



Executive Board Meeting
AGENDA
Friday, March 15, 2024 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	
1 Closed session pursuant to Government Code Section 54957.7	9:05 AM	
2 Report-out from Closed Session	10:00 AM	
PUBLIC COMMENT Guidelines	10:05 AM	
CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER	10:10 AM	
CONSENT CALENDAR	10:15 AM	
3 February 16, 2024 BACWA Executive Board meeting minutes		3-7
4 February 16, 2024 BACWA NST Special Executive Board meeting minutes		8-9
5 February 27, 2024 BACWA NST Special Executive Board meeting minutes		10-11
6 February 28, 2024 BACWA/R2/EPA/Baykeeper special meeting minutes		12-14
7 January 2024 Treasurer's Report		15-23
APPROVALS AND AUTHORIZATIONS	10:25 AM	
8 Authorization: Legal Support for Admin Draft review, up to \$10K		24-32
9 Approval: Legal Support for Watershed Permit Strategy, up to \$40K		33-34
POLICY/STRATEGIC	9:35 AM	
10 <u>Informational</u> : BACWA Comments on OPC SLR Guidance		35-37
11 <u>Discussion</u> : EPA program office - proposed BACWA comments		38-39
12 <u>Informational</u> : BACWA Comments on Rule 11-18 amendments		40-42
13 <u>Informational</u> : CASA Air Toxics update		
14 <u>Discussion</u> : Recycled Water Survey - responses and next steps for BACWA		43
15 <u>Informational</u> : 3/8 NMS Steering Committee minutes		44-59
16 <u>Informational</u> : Report-out from MERHAB MaTAG		60-61
17 <u>Informational</u> : Press tours at Oro Loma and Palo Alto in March		62-67
18 <u>Discussion</u> : Meeting with BAAQMD staff (2/28) and management (2/29) debrief		68-72
OPERATIONAL	11:00 AM	
19 <u>Discussion</u> : Future of BABC as a BACWA Project		
20 <u>Discussion</u> : Presentation BAPPG planning for FY25		
21 <u>Discussion</u> : CY 2024 meeting dates		73
22 <u>Discussion</u> : Second draft of FY25 BACWA Budget, with draft workplan and 5 year plan		74-91
23 <u>Informational</u> : Form 700 reminder		
24 <u>Discussion</u> : Draft of Annual Meeting Program		92
25 <u>Informational</u> : Arleen Navarret - send in your nominations Nomination Form Due March 27th		
26 <u>Discussion</u> : NBWA Sponsorship Request		93-96
27 <u>Informational</u> : BACC Update		97
	11:50 PM	
28 Committee Reports		98-106
29 Member Updates		
30 Executive Director Report		107-108
31 Board Calendar and Action Items		109-110
32 Regulatory Program Manager Report		111
33 Other BACWA Representative Reports		112
a. RMP Technical Review Committee	Samantha Engelage, Alicia Chakrabarti	
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	Amit Mutsuddy, Eric Dunlavey; alternates: Lori Schectel, Jackie Zipkin	

e.i Nutrient Planning Subcommittee	Eric Dunlavey		
e.ii MERHAB MaTAG	Amit Mutsuddy		
f. SWRCB Nutrient SAG	Lorien Fono		
g. BAIRWMP	Cheryl Munoz; Florence Wedington; Jackie Zipkin		
h. NACWA Emerging Contaminants	Karin North; Melody LaBella		
i. CASA State Legislative Committee	Lori Schectel		
j. CASA Regulatory Workgroup	Lorien Fono; Mary Cousins		
k. RMP Microplastics Liaison	Artem Dyachenko		
l. Bay Area Regional Reliability Project	Jackie Zipkin		
m. WaterReuse Working Group	Cheryl Munoz		
n. San Francisco Estuary Partnership	Lorien Fono; Jackie Zipkin		
o. CPSC Policy Education Advisory Committee	Colleen Henry		
p. California Ocean Protection Council	Lorien Fono		
q. Countywide Water Reuse Master Plan	Karin North, Pedro Hernandez		
r. CHARG - Coastal Hazards Adaptation Resiliency Group	Jackie Zipkin		
s. California Water Quality Monitoring Council	Lorien Fono		
t. CASA Air Toxics Steering Committee	Lorien Fono, Jason Nettleton		
34 SUGGESTIONS FOR FUTURE AGENDA ITEMS		11:59 PM	
NEXT MEETING			
The next meeting of the Board is scheduled for April 19, 2024 at SFPUC			
ADJOURNMENT		12:00 PM	



Executive Board Meeting Minutes Friday February 16, 2024

ROLL CALL AND INTRODUCTIONS

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

Other Attendees and Guests:

Name	Agency/Company
Amanda Roa	Delta Diablo
Blake Brown	Central San
Dan Gill	DSRSD
Diane Griffin	DSRSD
David Donovan	City of Hayward
Don Gray	EBMUD
Emily Barnett	Central San
Emily Corwin	Fairfield-Suisun Sewer District
Greg Norby	Central San
Irene Chu	Hazen and Sawyer
Jennifer Dymont	BACWA
Jennifer Voccola-Brown	City of San Jose
Julie Weiss	City of Palo Alto
Lorien Fono	BACWA
Mark Tomko	Vallejo Flood & Wastewater District
Mary Cousins	BACWA
Meg Herston	Fairfield-Suisun Sewer District
Melody Tovar	City of Sunnyvale
Mike Falk	HDR
Michael Connor	Consultant
Rob Learmonth	City of San Mateo
Ryan Batjiaka	SFPUC
Sarah Scheidt	SFO
Taylon Sortor	Fairfield-Suisun Sewer District
Tim Lewis	DSRSD
Tom Hall	EOA

Amit called the meeting to order at 9:02.

Agenda Item

ROLL CALL, INTRODUCTIONS, AND HYBRID MEETING ETIQUETTE

PUBLIC COMMENT

None

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

Item 18 will be taken at 11:30

when presenter Ryan Batjiaka arrives.

CONSENT CALENDAR

- 1 January 19, 2024, BACWA Executive Board meeting minutes
- 2 January 19, 2024, BACWA NST Special Executive Board meeting minutes
- 3 January 30, 2024, BACWA/R2 Joint meeting minutes
- 4 December 2023 Treasurer's Report

Consent Calendar items 1 thru 4: A motion to approve was made by Amy Chastain (San Francisco Public Utilities Commission) and seconded by Jackie Zipkin (East Bay Dischargers Authority). The motion was approved by the remaining board members.

APPROVALS AND AUTHORIZATIONS

- 5 **Authorization: CAR for Bri Communications signage** - BACWA ED explained authorization to meeting attendees. No motion was needed.

POLICY/STRATEGIC

- 6 **Informational: Regional Shoreline Adaptation Planning update** - Emily Corwin from FSSD presented slides on the SF Bay Conservation and Development Commission (BCDC)'s Regional Shoreline Adaptation Plan, which is a coordinated and locally planned adaptation plan for the Bay shoreline. Emily summarized the project stages, including the vision & guidelines, subregional plans and regional adaptation guides as well as grant opportunities. General questions and comments from the meeting attendees followed the presentation.

- 7 **Informational: OPC Sea Level Rise Guidance Update** - BACWA RPM summarized draft 2024 Sea Level Rise guidance recently released by the Ocean Protection Council for public comment. BACWA RPM summarized the changes from the 2018 guidance and shared that comments about the usability of the document are due March 4, 2024. A general discussion followed.

Action Item: BACWA RPM is going to prepare a draft comment letter and circulate it to the board.

- 8 **Informational: Regulatory Issues matrix** - BACWA RPM shared that matrix is in the packet and available on the website.

- 9 **Discussion: EPA program office** - BACWA ED reviewed a list of EPA Region 9 FY24 priorities that are of interest to BACWA. BACWA ED asked for feedback on the list from attendees.

Action item: BACWA ED will prepare a comment letter and will circulate a draft before March 15, 2024 board meeting.

10 Informational: PFAS Fact Sheet - BACWA RPM shared that the PFAS study guide is in the packet and on the website.

11 Informational: CASA Air Toxics update - BACWA ED is currently negotiating a contract with Yorke Engineering for the CASA 2 step process project, as well as seeking guidance from CARB regarding compliance and fundraising from participating agencies.

12 Discussion: Recycled Water Survey - BACWA ED asked attendees to complete the Recycled Water Survey.

13 Discussion: BACWA's role in lobbying for nutrient funding - BACWA ED shared that BACWA has historically not engaged in lobbying and has deferred to CASA. BACWA ED asked if lobbying is appropriate for BACWA and the BACWA ED's time and if so, what should the message be. A general discussion followed. There was consensus that BACWA's role should continue to be primarily a coordination role.

14 Discussion: BACWA representative to MERHAB MaTAG - BACWA ED shared that the NMS had applied to & received a grant from NOAA for MERHAB. BACWA ED was asked for volunteers to participate in the management group. Amit has volunteered for this role.

15 Informational: Press tours at Palo Alto and Oro Loma - BACWA ED shared that there will be press tours in March at Palo Alto and Oro Loma plants.

BREAK 10:32-10:45

16 Discussion: AB805 - Consolidation of Water and Sewer Service - BACWA Board Chair shared background on bill and concerns. The group will continue to monitor the bill and possibly write a comment letter.

17 Discussion: Meeting with BAAQMD staff (2/28) and Phil Fine (2/29) - BACWA ED shared proposed agendas for the upcoming BAAQMD and Phil Fine meetings. The group discussed meeting attendees and agenda topics.

OPERATIONAL

18 Discussion: Future of BABC as a BACWA Project - BACWA ED shared the idea that the Bay Area Biosolids Coalition (BABC) could become a BACWA project of special benefit. Ryan Batjiaka shared the background of BABC and how this transition could happen. The group discussed the idea and the details that would need to be worked out, including governance, budget, timing, and staffing.

19 Informational: RFP schedule (AIR, BAPPG, GAR) - BACWA RPM shared that BACWA has 3 upcoming RFPs for consultant support. These contracts will be issued in FY25. They are for BAPPG outreach, AIR committee support and the Nutrient Watershed Permit group annual report. Attendees noted that RFP for the Nutrient Watershed Permit group annual report should not be posted until the Tentative Order (draft permit) is released.

20 Discussion: First draft of FY25 BACWA Budget - BACWA ED shared a summary of the annual budget process. BACWA ED referred to the FY25 Budget document and shared some high level revenue and expense items of interest. BACWA ED reviewed the impact of a CASA passthrough project on

BACWA revenues. The nutrient surcharge for FY25 is in the packet and BACWA ED asked attendees to review.

Action item: BACWA ED will bring second draft of FY25 budget, draft 5-year plan and draft workplan to the March 15, 2024, BACWA Board Meeting.

21 Informational: Form 700 reminder - BACWA AED shared that 700 forms are due April 1, 2024. NetFile will send and continue to send notifications until you complete it.

22 Discussion: 1st Draft of Annual Meeting Program - BACWA ED shared draft program and the group provided feedback on program and presenters.

Action item: BACWA ED to bring final draft Annual Meeting program to March 15, 2024, BACWA Board meeting.

23 Informational: Arleen Navarret - BACWA ED shared that nomination form is in the packet and on the website and are due March 27, 2024.

24 Informational: BACC Update - BACWA ED shared that BACC bids will be opened next Thursday February 22, 2024, at 4pm.

25 Committee Reports - In the packet.

26 Member Updates - EBMUD shared that CA Governor has sent California Highway Patrol officers to Oakland to provide extra security. SFPUC shared that budget has been approved. FSSD shared recent experiences with outreach to middle school students. Central San shared about recent outreach work related to a potential ban on nonessential uses of PFAS. EBDA shared that the Oro Loma wet weather NPDES permit reissuance is underway and that EBDA is turning 50 this year.

27 Executive Director Report - In the packet.

28 Board Calendar and Action Items - In the packet.

29 Regulatory Program Manager Report - In the packet.

30 Other BACWA Representative Reports

a. RMP Technical Review Committee Samantha Engelage, Alicia Chakrabarti

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 Amit Mutsuddy, Eric Dunlavey; alternates: Lori Schectel, Jackie Zipkin

e.i Nutrient Planning Subcommittee Eric Dunlavey

e.ii MERHAB MaTAG

f. SWRCB Nutrient SAG Lorien Fono

- g. BAIRWMP Cheryl Munoz; Florence Wedington; Jackie Zipkin**
- h. NACWA Emerging Contaminants Karin North; Melody LaBella**
- i. CASA State Legislative Committee Lori Schectel**
- j. CASA Regulatory Workgroup Lorien Fono; Mary Cousins**
- k. RMP Microplastics Liaison Artem Dyachenko**
- l. Bay Area Regional Reliability Project Jackie Zipkin**
- m. WaterReuse Working Group Cheryl Munoz**
- n. San Francisco Estuary Partnership Lorien Fono; Jackie Zipkin**
- o. CPSC Policy Education Advisory Committee Colleen Henry**
- p. California Ocean Protection Council Lorien Fono**
- q. Countywide Water Reuse Master Plan Karin North, Pedro Hernandez**
- r. CHARG - Coastal Hazards Adaptation Resiliency Group Jackie Zipkin**
- s. California Water Quality Monitoring Council Lorien Fono**
- t. CASA Air Toxics Steering Committee Lorien Fono, Jason Nettleton**

31 SUGGESTIONS FOR FUTURE AGENDA ITEMS

NEXT MEETING The next meeting of the Board is scheduled for March 15, 2024 at Centra San

ADJOURNMENT

12:16 PM



Nutrient Strategy Team February 16, 2024 Meeting Summary

ATTENDEES:

Executive Board Representatives: Amit Mutsuddy (EBMUD), Jackie Zipkin (East Bay Dischargers Authority), Lori Schectel (Central San), Amy Chastain (SFPUC), and Eric Dunlavey (San José)

Other Attendees:

Name	Agency/Company
Lorien Fono, Mary Cousins	BACWA
Max Armenta, Sara Sadreddini	Brown and Caldwell
Andre Gharagozian, Jamie Pigott	Carollo
Blake Brown	Central San
Michael Connor	Consultant
Amanda Roa	Delta Diablo
Tim Lewis	DSRSD
Don Gray, Alicia Chakrabarti	EBMUD
Tom Hall	EOA
Talyon Sortor, Jordan Damerel, Meg Herston, Emily Corwin	FSSD
David Donovan, Mark Orlandi	Hayward
Irene Chu	Hazen and Sawyer
Mallika Ramanathan, Mike Falk	HDR
Denise Conners	LWA
Jimmy Dang	Oro Loma
Samantha Engelage	Palo Alto
Jennifer Voccola-Brown	San José
Dilip Gargeya	Stantec
Brian Schumacker	South San Francisco
Melody Tovar	Sunnyvale
Teresa Herrera, Kim Hackett, Anir Bhagwat	SVCW
Armando Lopez	Union Sanitary District
Jennifer Harrington, Mark Tomko	Vallejo FWD

Amit Mutsuddy called the meeting to order at 12:32 pm and led introductions. The meeting was conducted in hybrid format, with participants joining virtually and in-person at EBMUD's Orinda Watershed Center. There was no public comment.

NUTRIENT WATERSHED PERMIT ADOPTION SCHEDULE

BACWA'S Executive Director provided an update on the anticipated schedule for adoption of the 3rd Nutrient Watershed Permit in 2024. The Administrative Draft has been shared with the Nutrient Strategy Team, and comments are due March 6th. BACWA members will hold another Nutrient Strategy Team meeting on February 27th, and will meet with Regional Water Board staff and other stakeholders on February 28th. The Tentative Order is currently due to be released in late March, with comments due in late April. The anticipated adoption hearing date is June 12th.

REVIEW OF ADMINISTRATIVE DRAFT OF 3RD WATERSHED PERMIT

Attendees shared their feedback on the administrative draft, including the following general concerns:

February 16, 2024 NST Meeting Summary

- The administrative draft permit acknowledges that some dischargers will require more than 10 years to come into compliance with the proposed final limits, but does not provide a regulatory pathway to compliance for those dischargers. BACWA is engaging with an attorney to provide guidance on this topic.
- There is disagreement over the method of allocating final load limits among dischargers, including the lack of protection for “Early Actors” and confusion over the requirements for small dischargers.
- The reporting requirements for showing progress during the 10-year compliance schedule could use streamlining.

BACWA plans to provide a markup or comment letter on the administrative draft.

NEXT STEPS

- BACWA will work with the Nutrient Strategy Team to develop approximately five “top messages” to relay to the Regional Water Board. The next Nutrient Strategy Team will occur on February 27th. It will occur in-person at EBMUD with a hybrid option.
- BACWA will continue to explore different ways of allocating loads.
- All members should continue to review the administrative draft and provide comments to BACWA.

Amit Mutsuddy adjourned the meeting at 2:34 PM.

ATTENDEES:

Executive Board Representatives: Amit Mutsuddy (EBMUD), Jackie Zipkin (East Bay Dischargers Authority, Lori Schectel (Central San), and Eric Dunlavey (San José)

Other Attendees:

Name	Agency/Company
Lorien Fono, Mary Cousins	BACWA
Francesca Cecconi, Leah Pifer, Sara Sadreddini	Black and Veatch
Sara Sadreddini	Brown and Caldwell
Jamie Pigott	Carollo
Amanda Cauble, Blake Brown, Dan Frost, Greg Norby	Central San
Michael Connor	Consultant
Amanda Roa	Delta Diablo
Dan Gill, Tim Lewis	DSRSD
Don Gray, Alicia Chakrabarti	EBMUD
Tom Hall	EOA
Talyon Sortor	FSSD
David Donovan	Hayward
Irene Chu	Hazen and Sawyer
Mike Falk, Dave Clark	HDR
Gregory Newmark	Meyers Nave
Karin North, Samantha Engelage	Palo Alto
Michelle Benson	Richmond
Robert Knox	San Mateo
Nohemy Revilla	SFPUC
Melody Tovar, , Ramana Chinnakotla	Sunnyvale
Monte Hamamoto, Kim Hackett, Anir Bhagwat, Arvind Akela	SVCW
Paul Eldredge, Dan Jackson, Tim Grillo	Union Sanitary District
Jennifer Harrington	Vallejo FWD

Amit Mutsuddy called the meeting to order at 3:32 pm and led introductions. The meeting was conducted in hybrid format, with participants joining virtually and in-person at EBMUD's administrative office in Oakland. There was no public comment.

As discussed at the previous Nutrient Strategy Team meeting, the Administrative Draft has been shared with the Nutrient Strategy Team, and comments are due March 6th. BACWA members will meet with Regional Water Board staff and other stakeholders on February 28th to discuss the Administrative Draft. The primary purpose of the meeting was to continue review of the Administrative Draft and prepare for the upcoming meeting with Regional Water Board staff.

REVIEW OF ADMINISTRATIVE DRAFT OF 3RD WATERSHED PERMIT

BACWA has retained the law firm Meyers Nave to provide legal review of the Administrative Draft. Gregory Newmark of Meyers Nave shared information about regulatory options that might be able to provide longer time frames for compliance, including a Basin Plan Amendment, narrative (rather than numeric) limits, a TMDL, or a TMDL alternative such as a Water Quality Attainment Strategy. These

February 27, 2024 NST Meeting Summary

alternatives could be cited in the current permit (preferably in the Provisions, Findings or the Fact Sheet). The group also discussed concerns about anti-backsliding requirements, legal options that follow permit adoption. BACWA's Executive Director explained the Regional Water Board plans to hold an environmental justice-focused outreach session about the draft permit on March 5th, and the group discussed the importance of including cost impacts in this outreach.

BACWA's Executive Director presented several key components of the Administrative Draft that will require feedback from the Nutrient Strategy Team members. The Executive Director shared that the Report of Waste Discharge requirement has been added to the Administrative Draft because it will allow administrative extension of the permit if it is not reissued within 5 years. Attendees provided input on the need for protection for early actors; consideration of co-digestion as a multi-benefit project; censoring or averaging-out of wet weather data that could otherwise threaten compliance with numeric limits; and parity for all dischargers in the calculation of load limits, including small dischargers.

The meeting concluded with a brief discussion of strategy for the February 28th meeting with Regional Water Board staff, USEPA, and Baykeeper.

NEXT STEPS

- At the in-person meeting with Regional Water Board staff on February 28th, BACWA representatives will express support for strategic investments to reduce nutrients. BACWA representatives will also advocate for changes to the administrative draft to provide longer compliance timelines, protection for early actors, and support for multi-benefit projects.
- Members should continue to review the administrative draft and provide comments to BACWA by Friday, March 1st.
- The Executive Board will hold a closed session to continue discussing legal options with counsel.

Amit Mutsuddy adjourned the meeting at 5:15 PM.



Special Executive Board Meeting February 28, 2024 Meeting Summary

ATTENDEES:

Executive Board Representatives: Lori Schectel (Central San); Amit Mutsuddy (EBMUD); Eric Dunlavey (San José); Jacqueline Zipkin (East Bay Dischargers Authority).

Other Attendees:

Name	Representing
Lorien Fono, Mary Cousins	BACWA
Ian Wren, Jon Rosenfield	Baykeeper
Eileen White, Tom Mumley, Bill Johnson, Kevin Lunde, Robert Schlipf, and Richard Looker	San Francisco Bay Regional Water Quality Control Board
Luisa Valiela, Julie Song, Eric Dubinsky	USEPA Region 9
Greg Norby	Central San
Alicia Chakrabarti, Don Gray	EBMUD
Tom Hall	EOA
David Donovan	Hayward
Karin North	Palo Alto
Mariana Chavez-Vasquez	San José
Monte Hamamoto	Silicon Valley Clean Water
Ramana Chinnakotla	Sunnyvale

This meeting was convened by staff from the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) to solicit feedback on the administrative draft Nutrient Watershed Permit circulated to participants in mid-February. Eileen White began the meeting at 9:05 AM and led introductions.

PREPARATION OF DRAFT NUTRIENT WATERSHED PERMIT

Regional Water Board staff began the meeting by explaining the scientific and regulatory underpinnings of the administrative draft permit. Robert Schlipf provided information about the Reasonable Potential Analysis, and Richard Looker provided details about the modeling exercise used to justify the final effluent limitations. Based on these approaches, Regional Water Board staff determined that a 40% reduction in Total Inorganic Nitrogen loads compared to 2022 would be protective. This reduction was applied bay-wide, not on a subembayment basis. The model did not account for the geographic distribution of the allocation of load reduction requirements. Later in the meeting, it was noted that these individual load allocations are likely to be reallocated in a future permit. The Regional Water Board plans to release a Tentative Order for public comment in April, with comments due in May. The adoption hearing will be held in June.

DISCUSSION ON DRAFT NUTRIENT WATERSHED PERMIT

Attendees discussed the draft permit and noted the following:

- Baykeeper staff noted that the requirement to identify multi-benefit projects by July 1, 2025 seemed too soon. Regional Water Board staff noted that they do not want agencies to delay nutrient reduction projects simply because they are multi-benefit projects, and that the July 2025 deadline only requires projects to be identified, not described in detail. Baykeeper would like to see enhanced interim requirements that ensure a timeline that is as fast as feasible.
- Representatives from BACWA and several POTWs noted that the permit needs to allow longer timeframes, particularly for multi-benefit projects, so that the permit clearly establishes a pathway to compliance. For projects that will take longer than 10 years to implement, Regional Water Board staff noted that there are two options for maintaining compliance. The first option is to extend the compliance schedule upon reissuance of the permit in 5 years (c. 2029). The second option is to issue a Cease and Desist Order. BACWA requested additional language in the “Findings” section to note the need for longer timeframes. Regional Water Board shared that in their attorneys’ view, the Fact Sheet is no worse than the “Findings” section with respect to legal enforceability.
- BACWA noted the need to include reduction of nutrients associated with organic codigestion as multi-benefit projects.
- Regional Water Board staff acknowledged that a TMDL (or TMDL alternative such as a water quality attainment strategy) is an option that provides a longer time frame for compliance. However, they are not planning to pursue a TMDL (or TMDL alternative) at this time because TMDLs are very difficult to modify, and the science program would need to be sufficiently mature to have confidence that the compliance strategy is unlikely to change. Examples of near-term model improvements needed to improve confidence are (a) improving modeling of physical conditions such as light extinction and sediment transport, and (b) the role of algal toxins in causing fish kills during bloom events.
- USEPA staff noted that they are interested in seeing agencies provide very specific information about project milestones in order to comply with the 10-year compliance schedule.
- Baykeeper noted support for phosphorus load reductions and including industrial dischargers (e.g., refineries) in the permit. Ultimately they would like to see higher reduction requirements than what’s in the draft permit. Baykeeper also noted that they support a permit that awards early adopters and early attainment; a permit that manages nutrients by subembayment; and a permit with more certainty that multi-benefit projects will achieve their objective.
- Baykeeper and representatives from several POTWs are aligned in their vision that the permit should recognize early actors from the previous permit term, and support future early action. In this way, incentivizing early action would remain a key tenet of the permit.

February 28, 2024 Meeting Summary

There was also a discussion about how holding agencies to their lowest nutrient discharges disincentivizes projects that reduce nutrients below limits to accommodate future growth.

- BACWA noted that outreach efforts to environmental justice communities should include disclosures about the impacts to customer rates as a result of the permit.

After interested parties submit comments on the administrative draft, the Regional Water Board will develop the Tentative Order and release it for public comment.

The meeting was adjourned at 12: 15 pm.



B A C W A B A Y A R E A C L E A N W A T E R A G E N C I E S

February 22, 2024

MEMO TO: Bay Area Clean Water Agencies Executive Board
MEMO FROM: Phoebe Grow, Treasurer, East Bay Municipal Utility District
SUBJECT: Seventh 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 January 31, 2024** (Seven 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: Monday, February 26, 2024 3:07 PM
To: Houck, Matt
Subject: RE: January 2024 Treasurer's Report

Hi Matt – Report looks good, I approve. Thanks!

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

From: Houck, Matt <matt.houck@ebmud.com>
Sent: Monday, February 26, 2024 12:16 PM
To: Grow, Phoebe <phoebe.grow@ebmud.com>
Subject: January 2024 Treasurer's Report

Hi Phoebe,

Please approve BACWA - January 2024 Treasurer's Report for distribution.

Let me know if you have any questions.

Thanks,

Matt Houck

Accountant III

East Bay Municipal Utility District

375 11TH St, MS 402, Oakland, CA 94607

P 510-287-0238

Fund Balances

In FY24 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 January 31, 2024, was \$682,562 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. \$406,375 of the ending fund balance is shown on the BACWA Fund & Investments Balance Report January 31, 2024, 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.

