



Executive Board Meeting
AGENDA
Friday, July 19, 2024 9:00 AM - 12:30 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](#).

<u>Agenda Item</u>		<u>Time</u>	
ROLL CALL, INTRODUCTIONS, AND TELECONFERENCE ETIQUETTE		9:00 AM	
1	Closed session pursuant to Government Code Section 54957.7	9:05 AM	
2	Report-out from Closed Session	11:00 AM	
PUBLIC COMMENT Guidelines		11:05 AM	
CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER			
CONSENT CALENDAR		11:10 AM	
3	June 21, 2024 BACWA Executive Board meeting minutes		3-8
4	June 21, 2024 BACWA NST Special Executive Board meeting minutes		9-10
5	July 5, 2024 BACWA NST Special Executive Board meeting minutes		11-12
6	May 2024 Treasurer's Report		13-23
APPROVALS AND AUTHORIZATIONS		11:20 AM	
7	<u>Approval</u> : BAR Updated Contract with HDR for FY25 Group Annual Report lump sum \$39,450		24-28
POLICY/STRATEGIC		11:25 AM	
8	<u>Discussion</u> : Debrief and outcomes from permit adoption hearing Water Board press release		
9	<u>Discussion</u> : Kickoff discussion for 2024 Nutrient Watershed Permit activities a. Overall schedule for BACWA and Discharger activities b. Consultant support / RFP		
10	<u>Discussion</u> : Proposal for compliance schedule amendment		
11	<u>Discussion</u> : EPA San Francisco Bay Program Office funding pathways - BACWA proposal for non-competitive grant		29-35
12	<u>Informational</u> : Debrief from July 17 presentation to Stationary Sources committee		
13	<u>Informational</u> : BAAQMD Strategic Plan posted for public comment due Aug 5 Strategic plan		36-45
14	<u>Discussion</u> : Consolidation of biosolids contractors; Future of biosolids committee		
15	<u>Informational</u> : Baywise update		
OPERATIONAL		12:00 PM	
16	<u>Informational</u> : Register for David Jenkins scholarship workshop Registration link		46-48
17	<u>Discussion</u> : Logistics and invitations for Pardee Technical Seminar Sept 5/6, 2024		
18	<u>Discussion</u> : Schedule and meeting topics for next meeting with RWQCB		
19	<u>Informational</u> : BACC Update - Annual meeting August 27		
REPORTS		12:20pm	
20	Committee Reports		49
21	Member highlights		
22	Executive Director Report		50-51
23	Board Calendar and Action Items		52-53
24	Regulatory Program Manager Report		54
25	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		
26 SUGGESTIONS FOR FUTURE AGENDA ITEMS		12:25pm	
NEXT MEETING			
The next meeting of the Board is scheduled for August 16, 2024			
ADJOURNMENT		12:30 PM	



Executive Board Meeting Minutes Friday June 21, 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
Aaron Winer	West County Wastewater
Amanda Roa	Delta Diablo
Blake Brown	Central San
Dan Gill	Dublin San Ramon Services District
David Richardson	Woodard & Curran
Diane Griffin	Dublin San Ramon Services District
Greg Norby	Central San
Jared Voskuhl	CASA
Jennie Pang	SFPUC
Jennifer Dymont	BACWA
Jordan Damerel	Fairfield-Suisun Sewer District
Lorien Fono	BACWA
Mark Tomko	Vallejo Flood & Wastewater District
Mary Cousins	BACWA
Meg Herston	Fairfield-Suisun Sewer District
Melody Tovar	City of Sunnyvale
Rob Learmonth	City of San Mateo
Robert Knox	City of San Mateo
Roger Bailey	Central San

Amit called the meeting to order at 9:01.

Agenda

ROLL CALL, INTRODUCTIONS, AND TELECONFERENCE ETIQUETTE

PUBLIC COMMENT None.

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER
when the presenters arrive at the meeting.

Item 19 and 28 will be taken

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

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: BAR BACWA Chair and Vice-Chair for FY25

Approvals and Authorizations item 5: Jackie Zipkin was nominated to be chair by Amit Mutsuddy (EBMUD) and seconded by Lori Schectel (Central Contra Costa Sanitary District). EBDA abstained from the vote. The motion was approved by 4 board members. Amy Chastain was nominated to be Vice Chair by Jackie Zipkin (EBDA) & seconded by Eric Dunlavey (City of San Jose). SFPUC abstained from the vote. The motion was approved by 4 board members.

6 Approval: BAR BACWA FY25 Staff contract amendments, \$474,783

Approvals and Authorizations item 6: A motion to approve was made by Amit Mutsuddy (EBMUD) and seconded by Lori Schectel (Central Contra Costa Sanitary District). The motion was approved by the remaining board members.

7 Approval: BAR BACC FY25 Administration contract, \$39,522

Approvals and Authorizations item 7: A motion to approve was made by Jackie Zipkin (EBDA) and seconded by Eric Dunlavey (City of San Jose). The motion was approved by the remaining board members.

8 Approval: BAR for As-Needed Executive Board Legal support FY25, \$2,407

Approvals and Authorizations item 8: Item approval was pulled due to low contract amount that can be covered by the ED authorization limit.

9 Approval: BAR for As-Needed Executive Board IT Support FY25, \$2,814

Approvals and Authorizations item 9: Item approval was pulled due to low contract amount that can be covered by the ED authorization limit.

10 Approval: Meyers Nave for Nutrient Watershed Permit assistance, \$50,000

Approvals and Authorizations item 10: A motion to approve was made by Eric Dunlavey (City of San Jose) and seconded by Lori Schectel (Central Contra Costa Sanitary District). The motion was approved by the remaining board members.

11 Approval: BAR Amendment #3 for FY25 Nutrient Management Strategy Reviewer Contract, \$50,000

Approvals and Authorizations item 11: A motion to approve was made by Jackie Zipkin (EBDA) and seconded by Eric Dunlavey (City of San Jose). The motion was approved by the remaining board members.

12 Approval: BAR Contract with HDR for FY25 Group Annual Report \$39,450

Approvals and Authorizations item 5: A motion to approve was made by Lori Schectel (Central Contra Costa Sanitary District) and seconded by Jackie Zipkin (EBDA). It was noted that a general RFP for watershed permit compliance support over five years will be developed this summer. The motion was approved by the remaining board members.

13 Approval: BAR Amendment #1 contract for Stephanie Hughes for FY25 BAPPG professional outreach support, \$19,000

Approvals and Authorizations item 13: A motion to approve was made by Amy Chastain (SFPUC) and seconded by Eric Dunlavey (City of San Jose). The motion was approved by the remaining board members.

