shifts)
- Agencies must work out on the edge of their mission (grow/flex)
- An internal team needed to be built at the regional board to permit the first IPR project
- Facilitate innovation by increasing technologist communication with the utilities
- How do we keep the public engaged? During the drought, many customers were engaged, but that attention has dropped off
 - Different kinds of ad campaigns and outreach may be helpful
 - Unified messaging across agencies is helpful, but tailored messaging is also necessary
- Water reuse is going to have to be tailored to each region/agency
- How do we bring in other aspects of resiliency, fires, flooding, etc. to broaden our support base?
- Recycling water also requires energy, so be cognizant of energy issues and bring those people to the table
- What form of governance fits best? Who is on the hook for compliance? Who receives the permit? Who pays?
 - JPAs are great but they have funding issues and require approval by multiple boards (droughts can accelerate approval). Renewing JPAs is complicated
- Lots of entities want recycled water, but their expectations for timing and quantity are often unrealistic/cost prohibitive

San Francisco Bay Regional Water Quality Control Board

Notice date: September 21, 2023

NOTICE OF FILING, NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT, AND NOTICE OF PUBLIC HEARING

ON AMENDMENT TO THE SAN FRANCISCO BAY BASIN WATER QUALITY CONTROL PLAN, AND DRAFT SUBSTITUTE ENVIRONMENTAL DOCUMENT

NOTICE IS HEREBY GIVEN that the San Francisco Bay Regional Water Quality Control Board (Water Board) has filed a draft substitute environmental document supporting a proposed amendment to the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) to 1) correct errors in freshwater objective calculation formulas for selected metals to be consistent with the California Toxics Rule (CTR) or National Toxics Rule (NTR); 2) clarify that other applicable policies, regulations, and guidance aside from the State Implementation Policy (SIP) may be used when developing dilution credits for non-priority pollutants; 3) allow establishment of alternative cyanide dilution credits and mercury concentration triggers to reflect changes in wastewater treatment operations; and 4) general cleanup to add clarifications, update obsolete information, and improve document formatting.

The Water Board is considering the Basin Plan amendment in accordance with a certified regulatory program exempt under section 21080.5 of the Public Resources Code from the requirement to prepare an environmental impact report under the California Environmental Quality Act. (Pub. Res. Code, §§ 21000 et seq.) The draft staff report serves as the substitute environmental documentation required under the Water Board's certified regulatory program (Cal. Code Regs., tit. 23, §§ 3775 et seq.) and includes the required environmental analyses of the proposed Basin Plan amendment.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the Water Board will receive public comments on the proposed Basin Plan amendment and draft staff report in accordance with this notice.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the Water Board will hold a public hearing to receive public comments on and consider adoption of the proposed amendment and draft staff report. The hearing will be held in-person with a remote participation option as follows:

DATE: **December 13, 2023**
TIME: 9:00 a.m. (approximate)

JAYNE BATTEY, CHAIR | EILEEN M. WHITE, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | www.waterboards.ca.gov/sanfranciscobay

LOCATION

In-Person: Elihu M. Harris Building
First Floor Auditorium
1515 Clay Street, Oakland, CA 94612

Remotely: Please check
https://www.waterboards.ca.gov/sanfranciscobay/board_info/remote_meeting/index.html to find out how to participate the hearing remotely.

STAFF CONTACT:

Tong Yin
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
Phone: 510-622-2418
Email: Tong.Yin@waterboards.ca.gov

DOCUMENT AVAILABILITY: The proposed Basin Plan amendment and supporting draft staff report are available online at the Water Board's "Public Notices and Documents for Review" page (under Basin Planning and TMDLs): https://www.waterboards.ca.gov/sanfranciscobay/public_notices/#basin, and the project webpage: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/NPDES_corrections.html.

SUBMISSION OF WRITTEN COMMENTS: The Water Board will accept written comments on the proposed Basin Plan amendment and draft staff report. Written comments must be received no later than 5:00 p.m. on November 7, 2023 to be considered in the revised Basin Plan amendment or draft staff report and be included in the written response to comments before the Board hearing. Please send all written comments to the staff contact identified above. Additionally, all evidence, testimony, and exhibits to be offered at the hearing must be submitted in writing by this date to the above staff contact. Non-evidentiary policy statements to be made at the hearing need not be submitted in advance.

