



Executive Board Meeting
AGENDA
Friday, June 21, 2024 9:00 AM - 12:00 PM (PDT)
EBMUD Orinda Watershed Headquarters
500 San Pablo Dam Road, Orinda CA
To attend the meeting via Zoom or submit a comment please [request access](#).

Agenda Item	Time	Pages
ROLL CALL, INTRODUCTIONS, AND TELECONFERENCE ETIQUETTE	9:00 AM	
PUBLIC COMMENT Guidelines	9:05 AM	
CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER		
CONSENT CALENDAR 1 April 19, 2024 BACWA Executive Board meeting minutes 2 April 19, 2024 BACWA NST Special Executive Board meeting minutes 3 May 17, 2024 BACWA NST Special Executive Board meeting minutes 4 April 2024 Treasurer's Report	9:15 AM	3-6 7-8 9-10 11-19
APPROVALS AND AUTHORIZATIONS 5 <u>Approval</u> : BAR BACWA Chair and Vice-Chair for FY25 6 <u>Approval</u> : BAR BACWA FY25 Staff contract amendments, \$474,783 7 <u>Approval</u> : BAR BACC FY25 Administration contract, \$39,522 8 <u>Approval</u> : BAR for As-Needed Executive Board Legal support FY25, \$2,407 9 <u>Approval</u> : BAR for As-Needed Executive Board IT Support FY25, \$2,814 10 <u>Approval</u> : Meyers Nave for Nutrient Watershed Permit assistance, \$50,000 11 <u>Approval</u> : BAR Amendment #3 for FY25 Nutrient Management Strategy Reviewer Contract, \$50,000 12 <u>Approval</u> : BAR Contract with HDR for FY25 Group Annual Report \$39,450 13 <u>Approval</u> : BAR Amendment #1 contract for Stephanie Hughes for FY25 BAPPG professional outreach support, \$19,000 14 <u>Approval</u> : BAR Amendment #3 Stephanie Hughes pesticides regulatory support FY25 Contract, \$72,500 15 <u>Approval</u> : BAR FY25 Contract with Sagent for BAPPG Public Outreach, \$50,000 16 <u>Approval</u> : BAR No-cost extension for Utility Software for SSS-WDR SSMP Guidance 17 <u>Approval</u> : BAR No-cost extension for SFEI for Nature-Based Solutions 18 <u>Approval</u> : BAR Carollo Contract for FY25 BABC Support, \$120,000	9:20 AM	20 21-36 37-39 40-41 42-43 44 45-51 52-58 59-62 63-73 74-77 78-86 87-100 101-104
POLICY/STRATEGIC 19 <u>Discussion</u> : EPA San Francisco Bay Program Office funding pathways 20 <u>Informational</u> : Private Sewer Lateral Ordinance Survey Results 21 <u>Informational</u> : BACWA Comments on EPA PFAS Influent Study 22 <u>Discussion</u> : Visit by AQPI leaders - invitation 23 <u>Discussion</u> : Update on David Jenkins Scholarship nutrient treatment workshop - Aug 29 24 <u>Informational</u> : April 12 and May 1 Nutrient Management Strategy Planning Subcommittee meeting minutes 25 <u>Informational</u> : May 10 2024 Draft Nutrient Management Strategy Steering Committee meeting minutes 26 <u>Discussion</u> : BACCWE program support RFP 27 <u>Informational</u> : Value of Wastewater Communications update 28 <u>Discussion</u> : Debrief on 6/3 BAAQMD/BACWA Reg 2 Workgroup meeting	10:00 AM	105 106-114 115-119 120-121 122 123-126 127-130 131-139
10 MIN BREAK		
OPERATIONAL 29 <u>Discussion</u> : 2024 Annual Meeting Debrief and Date for 2025 2024 Annual meeting page 30 <u>Discussion</u> : Logistics and invitations for Pardee Technical Seminar Sept 5/6, 2024 31 <u>Discussion</u> : Schedule and meeting topics for next meeting with RWQCB 32 <u>Discussion</u> : BACWA Committee Succession Planning 33 <u>Informational</u> : AIR Committee Consultant Support 34 <u>Informational</u> : Meeting schedule through December 35 <u>Informational</u> : BACC Update - Annual meeting August	11:00 AM	140
REPORTS 36 Committee Reports 37 Member highlights 38 Executive Director Report	11:50 PM	141-148 149-151

39	Board Calendar and Action Items			152-153
40	Regulatory Program Manager Report			154-155
41	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	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. WateReuse 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		
42	SUGGESTIONS FOR FUTURE AGENDA ITEMS		11:59 PM	
	NEXT MEETING			
	The next meeting of the Board is scheduled for July 19, 2024			
	ADJOURNMENT		12:00 PM	



Executive Board Meeting Minutes Friday April 19, 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
Alicia Chakrabarti	EBMUD
Amanda Roa	Delta Diablo
David Richardson	Woodard & Curran
Don Gray	EBMUD
Greg Norby	Central San
Jared Voskuhl	CASA
Jennifer Dymont	BACWA
Jennie Pang	SFPUC
Joel Prather	SFPUC
Julie Weiss	City of Palo Alto
Lorien Fono	BACWA
Mary Cousins	BACWA
Meg Herston	Fairfield-Suisun Sewer District
Michael Connor	Consultant
Mike Falk	HDR
Rob Learmonth	City of San Mateo
Sara Sadreddini	Black and Veatch
Talyon Sortor	FSSD
Tim Lewis	DSRSD
Tom Hall	EOA
Will Shankles	City of San Mateo

Amit called the meeting to order at 9:06.

ROLL CALL, INTRODUCTIONS, AND HYBRID MEETING ETIQUETTE

PUBLIC COMMENT None

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER None

CONSENT CALENDAR

- 1 **March 15, 2024 BACWA Executive Board meeting minutes**
- 2 **March 15, 2024 BACWA NST Special Executive Board meeting minutes**
- 3 **April 4, 2024 BACWA Special Executive Board meeting minutes**
- 4 **February 2024 Treasurer's Report**

Consent Calendar items 1 thru 4: A motion to approve was made by Jackie Zipkin (East Bay Dischargers Authority) and seconded by Eric Dunlavey (City of San Jose). The motion was approved by the remaining board members.

APPROVALS AND AUTHORIZATIONS

- 5 **Approval: Final FY25 Budget and Workplan**

Approvals and Authorizations item 5: A motion to approve was made by Amy Chastain (SFPUC) and seconded by Lori Schectel (Central Contra Costa Sanitary District). The motion was approved by the remaining board members.

- 6 **Approval: Amendment for Civic Edge to update Baywise Website**

Approvals and Authorizations item 6: A motion to approve was made by Eric Dunlavey (City of San Jose) and seconded by Jackie Zipkin (East Bay Dischargers Authority). The motion was approved by the remaining board members.

POLICY/STRATEGIC

- 7 **Discussion: EPA program office - BACWA comments and EPA response** - BACWA ED shared the EPA's response to BACWA's comments on the funding priorities for the new EPA Region 9 program office. A general discussion followed regarding potential need areas for EPA water quality improvement funding in the San Francisco Bay region.

Action Item: BACWA ED to invite EPA staff to the June BACWA meeting.

- 8 **Informational: OPC funding modeling of Monterey/SF coast** - BACWA ED shared recent research findings related to Ocean Acidification and Hypoxia along the California coast, as well as upcoming plans for research that is being financially supported by the Ocean Protection Council.

- 9 **Informational: CASA Air Toxics update** - BACWA ED shared that CASA would be presenting at the BACWA Annual Members Meeting. A contract with Yorke Engineering is being finalized and the project is moving along.

- 10 **Discussion: Proposed operations-focused nutrient removal workshop to benefit DJ scholarship**
- BACWA ED shared that a group is raising funds for a David Jenkins memorial scholarship and would like BACWA's help to host a nutrient removal workshop event in late August for operators. The participants would pay to attend the workshop and those funds would be donated to the scholarship. A general discussion regarding location followed.

11 Discussion: Vendor access re innovative nutrient technology - BACWA ED asked group if there is interest and for ideas about how to connect members with vendors regarding nutrient technologies. The group gave BACWA ED ideas for how to move forward and suggested coordination with CASA.

12 Discussion: RFP for Nutrient Group Annual Report - draft scope & schedule - BACWA ED shared a slide that summarized options for issuing an RFP for a consultant to help prepare the group annual report and regional study required by the draft Nutrient Watershed Permit. BACWA ED proposed adding the regional planning study to RFP for the group annual report, such that the same firm would handle both reports beginning with the annual report due in 2026. BACWA ED also recommended a new one-year contract with HDR for the 2024-2025 group annual report to ensure that it can be performed in a timely manner, and the Board agreed.

BREAK 10:30-10:35

13 Informational: Recent press and next steps - BACWA ED shared results from recent plant tours for Bay Area press. The press coverage was positive and well researched. The group discussed the press and next steps.

14 Discussion: PFAS legislative and regulatory updates - BACWA RPM shared slides regarding the USEPA federal limits of PFAS in drinking water that were adopted this week. A general discussion followed.

Action items: BACWA RPM to circulate a comment letter on EPA's influent study of POTWs.

OPERATIONAL

15 Discussion: BACWA Biosolids Committee Reboot - BACWA ED asked if board was interested in reviving the BACWA Biosolids Committee. We would need a chair and BACWA ED proposed meeting twice a year, for facility & construction tours and info share. The group was interested in reviving the committee.

16 Discussion: Annual Meeting Program - BACWA ED shared progress on attendees registering for the Annual Members Meeting. BACWA ED shared the program, discussed the topics and the moderators. A general discussion followed.

17 Informational: BACC Update [2024 BACC Price Comparison](#) - BACWA AED shared there is a document summarizing the FY24-25 BACC chemicals in the packet and indicating if there was an increase \ decrease in the price over last year. There is a link to the full document on the website displaying the prices by region and chemical concentration. BACC agencies are currently setting up their contracts with the awarded vendors.

18 Committee Reports - In the packet.

19 Member Updates - EBDA, SFPUC, EBMUD, FSSD, City of San Jose and Central San shared updates.

20 Executive Director Report - In the packet.

21 Board Calendar and Action Items - In the packet.

22 Regulatory Program Manager Report - In the packet.

23 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 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

24 SUGGESTIONS FOR FUTURE AGENDA ITEMS

NEXT MEETING The next meeting of the Board is scheduled for June 21, 2024, at EBMUD in Orinda

ADJOURNMENT

11:48 AM

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
Sara Sadreddini	Black and Veatch
Linda Sawyer	Brown and Caldwell
Andre Gharagozian	Carollo
Jared Voskuhl	CASA
Blake Brown, Dan Frost, Greg Norby, Rita Cheng	Central San
Michael Connor	Consultant
Amanda Roa, Brian Thomas	Delta Diablo
Diane Griffin, Tim Lewis	DSRSD
Don Gray	EBMUD
Tom Hall	EOA
Talyon Sortor	FSSD
Irene Chu	Hazen and Sawyer
Mike Falk	HDR
Eric Zagol	Jacobs
Denise Conners	Larry Walker Associates
Greg Newmark, Viviana Heger	Meyers Nave
Jennie Pang, Nohemy Revilla	SFPUC
Melody Tovar	Sunnyvale
Monte Hamamoto, Kim Hackett, Monty Dill	SVCW
Armando Lopez	Union SD
Jennifer Harrington, Tracy Rideout	Vallejo FWD
Dave Richardson	Woodard & Curran

Amit Mutsuddy called the meeting to order at 12:07 pm and led introductions. The meeting was conducted in hybrid format, with participants joining virtually and in-person at SFPUC's office in San Francisco. There was no public comment.

REVIEW OF TENTATIVE ORDER OF 3RD WATERSHED PERMIT

On April 5th, the Regional Water Board released the Tentative Order version of the 3rd Nutrient Watershed Permit for public comment. BACWA's Executive Director described the coordination needed during the public comment period, including preparation of comment letters from BACWA and individual agencies. A draft list of potential comments was circulated ahead of the meeting. Attendees suggested additional concerns and questions to highlight in comment letters from BACWA and/or individual agencies, including:

- Risk associated with receiving water limitations for nutrients and biostimulatory substances, which the Tentative Order does not remove. Rationale is provided on page F-33 of the Tentative Order.

April 19, 2024 NST Meeting Summary

- Monitoring and reporting protocols for periods of unseasonably wet weather during the May to September “dry season,” as described in the footnote to Table E-4.
- Uncertainty of modeling results and suitability for use in developing final effluent limits, given that the model is not well-suited to address impacts from acute events.
- References to “year-round” load reductions on page 8 of the Tentative Order.
- Applicability of anti-backsliding policy to the final effluent limits if they need to be adjusted before they go into effect in 2034. Water Board attorneys have shared their position on the issue with BACWA’s counsel, and stressed that the “new information” exception would almost certainly apply because of ongoing scientific investigations.

Attendees suggested additional language that could be added to the permit, including:

- The need for more time for all projects, not just multi-benefit projects, due to resource constraints.
- BACWA’s support for a Water Quality Attainment Strategy or TMDL as part of the regional planning study (Special Provision 6.3.4).
- Working with the State Water Board to update or modify the compliance schedule policy.

Attendees also discussed preferred alternatives to final effluent limitations, such as the best management practices (BMP) approach used in the Puget Sound permit ([link](#)). USEPA did not object to the Puget Sound permit.

BACWA members are encouraged to submit their own comment letters in order to preserve all legal options following permit adoption. BACWA does not plan to share a template comment letter, but members may refer to BACWA’s comment letter.

At 2:06 PM, Amit Mutsuddy adjourned the meeting to closed session to discuss potential litigation pursuant to Government Code Section 54957.7. There was no report from the closed session. Amit Mutsuddy adjourned the meeting at 4:10 pm.

NEXT STEPS

- BACWA will schedule an additional Nutrient Strategy Team meeting for May 17, 2024 at 10 am.
- BACWA will circulate a draft comment letter on April 24th.
- BACWA staff will discuss reporting provisions with Regional Water Board staff upon their return to the office.
- BACWA staff will request an extension to the comment letter due date.

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
Sara Sadreddini	Black and Veatch
Andre Gharagozian, Jamie Piggott	Carollo
Jared Voskuhl	CASA
Amanda Cauble, Blake Brown, Dan Frost	Central San
Michael Connor	Consultant
Amanda Roa, Brian Thomas	Delta Diablo
Tim Lewis	DSRSD
Don Gray	EBMUD
Tom Hall	EOA
Jordan Damerel, Talyon Sortor	FSSD
David Donovan	Hayward
Irene Chu	Hazen and Sawyer
Mallika Ramanathan	HDR
Denise Conners	Larry Walker Associates
Toby Fedder	Raftelis Consulting
Jennie Pang	SFPUC
Melody Tovar	Sunnyvale
Aniruddha Bhagwat, Kim Hackett	SVCW
Armando Lopez, Tim Grillo	Union SD
Jennifer Harrington	Vallejo FWD
Monty Dill	Veolia Richmond
Dave Richardson	Woodard & Curran

Amit Mutsuddy called the meeting to order at 10 am and led introductions. The meeting was conducted in hybrid format, with participants joining virtually and in-person at EBMUD’s watershed headquarters in Orinda. There was no public comment.

UPDATE ON RATE MEMO FROM RAFTELIS

BACWA’s Executive Director shared the results of recent work completed by Raftelis to estimate the economic impact of the 3rd Nutrient Watershed Permit on Bay Area ratepayers under various assumptions about the length of the compliance schedule (10 years vs 20 years). The peak incremental cost due to the 3rd Nutrient Watershed Permit is about \$200 per connection per year, which was included in BACWA’s [comment letter](#) on the Tentative Order. Costs are slightly lower for the 20-year compliance schedule. The analysis does not incorporate any assumptions about increased costs due to competition for contractors. For example, attendees noted that was a significant increase in the cost of gravity sewer replacement after the 2014 issuance of the East Bay wet weather consent decree. BACWA could request that Raftelis incorporate assumptions about the uncertainty of construction costs (e.g., 20-30% higher) into the analysis, but this is not included in the current scope of work.

SUMMARY OF WATERSHED PERMIT COMMENTS RECEIVED BY WATER BOARD

The Regional Water Board received 36 comments letters on the Tentative Order of the 3rd Nutrient Watershed Permit. This includes comments from BACWA, CASA, USEPA, Baykeeper, 12 BACWA member agencies, 11 cities and chambers of commerce, and 7 individuals. The letters were shared with the NST ahead of the meeting. BACWA is continuing to negotiate with Regional Water Board staff regarding modifications to the compliance plan reporting requirements. BACWA's Executive Director shared a revised draft version of this language provided by Regional Water Board staff, but attendees suggested that additional revisions would be necessary to make the language acceptable. Attendees suggested that if Regional Water Board staff are not open to further edits, then BACWA staff may want to confer with USEPA to discuss expectations for the reporting requirements. The desired outcome is to incorporate more flexibility so that running behind schedule on capital project milestones will not automatically result in a permit violation.

STRATEGY FOR ORAL COMMENTS AT WATERSHED PERMIT ADOPTION HEARING

Attendees discussed the strategy for providing oral comments virtually and in-person at the permit adoption hearing, which is currently scheduled for June 12th. The purpose of public comments will be two-fold: (a) to convince the Regional Water Board to modify the permit and adopt a resolution supporting a policy change that would provide more time for compliance; and (b) to exhaust our administrative remedies, which is necessary to formally appeal the permit. Attendees suggested coordinating with Baykeeper on delivering oral comments on items of mutual agreement, such as longer compliance timelines for multi-benefit projects. Attendees suggested asking the Regional Water Board for an extended time allotment for BACWA staff to deliver oral comments on behalf of the entire wastewater community, then individual member agencies could also comment on their specific issues. The group plans to meet again after the revised Tentative Order is made available to finalize the approach for the adoption hearing.

POST-PERMIT PETITION ADOPTION CONSIDERATIONS AND TIMELINE

BACWA tentatively plans to petition the permit to the State Water Board after it is adopted, then place it in abeyance. The petition would request that the State Water Board modify its 2008 Compliance Schedule Policy and would also preserve the option for future legal action. BACWA will reach out to counsel to obtain advice on whether individual member agencies also need to file a petition to preserve their individual legal rights.

Amit Mutsuddy adjourned the meeting at noon.

NEXT STEPS

- Continue negotiating with Regional Water Board and/or USEPA on permit language regarding the enforceable milestones that are needed for the 10-year compliance schedule.
- Conduct outreach to the State Water Board regarding BACWA's concerns with the permit .
- Conduct outreach to Baykeeper regarding the possibility of delivering joint comments.
- Request additional time (beyond a standard time slot) for BACWA to deliver comments at the adoption hearing.
- Send out an invitation for a one-hour NST meeting on June 7th at 1 PM, which is after the revised tentative order and Response-to-Comments are expected to be available.
- Communicate with BACWA members about the opportunity to comment at the adoption hearing and proposed messaging.
- Request clarification from attorneys about whether individual BACWA members will also need to file a petition, or if only BACWA needs to file in order for members to retain their legal rights.



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

May 21, 2024

MEMO TO: Bay Area Clean Water Agencies Executive Board
MEMO FROM: Phoebe Grow, Treasurer, East Bay Municipal Utility District
SUBJECT: Tenth 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 April 30, 2024** (Ten 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: Thursday, May 23, 2024 11:10 AM
To: Houck, Matt
Subject: RE: April 2024 Treasurer's Report

Hi Matt – Report looks good, approved. 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: Wednesday, May 22, 2024 11:30 AM
To: Grow, Phoebe <phoebe.grow@ebmud.com>
Subject: April 2024 Treasurer's Report

Hi Phoebe,

Please approve BACWA - April 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



MONTHLY FINANCIAL SUMMARY REPORT

April 2024

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 April 30, 2024, was \$478,933 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. \$478,933 of the ending fund balance is shown on the BACWA Fund & Investments Balance Report April 30, 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 April 30, 2024, was \$2,150,262 which is higher than the target reserve of \$1,000,000. \$203,822 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 \$946,440 (i.e., actual fund balance of \$1,946,440 less target reserves) as of April 30, 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 April 30, 2024 (83% of the FY) are at 99%

Expenses as of April 30, 2024 (83% of the FY) are at 94%

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 April 2024 Changes from budget in blue</u>	<u>Actual April 2024</u>	<u>Actual % of Budget April 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	\$85,121	142%	\$25,121	BACWA, Legal, & CBC Funds invested in LAIF
	Higher Yield Investments						
	Total Revenue	\$2,919,868	\$2,919,868	\$2,901,899	99.38%	-\$17,969	
BACWA FY24 BUDGET							
<u>BACWA FY24 BUDGET</u>	<u>Line Item Description</u>	<u>FY 2024 Budget</u>	<u>Projected Expense as of April 2024 Changes from budget in blue</u>	<u>Actual April 2024</u>	<u>Actual % of Budget April 2024</u>	<u>Variance</u>	<u>NOTES</u>
EXPENSES							
Labor							
	Executive Director	\$218,548	\$218,548	\$163,908	75%	-\$54,640	7% (incl. 4.9% CPI SF Bay Metro Area Dec 2022)
	Assistant Executive Director	\$92,024	\$92,024	\$62,771	68%	-\$29,253	7% (incl. 4.9% CPI SF Bay Metro Area Dec 2022); \$76.69/hour; Reflects 1200 hours
	BACC Administrator	\$38,520	\$38,520	\$41,275	107%	\$2,755	400 hrs AED support at \$96.30 per hr
	Regulatory Program Manager	\$152,179	\$152,179	\$111,706	73%	-\$40,473	7% (incl. 4.9% CPI SF Bay Metro Area Dec 2022); \$112.72/hour, Reflects 1350 hours
	Total	\$501,271	\$501,271	\$379,659	76%	-\$121,612	
Administration							
	EBMUD Financial Services	\$43,297	\$43,297	\$31,588	73%	-\$11,709	FY24 no change
	Auditing Services	\$5,561	\$5,561	\$0	0%	-\$5,561	Financial 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	\$39,805	60%	-\$26,522	
Meetings							
	EB Meetings	\$2,760	\$4,300	\$4,337	157%	\$1,577	2% increase from FY23
	Annual Meeting	\$14,369	\$14,369	\$7,642	53%	-\$6,727	FY24 no change
	Pardee	\$6,801	\$2,567	\$2,674	39%	-\$4,127	2% increase from FY23
	Misc. Meetings	\$7,500	\$7,500	\$7,027	94%	-\$473	30% increase from FY23 to accommodate conferences
	Total	\$31,430	\$28,736	\$21,679	69%	-\$9,751	
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	\$44,583	111%	\$4,583	FY24 & FY25 contract, balance will be spent in FY25
	Other Commun	\$1,857	\$1,857	\$660	36%	14 -\$1,197	2% increase from FY23; MS Exchange, Survey Monkey, PollEv, Zoom, Netfile

FY 2024
BACWA BUDGET to ACTUAL

EXPENSES							
	Total	\$47,732	\$47,732	\$45,243	95%	-\$2,489	
Legal							
	Regulatory Support	\$2,929	\$2,929	\$323	11%	-\$2,607	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	\$323	6%	-\$4,962	
Committees							
	AIR	\$76,000	\$76,000	\$56,452	74%	-\$19,548	\$75k consulting support, \$1k misc expenses. Carollo Engineers
	AIR Support for ACE	\$20,000	\$20,000	\$15,125	76%	-\$4,875	New in FY23
	BAPPG	\$159,000	\$159,000	\$108,838	68%	-\$50,162	17% increase from FY23. Includes CPSC @ \$5,000, OWOW @ \$10,000, NSAC @ \$10,000 and Pest. Reg Spt. @ \$71,500
	Biosolids Committee	\$0	\$0	\$0		\$0	
	Collections System	\$56,000	\$56,000	\$0	0%	-\$56,000	SSS WDR Support
	InfoShare Groups	\$500	\$500	\$560	112%	\$60	\$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	\$16	3%	-\$484	\$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	\$5,240	12%	-\$39,760	Rich Cunningham FY23 charges, NBWA Conference
	Manager's Roundtable	\$1,000	\$1,000	\$254	25%	-\$746	Same as FY23
	Total	\$372,550	\$372,550	\$189,483	51%	-\$183,068	
Collaboratives							
	Collaboratives						
	State of the Estuary (SFEP-biennial)	\$0	\$0	\$0	0%	\$0	Biennial in Odd Fiscal Years. (Paid biennially in odd years for even year conference)
	Arleen Navaret Award	\$2,500	\$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	\$0	\$0	0%	-\$5,000	Same as FY23, Program has stopped collecting donations
	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	\$99,560	100%	-\$325,440	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	\$113,000	\$99,560	22%	-\$343,440	
Other							
	Unbudgeted Items						
	Other	\$0	\$0	\$0	0%	\$0	
	Total	\$0	\$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	\$32,281	32%	-\$67,719	Includes HDR PO for \$225k spread out over FY20-24.
	Regional Study on Nature based systems	\$80,000	\$80,000	\$103,929	130%	\$23,929	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	\$11,730	23%	-\$38,270	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	\$2,080,668	94%	-\$121,832	
	TOTAL EXPENSES	\$3,670,094	\$3,378,953	\$2,856,419	77.83%	-\$813,675	
	PROJECTED EXPENSE DEVIATION FROM BUDGET		-\$291,141				
	NET INCOME BEFORE TRANSFERS	-\$750,226	-\$459,085				
	TRANSFERS FROM RESERVES	\$750,496			15		aligns with strategy of drawing down reserves to lessen impact of Nutrient Surcharge

FY 2024
BACWA BUDGET to ACTUAL

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

BACWA Fund Report as of April 30, 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	766,873	635,611	478,933	325,444	153,489
604	LEGAL RSRV	300,000	-	-	300,000	-	300,000
605	CBC	2,097,905	2,135,026	2,082,669	2,150,262	203,822	1,946,440
	SUBTOTAL 1	2,745,576	2,901,899	2,718,280	2,929,195	529,266	2,399,929
602	BABC	190,244	175,600	96,987	268,857	13,606	255,251
606	BACC	31,025	78,718	72,077	37,666	1,731	35,935
607	BACC LEGAL RSRV	60,000	30,000	-	90,000	-	90,000
610	WOT	253,257	-	(10,000)	263,257	-	263,257
612	CASA Air Toxics	-	57,720	99,560	(41,840)	-	(41,840)
	SUBTOTAL 2	534,526	342,038	258,624	617,940	15,337	602,603
	GRAND TOTAL	3,280,102	3,243,937	2,976,904	3,547,135	544,603	3,002,532

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	766,873	635,611	478,933	(26,265)	9,487	462,155	-	462,155	19%	-		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	2,135,026	2,082,669	2,150,262	(50,411)	-	2,099,851	561,897	1,537,954	64%	-		priority # 4 for allocation
	SUBTOTAL 1	2,745,576	2,901,899	2,718,280	2,929,195	(76,676)	9,487	2,862,006	561,897	2,300,109	96%	-		
602	BABC	190,244	175,600	96,987	268,857	(14,200)	-	254,657	254,657	-	0%	-		pass-through funds, no allocation
606	BACC	31,025	78,718	72,077	37,666	(22,777)	-	14,889	14,889	-	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
612	CASA Air Toxics	-	57,720	99,560	(41,840)	(57,720)	-	(99,560)	(99,560)	-	0%	-		pass-through funds, no allocation
	SUBTOTAL 2	534,526	342,038	258,624	617,940	(94,697)	9,487	523,243	433,243	90,000	4%	-		
	GRAND TOTAL	3,280,102	3,243,937	2,976,904	3,547,135	(171,373)	9,487	3,385,249	995,140	2,390,109	100%			

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

Reconciliation to Trial Balance

Per Report above:

General	2,901,899	STB	14930	2,390,109
WOT, BABC, & BACC	342,038	STB	15050	995,140
PROP	-			3,385,249
		STB	16300	171,373
subtotal	3,243,937	STB	21350	(9,487)
				3,547,135

Trial Balance Revenue Accounts

40100	Interest	(87,915)
40101	Mem Contrib	(1,520,539)
40102	Transfer	(30,000)
40103	Assoc Contrib	(190,578)
40104	Other	(1,414,905)
47310	State Grant	-
47320	Grant Retention	-
	subtotal	(3,243,937)
	Difference	-

BACWA Revenue Report as of April 30, 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)	(8,208.59)	(24,346.29)	35,653.71
		BDO-Alternative Investment Inc	6143	-	-	-	-
600 Total				(844,598.00)	(8,208.59)	(766,873.29)	77,724.71
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	-	(16,163.31)	(60,774.73)	(60,774.73)
605 Total				(2,075,000.00)	(16,163.31)	(2,135,025.73)	(60,025.73)
606	Bay Area Chemical Consortium	BDO Member Contributions	6101	-	-	(75,924.00)	(75,924.00)
		BDO- Interest Income from LAIF	6142	-	(1,015.50)	(2,793.56)	(2,793.56)
606 Total				-	(1,015.50)	(78,717.56)	(78,717.56)
607	BACC Legal RSRV	BDO Fund Transfers	6141	-	-	(30,000.00)	(30,000.00)
607 Total				-	-	(30,000.00)	(30,000.00)
612	CASA Air Toxics	BDO Member Contributions	6101	-	(57,720.00)	(57,720.00)	(57,720.00)
612 Total				-	(57,720.00)	(57,720.00)	(57,720.00)
Grand Total				(2,919,598.00)	(83,107.40)	(3,243,936.58)	(324,338.58)

BACWA Treasurer's Report Expenses and Encumbrances

Period Covering July 1, 2023 through April 30, 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	85,601.75	(45,601.75)
	BC-BAPPG	6152	159,000.00	145,574.07	13,425.93
	BC-Collections System	6144	56,000.00	50,000.00	6,000.00
	BC-InfoShare Groups	6148	500.00	560.06	(60.06)
	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	5,240.15	39,759.85
	BC-Permit Committee	6145	500.00	255.32	244.68
	BC-Pretreatment Committee	6151	500.00	16.29	483.71
	BC-Water Recycling Committee	6146	10,000.00	666.74	9,333.26
	CAR-BACWA File Storage	6165	1,592.00	-	1,592.00
	CAR-BACWA IT Software	6167	1,857.00	659.79	1,197.21
	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	7,641.52	6,727.48
	GBS-Meeting Support-Exec Bd	6169	2,760.00	4,336.77	(1,576.77)
	GBS-Meeting Support-Misc	6172	7,500.00	7,026.98	473.02
	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	52,929.00	(50,000.00)
	WQA-CE-Nature Based Solutions	6196	-	-	-
	Write-Off Doubtful Accounts	6208	-	-	-
600 Total			995,074.00	961,054.32	34,019.68
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	43,005.80	(4,485.80)
	BDO Fund Transfers	6141	-	30,000.00	(30,000.00)
	GBS-Meeting Support-Misc	6172	-	-	-
606 Total			38,520.00	73,808.36	(35,288.36)
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
612	Passthrough to CASA for air toxics	6212	425,000.00	99,560.00	325,440.00
612 Total			425,000.00	99,560.00	325,440.00
Grand Total			3,661,094.00	3,521,506.44	139,587.56



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 5

MEETING DATE: June 21, 2024

TITLE: Nomination and Election of BACWA Executive Board Chair and Vice Chair for FY25

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

RECOMMENDED ACTION

Board nomination and election of the BACWA Executive Board Chair and Vice Chair.