CBC Fund: This fund provides the resources for completing special investigations as well as meeting regulatory requirements. The ending fund balance on January 31, 2024, was \$2,158,904 which is higher than the target reserve of \$1,000,000. \$228,628 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 \$930,276 (i.e., actual fund balance of \$1,930,276 less target reserves) as of January 31, 2024. 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 January 31, 2024 (58% of the FY) are at 98%

Expenses as of January 31, 2024 (58% of the FY) are at 68%

FY 2024
BACWA BUDGET to ACTUAL

							
<u>BACWA FY24 BUDGET</u>	<u>Line Item Description</u>	<u>FY 2024 Budget</u>	<u>Projected Revenue as of Jan 2024</u> <u>Changes from budget in blue</u>	<u>Actual Jan 2024</u>	<u>Actual % of Budget Jan 2024</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	\$190,578	100%	\$500	FY24: 2% increase. 12 Assoc: \$8876; 47 Affiliate: \$1778; UC Berkeley \$500
Fees	Clean Bay Collaborative	\$675,000	\$675,000	\$673,500	100%	-\$1,500	Same as FY23 Prin: \$450,000; Assoc/Affil: \$225,000
	Nutrient Surcharge	\$1,400,000	\$1,400,000	\$1,400,751	100%	\$751	See Nutrient Surcharge Spreadsheet
	Voluntary Nutrient Contributions			\$0	0%	\$0	
Other Receipts	AIR Non-Member	\$7,361	\$7,361	\$7,361	100%	\$0	2% increase (Santa Rosa)
	BAPPG Non-Members	\$4,114	\$4,114	\$4,140	101%	\$26	2% increase (Sta Rosa, Sac Reg'l, Vacaville) \$1,380/each
	Other			\$2,653		\$2,653	BAWSCA Annual Membership
Fund Transfer	Special Program Admin Fees (WOT)	\$1,000	\$1,000	\$0	0%	-\$1,000	
	Special Program Admin Fees (BACC)	\$38,520	\$38,520	\$0	0%	-\$38,520	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	\$60,748	101%	\$748	BACWA, Legal, & CBC Funds invested in LAIF
	Higher Yield Investments						
	Total Revenue	\$2,919,868	\$2,919,868	\$2,877,526	98.55%	-\$42,342	
EXPENSES							
Labor							
	Executive Director	\$218,548	\$218,548	\$109,272	50%	-\$109,276	7% (incl. 4.9% CPI SF Bay Metro Area Dec 2022)
	Assistant Executive Director	\$92,024	\$92,024	\$46,743	51%	-\$45,281	7% (incl. 4.9% CPI SF Bay Metro Area Dec 2022); \$76.69/hour; Reflects 1200 hours
	BACC Administrator	\$38,520	\$38,520	\$19,934	52%	-\$18,586	400 hrs AED support at \$96.30 per hr
	Regulatory Program Manager	\$152,179	\$152,179	\$71,944	47%	-\$80,235	7% (incl. 4.9% CPI SF Bay Metro Area Dec 2022); \$112.72/hour, Reflects 1350 hours
	Total	\$501,271	\$501,271	\$247,892	49%	-\$253,379	
Administration							
	EBMUD Financial Services	\$43,297	\$43,297	\$22,101	51%	-\$21,196	FY24 no change
	Auditing Services	\$5,561	\$5,561	\$0	0%	-\$5,561	Finanical Auditors through EBMUD; per auditor rate schedule
	Administrative Expenses	\$8,118	\$8,118	\$49	1%	-\$8,070	FY24 no change
	Insurance	\$9,351	\$8,169	\$8,169	87%	-\$1,182	15% increase over FY23 (10-15% est. increase per Alliant)
	Total	\$66,327	\$65,145	\$30,318	46%	-\$36,009	
Meetings							
	EB Meetings	\$2,760	\$4,300	\$3,050	111%	\$290	2% increase from FY23
	Annual Meeting	\$14,369	\$14,369	\$1,885	13%	-\$12,484	FY24 no change
	Pardee	\$6,801	\$2,567	\$2,567	38%	-\$4,234	2% increase from FY23
	Misc. Meetings	\$7,500	\$7,500	\$540	7%	-\$6,960	30% increase from FY23 to accommodate conferences
	Total	\$31,430	\$28,736	\$8,042	26%	-\$23,388	
Communication							
	Website Hosting	\$728	\$728	\$0	0%	-\$728	2% increase from FY23, Go Daddy website hosting and domain registration
	File Storage	\$796	\$796	\$0	0%	-\$796	2% increase from FY22, box.net
	Website Development/Maintenance	\$1,592	\$1,592	\$0	0%	-\$1,592	2% increase from FY22
	IT Support	\$2,759	\$2,759	\$0	0%	-\$2,759	2% increase from FY22
	BACWA Value of Wastewater Communication	\$40,000	\$40,000	\$16,408	41%	-\$23,593	New line in FY24
	Other Commun	\$1,857	\$1,857	\$160	9%	-\$1,697	2% increase from FY23; MS Exchange, Survey Monkey, PollEv, Zoom, Netfile
	Total	\$47,732	\$47,732	\$16,567	35%	-\$31,165	

**FY 2024
BACWA BUDGET to ACTUAL**

EXPENSES							
Legal							
	Regulatory Support	\$2,929	\$2,929	\$0	0%	-\$2,929	2% increase from FY23, Downey Brand LLP
	Executive Board Support	\$2,355	\$2,355	\$0	0%	-\$2,355	2% increase from FY23, Day Carter & Murphy LLP
	Total	\$5,284	\$5,284	\$0	0%	-\$5,284	
Committees							
	AIR	\$76,000	\$76,000	\$35,734	47%	-\$40,266	\$75k consulting support, \$1k misc expenses. Carollo Engineers
	AIR Support for ACE	\$20,000	\$20,000	\$14,575	73%	-\$5,425	New in FY23
	BAPPG	\$159,000	\$159,000	\$79,046	50%	-\$79,954	17% increase from FY23. Includes CPSC @ \$5,000, OWOW @ \$10,000, NSAC @ \$10,00 and Pest. Reg Spt. @ \$71,500
	Biosolids Committee	\$0	\$0	\$0		\$0	
	Collections System	\$56,000	\$56,000	\$0	0%	-\$56,000	SSS WDR Support
	InfoShare Groups	\$500	\$500	\$333	67%	-\$167	\$500 decrease from FY23
	Laboratory Committee	\$4,050	\$4,050	\$2,075	51%	-\$1,975	\$2350 less than FY23, TNI Training
	Permits Committee	\$500	\$500	\$255	51%	-\$245	\$500 decrease from FY23
	Pretreatment	\$500	\$500	\$0	0%	-\$500	\$500 decrease from FY23
	Recycled Water Committee	\$10,000	\$10,000	\$667	7%	-\$9,333	Carry forward from FY23
	Misc Committee Support	\$45,000	\$45,000	\$3,740	8%	-\$41,260	Same as FY23
	Manager's Roundtable	\$1,000	\$1,000	\$254	25%	-\$746	Same as FY23
	Total	\$372,550	\$372,550	\$136,681	37%	-\$235,869	
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 Navarret Award	\$2,500	\$2,500	\$0	0%	-\$2,500	Biennial in Even Fiscal Years. FY24 Award likely to be paid in FY24
	BayCAN	\$5,000	\$5,000	\$0	0%	-\$5,000	
	Bay Area One Water Network	\$5,000	\$5,000	\$0	0%	-\$5,000	Same as FY23
	Bruce Wolf Scholarship	\$4,000	\$4,000	\$0	0%	-\$4,000	FY22, FY23, FY24, FY25 FY26
	Passthrough for CASA for air toxics	\$425,000	\$100,000	\$0	100%	-\$425,000	Estimate - new line in FY24 - actual amount less than anticipated for YF24
	Misc	\$1,500	\$1,500	\$0	0%	-\$1,500	NBWA (\$1,500)
	Total	\$443,000	\$118,000	\$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	\$1,800,000	\$1,800,000	100%	\$0	Advance funding for 2nd Watershed Permit Sciece Studies; Final \$ TBD
	NMS Voluntary Contributions	\$0	\$0	\$0	0%	\$0	
	Additional work under permit	\$100,000	\$100,000	\$18,281	18%	-\$81,719	Includes HDR PO for \$225k spread out over FY20-24.
	Regional Study on Nature based systems	\$80,000	\$80,000	\$95,464	119%	\$15,464	SFEI \$500K, expires 06/30/2023: Possible funds left over from FY23 to be spent on additional work
	Regional Recycling Evaluation	\$0	\$0	\$17,493	0%	\$17,493	HDR \$154K, expires 12/31/2023
	Nutrient Workshop(s)	\$0	\$0	\$0	0%	\$0	Pilot Studies/Plant Review/InDecative Technologies
	NMS Reviewer	\$50,000	\$50,000	\$11,390	23%	-\$38,610	M. Connor Contract
	General Tech Support	\$100,000	\$100,000	\$0	0%	-\$100,000	AB617 emissions factors, PFAS, other nutrient support
	CEC Investigations	\$60,000	\$102,735	\$102,735	171%	\$42,735	PFAS Study Phase II - Carryover from FY23 which was underspent
	Risk Reduction	\$12,500	\$12,500	\$12,500	100%	\$0	APA FSS completed \$12,500 contract in FY20, CIEA will complete \$12,500 contract in FY23
	Total	\$2,202,500	\$2,245,235	\$2,057,863	93%	-\$144,637	
	TOTAL EXPENSES	\$3,670,094	\$3,383,953	\$2,497,363	68.05%	-\$1,172,731	
	PROJECTED EXPENSE DEVIATION FROM BUDGET		-\$286,141				
	NET INCOME BEFORE TRANSFERS	-\$750,226	-\$464,085				
	TRANSFERS FROM RESERVES	\$750,496					aligns with strategy of drawing down reserves to lessen impact of Nutrient Surcharge
	NET INCOME AFTER TRANSFERS	\$0					
	TOTAL OPERATING BUDGET	\$1,467,594					

FY 2024
BACWA BUDGET to ACTUAL

EXPENSES							
	OPERATING RESERVE	\$366,899					

BACWA Fund Report as of January 31, 2024

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	758,665	423,774	682,562	406,375	276,187
604	LEGAL RSRV	300,000	-	-	300,000	-	300,000
605	CBC	2,097,905	2,118,862	2,057,863	2,158,904	228,628	1,930,276
	<i>SUBTOTAL 1</i>	<i>2,745,576</i>	<i>2,877,527</i>	<i>2,481,637</i>	<i>3,141,466</i>	<i>635,003</i>	<i>2,506,463</i>
602	BABC	190,244	175,600	59,443	306,401	51,149	255,252
606	BACC	31,025	1,778	50,737	(17,934)	18,586	(36,520)
607	BACC LEGAL RSRV	60,000	30,000	-	90,000	-	90,000
610	WOT	253,257	-	(10,000)	263,257	-	263,257
	<i>SUBTOTAL 2</i>	<i>534,526</i>	<i>207,378</i>	<i>100,180</i>	<i>641,724</i>	<i>69,735</i>	<i>571,989</i>
	GRAND TOTAL	3,280,102	3,084,905	2,581,817	3,783,190	704,738	3,078,452

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	758,665	423,774	682,562	(271,669)	3,004	413,897	(117,833)	531,730	22%	-		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	2,118,862	2,057,863	2,158,904	(715,912)	-	1,442,992	-	1,442,992	61%	-		priority # 4 for allocation
	<i>SUBTOTAL 1</i>	<i>2,745,576</i>	<i>2,877,527</i>	<i>2,481,637</i>	<i>3,141,466</i>	<i>(987,581)</i>	<i>3,004</i>	<i>2,156,889</i>	<i>(117,833)</i>	<i>2,274,722</i>	<i>96%</i>	<i>-</i>		
602	BABC	190,244	175,600	59,443	306,401	(65,500)	-	240,901	240,901	-	0%	-		pass-through funds, no allocation
606	BACC	31,025	1,778	50,737	(17,934)	-	-	(17,934)	(17,934)	-	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
	<i>SUBTOTAL 2</i>	<i>534,526</i>	<i>207,378</i>	<i>100,180</i>	<i>641,724</i>	<i>(65,500)</i>	<i>-</i>	<i>576,224</i>	<i>486,224</i>	<i>90,000</i>	<i>4%</i>	<i>-</i>		
	GRAND TOTAL	3,280,102	3,084,905	2,581,817	3,783,190	(1,053,081)	3,004	2,733,113	368,391	2,364,722	100%			

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

Reconciliation to Trial Balance

Per Report above:		STB	14930	2,364,722	
General	2,877,527	STB	15050	368,391	
WOT, BABC, & BACC	207,378			2,733,113	-
PROP	-	STB	16300	1,053,081	
subtotal	3,084,905	STB	21350	(3,004)	
				3,783,190	-

Trial Balance Revenue Accounts

40100	Interest	(62,527)
40101	Mem Contrib	(1,386,895)
40102	Transfer	(30,000)
40103	Assoc Contrib	(190,578)
40104	Other	(1,414,905)
47310	State Grant	-
47320	Grant Retention	-
subtotal		(3,084,905)
Difference		-

BACWA Revenue Report as of January 31, 2024

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	-	-	(39,616.00)	(39,616.00)
		BDO Affiliate/Associate Dues	6103	-	-	(44,450.00)	(44,450.00)
		BDO Assoc.&Affiliate Contr	6102	(190,078.00)	-	(106,512.00)	83,566.00
		BDO Fund Transfers	6141	(1,000.00)	-	-	1,000.00
		BDO Member Contributions	6101	(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)	-	(4,140.00)	(26.00)
		BDO Other Receipts	6105	-	-	-	-
		BDO Other Receipts (Misc)	6140	-	-	(2,653.00)	(2,653.00)
		BDO- Interest Income from LAIF	6142	(60,000.00)	(7,996.92)	(16,137.70)	43,862.30
		BDO-Alternative Investment Inc	6143	-	-	-	-
600 Total				(844,598.00)	(7,996.92)	(758,664.70)	85,933.30
602	Bay Area Biosolids Coalition	BDO Fund Transfers	6141		-	-	-
		BDO Member Contributions	6101		-	(175,600.00)	(175,600.00)
602 Total				-	-	(175,600.00)	(175,600.00)
605	Clean Bay Collaborative	BDO Fund Transfers	6141	-	-	-	-
		BDO Member Contributions	6101	(675,000.00)	-	(673,500.00)	1,500.00
		BDO Other Receipts	6105	(1,400,000.00)	-	(1,400,751.00)	(751.00)
		BDO- Interest Income from LAIF	6142	-	(14,582.62)	(44,611.42)	(44,611.42)
605 Total				(2,075,000.00)	(14,582.62)	(2,118,862.42)	(43,862.42)
606	Bay Area Chemical Consortium	BDO Member Contributions	6101	-	-	-	-
		BDO- Interest Income from LAIF	6142	-	(940.82)	(1,778.06)	(1,778.06)
606 Total				-	(940.82)	(1,778.06)	(1,778.06)
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)	(23,520.36)	(3,084,905.18)	(165,307.18)

BACWA Treasurer's Report Expenses and Encumbrances

Period Covering July 1, 2023 through January 31, 2024

Cost Center Code	Program Segment Description	Program Segment Value	Amended Budget	Obligated Fiscal Year to Date	Unobligated
600	AIR-Air Issues&Regulation Grp	6153	96,000.00	88,210.30	7,789.70
	AS-Assistant Executive Directo	6175	92,024.00	92,024.00	-
	AS-Audit Services	6180	5,561.00	-	5,561.00
	AS-BACWA Admin Expense	6173	8,118.00	48.62	8,069.38
	AS-EBMUD Financial Services	6176	43,297.00	43,297.00	-
	AS-Executive Director	6174	218,548.00	218,548.00	-
	AS-Insurance	6177	9,351.00	8,168.68	1,182.32
	AS-Regulatory Program Manager	6179	152,179.00	140,810.50	11,368.50
	Administrative Support	6178	-	-	-
	BACWA Value of Wastewater Communication	6211	40,000.00	16,407.50	23,592.50
	BC-BAPPG	6152	159,000.00	145,505.91	13,494.09
	BC-Collections System	6144	56,000.00	50,000.00	6,000.00
	BC-InfoShare Groups	6148	500.00	333.41	166.59
	BC-Laboratory Committee	6149	4,050.00	4,155.32	(105.32)
	BC-Manager's Roundtable	6154	1,000.00	254.34	745.66
	BC-Miscellaneous Committee Sup	6150	45,000.00	3,740.15	41,259.85
	BC-Permit Committee	6145	500.00	255.32	244.68
	BC-Pretreatment Committee	6151	500.00	-	500.00
	BC-Water Recycling Committee	6146	10,000.00	666.74	9,333.26
	CAR-BACWA File Storage	6165	1,592.00	(720.00)	2,312.00
	CAR-BACWA IT Software	6167	1,857.00	159.79	1,697.21
	CAR-BACWA IT Support	6166	2,759.00	-	2,759.00
	CAR-BACWA Website Dev/Maint	6163	728.00	-	728.00
	CAR-BACWA Website Hosting	6164	796.00	-	796.00
	CAS-Arleen Navaret Award	6160	2,500.00	-	2,500.00
	CAS-BayCAN	6204	5,000.00	-	5,000.00
	CAS-Misc Collaborative Sup	6162	1,500.00	-	1,500.00
	CAS-PSSEP	6157	-	-	-
	CAS-Stanford ERC	6159	-	-	-
	GBS-Meeting Support-Annual	6170	14,369.00	1,885.00	12,484.00
	GBS-Meeting Support-Exec Bd	6169	2,760.00	3,050.37	(290.37)
	GBS-Meeting Support-Misc	6172	7,500.00	5,390.70	2,109.30
	GBS-Meeting Support-Pardee	6171	6,801.00	2,674.12	4,126.88
	LS-Executive Board Support	6156	2,355.00	2,355.00	-
	LS-Regulatory Support	6155	2,929.00	2,929.00	-
	WQA-CE-Nature Based Solutions	6196	-	-	-
	Write-Off Doubtful Accounts	6208	-	-	-
600 Total			995,074.00	830,149.77	164,924.23
602	AS-Assistant Executive Directo	6175	-	-	-
	AS-Regulatory Program Manager	6179	-	-	-
	Academia Research & Development	6203	-	-	-
	Administrative Support	6178	-	-	-
	BDO Contract Expenses	6186	-	-	-
	Collateral Development	6197	-	-	-
	Program Manager Expense	6202	-	110,592.60	(110,592.60)
	Technology Research & Development	6206	-	-	-
602 Total			-	110,592.60	(110,592.60)
605	Recycled Water Evaluation	6198	-	52,492.35	(52,492.35)
	WQA - CEC Investigations	6201	60,000.00	113,735.40	(53,735.40)
	WQA-CE Addl Work Under Permit	6191	100,000.00	78,398.00	21,602.00
	WQA-CE Risk Reduction	6190	12,500.00	12,500.00	-
	WQA-CE Voluntary Nutr Contrib	6193	-	-	-
	WQA-CE-Nature Based Solutions	6196	80,000.00	179,365.41	(99,365.41)
	WQA-CE-Nutrient WS Permit Comm	6188	1,800,000.00	1,800,000.00	-
	WQA-CE-Technical Support	6181	100,000.00	-	100,000.00
	WQA-NMSReviewer	6205	50,000.00	50,000.00	-
605 Total			2,202,500.00	2,286,491.16	(83,991.16)
606	AS-BACWA Admin Expense	6173	-	802.56	(802.56)
	Administrative Support	6178	38,520.00	38,520.00	-
	BDO Fund Transfers	6141	-	30,000.00	(30,000.00)
	GBS-Meeting Support-Misc	6172	-	-	-
606 Total			38,520.00	69,322.56	(30,802.56)
610	Administrative Support	6178	-	-	-
	BC-BAPPG	6152	-	(10,000.00)	10,000.00
	BDO Contract Expenses	6186	-	-	-
610 Total			-	(10,000.00)	10,000.00
Grand Total			3,236,094.00	3,286,556.09	(50,462.09)



BACWA CHAIR AUTHORIZATION REQUEST

AGENDA NO.: 8

MEETING DATE: March 15, 2024

TITLE: BACWA Executive Board Chair Authorization for an Agreement in the amount of \$10,000 in FY24 for assistance in commenting on Nutrient Watershed Permit Administrative Draft.

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

ACTION

Approve a contract with Myers Nave for \$10,000 in FY24 to provide legal review of the Nutrient Watershed Permit administrative draft.

SUMMARY

The Regional Water Board issued an Administrative Draft of the 3rd Nutrient Watershed Permit on February 15, 2024, and requested that BACWA provide comments by March 6, 2024. BACWA Board Members recommended that BACWA retain an attorney to review the Administrative Draft and assist BACWA in developing comments. The BACWA Executive Director conducted informal interviews with three attorneys who were recommended by BACWA Board members and selected Greg Newmark at Myers Nave as the most qualified to provide these services. This recommendation was made to the BACWA Board at the February 16, 2024 Board meeting and the Board agreed that BACWA should engage Myers Nave's legal assistance.

FISCAL IMPACT

This item will be paid for out of the Regulatory Legal Support Line item. These expenses were not anticipated in the FY24 BACWA Budget Approved on April 21, 2024, so that line item will be exceeded.

ALTERNATIVES

1. Pursue a legal review with a different attorney. This alternative is not recommended, as the BACWA Executive Director conducted informal discussion with three different firms and concluded Myers Nave was the most qualified.
2. Do not provide the legal support. This alternative is not recommended as the Nutrient Watershed Permit is expected to have far-reaching consequences for our region, and a legal review is warranted.

Attachments: Engagement of Legal Services Administrative Draft of San Francisco Bay
Nutrient NPDES Permit

Approved:

Amit Mutsuddy, Chair
BACWA

Date: _____

February 21, 2024

VIA E-MAIL

PERSONAL & CONFIDENTIAL

Lorien Fono
Executive Director
Bay Area Clean Water Agencies
P.O. Box 24055, MS 59
Oakland, CA 94623
lfono@bacwa.org

**Re: Engagement of Legal Services – Administrative Draft of San Francisco Bay
Nutrient NPDES Permit**

Dear Lorien:

Thank you for retaining Meyers Nave (“Meyers Nave”) to perform legal services for the Bay Area Clean Water Agencies (“Client” or “BACWA”) of which you are Executive Director. We appreciate the opportunity to serve as your lawyers and look forward to working with you.

This letter sets forth our agreement concerning the legal services we will provide and our fee arrangements for those services. Please read this entire agreement before signing and returning it to us.

1. Scope of Engagement. We will provide the legal services reasonably required to represent and advise you regarding BACWA’s strategy in commenting on Administrative Draft Order R2-2024-00XX, NPDES Permit CA0038873 (the “Draft Nutrient Permit”) with a focus on major issues. Since the time to complete our work and the available budget are limited, it is understood that the scope of this engagement does not include a complete legal review of the Draft Nutrient Permit nor does it include comprehensive advice to identify all potential adverse impacts of the Draft Nutrient permit. Except for our representation of the East Bay Dischargers Authority (“EBDA”) as described in section 13 below, we do not represent any BACWA members regarding the Draft Nutrient Permit and BACWA is our only client within the scope of this engagement. Our work is limited to such services. We will also provide legal services for additional matters that you request of us, provided we agree to perform that additional work. A letter confirming such additional work shall bring such work within the scope of this agreement.

2. Fees and Personnel. As compensation for our services, our fees will be based on our current standard billing rate for the personnel performing services under this agreement at the time such services are rendered, provided, however, that we are not authorized by this agreement to exceed \$10,000 in fees. Our standard billing rates for attorneys and paralegals are attached as Attachment 1.

I will be the principal in charge of representing your interests. If other attorneys and/or paralegals are assigned to work on your matter, the then current hourly rates of those individuals will be utilized. This agreement retains the legal services of our law firm and not of a particular attorney. Hourly rates are subject to reasonable change, usually at the beginning of each year.

3. Retainer. As discussed, the Firm will not require a retainer to commence services related to this matter. However, the Firm reserves the right to require a retainer in the future if it determines that circumstances warrant.

4. Disbursements and Expenses. In addition to hourly fees, we may incur out-of-pocket expenses related to your representation. Our Statement of Fee and Billing Information, which sets forth the details of our disbursement and expense policy, is attached as Attachment 2.

5. Billing and Payment Responsibilities. We will send monthly statements which are due within 30 days of receipt. If you have any questions about an invoice, please promptly telephone or write me so that we may discuss these matters. Our Statement of Fee and Billing Information sets forth the details of our fee and billing policy.

6. Termination of Services. You may terminate our services at any time by written notice. After receiving such notice, we will cease providing services. We will cooperate with you in the orderly transfer of all related files and records to your new counsel.

We may terminate our services at any time with your consent or for good cause. Good cause exists if (a) any statement is not paid within 60 days of its date; (b) you fail to meet any other obligation under this agreement and continue in that failure for 15 days after we send written notice to you; (c) you have misrepresented or failed to disclose material facts to us, refused to cooperate with us, refused to follow our advice on a material matter, or otherwise made our representation unreasonably difficult; or (d) any other circumstance exists in which ethical rules of the legal profession mandate or permit termination, including situations where a conflict of interest arises. If we terminate our services, you agree to execute a substitution of attorneys promptly and otherwise cooperate in effecting that termination.

Termination of our services, whether by you or by us, will not relieve the obligation to pay for services rendered and costs incurred before our services formally ceased.

7. Insurance. During the term of this engagement, this law firm shall take out and maintain general liability and property damage insurance in amounts not less than

\$1,000,000; professional errors and omissions insurance, in amounts not less than \$2,000,000 per occurrence; and \$4,000,000 aggregate, which insurance may not be canceled or reduced in required limits of liability unless at least ten days advance written notice be given to you.

8. No Guarantee of Outcome. Any comments made by us about the potential outcome of this matter are expressions of opinion only and are not guarantees or promises about any outcome or results.

9. Dispute Resolution. In the event you become dissatisfied with any aspect of our relationship, we encourage you to bring such concerns to our attention immediately. If we are unable to resolve any dispute, either arising out of or in connection with this Agreement or relating to the services performed by our firm or any of its attorneys, to our mutual satisfaction, our firm will first comply with any mandatory dispute resolution procedures that may apply to any such dispute.

If we are unable to resolve any dispute, and after mandatory dispute resolution procedures have been waived or exhausted, the parties shall submit such dispute to final and binding arbitration in Alameda County, California before the American Arbitration Association, pursuant to its then prevailing rules, unless the parties agree in writing to a different arbitration method or forum.

By signing this agreement, you acknowledge and agree that you have read and understand this arbitration provision. You understand that by agreeing to arbitration we each give up the right to present our claims or defenses for trial by a judge or jury, and we also give up the right to an appeal. The initial resort to the courts by either party shall not be considered a waiver of that party's right to compel binding arbitration under this provision. This agreement shall be governed by and construed in accordance with the laws of the State of California without regard to principles of conflicts of laws.

10. Document Retention. In the course of the Firm's representation of Bay Area Clean Water Agencies, you may provide us with and we may obtain documents that are relevant to the representation. Some of those documents may be important to you and so that there is no confusion we find that it is useful at the inception of the representation for us to communicate our Document Retention Policy. Meyers Nave is committed to using less paper and eliminating unnecessary copies of documents. Documents of Record can be either hard copies or digital, regardless of the form they took originally when created or received by the Firm. Whenever it is proper and practicable, the Firm prefers Documents of Record (official version) to be in a digital format. Further, if record is stored electronically, then paper copies may be deemed duplicative and may be purged. This helps us manage information, helps the environment and helps us control costs. The materials pertaining to this matter belong to you and you may access them or have duplicates provided to you at any time during your representation with the exception of certain Meyers Nave Firm and accounting information. At the conclusion of this matter, no further representation will be provided and we recommend that you make arrangements to retrieve all original documents.

It is the Firm's general policy that we maintain records for a period of seven (7) years after conclusion of the matter, although due to certain practical considerations that is not always possible. Additionally, while we take steps to ensure that all records are held in strict confidence and maintained in a secure location, we cannot guarantee that something beyond our control will not occur resulting in damage to client records.

Thus, if in the course of our representation you provide us with original documents that you consider important or desire to keep, we recommend that, first, you inform us in writing that the documents are important. And second, we ask that you take immediate possession of such documents upon the conclusion of our representation. If we do not hear from you, we will generally retain only the documents and materials pertaining to this matter which we designate as vital for a period of seven (7) years. After which such documents will be destroyed unless, before that time, you notify us in writing that you wish to take possession of them.