One week before the Board hearing date, any proposed changes to the proposed Basin Plan amendment and draft staff report, along with written responses to all comments received during the public comment period, will be posted at the Board Meeting agenda page: https://www.waterboards.ca.gov/sanfranciscobay/board_info/agenda.html.

PROCEDURAL MATTERS: The Water Board will receive oral public testimony on the proposed Basin Plan amendment and draft staff report at the hearing. At the conclusion of the hearing, the Board will consider adoption of the proposed Basin Plan amendment and draft staff report, including changes to the proposed Basin Plan amendment that are consistent with the general purpose of the proposed amendment and are a logical outgrowth of the comments received.

The public hearing will be conducted in accordance with the California Code of Regulations, title 23, section 649.3. To ensure a productive, efficient and fair hearing in which all participants have an opportunity to be heard, oral comments will generally be limited to five minutes. Participants with similar comments are strongly encouraged to make joint presentations.

Individuals who require special accommodations are requested to contact Executive Assistant Julie Haas, (510) 622-2399, Julie.Haas@Waterboards.ca.gov, at least five (5) working days before a meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

FUTURE NOTICES: Any changes in the date of the hearing, the availability of responses to comments or any other updates will be noticed by the GovDelivery e-mail list. Any person desiring to receive future notices concerning the proposed Basin Plan amendment should sign up for the GovDelivery e-mail list at https://public.govdelivery.com/accounts/CAWRCB/subscriber/new?qsp=san_francisco_bay, and select the box for “ALL Basin Planning/TMDL” under the “Basin Planning/TMDL” category.



B A C W A
BAY AREA
CLEAN WATER
AGENCIES

DRAFT

Executive Board Special Meeting Agenda

SF Bay Regional Water Board /

BACWA Executive Board Joint Meeting

Tuesday, October 31, 2023, 9 AM – 11 AM

Regional Water Board Offices - 1515 Clay St., Oakland

ROLL CALL AND INTRODUCTIONS – 9 a.m.

PUBLIC COMMENT – 9:05 a.m.

DISCUSSION/OTHER BUSINESS- 9:10 a.m.

Topic	Goal	Time
1. Agency Updates	<ul style="list-style-type: none"> • Roundtable from BACWA and Water Board 	9:10
2. PFAS	<ul style="list-style-type: none"> • Update on BACWA's PFAS Regional Study • Other regulatory and legislative updates 	9:20
3. Recycled Water	<ul style="list-style-type: none"> • Water Board update on Strike Team activities • Follow-up on Workshop on Interagency Collaboration 	9:30
4. Basin Plan Amendment	<ul style="list-style-type: none"> • Basin Plan Amendment to Address NPDES Permitting Needs 	9:35
5. Chlorine	<ul style="list-style-type: none"> • November 8th Adoption Hearing for Blanket Permit Amendment 	9:40
6. Bacteria	<ul style="list-style-type: none"> • Coliform limits for deep water Bay dischargers 	9:45
7. Sea Level Rise	<ul style="list-style-type: none"> • BCDC Regional Shoreline Adaptation Plan and Legislative Update 	9:55
8. Nutrients	<ul style="list-style-type: none"> • Water Board and BACWA updates on planning for 3rd Watershed Permit, including: <ul style="list-style-type: none"> • Interim Limits • Final Limits, including use of model output • Information for Fact Sheet – review of memo • Funding for science in 3rd Watershed Permit • What does the Water Board need from BACWA to write the permit? 	10:00
9. Upcoming Events	<ul style="list-style-type: none"> • Workshop on Developing a San Francisco Bay Subsistence Fishing Survey Questionnaire – November 5, 2023 • 2024 BACWA Annual Members Meeting – May 3, 2024 • 2024 Pardee Technical Seminar – Date TBD 	10:50