SUMMARY

Section 7 of the Joint Powers Agreement establishing BACWA states that the agency shall designate a Chair and Vice Chair, chosen by the Executive Board, from the members of the Executive Board. These positions each have a one year term that coincides with BACWA's fiscal year. Historically, most BACWA Chairs and Vice Chairs are asked to serve for two consecutive terms.

Responsibilities of the Chair include signing contracts, approving payments, convening and presiding over Executive Board meetings, and serving on the BACWA Finance Committee. Responsibilities of the Vice Chair include serving as the Chair in the absence of the regularly elected Chair and serving on the BACWA Finance Committee.

BACWA Leadership History

Timeframe

2000 – 2002

2002 – 2004

2004 – Feb. 2005

March 2005 – June 2005

July 2005 – June 2006

July 2006 – May 2007

June 2007 – June 2008

July 2008 – March 2010

April 2010 – June 2010

July 2010 – October 2010

Nov 2010 – Feb 2013

March 2013 – June 2015

July 2015 – June 2017

July 2017 – Feb 2018

March 2018 – June 2020

July 2020 – June 2022

July 2022 - June 2024

Chair

Chuck Weir (EBDA)

Jim Kelly (CCCSD)

Michael Carlin (SFPUC)

Dave Williams (EBMUD)

Bill Keaney (SFPUC)

Bill Keaney (SFPUC)

Dave Williams (EBMUD)

Dave Tucker (SJ)

Dave Tucker (SJ)

Arleen Navarret (SFPUC)

Ben Horenstein (EBMUD)

Mike Connor (EBDA)

Laura Pagano (SFPUC)

Jim Ervin (SJ)

Lori Schectel (CCCSD)

Amit Mutsuddy (SJ)

Amit Mutsuddy (EBMUD)

Vice-Chair

Jim Kelly (CCCSD)

Michael Carlin (SFPUC)

Dave Williams (EBMUD)

Bill Keaney (SFPUC)

Chuck Weir (EBDA)

Dave Williams (EBMUD)

Dave Tucker (EBMUD)

Doug Craig (CCCSD)

Arleen Navarret (SFPUC)

Ben Horenstein (EBMUD)

Tommy Moala/Laura Pagano (SFPUC)

Laura Pagano (SFPUC)

Jim Ervin (SJ)

Lori Schectel (CCCSD)

Amit Mutsuddy (SJ)

Eileen White (EBMUD)

Jackie Zipkin (EBDA)

FISCAL IMPACT

This action has no fiscal impact.

ALTERNATIVES

This action does not require consideration of alternatives.



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 6

MEETING DATE: June 21, 2024

TITLE: Approval of Fiscal Year 2025 Amendments to Staff Contracts

☐ RECEIPT ☐ DISCUSSION ☐ RESOLUTION ☒ APPROVAL

RECOMMENDED ACTION

Authorize the approval of amendments to staff contracts to implement the Fiscal Year 2025 BACWA/CBC Budget and Workplan.

SUMMARY

The BACWA Fiscal Year 2025 begins July 1, 2024. In order to prevent a gap in core services, BACWA typically executes contracts for the coming FY before the end of June. The amendments summarized below ensure that, as of July 1, 2024, BACWA will have Executive Director (ED), Assistant Executive Director (AED) and Regulatory Program Manager (RPM) services available. These service contracts were included in the BACWA FY 2025 workplan and budget and will become effective July 1, 2024. There are no benefits associated with the service contracts. All contracts have a term of one year and will terminate on June 30, 2025.

Contractor	Services	Contract Amount	Number of Hours
Lorien Fono (Amendment #5)	Executive Director Services	\$224,230	N/A
Jennifer Dymont (Amendment #5)	Assistant Executive Director Services	\$94,417	1,200 hours
Mary Cousins (Amendment #4)	Regulatory Program Management Services	\$156,136	1,350 hours

FISCAL IMPACT

The funding for these contracts is consistent with the FY 2025 Workplan and Budget for BACWA/CBC.

ALTERNATIVES

No other alternatives were considered for these contracts as the terms of these agreements are consistent with BACWA contracting policies.

Attachments:

1. Lorien Fono Amendment #5
2. Jennifer Dymont Amendment #5
3. Mary Cousins Amendment #4
4. Original Contracts

Approved: _____
Amit Mutsuddy, Chair

Date: June 21, 2024

AMENDMENT NO. 5
TO AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES and
Lorien Fono
FOR
Executive Director Support

This Amendment No. 5 is made this 21st day of June 2024, in the City of Oakland and County of Alameda, State of California, to that certain agreement of December 19, 2019 (original agreement), by and between Lorien Fono and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and Lorien Fono agree to a new contract amount of \$224,230 for Executive Director Support for Fiscal Year 2025.
2. The new contract termination date will be June 30, 2025.
3. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By _____ Amit Mutsuddy, Chair BACWA Executive Board	June 21, 2024 Date _____
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By _____ Lorien Fono	Date _____
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AMENDMENT NO. 5
TO AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES and
Jennifer Dymont
FOR
Assistant Executive Director Support

This Amendment No. 5 is made this 21st day of June 2024 in the City of Oakland and County of Alameda, State of California, to that certain agreement of February 21, 2020 (original agreement), by and between Jennifer Dymont and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and Jennifer Dymont agree to a new contract amount of \$94,417 for Assistant Executive Director Support for Fiscal Year 2025.
2. The hourly rate for FY25 is \$78.68 per hour.
3. The new contract termination date will be June 30, 2025.
4. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

June 21, 2024

By _____
Amit Mutsuddy, Chair
BACWA Executive Board

Date _____

By _____
Jennifer Dymont

Date _____

AMENDMENT NO. 4
TO AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES and
Mary Cousins
FOR
Regulatory Program Management Support

This Amendment No. 4 is made this 21st day of June 2024, in the City of Oakland and County of Alameda, State of California, to that certain agreement of August 21, 2020 (original agreement), by and between Mary Cousins and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and Mary Cousins agree to a new contract amount of \$156,136 for Regulatory Program Management Support for Fiscal Year 2025.
2. Hourly rate for FY25 is \$115.65 per hour.
3. The new contract termination date will be June 30, 2025.
4. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By _____
Amit Mutsuddy, Chair
BACWA Executive Board

June 21, 2024
Date _____

By _____
Mary Cousins

Date _____

**BAY AREA CLEAN WATER AGENCIES
PROFESSIONAL SERVICES CONTRACT**
Executive Director

This PROFESSIONAL SERVICES CONTRACT, effective December 20, 2019, is between Bay Area Clean Water Agencies (BACWA), a joint powers agency which exists as a public entity separate and apart from its Member Agencies, created January 4, 1984 by a Joint Powers Agreement between Central Contra Costa Sanitary District, East Bay Dischargers Association, East Bay Municipal Utility District, the City and County of San Francisco and the City of San Jose, with a mailing address of P.O. Box 24055, MS 702, Oakland, CA 94623, and Lorian Fono (Consultant), an individual doing business at 1815 Delaware Street, Berkeley, CA for professional services as described in any Exhibit A attached hereto.

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


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

1. Consultant will perform the Services as described by and in accordance with Exhibit A and other duties that may be requested from time to time by the BACWA Executive Board. Contractor retains the sole right to control and direct the manner in which it provides the services. Notwithstanding the foregoing, BACWA shall have a right to inspect the work, which shall include the right to stop the work if necessary to ensure that it conforms to BACWA's standards and expected results. This work will be performed to the satisfaction of the BACWA Executive Board.
2. Consultant shall not contract with or otherwise use any subconsultants, subcontractors or other non-employee persons or entities (Subconsultants) to perform the Services without the prior written approval of BACWA. If Consultant and BACWA agree that Subconsultants shall be used, Consultant shall ensure Subconsultants' compliance with all the terms and conditions of this agreement.
3. BACWA will pay Consultant a monthly flat rate of \$15,833.00 for services rendered, for a maximum total of \$79,165.00 for the remaining portion of the 2019-2020 Fiscal Year, (February 1, 2020 through June 30, 2020). Upon mutual agreement between BACWA and the Contractor, this Contract can be extended for 3 one-year terms starting July 1, 2020. With each extension BACWA agrees to increase the contract amount by the December year-over-year increase in the San Francisco Bay Area CPI.
4. No later than June 30 of each year the Executive Board shall evaluate performance under this Agreement and determine whether modification and/or renewal is appropriate.
5. BACWA agrees to reimburse Consultant for actual and reasonable expenses necessary to carry out the work described in Exhibit A. This includes, but is not limited to, travel expenses for BACWA-related meetings, and the cost of attending

- trainings, conferences and other events necessary for the Consultant to act as the Executive Director.
6. Consultant shall submit invoices on a monthly basis. Payments under this Contract will be due thirty (30) days after BACWA's receipt of invoices. The invoices shall include a brief description (not to exceed three pages) of the activities and accomplishments of the previous period.
 7. Consultant will maintain all records relating to this Contract in accordance with generally accepted accounting principles and for at least three years following termination of this Contract. Consultant will grant BACWA and its representatives' access upon request to all such records and all other books, documents, papers, drawings, and writings of Consultant that refer or relate to this Contract.
 8. All drawings, specifications, reports, programs, manuals, and other work product of Consultant that result from this Contract (Work Product) will be considered the exclusive property of BACWA. Consultant agrees that it will not use, disclose, communicate, publish or otherwise make available to third parties any products, analyses, data, compilations, studies, proposals, technical or business information, and any other information related to the Services provided to BACWA without BACWA's prior written approval.
 9. The Consultant expressly agrees to indemnify, defend and hold BACWA, its officers, and directors, free and harmless from and against any and all loss, liability, expense, claims, costs, suits and damages, including attorney's fees, arising out of negligence of the Consultant's work and or performance under this Contract, excepting only such injury or damage as may be caused by the negligence of BACWA.
 10. This contract shall automatically terminate on June 1, 2020. Either party may also terminate this Contract in whole or in part at any time for its convenience. For a termination for convenience, the termination will be effective thirty (30) days following receipt of a written notice of termination by one party from the other.
 11. If this contract is terminated before June 30, 2020, the Consultant shall only be paid for services provided through the termination date. If the termination date is any date but the last day of the month, the Consultant shall receive payment for those days calculated on a daily pro rata basis.
 12. This contract is non-exclusive. Consultant shall devote as much time, energy and ability to the performance of the Services hereunder as is necessary to perform them in a timely and productive manner. Consultant is free to perform services for his or her other clients outside the scope of this Agreement, provided such services do not create a conflict of interest with BACWA.
 13. This Contract constitutes the entire legally binding contract between the parties regarding its subject matter. No waiver, consent, modification or change of terms of this Contract is binding unless in writing and signed by both parties.

The following documents are incorporated into and made a part of this Contract. Any conflicts between these documents and this Contract will be resolved in favor of this Contract. Exhibit A: Scope of Work and Exhibit B: Conflict of Interest Protocol.

CONSULTANT: Lorien Fono
1815 Delaware Street
Berkeley, CA 94703


Tax Identification No.


Consultant Signature

1/23/2020
Date

Lorien Fono
Name, Title

BACWA Signature

Name, Title

BAY AREA CLEAN WATER AGENCIES
PROFESSIONAL SERVICES CONTRACT
Assistant Executive Director

This PROFESSIONAL SERVICES CONTRACT, effective February 21, 2020, is between Bay Area Clean Water Agencies ("BACWA"), a joint powers agency which exists as a public entity separate and apart from its Member Agencies, created January 4, 1984 by a Joint Powers Agreement between Central Contra Costa Sanitary District, East Bay Dischargers Association, East Bay Municipal Utility District, the City and County of San Francisco and the City of San Jose, with a mailing address of P.O. Box 24055, MS 59, Oakland, CA 94623, and Jennifer Dymant ("Consultant"), an individual doing business at 829 Pomona Ave, Albany, CA, for professional services as described in any Exhibit A attached hereto.

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

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

1. Consultant will perform the Services as described by and in accordance with Exhibit A in a manner acceptable to BACWA. Contractor retains the sole right to control and direct the manner in which it provides the services. Notwithstanding the foregoing, BACWA shall, have a right to inspect the work, which shall include the right to stop the work if necessary to ensure that it conforms to BACWA's standards and expected results.
2. Consultant shall not contract with or otherwise use any subconsultants, subcontractors or other non-employee persons or entities ("Subconsultants") to perform the Services without the prior written approval of BACWA. If Consultant and BACWA agree that Subconsultants shall be used, Consultant shall ensure Subconsultants' compliance with all the terms and conditions of this agreement.
3. BACWA will pay Consultant for services at an hourly rate of \$65.00, up to a maximum annual amount of \$32,500 for the 2020 fiscal year. Consultant will not exceed the maximum amount payable without obtaining prior written approval from BACWA. Any future increases shall be implemented via an amendment to this contract.
4. BACWA agrees to reimburse Consultant for actual and reasonable expenses necessary to carry out the work described in Exhibit A. This includes, but is not limited to, travel expenses for BACWA-related meetings and events, and the cost of attending trainings necessary for the Consultant to act as the Assistant Executive Director. Travel to meetings, events and trainings outside of the San Francisco Bay and Sacramento Area must be approved by the Executive Director in advance.

5. Consultant shall submit invoices on a monthly basis. Payments under this Contract will be due thirty (30) days after BACWA's receipt of invoices. BACWA may withhold from any progress or final payment any damages, back charges or claims incurred or anticipated by BACWA to the extent caused by Consultant.

6. Consultant will maintain all records relating to this Contract in accordance with generally accepted accounting principles and for at least three years following termination of this Contract. Consultant will grant BACWA and its representatives to access upon request to all such records and all other books, documents, papers, drawings, and writings of Consultant that refer or relate to this Contract.

7. All drawings, specifications, reports, programs, manuals, and other work product of Consultant that result from this Contract ("Work Product") will be considered the exclusive property of BACWA. Consultant agrees that it will not use, disclose, communicate, publish or otherwise make available to third parties any products, analyses, data, compilations, studies, proposals, technical or business information, and any other information related to the Services provided to BACWA without BACWA's prior written approval.

8. The Consultant expressly agrees to indemnify, defend and hold BACWA, its officers, and directors, free and harmless from and against any and all loss, liability, expense, claims, costs, suits and damages, including attorney's fees, arising out of negligence of the Consultant's work and or performance under this Contract, excepting only such injury or damage as may be caused by the negligence of BACWA.

9. This contract shall automatically terminate on June 30, 2020. Either party may also terminate this Contract in whole or in part at any time for its convenience. For a termination for convenience, the termination will be effective thirty (30) days following receipt of a written notice of termination by one party from the other.

10. This contract is non-exclusive. Contractor is free to perform services for his or her other clients outside the scope of this Agreement, provided such services do not create a conflict of interest with BACWA.

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

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

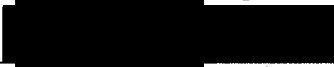
Exhibit A — Scope of Work

CONSULTANT: Jennifer Dymant

829 Pomona Ave
Street Address

Albany, CA 94706

City, State, Zip Code



Tax Identification No.

A handwritten signature in cursive script.

Consultant Signature

2/24/2020

Date

Jennifer Dymant

Name, Title

A handwritten signature in cursive script.

BACWA Signature

Date: Feb 21, 2020

Lori Schectel, BACWA Executive Board Chair

Name, Title

Exhibit A
BACWA ASSISTANT EXECUTIVE DIRECTOR
SCOPE OF SERVICES

CONSULTANT will act as the Assistant Executive Director and provide professional services as requested by the BACWA Executive Director (ED) to support BACWA and its Special Programs at a rate of \$65.00/hour consistent with the following key activities:

1. Financial Management

- Communicate and coordinate with EBMUD Accounting to ensure proper and timely processing of contracts, invoices, dues and contributions to specific accounts and payments to BACWA vendors;
- On a monthly basis scan the EBMUD Treasurer's Report for consistency with BACWA's requests for payment of invoices and update the BACWA budget to actual revenue and expense spreadsheet;
- Coordinate with EBMUD Treasurer on the amount of reserves invested in longer term accounts to ensure that BACWA cash flow needs are met;
- Assist with annual budget development and management;
- Act as an intermediary between Project Managers and EBMUD Accounting to track revenues and expenditures for specific projects and Special Programs;
- Provide recommendations and support for revisions to accounting processes and financial reporting,
- Assist in developing contracting and fiscal policies for BACWA.

2. Meeting Support

- Attend monthly BACWA Board meetings and selected other meetings;
- Assist Executive Director in developing the Executive Board agenda and meeting packet; prepare and distribute meeting minutes;
- Work with the ED, Committee Chairs, consultants, and Project Managers on coordination, preparation, attendance, recordkeeping, meeting facilitation and follow up for special meetings, including but not limited to the following: Budget Planning Workshops, Pardee Technical Seminar, Annual Membership Meeting, Committee or BACWA-sponsored training and workshops.
- Assist with the coordination and facilitation of other meetings (e.g., Committee meetings) as requested by the ED.

3. Document Management

- Manage retention, organization, maintenance and storage of BACWA electronic and paper files;
- Maintain electronic records of policies, procedures, forms, and templates.
- Work with ED, Committee Chairs, and Project Managers to draft, edit, and execute contracts, amendments, contract scopes, and approval forms (e.g. Board Action Request (BAR)), Executive Director Authorizations, Chair Authorization, Travel Request), and other agreements;
- Compile background information or supporting documentation in response to requests from ED, Project Managers, and Committee Chairs;
- Act as BACWA's Filing Official and Filing Officer for Statements of Economic Interest as required by FPPC;

4. Communication and Website Management

- Manage the delivery of documents and information to members, including e-mail correspondence;
- Maintain BACWA contacts and distribution lists;
- Assist with the development of the BACWA Annual Report, including working with ED, Consultants, and Committee Chairs to compile content, edit draft, and oversee production and distribution;
- Assist with the delivery of selected communications to the RWQCB, including invitations to meetings, and formatting and submitting comment letters;
- Create, maintain and revise website content;
- Coordinate website revisions with consultants and Committee Chairs, including maintenance of the dynamic calendar and uploading of promotional materials;
- Provide content management system instructions for committees and others as needed;
- Manage BACWA private website user authorization;
- Assist ED with the development and implementation of communications plan, including website improvements and a newsletter;
- Respond to inquiries from the general public and members.

5. Miscellaneous

- Assist with other tasks and projects upon request from the ED

File:

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

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

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

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

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

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

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

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

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

Exhibit A – Scope of Work

CONSULTANT:

78 Sonia Street

Street Address
Oakland, CA 94618

City, State, Zip Code

Tax Identification No.

Mary Cousins

08 / 24 / 2020

Consultant Signature

Date

Mary Cousins, Regulatory Program Manager

Name, Title

Amit Mutsuddy

08 / 24 / 2020

BACWA Signature

Date

Amit Mutsuddy, BACWA Executive Board Chair

Name, Title

Exhibit A
BACWA REGULATORY PROGRAM MANAGER
SCOPE OF WORK

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

Scope of Work

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

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



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 7_

MEETING DATE: June 21, 2024

TITLE: Contract FY25 BACWA for BACC support, not to exceed \$39,522

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

RECOMMENDED ACTION

Approve the agreement for BACC administrative support the fiscal year covering July 1, 2024, through June 30, 2025.

SUMMARY

In FY20, BACWA assumed the Bay Area Chemical Consortium (BACC) bid procurement administration as a Project of Special Benefit. The BACC Administrator coordinates a multi-bid procurement process for more than 60 public agencies, which delivers significant cost and staffing time savings to BACC members, many of whom are also BACWA members.

In FY20, BACWA also completed a competitive bid process for an individual or firm to provide Assistant Executive Director and BACC administrative services to BACWA. The contract for these combined services was awarded to Jennifer Dymant in February 2020. In September 2021, after a year of successfully administering the BACC program, the BACWA Executive Board recognized that BACC project tasks are at a different capacity and increased responsibility compared to the AED duties and approved an amended contract that increased the rate for BACC services. The rate for AED responsibilities is \$78.69 per hour.

The AED and BACC administrative services are funded from separate account sources. In FY25 it is recommended that the two efforts be split into different contracts for ease of accounting.

For FY25, the proposed level of effort for BACC administrative services is 400 hours at \$98.80 per hour, for a contract of \$39,522.

FISCAL IMPACT

There will be no fiscal impact to BACWA, as BACC is a Project of Special Benefit of BACWA, and support services are funded by BACC participants. Support will be provided by Assistant Executive Director on an hourly basis and invoiced to the Bay Area Chemical Consortium member agencies.

ALTERNATIVES

No other alternatives were considered for this contract as the terms of the agreement are consistent with BACWA contracting policies.

Attachments:

BACC Contract for FY25
SOW and Rate Sheet

Approved:

Amit Mutsuddy,
Chair, BACWA

Date: June 21, 2024

Date: 6/21/24

BAY AREA CLEAN WATER AGENCIES

CONSULTING AGREEMENT

TO: Jennifer Dymont
BACWA
PO Box 24055, MS702
Oakland, CA 94623
jdymont@bacwa.org

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

RE: BACWA Agreement for FY25 Bay Area Chemical Consortium (BACC) bid coordination.

This Agreement covers professional services to be performed by Jennifer Dymont in order to complete the FY25 Bay Area Chemical Consortium bid process. This work is described in the attached Scope of Work and under the direction of Lorien Fono and the BACWA Executive Board. The total cost of professional services to be performed by Jennifer Dymont is not to exceed \$39,522. This contract will be funded by the BACC Agencies.

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

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

BACWA Executive Director E-mail: Lorien Fono, lfono@bacwa.org

Approved:

By _____
Amit Mutsuddy
Chair, BACWA Executive Board

By _____
Jennifer Dymont

Date _____

Date _____

Scope of Work for Bay Area Chemical Consortium Administration (400 hours)

BACC Administrator coordinates a multi-bid procurement process for more than 60 public agencies, including the following tasks:

- Maintains BACC Access database and performs data entry, runs reports.
- Prepares & maintains BACC bid calendar
- Prepares public notice ads
- Works with agencies to review, submit and update the chemical bid quantities, delivery details and contact information.
- Updates and maintains bid documents throughout the bid cycle.
- Enters bid details and amendments into Planetbids.com
- Responds to questions from vendors
- Reviews bid submittal documents
- Recommends bidder to agencies
- Prepares cost summary and works with accountant to prepare invoices
- Follows up on invoice payments
- Prepares and leads annual BACC meeting
- Maintains BACC google group

Rate Jennifer Dymont \$98.80 per hour



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 8

MEETING DATE: June 21, 2024

TITLE: BACWA Executive Board Authorization of Fiscal Year 2025 Executive Board Legal Support

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

ACTION

Executive Board Authorization of contract to implement the Fiscal Year 2025 BACWA/CBC Budget and Workplan.

SUMMARY

To prevent a gap in core services, BACWA typically executes contracts for the coming FY before the end of June. The amendments summarized below will ensure that, as of July 1, 2024 BACWA has Executive Board Legal Support. This contract amendment was included in the BACWA FY 2025 workplan and budget and will become effective July 1, 2024. This contract has a term of one year and will terminate on June 30, 2025.

Contractor	Services	Contract Amount
Day Carter Murphy	Executive Board Legal Support (as needed)	\$2,407.00

FISCAL IMPACT

The funding for this contract is consistent with the FY 2025 Workplan and Budget for BACWA/CBC.

ALTERNATIVES

No other alternatives were considered for this contract as the terms of this agreement are consistent with BACWA contracting policies.

Attachments:

Day Carter Murphy Rate Sheet FY25

Approved:

Date: June 21, 2024

Amit Mutsuddy

Chair, BACWA Executive Board

HOURLY RATES/REIMBURSABLE EXPENSES
Day Carter Murphy Fiscal Year 2025

Ralph R. Nevis	\$525.00 per hour
Joshua L. Baker	\$525.00 per hour
Megan Sammut	\$475.00 per hour
Reimbursable Expenses:	None



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 9

MEETING DATE: June 21, 2024

TITLE: BACWA Executive Board Authorization of Fiscal Year 2025 IT Support Contract

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

ACTION

Executive Board Authorization of contract to implement the Fiscal Year 2025 BACWA/CBC Budget and Workplan.

SUMMARY

To prevent a gap in core services, BACWA typically executes contracts for the coming FY before the end of June. The action summarized below will ensure that, as of July 1, 2024 BACWA has IT Support. This contract was included in the BACWA FY 2025 workplan and budget and will become effective July 1, 2024. This contract has a term of one year and will terminate on June 30, 2025.

Contractor	Services	Contract Amount
FastBreakTech	IT Support (as needed)	\$2,814.00

FISCAL IMPACT

The funding for this contract is consistent with the FY 2025 Workplan and Budget for BACWA/CBC.

ALTERNATIVES

No other alternatives were considered for this contract as the terms of these agreements are consistent with BACWA contracting policies.

Attachments:

FastBreakTech Rate Sheet FY25

Approved:

Date: June 21, 2024

Amit Mutsuddy
Chair, BACWA Executive Board



Block Hour Support Packages are beneficial to you by:

1. Priority Support over hourly clients.
2. On-site support minimum reduced to 1 hour.
3. Remote support minimum reduced to 15 minutes.

PACKAGE COMPARISON

	Package Rate	Hourly Rate	Savings
No Package	\$0	\$160	0%
5 Hour Package	\$750	\$150	6%
10 Hour Package	\$1,400	\$140	12%
20 Hour Package	\$2,600	\$130	19%
50 Hour Package	\$6,000	\$120	25%

How To Get Started

1 CONTACT US

Call 916-247-2500 or email support@teamfbt.com

2 SELECT A PACKAGE

We can help you find the perfect match for you!

3 AUTHORIZE USERS

Let us know who in your organization can make support requests.





BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 10

MEETING DATE: June 21, 2024

TITLE: APPROVAL OF NOT-TO-EXCEED CONTRACT OF \$50,000 IN FY25 FOR REGULATORY LEGAL ASSISTANCE RELATED TO THE NUTRIENT WATERSHED PERMIT.

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

RECOMMENDED ACTION

Approve a not-to-exceed contract with Meyers Nave for \$50,000 in FY25 to provide legal assistance related to the Nutrient Watershed Permit.

SUMMARY

The Regional Water Board anticipates issuing the 3rd Nutrient Watershed Permit in July 2024. 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 Meyers 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 Meyers Nave's legal assistance for proposed edits to the Administrative Draft Order. BACWA continued to use the services of Meyers Nave in reviewing and developing comments on the subsequent Nutrient Watershed Permit Tentative Order, which were submitted to the Water Board on May 6, 2024. This contract will allow continued support in developing oral comments for the permit adoption hearing, potentially developing a permit petition, as well as addressing unforeseen issues related to the Nutrient Watershed Permit.

FISCAL IMPACT

This item will be paid for out of the Regulatory Legal Support Line item in the FY25 budget approved April 19, 2024, which includes \$50K for this purpose.

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 support is warranted.*

Approved: _____

Amit Mutsuddy, Chair,
BACWA Executive Board

Date: _____



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 11

MEETING DATE: June 21, 2024

TITLE: Review of NMS Work Products, Amendment #4 Fiscal Year 2025

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

RECOMMENDED ACTION

Approve Amendment #4 to the agreement with Michael Connor in the amount of \$50,000 to provide Review of NMS Work Products in FY25.