14 Approval: BAR Amendment #3 Stephanie Hughes pesticides regulatory support FY25 Contract, \$72,500

Approvals and Authorizations item 14: A motion to approve was made by Eric Dunlavey (City of San Jose) and seconded by Jackie Zipkin (EBDA). The motion was approved by the remaining board members.

15 Approval: BAR FY25 Contract with Sagent for BAPPG Public Outreach, \$50,000

Approvals and Authorizations item 15: A motion to approve was made by Jackie Zipkin (EBDA) and seconded by Eric Dunlavey (City of San Jose). The motion was approved by the remaining board members.

16 Approval: BAR No-cost extension for Utility Software for SSS-WDR SSMP Guidance

Approvals and Authorizations item 16: A motion to approve was made by Eric Dunlavey (City of San Jose) and seconded by Jackie Zipkin (EBDA). The motion was approved by the remaining board members.

17 Approval: BAR No-cost extension for SFEI for Nature-Based Solutions

Approvals and Authorizations item 17: A motion to approve was made by Jackie Zipkin (EBDA) and seconded by Eric Dunlavey (City of San Jose). The motion was approved by the remaining board members.

18 Approval: BAR Carollo Contract for FY25 BABC Support, \$120,000

Approvals and Authorizations item 18: A motion to approve was made by Amy Chastain (SFPUC) and seconded by Amit Mutsuddy (EBMUD). The motion was approved by the remaining board members.

POLICY/STRATEGIC

19 Discussion: EPA San Francisco Bay Program Office funding pathways - Lusía Valiela shared information about [program priorities](#) for the EPA Region 9's new San Francisco Bay Program Office, which expects to issue grants totaling approximately \$50M/year in the coming years. The grants will require 25% matching funds. She explained that some of the program priorities will be funded competitively, but there is also a pathway for regional programs that may make sense to fund through a non-competitive pathway. For this pathway, she shared an [example](#) for the wetlands regional monitoring program. This funding could be used for a variety of water quality improvement projects, including capital projects or staff time. The group discussed that the funding may be useful for nutrient-related projects led by BACWA or BACWA member agencies. At a future Board meeting, BACWA will discuss whether it would like to work to be eligible for a non-competitive grant from the program.

20 Informational: Private Sewer Lateral Ordinance Survey Results - Mary Cousins shared the results of the Sewer Lateral Ordinance Survey. She summarized the questions and the results to the group. Survey results are in the packet. General discussion followed.

Break 10:40-10:50

21 Informational: BACWA Comments on EPA PFAS Influent Study - Letter is in the packet.

22 Discussion: Visit by AQPI leaders - invitation - BACWA ED shared that this item would be reviewed again in July for an August visit. A general discussion followed.

23 Discussion: Update on David Jenkins Scholarship nutrient treatment workshop Aug 29 – BACWA ED summarized the workshop and ongoing plans. The workshop will be held at the Regional Water Board offices in Oakland.

24 Informational: April 12 and May 1 Nutrient Management Strategy Planning Subcommittee meeting minutes - BACWA ED reported that the minutes were in the packet.

25 Informational: May 10, 2024, Draft Nutrient Management Strategy Steering Committee meeting minutes - BACWA ED reported that the minutes were in the packet.

26 Discussion: BACWWE program support RFP - Jordan Damerel shared that the Bay Area Consortium for Water and Wastewater Education ([BACWWE](#)) will soon be issuing an RFP for a consultant to provide the following services: a survey & data collection phase, recommendations for increasing the pool of qualified workers; recommendations to help current employees move up career ladder; and helping agencies work together on workforce development. The group had a general discussion. The project is expected to involve coordination with [Baywork](#), which has a similar mission.

27 Informational: Value of Wastewater Communications update - BACWA RPM shared that Civic Edge is updating the baywise.org website. RPM shared some of the new features and plans.

28 Discussion: Debrief on 6/3 BAAQMD/BACWA Reg 2 Workgroup meeting - Workgroup attendees discussed the most recent June 3rd meeting with BAAQMD staff. BAAQMD staff tentatively plan to hold a source testing workshop later in 2024, are working to reduce the permit backlog, and are planning to implement a permit tracking system. Attendees noted that it is helpful to receive confirmation in writing that an application has been deemed “complete.”

OPERATIONAL

29 Discussion: 2024 Annual Meeting Debrief and Date for 2025 - BACWA ED shared the annual meeting date for 2025 – Friday May 2nd at the David Brower Center – and summarized the highlights of the 2024 Annual Meeting and asked for feedback. Panels with BACWA member agencies have been well-received for the past two years.

30 Discussion: Logistics and invitations for Pardee Technical Seminar Sept 5/6, 2024
- BACWA ED shared the ongoing plans for the Pardee Technical Seminar. BACWA ED to follow up with the Regional Water Board on attending on Friday September 6, 2024.

31 Discussion: Schedule and meeting topics for next meeting with RWQCB -
BACWA ED to work on this item.

Action item: *BACWA ED to schedule and develop agenda.*

32 Discussion: BACWA Committee Succession Planning - BACWA RPM shared that document is in the packet and summarized the changes.

33 Informational: AIR Committee Consultant Support - BACWA RPM shared the process to select an AIR committee consultant, and that a selection committee will shortly be holding interviews with the two proposers. The contract for the selected vendor will be included at a future Executive Board meeting.

34 Informational: Meeting schedule through December - BACWA ED shared that the updated schedule is in the packet.

35 Informational: BACC Update - Annual meeting August - BACWA ED shared that the meeting will be scheduled for the last week of August.

REPORTS

36 Committee Reports - in the packet

37 Member highlights - SFPUC shared that their petition of the Oceanside NPDES permit has been granted review by the Supreme Court, and construction is now underway on the new Treasure Island wastewater treatment plant. City of San Jose shared that they expect a Regional Water Board inspection in the coming week. The City of San Jose's environmental services director, Kerrie Romanow, will be retiring in August. EBDA shared that the City of Hayward is looking for an Assistant Director of Public Works for water. Central San also has a Regional Water Board inspection coming up, and offered to share more information about Klir permit management software with any interested agencies.