ADJOURNMENT

BACWA Board Meetings
January thru December 2024

January 19th

February 16th

March 15th

April 19th

May 3rd – Annual Meeting, Brower Center, Berkeley

June 21st

July 19th

August 16th

September – Pardee Technical Seminar

October 18th

November 15th

December 20th

BACC Update

October 2024

Based on the results of the BACC Annual Chemical Survey we will be preparing the bid documents for the following chemicals:

Aluminum Sulfate
Ammonium Sulfate
Aqueous Ammonia
Citric Acid
Ferric Chloride
Ferrous Chloride
Hydrofluosilicic Acid (Fluoride)
Liquid Chlorine
Sodium Bisulfite
Sodium Hydroxide
Sodium Hypochlorite
Sulfuric Acid

BACC Agencies are currently working on their Estimated Quantities and Delivery Details spreadsheets. These are due December 1, 2024.

FY2024-25 BACC Bid Timeline

- Agency FY2024-25 Estimated Quantities, Delivery Details, Contact information due December 1, 2023
- Agencies will review and approve FY2024-25 BACC bid documents late December 2023 until first week or two of January 2024
- Bids will go live in Planet Bids on January 25, 2024
- Bids will be opened in Planet Bids on February 22, 2024
- Preliminary Bid Results reports will be available for agencies to review February 27, 2024
- Recommendations will be available for agencies to review mid March 2024
- Awards Letters will be issued to vendors late March early April 2024

Committee Request for Board Action: None

41 attendees (including 2 guest speakers) from 26 member agencies

Committee Leadership. Paul Seitz (Central San) has volunteered to help lead the committee. The committee thanked NapaSan's Andrew Damron for providing committee leadership since 2017.

Presentation on Odor Control and Cleaning Optimization

[Eric Van Cleave](#) from [SmartCover Systems](#) provided information about sensors that provide real-time monitoring of odors and water levels within collection systems ([link to presentation slides](#)). SmartCover sensors connect through satellites instead of cell towers, improving reliability during power outages and reducing the need for frequent hardware upgrades. Trending analysis on the water level sensors can provide information about blockages and I&I, serving as an early warning system for sewer spills. The trending analysis can also allow agencies to shift from a calendar-based cleaning schedule to need-based cleaning, which can reduce cleaning costs. Alarm levels on sensors are set via software, and can be modified remotely. Trending analysis on the odor (H₂S) sensors can help agencies reduce the need for chemical dosing, reduce chemical costs, and reduce odors in sensitive communities.

Implementation of Reissued General Order for Sanitary Sewer Systems (SSS-WDR)

Committee members discussed how monitoring and reporting is going so far under the [reissued SSS-WDR](#), which became effective on June 5th. Members shared these observations:

- There are many new requirements for Category 1, Category 2 and Category 3 spill reports, so field crews need to be ready to record information to populate these reports. Category 4 spill report requirements are much simpler than before, and it is no longer possible to upload Category 4 spill reports as the spills occur. Limited aggregate information (total volume, total number of spills) can only be uploaded monthly at the end of the month, and then 11 additional items will need to be reported in February. Many agencies would prefer to be able to enter Category 4 information as spills occur instead of waiting for annual reporting in February.
- The site <https://apptest.waterboards.ca.gov/ciwqs/index.jsp> is available for those with a CIWQS account to test out reporting software.
- State Water Board guidance for submitting service area boundary maps is [now available](#). The maps are due December 31, 2025.
- For some agencies, CIWQS anti-virus software is restricting access to photos and other attachments. Agencies can upload these documents, but the public cannot download them.
- Some agencies are no longer receiving emails to LROs when reports are ready to be certified.
- In some cases, the data submitter cannot view the Category 4 submittal form, because it is part of the no-spill certification module.

The Collection Systems committee will soon be releasing an RFQ for consultant support to update [this 2015 Guidance Document](#) for Sewer System Management Plans. Attendees provided suggestions for modifying the scope of work of the draft RFQ, which was circulated ahead of the meeting. The RFQ will be finalized the week of August 22nd.