SUMMARY

The Nutrient Management Strategy (NMS) is the structure directing scientific studies that will inform nutrient policy decisions in the San Francisco Bay. Although BACWA has several volunteers who are engaged in monitoring the technical work being undertaken by the NMS science team, all of the BACWA volunteers have their regular workload at their agency or city and lack the time to immerse themselves in thoroughly reviewing all of the technical documents that have been produced or are in production. In November 2020, BACWA conducted a competitive solicitation for review of NMS Work Products, and selected Dr. Michael Connor as the consultant most qualified to provide the requested services. Dr. Christine Werne assists this effort as a subconsultant. Dr. Connor and Dr. Werne have been working on estuarine nutrient issues since 1975 and have extensive experience on nutrient science and a deep familiarity with stakeholders in the San Francisco Bay and the context of the NMS.

The independent review helps inform the BACWA membership on key aspects of the scientific reports as they relate to a public utility, pointing out areas of study or conclusions that have the potential to impact future management or policy decisions and assessing the scientific underpinnings of those conclusions and recommendations.

FISCAL IMPACT

Funds for the agreement were approved in the BACWA FY25 Budget.

ALTERNATIVES

1. Do not fund the position: This alternative is not recommended since the BACWA Board has identified the need for this support, and this consultant was selected through a competitive process and was satisfied by the consultant's support in Fiscal Year 2021.

Attachments: FY25 Contract Amendment #4, Scope of Work, Original Contract

Approved:

Date:

Amit Mutsuddy, Chair
BACWA

AMENDMENT NO. 4
TO AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES and
Michael Connor
FOR
Review of NMS Work Products

This Amendment No. 4 is made this 21st day of June 2024, in the City of Oakland and County of Alameda, State of California, to that certain agreement of January 15, 2021, by and between Michael Connor and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and Michael Connor agree to a new contract amount of \$50,000.00 for Review of Nutrient Management Strategy Work Products for Fiscal Year 2025.
2. The new contract termination date will be June 30, 2025.
3. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By _____ Amit Mutsuddy, Chair BACWA Executive Board	June 21, 2024 Date _____
---	-----------------------------

By _____ Michael Connor	Date _____
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EXHIBIT A

SCOPE OF WORK

Professional Services by Fiscal Year 2024/2025

Dr. Michael Connor teaming with Dr. Christine Werme will provide professional services to Bay Area Clean Water Agencies (BACWA) for the following activities, the costs of which are not to exceed \$50,000.

- Review Technical Reports as directed by BACWA staff. Meet with BACWA prior to review of documents to refine scope, prioritize areas of review and define level of effort. The NMS Science Manager may attend the meetings in an advisory capacity. The form of the review report (technical memo, document annotation, etc.) will be defined by BACWA prior to commencing review.
- Review Assessment Framework Documents as directed by BACWA
- Deliver as-needed updates on review findings to BACWA Executive Board (Power Point or technical memo, as directed by BACWA).
- Participate in NMS Steering Committee Meetings and Nutrient Technical Workgroup meetings as directed by BACWA.
- Develop recommendations for Modeling Advisory Group (MAG) and review MAG summaries as directed by BACWA

- {

EXHIBIT B

HOURLY RATES/REIMBURSABLE EXPENSES

Dr. Michael Connor \$175

Dr. Christine Werme \$175

{

BAY AREA CLEAN WATER AGENCIES PROFESSIONAL SERVICES CONTRACT

This PROFESSIONAL SERVICES CONTRACT, effective January 15, 2021, is between Bay Area Clean Water Agencies ("BACWA"), a joint powers agency which exists as a public entity separate and apart from its Member Agencies, created January 4, 1984 by a Joint Powers Agreement between Central Contra Costa Sanitary District, East Bay Dischargers Association, East Bay Municipal Utility District, the City and County of San Francisco and the City of San Jose, with a mailing address of P.O. Box 24055, MS 702, Oakland, CA 94623, and Michael Connor ("Consultant") a sole-proprietorship doing business at 177 19th St, Apt 11A, Oakland, CA 94612, for professional services as described in any Exhibit A attached hereto.

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

Description and Standard of Services to be Performed

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

Payment for Services

6. BACWA will pay Consultant based on the rates in Exhibit B, up to a maximum amount payable of \$50,000 subject to the receipt of funds from the Funding Source as shown in Exhibit A. Consultant will not exceed the maximum amount payable without obtaining prior written approval from BACWA.
7. Consultant shall submit invoices monthly via email to Jennifer Dymment, Assistant Executive Director, at jdymment@bacwa.org with a copy to Lorien Fono, Executive Director, at lfono@bacwa.org. Invoices shall include the hours charged by each employee, a brief description of the work performed, and a description of costs for which Consultant seeks reimbursement and which are specified in Exhibit B.
8. Payments under this Contract will be due thirty (30) days after BACWA's receipt of invoices. BACWA may withhold from any progress or final payment any damages, backcharges or claims incurred or anticipated by BACWA to the extent caused by Consultant.

Indemnification

9. To the fullest extent allowed by law, Consultant will indemnify, hold harmless, reimburse and defend BACWA, its Member Agencies, and each of their officers, directors, employees and agents from, for and against any and all claims, demands, damages, losses, expenses, liabilities and penalties, including but not limited to reasonable attorneys' and expert witnesses' fees, arising out of or relating to the Services but only to the extent caused by the negligent or other wrongful acts or omissions of Consultant

or any person or entity for whose acts or omissions any of them are responsible, or by the failure of any such party to perform as required by this Contract.

Assignment

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

Independent Contractor

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

Termination of Contract; Suspension of Services

12. This contract shall automatically terminate on June 30, 2021. Either party may also terminate this Contract in whole or in part at any time for its convenience. For a termination for convenience, the termination will be effective thirty (30) days following receipt of a written notice of termination by one party from the other. BACWA may terminate this Contract in whole or in part for cause, in which event the termination will be effective ten (10) days after Consultant's receipt of BACWA's written notice and Consultant's failure during that period to cure the default.

Dispute Resolution

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

16. The failure of either party to enforce any provision of this Contract will not constitute a waiver by that party of that or any other provision of this Contract.

Severability

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

Survival

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

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

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

Exhibit A – Scope of Work

Exhibit B – Hourly Rates/Reimbursable Expenses

CONSULTANT: Michael Connor

177 19th St, Apt 11A

City, State, Zip Code

Oakland CA. 94612

Tax Identification No.

Michael Connor

01 / 19 / 2021

Consultant Signature

Date

Michael Connor

Name, Title

Amit Mutsuddy

BACWA Signature

January 15, 2021

Date

Amit Mutsuddy, BACWA Executive Board Chair

Name, Title



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 12

MEETING DATE: June 21, 2024

TITLE: Approval of \$39,450 Contract with HDR to provide 2025 Group Annual Report.

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

RECOMMENDED ACTION

Approve Contract with HDR Engineering, Inc. to provide 2025 Group Annual Report in compliance with the 3rd Watershed Permit, not to exceed \$39,450.

SUMMARY

The first Watershed Permit required a nutrient reduction study that evaluated opportunities for nutrient treatment via optimization, upgrades, and sidestream treatment. After a competitive selection process, BACWA selected HDR to perform the work, which included providing the Group Annual Report required by that permit, and subsequently by the second Watershed Permit.

The third Watershed Permit is expected to be issued in July 2024. Although it has not yet been finalized, it is anticipated that the 2025 Group Annual Report will require a level of effort similar to that of the previous two watershed permits, although subsequent reports may require more information on planning. Additional special studies will be required by the permit, and BACWA anticipates issuing an RFP for a firm to conduct both those special studies as well as the Group Annual Report. However, the scope and therefore timing of that RFP is uncertain, so it is important to have a consultant in place to develop the 2025 Group Annual Report which will report out on data gathered through September 30, 2024. HDR Engineering, Inc. was selected via sole sourcing to provide this single-year service since they have several years of experience in providing this report. BACWA's Contracting Policy 2.03 allows sole sourcing above \$30,000 in the case that a firm is uniquely qualified to provide a service, which is the case. The estimated level of effort for this report is anticipated to be \$39,450.

FISCAL IMPACT

In the BACWA Budget Approved on April 19, 2024, \$100,000 was budgeted for Additional Work Under the Permit for FY25, which includes the Group Annual Report.

ALTERNATIVES

1. Conduct a competitive solicitation. This is not recommended as BACWA intends to conduct a competitive solicitation for permit support later in 2024 which will include future Group Annual reports. Conducting a second competitive solicitation both creates unnecessary work for BACWA staff and potentially creates disruptive discontinuity for BACWA members who may need to work with 3 different consulting firms for three successive Group Annual Reports.

Attachments:

1. Contract
2. Scope of Work

Approved:

Date:

Amit Mutsuddy, Chair
BACWA

Date: June 21, 2024

BAY AREA CLEAN WATER AGENCIES

CONSULTING AGREEMENT

TO: Holly Kennedy, Sr Vice President
HDR Engineering, Inc.
2121 N. California Blvd
Walnut Creek, CA 94596
holly.kennedy@hdrinc.com
925.465.2717

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

RE: BACWA Agreement for FY25 with HDR Engineering, Inc. to provide the 2025 Group Annual Report in compliance with the 3rd Nutrient Watershed Permit, and in accordance with the attached Scope of Work.

This Agreement covers professional services to be performed by HDR Engineering Inc. to develop and submit the 2025 Group Annual Report covering nutrient data up to September 30, 2024. The total cost of professional services to be performed by HDR Engineering Inc. is not to exceed \$39,450. This contract will be funded by the BACWA Budget under the Additional Work Under Permit line item.

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

HDR Inc. shall submit invoices to the BACWA Assistant Executive Director via e-mail. The BACWA Executive Director will review and recommend invoices for approval. Invoices shall indicate hours associated with each task. Invoices will be paid within thirty (30) days of receipt.

BACWA AED E-mail: Jennifer Dymnt jdymnt@bacwa.org

Approved:

By _____
Amit Mutsuddy
Chair, BACWA Executive Board

By _____
Holly Kennedy
Sr. Vice President, HDR Engineering, Inc.

Date _____

Date _____

BACWA EIN: 94-3389334

COMPANY EIN: 47-0680568



May 31, 2024

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

RE: HDR's Proposal for the Group Annual Permit (for the 10/1/23 through 09/30/24 Data)

Dear Dr. Fono:

Per your request, HDR is pleased to present this proposal to provide additional services for continued consulting services related to the Nutrient Watershed Permit, both the current permit and expected requirements under the second permit. More specifically, HDR would continue to coordinate and prepare the Group Annual Reports for the October 1, 2023, through September 30, 2024, dataset.

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

Scope of Work

Task 1 – Project Management

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

HDR RESPONSIBILITIES:

- Management of the project, including project coordination, project schedule, and coordination of quality assurance/quality control (QA/QC) activities.
- Prepare regular invoices (invoices will be prepared as appropriate).
- Regular communication with BACWA.

ASSUMPTIONS:

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

Task 2 – Preparation of Group Annual Reports

The purpose of this task is to prepare the Group Annual Nutrients Reports for 2024 (due on February 1, 2025).

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

Consultant will prepare a draft appendix for each discharger agency and provide that to the agency for review and comment. Agreed-upon data and results will then be compiled into the main report. The complete draft report will be provided to BACWA for review and comment. Comments will be incorporated and a final report will be provided by the end of January 2025 for submission to the Water Board. It is assumed, that the format of the report, including trend analysis approach, will be the same as that employed for the most recent submittal.

HDR RESPONSIBILITIES:

- Prepare the Group Annual Report for 2024 (due on February 1, 2025).
- Coordinate with each discharger agency.

BACWA RESPONSIBILITIES:

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

ASSUMPTIONS:

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

Compensation

We propose to perform the scope of work described for a not to exceed cost of \$39,450. Tasks 1 and 2 will be billed on a lump sum basis, as summarized in the table below. The expected level of effort for any services provided under Task 2 will be agreed upon prior to incurring costs. A rate schedule is provided in Attachment A for the time-and-materials services.

Task	Fee Basis	Task Value
Task 1 – Project Management	Lump Sum	\$4,250
Task 2 – Group Annual Report	Time and Materials	\$35,200
Total		\$39,450

Ms. Lorien Fono
June 1, 2024
Page 3

Schedule

HDR assumes the work described in this proposal will be performed through January 31, 2025, as the Group Annual Report is due to the Water Board by February 1, 2025.

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

Sincerely,
HDR ENGINEERING, INC.



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



Michael W. Falk, PhD, PE (CA #C77787)
Senior Professional Associate

MWF:pk/24-10403166

Attachment A

HOURLY RATE SCHEDULE FOR TIME & MATERIALS BILLING

HDR Engineering, Inc.

Table of Hourly Rates for Time & Materials Billing

Billing Category	Staff Member	Hourly Rate (\$)
Principal Project Manager	Holly Kennedy	250
Technical Specialist 3	JB Neethling, Dave Clark	275
Technical Specialist 2	Mike Falk	240
Technical Specialist 1	TBD	210
Engineer 3	TBD	190
Engineer 2	TBD	170
Engineer 1	TBD	140
Project Controller	TBD	145
Project Coordinator	TBD	110
Technician 2	TBD	180
Technician 1	TBD	130



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 13

MEETING DATE: June 21, 2024

TITLE: Request for BACWA Executive Board Approval for Amendment #1 to the Agreement with Stephanie Hughes, ChE P.E., for BAPPG Policy, Regulatory, and Professional Training Support

☐ RECEIPT ☐ DISCUSSION ☐ RESOLUTION ☒ APPROVAL

RECOMMENDED ACTION

Authorize Amendment #1 with Stephanie Hughes, ChE P.E. to provide professional training, prepare comment letters, and provide policy support in an amount not to exceed \$19,000 for FY25.

SUMMARY

In March 2023, BACWA and BAPPG completed a competitive process to select a consultant to support BAPPG's policy, regulatory, and professional support activities. At the June 16, 2023 Executive Board Meeting, the BACWA Executive Board approved a contract with Stephanie Hughes for this support. The contract allows for up to four one-year extensions. This will be the second year of five possible contract years. This agreement will continue to provide support for (1) **Training** to community colleges and professional associations on mercury, pesticides, and other pollutants of concern to BACWA agencies; (2) **Outreach and Regulatory Support**; and (3) **Communications** support for BAPPG. These efforts will be carried out under the supervision of Autumn Ross of the San Francisco Public Utilities Commission.

FISCAL IMPACT

The funding for this contract is consistent with the approved Fiscal Year 2025 workplans and budget for BACWA and Special Programs.

ALTERNATIVES

1. Discontinue consultant support. This alternative is not recommended since this work was included in BAPPG's approved FY25 budget and will assist BACWA with executing pollution prevention outreach to professional groups.
2. Select another consultant to conduct the work. This alternative is not recommended since BACWA conducted a competitive process which resulted in Stephanie Hughes being selected as the most qualified technical consultant.

Attachments: FY25 Contract Amendment #1
FY25 Scope of Work and Rates
FY24 Agreement with Stephanie Hughes, ChE P.E.

Approved: _____
Amit Mutsuddy, Chair,
BACWA Executive Board

Date: June 21, 2024

AMENDMENT NO. 1
TO AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES and
Stephanie Hughes, ChE P.E. .
FOR
BAPPG Support

This Amendment No.1 is made this 21st day of June 2024, in the City of Oakland and County of Alameda, State of California, to that certain agreement of June 20, 2023 by and between Stephanie Hughes, ChE P.E. and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and Stephanie Hughes, ChE P.E. agree to a new contract amount of \$19,000.00 for BAPPG Support for Fiscal Year 2025.
2. BACWA and Stephanie Hughes, ChE P.E. agree to a new period of July 1, 2024 — June 30, 2025.
3. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By _____
Amit Mutsuddy, Chair, Executive Board

Date June 21, 2024

By _____
Stephanie Hughes

Date _____



STEPHANIE HUGHES, ChE P.E.
 Consulting Engineer / University Lecturer
 1445 Emory Street, San Jose, California 95126

**BAPPG: Professional Training
 and Policy/Regulatory Support**

Scope of Work and Cost Estimate for 2024-25

DATE: 23-May-2024

SCOPE OF WORK DESCRIPTION	BUDGET		TOTAL
	Rate: ODC	\$215.00 Hour Est	
TASK 1. Professional training: Conduct in-person trainings to community colleges and professional associations. The foci are expected to be (1) dental mercury and other dental office wastes, and (2) non-toxic flea and tick control (now with CE credit). Consultant has prior BAPPG experience providing trainings regarding pharmaceutical disposal, hazardous material identification during building demolition, and copper plumbing BMPs. Edit/update presentations as warranted per new regulatory context. <i>This scope assumes up to a total of 8 local presentations.</i>	\$295	25	\$5,670.00
Task 2. Outreach and Regulatory Support: Consultant will: * Continue to track peer-reviewed research and insights about flea/tick alternative controls. Update flea/tick pesticide database to include new (or in-development) flea/tick pesticides and insights. Update Baywise website as warranted. * Use the results of the VIN survey to direct next messages and follow up to veterinary and animal care professionals. * Continue educating AVMA CEI and building relationships between BACWA, AVMA, and NACWA. * Communicate with local VMAs and SAGE about the CE units available for their trainings. * Be on-call to conduct literature reviews or provide other technical support. Topics could include but are not limited to metals, nutrients, salinity, and emerging constituents.		55	\$11,825.00
Task 3. Communications. Prepare relevant outreach sections to the BAPPG Annual Reports to be submitted to the BACWA Board of Directors. Speak at one BAPPG meeting or Exec Committee meeting to provide significant updates of a technical nature.		7	\$1,505.00
Totals	\$295	87	\$19,000.00

<https://www.linkedin.com/in/steifehughes/>

THANK YOU FOR YOUR BUSINESS!

Date: June 16, 2023

BAY AREA CLEAN WATER AGENCIES

CONSULTING AGREEMENT

TO: Stephanie Hughes, P.E
Consulting Engineer / University Lecturer
1445 Emory Street
San Jose, CA 945126
sehughes@scu.edu
408-499-9271

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

RE: BACWA Agreement for FY24 with Stephanie Hughes to provide policy, regulatory, and professional training support to the Bay Area Clean Water Agencies.

This Agreement covers professional services to be performed by Stephanie Hughes in order to conduct professional training at colleges and professional associations; track research and insights on pet pesticides, continue collaboration with veterinary stakeholders; and provide outreach to BAPPG and BACWA. The work under this contract will be carried out under the supervision of the Bay Area Pollution Prevention Group (BAPPG) Steering Committee. The total cost of professional services to be performed by Stephanie Hughes is not to exceed \$19,000. This contract will be funded by the BACWA Budget under the BAPPG Committee line item.


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

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

Stephanie Hughes shall submit invoices to the BACWA Assistant Executive Director via e-mail. The BAPPG Steering Committee will review and recommend invoices for approval. Invoices shall indicate hours associated with each task. Invoices will be paid within thirty (30) days of receipt.

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

Approved:

By 
Amit Mutsuddy
Chair, BACWA Executive Board

06 / 20 / 2023

Date _____

BACWA EIN: 94-3389334

By 
Stephanie Hughes, P.E.

06 / 19 / 2023

Date _____

COMPANY EIN: _____



EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 14

MEETING DATE: June 21, 2024

TITLE: Request for BACWA Executive Board Approval for Amendment #3 with Stephanie Hughes ChE, PE, for BACWA/BAPPG Pesticide Regulatory and Technical Support, in an amount not to exceed \$71,500 for FY25

☐ RECEIPT ☐ DISCUSSION ☐ RESOLUTION ☒ APPROVAL

RECOMMENDED ACTION

Authorize Amendment #3 to the contract with Stephanie Hughes, ChE, PE to track pesticide regulatory activities through the US EPA Office of Pesticide Programs (EPA) and California Department of Pesticide Regulation (CDPR); provide key points for comment letters; communicate with pesticide regulatory agencies; and leverage opportunities to prevent pollution at the source through regulatory and/or policy actions, in an amount not to exceed \$71,500 for FY25.

SUMMARY

In April 2021, BACWA conducted a competitive selection process for a consultant to provide support to BACWA/BAPPG on regulatory, technical, and outreach issues related to pesticides. The BAPPG selection committee identified Stephanie Hughes, a Sole Proprietor working with Tammy Qualls and SFEI as subconsultants, as the most qualified consultant team to perform this work. The contract was approved by the BACWA Executive Board at the June 2021 meeting. This will be the fourth year of five possible contract years.

Efforts supported by this contract for FY25 are described in the attached Scope of Work, and will include the tracking of pesticide-related regulatory activities by the EPA and CDPR and making recommendations regarding regulatory participation and other follow-up steps, including preparation of comment letters, setting up meetings with key staff at the pesticide regulating agencies to continue educating them about downstream wastewater impacts from their actions, and working to change the tools and information used in the registration processes to be protective of wastewater. The work under this contract will be carried out under the supervision of the BAPPG Steering Committee. Autumn Ross of the San Francisco Public Utilities Commission and Co-Chair of BAPPG will review and recommend invoices for approval.

FISCAL IMPACT

Funds in the amount of \$71,500 are available for this agreement and have been allocated for this project within the BAPPG FY25 approved budget.

ALTERNATIVES

1. Do not complete this work. This alternative is not recommended since this work was included in BAPPG's approved FY25 budget and will assist BACWA with comment letters on important

regulatory actions that can reduce wastewater pollution from pesticides and other products at the source. In addition, the staff at the San Francisco Regional Water Quality Control Board are supportive of this work by BACWA, and views this as part of the proactive approach it would to see BACWA pursuing to prevent pollution at the source. The Regional Board dedicates staff resources to participate in BACWA's monthly Pesticide Steering Committee, and to send comment letters that echo BACWA's key points.

2. Select another consultant to conduct the work. This alternative is not recommended since the selected consultant has unique expertise and knowledge in the subject area desired for supporting BACWA and BAPPG.

Attachments: FY25 Contract Amendment #3
FY25 Scope of Work and Hourly Rates/Reimbursable Expenses
FY22 Agreement with Stephanie Hughes

Approved: _____
Amit Mutsuddy, Chair,
BACWA Executive Board

Date: June 21, 2024

AMENDMENT NO. 3
TO AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES and
Stephanie Hughes, ChE P.E. .
for
BAPPG Pesticide Support

This Amendment No. 3 is made this 21st day of June 2024, in the City of Oakland and County of Alameda, State of California, to that certain agreement of June 21, 2021 by and between Stephanie Hughes, ChE P.E. and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and Stephanie Hughes, ChE P.E. agree to a new contract amount of \$71,500.00 for BAPPG Pesticide Support for Fiscal Year 2024.
2. BACWA and Stephanie Hughes, ChE P.E. agree to a new period of July 1, 2024 — June 30, 2025.
3. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By _____
Amit Mutsuddy, Chair, Executive Board

Date June 21, 2024

By _____
Stephanie Hughes

Date _____

Scope of Work

Support for BACWA's Bay Area Pollution Prevention Committee FY25 Pesticide Support

A. Regulatory

- Master Tracking Schedule & Action Plan. Track pesticide-related regulatory activities by EPA and Department of Pesticide Regulation (DPR) that have significant potential to affect BACWA member agencies. Notify BAPPG/BACWA Pesticides Workgroup of such items as they arise. Maintain and periodically update a schedule of anticipated pesticide regulatory activities including upcoming activities on watch list pesticides (e.g., EPA Registration Review process steps, DPR registration applications). Prepare an estimated schedule of upcoming items for which regulatory engagement is recommended and distribute it to BAPPG/BACWA workgroup and key agency and NGO Partners.
- Regulatory Agency Scientific Document review. As requested and to the extent funding is available, complete scientific review of science-based pesticide regulatory documents, such as wastewater ecological risk assessments and wastewater-related risk mitigation proposals (e.g., US EPA fipronil risk assessment; USEPA and DPR science-based risk mitigation proposals for fipronil in pet flea control products). Provide brief notes documenting reviews, with a focus on recommendations for watch list additions or deletions (e.g., upcoming antimicrobials USEPA Registration Review risk assessments) and/or scientific shortcomings in critical science (e.g., science that determines the document's conclusions related to pesticides in wastewater). When requested (e.g., for select, high-priority ecological risk assessments and risk management decisions such as upcoming decisions for fipronil), provide more detailed written review comments to support BACWA and Water Board timely input to pesticides regulatory agencies by comment period deadlines.
- Key Points/Draft Comment letters. Based on scientific review of regulatory documents, relevant scientific information, and the regulatory context, make recommendations regarding regulatory participation or other follow-up steps. Communicate on scientific reviews of regulatory documents with other agencies (DPR, Water Board). When so directed and as resources allow, work with other BACWA and member agency consultants to provide key points for comment letters for select, high-priority ecological risk assessments and risk management decisions.
 - Provide detailed instructions for comment letter submittals to BACWA Regulatory Coordinator.
- Outcomes Evaluations. Review pesticide regulator responses to BACWA comments to evaluate effectiveness of input and share these evaluations with BAPPG.
- Regulatory Engagement Priorities for FY24-25:
 - Initiate expanded engagement with DPR and other State agencies (including DTSC and UC-IPM), based a work plan being developed at the end of FY 23-24. Seek to extend partnerships with other urban stakeholders to enlarge our voice at the state level. Work towards a long-term goal of an urban Sustainable Pest Management (SPM) pilot program.
 - Continue to communicate with EPA regarding environmental monitoring and the Endangered Species Act with a focus on mitigation strategies.
 - Continue efforts to change EPA standard procedures that currently ignore the contribution of pet flea control products (spot-ons and collars) to wastewater.
 - Fipronil Proposed Interim Decision
 - Antimicrobials draft Risk Assessments, including ADBAC group, DDAC group, and Isothiazolinones (including DCOIT, BBIT, BIT, MIT, and OIT). This will be the first data release from EPA on these chemicals ever.

- New pesticides biological assessments and draft risk assessments. EPA will be releasing information for the first time on several new pesticides, including cyantraniliprole.
- Pet treatments (fipronil, imidacloprid, pyrethroids). Following the DPR Fipronil Human Health Risk Characterization, engage with DPR management with a goal of getting them to initiate work on mitigation measures for POTW discharges of pesticides. Priorities are fipronil, imidacloprid discharges from pet spot-on treatments and bifenthrin and permethrin pet shampoos.
- Coordination on Pesticides & Other Pollution Prevention Regulatory Activities. Provide technical information to support BACWA's coordination with NACWA on Federal pollution prevention related to pesticides, CASQA, and Central Valley partners.

B. Science

- Obtain scientific information to support workgroup activities (recognizing that pesticides regulatory programs are science based) (SFEI lead). To the extent that funding allows, track relevant scientific literature and government reports, and attend scientific meetings (with prior approval if meeting participation >4 hours).
- Pesticides Watch list. Coordinate with BAPPG representatives to maintain a list of pesticides with potential to adversely affect POTW operations or POTW product quality (effluent, biosolids, recycled water). Created a tiered list identifying highest priorities pesticides for BACWA's attention (currently copper, silver, fipronil, imidacloprid, and pyrethroids). Formally update the list at least annually and distribute it to the BAPPG/BACWA Pesticides Workgroup.
- Provide recommendations for Pesticides Watch list updates (SFEI). Recommend additions or deletions for the existing tiered list of pesticides with potential to adversely affect POTW operations or POTW product quality (effluent, biosolids, and recycled water). As funding allows, and in conjunction with other work, obtain and review scientific information about pesticides, such as monitoring data, aquatic and drinking water hazard (for future potable reuse of effluents) and reference values, data on environmental fate in wastewater, and information relevant to wastewater discharge sources. Anticipated sources of such information are from scientific literature, government reports (e.g., USEPA Registration review risk assessments), scientific conferences, and professional network. Provide brief notes with recommended watch list changes throughout the year as information is obtained, to support periodic formal updates to the list. (This scope of work does not include a comprehensive review of pesticides.)

C. Communications

- Communicate with pesticides wastewater scientists (SFEI). As funds allow, maintain lines of communication with scientists working on pesticides in wastewater, most importantly DPR scientists. Provide scientific support for workgroup communications with EPA and DPR about wastewater pesticides discharges, wastewater pesticides monitoring, and improving wastewater pesticides predictive modeling. Encourage research scientists to pursue work that would provide information to improve predictive modeling, to identify pesticides sources to POTWs, and to develop science-based mitigation strategies
- Facilitate Communications with Pesticides Regulators. Maintain lines of communications with pesticides regulators at DPR and EPA (primarily EPA Region 9). Identify and arrange opportunities for BAPPG/BACWA Pesticides Workgroup members to have educational conversations with regulators, with a goal of ensuring pesticide regulators understand the POTW context. Encourage research scientists to pursue work that would provide information to improve predictive modeling, to identify pesticides sources to POTWs, and to develop mitigation strategies.
- Communicate and Collaborate with SFEI, CASQA and Central Valley Partners. Maintain lines of communication with SFEI, CASQA and Central Valley partners.
- Presentations. As requested, and to the extent funds allow, give presentations about pesticides and wastewater. These may include presentations to the BACWA Board and BAPPG or (with prior approval by BACWA's Project Managers), give presentations at scientific or wastewater-related conferences.