38 Executive Director Report - in the packet

39 Board Calendar and Action Items - in the packet

40 Regulatory Program Manager Report - in the packet

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

NEXT MEETING

The next meeting of the Board is scheduled for July 19, 2024

ADJOURNMENT

12:20 PM

ATTENDEES:

Executive Board Representatives: Amit Mutsuddy (EBMUD), Jackie Zipkin (East Bay Dischargers Authority), Amy Chastain (SFPUC), Lori Schectel (Central San), 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, Jamie Pigott	Carollo
Jared Voskuhl	CASA
Peter Kistenmacher	CMSA
Greg Norby, Blake Brown	Central San
Amanda Roa	Delta Diablo
Dan Gill, Diane Griffin	DSRSD
Don Gray	EBMUD
Jordan Damerel	FSSD
Irene Chu	Hazen and Sawyer
Mike Falk	HDR
Samantha Engelage	Palo Alto
Jennie Pang, Nohemy Revilla	SFPUC
Melody Tovar	Sunnyvale
Teresa Herrera, Arvind Akela, Monte Hamamoto, Kim Hackett, Jane Kao	SVCW
Armando Lopez	Union SD
Jennifer Harrington	Vallejo FWD
Dave Richardson	Woodard & Curran

Amit Mutsuddy called the meeting to order at 1 pm 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.

STRATEGY FOR ORAL COMMENTS AT ADOPTION HEARING FOR NUTRIENT WATERSHED PERMIT

The Regional Water Board adoption hearing for the 3rd Nutrient Watershed Permit is scheduled for Wednesday, July 10th. Materials for the permit adoption hearing, including a draft resolution, response-to-comments, and revised Tentative Order, are expected to be available on the Regional Water Board’s website on June 26th or June 27th.

BACWA’s Executive Director shared information about the procedures that will govern the adoption hearing. BACWA members may want to provide oral comments at the hearing to explain the agency-specific impacts of the permit to Regional Water Board members, request changes to the permit, and/or exhaust their administrative remedies in advance of petitioning the permit. To participate virtually, commenters will need to register through the [Regional Water Board’s website](#) by noon on July 9th. To participate in-person, commenters just need to show up at the meeting. Oral comments will be transcribed as part of the record. We will be meeting again prior to the adoption hearing to plan our

June 21, 2024 NST Meeting Summary

sector's commenting strategy.

The BACWA Executive Director explained that BACWA members must exhaust their administrative remedies to be able to petition the permit, if desired. The Executive Director explained that members have two options, depending on whether or not they filed written comments by the May 8th deadline. Agencies that did not submit written comments but would like to preserve the option to petition the permit would need to attend the adoption hearing and express support for BACWA's written comments.

After the previous Nutrient Strategy Team meeting in May, BACWA staff and Regional Water Board staff continued to discuss revisions to language regarding compliance schedule interim deliverables. The Revised Tentative Order is expected to contain some of the requested language that was submitted to the Regional Water Board on June 6th.

Amit Mutsuddy adjourned the meeting at 2:35 pm.

NEXT STEPS

- Conduct outreach to Baykeeper regarding the possibility of delivering joint comments.
- Conduct outreach to USEPA staff regarding potential oral comments referencing WQIF funding.
- Submit a request to Regional Water Board staff to allow bundled public comments on the draft resolution and the Revised Tentative Order (rather than two separate comment sessions).
- Request additional time (beyond a standard time slot) from the Regional Water Board's executive team for BACWA to deliver comments at the adoption hearing.
- Review the Revised Tentative Order and draft resolution, prepare draft bullet points for oral comments for the adoption hearing, and share with the Nutrient Strategy Team. This task must be completed prior to the next Nutrient Strategy Team meeting at 9 am on Friday, July 5th.



Nutrient Strategy Team
July 5, 2024 Meeting Summary

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
Andre Gharagozian	Carollo
Jared Voskuhl	CASA
Roger Bailey, Greg Norby	Central San
Dan Gill	DSRSD
Don Gray, Chris Dembiczak	EBMUD
Tom Hall	EOA
Jordan Damerel	FSSD
Irene Chu	Hazen and Sawyer
David Donovan	Hayward
Mike Falk	HDR
Denise Conners	Larry Walker Associates
Gregory Newmark	Meyers Nave
Karin North, Samantha Engelage	Palo Alto
Amy Chastain*, Jennie Pang, Nohemy Revilla	SFPUC
Melody Tovar	Sunnyvale
Teresa Herrera, Monte Hamamoto, Kim Hackett	SVCW
Dave Richardson	Woodard & Curran

*Attended remotely as a non-voting member without invoking AB 2449.

Jackie Zipkin called the meeting to order at 9:05 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.

APPROVAL: FY25 AIR COMMITTEE CONSULTANT SUPPORT \$75K, CAROLLO ENGINEERS

The Executive Board considered this item at this special board meeting because consultant support is needed prior to the next regular meeting on July 19th. Carollo Engineers, with Courtney Mizutani as a subcontractor was selected via a competitive process. A motion to approve was made by Lori Schectel (Central San) and seconded by Amit Mutsuddy (EBMUD). The motion was approved by the remaining board members.

POST-ADOPTION HEARING BACWA PRESS RELEASE

After the July 10th adoption hearing for the nutrient watershed permit, either on Thursday July 11th or Monday July 15th, BACWA plans to issue a press release related to the permit. Other entities (such as Baykeeper and the Regional Water Board) are likely to issue press releases, as well. BACWA's Executive Director plans to share a draft press release with the Nutrient Strategy Team in the coming days. The press release will not be finalized until after the permit adoption hearing, depending on the outcome.

ADOPTION HEARING COMMENTING STRATEGY

Attendees discussed procedures for commenting on the [Revised Tentative Order](#) and [draft Resolution](#) at the July 10th adoption hearing. The two items will be heard separately, so BACWA members will need to comment on the two items separately. Instructions for commenting remotely are available on the [Regional Water Board's website](#). The time limit for each speaker will be 3 minutes. BACWA will be allowed to propose an order for speakers. PowerPoint slides must be submitted to the Water Board by Monday, July 9th.

BACWA's Executive Director and CASA's Jared Voskuhl reported on recent conversations with State Water Board members and staff that indicated that the State Water Board may be willing to consider amendments to the Compliance Schedule Policy. However, a State Water Board representative is not expected to attend the July 10th adoption hearing.

BACWA's Executive Director shared instructions for exhausting administrative remedies at the adoption hearing for agencies that may want to petition the permit. BACWA's comments do not limit other agencies from making their own separate comments. Agencies that have specific questions regarding the petition process are encouraged to contact Meyers Nave directly. BACWA's Executive Board may consider filing a petition at a closed session meeting on Friday, July 19th, and will then report out in open session. A petition must be filed within 30 days of the adoption hearing. Greg Newmark from Meyers Nave pointed out that placing the petition in abeyance is a discretionary step that the State Water Board must agree to. If one party activates the petition, the matter may be activated for all parties.