Future Meeting Topics

The committee discussed potential future meeting topics. Suggested meeting topics include implementation of the [Advanced Clean Fleet](#) regulations; planning for extreme precipitation; hydro-recyclers; new cross-connections due to telecom construction (installation of 5G); and mutual aid agreements. The committee will pursue a speaker on mutual aid for the November meeting.

Upcoming Events

- Abstracts for [CWEA Annual Conference](#) (April 9-12, 2024) are due on Friday, August 25th
- CWEA Santa Clara Valley Sect.– [Collection System Operators Best Practices](#): Sept. 12th, Pacifica
- CWEA SF Bay Section Collection System Committee Vendor Fair: Sept. 13th, Antioch
- [18th Annual Sewer and Stormwater Summit](#): October 12th, online
- [CWEA Northern Safety Day](#) is November 8, 2023 at Yolo County Fairgrounds
- The Clean Water Summit Partners will hold another SSS-WDR webinar in early November

Next Collection System Committee Meeting: Thursday, November 16, 2023, 10 AM on Zoom

Committee Request for Board Action: None

Regular meeting: 28 attendees via Zoom, including representatives from 21 agencies, the Regional Water Board, and three guest speakers from ELAP

ELTAC Update

Christopher Hand (ELAP) shared that the Division of Drinking Water is accepting applications for five vacancies on the [Environmental Laboratory Technical Advisory Committee](#) (ELTAC). This body meets approximately quarterly in Sacramento, and provides an important opportunity for wastewater agencies (and not just commercial labs) to have a voice in ELAP's governance. There is a virtual option for meeting attendees from the public, but ELTAC members may need to attend in person. There are currently two vacancies for scientific advisors, two vacancies for community implementation advisors, and one vacancy for an accreditation advisor ([reference](#)). Nominations are due Oct. 1st. More information is available [here](#).

ELAP Fee Proposal

Katelyn Hilty and Jennifer McClaren (ELAP) joined the meeting to discuss [proposed changes](#) to ELAP fees. As noted at an August 4th stakeholder meeting hosted by the State Water Board, proposed ELAP fees for FY24 are projected to increase by 30% (see page 4 of [handout](#)). ELAP attributes the increase to several factors: there has been a 25% drop in the number of participating laboratories; 75% laboratories are paying third party assessors instead of hiring ELAP to perform certification assessments (more than expected); and fees have not been increased in ten years. To reduce the impact of future fee increases on small laboratories, ELAP has been instructed to revise its fee structure to add a volume-based charge. There was not time to revise the fee structure for FY24 to add this charge, but ELAP is proposing draft regulations that the State Water Board will consider on September 19th that would require laboratories to submit sample counts to ELAP. The sample counts would inform a future fee revision effort. ELAP staff noted that the number of accredited FOAs does not closely align with the number of tests being run by each lab, which is why they are proposing to use sample counts in addition to FOAs for setting fees.

The proposed reporting requirement would go into effect on January 1, 2024 and would require labs to track and report “the total number of tests run per method performed at the laboratory **for regulatory purposes.**” Committee members shared possible interpretations of the phrase “for regulatory purposes.” ELAP staff noted that the intent was to only require labs to track samples that are required by regulation. Committee members noted that many labs analyze more samples than are strictly required, yet “optional” samples are used for regulatory compliance purposes. The BACWA Laboratory Committee is planning to submit a comment letter to ELAP about the proposed regulation (*note: this letter was finalized after the meeting and is available [here](#)*).

ELAP staff also shared some common enforcement findings, which included: (a) Critical notifications not being made in the prescribed time; (b) Incomplete chain of custody; (c) Changing sample designation from regulatory to non-regulatory after a sample is run; (d) Problems with relocations not being reported to ELAP soon enough; (e) Problems with staff training records; and (f) QAM/SOPs not being reviewed annually. Compliance advisories are shared via the ELAP email subscription list ([subscribe here](#)), and notable enforcement actions are listed on [ELAP's enforcement website](#).

BACWA Updates:

- SFEI is working on preparing a final report summarizing the findings from Phase 2 of the PFAS Regional Study. Results will also be shared at the [2023 Regional Monitoring Program Annual Meeting](#) on Oct 12th.
- The Regional Water Board has developed a [Tentative Order](#) chlorine blanket permit amendment, which was circulated to the committee for review.