11. Entire Agreement; Full Understanding; Modifications in Writing. This letter contains our entire agreement about our representation. Any modifications or additions to this letter agreement must be made in writing.

12. Joint Representation. Our firm maintains of counsel agreements with certain legal specialists. Because these individuals are deemed independent contractors under the applicable provisions of the tax laws and not employees of our firm, it is necessary that you consent to dual representation by our firm and the specialist in the event the matter which you have engaged us to handle requires the use of that specialist. This arrangement has no effect whatsoever on the cost of your legal services, rather it is an ethical requirement that we disclose this fact and that you consent. You are consenting by signing this letter.

13. Conflicts. Meyers Nave has recently been retained represent EBDA regarding the Draft Nutrient Permit. We have evaluated potential conflict of interest issues regarding this matter, and understand that there is no present adversity between BACWA and EBDA. Nevertheless, because Meyers Nave currently represents EBDA, we intend to treat the proposed engagement by BACWA and the current representation of EBDA as a "joint representation." This does not mean that our clients would have to file joint pleadings in the event of a lawsuit or would necessarily be precluded from presenting separate arguments.

The representation of multiple clients in the same matter generally creates the potential for a future conflict of interest. This could happen, for example, in the following hypothetical situations: (1) a lawyer may receive conflicting instructions from the clients so that the lawyer cannot follow one client's instruction without violating another client's instruction; (2) the clients may have conflicting objectives so that the lawyer cannot effectively advance one client's objective without detrimentally affecting another client's objective; or (3) the lawyer's duty to maintain the confidentiality of one client's information conflicts with the lawyer's duty to make full disclosure to the other client regarding the subject of the joint representation.

We make this disclosure to you in an abundance of caution. We believe we can competently represent BACWA and EBDA while fulfilling all of the duties we have to each client because of their common interests in this matter. We do not foresee any conflicts at this time and the joint representation may result in economic or tactical advantages. Although we do not expect any actual conflict to arise, it is possible that issues might arise as to which our representation of EBDA might be materially limited by our joint representation.

Under California Evidence Code section 962 and California case law, there is no attorney/client privilege between the joint clients so that any information we receive from one client in connection with the Draft Nutrient Permit matter cannot be withheld from another client in the same matter during or after the joint representation. Such information could be used by another client if a conflict of interest ever arises.

By accepting the terms of the representation, BACWA agrees that it will not seek to disqualify Meyers Nave or any expert witness from representing EBDA regarding the Draft Nutrient Permit matter because of this firm's representation of BACWA. If the lawyer-client relationship between BACWA and Meyers Nave with respect to the Draft Nutrient Permit terminates for any reason, BACWA agrees the firm may continue to represent EBDA in that matter.

We ask that you consider this consent request carefully. You may wish to confer with independent legal counsel regarding this consent, and should feel free to do so. If, after review and consideration of the foregoing BACWA and EBDA consent to the representations as described herein, please sign a copy of this letter and return it to me as soon as possible. Again, we thank you for allowing us the opportunity to serve as your lawyers.

Sincerely,


Gregory J. Newmark

These terms are accepted and agreed to as of the date of this letter.

Bay Area Clean Water Agencies

By: 

Lorien Fono
Executive Director

5613805.1

ATTACHMENT 1

**MEYERS NAVE
RATE SHEET**

Sr. Principal	\$655
Principal	\$625
Sr. Of Counsel	\$575
Sr. Associate	\$475
Associate	\$420
Law Clerk	\$315
Paralegal	\$285

Our rates adjust every January 1 (appropriate date) by the greater of 3% or the relevant local CPI increase over the prior 12 month period, rounded to the nearest \$5.

ATTACHMENT 2

MEYERS NAVE STATEMENT OF FEE AND BILLING INFORMATION

The following is a general description of our fee and billing policies. These general policies may be modified by the specific engagement letter or agreement to which this summary is attached.

Professional Fees. Our fees for professional services are based on the fair value of the services rendered. To help us determine the value of our services, our attorneys and paralegals maintain time records for each client and matter. Our attorneys and paralegals are assigned hourly rates which are based on years of experience, specialization, training and level of professional attainment. We adjust our rates periodically (usually at the beginning of each year) to take into account inflation and the increased experience of our professional personnel. To keep professional fees at a minimum, legal work that does not require more experienced attorneys will be performed, where feasible, by attorneys with lower billing rates. Of course, the quality of the work is paramount, and we do not sacrifice quality to economy.

Before undertaking a particular assignment, we will, if requested, provide you with a fee estimate to the extent possible. Estimates are not possible for some matters, however, and cannot be relied on in many others because the scope of our work will not be clear at the outset. When a fee estimate is given, it is only an estimate; it is not a maximum or minimum fee quotation. The actual fee may be more or less than the quoted estimate.

Retainer. Our normal practice is to require a retainer to cover a portion of the anticipated attorneys' fees and costs. Any retainer will be placed in the firm's trust account. At the conclusion of our services, we will return to our client any unapplied retainer, after deducting payment for charges billed or to-be-billed for services and any remaining out-of-pocket expenses.

Billing And Payment Procedures. Unless other arrangements are made at the time of the engagement, invoices will be sent monthly. Invoices for outside services exceeding \$100 may be billed separately. Occasionally, however, we may defer billing for a given month or months if the accrued fees and costs do not warrant current billing or if other circumstances would make it appropriate to defer billing.

Our invoices contain a brief narrative description of the work performed; if requested, the initials of the attorney who performed the work will appear on the statement. The invoice will include a line item reflecting in-house administrative costs. The firm's in-house administrative costs include duplicating, facsimile charges, telephone charges, E-mail, postage, mileage and other administrative expenses.

The firm will be reimbursed for all outside services incurred in the course of providing legal services to our client(s). Outside services will include, but are not limited to, all third-party

expenses, delivery charges, travel expenses, outside research services, filing fees, expert witness and expert consultant fees.

If you have any questions regarding an invoice, the Finance Director or Executive Director is available to answer your questions. For any unresolved matters, the Bar Association has an arbitration mechanism that can be used to resolve such matters.

Late Payments. Statements for services are payable upon presentation and, in all events, within thirty (30) days after receipt. Occasionally a client has difficulty in making timely payments. To avoid burdening those clients who pay their statements promptly with the added costs we incur as a result of late payments, a late charge will be assessed on statements not paid within thirty (30) days. The maximum monthly late payment charge will be 1.5% per month. In the unlikely event we are required to institute legal proceedings to collect fees and costs, the prevailing party will be entitled to reasonable attorneys' fees and other costs of collection.



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 9

MEETING DATE: March 15, 2024

TITLE: APPROVAL OF NOT-TO-EXCEED CONTRACT OF \$40,000 IN FY24 FOR ASSISTANCE IN COMMENTING ON NUTRIENT WATERSHED TENTATIVE ORDER AND RELATED LEGAL SUPPORT.

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

RECOMMENDED ACTION

Approve a not-to-exceed contract with Myers Nave for \$40,000 in FY24 to provide legal review of the Nutrient Watershed Permit Tentative Order, and related legal support pertaining to the permit.

SUMMARY

The Regional Water Board anticipates issuing a Tentative Order for the 3rd Nutrient Watershed Permit in late March or early April, 2024, followed by a 30-day comment period. Previously, the BACWA Board recommended that an attorney be retained to provide legal review of the Administrative Draft of the Order. The BACWA Executive Director conducted informal interviews with three attorneys who were recommended by BACWA Board members and selected Greg Newmark at Myers Nave as the most qualified to provide these services. This recommendation was made to the BACWA Board at the February 16, 2024 Board meeting and the Board agreed that BACWA should engage Myers Nave's legal assistance. Greg Newmark attended the February 27, 2024 BACWA NST Special Board meeting and provided proposed redlines for the Administrative Draft. This contract will allow continued support as the Tentative Order is issued and BACWA develops its comments and explores regulatory alternatives to propose to the Water Board. The contract has not yet been developed, so conceptual approval is requested at this time. The contract will be provided to the Executive Board at the April 19, 2024 Executive Board meeting.

FISCAL IMPACT

This item will be paid for out of the Regulatory Legal Support Line item. These expenses were not anticipated in the FY24 BACWA Budget Approved on April 21, 2024, so that line item will be exceeded.

ALTERNATIVES

1. *Pursue a legal review with a different attorney. This alternative is not recommended, as the BACWA Executive Director conducted informal discussion with three different firms and concluded Myers Nave was the most qualified.*
2. *Do not provide the legal support. This alternative is not recommended as the Nutrient Watershed Permit is expected to have far-reaching consequences for our region, and a legal review is warranted.*

Attachments: No attachments – contract will be developed after approval.

Approved: _____
Amit Mutsuddy, Chair,
BACWA Executive Board

Date: _____



March 6, 2024

Ben Dorfman
Sea Grant Fellow
California Ocean Protection Council
715 P St., 20th Floor
Sacramento, CA 95814

Via Email: Ben.Dorfman@resources.ca.gov

Subject: Sea Level Rise Guidance – Public Comment from Bay Area Clean Water Agencies

Dear Ben Dorfman:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to provide comments on the draft [State of California Sea Level Rise Guidance: 2024 Science and Policy Update](#) (2024 Guidance) issued by the Ocean Protection Council (OPC). 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.

Background: Current Requirements for Sea Level Rise Planning for BACWA Members

BACWA members include a diverse group of public agencies subject to varying state regulations, with diverse approaches to sea level rise planning:

- Some BACWA members are cities and counties subject to the legislative requirement (SB 379) to include climate adaptation and resiliency strategies in their planning. Others are special districts to whom this requirement is not applicable.
- Many of our member agencies operate within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC), while a few operate within the jurisdiction of the California Coastal Commission. Some are located in inland areas.
- Members that operate publicly-owned treatment works are subject to NPDES permits issued by the San Francisco Bay Regional Water Quality Control Board, which has identified

climate action as an organizational priority¹ and has cited OPC's 2018 Sea Level Rise Guidance as the basis for planning requirements in recently adopted orders².

- BACWA members that operate sanitary sewer collection systems are subject to a statewide order³ issued by the State Water Resources Control Board, which includes planning requirements related to sea level rise.

Due to these varying requirements, many BACWA members are currently using the OPC's 2018 "State of California Sea-Level Rise Guidance" (2018 Guidance). These member agencies will need to update their current planning assumptions using the 2024 Guidance once it is finalized.

BACWA Requests that the 2024 Guidance Provide Appropriate Instructions on Updating Projections from the 2018 Guidance Document

The 2024 Guidance should contain readily accessible information for end users on how to update their projections if they are currently using the 2018 Guidance. The current draft completely lacks this information. Section 3 of the 2024 Guidance ("California Sea Level Rise Policy Guidance") contains stepwise instructions to apply the sea level rise instructions, but the instructions assume the end user is starting from scratch, which is true for very few coastal communities. The 2024 Guidance lacks any quantitative information for users of the previous 2018 Guidance. The only instructions are qualitative, such as those for Existing Vulnerability Assessments found in Section 3.2: "Anticipated impacts will likely remain the same when using existing vulnerability assessments; however, the time horizon at which impacts are expected to occur may shift farther into the future."

These qualitative (rather than quantitative) instructions are insufficient. Section 3 implies that since the new projections are lower, no planning adjustments are needed. This approach disregards the scientific information in Section 2 of the 2024 Guidance ("California Sea Level Scenarios"), which finds "greater certainty in the amount of sea level rise expected in the next 30 years than previous reports" and "[t]he extreme sea level rise scenario (i.e. H++) from Rising Seas 2017 is much higher than best available science suggests and has not been included in the 2024 update" (page 19, Section 2). Even worse, it is inconsistent with the way infrastructure planners use the guidance document. The timing of impacts is an important detail, not a negligible one, since adaptation planning considers the expected lifespan of infrastructure projects.

BACWA respectfully requests that Section 3 of the 2024 Guidance be updated to include the following information, at a minimum:

- Guidance for end users on adjusting sea level rise projections if they currently use the H++

¹ San Francisco Bay Regional Water Quality Control Board. *2023 Strategic Work Plan*. Available online at https://www.waterboards.ca.gov/rwqcb2/board_info/Region_2_2023_Strategic_Workplan.pdf

² San Francisco Bay Regional Water Quality Control Board. Order R2-2022-0031, *Amendment to Waste Discharge Requirements for Long-Term Flood Protection Considerations at Closed and Operating Municipal Solid Waste Bayfront Landfills*. Available online at https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0031.pdf

³ State Water Resources Control Board. WQO 2022-0103-DWQ. *Statewide Sanitary Sewer Systems General Order*. Available online at https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo_2022-0103-dwq.pdf

scenario from the 2018 Guidance, which the report states is “not physically plausible.” Section 3 should include explicit guidance that such projections may be adjusted downwards.

- Guidance and tabular information for end users on appropriate adjustments to sea level rise projections if they currently use one of the other five scenarios from the 2018 Guidance (Median, Low end of Likely range, High end of Likely Range, 1-in-20 Chance, 1-in-200 Chance). Specifically, the 2024 Guidance should be revised to contain more information about the estimated exceedance probabilities of the new “Intermediate-High” and “High” scenarios. This would allow users to more easily update planning documents based on the 2018 Guidance.

Table 2.2 of the 2024 Guidance lists both the “Intermediate-High” and “High” scenarios as having an exceedance probability of “<1%” for a 3-degree warming scenario. Rounding to “<1%” makes it impossible for end users to quantify the differing risk levels of these two new scenarios. Table 2.2 and Section 2 should be edited to include more precise exceedance probabilities (e.g., 0.1%, 0.5%) for these scenarios, which should then be considered in the Section 3 guidance.

Thank you for consideration of this request.

A handwritten signature in blue ink that reads "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

draft



March 22, 2024

Luisa Valiela
Program Lead
San Francisco Bay Water Quality Improvement Fund
US EPA Region 9 (WTR-3-2)
75 Hawthorne
San Francisco, CA 94105

Via Email: valiela.luisa@epa.gov

Re: BACWA Comments on EPA Region 9 San Francisco Bay Program Office FY24 Annual Priority List

Luisa Valiela,

Thank you for the opportunity to comment on the EPA Region 9 San Francisco Bay Program Office FY24 Annual Priority List. 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 7.1 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 and its members are involved in many of the program areas and priority projects that are identified by EPA in its FY24 Annual Priority list. We generally agree that EPA has identified the right priorities, with one proposed addition of recycled water. Our interest is to continue and expand the important work in our region that has been funded by the Water Quality Improvement Fund (WQIF) in the past.

Recycled Water should be added as a priority area

Increasing the production and use of recycled water in our region is a key priority, as reflected in Action 18 of the CCMP. This goal is also directly tied to the new Program Office's goal of adapting to climate change, as recycled water will support the region's resilience to more frequent and intense droughts that are anticipated in a warming climate. Funding from the new program office should be instrumental in supporting planning efforts that would assist new recycled water projects to get off the ground. This item does not appear to be captured by any of the existing identified program areas, so BACWA recommends that recycled water be added as an additional priority area.

"Nutrient Management Strategy" should be re-named as "Nutrient Science Program"

Since 2012 BACWA and its members have contributed more than \$16 million to studying the impacts of nutrients on the San Francisco Bay. This total does not include contributions made to this study by the Regional Monitoring Program, which is also largely funded by BACWA members. The Nutrient Science Program is supported by the governance supplied by the Nutrient Management Strategy, and is the basis for making decisions that will impact billions of dollars of

infrastructure spending in our region. The entity that can use these funds to support these decisions is more correctly identified as the Nutrient Science Program, rather than the Nutrient Management Strategy.

“Large scale shoreline resilience, multi-benefit projects” should be interpreted to include both nature-based solutions and innovative treatment at POTWs

In the past, WQIF funds have been instrumental in launching many innovative projects at POTWs that have led to improvements in water quality, and to multi-benefits projects. These have included sidestream treatment pilots, other innovative nitrogen removal pilots, and most of the pilots of nature-based wastewater treatment and shoreline resilience that are ongoing at POTWs in our region. Given the anticipated requirements to reduce nutrients significantly in a short timeframe, this funding is more important than ever, and should be continued and enhanced.

BACWA looks forward to working closely with the new EPA SF Bay Program office to identify projects that support improved water quality and other environmental and community benefits in our region. If you have any questions or would like to discuss our comments, please contact BACWA Executive Director Lorien Fono at lfono@bacwa.org or (510) 684-2993.

Best regards,

Lorien Fono, Ph.D., P.E.
Executive Director
Bay Area Clean Water Agencies

cc: BACWA Executive Board



February 29, 2024

Alexander Sohn
Senior Air Quality Engineer
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105

SUBJECT: COMMENTS ON CONCEPTS FOR AMENDMENTS TO REGULATION 11-18

Via email: Rule11-18@baaqmd.gov

Dear Alexander Sohn:

The Bay Area Clean Water Agencies Air Issues and Regulations Committee (BACWA AIR) appreciates the opportunity to comment on Potential Concepts to Rule 11-18 Amendments, as presented in the BAAQMD document released December 29, 2023. BACWA is a joint powers agency whose members own and operate publicly owned wastewater treatment works (POTWs) that collectively provide sanitary services to over 7.1 million people in the nine-county San Francisco Bay (SF Bay) Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health. The AIR Committee is a coalition of SF Bay Area POTWs working cooperatively to address air quality and climate change issues, under the guidance of BACWA.

Our comments on the proposed concepts to rule amendments are as follows:

Requiring facilities above a specified risk threshold to reduce risk to the extent feasible prior to the 5-year deadline established in the Risk Reduction Plan is not feasible

As outlined in a [letter](#) submitted in 2017 to BAAQMD, implementing a capital improvement project at a POTW requires at least six years for its planning, design, and construction since it must go through its own public process and Board approval at each stage. Project planning, scheduling, financial planning, environmental review, funding, pre-design, design, construction permitting, bid and award, and ultimately construction is a lengthy and involved process, which cannot be completed in an accelerated time frame.

Allowing early application of Risk Reduction Levels to facilities located in overburdened communities fails to make use of new emissions data resulting from the Pooled Emissions study required by CARB

POTWs were originally identified as Phase II facilities, which has a specific timeline associated

with them regardless of the community within which they are located. This categorization is providing POTWs the ability to participate in a statewide Pooled Emissions Study (driven by CARB's updated reporting requirements) that has the objectives of determining which air toxics are present at POTWs and in what quantities, so that an emission factor for each air toxic can be determined by calendar year 2027. This effort will be performed in close coordination with POTWs, Air District staff (including the California Air Pollution Control Officers' Association), CARB staff, and source test specialists to complete it in time for expanded monitoring and reporting beginning in 2028. BACWA continues to engage BAAQMD staff in this process.

Combining the facility review period and public comment period does not allow facility review prior to public review

While not unique to POTWs, this approach is concerning. BACWA is concerned about this proposed change because POTWs are complex facilities. Based on permit applications, refinement in descriptions of processes and operations are often necessary to appropriately convey what is happening at the facility. However, by combining the facility review and public comment periods, the public will likely review and comment on a document that is either incomplete or requires further refinement to correctly represent the facility. Knowing this step will need to be done and proposing that it be done as part of a combined facility review and public comment period will result in increased (and possibly unwarranted) alarm from the public that is better managed if these two steps are kept separate and in sequence. Allowing the facility to review the document prior to public comment provides the opportunity to address misunderstandings of POTW operations (which is common by nature of the treatment stages) and correctly communicate facility operations and the associated risk. Keeping these steps in sequence not only avoids public confusion (by avoiding the distribution of incomplete information), but it also preserves public confidence in the process.

BAAQMD review of HRAs should be performed by staff or consultants who are familiar with POTW processes

Section 4.2 of the draft Implementation Procedures discusses the possibility of outside contractors or consultants being used to conduct Health Risk Assessments (HRAs). However, it is unclear how that will be implemented. If this approach is accepted, BACWA strongly encourages prioritizing consultants having experience in the respective sector. For example, POTWs across the Bay Area have similar treatment processes and objectives. Having a prescreened shortlist of consultants who are familiar with wastewater treatment processes is critical for performing consistent and accurate HRAs. It will also be key for the BAAQMD to present its requirements and parameters for HRAs to be acceptable to BAAQMD. To address BAAQMD's concerns regarding potential conflict of interest (COI), independent contractors can sign COI disclosures to disclose existing contracts with the agencies. This would help improve transparency. We also note that allowing the BACWA Title V agencies to perform their own HRAs will help streamline the HRAs and speed up implementation by reducing BAAQMD's workload.

Thank you again for the opportunity to provide feedback on the concept amendments to the implementation of Rule 11-18. BACWA is BAAQMD's partner in protecting the Bay Area's public health and environment, and we ask that BAAQMD staff work collaboratively with BACWA to address the above-listed concerns. BACWA also looks forward to participating in the stakeholder engagement process as outlined in Rule 11-18's draft Implementation Procedures.

BACWA Comment Letter on Regulatory Concepts for Amendments to Rule 11-18

We would be happy to discuss any questions regarding these comments. Please contact me at LFono@bacwa.org.

Sincerely,

A handwritten signature in cursive script, reading "Lorien Fono".

Lorien Fono
BACWA Executive Director

Attachment: LETTER REPORT TO BAAQMD SUMMARIZING THE POTW PLANNING PROCESS AND CONSIDERATIONS WITH REGARD TO PROPOSED RULE 11-18 (April 4, 2017)

Cc: BACWA Executive Board
Nohemy Revilla, BACWA AIR Committee Co-Chair
Jason Nettleton, BACWA AIR Committee Co-Chair
Courtney Mizutani, BACWA AIR Committee Supporting Consultant
Ray David, BACWA AIR Committee Supporting Consultant
Sarah Deslauriers, BACWA AIR Committee Supporting Consultant

Survey Summary

Survey following September 2023 Workshop *Advancing Water Reuse in the Bay Area: Exploring Opportunities and Challenges for Inter-agency Collaboration*

Survey was conducted in January and February 2024 via SurveyMonkey. 13 Respondents.

Survey Question:

Please indicate your top 3 priorities from the following list of issues to help us determine focus area(s) for future workshops and/or other collaborative efforts as our next steps to promote water reuse.

Responses:

Priorities	# of Votes
Concentrate Management: Addressing as a jointly shared challenge for water and wastewater utilities.	7
Cost-Sharing: Allocating recycled water costs across water supply and wastewater agencies.	5
Sub-regional focus: Convening with wastewater and water utilities in your local portion of the Bay Area.	5
Potable Reuse Planning: Promoting institutional collaboration on potable reuse between water and wastewater utilities.	3
Potable Reuse Public Outreach: Developing strategies for joint public outreach by water and wastewater utilities on Potable Reuse	2
Engaging utility leadership: Bringing high-level utility managers into the discussions on reuse partnerships.	3
Engaging regulators: Building stronger rapport and joint understanding between utilities and regulators.	2
Promoting non-potable reuse: Maximizing options to offset use of potable supplies for irrigation, etc.	1
Increasing staff capacity: Improving training, staff retention, and hiring to better support reuse efforts.	0

Additional Suggested Priority Areas:

- Ensuring the Regional Water Board is engaged, supportive and responsive to regional projects.
- Lack of funding for multi-benefit projects

San Francisco Bay Nutrient Management Strategy (NMS) Steering Committee Meeting Draft Minutes

Date/Time: March 8, 2024, 9:00 AM to 2:00 PM

Location: WEBCONFERENCE

Chair: Thomas Mumley

Steering Committee Attendees

Organization	First	Last	Role	Present	Comments
BASMAA	Adam	Olivieri	Member		
	Tom	Hall	Alternate	x	
	Matt	Fabry	Alternate		
BACWA	Amit	Mutsuddy	Member	X	
	Jackie	Zipkin	Alternate	X	
	Lori	Schectel	Alternate		
	Eric	Dunlavey	Member	X	
Cal DFW	Becky	Ota	Member		
U.S. Geological Survey	Mike	Chotkowski	Member	x	
NOAA Fisheries	Joe	Dillon	Member	X	
	Brian	Meux	Alternate	X	
Regional San	Lisa	Thompson	Member	X	
San Francisco Baykeeper	Ian	Wren	Member	X	
South Bay Salt Pond Restoration Project	David	Halsing	Member		
Interagency Ecological Program	Steve	Culberson	Member	x	
SFCWA	Lynda	Smith	Member		
	Frances	Brewster	Alternate		
U.S. EPA	Luisa	Valiela	Alternate	x	
	Dana	Michels	Alternate		
U.S. FWS	Leanna	Zweig	Member		
WSPA	Kevin	Buchan	Member		
Ocean Protection Council	Kaitlyn	Kalua	Member	x	
Central Valley Water Board	Adam	Laputz	Member		
	Janis	Cooke	Alternate	x	
	Christine	Joab	Alternate		
SF Bay Water Board	Tom	Mumley	Member	x	
	Richard	Looker	Alternate	x	

Additional Attendees

Allie King, SFEI
Ariella Chelsky, SFEI
Blake Brown, CCCSD
Christine Sur, OPC
Dan Killam, SFEI
David Senn, SFEI, Science Manager, Program Coordinator Team
Don Grey, EBMUD
Eileen White, RWB
Eric Dubinsky, EPA
Farid Karimpour, SFEI
Kevin Lunde, SF Bay Water Board
Lorien Fono, BACWA
Lucy Montgomery, SFEI
Martin Volaric, SFEI
Meg Materne, San Jose
Mike Connor
Pradeep Mugunthan
Robert Schlipf, Water Board

Meeting materials are available here:

https://drive.google.com/drive/folders/1ferKqsVbF8ggD_s7KLbdtRO0isNqvhpA

1. Welcome, Introductions and Agenda Review

Tom Mumley chaired the meeting and led introductions. It was noted that EPA has not yet assigned a participant to serve as their official designate.

2. Decision: Approve Prior SC Meeting Summaries

Amit Mutsuddy made a motion to approve, Eric Dunlavey seconded. The motion passed unanimously.

3. Information: Action Items

There were three action items from the previous meeting:

- Initiate process to revise science plan
- Update financial documentation
- Kevin Lunde to share draft communications plan for HAB communication

These three items are all complete.

4. Information: Planning Subcommittee Report Out

Much of the work has focused on science planning updates. Most of the planning subcommittee discussions are reflected in today's discussions.

5. NMS Program Updates

Dave provided a walkthrough of the Program Plan and Overview of major work opportunities. The document provides a summary of budget, including revenue and expenditures. It also includes a narrative of each project. Dave pointed out that some of the manuscript deliverables are not yet public but are available upon request. There was a discussion about the difference between "encumbered" and "spent" columns, and whether there should be a projected column.

Amit requested that this document be updated quarterly. Eileen requested that the “fundraising” section get renamed.

This document will be incorporated within an annual report.

Luisa gave an update on the EPA SF Bay program office and that we are invited to pull together a proposal for funding under the new program. Our governance structure will allow us to apply for a non-competitive grant via an exception memo – it justifies that there’s community consensus on how the funds are spent. They would need a proposal asap for this. An example is going through the process to test out the approval and each step is taking several months. The match requirement is 75% federal/25% local.

The plan is to present a framework for a 5-year science plan at the May meeting. We want to have a suite of no-regrets projects to target for FY25.

Dave gave an overview of new projects including new tools for visualizing POTW loading, USGS cruise data, and increased access to mooring data. A new Delta-Suisun monitoring proposal would allow us to better quantify loads coming in from the Delta.

Ian has been working with the SFEI design team on a Pulse-like document. He showed some examples from the document and got positive feedback. We’re also working on a more digestible form for the 5-year plan, which is a work-in-progress.