D. BAPPG/BACWA Support

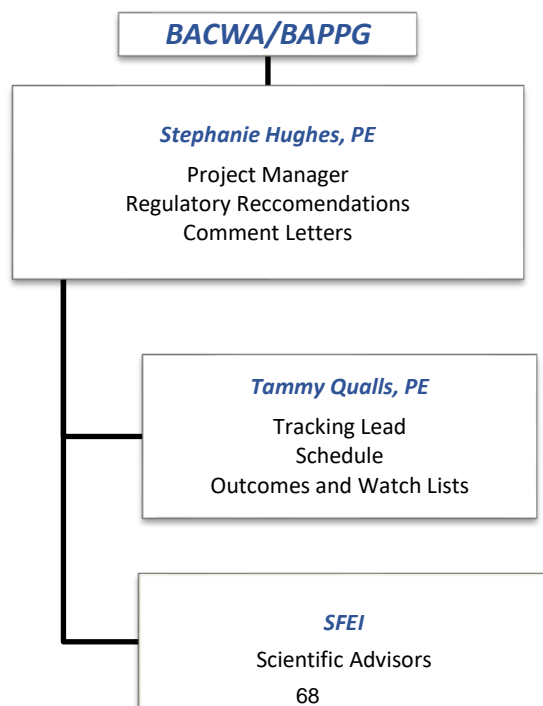
- BAPPG/BACWA Pesticides Workgroup Support. Based on the above tasks, develop an agenda and materials for a monthly BACWA Pesticides Workgroup teleconference meeting to determine appropriate actions and to coordinate actions with NACWA and San Francisco Bay Regional Water Board staff. Provide staff support during the meetings and an action item list after each meeting. SFEI staff to be invited as needed.
- Answer pesticide-related regulatory or scientific questions from BAPPG/BACWA Pesticides Workgroup, BAPPG members, other BAPPG consultants, and San Francisco Bay Water Board. Provide technical and pesticide regulatory advice to support development of BAPPG program(s) or materials to address pesticides, such as planned pet flea control-related outreach. Answer simple questions (<1 hour of effort). When so directed by BACWA's contract managers, address complex questions.
- Reporting. Provide summary of actions taken for BAPPG Annual report.

Work Products (Produced by tasks above)

- Pesticide watch list
- Pesticides regulatory tracking schedules ("action plans")
- Notes from scientific reviews
- Comment letters
- Outcomes evaluations
- Presentation slides
- Input for BAPPG Annual Report

Staff and Budget

The team and hourly rates are presented in the flowchart and table below. Other direct costs to be reimbursed at cost. Subconsultant direct costs will be passed through without mark-up. Staffing and per-task budgeting is anticipated to fluctuate in response to EPA and DPR activities. Total expenditures not to exceed \$71,500.



Hourly Billing Rates for Team Members – 2024-2025

Name	Hourly Rate
Stephanie Hughes, PE	\$215
Tammy Qualls, PE	\$187

SFEI Rates

<i>Full Job Category</i>	MAX of Thru 6/25
Admin	\$170.71
Assoc Sci I&II/Assoc Tech Specialist I&II	\$131.42
Environmental/Tech Analyst	\$113.87
Executive Director	\$316.59
Manager/Sr Scientist I-IV/Sr Tech Specialist I	\$242.44
Program Director/Managing Sr Scientist/Managing Director	\$271.02
Scientist I/Tech Specialist I	\$197.57
Scientist II/Tech Specialist II	\$175.09
Sr Environmental/Sr Tech Analyst	\$121.97

* SFEI hourly rates listed above represent the maximum billing rates for each position. Invoices will reflect the actual billing rates for staff working on the project during that period.

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

This PROFESSIONAL SERVICES CONTRACT, effective July 1, 2021, is between Bay Area Clean Water Agencies (“BACWA”), a joint powers agency which exists as a public entity separate and apart from its Member Agencies, created January 4, 1984 by a Joint Powers Agreement between Central Contra Costa Sanitary District, East Bay Dischargers Association, East Bay Municipal Utility District, the City and County of San Francisco and the City of San Jose, with a mailing address of P.O. Box 24055, MS 702, Oakland, CA 94623, and Stephanie Hughes (“Consultant”) a sole-proprietorship doing business at 1445 Emory Street, San Jose, CA 95126, for professional services as described in any Exhibit A attached hereto.

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

Description and Standard of Services to be Performed

1. Consultant will perform the Services as described by and in accordance with Exhibit A in a manner acceptable to BACWA.
2. Consultant shall not contract with or otherwise use any subconsultants, subcontractors or other non-employee persons or entities (“Subconsultants”) to perform the Services without the prior written approval of BACWA. If Consultant and BACWA agree that Subconsultants shall be used, Consultant shall ensure Subconsultants’ compliance with all the terms and conditions of this agreement.
3. Tammy Qualls, PE, a sole-proprietorship, is identified as a subconsultant for this agreement.
4. The San Francisco Estuary Institute, a 501 (c)3 Non-Profit, is identified as a subconsultant for this agreement.
5. Consultant will exercise that degree of care in performing the Services in accordance with that prevailing among firms of comparable standing in the State of California (“Professional Standard”). Consultant will promptly correct or re-perform those Services not meeting the Professional Standard without additional compensation.
6. BACWA’s review, approval, acceptance, use, or payment for all or any part of the Services hereunder will not alter the Consultant’s obligations or BACWA’s rights hereunder, and will not excuse or diminish Consultant’s responsibility for performing all Services consistent with this Contract.

Payment for Services

7. BACWA will pay Consultant based on the rates in Exhibit A, up to a maximum amount payable of \$60,000 subject to the receipt of funds from the Funding Source as shown in Exhibit A. Consultant will not exceed the maximum amount payable without obtaining prior written approval from BACWA.
8. Consultant shall submit invoices monthly via email to Jennifer Dymont, Assistant Executive Director, at jdymont@bacwa.org with a copy to Lorien Fono, Executive Director, at lfono@bacwa.org. Invoices shall include the hours charged by each employee, a brief description of the work performed, and a description of costs for which Consultant seeks reimbursement and which are specified in Exhibit B.
9. Payments under this Contract will be due thirty (30) days after BACWA’s receipt of invoices. BACWA may withhold from any progress or final payment any damages, backcharges or claims incurred or anticipated by BACWA to the extent caused by Consultant.

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Indemnification

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

Assignment

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

Independent Contractor

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

Termination of Contract; Suspension of Services

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

Dispute Resolution

13. Consultant will give prompt written notice to BACWA of any claim, dispute or other matter in question, but in no event will Consultant give such notice later than ten (10) days after Consultant's becoming aware of the event or circumstance giving rise to the claim, dispute or matter in question.
14. All claims, disputes and other matters in question between BACWA and Consultant arising out of or relating to this Contract will be subject to alternative dispute resolution. If both parties agree to arbitration it will be conducted in accordance with the Commercial Arbitration Rules of the American Arbitration Association then in effect. Notice of the demand for arbitration will be filed in writing with the other party to this Contract and with the American Arbitration Association. Any arbitration arising out of or relating to this Contract will include, by consolidation, joinder or joint filing, any other person or entity not a party to this Contract that is substantially involved in a common issue of law or fact and whose involvement in the consolidated arbitration is necessary to achieve a final resolution of a matter in controversy therein. This agreement to arbitrate will be specifically enforceable by any court with jurisdiction thereof.
15. A demand for dispute resolution by either party will be made within a reasonable time after the claim, dispute, or other matter in question has arisen, and in no event will it be made after the date

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BACWA Signature

June 18, 2021

Date

Amit Mutsuddy, BACWA Executive Board

Chair

*Name,
Title*



EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 15

MEETING DATE: June 21, 2024

TITLE: Request for BACWA Executive Board Approval to Execute Agreement with Sagent to Provide Public Education and Outreach Support for BAPPG in FY25

☐ RECEIPT ☐ DISCUSSION ☐ RESOLUTION ☒ APPROVAL

RECOMMENDED ACTION

Authorize the execution of an agreement with Sagent to provide public education and outreach support for BAPPG in an amount not to exceed \$50,000 for FY25.

SUMMARY

This agreement will provide support for public outreach, graphic design, advertising, and related administrative support for two public outreach campaigns for the Bay Area Pollution Prevention Group (BAPPG) in FY25. The consultant will support BAPPG's efforts to inspire behavior change in target groups that will result in reduced pollutant discharges to wastewater in the Bay Area. FY25. Outreach and media efforts will be carried out under the supervision of the project manager Robert C. Wilson with the City of Santa Rosa.

FISCAL IMPACT

Funds are available for this agreement and have been allocated for this project within the BAPPG FY25 budget approved on April 19, 2024.

ALTERNATIVES

1. Do not complete this work. This alternative is not recommended since this work was included in BAPPG's approved FY25 budget and will assist BACWA/BAPPG with executing effective outreach messages and inspiring behavior change in target groups.
2. Select another consultant to conduct the work. This alternative is not recommended as BACWA completed a competitive selection process (RFQ and RFP) and Sagent was selected as the most qualified media consultant.

Attachments: FY25 Agreement with Sagent
Scope of Work for Sagent

Approved:

Date: _____

Amit Mutsuddy
Chair, BACWA Executive Board

Date: 6/21/24

BAY AREA CLEAN WATER AGENCIES

CONSULTING AGREEMENT

TO: Shelly Cousineau shelley@sagentmarketing.com
Sagent 916.359.8316
2215 21st Street
Sacramento, CA 95818

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

RE: BACWA Agreement for FY25 with SAGENT to provide public education and outreach support to the Bay Area Pollution Prevention Group (BAPPG).

This Agreement covers professional services to be performed by SAGENT. The work is described in the attached scope of work (Exhibit A) and will be carried out under the supervision of the Bay Area Pollution Prevention Group (BAPPG) Steering Committee. The total cost of professional services to be performed by SAGENT is not to exceed \$50,000. This contract will be funded by the BACWA Budget under the BAPPG Committee line item.

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

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

SAGENT shall submit invoices to the BACWA Assistant Executive Director via e-mail. The BAPPG Steering Committee will review and recommend invoices for approval. Invoices shall indicate hours associated with each task. Invoices will be paid within thirty (30) days of receipt.

BACWA Assistant Executive Director: Jennifer Dymant jdymant@bacwa.org

Approved:

By _____
Amit Mutsuddy
Chair, BACWA Executive Board

By _____
Shelly Cousineau
SAGENT

Date _____

Date _____

BACWA EIN: 94-3389334

COMPANY EIN: _____

EXHIBIT A

SCOPE OF WORK

Bay Area Pollution Prevention Group – Public Education and Outreach – FY25

Professional Services by Sagent

This Scope of Work is intended to provide structure for outreach activities Sagent will implement on behalf of the Bay Area Pollution Prevention Group (BAPPG) for the 2024/2025 fiscal year beginning July 1, 2024. The overall goal is to develop two campaigns to address wastewater pollution issues: the first in the fall to coincide with Pollution Prevention Week (September 16-22, 2024) and the second in the spring to coincide with Earth Day (April 22).

The focus of the two campaigns is to target members of the public in the San Francisco Bay Area, with the goal of modifying behaviors that may negatively impact water quality. In the 2024/2025 fiscal year, the outreach topics may include proper disposal of Fats, Oil and Grease; PFAS in consumer products; pesticides; and “toilets aren’t trash cans,” encompassing proper disposal of wipes, personal care products, and pharmaceuticals.

Sagent will be responsible for assisting with development of a public outreach strategy, and then implementing the strategy using print media advertising, online digital advertising, earned media, radio ads, or television ads. For each ad campaign, Sagent will provide BAPPG with relevant campaign materials to share with BAPPG member agencies for their use to supplement the ad campaign. Materials shall be furnished prior to the start of the campaigns (by early September 2024 for the fall campaign and early April 2025 for the spring campaign). Sagent shall report the impact of these campaigns back to BAPPG using appropriate metrics.

TASK 1: FALL CAMPAIGN

Sagent will conduct outreach efforts to address a pollutant selected by the BAPPG steering committee. Sagent will identify and/or develop creative materials to be used and work with the BAPPG contract manager on their approval/use. Initial preparation work will take place in July and August 2024 and the implementation tasks will be completed in September 2024.

TASK 2: SPRING CAMPAIGN

Sagent will conduct outreach efforts to address a pollutant selected by the BAPPG steering committee. Sagent will identify and/or develop creative materials to be used and work with the BAPPG contract manager on their approval/use. Initial preparation work will take place in February and March 2025 and the implementation tasks will be completed in April 2025.

TASK 3: GRAPHIC DESIGN, WEB DESIGN & COPYWRITING

Sagent will provide graphic design, website design, copywriting, content editing assistance in various materials, including campaign assets, the BAPPG 2024 Annual Report, the Baywise.org website, and others as needed throughout the 2024/2025 fiscal year.

TASK 4: PROJECT MANAGEMENT

Sagent will provide ongoing project management and outreach strategy support, including updates, reporting, and providing general as-needed assistance to the BAPPG Steering Committee. The task will be ongoing throughout the 2023/2024 fiscal year.

TOTAL BUDGET

The total budget for the 2023/2024 fiscal year is \$50,000. The estimated breakdown by task is shown below.

Task 1 – Fall Campaign	\$15,000
Task 2 – Spring Campaign	\$20,000
Task 3 – Graphic Design, Web Design & Copywriting	\$9,000
Task 4 – Project Management	\$6,000

HOURLY RATES

Title	Billing Rate per Hour
Sr. Vice President	\$275
VP of Media/Media Director	\$225
Account Leader	\$150
Account Coordinator	\$100
Graphic Designer	\$150
Jr. Media Buyer/Planner	\$125

EXPENSES:

Local Mileage - Current Federal Mileage Rate

Other Direct Costs and Subconsultants - Billed at Cost



EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 16

MEETING DATE: June 21, 2024

TITLE: Request for BACWA Executive Board to Approve an Extension to the Agreement with Utility Software, LLC to provide Updated Guidance for Sewer System Management Plans

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

ACTION

Approve an extension to the agreement Utility Software, LLC, led by Richard Cunningham, for support of the BACWA Collection Systems Committee by preparing updated guidance for Sewer System Management Plans (SSMPs).

SUMMARY

In fall 2023, the BACWA Executive Board completed a competitive process to select a consultant to support the BACWA Collection Systems Committee by preparing updated guidance for Sewer System Management Plans. The updated guidance is needed for sanitary sewer system agencies to comply with the reissued statewide General Order for Sanitary Sewer Systems (Order WQ 2022-0103-DWQ). At the October 20, 2023 Executive Board meeting, the BACWA Executive Board approved a \$50,000 contract for this work with Utility Software, LLC, led by Richard Cunningham.

The original agreement expires on June 30, 2024. Although the updated guidance manual is nearly complete, the contract extension is needed to support ongoing work to finalize and circulate the document to interested stakeholders. The amendment will extend the expiration date to December 31, 2024.

FISCAL IMPACT

This is a no-cost contract extension. The previously approved work will be funded from the BACWA FY25 Budget Collection Systems Committee line item.

ALTERNATIVES

1. Do not approve the consultant support extension – This alternative is not recommended, as the work was previously approved by the BACWA Executive Board, it will assist members in complying with the General Order, and it is nearly complete.

*Attachments: Amendment #1 to FY 24 Contract with Utility Software, LLC
October 31, 2023 Agreement with Utility Software, LLC*

Approved:

Date:

Amit Mutsuddy
Chair, BACWA Executive Board

AMENDMENT NO. 1
TO AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES and
Utility Software, LLC .

This Amendment No. 1 is made this 21st day of June, 2024, in the City of Oakland and County of Alameda, State of California, to that certain agreement of October 31, 2023 (original agreement), by and between Utility Software, LLC and the Bay Area Clean Water Agencies (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and Utility Software, LLC, agree to a new contract termination date of December 31, 2024
2. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By _____
Amit Mutsuddy, Chair
BACWA Executive Board

June 21, 2024
Date _____

By _____
Richard Cunningham, Utility Software, LLC

Date _____

BAY AREA CLEAN WATER AGENCIES PROFESSIONAL SERVICES CONTRACT

This PROFESSIONAL SERVICES CONTRACT, effective October 20, 2023, is between Bay Area Clean Water Agencies ("BACWA"), a joint powers agency which exists as a public entity separate and apart from its Member Agencies, created January 4, 1984 by a Joint Powers Agreement between Central Contra Costa Sanitary District, East Bay Dischargers Association, East Bay Municipal Utility District, the City and County of San Francisco and the City of San Jose, with a mailing address of P.O. Box 24055, MS 702, Oakland, CA 94623, and Utility Software, LLC ("Consultant"), a California corporation doing business at 999 Victoria Ct., Lafayette, CA for professional services as described in any Exhibit A attached hereto.

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

Description and Standard of Services to be Performed

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

Payment for Services

6. BACWA will pay Consultant based on the rates in Exhibit B, up to a maximum amount payable of \$50,000. Consultant will not exceed the maximum amount payable without obtaining prior written approval from BACWA.
7. Consultant shall submit invoices monthly. Invoices shall include the hours charged by each employee, a brief description of the work performed, and a description of costs for which Consultant seeks reimbursement and which are specified in Exhibit B.
8. Payments under this Contract will be due thirty (30) days after BACWA's receipt of invoices. BACWA may withhold from any progress or final payment any damages, backcharges or claims incurred or anticipated by BACWA to the extent caused by Consultant.

Document Ownership and Retention

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

Indemnification

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

Insurance

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

Assignment

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

Independent Contractor

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

Termination of Contract; Suspension of Services

15. This contract shall automatically terminate on June 30, 2024. Either party may also terminate this Contract in whole or in part at any time for its convenience. For a termination for convenience, the termination will be effective thirty (30) days following receipt of a written notice of termination by one party from the other. BACWA may terminate this Contract in whole or in part for cause, in which event the termination will be effective ten (10) days after Consultant's receipt of BACWA's written notice and Consultant's failure during that period to cure the default.

Dispute Resolution

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

Severability

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

Survival

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

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

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

Exhibit A – Scope of Work
Exhibit B – Hourly Rates

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

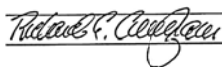

	10 / 30 / 2023
_____ Consultant Signature Richard Cunningham, Utility Software, LLC	_____ Date
	10 / 31 / 2023
_____ BACWA Signature Amit Mutsuddy, BACWA Executive Board Chair	_____ Date

EXHIBIT A
SCOPE OF WORK

Updated Guidance For Sewer System Management Plans (SSMPs)

Professional Services by Richard Cunningham

Fiscal Year 2023-2024

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

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

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

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

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

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

Assumptions:

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

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

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

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

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

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

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

EXHIBIT B
HOURLY RATES

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



EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 17

MEETING DATE: June 21, 2024

TITLE: Request for BACWA Executive Board Approval for no-cost extension to Agreement with the San Francisco Estuary Institute (SFEI) for the completion of a Study of Nature Based Solutions for Reducing Nutrients in an amount not to exceed \$500,000.

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

ACTION

Approve a no-cost extension to the agreement with SFEI for the Nature-Based Solutions Study.

SUMMARY

The 2019 Nutrient Watershed Permit requires that, individually or in collaboration, the major Dischargers shall develop planning-level costs for nutrient discharge reductions by natural systems. It also identified \$500,000 as an appropriate level of funding to support the required planning studies. In 2019, BACWA selected SFEI to carry out the required work. A contract was approved on May 17, 2019. As required by the permit, a final progress update on the Nature Based Solutions study was submitted to the Regional Water Board in June 2023. Additional work completing memos under Phase 3 of the project will be submitted by the end of June 2024.

SFEI anticipates that up to \$20,000 of the contract budget will remain unused at the end of June 2024. This amount could be used to continue work on conceptual designs for nature-based solutions at BACWA member agencies, and/or could serve as matching funds for work on multi-benefit solutions under the "[Destination Clean Bay](#)" grant awarded to SFEI from the USEPA Water Quality Improvement Fund in 2023. BACWA submitted a letter of support for this grant proposal. SFEI's project manager has requested approval from Regional Water Board staff to extend the contract end date to September 30, 2024, which is just before the October 1, 2024 effective date of the 3rd Nutrient Watershed Permit Tentative Order.

FISCAL IMPACT

This is a no-cost contract extension. The previously approved work would be funded with up to \$20,000 from the BACWA FY25 line item for Technical Support - Nutrients

ALTERNATIVES

1. Do not approve the consultant support extension – This alternative is not recommended, as the work was previously approved by the BACWA Executive Board, and will advance work on nature-based solutions in the region.

*Attachments: Amendment #2 to FY 24 Contract with SFEI
2019 Contract with SFEI*

Approved:

Date:

Amit Mutsuddy
Chair, BACWA Executive Board

AMENDMENT NO. 2
TO AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES and
SAN FRANCISCO ESTUARY INSTITUTE

This Amendment No. 2 is made this 21st day of June, in the City of Oakland and County of Alameda, State of California, to that certain agreement of May 17, 2019 (original agreement), by and between San Francisco Estuary Institute and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and the San Francisco Estuary Institute agree to a new contract period which terminates September 30, 2024.
2. There is no change to the contract amount.
3. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By _____
Amit Mutsuddy, Chair
BACWA Executive Board

June 21, 2024
Date _____

By _____
Warner Chabot, Executive Director
San Francisco Estuary Institute

Date _____

BAY AREA CLEAN WATER AGENCIES PROFESSIONAL SERVICES CONTRACT

This PROFESSIONAL SERVICES CONTRACT, effective 5/17/2019, is between Bay Area Clean Water

Agencies ("BACWA"), a joint powers agency which exists as a public entity separate and apart from its Member Agencies, created January 4, 1984 by a Joint Powers Agreement between Central Contra Costa

Sanitary District, East Bay Dischargers Association, East Bay Municipal Utility District, the City and County of San Francisco and the City of San Jose, with a mailing address of P.O. Box 24055, MS 702, Oakland, CA 94623, and the San Francisco Estuary Institute ("Consultant"), a 501 (c)3 Non-Profit doing business at 4911 Central Ave., Richmond, CA 94904 for professional services as described in any Exhibit A attached hereto.

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

Description and Standard of Services to be Performed

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

Payment for Services

6. BACWA will pay Consultant based on the lump sum amounts for the various tasks shown in the scope of work in Exhibit A, up to a maximum amount payable of \$500,000. Consultant will not exceed the maximum amount payable without obtaining prior written approval from BACWA.
7. Consultant shall submit invoices quarterly (March, June, September, December) with progress made on each task as indicated by a percent of task completed. Payment will be made based on the lump sum for the task and the percentage of the task completed. Invoices shall include the lump sum amount requested and a brief description of the work performed.

8. Payments under this Contract will be due thirty (30) days after BACWA's receipt of invoices. BACWA may withhold from any progress or final payment any damages, backcharges or claims incurred or anticipated by BACWA to the extent caused by Consultant.

Document Ownership and Retention

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

Indemnification

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

Insurance

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

Assignment

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

Independent Contractor

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

Termination of Contract; Suspension of Services

15. This contract shall automatically terminate on December 31, 2023. Either party may also terminate this Contract in whole or in part at any time for its convenience. For a termination for convenience, the termination will be effective thirty (30) days following receipt of a written notice of termination by one party from the other. BACWA may terminate this Contract in whole or in part for cause, in which event the termination will be effective ten (10) days after Consultant's receipt of BACWA's written notice and Consultant's failure during that period to cure the default.

Dispute Resolution

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

or any other legal or equitable theory), unless and until BACWA is fully aware of all three of the following: (1) the identity of the party(ies) responsible, (2) the magnitude of the damage or injury and (3) the cause(s) of the damage or injury. The contractual limitations period and discovery rule provided herein applies in lieu of any otherwise applicable statute or related case law.

19. The failure of either party to enforce any provision of this Contract will not constitute a waiver by that party of that or any other provision of this Contract.

Severability

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

Survival

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

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

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

Exhibit A — Scope of Work

Exhibit B — Hourly Rates/Reimbursable Expenses

CONSULTANT: San Francisco Estuary Institute

4911 Central Ave.

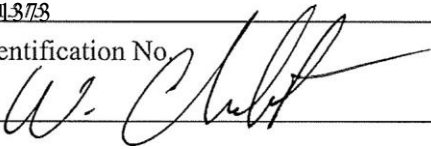
Street Address

Richmond, CA 94904

City, State, Zip Code

~~94-2951373~~

Tax Identification No.

 _____

Consultant Signature

7-1-19

Date

Warner Chabot Executive Director _____

Name, Title

May 17, 2019



7/6/2019

BACWA Signature

Date

David R. Williams, Executive Director

Name, Title

EXHIBIT A

SCOPE OF WORK

Professional Services by San Francisco Estuary Institute

Fiscal Year: 5/17/19 - 12/31/2023

San Francisco will provide professional services to Bay Area Clean Water Agencies (BACWA) for the following activities, the costs of which are not to exceed \$500,000.00

Scope of Work.' Nature-Based Nutrient Reduction Study

1. Task 1: Project Administration and Management

- Within ten (10) working days from the issuance of the notice to proceed, Consultant will provide a workflow diagram for completion of Tasks 2 through 4 of this Scope of Work, with key decision points noted and an associated schedule;
- The Consultant will prepare monthly status reports and participate in as-needed meetings with a dedicated committee from the Bay Area Clean Water Agencies (BACWA), designed to track progress and engage with the Consultant regarding this Project, continuing throughout the term of the contract;
- Bi-annual presentations to either the Nutrient Management Strategy (NMS) Steering Committee, BACWA, or Regional Water Board, from June 2020 to June 2023. Additional engagement may include participation in multi-benefit planning exercises organized by the San Francisco Estuary Partnership, San Francisco Bay Restoration Authority, or others; ●
The Consultant will conduct project management activities, including:
 - Supervise, coordinate and monitor project progress and sub-consultants for conformance with best practices and other governing agency requirements;
 - Notify BACWA of any changes in scope or budget as soon as possible and propose actions if necessary to correct these changes;
 - Maintain communication by being available by phone or e-mail and responding in a timely fashion;
 - Maintain project files; and
 - Provide monthly written progress reports and invoices to BACWA.

Schedule:

- Workflow diagram, schedule, and identification of decision points: June 15, 2019
- Biannual presentations: June 2020 to June 2023

- Monthly progress reports and invoices over the duration of the Project, which is anticipated to take place from July 2019 to June 2023,

Budget: \$45,000

2. Task 2: Scoping Plan and Evaluation Plan Development

By November 1, 2019, SFEI shall submit a combined Scoping and Evaluation Plan to BACWA, establishing the methods and approach to evaluating site-specific opportunities and constraints to implementing nature-based strategies for nutrient load reduction at each major Discharger listed in Table I of the 2nd Nutrient Watershed Permit (Permit). SFEI proposes the development of a combined Scoping and Evaluation Plans to minimize redundancy and accelerate the timing of Discharger-specific evaluation efforts.

At a minimum, the scoping elements of the combined Scoping and Evaluation Plan will include the level of work to complete the following for each Discharger facility and subembayment:

- Identification of candidate sites, if any, for potential wetlands treatment systems;
- Identification of candidate sites, if any, for potential wetlands creation or enhancement;
- Identification of candidate sites, if any, for potential horizontal levee creation;
- The situation of all candidate sites within their respective Operational Landscape Unit (OLU), drawing on data synthesized through Phase I of SFEI's on-going OLU Project; and
- Schedule to complete, within one year of submitting the joint Scoping and Evaluation Plan, the identification of all candidate sites.

The evaluation section of the joint Scoping and Evaluation Plan shall describe the approach for evaluating candidate sites, including, but not limited to:

- The method and assumptions associated with establishing the basis for screening sites deemed suitable as candidate nature-based treatment systems;
- Estimation of nitrogen (total inorganic nitrogen) and phosphorous (total phosphorus) discharge reductions associated with each project or associated OLU;
- Identification of ancillary adverse effects and ancillary benefits from each project (e.g., removal of emerging contaminants, the creation of habitat, or protection against sea level rise) or associated OLU;
- The approach and assumptions associated with performing cost estimates for candidate sites and alternatives, based on input received in consultation with an engineering firm with relevant experience in the design and implementation of wastewater treatment wetlands in California; and
- Assessment of the feasibility, efficacy, reliability, and cost-effectiveness of each project; and
- Identification of potential challenges to implementing each project (e.g., regulatory barriers).

Additional elements of the Scoping Plan shall include the approach to characterizing the following:

- Outstanding data and steps required to identify potential sites for nature-based nutrient load reduction, where site-specific uncertainty remains (e.g., focused site inspections, interviews, data analysis);
- Approach for integrating the Water Board-funded Phase 2 efforts of the OLU Project, pending Water Board approval. SFEI anticipates Phase 2 of the OLU project to begin in mid- to late 2019. Opportunities to leverage Phase 2 OLU efforts will be documented in a joint internal work plan for Phase 2 of the OLU Project as well as the project described in this Scope of Work. A joint work plan shall reflect all the elements of this Scope of Work, in consultation with the Regional Advisory Committee (RAC) convened to support the OLU Project;
- Approach to coordinating with existing treatment wetland operators throughout California, and other applicable regions, to obtain information regarding nutrient (N+P) load reduction performance, as well as ancillary benefits/effects of each project (e.g., removal of emerging contaminants, the creation of habitat, sea level rise adaptation, the release of greenhouse gases);
- Literature review of nutrient (N+P) load reduction performance, as well as ancillary benefits/effects of each project (e.g., removal of emerging contaminants, the creation of habitat, sea level rise adaptation, the release of greenhouse gases);
- Opportunities and constraints analysis of implementation, including considerations of environmental constraints (e.g., contamination, sensitive wildlife habitat), regulatory considerations, land use, and land ownership;
- Identification of synergistic and antagonistic effects on OLUs, as a result of implementing each nature-based nutrient load reduction alternative;
- Identification of recommended data needs from existing and candidate wetlands and openwater systems receiving wastewater effluent (e.g., influent/effluent nutrient chemistry, influent/effluent chemistry data for select contaminants of emerging concern, flow rates, physical characteristics, maintenance requirements); and
- Recommended policy recommendations regarding permitting, monitoring, and maintenance, suitable for Regional Water Board review and comment.