Agency Reports and Group Discussion

- Staff from Central San and Palo Alto reported out on recent audits. For Palo Alto, this was the lab's first TNI audit; there were 17 findings and Palo Alto laboratory staff are preparing a response with a detailed action item for each finding. For Central San, the auditor has not yet provided official findings, but has provided an opportunity to address some items informally before they are listed as official findings.
- Proposals for the [CWEA 2024 Annual Conference](#) are due August 25th.

TNI Training and Implementation

- Upcoming TNI training sessions are scheduled for August 15th, October 17th, and December 19th. The sessions are now in Q&A format; submit your questions ahead of time to [Diane Lawver](#).

Next Regular Meeting : Tuesday, October 10, 2023, 10 AM on Zoom

Committee Request for Board Action: None

Regular meeting: 31 attendees via Zoom, representing 17 member agencies and the Regional Water Board

Regional Water Board Updates

Bill Johnson and Robert Schlipf from the Regional Water Board provided updates on several items, including:

Chlorine Blanket Permit Amendment

In July, the Regional Water Board circulated an administrative draft of a blanket NPDES permit amendment for residual chlorine and oil & grease. BACWA and USEPA provided feedback on the draft. The permit amendment will require dischargers that use chlorine for disinfection to include a Chlorine Process Control Plan within their Operation & Maintenance Manual and will have to “target a chlorine residual of 0.0 mg/L” for their “discharge points”. For a few dischargers with a significant travel time between the dechlorination system and the outfall (e.g., the EBDA system), chlorine decay may be a consideration. For most dischargers, the target of 0.0 mg/L would apply at the point of dechlorination. Regional Water Board staff explained that the target of 0.0 mg/L is not an effluent limitation or an operational trigger; it is meant to be used to as a target for establishing dechlorination chemical feed rates. Compliance will be based on the water quality-based effluent limits in the permit amendment, which range from 0.013 mg/L to 1.8 mg/L. Shallow water dischargers do not need to make any changes to their O&M manuals since the permit amendment is not resulting in higher effluent limits. Deep water dischargers who plan to adjust dechlorination feed rates should make a brief note in their annual self-monitoring reports that the O&M Manual was modified in response to this provision.

Note: The [Tentative Order](#) was finalized after the meeting. Comments are due to Robert Schlipf by Sep. 29th. If the Tentative Order is adopted in November, the effective date will be January 1, 2024.

Proposed Basin Plan Amendment to Address NPDES Permitting Needs

The Regional Water Board recently held a public workshop to introduce a proposed Basin Plan Amendment to address NPDES permitting needs (slides are available [here](#)). The proposed amendment would correct the formulas for freshwater water quality objectives and would allow for some flexibility regarding dilution credits and mercury concentration triggers when recycled water projects are being implemented. The Regional Water Board anticipates releasing a draft staff report in August 2023. The Basin Plan Amendment would be subject to approval by the State Water Board, Office of Administrative Law, and USEPA, so it will take many months to become effective if adopted by the Regional Water Board (which could occur as early as November 2023).

Tentative Orders

NPDES permit reissuances for San Mateo and Sausalito-Marín City Sanitary District will be considered at the November Board Meeting.

Chronic Toxicity Screening Studies

[Brant Jorgenson](#) from Pacific EcoRisk provided a presentation on species sensitivity screening (slides are available [here](#)), and provided the following information for Region 2 as they prepare to conduct a screening under the newly adopted [statewide toxicity provisions](#):

- A screening study now takes four consecutive calendar quarters to complete. Previously, it could be completed in 3 consecutive months.
- Estuarine dischargers can choose freshwater or marine species for their study, or a mixture. Previously, there was a requirement to include both freshwater and marine species in the screening study. Freshwater dischargers do not have any choice in species. Marine dischargers have a choice in invertebrates, but not in the fish or plant species. Try to select a species that has high precision and low test variability. Some test protocols have more inherent variability. Development tends to be more precise than growth, for example.
- Consider the availability of test organisms. Some marine invertebrates are wild-collected (e.g., abalone) and not available in some seasons, so they may be a poor choice for monthly testing. Topsmelt also has supply chain constraints because there is only one domestic vendor. By contrast, Ceriodaphnia is typically cultured within a laboratory and is readily available.
- Choosing the right concentration for the test is one of the most challenging parts of the study plan. If the IWC is too low or too high, you may not see a meaningful different between test species. Ammonia sensitivity should be considered. The statewide toxicity provisions do not require a specific dilution series.