At the adoption hearing, BACWA plans to request changes to the draft Resolution to be more specific about the timing of Regional Water Board staff activities. BACWA will also collect and share draft testimony from any individual agency that would like to share.

Jackie Zipkin adjourned the meeting at 11:15 am.

NEXT STEPS

- Contact Regional Water Board staff regarding administrative questions related to the adoption hearing, such as the staff contact for submitting slides and whether speakers from BACWA member agencies need to sign up individually and/or through BACWA.
- Contact Baykeeper regarding the possibility of delivering coordinated comments on the draft resolution (Item 7).
- Share draft oral comments to be delivered by BACWA staff, and oral comments provided by any other agencies that would like to share.
- Share draft BACWA press release to be finalized after the July 10th adoption hearing.
- Share a draft markup of the resolution with Regional Water Board staff and the Nutrient Strategy Team.
- Share a revised commenting order with the Nutrient Strategy Team.



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

June 24, 2024

MEMO TO: Bay Area Clean Water Agencies Executive Board
MEMO FROM: Phoebe Grow, Treasurer, East Bay Municipal Utility District
SUBJECT: Eleventh 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 May 31, 2024** (Eleven months of Fiscal Year 2024). This report covers expenditures, cash receipts, and cash transfers for the following BACWA funds:

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

Houck, Matt

From: Grow, Phoebe
Sent: Tuesday, June 25, 2024 3:18 PM
To: Houck, Matt
Subject: RE: May 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: Tuesday, June 25, 2024 12:05 PM
To: Grow, Phoebe <phoebe.grow@ebmud.com>
Subject: May 2024 Treasurer's Report

Hi Phoebe,

Please approve BACWA - May 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

May 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 May 31, 2024, was \$381,839 which is 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. \$381,839 of the ending fund balance is shown on the BACWA Fund & Investments Balance Report May 31, 2024, as encumbered to meet ongoing operating line-item expenses for BAPPG Committee Support, Legal services, IT services, Board meeting expenses, accounting services and BACWA staff support.

CBC Fund: This fund provides the resources for completing special investigations as well as meeting regulatory requirements. The ending fund balance on May 31, 2024, was \$2,112,265 which is higher than the target reserve of \$1,000,000. \$183,822 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 \$928,443 (i.e., actual fund balance of \$1,928,443 less target reserves) as of May 31, 2024. As directed by the BACWA Executive Board, the CBC fund has diminished over time due to BACWA's ongoing funding of the NMS program to comply with the Nutrient Watershed Permit.

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


Budget to Actual

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

Revenues as of May 31, 2024 (91% of the FY) are at 99%

Expenses as of May 31, 2024 (91% of the FY) are at 81%

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 May 2024 Changes from budget in blue</u>	<u>Actual May 2024</u>	<u>Actual % of Budget May 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	\$0	\$0	0%	-\$1,000	BACWA performed no administrative work for BACWWE in FY24
	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	\$2,918,868	\$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 May 2024 Changes from budget in blue</u>	<u>Actual May 2024</u>	<u>Actual % of Budget May 2024</u>	<u>Variance</u>	<u>NOTES</u>
EXPENSES							
Labor							
	Executive Director	\$218,548	\$218,548	\$182,120	83%	-\$36,428	7% (incl. 4.9% CPI SF Bay Metro Area Dec 2022)
	Assistant Executive Director	\$92,024	\$92,024	\$72,280	79%	-\$19,744	7% (incl. 4.9% CPI SF Bay Metro Area Dec 2022); \$76.69/hour; Reflects 1200 hours
	BACC Administrator	\$38,520	\$38,520	\$38,234	99%	-\$287	400 hrs AED support at \$96.30 per hr
	Regulatory Program Manager	\$152,179	\$152,179	\$140,787	93%	-\$11,392	7% (incl. 4.9% CPI SF Bay Metro Area Dec 2022); \$112.72/hour, Reflects 1350 hours
	Total	\$501,271	\$501,271	\$433,420	86%	-\$67,851	
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	\$75	1%	-\$8,043	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	\$39,832	60%	-\$26,495	
Meetings							
	EB Meetings	\$2,760	\$4,300	\$4,379	159%	\$1,619	2% increase from FY23
	Annual Meeting	\$14,369	\$14,369	\$12,043	84%	-\$2,326	FY24 no change
	Pardee	\$6,801	\$2,567	\$2,674	39%	-\$4,127	2% increase from FY23
	Misc. Meetings	\$7,500	\$7,500	\$8,983	120%	\$1,483	30% increase from FY23 to accommodate conferences
	Total	\$31,430	\$28,736	\$28,079	89%	-\$3,351	
Communication							
	Website Hosting	\$728	\$728	\$454	62%	-\$274	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	\$45,695	114%	\$5,695	FY24 & FY25 contract, balance will be spent in FY25
	Other Commun	\$1,857	\$1,857	\$660	36%	16	2% increase from FY23; MS Exchange, Survey Monkey, PollEv, Zoom, Netfile

FY 2024
BACWA BUDGET to ACTUAL

EXPENSES							
	Total	\$47,732	\$47,732	\$46,809	98%	-\$923	
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	\$56,482	74%	-\$19,518	\$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	\$128,515	81%	-\$30,485	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	\$2,758	68%	-\$1,292	\$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	\$209,873	56%	-\$162,677	
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	
		\$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	\$34,281	34%	-\$65,719	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	\$37,493	0%	\$37,493	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	\$17,998	18%	-\$82,003	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	\$2,120,666	96%	-\$81,834	
	TOTAL EXPENSES	\$3,670,094	\$3,378,953	\$2,978,561	81.16%	-\$691,533	
	PROJECTED EXPENSE DEVIATION FROM BUDGET		-\$291,141				
	NET INCOME BEFORE TRANSFERS	-\$750,226	-\$460,085				
	TRANSFERS FROM RESERVES	\$750,496			17		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 May 31, 2024