6. FY 25 Program Plan and Science Plan

The goal today is to identify must-do targets. Dave walked through two examples of ongoing work to illustrate needs for FY25, including LSB DO.

The potential revenue for FY25 is \$2.2M from the permit, and \$500K from the RMP. The core program (ship-based monitoring, mooring, modeling, and program coordination) is \$2.1M. We should compile a suit of studies that exceeds available funding to show the need for EPA funds.

Dave described how we can think about risk versus severity of outcome. He also demonstrated how the various grants will be used to help address the gaps in our understanding. He suggested that we focus on investing resources in either program areas/responses (rows) or targets (columns) so that we can more easily direct new staff toward those elements, and to help with review.

Dave provided an overview of the draft synthesis documents that serve as an example of what’s moving forward.

Eric brought up the need to develop a risk-based framework, and there was general support for this approach. Jackie noted that the permit is focused on only one part of the graph, which is an event-based HAB event. If this isn’t the condition we’re trying to protect against we need to better define it over the next permit term. Ian pointed out that the monitoring and modeling also is used to inform our understanding of the HAB event. There was a discussion about reconvening the HAB advisory group.

Dave walked through the LSB slough/creek DO synthesis. There are frequent exceedance of protective DO values, but high levels of fish abundance and little fish mortality events. We need

to better understand the impacts of pond management on conditions in the LSB.

He then walked through work to date on HABs. We have monitoring data for species and toxins back to the 1990s. *Heterosigma* is detected 60% of the time in the Central Bay. The 2022 HAB event upended our understanding of how the Bay's dynamics work. We need a new conceptual model that takes into our consideration this new understanding. Potential investigations include synthesis, analysis of archived samples, continued intensive analysis of Aug 2022 event, development of HAB modeling techniques, targeting field investigations, or controlled lab experiments. Dave highlighted the gaps in our conceptual model that could be targeted by these investigations. There was a discussion about different potential approaches to this question, as well as a warning from Richard about not over-investing in this one event, or "fighting the last war".

Tom asked about whether we have resources to respond if we have a HAB event this year. There was also a discussion about how to establish rate constants.

We still need to prioritize next steps on HABs, which can start this afternoon, but will continue via special workgroup after this meeting.

7. Technical Update: Recent Grants and Proposals

HAB Inferences from Observational Data

Martin Volaric described efforts to model the 2022 *Heterosigma* bloom. To get the kind of shape we're seeing in the bloom, it appears that bloom termination is consistent with top-down control (predation). Based on our understanding of observations, the HAB persisted after DIN stock was depleted, but at slower pace. The mass balance estimate suggests that a substantial fraction of biomass production came from ongoing sources of DIN (WWTPs and sediments) mid-bloom.

HAB abundance, toxins, condition indicators

Dan Killam described ongoing work to link HAB abundance within the assessment framework. Some of this work was ongoing as part of the first assessment framework. The team now has additional chlorophyll *a* data, qPCR data which can tell us about cell density of the water column, 18S rRNA sequencing data to tell as about relative abundance. We al have toxin data from mussels between 2015 and 2022. It appears that the relationship between chlorophyll and HAB risk is weaker in spring than fall. For *Alexandrium*, there is a strong link between species abundance and the levels of its toxin in mussels. Dan gave a summary of potential future work, including gathering more data, restart mussel toxin collection, qPCR expansion to quantify density of additional taxa (part of MERHAB), tying 19S metabarcoding to cell abundance, and identifying sources of microcystin in mussels.

8. Program Plan and Science Plan Workshop

Tom H. suggested that the science team develop a prioritization of projects for FY25. It would be helpful to link potential projects to what management questions we want to answer. Mike suggested a stronger focus on the handful of species that feature in fall blooms. There was a discussion about how to reach these decision – i.e. developing a strategic plan, and bringing in scientists from other watersheds to lend their guidance. We first need to make use of our local experts and develop a recommendation for a multi-year strategy.

9. Action Items and Wrap-up

- Develop a proposal for EPA Program funding in FY24 – a few pages on who the funds will be used and how the NMS is administered.
- Science team to develop draft prioritization of potential projects to present to small group by mid-April

Meeting adjourned at 2:02pm

DRAFT

**SAN FRANCISCO BAY
NUTRIENT MANAGEMENT STRATEGY**

**NMS FY23-24 Program Plan &
Overview of Major Work Activities**

February 2024



1. INTRODUCTION

This report presents an overview of the San Francisco Bay Nutrient Management Strategy (NMS) FY2024 Program Plan. After a brief summary of the program plan development process, *Section 2* provides an overview of FY2024 revenue and approved projects, and then outlines major work activities and project status. *Section 3* presents a table of 2023 and early-2024 NMS-related work products, along with weblinks to available products. Lastly *Section 4* summarizes the status of recent grant proposals submitted to support NMS-related work.

2. FY2024 PROGRAM PLAN

2.1 Process for Developing NMS Program Plans

The NMS annual calendar (July-June) is organized to allow multiple opportunities for upcoming science priorities to be discussed with and reviewed by the NMS Steering Committee (SC). In general, priorities for the following fiscal year are discussed at the NMS SC's fall meeting, and then explored again in more detail at its winter meeting. The proposed Program Plan is then reviewed, discussed, and voted on at the NMS-SC's May meeting.

The specific projects pursued in each year's annual Program Plan are based on science priorities and related work activities mapped out in the NMS Science Plan (v2), a multi-year workplan (FY2020-FY2024) developed through a series of priority-setting discussions with the NMS Steering Committee during 2018-2019. The goal of that planning process was to identify a multi-year set of projects that targeted the highest priority management questions, science needs, and updated goals for the second NMS Permit. Background is summarized [here](#) (program structure, management questions, program areas and science focus areas).

2.2 FY2024 Revenue

FY2024 revenue came from several sources and totaled \$2,475,000 (Table 1). Funding from the Bay Area Clean Water Agencies (BACWA) via the Bay-wide Nutrient Permit was \$1,800,000 (R.1 Nutrient Permit FY2024). This amount is lower than the annual average for Permit #2, because funding had been front-loaded earlier in the permit to support the launch of multi-year projects. The San Francisco Bay Regional Monitoring Program (RMP) contributed Special Study funding (R.2 \$250,000) to support the moored sensor network, along with contributing to ship-based monitoring (R.3 \$250,000). Lastly, funds that were remaining under FY2023 NMS Program Coordination were carried-forward to FY2024, and were included as an additional revenue source (R.4 \$175,000).

Table 1 FY2024 Revenue

	Revenue Source	Revenue
R.1	BACWA Nutrient Permit, FY2024 Funds	\$1,800,000
R.2	RMP CY2024 special study funds	\$250,000
R.3	RMP Contribution to ship-based monitoring	\$250,000
R.4	Carry-forward funds, from FY2023 C4	\$175,000
	FY2024 Total Revenue	\$2,475,000

2.3 FY2024 Program Plan Work Activities and Work Status

The approved FY2024 Program Plan is summarized in Table 2A, and is presented in more detail [here](#). Planned work during FY2024 is divided into two broad categories: Core Program (C1-C4) and Projects (P1-P6). The Core Program includes two major monitoring activities (ship-based monitoring and the NMS moored sensor network), numerical modeling, and science program management coordination. In addition to the Core Program, six targeted projects were approved. Two-thirds of the overall shoal biogeochemical mapping project (P5) was supported with funds from a recent EPA grant (\$100,000); and funding for project P6, installing and maintaining additional dissolved oxygen sensors (mid-depth, near-bottom) at both the Dumbarton and San Mateo Bridges was supported by carry-forward monitoring funds from FY2023. In addition, several NMS projects that started prior to FY2024 and will be continuing during this year are presented in Table 2b.

Work is overall progressing on-schedule for the FY2024 Core Program and Projects. After some mid-summer engine troubles that placed the USGS research vessel *R/V Peterson* in drydock, deep-water cruises (C1) have been moving ahead as planned, and most of the cruises that were on the schedule during drydock were carried out with smaller boats. Water quality data collection through the SFEI/NMS mooring network (C2) has been proceeding well. With the addition of an Alcatraz station (P1), the NMS mooring network now extends from Lower South Bay to Central Bay. In addition, as noted above, mid-depth and near-bottom dissolved oxygen sensors were added at the Dumbarton and San Mateo Bridges (P6), augmenting the on-going surface-water data collection at those locations by SFEI/NMS sensors. Data from Alcatraz and the at-depth DO sensors at the San Mateo and Dumbarton Bridges are telemetered and can be accessed in real-time (see Table 3). During 2024, telemetry is being added at additional NMS mooring sites, and real-time data will be merged into a water quality dashboard, both supported by the recent NOAA HAB grant. A nitrate sensor was added to the Alviso Slough mooring site in Fall 2024. Through a data-sharing/work-sharing agreement with a group working on a Lower South Bay restoration project (SCVWD project, led by Stillwater), the NMS is now contributing to the maintenance and data-management for two water quality moorings installed in partially-restored ponds, and data from these locations will be available for NMS work. For more information, see the mooring program quarterly reports (Table 3). In addition, six high-speed mapping surveys were carried out between March and October 2023 with USGS collaborators (P5).

Table 2a NMS FY2024 Program Plan Budget, New FY2024 Projects

	FY	Projects/Tasks		Budget	Spending to Date Jan 2024*	Encum-bered**	Balance Jan 2024***	% Spent + Encum-bered	Notes
	FY2024 Projects								
1	FY24	C1 Monitoring: Ship based Sampling	total	\$519,000	\$62,999	\$450,670	\$5,331	99%	Biweekly/monthly water quality monitoring at deep channel, throughout the entire Bay (Lower South Bay to the Sacramento River). Some vessel repairs/downtime during Summer 2023, but most dates were made up with smaller boat
			Labor	\$6,377	\$1,065	\$0	\$5,331		
			Direct/Sub	\$512,623	\$61,935	\$450,670	\$0		
2	FY24	C2 Monitoring: Moored Sensor	total	\$490,000	\$224,634	\$143,672	\$121,694	75%	Network of 10 moorings (now including Central Bay). Work on-schedule. Limited downtime due to instrument problems and bridge repairs (limited access to San Mateo Bridge). Nitrate sensor recently added to Alviso Slough, and chlorophyll-a sensor added to a station on Alcatraz, now a joint USGS/SFEI-NMS station.
			Labor	\$276,709	\$155,015	\$0	\$121,694		
			Direct/Sub	\$213,291	\$69,619	\$143,672	\$0		
3	FY24	C3 Core Modeling	total	\$499,319	\$310,377	\$126,984	\$61,959	88%	Modeling work thus far in FY2024 focused primarily on permit-related modeling (estimating changes to DIN concentrations, based on load reduction scenarios). Work did not move forward substantially on other goals (e.g., MAG recommendations: applications/synthesis, model refinements); those will be the focus March-June.
			Labor	\$221,458	\$159,499	\$0	\$61,959		
			Direct/Sub	\$277,861	\$150,877	\$126,984	\$0		
4	FY24	C4 Science Program Coordination	total	\$559,605	\$298,247	\$7,283	\$254,075	55%	These funds cover the cost of NMS program management and science coordination, including: lead scientist effort (~50% program management, 50% managing/working-on science projects); stakeholder engagement; monitoring program management/coordination; project management; and financial management.
			Labor	\$536,493	\$282,418	\$0	\$254,075		
			Direct/Sub	\$23,112	\$15,829	\$7,283	\$0		
5	FY24	P1 Install water quality mooring in Central Bay	total	\$100,000	\$4,151	\$65,570	\$30,279	70%	Teamed with USGS to upgrade an existing mooring instrument package on Alcatraz. SFEI/NMS covering the cost of chlorophyll and dissolved oxygen measurements, and cost-sharing/coordinating with USGS on maintenance. Data available by telemetry, here . Additional Central Bay station(s) to be added over coming months, supported by a combination of the NOAA grant (instruments, deployment cost) and the NMS (reconnaissance, maintenance).
			Labor	\$30,526	\$0	\$0	\$30,526		
			Direct/Sub	\$69,721	\$4,151	\$65,570	\$0		
6	FY24	P2 LSB Dissolved Oxygen Assessment Framework, continuation	total	\$162,394	\$20,772	\$23,000	\$118,622	27%	Funding has supported the drafting of the Dissolved Oxygen Conditions in Lower South Bay Sloughs Report . Remaining funds are for the expert/stakeholder meeting that will be in the spring, and the summary technical report to be shared at the end of the fiscal year. Additional funds are earmarked for a more in-depth, overarching technical report, pending approval from the Steering Committee.
			Labor	\$107,394	\$20,772	\$0	\$86,622		
			Direct/Sub	\$55,000	\$0	\$23,000	\$32,000		
7	FY24	P3 Model Advisory Group, Continuation	total	\$40,000	\$0	\$10,000	\$30,000	25%	Funds allocated to reconvene the Model Advisory Group (MAG) in FY2024. During 2022-2023, three sets of meetings were held with the MAG (May 2022, November 2022, February 2023). After the Feb 2023 meeting the MAG produced a summary document, including recommendations for on-going work. The next MAG meeting will focus on status/progress on model improvements, performance evaluation, and applications.
			Labor	\$0	\$0	\$0	\$0		
			Direct/Sub	\$40,000	\$0	\$10,000	\$30,000		

Table 2a cont'd

	FY	Projects/Tasks		Budget	Spending to Date Jan 2024*	Encumbered**	Balance Jan 2024***	% Spent + Encumbered	Notes
8	FY24	P4 Synthesis: Analysis of mooring data to estimate transformation rates/processes	total	\$60,000	\$5,624	22150	\$32,226	46%	The NMS moorings measure a range of water quality parameters every 15 min (O2, chl, turbidity, T, S; NO3 at some locations), and provide valuable data re: ecosystem condition. The data can also be used to estimate transformation rates, e.g., gross primary production, respiration, net ecosystem metabolism, etc. These funds are supporting method testing/refinement for env'l rate estimates, and analysis/interpretation.
			Labor	\$32,800	\$573	\$0	\$32,227		
			Direct/Sub	\$27,200	\$5,051	\$22,149	\$0		
9	FY24	P5 Shoal mapping, South Bay & Central Bay	total	\$50,000	\$32,727	\$12,809	\$4,464	91%	These funds supported high-speed water quality mapping surveys in South and Central Bays. Total cost for this field work and sample analysis was ~\$150,000. Remaining funds came from the recently-awarded EPA WQIF grant. Six surveys were conducted between March-October 2023. This was the third year with six shoal surveys, and results from all three are being explored through a synthesis project (FY23 P7)
			Labor	\$6,000	\$1,536	\$0	\$4,464		
			Direct/Sub	\$44,000	\$31,191	\$12,809	\$0		
10	FY24	P6 DO sensors at additional mooring depths	total	\$49,230	\$8,302	\$40,928	\$0	100%	Install mid-depth and near-bottom DO sensors at Dumbarton and San Mateo Bridges (USGS/SFEI collaboration). Augments on-going near-surface DO measurements (SFEI), with data from deeper sensors (USGS/SFEI collaboration) available via telemetry (DMB ; SMB). The deep-DO measurements started during the Aug 2022 event, with FY23 remainder funds (monitoring) used to continue the measurements.
			Labor	\$0	\$0	\$0	\$0		
			Direct/Sub	\$49,230	\$8,302	\$40,928	\$0		
		subtotal		\$2,529,548	\$967,833	\$903,065	\$658,649	74%	
		*Spending to date Jan 2024: Total spending (labor, direct, subcontracts) through January 2024.							
		**Encumbered: Funds that are included in subcontracts but not yet spent or invoiced.							
		***Balance Jan 2024 = Budget - (Spending to Date Jan2024 + Encumbered)							

Table 2b NMS Continuing Projects

	FY	Projects/Tasks		Budget	Spending to Date Jan 2024*	Encum-bered**	Balance Jan 2024***	% Spent + Encum-bered	Notes
	Continuing Projects								
11	FY23	P2 Technical Report: revisiting/updating Assessment Framework for deep subtidal habitats	total	\$170,553	\$74,819	\$84,541	\$11,193	93%	This project is building on prior work (from 2015) related to assessment framework development for deep subtidal habitat. The second phase of the project started in FY2023, but was put on hold due to August 2022 HAB event. A key focus is on examining the expanded phytoplankton (and HAB) record collected from 2015-2022, and revisit potential indicators for assessing condition. Work is currently on-target to wrap-up in Jun/Jul 2024.
			Labor	\$85,553	\$74,360	\$0	\$11,193		
			Direct/Sub	\$85,000	\$459	\$84,541	\$0		
12	FY23	P5 High-Level Synthesis	total	\$50,000	\$0	\$11,105	\$38,895	22%	This FY23 project was originally intended to support preparing high-level summaries of priority NMS projects and results/interpretations. While the goal remains the same, that work will likely be carried out to inform and support an update to the NMS science plan.
			Labor	\$38,895	\$0	\$0	\$38,895		
			Direct/Sub	\$11,105	\$0	\$11,105	\$0		
13	FY23	P6 Multi-year, high-level synthesis report	total	\$65,651	\$51	\$950	\$64,650	2%	High-level write-up of NMS work pursued, new insights, and continuing priorities. Work is underway on this report, being developed alongside the identification of science priorities for the next permit. The goal for report is May 2024.
			Labor	\$64,701	\$51	\$0	\$64,650		
			Direct/Sub	\$950	\$0	\$950	\$0		
14	FY23	P7 Synthesis shoal mapping/mooring data: three years, South/Central Bay: condition, mechanisms	total	\$65,000	\$18,628	\$0	\$46,372	29%	This project is analyzing/interpreting water quality data collected in South/Central Bays during high-speed mapping surveys in 2021, 2022, 2023 (6 surveys/yr) and with moored sensors. Goals include characterizing spatial variability in key parameters to inform monitoring program design, and improved understanding of the factors causing that variability and/or regulating production, O2 budgets, and N transformations. This work is supported by 50k from FY23 + 15k from FY24.
			Labor	\$59,000	\$18,628	\$0	\$40,372		
			Direct/Sub	\$6,000	\$0	\$0	\$6,000		
15	FY23	P11 Trend Synthesis cont'd: long-term trends in SFB water quality	total	\$104,382	\$51,309	\$18,849	\$34,224	67%	Continuation of long-term data analysis project, assessing long-term trends in SFB water quality parameters. Work was paused due to Aug 2022 HAB event (and related field work, analysis, etc.). Products thus far include Beck et al. (2022) and de Valpine et al. (<i>in review</i>). This project is picking up again in spring 2024; one technical report will be available in by Apr 2024, with a second report shared in Summer 2024.
			Labor	\$84,484	\$50,260	\$0	\$34,224		
			Direct/Sub	\$19,898	\$1,049	\$18,849	\$0		
16	FY22	P1B Tech Synthesis: factors influencing high-biomass/low-DO in Lower South Bay	total	\$120,000	\$74,915	\$36,107	\$8,978	93%	This project is investigating the tidally-driven exchanges of nutrients, biomass, and dissolved oxygen between restored ponds, sloughs, and Lower South Bay using high-frequency mooring data, targeted sampling, and numerical models. A key goal is to use mass balance approaches (aided by models) to quantify nitrogen influx to and biomass efflux from ponds, and the additional biomass entering LSB. A technical report is planned for May/June 2024.
			Labor	\$60,671	\$51,693	\$0	\$8,978		
			Direct/Sub	\$59,329	\$23,222	\$36,107	\$0		
17	FY21	P4 LSB Model Development	total	\$108,096	\$93,228	\$6,578	\$8,290	92%	Funds supported a round of model calibration (in collaboration with RMA), in prep for its use for applications (FY22 1B above). SFEI began work on the LSB model began in 2017 (higher-res, resolve creeks/pond connections); RMA used the model for a SCVWD project (and made substantial improvements), and passed the updated model back to SFEI. A technical-memo describing model calibration/validation is being prepared (complete Mar/Apr 2024).
			Labor	\$11,686	\$3,396	\$0	\$8,290		
			Direct/Sub	\$96,410	\$89,832	\$6,578	\$0		

Table 2b cont'd

	FY	Projects/Tasks		Budget	Spending to Date Jan 2024*	Encum-bered**	Balance Jan 2024***	% Spent + Encum-bered	Notes
18	FY22	P7 Phyto-HAB monitoring	total	\$105,000	\$67,083	\$29,450	\$8,467	92%	Includes funds from FY21 & FY22. Method development, HAB measurements, including DNA-sequencing techniques, w/ particular focus on method refinements or improvements. Two technical reports completed (SFEI 2020, 2021). Going forward, the new NOAA grant will take on the bulk of HAB method development
			Labor	\$39,726	\$31,259	\$0	\$8,467		
			Direct/Sub	\$65,274	\$35,824	\$29,450	\$0		
19	FY22	P14 HAB synthesis	total	\$125,000	\$65,354	\$44,602	\$15,044	88%	This project is focused on developing a overall synthesis of HAB-related data in SFB (HAB organisms, toxins biota). An expert advisor group was convened for two meetings, and an interim draft technical report written (SFEI 2023). Work is temporarily paused while some issues with DNA-based HAB data are resolved. (Method troubleshooting is being carried out by project FY22 P7). Current goal is for a final report by late-Spring/Summer 2024.
			Labor	\$30,766	\$15,722	\$0	\$15,044		
			Direct/Sub	\$94,234	\$49,632	\$44,602	\$0		
20	FY22	P19 Coastal Nutrient Fluxes and evaluating coastal impacts	total	\$325,000	\$137,992	\$177,008	\$10,000	97%	Combines FY21&FY22 funds. This project, a multi-group collaboration (UCSC, UCLA, SCWWRP, SFEI), is investigating the effects of SFB nutrients along the coast. The project experienced a pause due to postdoc turnover early during covid, but work has resumed. The project has two work products so far (Zhou et al. 2023; Cooper et al. 2024), and biogeochemical model products anticipated in ~1-1.5 years.
			Labor	\$10,000	\$0	\$0	\$10,000		
			Direct/Sub	\$315,000	\$137,992	\$177,008	\$0		
21	FY22	P6 HAB toxins in SFB mussels	total	\$241,453	\$223,936	\$16,986	\$531	100%	(FY21&FY22 funds). Mussels were collected biweekly from 6-8 locations around Central and South Bays from 2015-2022, and measured for three algal toxins (saxitoxin, domoic acid, microcystins). FY21&FY22 funding supported sampling/analysis during those years. UCSC lab work was originally delayed due to covid. Sample prep/analyses are ~90% complete; data for two toxins have been shared, with the third expected by April.
			Labor	\$67,570	\$67,039	\$0	\$531		
			Direct/Sub	\$173,883	\$156,897	\$16,986	\$0		
		subtotal		\$1,480,135	\$807,316	\$426,176	\$246,643	83%	

During 2022-2023, the NMS convened a group of external experts to serve on a Modeling Advisory Group (MAG). SFEI staff worked with regulators and stakeholders to develop charge questions to guide the MAG's review. Three MAG meetings were held, culminating in a 2-day in-person meeting at SFEI in February 2023. After the February meeting, the MAG produced a report-out document, providing a review of the modeling program's status and recommendations (see Table 3). Modeling work (C3) during FY2024 has thus far focused primarily on permit-related modeling (e.g., estimating changes to DIN concentrations, based on load reduction scenarios). Work has not moved forward substantially on other FY2024 priorities (e.g., MAG recommendations: applications/synthesis, model refinements); however, modeling effort will return to that focus during March-June 2024. If the spending rate for modeling labor were to continue at the July 2023 - Jan 2024 rate this project would go over budget. However, the reason for faster labor spending over the first seven months was because the full modeling team was focused on permit-related work (all under C3), instead of a more diverse set of work distributed across other projects (including non-NMS-funded projects, e.g., the EPA grant). With work returning to other projects we anticipate the modeling task finishing close to on-budget.

The majority of the continuing projects are from FY2023 and FY2022, along with one FY2021 project. These projects are moving forward in FY2024, with anticipated wrap-up dates in late-spring or summer 2024. All of these projects had either been paused or slowed to some extent due to work re-prioritization due to the August 2022 HAB event, and/or were impacted by covid-related slowdowns and have been steadily catching up. See Notes in Table 2b for additional information.

Over the last 1.5 years the NMS has also been investing in the use of remote-sensed (satellite) estimates for parameters like chlorophyll and turbidity (or suspended sediments). That work has yielded an improved chlorophyll algorithm for San Francisco Bay for the Sentinel-3 satellite that provides daily images of San Francisco Bay, with a multi-institution/multi-author manuscript describing that work recently submitted to a journal for publication by our collaborator at UCSC (R Kudela) at (see Table 3). In addition, prior to the start of Summer 2023, SFEI staff developed a set of automated scripts to process remote-sense chl estimates and serve as an 'early-warning' system: download daily imagery; perform atmospheric corrections, compute chl-a based on remote-sensed band data; and plot (see Table 3). This work is continuing through the NOAA HAB grant, and remote-sensed chl maps will be viewable within an online water quality dashboard.

As part of developing synthesis reports, SFEI has been building a set of web-tools for visualizing SFB water quality related data, either to accompany PDF-version of reports (for readers to explore data further) or as standalone, easy-to-update ways to track and present condition (see Table 3).

3. WORK PRODUCTS

NMS-related work products from 2023 and early 2024 are compiled in Table 3.

Table 3 Work Products, 2023 and early 2024

1	Dissolved Oxygen Conditions in Lower South Bay Sloughs (Draft Feb 2024)	Link
2	Technical Report Virginian Province Approach to Dissolved Oxygen in Lower South San Francisco Bay Sloughs (Updated draft Fall 2023)	Link
3	Lewis, LS. 2023. Fish communities and dissolved oxygen in wetlands of the San Francisco 22 Estuary. Final report submitted to the SFEI, CA. Prior related reports: <i>Analysis of Fish Abundance Patterns in the Alviso Marsh Complex</i> , UCDavis: link <i>Analysis of Fish Abundance Patterns in the Alviso Marsh Complex</i> , (Update summary) : link	link
4	Characterizing Lateral Variability in South Bay Water Quality to Inform Monitoring Program Design (shoal synthesis) (April 2023)	Link
5	San Francisco Bay Numerical Modeling: FY2021-FY2023 Update. (Feb 2023)	Link
6	Findings and Recommendations of the NMS Model Advisor Group Expert Panel	Link
7	Continuous Suspended Sediment Monitoring in South and Lower South San Francisco Bay	Link
8	Lower South Bay hydrodynamic model calibration –calibration completed, technical memo in preparation	memo in prep
9	Nonparametric and additive mixed meta-analysis (de Valpine et al. <i>in review</i>) [Note: if you would like to review the report/manuscript please contact D Senn*]	<i>manuscript in review</i> (see left)
10	Evaluation and Refinement of Chlorophyll-a Algorithms for High-Biomass Blooms in San Francisco Bay (USA):	manuscript in review
11	Modeling the dispersal of the San Francisco Bay plume over the northern and central California shelf. Zhou et al (2023)	Link
12	Remote sensing of SFB plume for validation and interpretation of the coastal model (Cooper et al) – compiled/QAed dataset for use in evaluating coastal biogeochemical model performance – technical report analyzing the data, being submitted as a manuscript [Note: if you would like to review the report/manuscript please contact D Senn*]	<i>manuscript in review</i> (see left)
13	NMS mooring network, Quarterly Update #1	link
14	NMS mooring network, Quarterly Update #1	link

15	Gross et al 2024 (in review) Estimating Biogeochemical Rates Using a Computationally Efficient Lagrangian Approach. Method development and application (Delta), techniques that are, highly relevant for bay-applications –Manuscript, funded by prop1 grant (PI: R Holleman); DS collaborator/co-author [Note: if you would like to review the report/manuscript please contact D Senn*]	manuscript in review (see left)
16	SFB, NMS State of the Science, updated thru Jul 2022, doesn't include HAB event	Link
17	Nutrients in SFB: Science & Management Priorities (high level overview)	Link
18	Nutrient trends: data explorer (<i>web application</i>). Updated to include longer data records (back to 1980s, when data available) and to include dissolved inorganic nitrogen (e.g., DIN).	Link
19	Lower South Bay Dissolved Oxygen: exploring DO condition (<i>web application</i>)	Link
20	POTW Loads over time: data explorer (<i>web application</i>)	Link
21	HAB Molecular Data: data explorer (<i>web application</i>)	Link
22	IFCB viewer: view time series of Imaging Flow CytoBot data (<i>web application</i>)	Link
23	San Francisco Bay Water Quality Data Viewer: USGS cruises 1980-present (<i>web application</i>)	Link
24	Chl, DO, and other data from Alcatraz mooring (chl, DO start August 2023), in collaboration with USGS	Link
25	DO sensors installed at near-bottom and mid-depth, San Mateo Bridge and Dumbarton Bridge; data available via telemetry.	DMB SMB
26	Remote sensing, daily chl-a: automated fetch, analyze/process, plot <i>link to the right is for Jul-Aug 2023 imagery</i>	JulAug2023 JanMar2024
27	Developing an interim space-time varying semi-empirical estimate for light attenuation/ $K_d(x,y,t)$ for use within biogeochemical simulations. The link to the right documents the approach, improvements, and results for this iteration.	Link

*Some of the manuscripts (submitted or in prep) are not able to be posted publicly at this time. But they are available for review by the NMS-SC. Please contact D Senn (davids@sfei.org) if you would like to review the manuscript and we will send it to you electronically.