Region 2 permits require use of the IWC or 10% (whichever is greater) but also allow the use of higher concentrations “if needed to increase the likelihood that potential effects might be observed.”

Nutrients Update

- An algae bloom of *Heterosigma akashiwo* was reported in San Francisco Bay in late July. In response, SFEI has been conducting additional monitoring in the Bay. According to San Jose staff, dissolved inorganic concentrations and chlorophyll concentrations are lower than those observed during the 2022 bloom, and there have been fewer impacts to fish so far.
- The Nutrient Strategy Team is continuing to meet to discuss the potential for nutrient load reductions during the term of the 3rd Watershed Permit and beyond. The next meeting is August 18th.
- [Special studies](#) required by the 2019 Nutrient Watershed Permit were submitted in late June.

Other Updates

- BCDC is continuing work on development of a Regional Shoreline Adaptation Plan.
- The committee may hold a catered, in-person holiday lunch meeting in lieu of a potluck.

Next Permits Committee Meeting: October 10, 2023, 12:30 PM via Zoom



Executive Director's Report to the Board August/September 2023

EXECUTIVE BOARD MEETING AND SUPPORT

- Worked with BACWA staff to plan and manage 8/18 Executive Board meeting
- Conducted the Executive Board meeting agenda review with the BACWA Chair
- Hosted 8/21 Executive Board meeting and distributed draft meeting notes
- Worked with AED and Pardee staff to plan Pardee seminar logistics and menu
- Planned Pardee Technical Seminar program, and led meeting
- Continued to track all action items to completion

COMMITTEES:

- Attended AIR Comm meeting, 8/30
- Discussed O&M Infoshare Group reboot with prospective group chair, 9/1

REGULATORY:

- Met with SFEI staff to discuss roll out of PFAS Phase 2 data and coordinate with Water Board
- Hosted report-out on risk reduction work to Water Board, 8/15
- Met with R2, SWB, and SFEI to discuss BACWA participation in realignment strategy, 8/15
- Met with R2 AEO to discuss Pardee program
- Met with R2 EO several times to discuss regulatory issues
- Delivered BAAQMD Board item to staff
- Attended R2 Board meeting, 9/13
- Prepared for and hosted Reg 2 BAAQMD/BACWA Workgroup meeting, 9/18

NUTRIENTS:

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

- Developed, updated, and distributed BACWA communique on 2023 HAB event
- Met repeatedly with Water Board to discuss nutrient data
- Gave interviews to local media outlets
- Met with Baykeeper to discuss nutrient planning
- Discussed nutrient permitting with several member agencies
- Met with member agency staff to discuss science program needs
- Met with EBMUD to discuss Heterosigma WRF study support
- Participated in CASA Checkin with OACWA re: Oregon DEQ OAH Assessment Methodology, 8/30
- Met with members of SCCWRP OAH TAC Steering committee, 8/29, 9/12
- Participated in SCCWRP OAH TAC steering committee process, 8/29, 9/12
- Discussed nutrient special studies next steps and contract amendment with consultant
- Reviewed and updated nutrient data metrics for interim limits and final limit allocations
- Met with Science team to discuss modeling scenarios, next steps, 8/29
- Attended modelling meetings hosted by SFEI, 9/21, 9/29

- Planned and hosted NST meeting, 8/18, 9/15
- Attended and developed meeting summary for NMS Planning Subcommittee meeting, 9/6
- Met with UCB professor to discuss NMS modeling program

COMMUNICATIONS

- Held weekly progress meetings with Civic Edge
- Reviewed key messaging materials and provided edits
- Circulated materials for subcommittee review