Schedule and Deliverables:

- Monthly Status Reports (assuming a start date of July 1, 2019)
- Draft Scoping and Evaluation Plan: October 15, 2019; comments expected by November 7, 2019
- Final Scoping and Evaluation Plan: November 21, 2019

Budget: \$75,000

3. Task 3: Integrated Planning for Multi-Benefit Nutrient Load Reduction Alternatives

This task involves the development of a Scoping and Visioning document suitable for leveraging external funding to integrate disparate efforts regarding the quantification of nutrient load reduction alternatives. Pursuant to the first Nutrient Watershed Permit, Dischargers funded an Optimization and Upgrade Report. The second iteration of the Permit involves two efforts to quantify nutrient reduction alternatives achievable via nature-based solutions (the subject of this scope of services), as well as wastewater recycling. In parallel, SFEI is pursuing the OLU Project, involving multiple phases to assess landscape-scale opportunities for shoreline resiliency.

To facilitate integrated multi-benefit planning initiatives, SFEI will seek key partnerships with regulators, economists, academics, and the private sector to integrate these solutions into alternatives best suited for particular Dischargers and the region at large. Additional funding is required to pursue this strategy, for the purposes of identifying the optimal mosaic of grey- and green-infrastructure alternatives, including wastewater recycling; as well as developing funding and policy mechanisms to realize this vision.

SFEI envisions developing the outputs of this task in parallel with Tasks 1 and 3, to assist in fundraising and partnership building opportunities as they arise. This task is consistent with one or more of the main NMS management questions.

Schedule:

- Scoping & Visioning Report regarding multi-benefit load reduction alternatives: June 2020

Budget: \$20,000

4. Task 4: Evaluation Plan Implementation

Implementation of the Evaluation Plan shall commence upon approval by the Regional Board of the Scoping and Evaluation Plan (Task 1). Involves SFEI performing, with engineering support, planning-level evaluations of locations potentially suitable for enhancement or conversion to nature-based nutrient load reduction installations (i.e., open water treatment wetlands and horizontal levees).

Phases of this task follow accordingly:

Task 4.1 : Discharger Survey

Initial outreach to major Dischargers, in coordination with BACWA, to identify opportunities and constraints to implementation of nature-based systems, on a site-specific basis.

Potential survey questions include:

- Short- and long-term planning efforts for green infrastructure, habitat restoration, sea level rise adaptation;
- Available information regarding land ownership/use of, special studies regarding, and master planning efforts involving lands in proximity to a POTW with potential for conversion to treatment wetland uses;
- Relative interest in, and internal expertise available, to advance nature-based solutions for nutrient load reductions; and

- Information regarding governance-, regulatory-, and policy-based challenges to implementing nature-based nutrient load reductions.

This assumes early BACWA participation and limited commitment from BACWA staff to assist in the dissemination of surveys and collection of data.

Task 42: Desk-Based Analysis to Identify Candidate Sites

The first step towards the evaluation of suitable sites considered candidates for enhancement or conversion to nature-based load nutrient load reduction installations is to perform a desk-based analysis of sites, informed by prior work and work products developed in support of Phase 1 of the OLU Project.

Various

data sources shall be employed to identify candidate sites, in practicable proximity to each major Discharger, of the following categories of nature-based systems:

- Wetlands treatment systems; • Wetlands

creation or enhancement; and

- Horizontal levee creation.

The OLU(s) associated with each candidate site shall be identified, and a summary of this information shall be provided in the 2020 Annual Report, consistent with Permit requirements, at VI.C.2.a.

Task 4.3: Site-Specific Outreach and Investigation

Following the identification of candidate sites, site-specific outreach will be conducted at up to fifteen (15) major dischargers identified as maintaining significant load reduction potential through the application of nature-based systems. Site visits and interviews with Discharger staff will be conducted to survey candidate sites and gather information to inform suitability, feasibility, planning-level designs, and estimated construction costs.

Site visits are assumed to take place at up to fifteen (15) major Discharger facilities and require up to two (2) days per Discharger. A memo shall document the outcomes and findings from each site-specific investigation, which will inform the identification of targeted site-specific evaluations.

Task 4.4: Site-Specific Evaluations

Following the completion of Tasks 3.1 through 3.4, this Scope of Work assumes detailed evaluations will take place at ten (10) major Dischargers. For each of the ten Dischargers where nature-based systems show the strongest potential for nutrient load reduction, conceptual designs, and planning-level cost estimates shall be provided. Supporting information shall include those elements identified in the Scoping and Evaluation Plan (Task 1). Particular site-specific information includes:

- Opportunities and constraints (e.g., design flow rates, proximity to wastewater source, slopes, land ownership, elevation, and various environmental conflicts)
- Projected nutrient load reduction (i.e., total inorganic nitrogen and total phosphorus), according to the following scales:

- by project or alternative; o by each major Discharger involved; and o according to each related OLU.
- Planning-level assessment of the feasibility, efficacy, reliability, and cost-effectiveness of the project, compared to the suite of grey infrastructure solutions identified in the Nutrient Optimization and Upgrade Report, with input from an engineering firm with experience designing and implementing grey- and green-infrastructure based solutions for the wastewater industry;
- Planning-level cost estimates associated with elements including mobilization, earthwork (cut, fill, placement, compaction), import of rock and other materials, infrastructure improvements (pump stations, pipelines, and discharge infrastructure), trail relocation, and revegetation (seeding and planting);
- Best professional judgment-based assessments, from a contracting engineer with applicable experience and expertise, concerning the relative feasibility, reliability and cost effectiveness of the various alternatives; and
- Readily identified governance issues and possible permitting strategies,

Schedule and Deliverables:

- Annual Status Reports: due June 1 of 2020 through 2023
- Draft Evaluation Report: April 1, 2022
- Response to comments on the Draft Evaluation Report: June 1, 2022
- Final Evaluation Report: June 15, 2022

Budget: \$360,000

{00916913}

EXHIBIT B

SFEI HOURLY RATES/REIMBURSABLE EXPENSES

Consultant	Hourly Rate*
Full Job Category	Thru 6/23
Admin	\$119.52
Assoc Sci I&II/Assoc Tech Specialist I&II	\$146.44
Environmental/Tech Analyst	\$104.33
Manager/Sr Scientist I	\$222.95
Program Director/Sr Scientist II	\$302.82
Project Manager	\$141.72
Scientist I/Tech Specialist I&II	\$170.09
Scientist II/Sr Tech Specialist I&II	\$225.84
Sr Environmental/Sr Tech Analyst	\$118.17

*Hourly Rates listed above represent the maximum billing rates for each position. Invoices will reflect the actual billing rates for staff working on the project during that period.

BUDGET

Task 1	Project Administration & Management	SFEI	Ian Wren	HDR	TOTAL
Task 2	Scoping Plan & Evaluation Plan Development	\$19,001	\$11,330	\$14,669	\$45,000
Task 3	Integrated Planning for Multi-Benefit Nutrient Load Reduction Alternatives	\$47,642	\$16,480	\$75,000	\$10,8781
Task 4	Evaluation Plan Implementation	\$8,820	\$11,180		\$20,000
		\$201,417	\$104,130	\$54,453	
		\$276,880	\$143,120	\$360,000	
				\$80,000	\$500,000

{00916913}



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 18

MEETING DATE: June 21, 2024

TITLE: Request for BACWA Chair Approval of Agreement with Carollo Engineers to Provide Project Management Services to the Bay Area Biosolids Coalition in an amount not to exceed \$120,000

☐ RECEIPT ☐ DISCUSSION ☐ RESOLUTION ☒ APPROVAL

RECOMMENDED ACTION

Authorize an agreement with Carollo Engineers for up to \$120,000 to provide as needed support to the Bay Area Biosolids Coalition (BABC) in FY25.

SUMMARY

BABC has utilized BACWA to provide contracting services since FY20. BABC's Executive Committee (EC) has approved the contract and Scope of Work for Carollo Engineers to provide Program Management Services. The Program Manager (PM) was responsible for support matters necessary for the BABC to function effectively toward developing regional biosolids end-use opportunities, building support among members, and support achieving the goals of the updated Strategic Plan. The PM serves at the will of the BABC EC and engages BABC members and contractors in consultation with the EC.

FISCAL IMPACT

Support for the BABC is a project of Special Benefit under the BACWA JPA. Such projects are funded by support from members outside of their BACWA dues. A special account has been established for providing support to BABC. BACWA will be sending out invoices to BABC member agencies in August 2022. Payment of invoices for this contract by BACWA is contingent upon sufficient funds being made available to BACWA by the BABC member agencies via collection of dues.

ALTERNATIVES

No alternatives were considered since the BABC EC has approved the contract amount and Scope of Work.

Attachments: FY25 Agreement with Carollo Engineers
FY25 Carollo Engineers' Scope of Work
Original Contract

Approved: _____

Amit Mutsuddy, Chair
BACWA Executive Board

Date: June 21, 2024

Date: 6/21/24

BAY AREA CLEAN WATER AGENCIES

CONSULTING AGREEMENT

TO:

Carollo Engineers
PO Box 30835
Salt Lake City, UT 84130

FROM:

Lorien Fono, Executive Director
BACWA
PO Box 24055, MS702 Oakland,
CA 94623

lfono@bacwa.org

RE: BACWA Agreement for FY25 BABC Support.

This Agreement covers professional services to be performed by Carollo Engineers in order to complete the FY25 BABC projects. This work is described in the attached Scope of Work and under the direction of Lorien Fono and the BACWA Executive Board. The total cost of professional services to be performed by Carollo Engineers is not to exceed \$120,000. This contract will be funded by the BABC members.

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

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

BACWA Executive Director E-mail: Lorien Fono, lfono@bacwa.org

Approved:

By _____
Amit Mutsuddy
Chair, BACWA Executive Board

By _____

Date _____

Date _____

Exhibit A

Scope of Work

The Program Manager (PM) is responsible for supporting matters necessary for the Bay Area Biosolids Coalition (Coalition) to function effectively toward developing regional biosolids end-use opportunities, building collaboration among members, and support achieving the goals of the Strategic Plan. The PM serves at the will of the Coalition Steering Committee (SC) and engages members and contractors in consultation with the SC.

The PM specifically has, but is not limited to, the following duties and responsibilities:

Task 1 – Project Management

This task includes monthly progress reports and coordination of meetings with Coalition members for review of deliverables.

Task 2 – Strategic Plan Support

The PM will support achieving Strategic Plan goals and is expected to include, but not be limited to:

- Support the Coalition’s proactive communication through their website.
- Support the Coalition’s efforts to advance research on the safety and value of biosolids.
- Support the Coalition in working collaboratively with regulators on existing or proposed regulations that could impact biosolids land application.
- Advocate for national, state, and regional project funding.
- Work with agencies and private partners and support partnerships to develop potential regional solids processing facilities or biosolids management solutions.

Task 3 - Presentation Development

The PM will develop a presentation, as needed, summarizing work completed for the Coalition. These presentations will be provided for use by Coalition members to present to their respective Boards, and Carollo will be available to participate/present at the discretion of the Coalition.

Task 4 - Future Work

This task is a placeholder for future work by the PM as determined and approved by the Coalition.

Schedule

Work will commence upon notice to proceed and tasks will remain open through June of 2025.

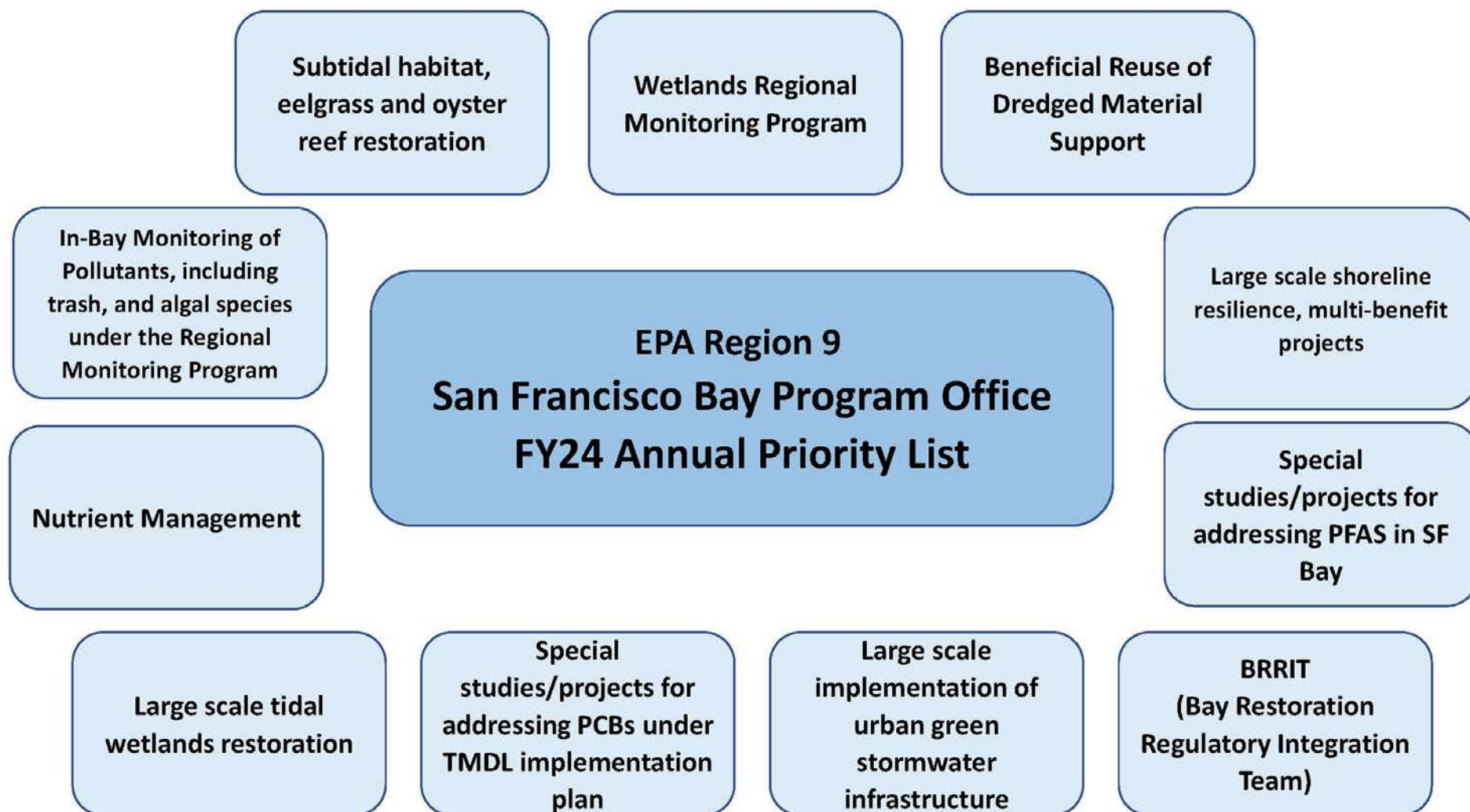
Exhibit B
Fees and Billing Practices

BACWA agrees to pay the CONSULTANT on behalf of the Bay Area Biosolids Coalition for services as follows:

Key Staff	Hourly Rate
Elaine Simmons - Principal-in-Charge (Project Professional)	\$324
Christine Polo – Program Manager (Professional)	\$274
Assistant Professional	\$223
Technician	\$168

Other Direct Expenses includes the following (effective January 1, 2024):

- Project Equipment Communication Expense (PECE): \$15.00/direct labor hour.
- Mileage at IRS Reimbursement Rate: \$0.67 per mile.
- Travel and Subsistence at cost.



BACWA Collection Systems Committee

Results of Survey on Sewer Lateral Ordinances

June 2024



1

Background

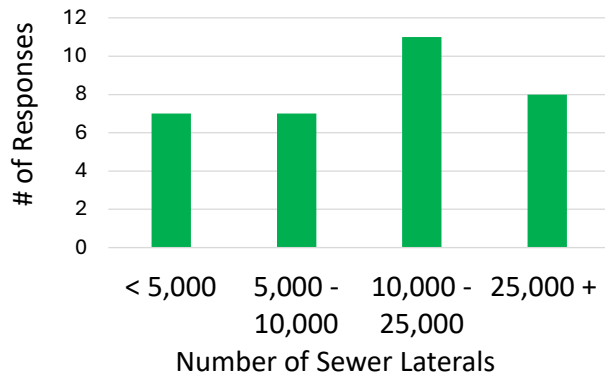
- 2024 survey initiated in response to request from BACWA Member Agencies to support potential revisions to sewer lateral ordinances
- Similar survey conducted in 2016
- Survey sent to BACWA Collection Systems Committee members, BACWA Bulletin, and other sanitary sewer system managers
- Survey conducted online in March and April 2024
- Full responses available [here](#)

2

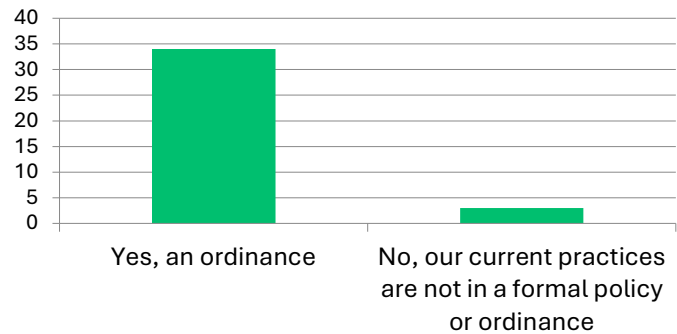
2

Responses to BACWA Collection System Committee Survey on Sewer Lateral Ordinances

6. Approximately how many private sewer laterals are connected to your system?



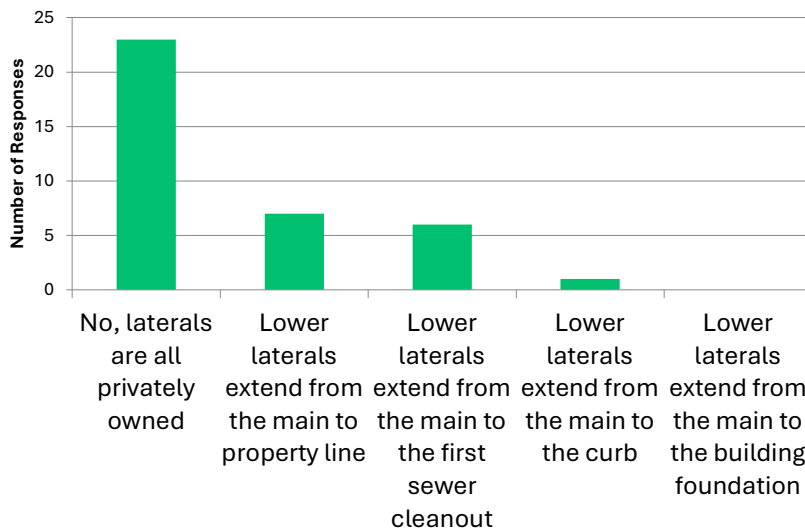
7. Does your agency have an ordinance or other formal policy in effect that clearly defines ownership and responsibility for laterals?



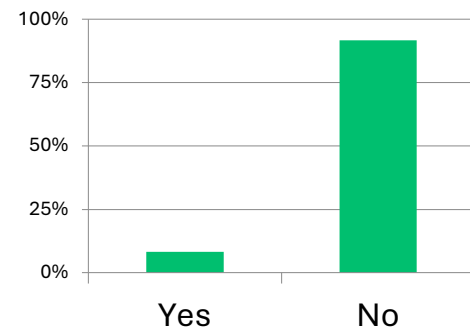
3

3

10. Does your agency own and operate lower laterals? If so, how are they defined?

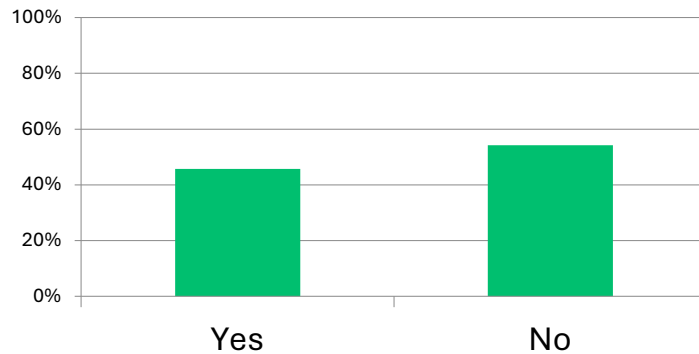


11. Does your agency assist with operations of upper sewer laterals, such as conducting inspections, cleaning, maintenance, or repair?



4

12. Does your agency replace lower laterals when you are replacing the main or performing other utility work in the street?



13. How much of the lower lateral is replaced when your agency is performing the replacement?

14 Responses –

6 – From Main to Property Line

3 – From Main to Cleanout

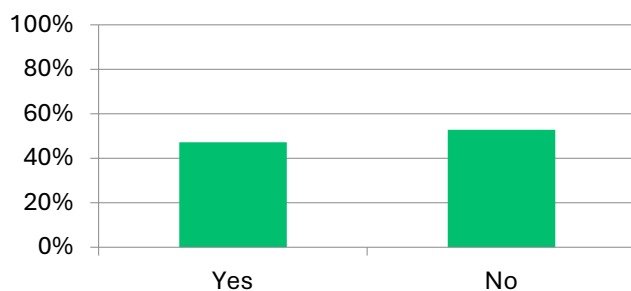
4 – Entire Lower Lateral or Not Specified

1 – The part within the construction trench

5

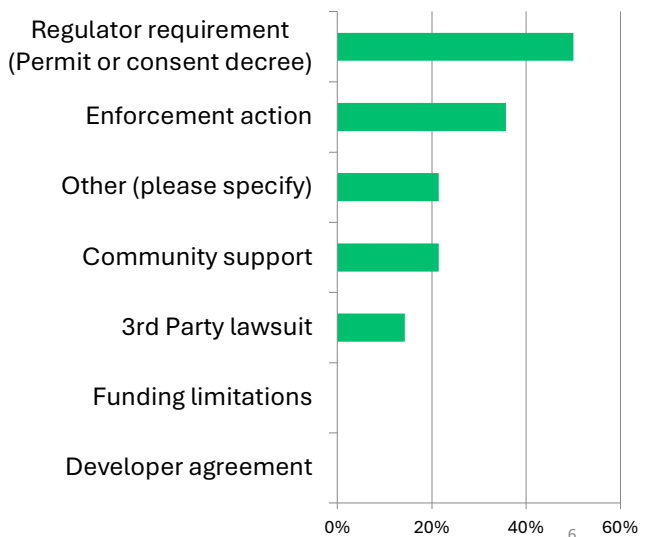
5

14. Does your agency have an ordinance or policy (such as a Point-of-Sale policy) requiring a property owner to inspect their existing private sewer lateral?



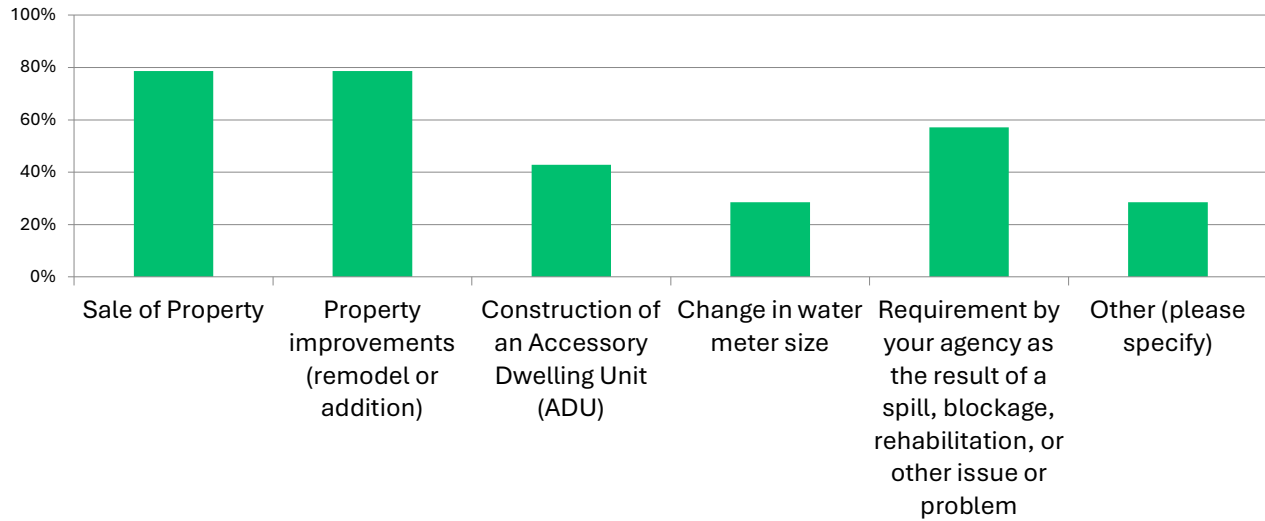
5 East Bay Agencies
+ 12 others

15. What drove your current policy approach?
(Select all that apply)



6

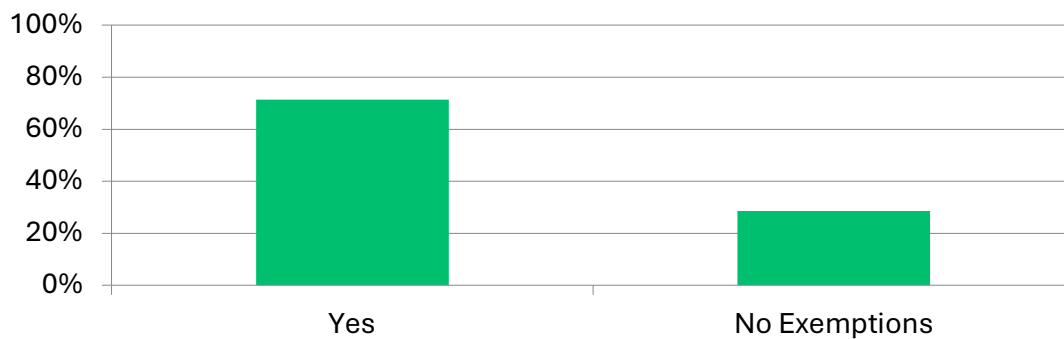
16. What triggers inspection or testing of the private sewer lateral? (Select all that apply)



7

7

17. Are there any exemptions to these inspection triggers?



Compliance Certificates Vary in Length:

Replacement – 20 Years
Inspection – 7 Years

Replacement or
Inspection – 20 years

Replacement – 25 years
Inspection – 10 years

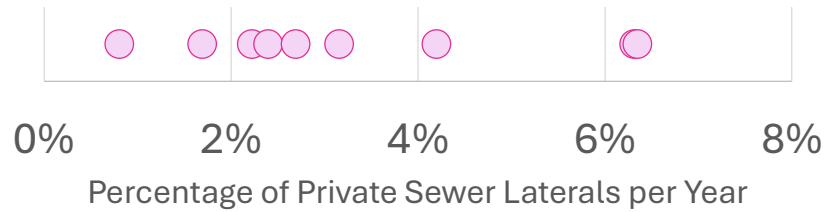
Replacement or
Inspection – 10 years

Replacement
Only

8

8

18. Approximately how many private sewer laterals are **inspected or tested** per year as part of your program?



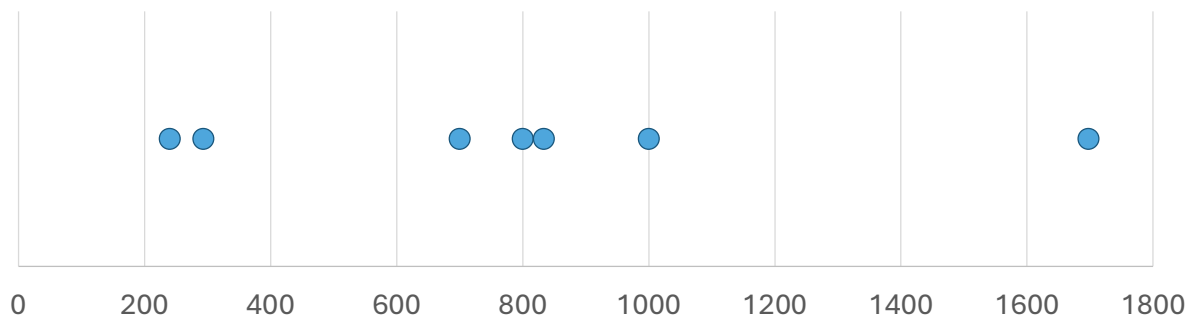
Median of 9 agencies = 3% per year

9

9

19. Approximately how much staff time is designated to the private sewer lateral inspection and replacement program?

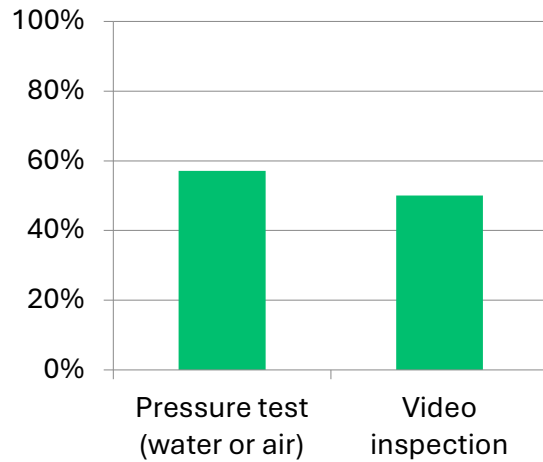
Converted Units: # Laterals Inspected per FTE



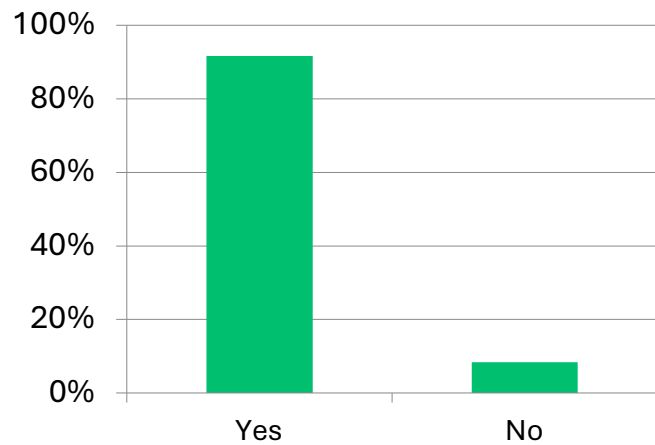
10

10

20. What type of inspection or testing method is required?



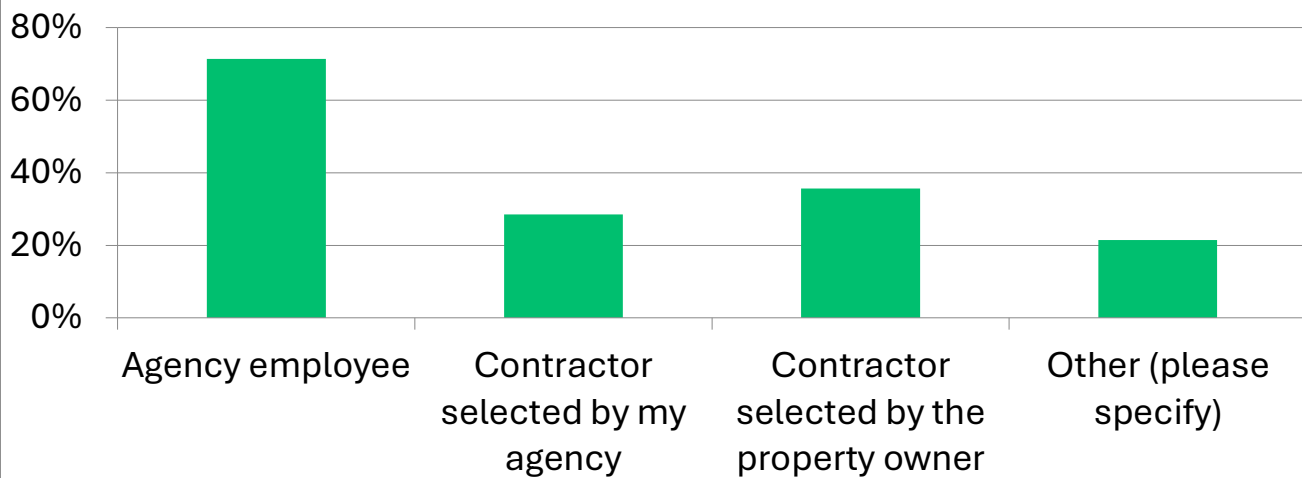
21. Do you inspect the connection between the private sewer lateral connection and the main ?