4. RECENT GRANTS

Over the last 18 months, SFEI staff have pursued additional funding through federal grant proposals to support nutrient-related work (monitoring, modeling) in San Francisco Bay. The three successful grant proposals will support an additional ~\$7.8mill in nutrient-related work in San Francisco Bay over the next four 4-5 years.

- *Destination Clean Bay, Decision Support Tools for Multi-Benefit Water Quality Improvements*,
 - \$1.8million in nutrient-related funding
 - *submitted*: September 2022
 - *Grant Period*: December 2023 - November 2027
 - *Funder*: EPA Water Quality Improvement Fund
- *HAB Monitoring Program Development* ([one-pager](#); [NOAA project page](#))
 - \$2.99million (join proposal: SFEI, USGS, and DWR)
 - *submitted*: January 2023
 - *Grant Period*: October 2023 - September 2027
 - *Funder*: NOAA Monitoring and Event Response for Harmful Algal Blooms (MERHAB)
- *BayInsight: Integrated Science & Monitoring to Guide Nutrient Management for San Francisco Bay*
 - \$2.99million in nutrient-related funding
 - *submitted* September 2022
 - *Grant Period*: June 2024 - May 2028
 - *Funder*: EPA Water Quality Improvement Fund

Management Transition Advisory Group (MaTAG) Kickoff Meeting

Hybrid Meeting

March 7, 2024, 1:00pm to 4:00pm

In-Person Location: Department of Water Resources, Room 106

3500 Industrial Blvd., West Sacramento, CA 95691

Please leave time to check in with security upon entering the building.

Virtual Information: Microsoft Teams Meeting

Microsoft Teams meeting

[Click here to join the meeting](#)

Meeting ID: 218 109 623 262

Passcode: WAPtCk

[Download Teams](#) | [Join on the web](#)

Or call in (audio only): [+1 916-562-0861,,252697702#](#) United States, Sacramento

Phone Conference ID: 252 697 702#

Agenda

Item	Topic	Leads	Time
1	Welcome and Introductions <ul style="list-style-type: none">Opening remarksIntroduction of each MaTAG memberIntroduction of project team	Tom Mumley and Meredith Howard	1:00pm 20 Minutes
2	Project Introduction and Background <ul style="list-style-type: none">Background on NOAA HAB ProgramPrevious CA funding efforts	Meredith Howard	1:20pm 15 Minutes
3	Current State of HABs in the Bay and Delta	Dave Senn Ellen Preece	1:35pm 20 Minutes
4	Project Overview and Studies <ul style="list-style-type: none">Project objectivesStudies planned for each objectiveWork products and deliverablesQuestions and Answers	Keith Bouma-Gregson, Ariella Chelsky	2:20pm 45 Minutes (30-minute presentation)
Break			15 Minutes
5	Role of MaTAG <ul style="list-style-type: none">Role of MaTAG in projectFrequency of meetingsQuestions and Answers	Tom Mumley and Meredith Howard	2:35pm 30 Minutes
6	Data Dashboard Teaser <ul style="list-style-type: none">Mockup data dashboard	Tony Hale	3:05pm 20 Minutes

	• Questions and Answers		
7	Next Steps	Tom Mumley and Meredith Howard	3:25pm 15 Minutes
8	Adjourn		3:40pm



Algal Blooms and Nutrients in the San Francisco Bay

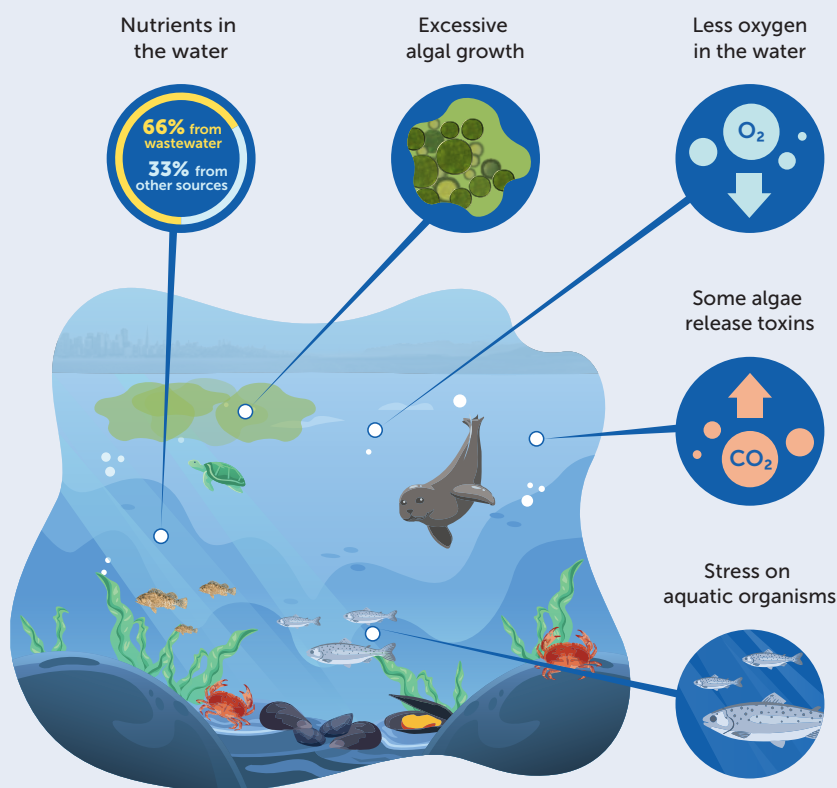
The Bay Area Clean Water Agencies (BACWA) are on the front lines of environmental stewardship of San Francisco Bay. Our member agencies clean the Bay Area's wastewater to the highest national and state standards, protecting public health and the environment.

Algal Blooms - What We're Seeing

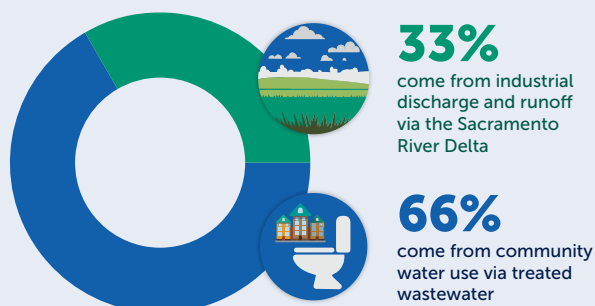
In 2022 and again in 2023, harmful algal bloom events occurred in the San Francisco Bay. Scientists don't fully understand what triggered the blooms, but know that nitrogen, which is a naturally occurring nutrient in treated wastewater, contributed by providing "food" for the algal species, *Heterosigma akashiwo*, which led to levels of growth not previously seen.

Algal blooms and the nutrients that feed them in the Bay are a community problem. When you flush a toilet, wash your dishes, or take a shower, that water (called wastewater) flows through sewers to one of 37 wastewater treatment facilities in the Bay Area, where it is treated before being discharged into the Bay.

This complex system of pipes, pumps, and large-scale machinery totals billions in assets and is infrastructure that is owned by the community and maintained through the payment of rates to your local wastewater agency.



Where Do Nutrients Come From?



While all wastewater treatment facilities meet robust, science-based standards for treating wastewater, it all contains some amount of nitrogen - or nutrients - which is now negatively affecting the health of the San Francisco Bay.

We do not fully understand the triggers for algal blooms, but they are an important reminder that the Bay's historic resilience to nutrients added to the Bay via wastewater is being stressed by changing climate impacts.

The levels of nutrients discharged to the Bay by clean water agencies have been reduced by more than 10 percent in recent years, but these historically "normal" levels of nitrogen are now stressing the Bay's ecosystem.

2024 Watershed Permit

Since nutrients are so interconnected to the health of the Bay, BACWA (representing more than 50 local clean water agencies that protect the Bay), regulators, environmental advocates, and scientists are proposing policy changes to reduce allowable nutrient levels discharged to the Bay.

Nutrients are regulated via a Watershed Permit administered by the San Francisco Regional Water Quality Control Board. An updated Watershed Permit will be adopted in 2024, when the 2019 permit expires. BACWA serves as a venue for all Bay Area local clean water agencies to negotiate provisions with the Water Board and assists its members with compliance with the Watershed Permit once adopted. As our environmental stewards, BACWA and the Water Board have been discussing requirements to reduce nutrient levels in the 2024 Watershed Permit for several years.

During these ongoing conversations, BACWA remains committed to science-based strategies that reduce nutrient levels in wastewater that is discharged to the Bay while balancing the fact that necessary upgrades

to achieve the required nutrient load reductions at every Bay Area wastewater treatment plant will cost the region over 11 billion dollars, or \$4,000 per household.

Upgrade costs will be borne by community members via increases to their wastewater rates. Therefore it is incumbent upon the clean water community to make careful decisions to protect both the Bay and ratepayers. Investment in our wastewater infrastructure by the state and federal government would help lessen the impact of these rate increases on Bay Area communities.



\$11 BILLION

cost to upgrade all Bay Area
wastewater treatment facilities

BACWA's Vision for the 2024 Watershed Permit is Science-Based, Flexible, and Innovative



Science-Based

Ensure the Watershed Permit reflects the best understanding of nutrient reduction science, based on BACWA-funded research by the San Francisco Estuary Institute and other scientists.



Innovative

While they may take longer than traditional upgrades to implement, the 2024 Watershed Permits should ensure innovative ideas like nature-based solutions and recycled water that provide drought resilience, shoreline protection, and/or habitat enhancement are prioritized.



Flexible

Since the Watershed Permit will likely establish limits on a Bay-wide basis, our region has a unique opportunity to work together to maximize nutrient removal and minimize expense via regional planning. Flexibility to support treatment plan upgrades consistent with capital planning schedules and considerations for community engagement, construction costs, and other factors is imperative.

14 of 37

Bay Area wastewater treatment facilities have already enhanced nutrient removal, and others are implementing upgrades

Regional Talking Points

Lorien will deliver these at the beginning of the gathering before turning it over to the local agency.

- **Introductions and welcome**
- **BACWA represents more than 50 clean water agencies** who collect wastewater, more than 400 million gallons daily, from almost 3 million homes and businesses and clean it prior to discharging to the Bay. Clean water infrastructure (sewers, pipes and treatment plants) are the foundation of the modern city we know today and crucial to public health. Without this essential service, raw sewage from all of our homes and businesses would flow into our waterways and the Bay, polluting this vital natural resource and resulting in unlivable conditions.
- Clean water agencies are regulated by the San Francisco Bay Regional Water Quality Control Board who will require reductions in nutrient loads following the 2022 harmful algal bloom in the Bay. Nutrients, like nitrogen, are naturally occurring elements in treated wastewater. The main source of nutrients to our facilities is human waste from our communities.
- **While we do not fully understand what initiates algal blooms**, they are an important reminder that the San Francisco Bay's historic resilience to nutrients is being stressed by the changing climate.
 - The levels of nutrients discharged to the Bay from wastewater treatment facilities have been reduced by more than 10 percent in recent years, but what has been historically "normal" levels of nitrogen may now be too much for the Bay's ecosystem.
- **The 37 BACWA members who discharge to the San Francisco Bay are committed to protecting the San Francisco Bay** and taking a thoughtful, strategic approach to reducing nutrient discharges while maximizing other ecological and regional community benefits. Many agencies have completed their nutrient reduction projects, and others are in progress.
- **For 10 years we have been investing in the science** to better understand the impacts of nutrients to the Bay. We have been concurrently developing planning tools to support nutrient load reductions.
- **The nutrient load reduction requirements** being contemplated by the San Francisco Bay Regional Water Quality Control Board in the upcoming nutrient watershed permit will represent the most significant simultaneous investment of

public resources in treatment upgrades across our region since the inception of the Clean Water Act in the 1970s.

- A key difference is that Clean Water Act projects were funded by the Federal government but no such funding is likely this time. This means that Bay Area residents will likely see significant wastewater rate increases to pay for removing nutrients before treated water is discharged into the bay.
- **This is a regional issue that clean water agencies are tackling in a coordinated way.** The watershed permit will affect every service area, and all will need to respond through infrastructure improvements. Some have already completed upgrades to their treatment processes and others will have to plan for this. The facility you're touring today is one piece of a massive infrastructure upgrade that the Bay Area will experience over the next 10 to 20 years.
- **BACWA's members' plans fall into three broad categories:**
 - **Optimization and strategic use of existing facilities** – Where feasible, this is the most cost effective option and provides value to ratepayers while protecting the Bay.
 - **Synergistic Upgrades** – Many of our facilities are aging or are in need of major improvements due to concerns other than nutrients. Where it makes sense, nutrient reduction will be incorporated as part of these upgrades.
 - **Projects with multiple benefits** – Many of the most exciting projects that reduce nutrients also deliver co-benefits to the community. Where wastewater agencies can reach agreements with water agencies, recycled water projects can reduce nutrient discharges to the Bay while providing drought resilience. Agencies with access to land can implement nature-based solutions like wetlands to enhance habitat, provide sea level rise protection, as well as a recreational benefit to the community.
- **Much of the media coverage of nutrient discharge and algal blooms to date** has focused on the role of wastewater facilities as the source of the nutrient pollution, but failed to communicate the larger picture. We exist to clean up the mess generated by our communities flushing their toilets or taking showers. We do not produce the nutrients. They are a pass-through in the treatment process. The magnitude of this challenge calls for significant investments at the local, state, and federal level to upgrade our crucial and aging infrastructure.
- **Where possible, our members are pursuing innovative technologies** that can have benefits like lower costs, reducing the footprint for treatment, reducing greenhouse gas emissions, or improving water quality for recycled water.
- **Reductions to meet new limits are estimated to cost in the range of eleven billion dollars for our region. This is equivalent to** more than four thousand dollars

per household. Like a mortgage, this cost is spread out over time via financing, and can be offset by federal or state investments, or even local bond measures, which reduce the burden on disadvantaged households.

**BACWA-BAAQMD
Implementation Workgroup
Draft Meeting Summary**

Date: February 28, 2024
Time: 12-2 pm
Location: Zoom
Zoom Link: Link provided in meeting invite
Call-in: Details provided in meeting invite

- 1) **Introductions – BACWA** – Lorien Fono, Jackie Zipkin, Jason Nettleton, Lori Schectel, Amit Mutsuddy, Chris Dembiczak, Nohemy Revilla, Rita Cheng, Arvind Akela, Meg Herston, Courtney Mizutani, Sarah Deslauriers, Ray David; **BAAQMD** – Carol Allen, Sanjeev Kamboj, Greg Nudd, Jerry Bovee, Pamela Leong, Simrun Dhoot, Meredith Bauer, Viet Tran
- 2) **Overview of Previous Meeting: Decisions and Action Items**
(see table on following page for detailed status updates)
- 3) **Outlook on Engagement**
 - a) Update from BAAQMD on Status of Report to BAAQMD Board – Not yet submitted to Board. Greg asked BAAQMD to review what was submitted previously and see if it needed to be updated. BACWA will review/update and send it back to Greg.
 - b) BACWA to Provide Summary of Source Test Workshop and Next Steps – First Source Test Workshop was November 2023. Additional concerns came out of that meeting regarding potential confusion between test methods approvable by Source Testing and permit requirements. BACWA requested a written guidance document to provide more certainty around source testing requirements (like stack diameters and heights, as well as test methods). Jerry wants to work with BACWA to establish standardization. BAAQMD to work internally then reach out to BACWA. Pam noted that Sanjeev and Brenda are working on the permit handbook, and that should provide some standardization. Pam’s group will meet with Jerry to discuss source testing.
 - c) Following the Established Process for Policy Decisions – BACWA supports a systematic approach to rule development, where stakeholders can provide input to the process and help BAAQMD understand how rules impact the regulated community. There was discussion around two recent examples where potentially precedential policy decision were being made through the permit application process, rather than via rulemaking. Both situations seem to have been resolved after BACWA input.
 - i) FSSD – Monitoring of fittings as required at refineries
 - ii) SVCW – POC and NPOC limits
 - d) Update from BAAQMD on Future BACT Determination Process and Guidebook Updates – Tier 4 is planned for standby ICE > 50 hp. Posting is expected at the end of Q1, with workshops Q2 2024. Already achieved in practice in Sac Metro AQMD and SJVAPCD. Carol noted to plan for diesel PM filers; NOx controls depend on emissions. It is easy to trigger BACT or TBACT requirements.
 - e) Update from BAAQMD on Strategic Planning Initiative

- i) Management Audit – Finance & Administration will receive the audit report on March 20 and be able to review the corrective plan. In the meantime, BAAQMD continues to work to reduce vacancies. Some retired staff are returning to help out, and hopefully there will be new engineering positions authorized.
 - ii) Staffing Update – There are still three open Air Quality Engineer positions (out of 73). These are not all permit writers.
 - iii) 5-Year Plan – Greg reported that the strategic planning will hopefully go to the Board this summer. It will be presented to the Finance & Administration Committee first.
 - iv) White Papers on Future Regulations – Greg reported that Chris Easter has been assigned to develop a white paper looking at nitrous oxide emissions. This may become part of Regulation 13, if it is determined a rule is necessary. BAAQMD wants to be health protective. BACWA would like to support Chris in the white paper development as it relates to POTWs. Greg also noted that BAAQMD needs to change the way that backup generators are permitted, for example, looking at non-fossil fuel options or process streamlining.
 - f) Update from BAAQMD on Status of Edits to Standard Permit Conditions – So far, BACWA has submitted three draft SPCs for BAAQMD’s consideration. Sanjeev reported no updates yet. He expects there to be something to report by the next meeting in June.
 - g) Update from BAAQMD on Status of Rule 11-18 Amendments – Comment period on the draft Concept Paper is open. (note: post-meeting BACWA submitted comments 2/29/2024). There will be a status report to the Stationary Source Committee on 3/13/2024. Updated draft rule language is anticipated summer/fall 2024. There will be an opportunity for stakeholders to respond at that time. Carol noted that key proposed changes included an annual update to the facility list (following the annual submittal of emissions to CARB each October), identifying opportunities to reduce the time to implement risk reduction plans, and changes to the HRA process. BACWA expressed an interest in making sure firms that might be approved to conduct the HRAs are familiar with the type of facilities that are being modeled, while recognizing potential conflicts of interest.
 - h) Update from BACWA on the CASA Statewide Air Toxics Pooled Emissions Study Coordination – Sarah reported that due to staff changes at CARB, the anticipated meeting with CARB and the air districts is expected in Q2 2024.
- 4) **Other Opportunities for Collaboration between BACWA and BAAQMD**
- 5) **Decision/Action Item Summary**
- 6) **Next Meetings**
- a) **BACWA Meet and Greet with EO Phil Fine:** February 29th
 - b) **BACWA Annual Members Meeting:** May 3rd 8:30-3:30, Bower Center Berkeley
 - c) **Quarterly Meeting:** June 3rd, 1:30-3:30, in person at BAAQMD offices/ hybrid
- 7) **Adjourn**

Subject	Actions	Lead	Initiated	Status	General Comment
a) Engage BACWA in BAAQMD Strategic Planning	<i>Include EO Fine in future Workgroup meetings as an opportunity to engage with him and update him on workgroup activities.</i>	BAAQMD	2/2023	Ongoing	Met with EO Fine and Deputy APCOs 2/29/2024
	<i>BACWA will track Finance and Administration Committee agendas to identify opportunities to engage in Strategic Planning.</i>	BACWA	2/2023	Ongoing	BAAQMD is undergoing an internal management audit.
b) Rule 11-18 Amendments	<i>BAAQMD amending Rule 11-18.</i>	BACWA	2/2024	Ongoing	BACWA to engage with Rulemaking process. Comment letter submitted 2/29/2024.
c) Edits to Standard Permit Conditions	<i>Brenda and Sanjeev to respond to edits and propose additional SPCs for BACWA review. Sanjeev to send SPCs to Jerry.</i>	BAAQMD	2/2023	Pending	BACWA to work directly with Brenda Cabral and copy Sanjeev on emails. BAAQMD to provide feedback to BACWA.
	<i>Consider source testing in permit conditions. Pam noted that revisions to the Permit Handbook include Source Testing to review SPCs (permit engineer/supervisor to consult with Source Testing).</i>	BAAQMD	7/2022	Pending	
d) Standard formatting for source test results	<i>Jerry offered that BAAQMD could provide comparison of EPA guidance and BAAQMD requirements.</i>	BACWA	6/2023	Complete	Source Testing Workshop 11/6/2023. Others to follow. BAAQMD and source test specialists are under-resourced. Standardization would save source test specialists and facilities time.
		BAAQMD	6/2023	11/2023 - Pending	
e) BAAQMD / CASA Air Toxics Pooled Emissions Study Coordination	<i>Coordination via CASA and with CARB. Sanjeev and Brenda would like to provide input on Bay Area facility selection for source testing. BACWA will send out invitation for meeting with CARB/CAPCOA/Air Districts.</i>	CASA	12/2020	Ongoing	First meeting with BAAQMD 12/7/22. Track alignment between CARB two-step process and BAAQMD Rule 11-18 implementation.
		BACWA		Pending	
f) Review PM 2.5 Local Risk Method	<i>BACWA to monitor Stationary Source, Advisory Council, and Community Advisory Council meetings. Update expected later in 2024.</i>	BACWA	7/2022	Ongoing	BAAQMD finalizing draft methodology and sending OEHA.
g) Nitrous Oxide Emissions	<i>BAAQMD to planning to develop white paper. May become part of Regulation 13, if there needs to be a rule.</i>	BAAQMD	6/2023	Ongoing	Rule Development assigned Chris Easter as contact for white paper development.
h) Report to BAAQMD Board	<i>BACWA to update draft report, then send to BAAQMD staff for final edit. BAAQMD to include Report in BAAQMD Board meeting packet.</i>	BACWA	2/2023	Pending	BACWA provided a draft report 6/12/2023, to be reviewed and included in the BAAQMD Board packet. 2/28/2024 BACWA to review and update draft if necessary.
		BAAQMD	4/2023	Pending	

BACWA-BAAQMD Management Meeting Meeting Notes

Date: February 29, 2024
Time: 1-2 pm
In-person Location: 375 Beale Street – 8th Floor: Golden Gate Conference Room
Zoom Link: <https://us02web.zoom.us/j/89691645548?pwd=VFdOV1FXamdDZ3Z4dGpWaDA1eHFXQT09>

- 1) **Introductions BACWA** – Lorien Fono, Jackie Zipkin, Lori Schectel, Amit Mutsuddy, Jason Nettleton, Arvind Akela, Courtney Mizutani, Sarah Deslauriers; **BAAQMD** – Phil Fine, Greg Nudd, Meredith Bauer, Viet Tran, Jeff Gove, Pamela Leong
- 2) **BACWA/POTW community mission and vision:** BACWA members share BAAQMDs mission to protect public health and the environment. BACWA understands that Phil had a good working relationship with the POTWs in SCAQMD when he was there. How can we emulate the relationship that CleanWater SoCal has with SCAQMD? Phil is familiar with CleanWater SoCal (formerly SCAP when Phil was at SCAQMD). He observed that if BAAQMD rules are not working for POTWs, rules can be refined to address those situations. But it will take some time and would be a long-term project to address those concerns. SCAQMD has many more sector specific rules than BAAQMD.
- 3) **Dr. Fine’s vision and priorities:** The BAAQMD Board is progressive and very focused on environmental justice. Enforcement at large companies will become more of a priority (particularly refineries). Where feasible , permitting should be transparent, especially with regard to BACT. An example of this approach is the notification process around the updating of the standby IC engines. Meredith and Pam discussed the engineering audit and cost recovery. The timeliness of permit issuance may be related to staffing, but Meredith observed that POTWs may not be “complex facilities,” and perhaps it may be related to something else. Jackie noted that it would be useful for BACWA to understand which facilities and which processes are causing issues.
- 4) **Desire to collaborate and debrief on Workgroup Accomplishments** – POTWs need to be able to rely on consistency and predictability in how facilities are permitted and regulated. BACWA agencies have very long planning horizons and need to have a workable understanding of the regulatory outlook. POTWs cannot function in a reactive environment. Jackie reviewed the establishment of implementation workgroup and its history.
 - a) **Early engagement on rulemaking** – BACWA views the stakeholder engagement for Rule 11-18 as a good example of BAAQMD outreach. There were opportunities for BACWA to educate BAAQMD on public agency processes, in addition to technical education on how POTWs function. BACWA is interested in supporting work on Regulation 13 as it relates to POTWs. BAAQWA is also interested in exploring the approach to BACT determinations based on procedures similar to the Scientific Review Committee utilized by SCAQMD.
 - b) **Report out to the BAAQMD Board on Workgroup Activities** – A draft report was provided earlier to BAAQMD staff; it will be updated so that staff can use it as a resource for preparing the required report for the BAAQMD Board.

- 5) **Discussion of how BAAQMD staffing limitations impact POTWs' ability to complete beneficial projects:** POTWs need a consistent process for permitting, both in terms of approach and processing time. Permitting backlogs impact workflow for critical capital projects (1-2+ years). BACWA would like to support BAAQMD in efforts streamline the processes. BACWA has submitted draft standard permit conditions for three processes and would be happy submit additional SPCs for other sources. Pam suggested a POTW tour; Amit offered EBMUD.
- 6) Participation in BACWA's Annual meeting – May 3 (Berkeley) - Lorien invited BAAQMD management to speak at the Annual Meeting. The EO and deputies will look at their calendars to decide who to send.
- 7) Action items/next steps:
 - BACWA to update the draft report for Greg to use as basis for submittal to BAAQMD Board.
 - BACWA to identify a POTW for permitting staff to visit. (Organic Section permitting staff has visited EBMUD facility already.)
 - BACWA to extend meeting invitation to BAAQMD (Phil/Greg/Meredith?) to attend the Annual Meeting on May 3.