BACWA FUND BALANCES - DATA PROVIDED BY ACCOUNTING DEPT.							
DEPTID	DESCRIPTION	FISCAL YEAR BEGINNING FUND BALANCE	TOTAL BILLED REVENUE TO-DATE	TOTAL DISBURSEMENTS TO-DATE	MONTH-ENDING FUND BALANCE	OUTSTANDING ENCUMBRANCES	MONTH-END UNOBLIGATED FUND BALANCE
600	BACWA	347,671	766,873	732,705	381,839	278,799	103,040
604	LEGAL RSRV	300,000	-	-	300,000	-	300,000
605	CBC	2,097,905	2,135,026	2,120,666	2,112,265	183,822	1,928,443
	SUBTOTAL 1	2,745,576	2,901,899	2,853,371	2,794,104	462,621	2,331,483
602	BABC	190,244	175,600	103,816	262,028	16,184	245,844
606	BACC	31,025	78,718	72,848	36,895	961	35,934
607	BACC LEGAL RSRV	60,000	30,000	-	90,000	-	90,000
610	WOT	253,257	-	(5,944)	259,201	-	259,201
612	CASA Air Toxics	-	57,720	99,560	(41,840)	-	(41,840)
	SUBTOTAL 2	534,526	342,038	270,280	606,284	17,145	589,139
	GRAND TOTAL	3,280,102	3,243,937	3,123,651	3,400,388	479,766	2,920,622

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	732,705	381,839	(13,255)	34,315	402,899	-	402,899	17%	-		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	2,120,666	2,112,265	(38,335)	-	2,073,930	476,720	1,597,210	67%	-		priority # 4 for allocation
	SUBTOTAL 1	2,745,576	2,901,899	2,853,371	2,794,104	(51,590)	34,315	2,776,829	476,720	2,300,109	96%	-		
602	BABC	190,244	175,600	103,816	262,028	(13,000)	-	249,028	249,028	-	0%	-		pass-through funds, no allocation
606	BACC	31,025	78,718	72,848	36,895	(9,990)	-	26,905	26,905	-	0%	-		
607	BACC LEGAL RSRV	60,000	30,000	-	90,000	-	-	90,000	-	90,000	4%	-		priority # 2 for allocation
610	WOT	253,257	-	(5,944)	259,201	-	-	259,201	259,201	-	0%	-		pass-through funds, no allocation
612	CASA Air Toxics	-	57,720	99,560	(41,840)	-	-	(41,840)	(41,840)	-	0%	-		pass-through funds, no allocation
	SUBTOTAL 2	534,526	342,038	270,280	606,284	(22,990)	-	583,294	493,294	90,000	4%	-		
	GRAND TOTAL	3,280,102	3,243,937	3,123,651	3,400,388	(74,580)	34,315	3,360,123	970,014	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	970,014
PROP	-			3,360,123
		STB	16300	74,580
subtotal	3,243,937	STB	21350	(34,315)
				3,400,388

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 May 31, 2024

Cost Center Code	Cost Center Description	Program Segment Description	Program Segment Value	Amended Budget	Current Period	FY24 - Year to Date	Unobligated
600	Bay Area Clean Water Agencies	BABC - AED and RPM Support	6200	(6,000.00)	-	-	6,000.00
		BACC - AED Support	6199	(38,250.00)	-	-	38,250.00
		BDO Affil/CS/Assoc Dues	6104	-	-	(39,616.00)	(39,616.00)
		BDO Affiliate/Associate Dues	6103	-	-	(44,450.00)	(44,450.00)
		BDO Assoc.&Affiliate Contr	6102	(190,078.00)	-	(106,512.00)	83,566.00
		BDO Fund Transfers	6141	(1,000.00)	-	-	1,000.00
		BDO Member Contributions	6101	(537,795.00)	-	(537,795.00)	-
		BDO Non-Member Contr AIR	6136	(7,361.00)	-	(7,361.00)	-
		BDO Non-Member Contr BAPPG	6135	(4,114.00)	-	(4,140.00)	(26.00)
		BDO Other Receipts	6105	-	-	-	-
		BDO Other Receipts (Misc)	6140	-	-	(2,653.00)	(2,653.00)
		BDO- Interest Income from LAIF	6142	(60,000.00)	-	(24,346.29)	35,653.71
		BDO-Alternative Investment Inc	6143	-	-	-	-
600 Total				(844,598.00)	-	(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	-	-	(60,774.73)	(60,774.73)
605 Total				(2,075,000.00)	-	(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	-	-	(2,793.56)	(2,793.56)
606 Total				-	-	(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)
612 Total				-	-	(57,720.00)	(57,720.00)
Grand Total				(2,919,598.00)	-	(3,243,936.58)	(324,338.58)

BACWA Expense Detail Report for May 31, 2024

Cost Center Code	Program Segment Description	Program Segment Value	Balance Type	Current Period Activity	FY24 - Year to Date
600	AIR-Air Issues&Regulation Grp	6153	Actual	12,622.18	84,199.54
			Encumbrance	(12,622.18)	11,262.42
			Obligated	-	95,461.96
	AS-Assistant Executive Directo	6175	Actual	9,509.56	72,280.33
			Encumbrance	(9,509.56)	19,743.67
			Obligated	-	92,024.00
	AS-Audit Services	6180	Actual	-	-
			Encumbrance	-	-
			Obligated	-	-
	AS-BACWA Admin Expense	6173	Actual	26.58	75.20
			Obligated	26.58	75.20
	AS-EBMUD Financial Services	6176	Actual	-	31,587.93
			Encumbrance	-	11,709.07
			Obligated	-	43,297.00
	AS-Executive Director	6174	Actual	18,212.00	182,120.00
			Encumbrance	(18,212.00)	36,428.00
			Obligated	-	218,548.00
	AS-Insurance	6177	Actual	-	8,168.68
			Obligated	-	8,168.68
	AS-Regulatory Program Manager	6179	Actual	29,081.00	140,786.52
			Encumbrance	(29,081.00)	11,392.48
			Obligated	-	152,179.00
	Administrative Support	6178	Actual	-	-
			Obligated	-	-
	BACWA Value of Wastewater Communication	6211	Actual	1,111.25	45,695.02
			Encumbrance	(1,111.25)	39,906.73
			Obligated	-	85,601.75
	BC-BAPPG	6152	Actual	19,677.86	128,515.43
			Encumbrance	(5,424.04)	31,312.46
			Obligated	14,253.82	159,827.89
	BC-Collections System	6144	Actual	-	-
			Encumbrance	-	50,000.00
			Obligated	-	50,000.00
	BC-InfoShare Groups	6148	Actual	-	560.06
			Obligated	-	560.06
	BC-Laboratory Committee	6149	Actual	-	2,757.82
			Encumbrance	-	1,397.50
			Obligated	-	4,155.32
	BC-Manager's Roundtable	6154	Actual	-	254.34
			Obligated	-	254.34
	BC-Miscellaneous Committee Sup	6150	Actual	-	5,240.15
			Encumbrance	10,695.00	10,695.00
			Obligated	10,695.00	15,935.15
	BC-Permit Committee	6145	Actual	-	255.32
			Obligated	-	255.32
	BC-Pretreatment Committee	6151	Actual	-	16.29
			Obligated	-	16.29
	BC-Water Recycling Committee	6146	Actual	-	666.74
			Encumbrance	-	-
			Obligated	-	666.74
	CAR-BACWA File Storage	6165	Actual	-	-
			Obligated	-	-
	CAR-BACWA IT Software	6167	Actual	-	659.79
			Obligated	-	659.79
	CAR-BACWA IT Support	6166	Actual	-	-
			Encumbrance	-	-