11

11

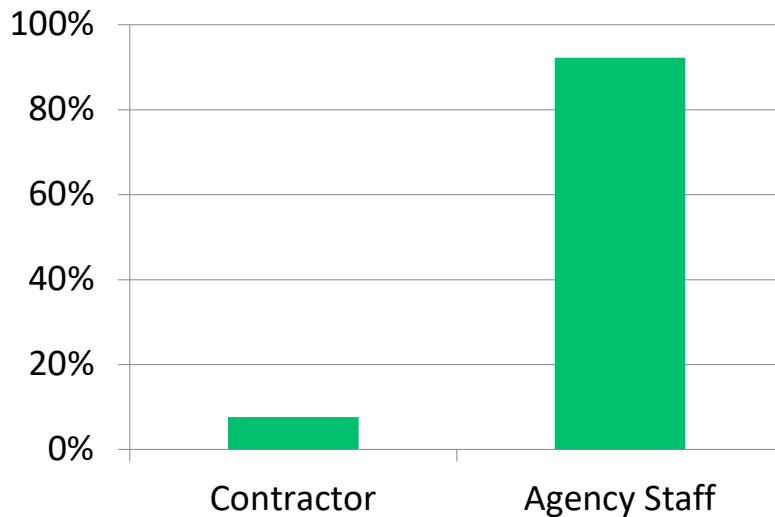
22. Who performs inspections of private sewer laterals? (Select all that apply)



12

12

23. Who is responsible for determining whether the inspection result is a PASS?



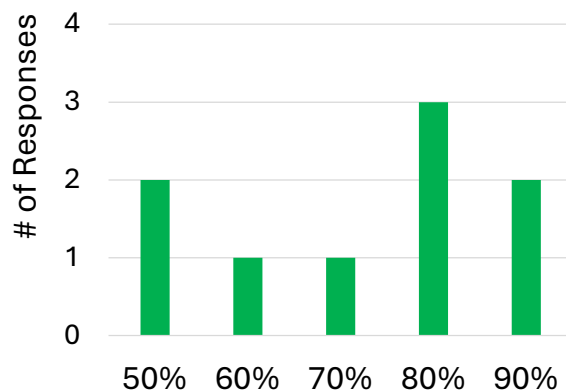
Job Titles of Agency Staff

- Collection worker 3 or above
- Collections Program Coordinator
- Construction Inspector, Senior
- District Manager
- Operations Manager
- EBMUD Inspector (x2)
- Inspector (x3)
- Manager
- Public works inspector, or Assistant Engineer
- Technicians and Sewer Supervisor

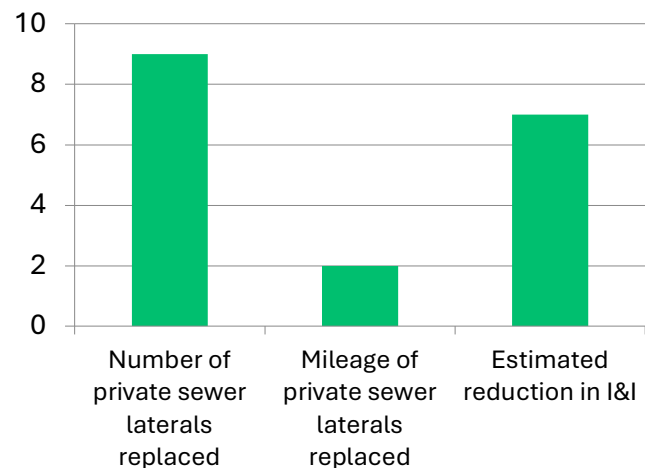
13

13

24. About how often do private sewer lateral inspections result in replacement?



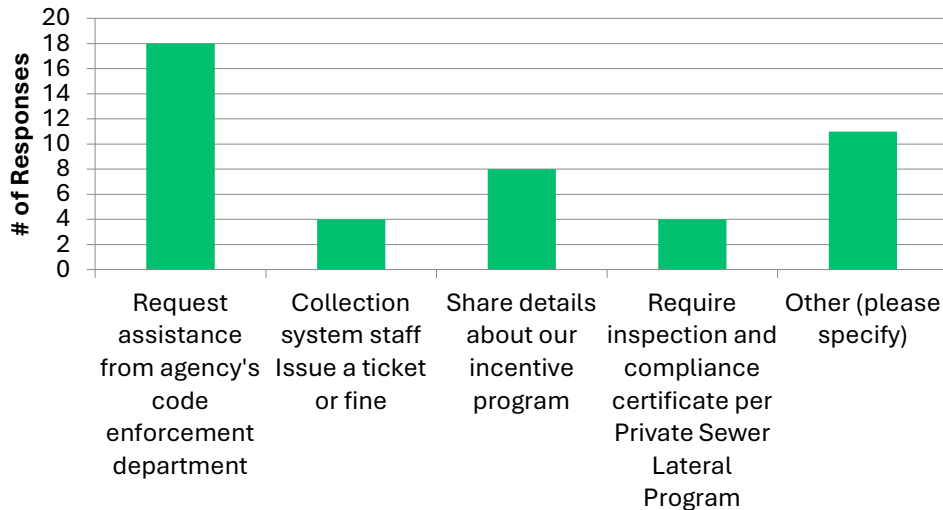
25. How do you define program success? (Select all that apply)



14

14

26. What does your team do when there is a known problem with a private sewer lateral, such as recurring spills or a major defect? (Check all that apply)

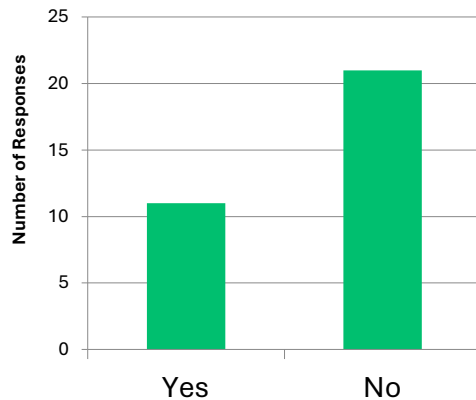


“Other” Responses:

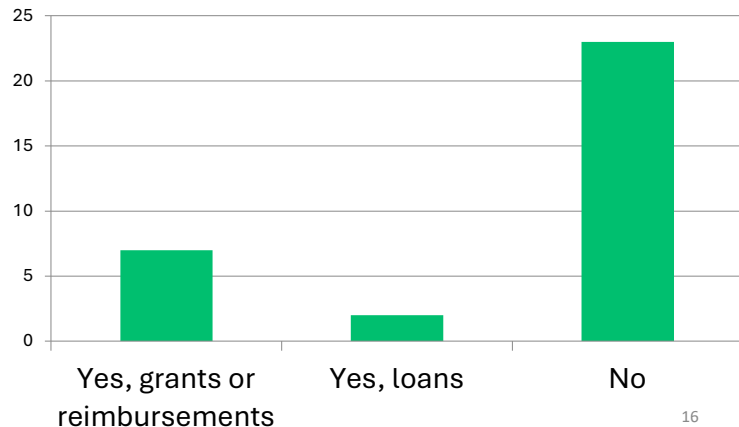
- One-time courtesy call to clean; camera and identify problem, then refer to our program.
- Issue notice to abate code violation/health risk.
- Mobilize Collections Staff to identify the source. Work with Homeowner to rectify the issue.
- Send owner a Notice of Violation or Repair, which requires corrective action
- Our fire department handles Hazmat issues, we get them involved.
- Notify property owners (2)
- Recommend owner to hire a plumber to investigate.
- Send a letter placing the home on a "Main Line Only" List. We will only check the main if they call. To get off the list they need a permit and the lateral needs to be replaced
- Request assistance from agency's Source Control department

15

27. Does your agency have a private sewer lateral incentive or outreach program?



28. Do you offer your customers any financial incentives to repair or replace their private sewer laterals?



16

Examples of website content

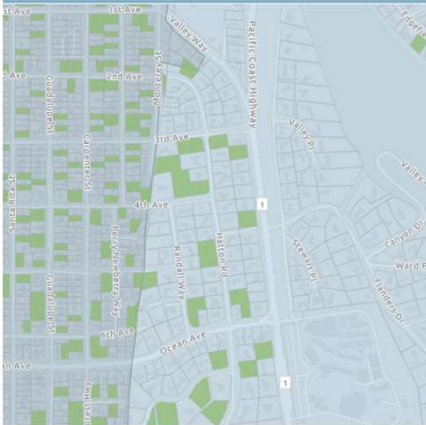
Cash for Sewers

Sewer Lateral Replacement Program

When you have a home with an old sewer system, life can get very expensive and inconvenient, and your home can decrease in value. SASM and its Member Agencies want to help qualifying homeowners access financial assistance to make much needed home improvements. The Sewer Lateral Replacement Program offers a grant program to help qualifying homeowners offset sewer lateral costs.



Parcel Lookup and Private Sewer Lateral Inspection Certificate



Sewer Problems?



Attention: Pacifica Residents

City of Pacifica Sewer Lateral Replacement Program:
Notice of Availability of Free Inspections and
Grant Funding for Sewer Lateral Replacement

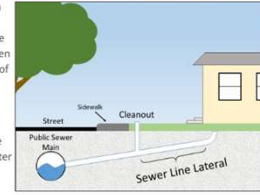
SEWER GRANT

Get help with the cost of repairing or replacing your sewer lateral

WHAT IS THE SEWER REPLACEMENT OR REPAIR GRANT PROGRAM?

The Sewer Replacement or Repair Grant Program (Sewer Grant) is designed to assist homeowners with a portion of the cost of fixing or replacing the sanitary sewer line lateral (building sewer) between an approved property line cleanout and the face of the building. Funding may also be used to add or replace a cleanout in conjunction with a lateral repair or replacement.

This program only applies to a sanitary sewer line lateral, which is the pipeline that carries wastewater from the building to the property line. Property owners are responsible for all costs relating to their sewer line lateral, including installation, connection, maintenance, repair, reconstruction, alteration, abandonment, or removal to prevent inflow and infiltration.



Private Sewer Lateral (PSL) Replacement Loan Program

PSL Loan Application Form 12-2022.pdf

The Private Sewer Lateral (PSL) Replacement Loan Program is designed to encourage property owners to protect and preserve the environment by offering a **no-interest**, deferred payment loan of up to \$20,000 to replace PSLs. The PSL loans are offered on a "first-come, first-served" basis to the extent of available funding. Repayment of the loans will be over a period not to exceed ten (10) years, have no pre-payment penalty, and will be collected through the annual property tax bills issued by the County.

The following requirements are necessary to apply for the PSL Loan Program:
1. PSL must be associated with property served by the SAGE Sanitary District.



Got a backup

Call us first

17

Private Sewer Lateral Survey – Summary & Conclusions

- About 1/3 of agencies own and operate **lower laterals**
 - For those that don't, about ¼ will replace the lower lateral if they are doing construction in the street.
- About ½ of surveyed agencies have a **PSL inspection and repair program**
 - Only about 20% of total PSLs in Bay Area are covered by these programs
 - About 3% of PSLs per year are being inspected in those regions that have a program. The programs are resource-intensive.
 - Lateral inspections usually trigger replacement
- Grant and loans also remain a popular options for agencies

18

18



May 28, 2024

Sean Dempsey
Engineering and Analysis Division
Office of Science and Technology (4303T)
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Dempsey.Sean@epa.gov

EPA Public Comment Portal: <https://www.regulations.gov/docket/EPA-HQ-OW-2023-0580/>

Subject: BACWA Comments on EPA POTW Influent PFAS Study Information Collection Request (EPA-HQ-OW-2023-0580)

Dear Sean Dempsey:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to provide comments on your planned information collection request (ICR) for a study of per- and polyfluoralkyl substances (PFAS) influent to Publicly Owned Treatment Works (POTWs). BACWA is a joint powers agency whose members own and operate POTWs and sanitary sewer systems that collectively provide sanitary services to over seven million people in the San Francisco Bay Area (Bay Area). BACWA supports EPA's effort to characterize PFAS influent loads to POTWs as an initial step towards developing source control measures for these pollutants. BACWA has comments for EPA related to the proposed study design, as well as minor comments related to the draft questionnaire.

The EPA Influent Study should leverage insights from previously collected monitoring data, including data from BACWA's study of PFAS in Bay Area Wastewater.

From 2020 to 2023, BACWA worked with scientists from the San Francisco Estuary Institute to complete a two-phase study of PFAS in Bay Area wastewater. The study included sampling of POTW influent, effluent, and biosolids, as well as collection system sampling at industrial facilities, commercial facilities, and in residential areas. The samples were analyzed for 40 PFAS analytes and Total Oxidizable Precursors using then-draft EPA Method 1633. Additional information is available in BACWA's PFAS Study Summary (see Attachment 1).

BACWA shared a complete copy of the study results with EPA staff via email on February 6, 2024, and is prepared to upload the results into an EPA portal as needed. BACWA has three

requests to reflect the significant commitment of time and financial resources that went into this study of PFAS:

1. EPA's POTW Influent PFAS Study should place additional focus on domestic sampling to reflect the likely importance of this source.

Two of the key findings of BACWA's PFAS study were:

- Residential users appear to be a dominant source of PFAS to Bay Area wastewater treatment plants.
- Among industrial and commercial facilities included in this study, industrial laundries showed the highest concentrations, followed by car washes.

BACWA recommends that EPA place greater attention on the domestic/residential sampling portion of the study, recognizing the likely importance of residential users in PFAS loading to POTWs. In the BACWA study, there was significant variability among residential sampling locations, but it was not possible for our study to explain this variability.

One way to further explore residential variability would be to require additional domestic sampling for POTWs with fewer than 10 industrial users (up to 10 locations, similar to the proposed cap of sampling up to 10 industrial users). Another way would be to require sample collection in different types of residential areas based on sewershed scale, housing type, inclusion of commercial and institutional wastewater, or other factors. For example, EPA could require that some study samples be collected in purely domestic areas with no commercial, industrial, or institutional users. Other samples could be collected in areas with shopping centers, office buildings, schools, and other non-residential uses.

BACWA appreciates that EPA is investigating controllable sources of PFAS to POTWs. However, since uncontrollable loads are likely to be the dominant source to POTWs, EPA should not waste this opportunity to further characterize this source. The effort could inform future action such as restrictions on the sale of consumer products containing PFAS. Such actions may be necessary for POTWs to meet future effluent limitations without installing costly upgrades.

2. BACWA recommends using the TOP assay to quantify total PFAS. Sample analysis using EPA Method 1621 should be a limited part of the study, rather than a universal requirement.

Since EPA Method 1633 only captures forty specific PFAS compounds, the BACWA study also quantified total PFAS using the Total Oxidizable Precursors (TOP) assay. The BACWA study found that the TOP assay was useful for two reasons. First, the TOP assay was able to approximately track the mass of influent PFAS as it partitions into effluent and biosolids; by contrast, total PFAS using the sum of targeted analytes from EPA Method 1633 does not result in a closed mass balance (effluent concentrations are often higher than influent concentrations). Second, the TOP assay highlighted potential sources of influent PFAS from residential areas, from commercial sources (e.g., car washes), and from industrial laundries. Method 1633 alone would not have uncovered these sources.

Because the TOP assay measures the concentration of final degradates, it is possible to understand the nature of the PFAS precursors in a sample and whether they are contributing to heavier loads of more toxic compounds such as PFOS and PFOA or compounds with lower toxicity such as PFBS. Unfortunately, Method 1621 does not provide this important supplemental information to Method 1633.

EPA Method 1621 for adsorbable organic fluorine provides similar information to the TOP assay, in that it attempts to quantify total PFAS. Method 1621 has not yet been widely used; BACWA is not aware of large data sets for POTWs using Method 1621. More importantly, the regulatory applications of Method 1621 are not immediately obvious, since EPA has not begun any rulemaking using Method 1621 as its basis. Recent rulemaking efforts for drinking water, hazardous waste, and aquatic life criteria have all been focused on specific PFAS compounds such as PFOA and PFOS. BACWA supports EPA's scientific inquiry into whether adsorbable organic fluorine measured via Method 1621 transforms into regulated compounds like PFOA and PFOS. However, at this early stage, this research question is not well-suited for a nationwide mandatory sampling effort that would come at significant cost to POTWs.

BACWA recommends that EPA limit the requirement to analyze samples using Method 1621 to a subset of samples. This approach will still provide scientific information about the usefulness of Method 1621, but it will reduce analysis costs and it will increase the number of certified laboratories available to process samples. In California, for example, there are laboratories certified to perform Method 1633 but not Method 1621.

In addition, BACWA recommends that EPA lead additional scientific inquiry into the use of the TOP assay in a pretreatment program and source control context. If mandating use of the TOP assay is outside the scope of this Influent PFAS Study, then EPA should support separate scientific efforts to compare industrial, commercial, and residential wastewater samples analyzed via Method 1633, Method 1633 with the TOP assay, and Method 1621.

3. Bay Area POTWs should not be required to participate in sampling for the Influent PFAS Study.

Bay Area agencies have already sampled nearly all of the waste streams identified in the draft questionnaire: influent, effluent, biosolids, categorical and non-categorical industrial users, and domestic/residential users. The categorical users included:

- Pulp Paperboard (40 CFR 430 Subpart J)
- Semiconductor manufacturing (40 CFR 469 Subpart A)
- Semiconductor chemical manufacturing (40 CFR 414 Subpart H)
- Chrome Plating (40 CFR 433 Subpart A)
- Chrome Reduction at a Centralized Waste Treatment facility (40 CFR 437.47 Subpart D)

Over the next few years, BACWA plans to continue working with San Francisco Estuary Institute scientists on additional work to quantify sources of PFAS to POTWs. We would happily engage with EPA staff to devise a sampling plan that would complement the EPA's Influent

PFAS Study. Requiring Bay Area agencies to re-sample as part of the national study, which is meant to “go broad,” would be a waste of resources that could be better spent “going deep.”

Recommended Clarifications to Questionnaire

The table below lists our recommended clarifications on the proposed questionnaire to be sent to large POTWs.

Page Number and Item	Request
Page i, Note 2	Clarify whether the list of POTWs participating in Phase 1 and participating in Phase 2 will be the same POTWs.
Page 15, Question 4	Clarify which attachments to Form 2S are needed (or not). The questionnaire asks for a copy of the agency’s most recently submitted Form 2S (if applicable). Form 2S typically includes many attachments, including topographic maps (Item 1.14 of Form 2S), line drawings (Item 1.15) and pollutant concentrations (Item 1.18). The questionnaire should clarify whether these attachments are also needed. Note that Question 11 of the draft questionnaire requests a treatment diagram, which seems to duplicate the line drawing attached to Form 2S.
Pages 17 and 32 Questions 9 and 10	Do not use the phrase “industrial category” except when describing categorical dischargers per the federal pretreatment program. The draft questionnaire using the phrase “Industrial Category” in Question 9, Table 9, Table 10. The word “industrial category” in this context is potentially confusing because the phrase is being used to include non-categorical dischargers, such as industrial laundries and car washes. A different phrase such as “Type of Industry” would be less confusing.
Page 22, Question 13	Provide more instructions to disambiguate two similar destinations for wastewater: “irrigation” and “recycled water.” The questionnaire asks for the destinations for treated wastewater in 2023. Without additional instructions, the categories of “land applied (onsite or offsite, including irrigation),” “onsite recycle/reuse” and “offsite recycle/reuse” may cause confusion for some dischargers that used recycled water for irrigation. In addition, the form should provide additional instructions on how to report treated wastewater that is reused for in-plant processes.
Page 28, Question 20	Clarify whether the date cutoff of January 1, 2022, for previous sampling is for sample collection or sample analysis. The questionnaire states that “EPA requests facilities that have collected PFAS or AOF monitoring data analyzed using EPA Method 1633, EPA Method 1621, or other PFAS method ... since January 1, 2022 to voluntarily submit these data to the EPA.” The text is not clear about whether this date cutoff is for sample <u>collection</u> or sample <u>analysis</u> .

Thank you for your consideration of these requests.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Lorien Fono". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Attachment 1: PFAS Study Summary: Bay Area Clean Water Agencies and San Francisco Estuary Institute, Study of PFAS in Bay Area Wastewater. February 2024. Also available online at <https://bacwa.org/wp-content/uploads/2024/02/BACWA-PFAS-Study-Summary-2024-02-07.pdf>

cc: BACWA Executive Board

Lorien Fono

From: Jonathan Rutz <jrutz@ucsd.edu>
Sent: Wednesday, May 22, 2024 4:44 PM
To: Jonathan Rutz; Frank@alaco.us; Ackerman, Hank; Manalo, Ramses; Leonard Ash; Mark Boucher; Leventhal, Roger; jzipkin@ebda.org; Potter, Christopher; david.briggs@ebmud.com; Mark Strudley; Dhakal, Amod; How, Kevin; Kieran Locke; Dale Roberts; Emily Zedler; Liang Xu; Jack Xu; Darshan Baral; carol@zone7water.com; ssegura@zone7water.com; kminn@zone7water.com; Molly Oshun; andrew.butler@countyofnapa.org; antonella.gentile@santacruzcounty.us; Brian Garcia; Carlos Diaz; Christopher Delaney; Colin Martorana; jeremy.sarrow@countyofnapa.org; leif.bryant@countyofnapa.org; len@oneshoreline.org; nlavalle@ebparks.org; pmorrison@marinwater.org; richard.thomasser@countyofnapa.org; rusty.barker@santacruzcounty.us; Ricardo Batista Vilela; Mira Chokshi; Whitlock, Daniel; Van Loan, Marsha; Lorien Fono; Mary Cousins; Paul Eldredge; Hyun, Christopher@Waterboards; Scally, Ava@Waterboards; Ely, Charlotte@Waterboards; Ries, Sarah@Waterboards; Huber, Sara@Waterboards; Jay Jasperse
Subject: Re: AQPI Visits

Hello everyone,

Thanks to those of you who have responded! -- there has been a lot of interest and if you haven't already heard from me about scheduling a time, you will soon.

At this point, I have sketched out an itinerary around those who have already responded. I won't be checking the poll again, but if you'd still like to visit in person, send me an email -- if it's sensible to "economize" time by combining with another visit, we can consider it. Otherwise, we can meet virtually the week before or after. I'll also be making this trip again next year, perhaps twice, and will make an extra effort to get to you.

Best,
Jon

On Mon, May 20, 2024 at 7:46 AM Jonathan Rutz <jrutz@ucsd.edu> wrote:

Hello everyone,

I am targeting the final week of Aug (26-30) as an opportunity to visit some of you in person, at your offices in the Greater Bay Area. This will be a chance for us to discuss the AQPI program and how it can better serve your needs as it continues to develop.

If you would like to meet, please use the following poll to highlight your availability: <https://www.when2meet.com/?25070784-ty8cH>

A few notes:

1. Some of you work for the same organization. Please coordinate on whether you want to respond as individuals or as a group (for example, Sonoma County Water Agency). Either is fine, and will help my planning. I'm particularly interested in morning or afternoon "blocks" of time (1-2+ hours) where I can meet with broader groups of people from within the same organization, but also have one-on-one meetings as needed. This will help me visit as many groups as possible.

2. I will try my best to get to most groups and/or individuals that would like to meet, but please understand that depending on interest, I may miss a few (we can then meet virtually). Considerations will include who I have / have not already visited and the logistics of tying the whole thing together.

3. Finally, if there are specific things you'd like to discuss during this visit, please respond to me and let me know.

Best,
Jon

--

Jonathan J. Rutz, PhD

Atmospheric Scientist / Program Manager
Center for Western Weather and Water Extremes (CW3E)
Scripps Institution of Oceanography
University of California San Diego

--

Jonathan J. Rutz, PhD

Atmospheric Scientist / Program Manager
Center for Western Weather and Water Extremes (CW3E)
Scripps Institution of Oceanography
University of California San Diego

SAVE THE DATE!

AUGUST 29, 2024

**SAN FRANCISCO BAY REGIONAL WATER
CONTROL BOARD
OAKLAND, CA**

WORKSHOP
HOSTED BY:



BACWA
BAY AREA
CLEAN WATER
AGENCIES

Dr. David Jenkins Technical Series

NUTRIENT REMOVAL IN BAY AREA WATER RECLAMATION FACILITIES

Instructors:

**Experienced professionals with expertise in design and
operation of nutrient removal systems**

**The workshop will provide the technical knowledge to
retrofit conventional wastewater treatment plants to
accomplish nitrogen removal goals**

Learning objectives to familiarize the audience with:

- **Fundamentals of nitrogen characteristics and forms in wastewater**
- **Nitrogen removal by activated sludge in BOD removal only plants**
- **Ammonia removal by nitrification**
- **Nitrogen removal by denitrification**
- **Nitrogen removal effects on sludge production**
- **Nitrogen removal effects on recycle streams**
- **Aeration and energy considerations in nitrogen removal**

Planning Subcommittee (PSC) Meeting No. 82

April 12, 2024

1:00 pm – 3 pm

Teleconference

Chair: none

Meeting Notes

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

1. EPA Program Office

Luisa Valiela has offered additional guidance on what EPA is asking from SFEI with respect to providing a memo to justify receiving funds from the new program office. The NMS may make an ask for \$10M ask over 5 years, or a \$3M for FY24. If this proposal goes through, we should put a workplan together by June. Tom commented that the task at hand is to get an exception to the competitive process, not to get overly specific about what we propose to do. The workplan will be approved but Luisa's team, but the non-competitive justification memo will go to HQ. The NMS will submit a proposal at the same time as the RMP. There was a discussion about identifying the entity receiving the funds, and whether it should be identified as SFEI vs. the NMS, especially since much of the funding will go to partner organizations. There are federal rules about subcontracting, and so collaborators need to be called out in the proposal. The due date for a draft is 4/15.