BACWA Board Meetings
January thru December 2024

January 19th – EBMUD Downtown, Admin Bldg, Small Training Room 2nd Floor

February 16th – EBMUD Orinda

March 15th – CCCSD

April 19th - SFPUC

May 3rd – Annual Meeting, Brower Center, Berkeley

June 21st – EBMUD Orinda

~~July 19th~~ **Cancel this meeting?**

August 16th

September – 5th & 6th or 12th & 13th Pardee Technical Seminar


October 18th

~~November 15th~~

Combine November & December meetings into one meeting on December 6, 2024

~~December 20th~~

Draft FY 2025 Budget

			DRAFT		
<u>BACWA FY25 BUDGET</u>	<u>Line Item Description</u>	<u>FY24 Budget</u>	<u>FY25 Budget</u>	<u>% change</u>	<u>FY25 NOTES</u>
REVENUES & FUNDING					
Dues	Principals' Contributions	\$537,795	\$553,929	3%	FY25: 3% increase 5 @ \$110,786
	Associate & Affiliate Contributions	\$190,078	\$195,780	3%	FY25: 3% increase. 12 Assoc: \$9142 47 Affiliate: \$1831; UC Berkeley \$500
Fees	Clean Bay Collaborative	\$675,000	\$675,000	0%	Same as FY23. Prin: \$450,000; Assoc/Affil: \$225,000
	Nutrient Surcharge	\$1,400,000	\$1,600,000	14%	See Nutrient Surcharge Spreadsheet
	Member Voluntary Nutrient Contributions				
Other Receipts	AIR Non-Member	\$7,361	\$7,582	3%	3% increase (Santa Rosa)
	BAPPG Non-Members	\$4,140	\$4,264	3%	3% increase (Sta Rosa, Sac Reg'l, Vacaville) \$1,421/each
	Other				
Fund Transfer	Special Program Admin Fees (WOT)	\$1,000	\$1,000	0%	
	BACC Admin Fees	\$38,520	\$39,522	2.6%	400 hours of AED support \$98.80/hr
	BABC Admin Fees	\$6,000	\$6,000	0%	ED, AED and RPM support
Air Toxics	CASA Passthrough		\$600,000		New in FY25
Interest Income	LAIF	\$60,000	\$80,000	33%	BACWA, Legal, & CBC Funds invested in LAIF
	Total Revenue	\$2,919,598	\$3,763,077		
BACWA FY25 BUDGET					
<u>BACWA FY25 BUDGET</u>	<u>Line Item Description</u>	<u>FY24 Budget</u>	<u>FY25 Budget</u>		<u>FY25 NOTES</u>
EXPENSES					
Labor					
	Executive Director	\$218,548	\$224,230	2.6%	(incl 2.6% CPI SF Bay Metro Area Dec 2023)
	Assistant Executive Director	\$92,024	\$94,417	2.6%	(incl 2.6% CPI SF Bay Metro Area Dec 2023); \$78.68/hour; Reflects 1200 hours
	BACC Administrator	\$38,520	\$39,522	2.6%	400 hrs AED support at \$98.80 per hr
	Regulatory Program Manager	\$152,179	\$156,136	2.6%	(2.6% CPI SF Bay Metro Area Dec 2023); \$115.65/hour, Reflects 1350 hours
	Total	\$501,271	\$514,304		
Administration					
	EBMUD Financial Services	\$43,297	\$43,297	0%	FY25 no change
	Auditing Services	\$5,561	\$5,672	2%	Financial Auditors through EBMUD; per auditor rate schedule
	Administrative Expenses	\$8,118	\$4,059	-50%	50% less than FY24
	Insurance	\$9,351	\$10,753	15%	15% increase from FY24 (10-15% est. increase per Alliant)
	Total	\$66,327	\$63,781		
Meetings					
	EB Meetings	\$2,760	\$3,500	27%	27% increase from FY24
	Annual Meeting	\$14,369	\$14,369	0%	No change from FY24
	Pardee	\$6,801	\$6,801	0%	No change from FY24
	Misc. Meetings and conferences	\$7,500	\$10,000	33%	33% increase from FY24 to accommodate conferences
	Total	\$31,430	\$34,670		

Draft FY 2025 Budget

EXPENSES					
Communication					
	Website Hosting / Domain registration	\$728	\$743	2%	2% increase from FY24, Go Daddy website hosting and domain registration
	File Storage	\$796	\$812	2%	2% increase from FY24, box.net
	Website Development/Maintenance	\$1,592	\$1,624	2%	2% increase from FY24
	IT Support (As Needed)	\$2,759	\$2,814	2%	2% increase from FY24
	BACWA Value of Wastewater Communication	\$40,000	\$40,000	0%	New line item in FY24, no change from FY24
	Other Communication	\$1,857	\$1,894	2%	2% increase from FY23; MS Exchange, Survey Monkey, PollEv, Zoom, Netfile
	Total	\$47,732	\$47,887		
Legal					
	Regulatory Support	\$2,929	\$2,987	2%	2% increase from FY24
	Executive Board Support	\$2,355	\$2,403	2%	2% increase from FY24
	Total	\$5,284	\$5,390		
Committees					
	AIR	\$76,000	\$76,000	0%	\$75k consulting support, \$1k misc expenses
	AIR support for ACE	\$20,000	\$0	-100%	sunset
	BAPPG	\$159,000	\$170,560	7%	Includes CPSC @ \$5,000, OWOW @ \$10,000, NSAC @ \$10,000 and Pest. Reg Spt. @ \$71,500
	Asset Management Committee		\$500		No change from FY24
	Biosolids Committee	\$0	\$500	100%	\$500 in FY25
	Collections System	\$56,000	\$30,500	-46%	SSS WDR Support
	InfoShare Groups	\$500	\$1,500	200%	Requested \$1000 increase from FY24 for Annual Meeting lunch
	Laboratory Committee	\$4,050	\$500	-88%	TNI Training ending
	Permits Committee	\$500	\$500	0%	No change from FY24
	Pretreatment	\$500	\$500	0%	No change from FY24
	Recycled Water Committee	\$10,000	\$500	-95%	Requested default budget amount for FY25
	Misc Committee Support	\$45,000	\$45,000	0%	No change from FY24
	Manager's Roundtable	\$1,000	\$1,000	0%	No change from FY24
	Total	\$372,550	\$327,560		
Collaboratives					
	Collaboratives				
	State of the Estuary (SFEP-biennial)	\$0	\$0		Biennial in Even Fiscal Years
	Arleen Navarret Award	\$2,500	\$2,500	0%	Next Award will be disbursed in FY27
	BayCAN	\$5,000	\$5,000	0%	
	Bay Area One Water Network	\$5,000	\$0		No change from FY24
	Bruce Wolfe Scholarship	\$4,000	\$4,000	0%	FY22, FY23, FY24, FY25 FY26
	Passthrough to CASA for air toxics	\$425,000	\$500,000	18%	New line item in FY24
	Misc	\$1,500	\$1,500	0%	NBWA
	Total	\$443,000	\$513,000		
Other					
	Unbudgeted Items				
	Other				

Draft FY 2025 Budget

EXPENSES					
Tech Support					
	Technical Support				
	Nutrients				
	Watershed Permit NMS Contribution	\$1,800,000	\$2,200,000	22%	Advance funding for 2nd Watershed Permit Sciece Studies; Final \$ TBD
	NMS Voluntary Contributions				
	Additional work under permit	\$100,000	\$100,000	0%	Includes HDR PO for \$225k spread out over FY20-24.
	Nutrient Workshop(s)	\$0	\$0		Pilot Studies/Plant Review/Innovative Technologies; Might change
	NMS Reviewer	\$50,000	\$50,000	0%	No change from FY24, M. Connor Contract
	Regional Nutrient Special Study		\$100,000		New item in FY25
	General Tech Support	\$100,000	\$100,000	0%	AB617 emissions factors, PFAS, other nutrient support
	CEC Investigations	\$60,000	\$10,000	-83%	PFAS Study Phase 3
	Risk Reduction	\$12,500	\$12,500	0%	Will plan new risk reduction tasks for current Hg/PCB Watershed Permit
	Total	\$2,202,500	\$2,572,500		
	TOTAL EXPENSES	\$3,670,095	\$4,079,092		
	NET INCOME BEFORE TRANSFERS	-\$750,497	-\$316,015		
	TRANSFERS FROM RESERVES	\$750,497	\$316,015		aligns with strategy of drawing down reserves to lessen impact of Nutrient Surcharge
	NET INCOME AFTER TRANSFERS	\$0	\$0		
	TOTAL OPERATING BUDGET		\$1,506,592		
	OPERATING RESERVE		\$376,648		

Budget & Workplan
FISCAL YEAR 2025

DRAFT



B A C W A
BAY AREA
CLEAN WATER
AGENCIES

Table of Contents

INTRODUCTION	2
STRATEGIC PLAN	3
MANAGEMENT & ADMINISTRATION (PART A)	4
GENERAL BENEFIT PROGRAMS (PART B)	4
BACWA MEMBER AGENCY PROGRAM (B1)	4
CLEAN BAY COLLABORATIVE PROGRAM (B2)	5
SPECIAL BENEFIT PROGRAMS (PART C)	7
WATER OPERATOR TRAINING (C1)	7
BAY AREA BIOSOLIDS COALITION (C2)	8
BAY AREA CHEMICAL CONSORTIUM (C3)	8
FISCAL YEAR 2025 BUDGET	8

INTRODUCTION

The Bay Area Clean Water Agencies (BACWA) is a joint public powers agency created by a 1984 Joint Powers Agreement (JPA) between the Central Contra Costa Sanitary District (CCCSD), the East Bay Dischargers Association (EBDA), the East Bay Municipal Utility District (EBMUD), the City of San Francisco, and the City of San Jose (collectively, “the Principal Agencies”). The JPA requires approval of an annual budget and workplan divided into three parts: overhead (Part A), general benefit programs (Part B), and special benefit programs (Part C).

The JPA requires that revenues for each fiscal year be equivalent to anticipated expenditures. Expenditures for Management & Administration (Part A), and General Benefit Programs (Part B) are funded by all BACWA members because these programs are carried out on behalf of all member agencies.

Since adoption of the Annual Budget for fiscal year 1984, and each fiscal year thereafter, the Executive Board has allocated Part A and Part B costs pursuant to authority provided in Section 10 of the Joint Powers Agreement among Member Agencies in the following manner (the “Allocation Method”):

- a. a stated portion to the Original Signatory Members in equal shares; and
- b. the balance to Associate and Affiliate Members based on one or more of several factors consisting of the type of agency, size of plant, metals loadings, and total inorganic nitrogen loadings in the ratio that their share is to that of the total Associate and Affiliate Membership.

On September 26, 2014 BACWA formally adopted this allocation through Executive Board Resolution R-2015-01. BACWA currently has two General Benefit Programs: the core BACWA program to support member agencies and the Clean Bay Collaborative. Expenditures for Special Benefit Programs (Part C) are funded by those agencies that elect to fund those programs because those benefits accrue primarily to those participating agencies.

In FY24 BACWA had three Special Benefit Programs, all of which conform to the JPA requirements under Part C.: Water Operator Training, the Bay Area Biosolids Coalition (BABC), and the Bay Area Chemical Consortium (BACC). The Water Operator Training program, also known as the Bay Area Consortium for Water/Wastewater Education (BACWWE) is a group of BACWA agencies who provide funding for operator educational opportunities. The Bay Area Biosolids Coalition is comprised of a subset of BACWA members who are pursuing alternatives for biosolids beneficial reuse and/or disposal in order to meet regulatory requirements for diversion of organics from landfills. The Bay Area Chemical Consortium is comprised of BACWA agencies as well as additional public water and wastewater agencies who work together to develop group chemical bids.

The purpose of this document is to fulfill the requirements of the JPA for Fiscal Year 2025 (FY25). This workplan and budget specify the purpose of each of BACWA’s programs during FY25, the methods by which they will be carried out, the products that will be developed, and the persons responsible for implementation. The schedule for implementation of these programs is July 1, 2024 through June 30, 2025.

STRATEGIC PLAN

BACWA adopted its first strategic plan and accompanying workplan in 2009. BACWA reformulated its strategic plan in 2020 and adopted updates in 2022. The strategic plan states the mission, vision values and goals of the organization as demonstrated in the work undertaken annually by the agency.

BACWA's Mission

To provide an effective regional voice for clean water agencies' stewardship of the San Francisco Bay's ecological, community, and economic resources.

BACWA's Vision

To demonstrate leadership in the protection and enhancement of the San Francisco Bay ecosystem.

BACWA's Values

- Environmental stewardship
- Leadership
- Science-based decision making
- Collaboration
- Fiscal responsibility
- Watershed-based solutions

BACWA's Goals

- Advocate for regulation based on science
- Foster collaboration and relationship building with regulators and other stakeholders
- Pursue regional, multi-benefit solutions to environmental challenges
- Exemplify service and responsiveness to members and the public
- Practice good governance

MANAGEMENT AND ADMINISTRATION (PART A)

BACWA has administrative and management expenses that are necessary for the agency to carry out its non-program related core functions (JPA, Section 9). They include expenses related to financial management, insurance, and organizational support. Administration of BACWA is carried out under contract by an Executive Director (ED), Assistant Executive Director (AED), and Regulatory Program Manager (RPM) selected by the Executive Board. Treasurer services are provided through an agreement with EBMUD who manages BACWA's finances and oversees the annual audit which is conducted by an independent auditor. The objective of these expenditures is to ensure effective, efficient, and transparent management of BACWA, which serves BACWA's goal to practice good governance. BACWA management and administration are funded through BACWA dues.

Management & Administration (A)				
Goal	Deliverables/Outcomes	Lead	FY25 Budget	Budget Line
A. Practice Good Governance (Labor, Meetings, Legal, Administration)	A.1. Monthly Treasurer Reports,	ED, AED, EBMUD	\$43,297	Administration/ EBMUD Financial Services
	A.2. Annual audit	ED, AED, Auditor	\$5,672	Administration/ Auditing Services
	A.3. Miscellaneous Operational Expenses	ED, AED, RPM	\$4,059	Administration/ Administrative Expenses
	A.4. Insurance to manage organizational risk	ED, AED	\$10,753	Administration/ Insurance
	A.5. Compliance with organizational legal requirements	ED, AED	\$2,403	Legal/Executive Board Support
	A.6. Program Administration and Operations Support	ED, AED, RPM	\$143,664	Labor/ ED (15%), RPM (10%) AED (100%),
	A.7. BACWA Executive Board Meetings & Administrative Expenses	ED, AED	\$3,500	Meetings/Exec. Board Meetings
	A.8. Pardee Technical Seminar & Administrative Expenses	ED, AED	\$6,801	Meetings/ Pardee Seminar
	A.9. Miscellaneous Meeting & Administrative Expenses	ED, AED, RPM	\$10,000	Meetings/ Misc. Meetings
	A.10. File Storage	ED, AED	\$812	Communications/File Storage
	A.11. IT Support (As Needed)	ED, AED	\$2,814	Communications/IT Support
	A.112. Software (As Needed)	ED, AED	\$1,894	Communications/Software
	A.113. BACWA Value of Wastewater Communication		40,000	Communications
		TOTAL	\$275,669	

GENERAL BENEFIT PROGRAMS (PART B)

There are two aspects of BACWA's general benefit program: the core BACWA Member Agency program and the technically-focused Clean Bay Collaborative (CBC) program. Activities in these Programs are supported by the ED, AED, RPM, volunteers who Chair the BACWA Committees, and consultant support as needed.

BACWA MEMBER AGENCY PROGRAM (PART B1)

The **BACWA Member Agency Program (B1)** serves BACWA's goals to (1) exemplify service and responsiveness to members and the public; and to (2) foster collaboration and relationship building with regulators and other stakeholders

These goals are accomplished by providing member agencies with information on regulations, scientific and technical developments; forums for participating in policy discussions and collaborating on mutually beneficial projects; and opportunities to engage with the larger Bay Area environmental community. Program expenses include support for committee facilitation and special projects; member workshops and trainings; membership in state and national organizations that disseminate information to members; and communication expenses such as the website, newsletters, the annual report, and the annual meeting. The BACWA Member Agency program is funded by BACWA dues.

CLEAN BAY COLLABORATIVE (CBC) (PART B2)

The purpose of the **CBC program (B2)** is to respond to current regulatory requirements and to develop scientific, technical, and industry information to inform future regulations and policies affecting Bay Area POTWs and the environment. These effort support BACWA's goals to: (1) Advocate for regulation based on science; (2) Foster collaboration and relationship building with regulators and other stakeholders; and (3) Pursue regional, multi-benefit solutions to environmental challenges. Program expenses include the costs of targeted special studies and reports requested by or used to inform policy discussions with regulatory agencies, policy strategy development and implementation, and collaborations with statewide organizations to do the same. The CBC program is funded through CBC fees and the Nutrient Surcharge.

Bay Area Clean Water Agency Program (B1)				
Goal(s)	Deliverables/Outcomes	Lead	FY25 Budget	Budget Line
B1. Exemplify service and responsiveness to members and the public; and foster collaboration and relationship building with regulators and other stakeholders (Committees, Labor, Meetings, Administration, Communications, Collaborations)	B1.1. AIR Committee Support - Admin Support - Technical Support	Chair, AED, RPM, Consultant	\$76,000	Committees/AIR Comm.
	B1.2. AIR Support for ACE		\$20,000	Committees / AIR support for ACE
	B1.3. BAPPG Committee Support - Multiple Programs for public education and outreach, and regulatory advocacy	Chair, AED, RPM, Consultants	\$170,000	Committees/BAPPG Comm.
	B1.4. Asset Management Comm		\$500	Committees/Asset Mgt
	B1.5. Biosolids Comm. Support - Misc. Expenses	Chair	\$500	Committees/Biosolids Comm.
	B1.6. Collection Systems Comm. Support - Misc. Expenses	Chair, RPM	\$30,500	Committees/Collection Systems Comm.
	B1.7. InfoShare Groups Support (Ops & Maint/Asset Mgmt) - Misc. Expenses	Chair, RPM	\$1500	Committees/Asset Management and O&M InfoShare Groups
	B1.8. Laboratory Comm. Support	Chair, RPM	\$500	Committees/Laboratory Comm.

- Misc. Expenses			
B1.9. Permits Comm. Support - Misc. Expenses	Chair, RPM	\$500	Committees/Permits Comm.
B1.10. Pretreatment Committee, - Misc. Expenses	Chair	\$500	Committees/Pretreatment Comm.
B1.11. Recycled Water Comm., Misc. Expenses	Chair, RPM	\$5,000	Committees/Recycled Water Comm.
B1.12. Misc. Committee Support	ED, AED, RPM	\$45,000	Committees/ Misc. Comm. Support
B1.13. Manager's Roundtable, Misc. Expenses	ED, AED	\$1,000	Committees/ Manager's Roundtable
B1.14. Executive Director	Board Chair	\$195,595	Labor/ ED (85%)
B1.15. Legal Support, provide review of regulatory products	ED	\$2,987	Legal/ Regulatory Legal Support
B1.16. Regulatory Program Manager	RPM	\$109,295	Labor/ RPM (70%)
B1.17. Annual Meeting	ED, AED, RPM	\$14,369	Meetings/ Annual Meeting
B.18. Website Hosting	ED, AED, Consultant	\$743	Communications/ Website Hosting
B.19. Website Development/Maintenance	ED, AED, RPM, Consultant	\$1,624	Communications/ Website Dev/Maint
B1.20. State of the Estuary	ED, AED	\$0	Collaboratives, State of the Estuary
B1.21. Arleen Navarret Award	ED, AED	\$0	Collaboratives, Arleen Navarret Award
B1.22. BayCAN	ED, AED	\$5,000	Collaboratives, New FY22
B1.23 Bay Area One Water Network		\$0	Collaboratives, Bay Area One Water Network
B1.24. Bruce Wolf Scholarship		\$4,000	Collaboratives / Bruce Wolf Scholarship
B1.25. Miscellaneous	ED, AED	\$1,500	Collaboratives, Misc.

Clean Bay Collaborative (B2)

B2. Clean Bay Collaborative (1) Advocate for regulation based on science; (2) Foster collaboration and relationship building with	B2.1. Watershed Permit NMS Contribution	ED, RPM, Consultant	\$2,200,000	Tech. Support/ Nutrients/Watershed Permit Obligation
	B2.2. NMS Voluntary Contributions	ED, RPM		Tech. Support/ Nutrients/Watershed/Vol Contributions
	B2.3. Additional Work Needed Under Permit	ED, RPM, Consultant	\$100,000	Tech. Support/ Nutrients/Add'l Work Under Permit/ GAR etc.

regulators and other stakeholders; and (3) Pursue regional, multi-benefit solutions to environmental challenges.	B2.6. Nutrient Workshop(s)	ED, RPM, Consultant		Tech. Support/ Nutrient Workshop(s)
	B2.6. NMS Reviewer	Consultant	\$50,000	Tech. Support/NMS Reviewer
	B2.7. Regional Nutrient Special Study		\$100,000	
	B2.8. General Tech Support	ED, RPM, Consultants	\$100,000	Tech. Support, General Tech Support: PEEP, PFAS, Nutrient Review
	B2.9. CEC Investigations	ED, RPM, Consultants	\$10,000	Tech Support/PFAS Study Phase 3
	B2.10. Risk Reduction	ED, RPM, Consultants	\$12,500	Tech, Support/ Risk Reduction
	B2.11. General Technical and Regulatory Support	ED, RPM	\$31,227	Labor/ RPM (20%)
		TOTAL	\$3,290,340	

SPECIAL BENEFITS PROGRAMS (PART C)

BACWA has three active special benefit programs: Water Operator Training also known as BACWWE, Bay Area Biosolids Coalition (BABC), and Bay Area Chemical Consortium (BACC). These programs are administered under Part C of the JPA Annual Budget and Workplan.

Member dues for Wastewater Operator Training (BACWWE) are optional and are established on an annual basis by its Program members with training offered at community colleges throughout the BACWA service area. In FY25, BACWWE is considering revamping their program, which will affect how the program is funded, and whether it will continue to be a program of special benefit.

BABC became a Special Benefits Program in FY 20. BABC is governed by a Steering Committee that establishes its budget and associated revenue needs on an annual basis. BABC funds support the furthering the goal of its strategic plan, which include communicating the value of biosolids, advancing scientific research, supporting the expansion of biosolids land application, and supporting the development of biosolids management options in the Bay Area.

BACC became a Special Benefits Program in FY 20. BACC is an administrative program governed by BACWA and supported by the BACWA ED and AED. BACC solicits chemical bid information from more than 60 member agencies, then arranges a group bid. BACC participant agencies are invoiced for BACWA labor and other expenses related to bid administration at the end of each fiscal year.

WATER OPERATOR TRAINING (PART C1)

<u>Deliverables/Outcomes</u>	<u>Manager</u>	<u>FY 25 Budget</u>
Encourage development of a skilled workforce by offering classes in conjunction with a local community college.	Program Participant Reps; ED, AED	To be determined by member interest.

BAY AREA BIOSOLIDS COALITION (PART C2)

<u>Deliverables/Outcomes</u>	<u>Manager</u>	<u>FY 25 Budget</u>
Pursue alternatives for biosolids beneficial reuse and/or disposal in order to meet future regulatory requirements for diversion of organics from landfills	Program Participant Reps; ED, RPM, AED	To be determined by member interest.

BAY AREA CHEMICAL CONSORTIUM (PART C3)

<u>Deliverables/Outcomes</u>	<u>Manager</u>	<u>FY 25 Budget</u>
Administer a series of chemical bids for participating agencies.	ED, AED	To be determined by level of effort and expenses associated with program administration and legal reserve development.

FISCAL YEAR 2025 BUDGET

BACWA/CBC	2025 Budget	Notes
REVENUES		
BACWA Principals' Contributions	553,929	3% increase, 5@ \$110,786
BACWA Assoc. & Affil. Contributions	195,780	3% increase. 12 Assoc: \$9142 Affiliate: \$1831; UC Berkeley \$500
Clean Bay Collaborative (CBC)	675,000	Prin: \$450,000; Assoc / Affil: \$225,00
Nutrient Surcharge	1,600,000	2 nd Watershed Permit Requirement
Voluntary Nutrient Contributions	0	
AIR Non-Members	7,582	3% increase.
BAPPG Non-Members	4,264	3% increase.
Other/Special Program Admin Fees (WOT)	1,000	No increase.
Other/Special Program Admin Fees (BABC)	6,000	Based on staff hours, AED, RPM, and ED
Other/Special Program Admin Fees (BACC)	39,522	400 hours AED support
CASA Passthrough	600,000	Air Toxics, New in FY25
Interest Income (LAIF)	80,000	Includes BACWA & Nutrient Funds
Interest Income (higher yield Investments)	0	Alternative Investments
TOTAL	3,763,077	

EXPENSES		
Labor	514,304	
Executive Director	224,230	2.6% increase
Assistant Executive Director	94,417	2.6% increase; \$78.68/hour; Reflects 1200 hours
BACC Administrator	39,522	400 hrs AED support at \$98.80 per hr
Regulatory Program Manager	156,136	2.6% increase; \$115.65/hour, Reflects 1350 hours
Administration	63,781	
EBMUD Financial Services	43,297	FY25 no change
Auditing Services	5,672	Financial audit through EBMUD
Administrative Expenses	4,059	50% less than FY24
Insurance	10,753	15% increase
Meetings	34,670	
EB Meetings	3,500	27% increase from FY24
Annual Meeting	14,369	No change from FY24
Pardee	6,801	No change from FY24
Misc.	10,000	33% increase from FY24 to accommodate conferences
Communications	47,887	
Web Hosting / Domain Registration	743	2% increase
File Storage	812	2% increase, box.net
Website Development/Maint.	1,624	2% increase
IT Support (As Needed)	2,814	2% increase
BACWA Value of Wastewater Communication	40,000	New line in FY24, No change
Other Communications/Software	1,894	2% increase. MS Exchange/Survey Monkey/Poll Everywhere/Zoom/ NetFile
Legal Support	5,390	
Regulatory Support	2,987	2% increase
Executive Board Support	2,403	2% increase
BACWA Committees	327,560	
AIR	76,000	Consultant support
AIR support for ACE	20,000	Sunset
BAPPG	170,000	7% increase from FY24, Technical support and outreach contracts
Asset Management Committee	500	New in FY25
Biosolids Committee	500	New in FY25
Collections System	30,500	SSS WDR Support
InfoShare Groups	1500	200% increase for annual meeting lunch
Laboratory Committee	500	TNI standard training and meetings
Permit Committee	500	No change from FY24
Pretreatment Committee	500	No change from FY24
Recycled Water Committee	500	Requested default amount in FY25
Misc. Committee Support	45,000	
Manager's Roundtable	1,000	
Collaboratives	513,000	
State of the Estuary	0	Biennial in odd fiscal years

Arleen Navarret Award	0	Biennial in even fiscal years, Next award FY25
BayCAN	5,000	
Bay Area One Water Network	0	
Bruce Wolf Scholarship	4,000	FY22, FY23, FY25, FY25 FY26
Passthrough to CASA for air toxics	500,000	New line in FY24
Misc.	1,500	NBWA
Technical Support	\$2,272,500	
Nutrients		
Watershed	2,200,000	Advanced funding for 2 nd Watershed Permit Science Studies – not to exceed value.
NMS Voluntary Contributions	0	
Additional Work Under Permit	100,000	Includes HDR PO for \$225K spread out over FY20-24
Nutrient Workshop(s)	0	
NMS Reviewer	50,000	
Regional Nutrient Special Study	100,000	New item in FY25
General Technical Support	100,000	AB617 emissions factors, nutrient technical review, other nutrient support, PFAS
CEC Investigations	10,000	PFAS Study Phase 3
Risk Reduction	12,500	Will plan new risk reduction tasks for current Hg/PCB Watershed Permit.
TOTAL	\$4,079,092*	

*FY25 Budget Expense Total includes BACC Administration expense and WorkPlan tables A&B do not.