Cost Center Code	Program Segment Description	Program Segment Value	Balance Type	Current Period Activity	FY24 - Year to Date
			Obligated	-	-
	CAR-BACWA Website Dev/Maint	6163	Actual	-	-
			Obligated	-	-
	CAR-BACWA Website Hosting	6164	Actual	453.81	453.81
			Obligated	453.81	453.81
	CAS-Arleen Navaret Award	6160	Actual	-	-
			Obligated	-	-
	CAS-BayCAN	6204	Actual	-	-
			Obligated	-	-
	CAS-Misc Collaborative Sup	6162	Actual	-	-
			Obligated	-	-
	CAS-PSSEP	6157	Actual	-	-
			Obligated	-	-
	CAS-Stanford ERC	6159	Actual	-	-
			Obligated	-	-
	GBS-Meeting Support-Annual	6170	Actual	4,401.11	12,042.63
			Obligated	4,401.11	12,042.63
	GBS-Meeting Support-Exec Bd	6169	Actual	42.40	4,379.17
			Obligated	42.40	4,379.17
	GBS-Meeting Support-Misc	6172	Actual	1,956.36	8,983.34
			Obligated	1,956.36	8,983.34
	GBS-Meeting Support-Pardee	6171	Actual	-	2,674.12
			Obligated	-	2,674.12
	LS-Executive Board Support	6156	Actual	-	-
			Encumbrance	-	2,355.00
			Obligated	-	2,355.00
	LS-Regulatory Support	6155	Actual	-	332.50
			Encumbrance	-	52,596.50
			Obligated	-	52,929.00
	WQA-CE-Nature Based Solutions	6196	Actual	-	-
			Obligated	-	-
	Write-Off Doubtful Accounts	6208	Actual	-	-
			Obligated	-	-
600 Total			Actual	97,094.11	732,704.73
600 Total			Encumbrance	(65,265.03)	278,798.83
600 Total			Obligated	31,829.08	1,011,503.56
602	AS-Assistant Executive Directo	6175	Actual	-	-
			Obligated	-	-
	AS-Regulatory Program Manager	6179	Actual	-	-
			Obligated	-	-
	Academia Research & Development	6203	Actual	-	-
			Obligated	-	-
	Administrative Support	6178	Actual	-	-
			Obligated	-	-
	BDO Contract Expenses	6186	Actual	-	-
			Obligated	-	-
	Collateral Development	6197	Actual	-	-
			Obligated	-	-
	Program Manager Expense	6202	Actual	6,829.00	103,815.97
			Encumbrance	(6,829.00)	16,184.03
			Obligated	-	120,000.00
602 Total			Actual	6,829.00	103,815.97
			Encumbrance	(6,829.00)	16,184.03
602 Total			Obligated	-	120,000.00
605	Recycled Water Evaluation	6198	Actual	20,000.00	37,492.59
			Encumbrance	(20,000.00)	14,999.76
			Obligated	-	52,492.35

Cost Center Code	Program Segment Description	Program Segment Value	Balance Type	Current Period Activity	FY24 - Year to Date
	WQA - CEC Investigations	6201	Actual	-	102,735.40
			Encumbrance	-	11,000.00
			Obligated	-	113,735.40
	WQA-CE Addl Work Under Permit	6191	Actual	-	34,281.05
			Encumbrance	-	44,116.95
			Obligated	-	78,398.00
	WQA-CE Risk Reduction	6190	Actual	-	12,500.00
			Encumbrance	-	-
			Obligated	-	12,500.00
	WQA-CE Voluntary Nutr Contrib	6193	Actual	-	-
			Obligated	-	-
	WQA-CE-Nature Based Solutions	6196	Actual	-	103,929.70
			Encumbrance	-	75,435.71
			Obligated	-	179,365.41
	WQA-CE-Nutrient WS Permit Comm	6188	Actual	-	1,800,000.00
			Obligated	-	1,800,000.00
	WQA-CE-Technical Support	6181	Actual	17,997.50	17,997.50
			Encumbrance	-	-
			Obligated	17,997.50	17,997.50
	WQA-NMSReviewer	6205	Actual	-	11,730.00
			Encumbrance	-	38,270.00
			Obligated	-	50,000.00
605 Total			Actual	37,997.50	2,120,666.24
605 Total			Encumbrance	(20,000.00)	183,822.42
605 Total			Obligated	17,997.50	2,304,488.66
606	AS-BACWA Admin Expense	6173	Actual	-	802.56
			Obligated	-	802.56
	Administrative Support	6178	Actual	770.40	42,045.20
			Encumbrance	(770.40)	960.60
			Obligated	-	43,005.80
	BDO Fund Transfers	6141	Actual	-	30,000.00
			Obligated	-	30,000.00
	GBS-Meeting Support-Misc	6172	Actual	-	-
			Obligated	-	-
606 Total			Actual	770.40	72,847.76
606 Total			Encumbrance	(770.40)	960.60
606 Total			Obligated	-	73,808.36
610	Administrative Support	6178	Actual	56.16	56.16
			Obligated	56.16	56.16
	BC-BAPPG	6152	Actual	-	(10,000.00)
			Obligated	-	(10,000.00)
	BDO Contract Expenses	6186	Actual	-	-
			Obligated	-	-
	Bruce Wolf Scholarship	6210	Actual	4,000.00	4,000.00
			Obligated	4,000.00	4,000.00
610 Total			Actual	4,056.16	(5,943.84)
610 Total			Encumbrance	-	-
610 Total			Obligated	4,056.16	(5,943.84)
612	Passthrough to CASA for air toxics	6212	Actual	-	99,560.00
			Obligated	-	99,560.00
612 Total			Actual	-	99,560.00
612 Total			Encumbrance	-	-
612 Total			Obligated	-	99,560.00
Grand Total Actual				146,747.17	3,123,650.86
Grand Total Encumbrance				(92,864.43)	479,765.88
Grand Total Obligated				53,882.74	3,603,416.74



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 11
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 \$39,450 lump sum contract with HDR Engineering, Inc. to provide 2025 Group Annual Report in compliance with the 3rd Watershed Permit.