2. Science Program Update

The NMS website update is going to go live in about a month. Lorien asked to review content.

There was a discussion about how the new funds from EPA will impact the program plan. Region 2 will advocate for EPA funding for a couple of new staffing positions that could help support nutrient regulatory efforts in the future. The FY25 plan will be made up of a focus on synthesis and projects lined up in expectation of EPA funding. In the fall there will be a 5-year plan rolling out a roadmap to tie projects to decisions the water board plans to make in future permits.

Dave gave an update on the memo describing what simulations were run. That effort has delayed the work on the synthesis material. Dave asked whether he should share the synthesis in pieces or all at once. There are concerns about the science holding up to scrutiny or legal challenge, and whether this explanation leaves SFEI vulnerable.

3. Future meetings

We will have a quick PSC meeting on May 1. The next steering committee meeting will be May 10.

4. Action items:

- Ian to share NMS website content with Lorian
- Dave to finish memo to EPA to justify non-competitive funding of NMS

Planning Subcommittee (PSC) Meeting No. 83

May 1, 2024

1:00 pm – 3 pm

Teleconference

Chair: Ian Wren

Meeting Notes

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

1. Action items:

- Ian to share NMS website content with Lorien - complete
- Dave to finish memo to EPA to justify non-competitive funding of NMS – complete and submitted to EPA

There was a discussion that the EPA office is a sustainable funding source that can be counted on when making longer-term projections for NMS program capacity. The team doesn't need to figure out all the details on funding allocation right now. Luisa recommended that the NMS ask for \$2-3M in the first year.

2. Program Update

Staffing – Open positions

Dave gave a summary on the status of hiring new staff for the science team.

- Environmental Scientist/engineer for monitoring – funded via EPA WQIF
- Environmental Analyst – replacement for Lilia who is returning to school
- Modeler
- Project manager – interviewed a few candidates
- Program manager – This is a known need but still not fully defined. This may overlap with project manager.

3. Other updates

Program management

There was a discussion about to what extent incoming project/program managers need to arrive with technical skills or degrees related to environmental science. The group responded that it isn't a strict prerequisite, but the candidate should have a willingness to learn. Dave provided a couple of options on how to split responsibilities between different managers, as well as needs for the level of experience and seniority of a successful candidate. There may be some synergies with RMP management needs. There was a consensus that the most important task will be to come up to speed to project management and stakeholder engagement, but a technical background isn't a must. We

need someone to manage stakeholder and public communication, so having those skills would be a plus.

Steering Committee meeting Goals

The focus of the May 10 meeting will be the FY2025 Science Plan. Tom will start with a brief (15 min) overview of the permit. The Water Board will also talk about priorities for the next reissuance of the permit, including more geographically specific info that will guide future regulatory decisions. There will be a discussion of the EPA funding opportunity and how it impacts the program plan.

Program plan discussion will address the tension between forecasting acute events and investing in the chronic condition of the Bay, which will be addressed in more detail at the Fall meeting. This will include reevaluation on planning for assessment framework work. There was a discussion about how the program plan can address information gaps in the next permit.

The May 10 meeting will be 2.5 hours long. Dave will circulate ideas about science plan items for Steering Committee consideration.

4. Future meetings

The next steering committee meeting will be May 10.

5. Action items:

- SFEI will develop a program manager duty statement for PSC review
- Dave will send out program material next week for review prior to the steering committee meeting

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

Date/Time: May 10, 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	X	
	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	
Sac Sewer	Tim	Mussen	Member	X	
San Francisco Baykeeper	Ian	Wren	Member	X	
South Bay Salt Pond Restoration Project	David	Halsing	Member	x	
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	x	
WSPA	Kevin	Buchan	Member		
Ocean Protection Council	Kaitlyn	Kalua	Member		
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, Central San
Corinna Hong, NMFS
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
Julie Song, EPA
Lorien Fono, BACWA
Lilia Mourier
Lucy Montgomery, SFEI
Martin Volaric, SFEI
Mary Cousins, BACWA
Mike Connor
Robert Schlipf, Water Board

Meeting materials are available here:

https://drive.google.com/drive/folders/1s3worpkLEkTdQ1-gP_5A7kQfXmQG18d0

1. Welcome, Introductions and Agenda Review

Tom Mumley chaired the meeting and led introductions. It was noted that Tim Mussen is replacing Lisa Thompson as Sac Sewer's representative to the NMS Steering Committee.

2. Decision: Approve Prior SC Meeting Summaries

Eric suggested that we edit the lower section of pg. 3 that currently says, "There are frequent exceedance of protective DO values" to read that "there are frequent exceedances of the 5.0 mg/L DO threshold" and strike the word "protective". Amit Mutsuddy made a motion to approve with this edit, Tom Hall seconded. The motion passed unanimously.

3. Information: Action Items

There were two action items from the previous meeting:

- Develop a proposal for EPA Program funding in FY24 – a few pages on how 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

These two items are complete.

4. Information: Planning Subcommittee Report Out

The PSC met on April 12 and May 1. The main discussion topics were EPA funding, staffing, and planning for the Steering Committee meeting.

5. NMS Program Updates

The financial update will be sent to the SC at the end of May. Dave reported that some of the

unanticipated modeling work to support the Watershed permit was provided by one-time SEP funding of \$250K. Some of the funding was also used for data analysis and processing. Dave plans to share a technical report of forensic modeling of the HAB bloom by mid-June.

The team is beyond capacity with respect to workload right now, but the program is in the process of hiring an environmental scientist, environmental analysis, a project manager, and a biogeochemical modeler.

The new EPA SF Bay program office will provide funding for the NMS. The first step was a memo to justify a noncompetitive grant. Upon approval, the NMS team will then develop a workplan.

Dave called our attention to the list of deliverables that was provided at the May meeting. The “Further Development and Refinement of the Lower South Bay Numerical Model” report is now available. Dave will [add the report](#) to today’s meeting folder. Dave offered to provide a technical update to the group at a future meeting.

6. Information: 3rd Nutrient Watershed Permit

Tom provided an update on the Tentative Order of the Nutrient Watershed Permit. It will include load reduction requirements following a finding of reasonable potential following the 2022 HAB event. It also requires continued funding for the science. The Water Board provided a memo that explains how the science is used to justify the load reduction. SFEI provided a report on the modeling work that was the foundation of the Water Board’s memo. They found that starting with supersaturated water at 10 mg/L DO, and an allowable 4mg/L acute DO threshold, a 40% TIN load reduction would be protective against future acute hypoxic conditions. The reductions were allocated to individual agencies based on a target effluent concentration of 20.5 mg/L TIN. It allows the development of a trading program. Compliance schedules are limited to 10 years, but future regulatory efforts may be developed to grant more time. The permit is set to be adopted at the June 12 meeting. The updated science program will be oriented toward informing the 4th watershed permit. There was a question about whether there would be a presentation on the science at the adoption hearing. There was a discussion that the regulatory decisions should be driving the science investments.

7. Discussion: Science Plan Development

This is an opportunity to reevaluate the direction of the science program to inform the 4th Watershed Permit. Dave showed a history of how decision-making has been conducted in the past with the assistance of charts showing progress in each program area (modeling, monitoring, special studies, etc.) and its contribution to the science focus area. The long-term science priorities will be identified to inform the 2024-2029 science plan this fall through winter 2025. The shorter-term plan for FY25 will focus on no-regrets actions. One of the key decisions will be how much to investigate *Heterosigma* specifically.

8. Discussion & Decision: FY25 Program Plan

Dave gave an overview of program revenues and proposed expenses. Dave walked through the different projects, including:

- C1 – USGS ship-based monitoring (\$520,000) – There was a discussion about

maximizing the efficiency of the cruises.

- C2 – Water Quality Moorings (\$550,000) – This is synergistic with USGS moorings in the North Bay. We’re expanding the network into the Central Bay.
- P1 – Mapping cruises in South/Central Bay – Three of the six cruises are supported by the MERHAB grant
- P4 – Shoal mapping data synthesis. A new fluoroprobe can help measure phytoplankton with depth.
- C2 – Model development/refinement, calibration/validation. This includes application studies. There’s funding to expand the delta model and incorporate the nutrient reductions from Regional San. They will improve the bathymetry in Suisun Bay.

A couple of Program Plan alternatives were offered to be supported by the \$2,700,000 budget. They both hedge against not getting funding from the EPA, but Plan “B” has additional projects compared to Plan “A”. Luisa responded that this funding at \$2-3M for FY25 is fairly certain. The Program Plan that gets adopted needs to be sufficiently flexible to accommodate the funding infusion. It will take 4 months to approve the award, so we could consider approving a program plan update at our Fall Steering Committee meeting. Luisa recommended that EBMUD work with SFEI to be a subcontractor and fund their *Heterosigma* study.

The Tentative Order of the Watershed Permit has new language requiring annual reporting. We will incorporate that language into item C4 (program management) on pg. 12 e.

The Science Team will Identify a set of feasible and high-priority projects to propose to the Steering Committee. It was noted that we need a work plan for the EPA proposal anyway, so it should be in line with the program plan. This must be produced by the end of June to meet EPA timelines.

Tom asked for a motion to approve Option B. Amit made a motion, and Eric seconded it. Tom Hall clarified that the team put together a full proposal to spend future EPA funds as part of the motion. The motion passed unanimously.

9. Action Items and Wrap-up

- Identify a work plan with a set of projects that are both feasible and cover high-priority projects to propose to the Planning Subcommittee, and if necessary, the Steering Committee.

Meeting adjourned at 1:03 pm

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

Date: June 3, 2024
Time: 1:30-3:30 pm
Location: BAAQMD Offices, 375 Beale Street, San Francisco, CA 94105
Zoom Link: Link provided in meeting invite
Call-in: Details provided in meeting invite

1) Introductions

- a) **Bay Area Clean Water Agencies (BACWA)** – Mary Cousins, Jason Nettleton, Lori Schectel, Amit Mutsuddy, Chris Dembiczak, Nohemy Revilla, Rita Cheng, Arvind Akela, Courtney Mizutani, Ray David
- b) **Bay Area Air Quality Management District (BAAQMD)** – Carol Allen, Sanjeev Kamboj, Jerry Bovee, Pamela Leong, David Joe, Meredith Bauer, Viet Tran

2) Outlook on Engagement

- a) Update from BAAQMD on Status of Report to BAAQMD Board -Tentatively planned for Board packet in September 2024 (BAAQMD June Board meeting is set and there is no meeting scheduled for July and August). BAAQMD said can be an “Informational Item” or “Consent Calendar” item. BACWA said may be helpful for future updates to ask Board how often they would like a report from this group. BACWA volunteered to update the latest Board report with today’s meeting (see attached).
- b) Update from BAAQMD on Status of Edits to Standard Permit Conditions - BAAQMD provided comments on Standard Permit Conditions (SPCs) for Anaerobic Digesters, Biogas-fueled Cogeneration Engines, and Waste Handling on May 30. BAAQMD said Brenda is the contact for Standard Permit Conditions. Sanjeev shared that Brenda Cabral has started work on a SPC for Headworks. Jerry reported that Source Testing is working with Permitting to provide comments on source test methods in the SPCs.
- c) Update from BAAQMD on Source Testing -Jerry is planning a Source Test workshop in Fall 2024 for source test companies and industries. Topics will include, but not be limited to, test methods and report formatting. Attendees would be for a range of sectors, one being wastewater. BACWA requested advanced notice about the workshop date to encourage participation. Jerry is the contact person for the workshop and will likely have more information in about two weeks. Jerry requested that facilities submit source test protocols as early as possible (30 days or more) to allow time for review. Jerry suggested the possibility of scheduling a separate meeting in advance of the source testing. He also offered to look at RFPs before they are released to make sure facilities are asking for the right test methods, planning for the correct sampling locations, and/or proposing alternative locations that can be proven acceptable, etc. Chris shared difficulty in finding available source test companies to even respond to RFPs. Jerry acknowledged that the availability of source testers is an ongoing issue.
- i) Comparison of EPA and BAAQMD Methods - BAAQMD test methods are not updated regularly, and are specified in some permits. Jerry noted that is difficult to provide guidance on EPA vs BAAQMD test methods because they are on a case-by-case basis. Jerry said that in

general, prefer EPA or CARB. Arvind asked about updating test methods as permits come up for renewal. Meredith said BAAQMD is looking at this as a possibility internally and is aiming for a process that is consistent and enforceable. Meredith shared they are looking at moving most permit processes/renewals to be electronic and can potentially include links/flags that allow both BAAQMD staff and permittee to know where the process is. BAAQMD indicated they may look at ways to have links within permits that take you to a webpage that lists BAAQMD test methods.

- ii) Guidance on Report Formatting - Jerry reported that he continues to work with source test companies regarding what needs to be included in the reports. This topic will be covered in the Fall 2024 workshop.
- d) Update from BAAQMD on Future BACT Determination Process and Guidebook Updates - Tier 4 is planned for standby ICE > 50 hp and < 1000 hp. Courtney shared that NFPA has recently released a proposed amendment and final ballot to update the Standard for Emergency and Standby Power Systems, which explicitly references hospitals and WWTPs. Public notice and workshops are planned for later this year with an announcement expected in the next month or two. BAAQMD asked that BACWA review the posted report (to be released about 30 days before meeting) and provide comments. Report to detail about getting to Tier 4. Lori and Amit noted that municipal facilities need predictability due to long project planning timelines and on-going supply chain issues. Perhaps it might be feasible for BAAQMD to look in the direction of developing a process that allows periodic scheduled BACT evaluations. BAAQMD shared that in processing a permit application they need to review all document at once (i.e., there is not necessarily a series approach to reviews but a holistic approach) and then share comments if incomplete. BAAQMD shared that they are considering following South Coast AQMD to place BACT in rules but that if they do decide to do that, will take some time.
- e) Update from BAAQMD on Status of Rule 11-18 Amendments - The next draft amendments are expected at the end of 2024. BACWA commented on the Concept Paper on 2/29/2024. BAAQMD is still open to receiving comments. The use of consultants to conduct the HRAs could be part of the rule amendment discussion. Carol shared that a few years ago, BAAQMD had a backlog where it took 12 to 15 weeks before able to start the process. But have caught up and now takes about 2 to 3 weeks to start a new HRAs. BAAQMD noted there may be resistance from the public if consultants are hired to conduct HRAs.
- f) Update from BACWA on CASA Statewide Air Toxics Pooled Emissions Study Coordination - Jason and Lorien Fono are the BACWA representatives to the project steering committee (10 total members on steering committee). Yorke Engineering has been selected as the project manager and will work on developing the project protocol. Outreach to BAAQMD (and other agencies statewide) is planned for later in 2024. Sanjeev was identified as the BAAQMD point of contact. Lorien is the BACWA point of contact. Sanjeev will coordinate BAAQMD staff (including Jerry and Carol) to make sure the correct BAAQMD staff is engaged. Update from BAAQMD on
- g) Strategic Planning Initiative
 - i) Meredith shared that BAAQMD is developing a full set of strategies which include implementation tools and public-facing document write-ups to aid in transparency. Environmental Justice considerations of woven throughout. BAAQMD said the aim is to identify attainable, not simply aspirational, goals. BAAQMD would like to have a consistent, efficient permitting process that includes transparency, timeliness, and improved internal tracking. Meredith shared the documents will be provided to Pam next week. The opportunity to comment on the Strategic Plan is open through July 31.

- ii) BAAQMD plans to build out the My Air Online tool to provide consistency and transparency to the public about status and timelines. The goal is to develop a permitting dashboard (including order of events and where the permit is in the process). These procedures will develop enforcement/compliance tools to support source testing and updating permits so facilities and BAAQMD staff know how to demonstrate permit compliance.
 - iii) Staff will be looking for input on implementation priorities in Fall 2024. BACWA can provide input to the Board.
 - iv) Meredith shared that they are potentially interested in a new facility-funded position. The role would be a liaison/Project Manager. The intent is this role would help streamline the effort between BAAQMD and wastewater agencies. Meredith shared this is in the conceptual phase and that this may be a limited-term position to provide an infusion of support.
- 3) **Other Opportunities for Collaboration between BACWA and BAAQMD**
 - 4) **Decision/Action Item Summary**
 - 5) **Next Meetings**
 - a) **Quarterly Meeting:** September 23, 1:30-3:30, in person at BAAQMD offices/ hybrid
 - 6) **Adjourn**

Subject	Actions	Lead	Initiated	Status	General Comment
Report to BAAQMD Board on Workgroup Activities	<i>BACWA to update draft report, then send to BAAQMD staff for final edit.</i>	BACWA	2/2023	Pending	BACWA to update draft report to include 6/3/2024 meeting.
	<i>BAAQMD to include Report in BAAQMD Board meeting packet.</i>	BAAQMD	4/2023	Pending	BAAQMD to schedule for a September BOD meeting (tentative)
Edits to Standard Permit Conditions	<i>Brenda responded to edits and has begun work on additional SPCs for BACWA review. Source Testing engaged in development of SPCs.</i>	BAAQMD	2/2023	Ongoing	BACWA to work directly with Brenda Cabral and copy Sanjeev on emails. BAAQMD provided initial feedback to BACWA 5/2024. BACWA and BAAQMD to work together to discuss comments and additional SPCs. BAAQMD to continue working internally to include appropriate test methods in SPCs.
	<i>Consider source testing in permit conditions. Revisions to the Permit Handbook include Source Testing to review SPCs (permit engineer/supervisor to consult with Source Testing).</i>	BAAQMD	7/2022	Ongoing	
Source Testing	<i>Jerry is planning a source test workshop to include source testing companies and a variety of industries, including wastewater and BACWA. Topics to include appropriate test methods and report format.</i>	BAAQMD	6/2024	Pending	Source Testing Workshop planned for Fall 2024. Early notification for planned dates necessary for good engagement.
	<i>Jerry would like to receive source test protocols as early as possible. Offered to review RFPs for source testing.</i>	BACWA & BAAQMD	6/2024	Pending	BAAQMD and source test specialists are under-resourced. BACWA to share with member agencies that BAAQMD needs to receive protocols as soon as available to facilitate review by BAAQMD prior to testing.
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. BAAQMD is still open to input. Draft amendments expected end of 2024.
BAAQMD/CASA Statewide Air Toxics Pooled Emission Study Coordination	<i>Coordination via CASA and with CARB.</i>	CASA	12/2020	Ongoing	First meeting with BAAQMD 12/7/22. Track alignment between CARB two-step process and BAAQMD Rule 11-18.
	<i>BACWA will send out invitation for meeting with CARB/CAPCOA/Air Districts.</i>	BACWA	2/2023	Pending	Sanjeev to be point of contact for BAAQMD. He will coordinate with BAAQMD staff as needed (anticipated later in 2024).
BAAQMD Strategic Planning Initiative	<i>BACWA will track Finance and Administration Committee agendas to identify opportunities to engage in Strategic Planning.</i>			Ongoing	BACWA to monitor.

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 OEHHA. Advisory Council now considering Cumulative Impacts. Next meeting July 29.
Nitrous Oxide Emissions	<i>BAAQMD to planning to develop white paper. May become part of Regulation 13, if there needs to be a rule. BACWA would like to assist with technical support related to POTWs, as appropriate</i>	BAAQMD	6/2023	Ongoing	Chris Easter from BAAQMD Rule Development to reach out to Lorien Fono to coordinate support from BACWA.

BAAQMD Board Update

BAAQMD-BACWA Implementation Workgroup

Tentatively to be delivered during a September 2024 Board meeting

The wastewater sector is Bay Area Air Quality Management District (BAAQMD's) partner in community protection. It is regulated by BAAQMD as well as other regional and state agencies, necessitating coordination on projects to address multiple environmental goals and regulatory objectives. As Regulation 2 was amended in 2021, BAAQMD staff recognized that need and proposed engaging more closely with the wastewater sector to help facilitate its implementation. As a result, BAAQMD established the wastewater-focused Implementation Workgroup (Workgroup).

The Workgroup consists of leadership from BAAQMD staff and the Bay Area Clean Water Agencies (also referred to as BACWA). BACWA is a joint powers agency whose members own and operate publicly owned wastewater treatment works that collectively provide sanitary services to over 7.1 million people in the nine-county San Francisco Bay Area. The Workgroup will work to facilitate implementation of Regulation 2 amendments and will remain in place to address other regulatory concerns, such as toxic air contaminant reduction, future rule development, permit issuance, and best available control technology determination.

Since the Workgroup began, the Workgroup has met eight times (March, July, and October 2022, and February, June, and September 2023, and February and June 2024) focusing on:

- Regulation 2 Implementation;
- The wastewater sector's statewide air toxics study (i.e., California Association of Sanitation Agencies (CASA) Statewide Air Toxics Pooled Emissions Study); and
- BAAQMD's permitting process, including:
 - o Staffing needs,
 - o Source test reporting, and
 - o Standard permit conditions.

The intent is to continue meeting quarterly to work toward increasing efficiency in the permitting process for critical wastewater projects in balance with various regulatory objectives.

Specific topics covered during the first eight meetings are provided below for reference:

- **March 2022** (Kick-Off):
 - o Regulation 2 Amendments Summary
 - o Implementation Workgroup – Objectives and Considerations
 - o Implementation Workgroup – Future Meeting Dates and Logistics
- **July 2022**
 - o Intersection of BAAQMD and State Regulations (Rule 2-5, Rule 11-18, AB 617/AB 2588 – CTR and EICG Updates)
 - o Statewide Air Toxics Pooled Emissions Study: Two-Step Process (BAAQMD coordination)
 - o Other Opportunities for Collaboration (PM_{2.5}, South Bay Odor Study)

- **October 2022**
 - o Statewide Air Toxics Pooled Emissions Study: Two-Step Process and BAAQMD Rule 11-18
 - o Permitting Process and Timelines (permit flow tracking, critical path permitting)
 - o Source Test Concerns (timely notification of new test methods, report review and approval)
- **February 2023** (continued from previous meeting discussion)
 - o Statewide Air Toxics Pooled Emissions Study: Two-Step Process and BAAQMD Rule 11-18
 - o Permitting Process and Timelines
 - o Source Test Concerns (including compliance and enforcement coordination, developing standard report formatting)
 - o Getting Involved in Strategic Planning with the new Executive Officer
- **June 2023** (continued from previous meeting discussion)
 - o Engaging in Strategic Planning with the new Executive Officer
 - o Statewide Air Toxics Pooled Emissions Study: Two-Step Process and BAAQMD Rule 11-18
 - o Source Test Concerns (including discussion for a POTW specific workshop with BAAQMD staff)
 - o Permitting Process and Timelines (including revisions to standard permit conditions)
 - o Projected Regulatory Changes
- **September 2023**
 - o Status of Report to BAAQMD Board
 - o Tier 4 Equivalence for standby diesel IC Engines
 - o Statewide Air Toxics Pooled Emissions Study: Two-Step Process and BAAQMD Rule 11-18
 - o Source Test Concerns (POTW-specific workshop with BAAQMD staff in November 2023)
 - o Permitting Process and Timelines (including revisions to standard permit conditions)
- **February 2024**
 - o Status of Report to BAAQMD
 - o Update on Source Test Workshop and Next Steps (including standardized reporting formats and written guidance)
 - o Following Established Guidance for Policy Decisions
 - o Future BACT Determinations
 - o Update on BAAQMD Strategic Planning
 - o Permitting Process and Timelines (including status of revisions to standard permit conditions)
 - o Statewide Air Toxics Pooled Emissions Study: Two-Step Process and BAAQMD Rule 11-18
- **June 2024**
 - o Status of Report to BAAQMD

- Revisions to Standard Permit Conditions
- Source Test Workshop and Next Steps (including standardized reporting formats, written guidance, BAAQMD vs EPA Source Test Methods, and future source testing workshop)
- Future BACT Determination Process and Guidebook
- BAAQMD Rule 11-18 Amendments
- Statewide Air Toxics Pooled Emissions Study: Two-Step Process
- Update on BAAQMD Strategic Planning

Key actions and outcomes of these discussions are summarized in the table below:

Item	Outcome
Permit Backlog	<ul style="list-style-type: none"> • To streamline POTW facility permits in support of community protection, BAAQMD received BACWA's edits submitted on three standard permit conditions. BAAQMD provided initial response to BACWA on incorporating edits, as well as editing additional standard permit conditions. • Workgroup acknowledged need for additional permitting staff to help manage the backlog.
Statewide Wastewater Sector Air Toxics Study	<ul style="list-style-type: none"> • Agreement by BAAQMD staff to engage in the statewide Air Toxics Study (BAAQMD identified point of contact) in collaboration with CARB and other regional Air Districts, and reference updated/new emission factors (determined as part of the statewide study) in BAAQMD Rule 11-18 data analysis. Meetings with local air districts are anticipated to begin in Fall 2024.
Source Test Requirements & Reporting	<ul style="list-style-type: none"> • Workgroup agreement that a standard report format would be beneficial; BAAQMD to provide feedback on next steps. • BAAQMD convened a POTW focused workshop on source test requirements and reporting. BAAQMD planning a workshop for source testing companies and industries in Fall 2024.
Ongoing & Future Collaboration	<ul style="list-style-type: none"> • Agreement by BAAQMD staff to inform BACWA of upcoming rule development to collaborate ahead of rule adoption on issues that may impact operations at POTWs.
Strategic Planning	<ul style="list-style-type: none"> • BAAQMD staff recommended involving BACWA in strategic planning efforts with the new Executive Officer. BACWA to engage in District level planning as external stakeholders, as appropriate.

Succession Planning for BACWA Committee, FY25

Updated June 17, 2024

Committee	Current Leadership (FY24)	Succession Plan for FY25
Asset Management	<u>Co-Chairs:</u> Rebecca Overacre, EBMUD Khae Bohan, Central San	No change
AIR	<u>Co-Chairs:</u> Nohemy Revilla, SFPUC Jason Nettleton, San Jose	No change
BAPPG	<u>Co-Chairs:</u> Autumn Ross, SFPUC Robert Wilson, Santa Rosa <u>Vice Chair:</u> Joe Neugebauer, West County Wastewater	No change
Biosolids	Committee dormant due to biosolids activities being carried out by BABC.	
Collection Systems	<u>Co-Chairs:</u> Tyree Jackson, City of Oakland Paul Seitz, Central San	No change
Operations & Maintenance	<u>Co-Chairs:</u> Yanming Zhang, City of Livermore Ben Carver, FSSD	No change
Laboratory	<u>Chair:</u> Blake Brown, CCCSD <u>Vice Chair:</u> Kristy Fournier, DSRSD	Chair: Kristy Fournier, DSRSD Vice Chair: Brittany Rossi Worthen, City of Petaluma
Permit	<u>Chair:</u> Amanda Roa, Delta Diablo <u>Vice Chair:</u> Meg Herston, FSSD	Chair: Meg Herston, FSSD New Vice Chair Needed
Pretreatment	<u>Co-Chairs:</u> Michael Dunning, Union San Casey Fitzgerald, San Jose	No change
Recycled Water	<u>Co-Chairs:</u> Stefanie Olson, DSRSD Reena Thomas, EBMUD	No change

Changes to Committee Leadership will be reported annually and intra-year by Executive Director to Executive Board

BACWA Board Meetings

July thru December 2024

July 19th - EBMUD Orinda

August 16th - SFPUC

September – 5th & 6th Pardee Technical Seminar

October 18th - Central San

~~November 15th~~

December 6, 2024 - EBMUD downtown

~~December 20th~~

Committee Request for Board Action: None

24 attendees participated remotely and in-person at EBMUD and included representatives from 11 member agencies, the Regional Water Board, and one guest speaker.

Sewer Mining for Decentralized Water Reuse

Allison Good ([Sherwood Design Engineers](#)) presented on the benefits and challenges of decentralized water reuse projects using “sewer mining.” In these systems, the source water is raw wastewater from a sewage main instead of treated water from a publicly-owned wastewater treatment plant. Important design details include:

- Clear delineation of public vs. privately-owned assets (e.g., separate manholes) at the point of diversion.
- Use local wastewater quality data from the proposed project site, not textbook values for wastewater quality. There is significant variability in the quality of raw sewage for analytes such as BOD and TSS.
- Consider seasonality of the operation – will it be operated year-round? Seasonal operations require supplemental food and nutrients during the acclimation period.
- Solids handling (trucked or routed back to sewer for handling at the wastewater treatment plant); these projects typically do not have on-site solids treatment, although technological innovation could change that assumption.

Several states now have programs for these systems, including Colorado and Washington. In California, the State Water Board anticipates beginning rulemaking on the [Regulations for Onsite Treatment and Reuse of Nonpotable Water](#) around June 2024. All three states are using a risk-based framework based on log reduction targets for pathogen inactivation. Once the regulations are finalized, local jurisdictions such as a City or County would need to opt-in by establishing local program rules for onsite non-potable reuse. An important consideration during the establishing of local program rules – which greatly impacts whether these decentralized projects can move forward – is how to handle sewer connection fees for such projects.