* CASA Air Toxics pass through program is on FY25 Budget and presented in table below.

WOT	2025 Budget (Est)	Notes
REVENUES	0	
Participant's Contributions	0	Est. depends on member interest.
EXPENSES	85,200	
Contract expenses	80,000	Est. depends on member interest.
BACWA Indirect Expenses	1,000	Per BACWA Policy
TOTAL	85,200	Funding transferred from WOT reserve

BABC	2025 Budget (Est)	Notes
REVENUES	186,500	
Participant's Contributions	186,500	Est. depends on member interest.
EXPENSES	186,500	
Contract expenses	180,500	Est. depends on member interest.
BACWA Indirect Expenses	6,000	Per BACWA Policy
TOTAL	0	

BACC	2025 Budget (Est)	Notes
<u>REVENUES</u>	\$75,924.00	
Participant's Contributions	\$75,924.00	Est. equivalent to expenses.
<u>EXPENSES</u>	\$75,924.00	
Bid software	\$4,485.00	
BACC Legal reserve	\$30,000	Target total reserve \$150,000 to be built over 5 years.
Miscellaneous expenses	\$1,917	
BACWA Indirect Expenses	\$39,522	Per BACWA Policy, reflect level of effort.
TOTAL	0	

The California Association of Sanitation Agencies (CASA) has requested that the Regional Associations, including BACWA, collect funds from their members in support of a statewide air toxics testing initiative. BACWA would pay CASA the estimated fees on behalf of BACWA's participating members, and collect the funds from its participating members the subsequent fiscal year. The final fees are still under development and will be finalized and approved by a steering committee made up of project participants. This effort would not be a program of special benefit. This project would impact BACWA's FY25 budget, but not its finances over the four-year course of the project, as revenues and expenses are expected to be equivalent.

CASA Air Toxics	2025 Budget	Notes
<u>REVENUES</u>		
Participant Invoices	\$600,000	
<u>EXPENSES</u>		
CASA Air Toxics program	\$500,000	FY25 fees passed on to CASA.
TOTAL	0	

- \$100,000 was paid in FY24

Nutrient Surcharge; CBC reserve at \$1,000,000

Draft FY25 Nutrient Surcharge						
BACWA Agency	FY 25 Nutrient Surcharge*		% Change from FY24 to FY25	\$\$ Change from FY24 to FY25	% Change in 3-year-average Load	% Change in % Contribution from FY24 to FY25
Basis for Allocation	TIN (Oct 2020-Sept 2023)					
Amount Needed Science Funding	\$1,600,000					
CCCCSD	\$140,602		16%	\$ 19,357	0%	1%
EBDA	\$270,608		13%	\$ 30,465	-3%	-1%
EBMUD	\$308,436		13%	\$ 36,222	-3%	-1%
San Jose	\$128,866		6%	\$ 7,524	-9%	-7%
SFPUC Southeast	\$226,513		13%	\$ 25,188	-3%	-2%
American Canyon	\$763		12%	\$ 81	-4%	-2%
Benicia	\$7,418		17%	\$ 1,062	0%	2%
Burlingame	\$12,123		2%	\$ 282	-12%	-10%
CMSA	\$35,777		11%	\$ 3,608	-5%	-3%
Crockett (Port Costa)	\$58		20%	\$ 10	3%	5%
Delta Diablo	\$41,246		16%	\$ 5,655	-1%	1%
FSSD	\$36,347		17%	\$ 5,351	1%	3%
Las Gallinas ^(b)	\$2,793		-16%	\$ (543)	-28%	-27%
MSD 5 (Tiburon & Paradise Cove)	\$1,707		28%	\$ 377	10%	12%
Millbrae	\$8,967		13%	\$ 1,037	-3%	-1%
Mt. View	\$2,900		5%	\$ 144	-10%	-8%
Napa SD	\$4,331		42%	\$ 1,279	22%	24%
Novato SD	\$4,680		60%	\$ 1,759	37%	40%
Palo Alto	\$74,289		20%	\$ 12,493	3%	5%
Petaluma	\$323		73%	\$ 136	48%	51%
Pinole	\$12,112		35%	\$ 3,165	16%	18%
Rodeo SD	\$1,559		32%	\$ 375	13%	15%
SFO Airport	\$3,280		119%	\$ 1,783	88%	92%
San Mateo	\$47,057		17%	\$ 6,968	1%	3%
Sausalito-Marin City SD	\$4,250		14%	\$ 525	-2%	0%
Sewerage Agency of SM	\$8,033		22%	\$ 1,452	5%	7%
Sonoma Co Water Ag	\$833		9676%	\$ 824	8289%	8454%
SVCW	\$87,164		16%	\$ 12,169	0%	2%
South SF	\$40,905		25%	\$ 8,149	7%	9%
Sunnyvale	\$32,997		32%	\$ 8,005	13%	16%
Treasure Island	\$696		25%	\$ 141	8%	10%
Vallejo Sanitation & FCD	\$28,348		15%	\$ 3,650	-2%	0%
West County Agency	\$24,019		6%	\$ 1,305	-9%	-7%
Total						
Principals Only	\$1,075,026		12%	\$ 118,757	-4%	
Total w/o principals	\$524,974		18%	\$ 81,243	2%	
Total	\$1,600,000					

	5 Year Plan to Eliminate Excess Reserves (CBC @ \$1,000,000) - raise nutrient surcharge							
			2024 (adopted)	2024 (projected)	3rd WS PERMIT(tbd)			
					2025 proposed	2026 proposed	2027 propose	2028 propose
REVENUES								
	Dues	Principals' Contributions	\$537,795	\$537,795	\$553,929	\$570,547	\$587,663	\$605,293
		Assoc. & Aff. Contributions	\$190,078	\$190,078	\$195,780	\$201,654	\$207,703	\$213,934
	Fees	Clean Bay Collaborative Fee	\$675,000	\$675,000	\$675,000	\$675,000	\$675,000	\$675,000
		Nutrient Surcharge	\$1,400,000	\$1,400,000	\$1,600,000	\$1,850,000	\$2,000,000	\$2,100,000
		Member Vol. Nutrient Contributions	\$0	\$0	\$0	\$0	\$0	\$0
	Other Receipts	Non-BACWA AIR	\$7,361	\$7,361	\$7,582	\$7,809	\$8,044	\$8,285
		Non-BACWA BAPPG Fee	\$4,114	\$4,114	\$4,264	\$4,392	\$4,524	\$4,659
		Other	\$0	\$0	\$0	\$0	\$0	\$0
	Fund Transfer	Special Program Admin Fees (WOT, BABC, BACC)	\$45,250	\$45,250	\$46,608	\$48,006	\$49,446	\$50,929
	Investment Income	LAIF	\$60,000	\$60,000	\$80,000	\$40,000	\$40,000	\$20,000
		Higher Yield Investments	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL REVENUES		Total	\$2,919,598	\$2,919,598	\$3,163,163	\$3,397,408	\$3,572,380	\$3,678,101
EXPENSES								
	Labor		\$501,271	\$501,271	\$514,304	\$529,733	\$545,625	\$561,994
	Administration		\$66,327	\$66,327	\$63,781	\$65,057	\$66,358	\$67,685
	Meetings		\$31,430	\$31,430	\$34,670	\$35,363	\$36,071	\$36,792
	Communication		\$47,732	\$47,732	\$47,887	\$48,845	\$49,822	\$50,818
	Legal		\$5,284	\$5,284	\$5,390	\$5,497	\$5,607	\$5,720
	Committees		\$372,550	\$372,550	\$372,560	\$372,560	\$372,560	\$372,560
	Collaboratives		\$18,000	\$18,000	\$13,000	\$35,760	\$13,975	\$36,755
	Other		\$0	\$0	\$0	\$0	\$0	\$0
	Technical Support	Nutrients						
		Permit Req'm't for Science Funding	\$1,800,000	\$1,800,000	\$2,200,000	\$2,200,000	\$2,200,000	\$2,200,000
		NMS Advance on Future Funding	\$0	\$0				
		NMS Voluntary Contributions	\$0	\$0	\$0	\$0	\$0	\$0
		Additional Work Under Permit	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
		3rd WSP Special Studies			\$100,000	\$200,000	\$200,000	\$100,000
		Member Voluntary Contributions	\$0	\$0	\$0	\$0	\$0	\$0
		Nutrient Workshops	\$0	\$0	\$0	\$0	\$0	\$0
		NMS Reviewer	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
		General Tech Support	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
		CEC Investigations	\$60,000	\$60,000	\$10,000	\$50,000	\$50,000	\$10,000
		Risk Reduction	\$12,500	\$12,500	\$12,500	\$12,500	\$12,500	\$12,500
	Total Technical Support		\$2,202,500	\$2,122,500	\$2,572,500	\$2,712,500	\$2,712,500	\$2,572,500
TOTAL EXPENSES			\$3,245,094	\$3,165,094	\$3,624,092	\$3,805,315	\$3,802,518	\$3,704,823
NET INCOME BEFORE TRANSFERS			(\$325,496)	(\$245,496)	(\$460,929)	(\$407,908)	(\$230,138)	(\$26,722)
TRANSFERS TO(+)/FROM(-) RESERVES			(\$325,496)	(\$245,496)	(\$460,929)	(\$407,908)	(\$230,138)	(\$26,722)
RESERVES	Operating Target	\$200,000						
	Legal Target	\$300,000						
	CBC Target	\$1,000,000						
	Target Reserves	\$1,500,000						
	Total Reserves at End of FY23		\$2,515,807	\$2,515,807	\$2,054,878	\$1,646,970	\$1,416,832	\$1,390,110
	Amt. Above CBC Target End of FY (projected)		\$1,015,807	\$1,015,807	\$554,878	\$146,970	(\$83,168)	(\$109,890)

	5 Year Plan to Eliminate Excess Reserves (CBC @ \$500,000) - raise nutrient surcharge							
			2024 (adopted)	2024 (projected)	3rd WS PERMIT(tbd)			
					2025 proposed	2026 proposed	2027 propose	2028 propose
REVENUES								
	Dues	Principals' Contributions	\$537,795	\$537,795	\$553,929	\$570,547	\$587,663	\$605,293
		Assoc. & Aff. Contributions	\$190,078	\$190,078	\$195,780	\$201,654	\$207,703	\$213,934
	Fees	Clean Bay Collaborative Fee	\$675,000	\$675,000	\$675,000	\$675,000	\$675,000	\$675,000
		Nutrient Surcharge	\$1,400,000	\$1,400,000	\$1,600,000	\$1,850,000	\$1,900,000	\$1,900,000
		Member Vol. Nutrient Contributions	\$0	\$0	\$0	\$0	\$0	\$0
	Other Receipts	Non-BACWA AIR	\$7,361	\$7,361	\$7,582	\$7,809	\$8,044	\$8,285
		Non-BACWA BAPPG Fee	\$4,114	\$4,114	\$4,264	\$4,392	\$4,524	\$4,659
		Other	\$0	\$0	\$0	\$0	\$0	\$0
	Fund Transfer	Special Program Admin Fees (WOT, BABC, BACC)	\$45,250	\$45,250	\$46,608	\$48,006	\$49,446	\$50,929
	Investment Income	LAIF	\$60,000	\$60,000	\$80,000	\$40,000	\$40,000	\$20,000
		Higher Yield Investments	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL REVENUES		Total	\$2,919,598	\$2,919,598	\$3,163,163	\$3,397,408	\$3,472,380	\$3,478,101
EXPENSES								
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	Administration		\$66,327	\$66,327	\$63,781	\$65,057	\$66,358	\$67,685
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	Committees		\$372,550	\$372,550	\$372,560	\$372,560	\$372,560	\$372,560
	Collaboratives		\$18,000	\$18,000	\$13,000	\$35,760	\$13,975	\$36,755
	Other		\$0	\$0	\$0	\$0	\$0	\$0
	Technical Support	Nutrients						
		Permit Req'm't for Science Funding	\$1,800,000	\$1,800,000	\$2,200,000	\$2,200,000	\$2,200,000	\$2,200,000
		NMS Advance on Future Funding	\$0	\$0				
		NMS Voluntary Contributions	\$0	\$0	\$0	\$0	\$0	\$0
		Additional Work Under Permit	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
		3rd WSP Special Studies			\$100,000	\$200,000	\$200,000	\$100,000
		Member Voluntary Contributions	\$0	\$0	\$0	\$0	\$0	\$0
		Nutrient Workshops	\$0	\$0	\$0	\$0	\$0	\$0
		NMS Reviewer	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
		General Tech Support	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
		CEC Investigations	\$60,000	\$60,000	\$10,000	\$50,000	\$50,000	\$10,000
		Risk Reduction	\$12,500	\$12,500	\$12,500	\$12,500	\$12,500	\$12,500
	Total Technical Support		\$2,202,500	\$2,122,500	\$2,572,500	\$2,712,500	\$2,712,500	\$2,572,500
TOTAL EXPENSES			\$3,245,094	\$3,165,094	\$3,624,092	\$3,805,315	\$3,802,518	\$3,704,823
NET INCOME BEFORE TRANSFERS			(\$325,496)	(\$245,496)	(\$460,929)	(\$407,908)	(\$330,138)	(\$226,722)
TRANSFERS TO(+)/FROM(-) RESERVES			(\$325,496)	(\$245,496)	(\$460,929)	(\$407,908)	(\$330,138)	(\$226,722)
RESERVES	Operating Target	\$200,000						
	Legal Target	\$300,000						
	CBC Target	\$500,000						
	Target Reserves	\$1,000,000						
	Total Reserves at End of FY23		\$2,515,807	\$2,515,807	\$2,054,878	\$1,646,970	\$1,316,832	\$1,090,110
	Amt. Above CBC Target End of FY (projected)		\$1,015,807	\$1,515,807	\$1,054,878	\$646,970	\$316,832	\$90,110



B A C W A
BAY AREA
CLEAN WATER
AGENCIES

BAY AREA CLEAN WATER AGENCIES
ANNUAL MEETING PROGRAM - DRAFT
May 3 2024
David Brower Center
Berkeley, CA

TIME	DESCRIPTION	SPEAKER
8:30am - 9:00am	Coffee in the lobby	
9:00 am - 9:15 am	Welcome/Introduction Year in Review	Amit Mutsuddy, BACWA Chair/ EBMUD Lorien Fono, BACWA
9:15 am - 10:30 am	Regulator Priorities Bay Area Air Quality Management District USEPA State Water Resources Control Board staff San Francisco Bay Regional Water Board staff Q&A	Moderator: Jackie Zipkin Phil Fine - invitation sent Ellen Blake Karen Mogus Eileen White
10:30 am - 11:00 am	Break - Coffee and snacks in the foyer	
11:00 am - 12:30 pm	Nutrients - Moderated Discussion Watershed permit Scientific Underpinnings Facilitated Discussion	Moderator: Eric Dunlavy Bill or Tom? Richard Looker
12:30 pm - 1:30 pm	Lunch - On the terrace	
1:30 pm - 1:40 pm	Arleen Navarret Award Presentation	
1:40 pm - 1:50 pm	BACWA Leadership Recognition	Amit Mutsuddy, BACWA Chair/EBMUD
1:50 pm - 2:30 pm	Workforce Development Panel	Moderator: Lori Schectel Central San, EBMUD, SVCW, BACCWE
2:30 - 2:50	CASA Pooled Emissions Study	Moderator: Amy Chastain
2:50 - 3:10	Climate change - Rising Groundwater	
3:20 pm - 3:30 pm	Annual Meeting Wrap-Up	Amit Mutsuddy, BACWA Chair/EBMUD
3:30pm	Adjourn - Social hour	

February 23, 2024

SENT VIA: EMAIL

Lorien Fono, Executive Director
Bay Area Clean Water Agencies (BACWA)/EBMUD
PO Box 24055, MS 702
Oakland, CA 94623

lfono@bacwa.org

SUBJECT: Request for Sponsorship of the NBWA's 2024 Conference: Imagine Our Future North Bay:
Reinvesting In Our Communities and Watersheds

Dear Friend of the North Bay,

We are writing today to invite you to become a sponsor of the North Bay Watershed Association's
[2024 In-Person Conference](#) at Sonoma State University:

**Imagine Our Future North Bay:
*Reinvesting In Our Communities and Watersheds***

Friday, April 19, 2024

9:00 a.m. to 3:00 p.m.

Sonoma State University – Event/Student Center
1801 E. Cotati Ave
Rohnert Park, CA 94928 United States

This year's event will be a dynamic gathering of regional leaders and partners to envision tomorrow's resilient watershed communities and workforce, focusing on the theme "Imagine Our Future North Bay."

We will unite experts to delve into California's Water Plan Update, explore advancement and funding of natural and built infrastructure initiatives, and foster diverse opportunities for tomorrow's rewarding careers in water. The conference provides a platform for experts, decision-makers, practitioners, partners, and students to understand and discuss the substantial adaptation challenges faced by water utilities and management agencies posed by climate, technology, and societal changes.

Join us on April 19 for insightful discussions, actionable strategies and networking opportunities.

We look forward to seeing you at the conference! Your financial support will help promote this regional cooperation and the sharing of resources and information to help all of us create a more resilient future for the North Bay.

Thank you for considering being a of sponsor of this watershed moment event!

Please see attached Sponsor Benefits for how we plan to acknowledge your generous support.

If you would like to donate or have questions, please contact Sabrina Marson by email at smarson@westyost.com. You can also contact us at northbaywa@gmail.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Andy Rodgers', with a stylized, flowing script.

Andy Rodgers, NBWA Executive Director

www.nbwatershed.org

- **Benefits For All Sponsors**

- Advertising in the NBWA Conference Event Program based on exhibitor/sponsor level
- Agency/Company name and logo in Conference website, Event Program, NBWA website, and Eventbrite recognizing level of sponsorship
- Exhibitor/sponsor acknowledgement on badges for all company attendees
- Complimentary registration (number based on registration level)
- All additional attendees from your company may attend for the discounted price.

- **Water Collaborator \$5,000**

- Special call out as a “Water Collaborator” during opening session and intermission highlight
- Conference intermission logo highlight and project highlights
- Recognition in onsite program
- FREE half-page ad in the Event Program
- Exhibit booth
- Four (4) complimentary conference registrations

- **Water Partner \$2,500**

- Conference intermission logo highlight (and project highlights)
- Recognition in onsite program
- Exhibit booth
- Three (3) complimentary conference registrations

- **Water Steward \$1,500**

- Recognition in onsite program
- Two (2) complimentary conference registrations

If you would like to donate or have questions, please contact Sabrina Marson at northbaywa@gmail.com.

Logo and Ad Submissions: Please submit your half page ad as a 4.25x11 PDF or JPEG. File preference for logos are eps or ai vector files. Alternatively, a JPEG, PNG or PDF may work at 300dpi. Please note that NBWA cannot guarantee the quality of the look of your logo on printed materials if anything outside of these specifications are submitted. You can send your logo and/or ad to dgarrison@westyost.com.

----- Mail in below form with check -----

Please complete all of the following areas:

Sponsor/Company Name: _____ Website _____

Contact: _____ Address: _____

Phone: _____ Email: _____

Level of Sponsorship

- ☐ Water Collaborator \$5,000
- ☐ Water Partner \$2,500
- ☐ Water Steward \$1,500
- ☐ Supporting sponsor (another amount): _____

Please make checks payable to

The North Bay Watershed Association

Mail to

The North Bay Watershed Association

ATTN: Sabrina Marson
2235 Mercury Way, Suite 105
Santa Rosa, CA 95407.

FY2024-25 BACC Update

March 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 submitted their Estimated Quantities and Delivery Details spreadsheets. By December 1, 2023.

FY2024-25 BACC Bid Timeline

- ~~Agency FY2024-25 Estimated Quantities, Delivery Details, Contact information due December 1, 2023~~
- ~~Updating database and preparing draft of bid documents. December 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 early March 2024**
- **Awards Letters will be issued to vendors mid-March**

Committee Request for Board Action: None

40 attendees participating virtually, representing 25 member agencies, the Regional Water Board, and one guest speaker.

Updates on Committee Activity and Announcements

- Regional Water Board Announcements: Alessandra Moyer shared tips for completing and submitting Pollution Prevention reports, which are due at the end of February. [Link to slides](#).
- Budget. The FY24 budget is on track.
- Outreach / Marketing: This spring, BAPPG will circulate an RFQ for FY25 public outreach support (extendable up to FY29). BAPPG members are asked to share the RFQ with qualified firms.
- BACWA Announcements: The PFAS Study Summary was shared with committee members in draft form, and finalized after the meeting ([link](#)).
- CWEA will be hosting a one-day seminar on “California – The State of Reuse” on February 28th in Martinez. [Register here](#). Public outreach and source control are important components of direct potable reuse projects, so BAPPG members may be interested in learning more about this topic.

Pesticides Subcommittee Presentation

Stephanie Hughes (BAPPG’s regulatory support consultant for pesticides) was joined by Julie Weiss and Olivia Trevino (City of Palo Alto) and Alicia Dutrow (Union Sanitary District) to present on the topic “[Educating our Communities about the Links Between Indoor Flea Control and San Francisco Bay](#).” The presentation covered background information about the linkage between indoor flea control and San Francisco Bay water quality, and alternatives to topical flea/tick treatments. The presenters described recent outreach activities to the veterinary community and to a local pet shelter. The City of Palo Alto has prepared a wealth of materials for vets and for general public outreach, all of which are available on the [BACWA website](#). The materials include:

- [Sample utility bill insert](#)
- Tools for digital campaigns, including [text](#), [images](#), and [examples](#) of Google response ads
- [Short video](#)
- [Sample presentation slides](#)
- [Flier for vet offices](#)

BAPPG members are encouraged to use these materials to continue strengthening relationships with the community of veterinarians, pet product retailers, and pet owners to encourage sustainable pest management approaches. Cedar oil was mentioned as a good alternative to registered pet pesticides. After the presentation, the committee discussed ways to amplify this message in FY25, perhaps by making it the subject of the spring or fall outreach campaign, and continuing engagement with the Department of Pesticide Regulation. The discussion also noted that cost is prohibitive for oral flea/tick medicines, which require a prescription (unlike topical treatments).

Baywise Website Update

The Baywise.Org website will soon be expanded and refreshed to include more general outreach information about wastewater collection and treatment. Members were asked to share their input on what they want to keep and/or modify from the existing website. Attendees suggested adding information about wastewater careers, as well.

Next BAPPG General Meeting: April 3, 2023, 10am – 12pm, on Zoom

Committee Request for Board Action: None

45 attendees (including 1 guest speaker) from 25 member agencies

Presentation on Styrene Safety from NASSCO

Dennis Pivin from NASSCO presented on best practices for styrene safety for Cured-In-Place Pipe (CIPP) installations ([Link to Slides](#)). Styrene is found in CIPP liners. Steam cures of the CIPP liner, which result in air emissions of styrene, have recently become more popular than hot water cures, which result in styrene-contaminated wastewater. Styrene has a low odor threshold, with a noxious odor at less-than-hazardous levels. CIPP installers can be exposed to hazardous levels of styrene if proper protocols are not followed. Styrene emissions mainly come from two main sources: (1) the refrigerated truck where the liners are transported and stored, and (2) the exhaust manifold from the CIPP installation. Dennis' presentation covered best practices for minimizing hazards from these two emissions sources, including the following:

- Using heavier coatings or wraps on the styrene-impregnated liner. Some coatings and wraps can increase cost and/or decrease maneuverability, but they reduce styrene emissions.
- Maintaining a 15-foot radius perimeter around the exhaust discharge (which should be at least 6 feet high) and around the work zone.
- Wearing proper PPE when opening the door and entering the refrigerated truck.
- Monitoring air quality at the job site and within the refrigerated truck using a Photoionization Detectors (PID), and setting appropriate alarms.

Guidance documents related to styrene safety are available from NASSCO ([link](#)). NASSCO is planning to conduct further research related to nitrification inhibition from styrene emissions. Los Angeles County Sanitation District has also recently shared a public outreach flier related to styrene ([link](#)).

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

- BACWA's consultant team led by Rich Cunningham is updating the a guidance document related to Sewer System Management Plans (SSMPs). A draft will be available around March 1st and will be shared with the committee.
- The State Water Board is working on changes to CIWQS to generate the ten-year performance graphs that need to be inserted into the Annual Reports due April 1st.
- Members expressed interest in hearing an update on SSS-WDR compliance from the State Water Board's Office of Enforcement at a future meeting.

BACWA Announcements

- BACWA plans to release a survey soon regarding Bay Area sewer laterals. BACWA's Regulatory Program Manager shared draft survey questions and solicited feedback from attendees. Attendees noted a need for better definitions of private sewer laterals at the beginning of the survey (use definitions from the SSS-WDR). The survey will be circulated to members soon, and results will be shared at the May collection system committee meeting.
- Members are encouraged to nominate a colleague for the Arleen Navarret Award by March 27th ([link](#))
- BACWA has started a Climate Change Community of Practice ([link to join](#)).

Upcoming Events

- [Annual Report Training](#) – Tuesday February 27th, Online).
- [Spill Estimation Training](#) – Wednesday February 28th, Hayward
- [CIWQS Spill Reporting Training](#) – Thursday February 29th, Hayward
- [CWEA Technical Certification Program Prep Seminar](#) – Wed. March 13th, Antioch
- [CWEA Annual Meeting](#) – April 9 – 12, Sacramento. "Early bird" deadline Mar. 8th
- [BACWA Annual Meeting](#) – Friday, May 3rd, Berkeley
- CWEA CS Committee Mid-Summer Meeting & Operations Workshop – Wednesday July 10th-Friday July 12th, San Luis Obispo

Next Collection System Committee Meeting: May 9, 2024. Location TBD

Committee Request for Board Action: None

Regular meeting: 40 attendees via Zoom, including representatives from 22 laboratories

Going Paperless and Achieving TNI Compliance for Sophisticated Instruments in Trace Organics: A SharePoint-Powered Workflow for Data Validation and Storage

Ngoc Le from the City of San José explained how her agency has transitioned all documentation related to trace organics analysis to a SharePoint server, which saves tremendous amounts of paper waste. A typical electronic data package for trace organics includes all raw data, calibrations, standards and reagents logs, QC reports, and SOPs. All of these documents can be linked in SharePoint for each analytical result. SharePoint is also used to store reports exported from MassHunter (mass spectrometry software). Ngoc is willing to share MassHunter programming information with other BACWA members.

City of San José staff appreciate SharePoint's ability to set permissions and use customized fields (e.g., a "Validated" field), and they are using SharePoint's data capabilities to meet TNI traceability and archival requirements (TNI requires five years, but the City's archival requirements require permanent archival). Lab reports can all be printed to PDF and signed digitally. City staff set up the entire system, and were able to easily share select files with TNI auditors during a recent audit. Ngoc encouraged other agencies to go paperless using SharePoint or other similar software.

Future Meeting Topic – PCB Congeners

The committee chair presented information about recent issues with PCB analysis using Method 1668C. There is confusion about whether PCB congeners reported at levels below the MDL should be reported with the qualifier "ND" or "DNQ." There is also confusion about how to report Estimated Maximum Probable Concentrations (EMPCs). These topics will be discussed in greater detail at the next Permits committee meeting on February 27th.