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 level of effort for this report is \$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: July 19, 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 \$39,450 to be paid as a lump sum following completion of the work. 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 Dymant jdymant@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



June 24, 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 Report for the October 1, 2023, through September 30, 2024, dataset.

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

Scope of Work

Consultant will prepare the Group Annual Nutrients Report for 2024 (due to the Regional Water Quality Control Board on February 1, 2025).

Consultant will 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.

hdrinc.com

3003 Oak Road, Suite 500, Walnut Creek, CA 94597
T 925.465.2700

Ms. Lorien Fono
June 24, 2024
Page 2

BACWA RESPONSIBILITIES:

- Provide a timely review of materials prepared as part of this task.
- Support coordination with the discharge agencies, as requested.

ASSUMPTIONS:

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

Compensation

We propose to perform the scope of work described for a lump sum cost of \$39,500.

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.

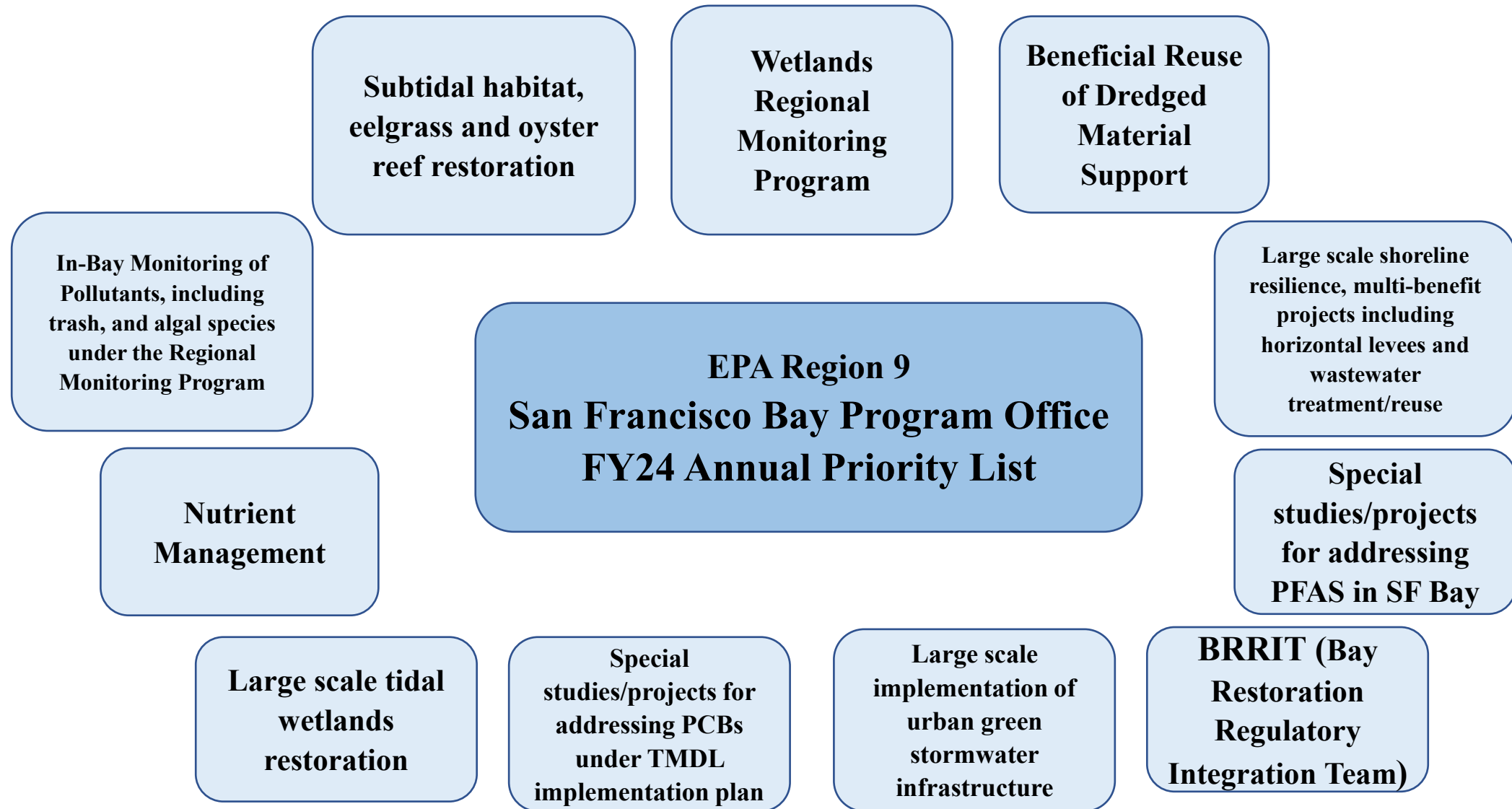


Holly L.L. Kennedy, PE (CA #74682)
Senior Vice President



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

MWF:pk/24-10403166





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

**OFFICE OF THE
REGIONAL ADMINISTRATOR**

MEMORANDUM

SUBJECT: Justification of Non-Competitive Awards to San Francisco Estuary Institute (SFEI) and San Francisco Estuary Partnership (SFEP) for work on the Wetland Regional Monitoring Program in accordance with Section 12.a.(6) of EPA's Policy for Competition of Assistance Agreements ("Competition Policy" or "Policy") - EPA Order 5700.5A1

TO: Elizabeth January
Grant Competition Advocate

FROM: Martha Guzman
Regional Administrator, Region 9

I. Background

The EPA Region 9 San Francisco Bay Program Office (SF Bay Program) requests an exception to the Agency's Competition Policy for work on the Wetland Regional Monitoring Program with awards to San Francisco Estuary Institute ("SFEI"; UEI MP7VLMFNWEW7) and the San Francisco Estuary Partnership ("SFEP"; UEI H9MVMCFAG2L9) based on the public interest exception allowed under Section 12.a.(6) of the Policy. As explained below, competition for this award is not in the public interest.