Funding Opportunities

Sachi Itagaki (Kennedy Jenks) reported that the Bureau of Reclamation has upcoming funding application deadlines for Title XVI and WIIN on September 30th ([link](#)). Large-scale state funding is difficult due to the limited availability of Clean Water State Revolving Funds and the challenging budget situation. However, planning grants continued to be available from the State Water Board for up to \$500,000 ([link](#)).

Legislative and Regulatory Updates

Reena Thomas (EBMUD) shared that [SB 903](#) (Skinner) banning non-essential uses of PFAS is advancing through the state senate. Also, two possible climate bonds with funding for water recycling – SB 867 (Allen) and AB 1567 (Garcia) – are being considered for the November ballot. More information will become available with the May 2024 revise of the Governor’s budget.

BACWA Updates

- The draft Nutrient Watershed Permit is now available ([link](#)) and is slated for reissuance in June 2024. The draft permit contains mass-based limits for Total Inorganic Nitrogen during the dry season for wastewater discharged to the Bay. Interim performance-based limits go into effect for the 2025 dry season, while much lower final limits go into effect for the 2035 dry season. The draft permit requires agencies to work quickly to identify potential recycled water projects that could be used for compliance with the final limits.
- The BACWA Annual Members Meeting will be held in Berkeley on Friday, May 3rd ([link](#)).

Announcements

- [Volumetric Annual Reports](#) are due to Geotracker by April 30th.
- Region 2 Annual Reports (per [General Order](#)) are due to the Regional Water Board by April 30th.
- The State Water Board held a stakeholder meeting on Water Recycling Fees on April 18th ([Meeting Notice](#)).
- Abstracts for [WaterReuse California Annual Conference](#) due June 14th

Remaining Meetings in 2024

July 16 (virtual only), and October 15 (in-person option)

Committee Request for Board Action: None

Regular meeting: 38 attendees via Zoom, including representatives from 26 laboratories

Chronic Toxicity Species Sensitivity Screening

The committee chair led a panel discussion on best practices for conducting chronic toxicity species sensitivity screenings per the new [statewide toxicity policy](#) requirements that are now appearing in reissued NPDES permits in the Bay Area. The slides are [posted here](#). Some of the key takeaways from the discussion included:

- The agency's role in developing the screening study plan is mainly to review the list of proposed species and the proposed dilution series. The study plan should only include species that are appropriate for routine testing based on your agency's water quality (salinity, ammonia) and your receiving water (marine, estuarine, or freshwater).
- Specimen availability is a recurring concern. The Regional Water Board has allowed several dischargers to substitute a Tier 2 marine fish species (*Menidia*) for the only Tier 1 marine fish species (topsmelt). Red Abalone also has availability issues, but there are two other Tier 1 marine invertebrate tests that can be used (purple urchin/sand dollar, and mussels/oysters). The study plan should specify a backup species if availability is an issue.
- For the dilution series, include both the instream waste concentration and, for deep water dischargers, the surveillance monitoring concentration (10%).

ICP Training Opportunity

Dan Jackson shared that he has requested a quote for Inductively Coupled Plasma (ICP) data integrity training. A2LA provided a quote of \$3,000 for up to 15 participants (\$200/person). Labs that are interested in participating should contact [Dan Jackson](#).

USEPA Method Update Rule (MUR)

USEPA has promulgated a final [Methods Update Rule](#) for 2023. Ten volunteers responded to the committee chair's request for volunteers to create a side by side comparison of the final version.

TNI and Laboratory Accreditation Updates:

- NapaSan shared findings from a recent ELAP audit of their laboratory. One of the outcomes was that all of their Class A plasticware had to be replaced with actual glassware. Other attendees reported that their labs were able to continue using plasticware by maintaining certificates that state its tolerance is the same (or better than) as Class A. Additionally, attendees shared TNI guidance to check accuracy on a quarterly basis for non-Class A glassware.
- The last BACWA TNI training sessions will be held Tuesday, June 18th. For the last session, Diane has requested that members share what has worked well for them in adapting to TNI and surviving audits.

BACWA Updates:

- PFAS Updates – USEPA has finalized [Drinking Water Limits](#), plans an [Influent Study of POTWs](#), and has designated PFOA and PFOS as [hazardous substances under CERCLA](#).
- Nutrient Watershed Permit – the [Draft Permit](#) now available, comments are due in early May, and the adoption hearing June 12th.
- ELAP Fee Structure Update – ELAP is still planning to make changes to its fee structure, which will likely be based on the number of FOAs.
- The [Regional Monitoring Program's](#) Emerging Contaminants Workgroup is planning several studies wastewater in 2025, including QACs and plastic additives. These studies are funded by BACWA members through the Regional Monitoring Program.
- BACWA is continuing to work with members on a proposal to bring to Regional Water Board staff regarding modifications to PCB reporting.

Announcements and Member Discussion

- Attendees discussed best practices for disposal of non-reusable sample containers that were used to hold wastewater. The consensus was to dispose of any liquid contents, rinse the container, then dispose of it in the garbage. It should not contain free-flowing liquid.
- Congratulations to DSRSD's Heidi Birdsell for being named CWEA Laboratory Person of the Year! ([See video](#))
- The [ELAP Conference](#) will be held virtually May 28 and May 29.
- Brittany Rossi Worthen from the City of Petaluma has agreed to serve as incoming vice chair of the BACWA Lab Committee.

Next Regular Meeting: Tuesday, June 25, 2024, on Microsoft Teams.

Note date change from June 11th.

Committee Request for Board Action: None

Virtual meeting format with 37 attendees representing 20 member agencies

Upcoming Permits / Tentative Orders

The wet weather NPDES permit for [Oro Loma](#) is scheduled for reissuance in May. NPDES permits for [West County Agency](#) (West County Wastewater District and City of Richmond) and [Port Costa](#) are scheduled for reissuance in June. Representatives from these dischargers reported no major issues with the draft permits.

Chronic Toxicity Species Sensitivity Screening

The BACWA Lab Committee discussed tips for conducting chronic toxicity screening studies at its April 23rd meeting ([link to slides](#)).

Nutrient Watershed Permit

Attendees discussed the contents of the [Tentative Order](#) reissuing the Nutrient Watershed Permit, which is scheduled for adoption at the June 12th Regional Water Board meeting. Discussion items included:

- Implementation of final limits in this permit and future permits contrasted with the “best management practices”-based approach used in the [Puget Sound Nutrient General Permit](#)
- Reporting requirements in Provisions 6.3.3 – 6.3.4
- Need for greater clarity on the Report of Waste Discharge requirements (Provision 6.3.7)
- Reduced monitoring for nitrate-nitrite for those agencies that have already demonstrated they have very low levels in influent (footnote [3] to Table E-2)

Basin Plan and Ocean Plan Updates

- The State Water Board has approved the [Basin Plan Amendment to Address NPDES Permitting Needs](#). It still requires approval by OAL and USEPA.
- The Regional Water Board has released a [“refined” version](#) of the Basin Plan Amendment on Climate Change and Aquatic Habitat Protection, Management, and Restoration originally adopted July 2022.
- Regional Water Board staff have initiated the [2024 Triennial Review](#) with a survey on candidate projects open until May 24th. BACWA plans to submit a response regarding nutrients. Attendees suggested updating toxicity language that has been superseded by statewide policy.
- The State Water Board is planning to conduct an [Ocean Plan Review](#) in 2024. An amendment regarding Ocean Acidification and Hypoxia is currently planned for 2025-2026 ([link](#)).

Other Announcements

- **PFAS.** USEPA has finalized [Drinking Water Limits](#), has designated PFOA and PFOS as [hazardous substances under CERCLA](#), and plans an [Influent Study of POTWs](#). BACWA plans to submit comments on the draft questionnaire by May 28. [SB 903](#) (Skinner) banning non-essential uses of PFAS in California continues to move through the state Senate.
- **PCB Reporting.** BACWA is continuing to work with members on a proposal to bring to Regional Water Board staff regarding modifications to PCB reporting. Several attendees noted they have received satisfactory lab reports with case narrative information that adequately explains results.
- **Air Regulations.** BACWA has released an [RFP for AIR Committee Support](#); responses are due May 10. Separately, BACWA has completed outreach regarding participation in a statewide pooled emissions study for air toxics being led by CASA. The study will kick off soon.

Next Permits Committee Meeting: June 11, 2024, 12:30 PM on MS Teams

Committee Request for Board Action: None

48 attendees (including 1 guest speaker) from 27 member agencies

Presentation on Smoke Testing Using Drones

[Michelle Beason](#) from [National Plant](#) presented on lessons learned from a pilot project conducted in Oakland in November 2023 to use drones during smoke testing ([link to slides](#)). Smoke testing can be a cost-effective complement to CCTV inspections for assessing the condition of sewers, and for detecting connections to stormwater and drainage systems. This pilot project compared the ability to detect smoke using drone footage with typical visual inspections performed from the city street. The presentation also provided information about the rules surrounding the use of drones for visual surveying. FAA airspace rules and authorizations can be managed within apps such as [Aloft Air Control](#). Some of the lessons learned included:

- Drones worked well for detecting large areas of smoke along easements and within yards, as long as there was not dense tree cover. These areas are typically difficult to see from the street.
- Visual inspections were better than drones for detecting smaller defects, as it was not possible to see small amounts of smoke in the drone footage.
- Ideally, the drone should be flown as low as possible, and the drone should take footage at multiple angles, since some lighting conditions can make the smoke more difficult to see. Having a breeze is helpful since the smoke will be easier to spot.

Results of BACWA Sewer Lateral Ordinance Survey

BACWA staff shared results from the recently completed member survey regarding private sewer lateral ordinances ([link to slides](#)). Of the agencies that responded to the survey, about 1/3 own and operate lower laterals. About 1/2 of survey respondents have a private sewer lateral inspection and repair program, which together cover about 20% of the private sewer laterals in the Bay Area. Grants and loan programs also remain popular. The survey provided details about private sewer lateral inspection programs, including who performs the inspections, method of inspections, and the amount of staff time required for the programs. Full survey results, including links to example ordinances, are available upon request from [Mary Cousins](#).

Implementation of [Reissued SSS-WDR](#)

- BACWA's consultant team is continuing to prepare a SSMP guidance document. The draft was circulated for committee review and a revised draft will be available soon to share with State Water Board staff.
- Make sure to check the State Water Board's schedule for SSMP due dates and audit end dates ([link to lookup tool](#)). Audit reports are due six months after the audit period end date shown in the table.

Announcements

Attendees discussed litigation and enforcement, including USEPA's recent complaint against SFPUC ([link](#)) joining a similar complaint by [Baykeeper](#); USEPA's recent settlement with [Guam Waterworks](#); and recent actions by [River Watch](#) in San Jose and San Diego.

Upcoming Events

- CWEA Webinar on [New Technologies Enabling Condition-Based Maintenance for Collection Systems](#) (RH Borden and Company) – May 29th, Online
- [SSMP Auditing to Comply with June 2022 SSS-WDR](#) (Paul Causey) – June 5th, Online
- CWEA CS Committee Mid-Summer Meeting & Operations Workshop – Wednesday July 10th- Friday July 12th, San Luis Obispo
- [CWEA TCP Prep Course for Collection System Maintenance](#) (Sam Rose) – Grade 1 and 2 – July 14th and July 24th, Online

Next Collection System Committee Meeting: August 8, 2024

Asset Management Committee Report to BACWA Board

Committee Meeting on: 6/4/24
Executive Board Meeting Date: 6/21/24
Committee Chairs: Rebecca Overacre (EBMUD)
and Khae Bohan (CCCSD)

Committee Request for Board Action: None

23 attendees (including 3 guest speakers) representing 10 member agencies. The workshop was held at Central San in Martinez.

CMMS Software Selection

[John Sorrell](#) from Hazen and Sawyer shared the experience of Orange Water and Sewer Authority (North Carolina) in selecting a new CMMS software system. Presentation content included:

- Drivers for the agency's decision to pursue new CMMS software, which for this agency included failures of major water pipelines.
- Internal preparations that the agency made regarding the software vendor selection process, since major software selection is not a routine procurement activity. It requires significant effort to document all of the agency's requirements. For example, this agency placed high value on the ability to retrieve information out of the CMMS software, and on the software's built-in functionality to assess risk.
- Details about how the agency ranked and scored proposals, including the interview process and the importance of checking references. Demos were a helpful part of the selection process.

The agency ultimately selected NEXGEN and is currently in the process of setting up the new CMMS system, which includes a significant effort to clean up and migrate data.

After the presentation, the committee held a panel discussion with representatives from Central San, EBMUD, and Delta Diablo. These three agencies use Cityworks, Maximo, and MainSaver, respectively, for their CMMS software. The panel discussion discussed how they use the CMMS software for vertical and/or horizontal assets; which Key Performance Indicators they use; and staff requirements for asset management. Panelists noted the importance of involving maintenance staff when developing an asset management database, and the importance of having SOPs for entering asset information.

Electrical Condition Assessment at Central San

[Brian Watanabe](#) (HDR) and [Doug McHaney](#) (ArcSine) discussed a recently completed comprehensive asset evaluation of electrical equipment at Central San. The initial focus of this assessment was on the steam system, and it expanded from there to include all electrical assets (also refer to this [2022 presentation](#) from Central San to the Asset Management committee). The presentation covered the different methods used to score electrical equipment, including probability of failure and percent of original life. The strategy used in this assessment was to "look closely, once" instead of evaluating each asset multiple times. The project team established a Remaining Useful Life (RUL) for each asset based on its capacity, sustainability/optimization (which included safety, seismic vulnerability, and maintenance considerations), and age considerations. In this particular case study, consequence-of-failure and regulatory requirements were not differentiating factors for RUL among electrical assets.

After the presentation, attendees discussed how the need for electrical shutdowns can impact asset evaluations. Unlike in past years, maintenance is now conducted almost exclusively on de-energized equipment; this safety enhancement affects both the architecture of new equipment and maintenance activities on existing equipment.

Next Meeting: Q3 2024, TBD

Committee Request for Board Action: None

37 attendees participated virtually, representing 26 member agencies, the Regional Water Board, and two guest speakers.

Updates on Committee Activity and Announcements

- Regional Water Board Announcements: Nominations for the next [Dr. Teng-Chu Wu Pollution Prevention Award](#) will open in August.
- Baywise Website: A small group is working with consulting firm Civic Edge to implement design changes to the Baywise.org website over the coming months.
- BACWA Announcements: Materials from the 2024 BACWA Annual Members are now available on the [BACWA website](#).
- Budget: The FY24 budget continues to be on track.
- CWEA is tentatively hosting its next Annual P3S Conference in San Jose in early 2025.

Stormwater Participation and Engagement

[Amy Kronson](#), Assistant Director to the State Water Board's [Office of Public Participation](#), provided a presentation on the history and current best practices for public engagement and participation in stormwater planning. Their presentation covered what good engagement looks like, and recommended in-person, comfortable spaces instead of formal spaces with strict engagement rules, like Board meetings. [Assembly Bill 2108](#) (signed in 2022) requires the State Water Board and regional water boards to conduct outreach to identify issues of environmental justice in the planning, policy, and permitting (for example, see the Regional Water Board's September 2023 [Racial Equity and Environmental Justice Action Plan](#)). After Amy's presentation, attendees discussed the cost of regulatory requirements (which increase the cost of service) should be included in the public engagement process. This is a key concern for some agencies regarding compliance with the Tentative Order Nutrient Watershed Permit.

Operationalizing Equity in Infrastructure

[Khalid Osman](#), Assistant Prof. of Civil & Environmental Engineering at Stanford University, described his field of research, focused on the interactions between infrastructure (like water and wastewater) and people. Disadvantaged communities often lack the social capital to correct infrastructure deficiencies. Prof. Osman shared graphics showing trends across the country and the State of California, where water systems are more frequently out of compliance in communities with more people of color and/or disadvantaged communities. He also shared case studies from Jackson, MS; Lowndes County, AL; Houston, TX; and East Palo Alto, CA illustrating ways that community engagement can result in better infrastructure policy and better infrastructure. For more information, check out the [Osman Lab](#).

Next BAPPG General Meeting: August 7, 2024, 10am – 12pm, on Zoom

Committee Request for Board Action: None

Virtual meeting format with 29 attendees representing 18 member agencies

Recruitment for Vice Chair – The committee is currently recruiting for a Vice Chair to begin in summer 2024 and take over as chair in summer 2025. Interested members should contact BACWA staff, current committee chair [Amanda Roa](#), or the incoming chair, [Meg Herston](#).

Upcoming Permits / Tentative Orders - NPDES Permits for [West County Agency](#) (including City of Richmond and West County Wastewater) and [Port Costa](#) were scheduled for reissuance in June. Attendees reported no major issues with either permit.

Litigation - SFPUC staff shared information about recent Clean Water Act litigation. USEPA and the Regional Water Board are [suing San Francisco](#) for alleged Clean Water Act violations in the area served by the Southeast plant. Baykeeper has also [filed a lawsuit](#). The area served by the Oceanside plant is subject to a separate appeal that the [Supreme Court will hear](#) in its next term. At issue is the interpretation of receiving water limitations for combined sewer systems.

Basin Plan and Ocean Plan Updates

- The State Water Board has approved the [Basin Plan Amendment to Address NPDES Permitting Needs](#). It still requires approval by OAL (ongoing) and USEPA.
- On June 12th, the Regional Water Board adopted an updated Basin Plan Amendment on Climate Change and Aquatic Habitat Protection, Management, and Restoration.
- Regional Water Board staff have initiated the [2024 Triennial Review](#). BACWA staff recently responded to a survey of [candidate projects](#), including support for a project to refine the shellfish harvesting beneficial use. There will be a formal comment period this fall.
- The State Water Board is planning to conduct an [Ocean Plan Review](#) in 2025 (not 2024 as originally planned). An amendment regarding Ocean Acidification and Hypoxia is currently planned for 2026 ([link](#)).

Climate Change Policy Updates

- On June 4th, the Ocean Protection Council adopted [updated Sea Level Rise Guidance](#). It no longer includes the extreme (H++) scenario included in the 2018 version of the guidance. There is greater certainty about near-term sea level rise scenarios.
- BCDC is preparing guidance for preparation of Regional Shoreline Adaptation Plans, and there will be public engagement opportunities soon (workshops and review of draft guidance). Wastewater agencies should plan to participate in the development of adaptation plans, which will be led by cities and counties.

CECs Updates

- PFAS - USEPA plans an [Influent Study of POTWs](#). BACWA submitted a [comment letter](#). [SB903](#) banning non-essential uses of PFAS in California is no longer going forward. DTSC's [draft priority product work plan](#) for 2024-2026 includes potential work on PFAS source control under the Safer Consumer Products program. [PFAS411.org](#) (developed with support from POTWs) is now active.
- Microplastics - OPC-funded microplastics study of CA POTWs now available ([link](#))

Nutrient Watershed Permit

Attendees briefly discussed the [Tentative Order](#) Nutrient Watershed Permit, which is now scheduled for adoption at the July 10th Regional Water Board meeting. The Regional Water Board plans to release a response to comments and Revised Tentative Order around June 27th. BACWA staff and many agencies plan to attend the board meeting to provide oral comments.

Announcements

- Thursday, June 20 – [CASA/CWEA Navigating Nutrient Removal Workshop](#) (Walnut Creek)
- Thursday, August 29 – Dr. David Jenkins Technical Series on Nutrient Removal in Bay Area Water Reclamation Facilities (Oakland)

Next Permits Committee Meeting: August 13, 2024, 12:30 PM on MS Teams

EXECUTIVE BOARD MEETING AND SUPPORT

- Worked with BACWA staff to plan and manage 4/19 Executive Board meeting
- Conducted the Executive Board meeting agenda review with the BACWA Chair
- Hosted 4/19 Executive Board meeting and developed meeting notes
- Continued to track all action items to completion
- Worked with AED to plan BACWA Annual Meeting, including facilities walkthrough and catering
- Planned Annual meeting program and worked with presenters and panel members
- Held Annual Meeting 5/3

COMMITTEES:

- Attended Permits Committee, 4/23
- Planned and hosted BACWA Managers Roundtable meeting, 5/30
- Discussed AIR consultant selection process with committee chair and board member
- Attended Air Committee meeting, 5/29

REGULATORY:

- Reviewed comments on proposed EPA PFAS POTW study
- Reviewed survey entry on triennial review
- Attended Statewide pooled emissions study kickoff meeting, 5/15
- Attended planning meeting for BAAQMD Implementation Workgroup, 5/24

NUTRIENTS:

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

- Held special Board meeting to approve rate study contract, 4/4
- Developed and coordinated comments on WSP Tentative Order
- Met with legal council to discuss WSP Tentative Order
- Developed and updated draft resolution pertaining to WSP
- Discussed nutrient watershed permit with Baykeeper
- Attended and took notes at NMS planning subcommittee meetings, 4/12 and 5/1
- Attended and took notes at NMS Steering committee meeting, 5/10
- Met with member agencies to discuss nutrient permitting
- Attended NWRI OAH IPR Steering Committee meeting, 5/7
- Met with CASA OAH Subgroup, 5/8, 5/29
- Worked with CASA to develop OAH letter to governor's office
- Discussed permitting approach with R2 AEO
- Planned and hosted NST meeting, 4/19, 5/17
- Met with WB staff to discuss enforceable milestones in WSP, 4/25, 4/30, 5/20
- Met with Raftelis to discuss draft high-level rate study, 4/25
- Convened small POTW meeting on WSP, 4/22
- Attended Central San meeting on WSP, 5/16

- Attended Assessment Framework subcommittee meeting, 5/21
- Met with Science manager to discuss program management issues

COMMUNICATIONS

- Held weekly progress meetings with Civic Edge
- Reviewed key messaging materials and provided edits
- Worked to set up EBDA agency plant tours for NGOs, hosted on 5/8
- Discussed updates to Baywise with BAPPG and Civic Edge

FINANCE:

- Reviewed the monthly BACWA financial reports
- Reviewed and approved invoices
- Finalized FY25 Budget and work plan with AED for April approval
- Updated 5-year plan with various scenarios

COLLABORATIONS:

- Solicited participation from BACWA members for CASA Pooled Emissions Study
- Met with consultants to discuss David Jenkins Scholarship conference, 4/4, 5/9, 5/24
- Participated in California Water Quality Monitoring Council meeting 4/5
- Participated in RMP Emerging Contaminant Workgroup meeting, 4/16
- Attended CASA Air Toxics meeting, 4/17
- Attended CASA RWG meeting, 4/18, 5/16
- Attended CASA ACE meeting, 5/9
- Attended SFEP Implementation Committee, 5/22
- Attended Summit Partners meeting in Sacramento, 5/23
- Discussed DEIJ issues and future needs with SFEP staff

ASC (AQUATIC SCIENCE CENTER)

- Reviewed materials sent via email by ASC ED
- Reviewed audit and attended audit presentation, 4/17
- Attended Board meeting 4/26

BABC (BAY AREA BIOSOLIDS COALITION)

- Attended meetings and developed meeting summary, 4/8 and 5/13
- Participated in BABC executive committee meeting, 5/22
- Participated in BABC meeting with Water Board, 5/24

BACC (BAY AREA CHEMICAL CONSORTIUM)

- Reviewed final bid costs

BACWWE (BAY AREA COALITION FOR WATER/WASTEWATER EDUCATION)

- Reviewed and edited draft RFP for program support

ADMINISTRATION:

- Planned for and conducted the monthly BACWA staff meeting to prepare for the Board Meeting and to coordinate and prioritize activities.

- Signed off on invoices, reviewed correspondence, prepared for upcoming Board meetings, responded to inquiries on BACWA efforts, oversaw 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

July 2024 – October 2024 Meetings

DATE	AGENDA ITEMS
<i>July 19, 2024</i>	Approvals & Authorizations: <ul style="list-style-type: none">•• Policy / Strategic Discussion: <ul style="list-style-type: none">• Review Permit Operational: <ul style="list-style-type: none">• Plan for Pardee
<i>August 16, 2024</i> <i>SFPUC</i>	Approvals & Authorizations: <ul style="list-style-type: none">• NMS payment #1• Policy / Strategic Discussion: <ul style="list-style-type: none">• Operational: <ul style="list-style-type: none">• Review of FY24 Financial Close• Plan for Pardee
<i>Sept 5 & 6, 2024</i> <i>Pardee Technical Seminar</i>	
<i>October 18, 2024</i> <i>Central San</i>	Approvals & Authorizations: <ul style="list-style-type: none">• Approve Annual Report• Policy / Strategic Discussion: <ul style="list-style-type: none">• Operational: <ul style="list-style-type: none">•



BACWA ACTION ITEMS

Number	Subject	Task	Responsibility	Deadline	Status
Action Items from April 19 2024 BACWA Executive Board Meeting			resp.	deadline	status
2024.4.41	EPA program office - BACWA comments and EPA response	BACWA ED to invite EPA staff to the June BACWA meeting.	ED	5/15/2024	Complete
2024.4.42	PFAS legislative and regulatory updates	BACWA RPM to circulate an EPA Effluent study letter.	RPM	5/20/2024	Complete
Action Items Remaining from Previous BACWA Executive Board Meetings					
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

FY24: 42 of 42 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

April 2024

ANNUAL MEMBERS MEETING: Assisted with preparations for Annual Meeting, including registration and updated web page content.

BACWA BULLETIN: Completed and circulated April Bulletin.

NUTRIENTS: Reviewed Tentative Order (public draft) of Nutrient Watershed Permit; Began preparation of comment letter; Participated in Nutrient Strategy Team meeting and prepared summary.

PFAS: Reviewed new USEPA regulations for drinking water and hazardous waste; prepared summaries for Executive Board and BACWA committees; attended Regional Monitoring Program Emerging Contaminants Workgroup meeting.

COMMITTEE SUPPORT:

AIR – Circulated RFP for consultant support; assisted with tracking participation in pooled emissions study.

Asset Management – Assisted with planning for June workshop.

BAPPG – Participated in pesticides steering committee meeting; reviewed SOQs and prepared draft RFP for committee public outreach support; assisted with project management tasks to support Baywise website edits; provided updates and April committee meeting; prepared meeting notes.

Biosolids – Circulated 2024 biosolids trends survey and tracked responses.

Collection System – Conducted outreach related to private sewer lateral survey; prepared for and participated in SSMP Guidance presentation at CWEA Annual Conference.

Lab – Prepared for April committee meeting; participated in April committee meeting and prepared meeting notes; attended outreach meeting with ELAP staff to discuss fee restructuring and other programmatic issues.

Permits – Prepared for April committee meeting; participated in April committee meeting and prepared meeting notes.

Recycled Water – Assisted with planning for April committee meeting; provided regulatory updates at April committee meeting; prepared meeting notes.

Executive Board – Prepared regulatory updates for Executive Board meeting.

ADMINISTRATION/STAFF MEETING – Participated in BACWA staff meeting.

BACWA MEETINGS ATTENDED:

BAPPG Steering Committee (4/3)
BAPPG Committee (4/3)
Recycled Water Committee (4/16)
Executive Board and Nutrient Strategy Team (4/19)
Lab Committee (4/23)
Permits Committee (4/23)

EXTERNAL EVENTS ATTENDED:

CWEA Annual Conference (4/11)
Regional Monitoring Program Emerging Contaminant Workgroup (4/17)
CASA Regulatory Workgroup (4/18)
ELAP Outreach with CASA and Contract Laboratories (4/25)



ANNUAL MEMBERS MEETING: Assisted with preparations for Annual Meeting, including committee accomplishments, communication with late registrants, and web page content. Attended Annual Meeting and assisted with posting presentations on BACWA website.

BACWA BULLETIN: Completed and circulated May Bulletin.

NUTRIENTS: Assisted with finalization of comment letter; Participated in Nutrient Strategy Team meeting and prepared summary; continued negotiations with Regional Water Board regarding compliance schedule deliverables.

PFAS: Prepared draft comment letter on USEPA influent study of POTWs and circulated for review; finalized and submitted comment letter to USEPA.

STATE OF THE ESTUARY: Represented BACWA at State of the Estuary Conference in Oakland.

COMMITTEE SUPPORT:

AIR – Assisted with review of proposals to support AIR committee in FY25; attended May committee meeting; prepared for June meeting with BAAQMD.

Asset Management – Assisted with planning for June workshop.

BAPPG – Participated in pesticides steering committee meeting; finalized and circulated RFP for committee public outreach support; assisted with contractor-led effort to complete Baywise website edits; assisted with preparations for June meeting.

Biosolids – Solicited responses to 2024 biosolids survey; began compiling responses.

Collection System – Compiled results of private sewer lateral survey and created presentation for committee; prepared for and participated in May committee meeting; circulated meeting notes; coordinated with SSMP guidance consultants.

Permits – Prepared and submitted comments on Regional Water Board's Basin Plan triennial review candidate projects.

Executive Board – Prepared contracts and associated board action requests for June meeting.

ADMINISTRATION/STAFF MEETING – Participated in BACWA staff meeting.

BACWA MEETINGS ATTENDED:

Annual Members Meeting (5/3)
Collection Systems Committee (5/9)
BAPPG Pesticides Subcommittee (5/14)
Nutrient Strategy Team (5/17)
AIR Committee (5/29)

EXTERNAL EVENTS ATTENDED:

CASA Data Review Group regarding SSS-WDR (5/6)
Nutrient Management Strategy meeting (5/10)
Subsistence Fishing Survey Workshop 3 (5/13)
CASA Regulatory Workgroup (5/16)