FINANCE:

- Finalized B2A for FY24
- Reviewed the monthly BACWA financial reports
- Updated five-year plan
- Reviewed and approved invoices
- Developed approval for FY24 NMS Payment Installment 1

COLLABORATIONS:

- Worked with Summit Partners to plan regulatory workshop in October, 8/14
- Met with Consultant team and hosted planning workshop for interagency collaboration, 8/28, 9/14
- Attended CASA RWG Biosolids meeting, 9/21
- Attended SFEP IC meeting, 8/16
- Met with several project proponents to discuss support for WQIF proposals. Developed five letters of support for proposed projects.
- Met with Israeli delegation to discuss technology outreach opportunities
- Attended Oro Loma Horizontal Levee presentation and site tour, 8/23
- Did walkthrough and planned logistics for RW Collab meeting, 9/19
- Hosted Interagency Collab meeting, 9/20

ASC (AQUATIC SCIENCE CENTER)

- Reviewed materials sent via email by ASC ED
- Attended ASC/SFEI Board meeting

BABC (BAY AREA BIOSOLIDS COALITION)

- Attended meeting and developed meeting summary, 9/11
- Reviewed invoicing information

BACC (BAY AREA CHEMICAL CONSORTIUM)

- Discussed administrative and policy issues with administrator
- Discussed potential updates to bid structure with members
- Planned and hosted BACC annual meeting, 8/23
- Helped develop annual chemical survey questions on types of regional bid

BACWWE (BAY AREA COALITION FOR WATER/WASTEWATER EDUCATION)

- Discussed future of PSB with Director

ADMINISTRATION:

- Planned for and conducted the monthly BACWA staff meeting to prepare for the Board Meeting and to coordinate and prioritize activities.
- Met with RPM to discuss progress on regulatory issues
- Signed off on invoices, reviewed correspondence, prepared for upcoming Board meetings, responded to inquiries on BACWA efforts, oversaw and participated in updating of web page and provided general direction to BACWA staff.
- Worked with 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.
- Developed and delivered ED performance eval/plan

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



Board Calendar

November 2023 – January 2024 Meetings

DATE	AGENDA ITEMS
<i>November 17, 2023</i> EBMUD Orinda	Approvals & Authorizations: <ul style="list-style-type: none">• NBS contract Extension Policy / Strategic Discussion: <ul style="list-style-type: none">• BACWA Annual Report Operational: <ul style="list-style-type: none">•
<i>December 16, 2023</i> SFPUC	Approvals & Authorizations: <ul style="list-style-type: none">• Policy / Strategic Discussion: <ul style="list-style-type: none">• Civic Edge Update Operational: <ul style="list-style-type: none">•
<i>January 19, 2023</i> TBD	Approvals & Authorizations: <ul style="list-style-type: none">• Policy / Strategic Discussion: <ul style="list-style-type: none">• Group Annual Report Operational: <ul style="list-style-type: none">•



August 2023

BACWA BULLETIN: Completed and circulated August Bulletin.

CASA: Attended CASA Annual Conference in San Diego.

CHLORINE BLANKET PERMIT AMENDMENT: Reviewed Tentative Order; circulated to committees.

NUTRIENTS: Participated in Nutrient Strategy Team meeting. Reviewed load reduction estimates previously provided by BACWA members, solicited members for updates, and incorporated information from BACWA recycled water study into regional load reduction estimates. Responded to member and public inquires about Bay algae bloom.

REGULATORY MATRIX: Prepared draft regulatory matrix ahead of Pardee technical seminar.

PFAS: Assisted with development of SFEI-led grant application for Phase 3 study.

COMMITTEE SUPPORT:

AIR – Participated in August committee meeting.

BABC – Attended Coalition meeting and prepared draft notes.

BAPPG – Participated in August steering committee, pesticides subcommittee, and regular committee meetings. Prepared notes and circulated to committee members. Attended webinar on extended producer responsibility for medications and sharps. Reviewed draft comment letter related to medication take-back programs.