Future Meeting Topic – Chronic Toxicity Species Sensitivity Screening Studies

Attendees shared the status of their agency's chronic toxicity species sensitivity screening studies. Most agencies have not yet started, but representatives from SVCW, West County Agency, South San Francisco, Novato, SMCS and Vallejo reported that they have started the process (either in the proposal or testing phase). This topic will be discussed further at the April laboratory committee meeting.

BACWA Updates:

- A [PFAS Study Summary](#) is now available. [USEPA Methods 1633 and 1621](#) for PFAS are now finalized.
- The [Group Annual Report](#) for the Nutrient Watershed Permit is now available, with nutrient and flow information for October 2022 – September 2023.
- Members may request attendance certificates for calendar year 2023, if desired.

Announcements and Member Discussion

- The CWEA Annual Meeting will be held April 9th – 12th in Sacramento. On April 9th there will be a pre-conference workshop on [Laboratory Data Review 101](#).
- The next BACWA TNI training sessions will be held Tuesday, February 20th. The sessions are now in Q&A format; submit your questions ahead of time to [Diane Lawver](#).

Next Regular Meeting: Tuesday, April 23, 2024, on Microsoft Teams

Pretreatment Committee – Report to BACWA Board

Pretreatment Committee Meeting: 2/14/2024
Executive Board Meeting: 3/15/2024
Committee Chairs: Casey Fitzgerald, Michael Dunning

Committee Request for Board Action: The committee may request funding for training later in FY25. 65 attendees from 20 agencies participated virtually and in-person at EBMUD

Presentation - EBMUD Resource Recovery (R2) Program ([Link to Slides](#))

Paula Hansen provided an overview of EBMUD's [Resource Recovery](#) (R2) program, which began in 2002 and processes trucked waste from around the region -- not just EBMUD's service area. The program has grown over the years, and since 2014, the R2 program has allowed the EBMUD main wastewater plant to produce more energy than it uses. The EBMUD wastewater plant currently receives about 120 trucks/day. Some of the key features of the R2 program that Paula shared include:

- Program participants (the waste generator or an approved hauler) must obtain a permit from EBMUD. As the R2 program has matured, EBMUD has gradually collected more information about the source of the trucked waste associated with each permit, including sample results and, when needed, information typical of sewered SIUs (e.g., process flow diagrams). Trucked waste from categorical industrial users is subject to categorical and local limits, as appropriate.
- EBMUD is not currently accepting blood waste, hazardous waste, or unfiltered metal cutting waste, and they also typically reject hauled waste from generators or haulers that have regulatory compliance issues.
- **If your facility rejects a hauled waste load, they may be headed for EBMUD!**
As a courtesy, please contact EBMUD's Paula Hansen at 510-590-0171.

CWEA Updates

[Norah Duffy](#), CWEA's Director of Certification, shared an update on the [CWEA Technical Certification Program \(TCP\) for Environmental Compliance Inspectors \(ECI\)](#). Norah's slides are available [here](#). CWEA is about 2/3 done with the latest update to the TCP ECI program. The deadline to register for an exam under the current set of minimum qualifications is February 28th. After that, the minimum qualifications will be changing to place greater emphasis on education – qualified staff with the appropriate education and experience will be able (in theory) to reach Grade 4 after just one year. The new handbook will be released in April to coincide with the [CWEA Annual Conference](#) (April 9-12, Sacramento). The new exam will be offered beginning July 1, 2024.

EPA Updates

Amelia Whitson (Pretreatment Coordinator, US EPA Region 9) provided National Pretreatment Updates. Her slides are available [here](#). Announcements included:

- Beginning December 21, 2025, Annual Pretreatment Reports and semi-annual IU compliance reports will have to be submitted electronically. This information will go into a database – it will not merely involve submittal of PDF files. It is not yet clear if this rule will apply to 2025 or 2025 Annual Reports.
- To receive IU reports identified in 40 CFR §403 in electronic form only, you must (1) seek CROMERR approval and (2) modify your approved pretreatment program. It is a "minor modification." Additional info is available [here](#). Some BACWA members (e.g., Central San) have successfully set this up.
- EPA recently finalized two new Clean Water Act methods for PFAS: [Method 1633](#) for 40 PFAS compounds and [Method 1621](#) for Adsorbable Organic Fluorine. The January 2023 [Effluent Guidelines Program Plan 15](#) calls for development of PFAS standards for landfills, as well as a POTW Influent Study to verify sources of PFAS in wastewater and help POTWs assess the need for control measures at the source. BACWA plans to discuss the findings from the Region 2 PFAS Study with EPA staff soon in order to inform this POTW Influent Study.
- EPA has released proposed effluent guidelines for [Meat and Poultry Products](#) that could establish more stringent effluent limitations for nitrogen and phosphorus. These standards would be brand-new for indirect dischargers; the current rules only cover direct dischargers (e.g., those with their own NPDES permit).

Pretreatment Committee – Report to BACWA Board

Pretreatment Committee Meeting: 2/14/2024
Executive Board Meeting: 3/15/2024
Committee Chairs: Casey Fitzgerald, Michael Dunning

Water Board Updates

- State Water Board staff are continuing to support pretreatment program audits, inspections, and program reviews. Region 2 is not expected to be a focus area in 2024.
- The State Water Board is currently focused on development of guidance for enhanced source control programs that are required under the [Direct Potable Reuse regulations](#) adopted in December 2023.
- PFAS continues to be a focus area, and the State Water Board is particularly interested in the use of the Adsorbable Organic Fluorine (AOF) assay to characterize industrial wastewater. Sample analysis can be as low as \$250/sample for AOF via Method 1621 (contact Erica Kalve for details).

BACWA Updates

- A [Study Summary](#) is now available for the regional PFAS study conducted by SFEI scientists with funding and sampling assistance from BACWA members.
- The Collection System committee recently hosted a presentation on styrene safety. There are newly available resources from [NASSCO](#) and [LACSD](#).
- The Regional Water Board is currently drafting the 2024 Nutrient Watershed Permit, which is expected to contain dry season effluent load limits for Total Inorganic Nitrogen.
- The BACWA Annual Members' Meeting be held Fri, May 3, in downtown Berkeley.
- Nominate a colleague for the [Arleen Navarret award](#)! Nominations are due March 27th.

Future Meeting Topics and Training Needs

- Case studies for IU categorization is a possible future meeting topic.
- State Water Board staff suggested holding training sessions on baseline legal authority and/or lessons learned from audits.

Announcements

- On February 28th, Central San will host an all-day CWEA training event called "California – The State of Reuse." [Register here](#).

Committee Request for Board Action: None

23 attendees representing 12 member agencies

Committee Setup

The committee plans to meet quarterly. Goals are to share knowledge and insight related to management of wastewater assets. Committee meetings will likely include presentations on specific asset management topics, as well as group discussions to develop tools for the committee members' use. Committee conversations are expected to be candid and unofficial (notes below are anonymized).

Round Table Discussion – “What does AM mean to your organization? (and How is it staffed?).

Members provided the following input on asset management within their organizations:

- A small number of asset management practitioners have “Asset Management” in their job title, but many do not.
- Many agencies include asset management in their strategic plans but do not have sufficient staffing resources to implement asset management tasks and maintain CMMS systems.
- Several agencies noted that they are actively looking for new asset management software, such as new CMMS systems.
- Capital asset databases often differ between asset management systems and finance systems, which creates an additional challenge.

Ideas for future meetings

The committee chairs reviewed a list of potential future meeting topics, which included:

- Criticality, or consequence of asset failure
- Regulatory requirements related to asset management
- Determining probability of failure
- Spare parts
- Valve exercising program
- Process pipe inspection and rehab
- Condition assessment on pumps and motors, including vibration monitoring
- Tracking portable equipment
- Adopting technology related to CMMS software
- Trending information and dashboards

Next Meeting: May 10, 2022 at 1:30 pm via Zoom

Operations and Maintenance Infoshare Group - Report to BACWA Board

Committee Meeting on: 02/21/2024
Executive Board Meeting Date: 03/15/2024
Committee Chairs: Yanming Zhang (City of Livermore) and Ben Carver (Fairfield-Suisun Sewer District)

Committee Request for Board Action: None

In-person meeting at Fairfield-Suisun Sewer District, with 9 attendees representing 5 member agencies.

Discussion Topic – Wet Weather Operations and Emergency Reliability

The group discussed several topics related to operational reliability, including:

- **Electrical System Reliability.** Many plants lose line power (e.g., from PG&E) during storms. Some electrical equipment is also sensitive to automatically shutting down due to variability in line power. Attendees discussing staffing and maintenance planning approaches to ensure that there are spare parts and qualified staff available to respond to these and other kinds of emergencies. Having a qualified person available to operate high-voltage circuit breakers is a major operational and workplace safety concern. Remote-operated breaker switches are an option in some circumstances.
- Attendees discussed ideas for improving emergency response capabilities, such as:
 - Have a debrief after every major storm event to generate action items such as new CIP projects or new operational practices (e.g., equipment staging).
 - Involve O&M staff during the design phase of new equipment so that they can provide input on equipment settings, operability, and reasonable emergency response times.
 - Have staff participate in surprise simulations of operational emergencies.
 - Seeking NPDES permit changes to increase operational flexibility.
- [Doug Hollowell](#), FSSD's Maintenance Manager, shared details of his agency's electrical safety policy and a recent electrical coordination study. Members can contact Doug directly for additional details.

The group also discussed the status of recent supply chain disruptions. One facility is stocking spare PLC parts due to the long lead times for obtaining replacements (~6 months).

A resource mentioned during discussion was CASA's [November 2023 Innovative Technology Seminar](#), which included a presentation on [supercritical water oxidation](#).

Plant Tour of Fairfield-Suisun Sewer District's Wastewater Treatment Plant



Next Meeting: Tentatively in Q2 2024, Location TBD

Potential future meeting locations include SVCW (to tour the Bioforcetech biosolids drying facility) or DSRSD.

Committee Request for Board Action: None

Regular meeting: 40 attendees via Zoom (including 13 attendees from the Laboratory Committee and 2 guest speakers), representing approximately 20 member agencies

New Vice Chair The committee welcomes Meg Herston to the role of Vice Chair.

Upcoming Permits / Tentative Orders

The [Millbrae tentative order](#) is scheduled for adoption on March 13th. The permit contains new template language for the Prohibition related to dilution (instead of identify a specific dilution factor, it now refers to dilution information listed in the Fact Sheet). Oro Loma's wet weather permit is scheduled for reissuance in May.

Chlorine Blanket Permit Amendment

The Chlorine Blanket Permit Amendment went into effect on January 1st. BACWA has prepared a [guidance document](#) on monitoring and reporting. Some agencies recently reported issues with DMR data entry. Most agencies should be able to report a one-hour average value for the "EG" monitoring location in their DMR.

Statewide Toxicity Provisions

- The BACWA Lab Committee will discuss chronic toxicity screening studies at its April 23rd meeting.
- Resources related to the recently completed *Ceriodaphnia dubia* study are available from the [State Water Board](#) and from [CASA](#). Refer to [Appendix E of the SCCWRP Report](#) for performance metrics.

PCB Congener Reporting

The committee discussed issues related to reporting results for PCB Congeners via Method 1668C as required by the [Mercury and PCBs Watershed Permit](#). Confusion has arisen due to recent changes at contract laboratories. Most attendees reported using [Enthalpy Analytical](#) (which recently acquired both Vista and Frontier) for analysis via Method 1668C. Two representatives from Enthalpy Analytical joined the conversation. BACWA plans to propose changes to this [2013 Guidance Document](#) to clarify these issues.

- Enthalpy staff explained that an Estimated Detection Limit (EDL) -- which is also known as a Sample-Specific Detection Limit (SSDL) -- is only generated in cases where an analyte was not detected. Table E-5 of the Permit clearly requires that SSDLs be reported when there is a ND result. Table E-5 also requires a DNQ flag when "The concentration is greater than the SSDL but less than the method-specified ML," but this is not possible for a detected result – there is no SSDL in that situation.
- Enthalpy is currently reporting detected values lower than the MDL as DNQs. The committee discussed whether to instead report these as non-detects, which would be consistent with the practice for other pollutants.
- Attendees discussed whether to use the ML or RL as the high cutoff for flagging DNQs. Table E-5 of the Permit says to use the ML, but Enthalpy's default is to use the RL (which is much lower than the ML).
- Attendees also discussed handling of Estimated Maximum Possible Concentration (EMPC) values, with a preference for reporting these as NDs.

Some agencies noted that their DMRs require a summation of PCB congeners, but this is a DMR coding error. The Permit (p. E-4) specifically states that "a summation for total PCBs as congeners is not required."

Other Announcements

- **PFAS.** A [study summary](#) from BACWA's PFAS Regional Study is now available. Method 1621 and Method 1633 [have been finalized](#) by USEPA as Clean Water Act methods. [SB 903](#) (Skinner) was recently introduced to ban non-essential uses of PFAS in California.
- **Basin Plan Amendment.** The Regional Water Board recently adopted a [Basin Plan Amendment](#) to facilitate NPDES permitting of recycled water projects, including those with reverse osmosis concentrate. The State Water Board will consider approval at its March 19th meeting, after which it will receive OAL and EPA.

- **Air Toxics.** BACWA will conduct outreach to members soon regarding participation in a statewide pooled emissions study for air toxics being led by CASA.
- **Nutrients.** The [Group Annual Report](#) with new data for Oct 22 - Sept 2023 is now available. BACWA's Nutrient Strategy Team is preparing for several upcoming discussions about the draft version of the 3rd Nutrient Watershed Permit. The permit is scheduled for an adoption hearing on June 12th.
- The [303\(d\) List for Region 2](#) was approved by State Water Board in February 2024
- The [February 2024 BACWA Regulatory Matrix](#) is now available
- [OPC Draft Sea Level Rise Guidance](#) is available for public comment through March 8.
- [Arleen Navarret Award](#) Nominations are due March 27
- The [CWEA Annual Conference](#) will be held April 9-12 in Sacramento.
- The [BACWA 2024 Annual Members Meeting](#) will be held May 3rd in Berkeley.

Next Permits Committee Meeting: April 23rd, 2024, 12:30 PM on MS Teams



Executive Director's Report to the Board

February 2024

EXECUTIVE BOARD MEETING AND SUPPORT

- Worked with BACWA staff to plan and manage 2/16 Executive Board meeting
- Conducted the Executive Board meeting agenda review with the BACWA Chair
- Hosted 2/16 Executive Board meeting and developed meeting notes
- Continued to track all action items to completion

COMMITTEES:

- Planned and held Managers Roundtable, 2/1
- Attended BAPPG, 2/7
- Attended Permits Committee meeting, 2/27

REGULATORY:

- Submitted comments on FSSD Air Permit
- Submitted comments on Rule 11-19 to BAAQMD
- Met with CASA to prep for meeting with CARB Chair, 2/9
- Attended meeting with CARB Chair Chief of Staff, 2/12
- Hosted meeting to plan for BAAQMD Working group meeting, 2/20
- Hosted meeting to plan for BAAQMD management meeting, 2/26
- Held BAAQMD Workgroup meeting, 2/28
- Held BAAQMD management meeting, 2/29

NUTRIENTS:

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

- Met with Water Board staff several times to discuss permitting alternatives
- Discussed nutrient watershed permit with Baykeeper
- Met with member agencies to discuss nutrient permitting
- Reviewed and updated nutrient data metrics for interim limits and possible final limit allocations
- Participated in Five-year Science Planning session, 2/26
- Planned and participated in joint meeting with BACWA/R2/EPA/Baykeeper, 2/28
- Discussed integrated permitting concepts with consultants
- Screened potential attorneys to assist with BACWA's negotiations, retained attorney for review of admin draft
- Discussed permitting approach with R2 EO
- Planned and hosted NST meetings, 2/16, 2/27

COMMUNICATIONS

- Attended and answered questions at nitrogen removal session at Lake Merritt Rotary Club, 2/2
- Held weekly progress meetings with Civic Edge
- Reviewed key messaging materials and provided edits
- Developed messaging for Bri Communications signage

- Worked to set up plant tours for NGOs
- Worked to set up plant tours for press
- Discussed lobbying efforts with SFPUC public affairs staff
- Discussed updates to Baywise with BAPPG and Civic Edge

FINANCE:

- Reviewed the monthly BACWA financial reports
- Reviewed and approved invoices
- Developed draft FY25 Budget with AED
- Updated 5-year plan with various scenarios
- Prepared for and held finance committee meeting, 2/15

COLLABORATIONS:

- Attended CASA Air Toxics meeting 2/14
- Met with Summit Partners to discuss Pooled emission funding, 2/8
- Attended TRUW Core Team meeting, 2/14
- Participated in WRF nature-based solutions panel, 2/15, 2/21
- Attended SFEP Implementation committee, 2/21

ASC (AQUATIC SCIENCE CENTER)

- Reviewed materials sent via email by ASC ED

BABC (BAY AREA BIOSOLIDS COALITION)

- Attended meeting and developed meeting summary, 2/12
- Discussed future of project with program leadership

BACC (BAY AREA CHEMICAL CONSORTIUM)

- Discussed administrative and policy issues with administrator
- Reviewed issues that arose during bid

BACWWE (BAY AREA COALITION FOR WATER/WASTEWATER EDUCATION)

- No update

ADMINISTRATION:

- Planned for and conducted the monthly BACWA staff meeting to prepare for the Board Meeting and to coordinate and prioritize activities.
- Signed off on invoices, reviewed correspondence, prepared for upcoming Board meetings, responded to inquiries on BACWA efforts, oversaw 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.

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

April 2024 – June 2024 Meetings

DATE

AGENDA ITEMS

April 19, 2024
SFPUC

Approvals & Authorizations:

- FY25 Budget approval
- FY25 Workplan approval

Policy / Strategic Discussion:

•

Operational:

•

May 3, 2024
David Brower Center, Berkeley

Annual Meeting

June 21, 2024
EBMUD Orinda

Approvals & Authorizations:

- Approve FY25 Contracts
- Approve Chair & Vice Chair for FY25

Policy / Strategic Discussion:

•

Operational:

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BACWA ACTION ITEMS

Number	Subject	Task	Responsibiity	Deadline	Status
Action Items from February 16 2024 BACWA Executive Board Meeting			resp.	deadline	status
2024.2.32	OPC SLR Guidance Update	BACWA RPM is going to prepare a draft comment letter and circulate it to the board.	RPM	2/29/2024	complete
2024.2.33	EPA program office	BACWA ED will prepare a comment letter and will circulate a draft before March 15, 2024 board meeting.	ED	3/15/2024	complete
2024.2.34	First draft of FY25 BACWA Budget	BACWA ED will bring second draft of FY25 budget, draft 5-year plan and draft workplan	ED	3/15/2024	complete
2024.2.35	1st Draft of Annual Meeting Program	BACWA ED to bring final draft Annual Meeting program to March 15, 2024, BACWA Board meeting.	ED	3/15/2024	complete
Action Items Remaining from Previous BACWA Executive Board Meetings					
2022.10.22	BACWA Reserve Policy	BACWA ED will bring a revised draft Reserve Policy to the Executive Board for approval at a future meeting.	ED		WIP
2022.3.42	Plain-language review of nutrient science program	BACWA ED to work with SFEI to augment plain-language review to include graphics, simplified text, and a summary of what we have learned so far.	ED		on going
2023.10.8	Informational: BAAQMD 9/18 Workgroup meeting debrief	BACWA Executive Director to request a meeting with BAAQMD’s Executive officer.	ED	2/29/2024	complete
2023.10.9	PFAS - Phase 2 draft report and Summit Partners Workshop	BACWA Executive Director and RPM to produce a FAQ sheet on the PFAS Phase 2 Study	ED / RPM	2/29/2024	complete
2023.10.10	Debrief from Recycled Water Interagency Workshop Sept 20	BACWA Executive Director to send out a survey about next steps	ED	2/29/2024	complete
2023.11.16	Recycled Water collaboration workshop follow-up survey	BACWA staff to circulate meeting summary and survey to recycled water workshop participants.	ED	2/29/2024	complete
2023.11.18	Climate change scoping - AQPI Presentation	BACWA to share with members that they have an opportunity to participate in the AQPI user group led by Jon Rutz.	ED		WIP
2023.11.19	Climate change scoping - AQPI Presentation	BACWA to share information about AQPI with Collection System and O&M committees	ED	2/29/2024	complete
2024.1.29	Update on SCCWRP OAH Model Independent Review Panel	BACWA ED to prepare a short presentation for BACWA community	BACWA ED	6/30/2024	WIP
2024.1.30	Agenda for 2/29 meeting with BAAQMD EO	BACWA ED to work with meeting attendees to finalize the agenda	BACWA ED	2/18/2024	complete

FY24: 31 of 35 Action Items are complete
FY23: 56 of 58 Action Items are complete
FY22: 51 of 52 Action items are completed
FY21: 51 of 51 Action items completed
FY20: 70 of 70 Action Items completed
FY19: 110 of 110 action Items completed
FY18: 66 of 66 Action Items completed
FY17: 90 of 90 Action Items completed



Regulatory Program Manager's Report to the Executive Board

February 2024

BACWA BULLETIN: Completed and circulated February Bulletin.

CLIMATE CHANGE: Reviewed Ocean Protection Council draft 2024 Sea Level Rise guidance and prepared draft comment letter.

NUTRIENTS: Reviewed administrative draft version of Nutrient Watershed Permit; Participated in Nutrient Strategy Team meeting and prepared summary; participated in meeting with Regional Water Board, USEPA, and Baykeeper.

PFAS: Finalized PFAS Study Summary and circulated to members.

REGULATORY MATRIX: Completed February 2024 update of regulatory issues summary.

COMMITTEE SUPPORT:

AIR – Reviewed Air Toxics study spreadsheets. Helped prepare for March committee meeting.

Asset Management – Assisted with February meeting and prepared draft Board report.

BAPPG – Participated in committee meeting and prepared notes; participated in pesticides and steering committee meetings; participated in outreach meeting with executive team from Department of Pesticide Registration; participated in Baywise discussions with CivicEdge and BAPPG members; reviewed draft comment letter on pesticide labeling.

Biosolids – Attended Bay Area Biosolids Coalition meeting to discuss 2024 biosolids survey.

Collection System – Attended February meeting; prepared meeting notes; revised sewer lateral survey based on feedback from committee; coordinated with consultants prepared SSMP guidance document.

Laboratory – Prepared for and attended February committee meeting and February TNI Training; prepared meeting notes; circulated summaries to committee

O&M Infoshare Group – Attended February meeting and prepared draft Board report.

Permits – Prepared for February meeting, including several preparation discussions with laboratory committee chair and Enthalpy Analytical laboratory staff to discuss PCB congener monitoring.

Pretreatment – Assisted with February meeting and prepared draft meeting notes.

Recycled Water – Compiled results for follow-up survey from September 2023 workshop on interagency collaboration.

Executive Board – Prepared regulatory updates for Executive Board meeting.

ADMINISTRATION/STAFF MEETING – Participated in BACWA staff meeting.

BACWA MEETINGS ATTENDED:

BAPPG (2/7)

Collection Systems Committee (2/8)

Bay Area Biosolids Coalition (2/12)

BAPPG Pesticides (2/13)

Lab Committee (2/13)

Pretreatment Committee (2/14)

Asset Management Committee (2/15)

Executive Board (2/16)

Nutrient Strategy Team (2/16)

Lab Committee TNI Training (2/20)

O&M Committee (2/21)

Permits Committee (2/27)

EXTERNAL EVENTS ATTENDED:

Sustainable Pest Management Outreach to DPR (2/2)

AQPI Users' Group Meeting (2/5)

CASA Regulatory Workgroup (2/15)

CASA ACE Workgroup (2/22)

Nutrient Watershed Permit discussion with Regional Water Board, USEPA, and Baykeeper (2/28)



March 20, 2024

The Honorable Ben Allen, Chair
Senate Environmental Quality Committee
1021 O Street, Suite 3230
Sacramento, California 95814

Subject: SB 903 (Skinner): Support

Dear Senator Allen,

The California Association of Sanitation Agencies (CASA) is proud to co-sponsor and strongly support SB 903 (Skinner), which seeks to eradicate harmful forever chemicals from products unwittingly used by consumers in their daily lives. The undersigned coalition strongly endorses this vital policy effort to reduce human health impacts and environmental exposure to these chemicals. Consistent with our coalition's core missions of both protecting public health and the environment and maintaining affordable essential public services, SB 903 is the most cost-efficient method for reducing baseline concentrations of PFAS in our water, wastewater and waste management processes.

In recent years, Per- and Polyfluoroalkyl substances (PFAS) have become a topic of public concern due to their high mobility and resistance to breaking down naturally as well as the persistent detection of PFAS compounds in people's bodies and in the environment. In 2021, the United States Environmental Protection Agency (USEPA) announced and began implementation of the "PFAS Strategic Roadmap" which outlines a whole-agency approach to addressing PFAS. One of the three central directives of the roadmap is to pursue a comprehensive approach to "proactively prevent PFAS from entering air, land, and water at levels that can adversely impact human health and the environment." To this end, several additional action items are underway, including the development of an Effluent Limitations Guidelines program and recently issued EPA guidance for reducing discharges of PFAS into waterways by leveraging the existing NPDES permitting system and local industrial pretreatment programs. Additionally, USEPA is currently considering setting Maximum Contaminant Levels (MCLs) for 6 PFAS chemicals in drinking water.

Consistent with recent USEPA action and guidance, the State Water Resources Control Board issued a statewide monitoring and reporting order in 2020 that required wastewater agencies to monitor and report for PFAS in influent, effluent and biosolids. The Water Board also issued notification and response levels for PFAS in drinking water as well as related monitoring requirements. Preliminary data from the Water Board demonstrates that domestic inputs of PFAS are a significant source of PFAS entering wastewater systems, meaning that products people are using in their homes and businesses are contributing PFAS to wastewater systems through everyday uses that are not controllable through local enforcement or pretreatment programs. Drinking water data indicates the presence of PFAS in varying concentrations in many drinking water sources as well. For this reason, a statewide approach is necessary to remove PFAS from the stream of commerce, including in products which have a direct pathway to our watersheds and waste management systems.

Often referred to as “forever chemicals,” PFAS chemicals are both ubiquitous and indestructible. In some cases, PFAS can be removed from water and wastewater through advanced treatment technology. However, there is no technologically feasible method for the large-scale destruction of PFAS compounds. Instead, once removed, PFAS residuals are merely displaced to another waste stream and typically cycle back through the waste management process. This is why SB 903’s focus on stopping PFAS at its source is vital. Furthermore, as local public agencies begin the process of preparing for implementation of new and proposed PFAS regulations, affordability of essential services is a critical consideration. A recent economic analysis by USEPA estimates that for drinking water systems to comply with a draft Maximum Contaminant Level (MCL) for only a handful of PFAS chemicals will result in annual cost impacts surpassing \$1 billion. Water industry leaders contend these costs are likely much higher, and could surpass \$3 billion annually. These are costs that would be borne by California utility ratepayers. For these reasons, the meaningful and comprehensive source control and pollution prevention strategy presented in SB 903 is the most cost effective and appropriate approach to reducing PFAS pollution in the environment.

For these reasons CASA strongly supports SB 903 and urges your “aye” vote when it is heard in the Senate Environmental Quality Committee.

Sincerely,



Jessica Gauger
Director of Legislative Advocacy & Public Affairs
California Association of Sanitation Agencies