Collection System – Participated in August committee meeting; prepared notes and circulated to committee members. Prepared draft and final Request for Qualifications (RFQ) and circulated RFQ to consultants. Submitted abstract for CWEA annual meeting. Provided sewershed information to Alameda County Public Health Department.

Laboratory – Participated in August committee meeting; prepared notes. Attended webinar hosted by State Water Board staff to discuss proposed ELAP certification fee structure. Prepared draft comment letter on proposed sample counting requirement; finalized and submitted letter to ELAP. Began preparations for October committee meeting. Assisted with TNI Training webinar.

Permits – Prepared for and participated in August committee meeting; circulated notes to committee.

Recycled Water – Assisted with preparations for workshop on interagency collaboration. Discussed scope for proposed amendment with HDR. Reviewed draft abstract for CWEA annual conference related to recycled water study. Assisted Executive Director prepare for outreach to media.

Executive Board – Prepared regulatory updates for August Executive Board meeting.

ADMINISTRATION/STAFF MEETING – Participated in Staff Meeting.

BACWA MEETINGS ATTENDED:

BAPPG Steering Committee (8/2)

BAPPG Committee Meeting (8/2)

BAPPG Pesticides Subcommittee (8/8)

Laboratory Committee (8/8)

Permits Committee (8/8)

Bay Area Biosolids Coalition (8/14)

Lab Committee TNI Training (8/15)

Collection Systems Committee (8/17)

Executive Board (8/18)

Nutrient Strategy Team (8/18)

AIR Committee (8/30)

EXTERNAL EVENTS ATTENDED:

ELAP Fee Structure Webinar (8/4)

CASA Annual Conference (8/9 – 8/10)

CASA ACE Air Toxics Subgroup (8/16)

NASC medication take-back program webinar (8/22)

Environmental Laboratory TAC (8/22)

CASA ACE Workgroup (8/24)



Regulatory Program Manager's Report to the Executive Board

September 2023

BACWA BULLETIN: Completed and circulated September Bulletin.

CHLORINE BLANKET PERMIT AMENDMENT: Prepared brief comment letter on Tentative Order; circulated to committees; finalized and submitted to Regional Water Board. Discussed new monitoring and reporting requirements with members and Water Boards staff.

NUTRIENTS: Compiled information provided by members regarding potential nutrient load reductions; began preparation of memo summarizing load reduction estimates; provided NMS modeling team with estimated load reductions for scenario testing; prepared notes from Nutrient Strategy Team meeting; participated in meetings of NMS modeling group.

PARDEE TECHNICAL SEMINAR: Prepared for and led group discussion regarding regulatory topics.

REGULATORY MATRIX: Finalized regulatory matrix ahead of Pardee technical seminar.

PFAS: Prepared summary of PFAS influent and effluent data for agency participating in BACWA study.

COMMITTEE SUPPORT:

BAPPG – Participated in September steering committee and pesticides subcommittee meetings.. Finalized comment letter related to medication take-back programs; reviewed draft letter to DPR regarding strategic plan; assisted with Baywise website maintenance; assisted member with question regarding copyright infringement; prepared for October in-person meeting.

Collection System – Reviewed response to RFQ from consultants. Coordinated with State Water Board and potential consultant team regarding SSMP guidance document. Coordinated with Summit Partners regarding upcoming SSS-WDR webinar.

Laboratory – Assisted with preparations for October committee meeting, including agenda and coordination with Region and State Water Board staff; prepared letter of support for ELTAC nominee.

Recycled Water – Assisted with completion of site supervisor training videos; participated in workshop on interagency collaboration for water reuse; prepared for November committee meeting. .

ADMINISTRATION/STAFF MEETING – Participated in Staff Meeting.

BACWA MEETINGS ATTENDED:

BAPPG Steering Committee (9/6)
Pardee Technical Seminar (9/7-9/8)
BAPPG Pesticides Subcommittee (9/12)
Nutrient Strategy Team (9/15)
Recycled Water Collab. Workshop (9/20)

EXTERNAL EVENTS ATTENDED:

CASA Regulatory Workgroup (9/21)
NMS Modeling Check-In (9/29)