The SF Bay Program administers competitive grants under the San Francisco Bay Water Quality Improvement Fund ("SFBWQIF"). These grants support projects that protect and restore San Francisco Bay. The proposed noncompetitive grant awards to the SFEI and SFEP would expand and continue the EPA's support of the development and implementation of the Wetlands Regional Monitoring Program (WRMP) in San Francisco Bay. The WRMP is identified as a priority of the SF Bay Program's Annual Priority List. Per Clean Water Act Section 125, 33 U.S.C. § 1276a, the EPA drafts an annual priority list which is vetted through a stakeholder process and finalized by the EPA. The San Francisco Bay needs a WRMP because wetlands are under threat due to sea level rise (SLR) and a long-term dataset will help inform the restoration community at large on the status and trends of the baylands. The overall purpose of the WRMP is to improve the protection and restoration of tidal marsh ecosystems in the Bay by analyzing monitoring data to inform tidal marsh restoration planners, designers, funders, and regulators

of wetlands status and trends. With monitoring data at hand, the program can implement a science framework based on standardized methods to cost-effectively monitor the response of key tidal marsh indicators to climate change, population growth, and other regional drivers of change. In addition, the WRMP will develop a data management platform to share data generated through the program and related efforts with the restoration community.

At present, tidal wetlands in the San Francisco Estuary face an uncertain future due to climate change, continued development pressure, and other regional stressors. Accelerating SLR and decreased sediment supplies threaten to drown and erode existing tidal wetlands, undo restoration progress that has been made to date, and increase the risk that new restoration projects will fail to meet intended environmental outcomes. The potential long-term, widespread loss of the Estuary's tidal wetlands not only threatens the health and diversity of its habitats but places vulnerable shoreline communities at a greater risk of flooding and SLR. The anticipated funded activities of the WRMP will effectively respond to these challenges and will help support a more resilient estuary.

II. Summary of the Proposed Grants

Currently, the WRMP has multiple funding sources and has been in development since 2010 which includes consecutive EPA Wetlands Program Development (WPDG) grants to the SFEP and the SFEI starting in 2017. Under the WPDG grants, both SFEI and SFEP worked with the San Francisco Regional Water Quality Control Board as a key state partner to plan the program in concert with beneficial uses defined by California. SFEP and SFEI have successfully been awarded WPDG grants through the EPA's competitive process. Developing the program plan and scientific framework has been modestly funded and taken a significant amount of time to ensure consensus among the interested parties of the restoration community. The WRMP Program Plan was finalized in 2020 and provides the overarching program guidance and specific management questions the program has been designed to answer, such as whether San Francisco Bay tidal wetlands are keeping up with SLR. Federal, state, and local agencies, and the restoration community at large have collectively advanced development of the WRMP. Moving from planning to implementation requires a significant infusion of reliable funding to ensure data collection and analysis can proceed- a regional monitoring network to reflect wetlands status in the San Francisco Bay Area is a major undertaking.

Subject to the availability of anticipated funding, the proposed noncompetitive grants will total approximately \$17 million to be incrementally funded over a five-year project period. The SF Bay Program expects the initial outlay for each grant to be approximately \$5 million with decreasing amounts for each subsequent year. Each grantee would receive a total of about \$8.5 million over the five-year period. The statutory authority for these grants will be Clean Water Act Section 125, 33 U.S.C. §

1276a. The Assistance Listing number is 66.126. Funded work will support the EPA's Fiscal Year (FY) 2022-2026 Strategic Plan Goal 5: Ensure Clean and Safe Water for All Communities and Objective 5.2: Protect and Restore Waterbodies and Watersheds.

With anticipated funds, issued noncompetitively, the SF Bay Program is uniquely positioned to support a new collaborative approach to ensure the viability of the region's wetlands by providing reliable funding to implement and expand the WRMP. The WRMP currently improves wetland restoration project success by putting in place regional-scale monitoring to complement existing site-specific permit-driven monitoring. The WRMP also includes a monitoring site network, open data sharing platform, and comprehensive science framework.

The WRMP developed a science framework to integrate numerous physical and ecological indicators across regional, subregional, and site-specific scales. This framework leverages existing, ongoing investments by program partners in ambient and project-specific monitoring and highlights key data gaps that the WRMP can fill in order to develop information to support restoration project land managers, funders, and regulators. The science framework includes a suite of Standard Operating Procedures (SOPs) that describe how the program will collect data describing tidal wetland habitats, hydrogeomorphology, and biota, and a Monitoring Plan that describes an ambitious vision for how the WRMP will use SOPs to develop priority information products (e.g., maps, status, and trends analyses, etc.) for end users, including the general public. In 2024, the program will develop an Implementation Work Plan that will distill the Monitoring Plan into a suite of priority monitoring actions to be implemented over 1-2 years. The Work Plan will identify which program partners (e.g., federal/state/local agencies, research institutions, consulting firms, NGOs, etc.) will implement particular SOPs across a suite of tidal wetlands.

SFEI and SFEP have distinct roles in managing components of the WRMP work proposed to be funded by SF Bay Program non-competitive grants. The four major components of the workplans are described below.

1) Establish the WRMP Monitoring Site Network (SFEI)

The WRMP aims to assess regional wetland status by tracking indicators across wetland types that vary in their maturity and restoration phase. The WRMP science framework proposes a monitoring network composed of three types of tidal wetlands: benchmark sites, reference sites, and project sites. In 2021, the WRMP designated a suite of benchmark sites throughout SF Bay Estuary (relatively undisturbed mature marshes throughout the region that can provide early warning of landscape-scale change). In 2023, building on that work, the WRMP approved a Priority Monitoring Site Networks Memo that collectively represented the best places to begin the program. The proposed grants would help support the initial implementation of the proposed monitoring site network.

2) Collect, analyze, and disseminate data (SFEI)

The WRMP will provide data that allow managers to understand how wetlands are responding to climate change and anthropogenic impacts, gauge the success of wetland restoration projects, and take informed, science-based management actions. Data collection under the WRMP will include regional baseline and subsequent routine surveys and inventories of the distribution, abundance, diversity, and condition of tidal wetlands throughout the region. Analysis will include assessing GIS-based aerial imagery for vegetation, the relative roles of watershed/estuarine sources of sediment, and a broad range of interactions between people and wetlands. Progress in data collection, analysis, and dissemination depends on consistent funding, which the EPA is poised to provide over the critical initial years.

3) Develop indicators, metrics, and methods for assessing tidal marsh condition (SFEI)

The WRMP Program Plan established science priorities for the near-term including repeated surveys to detect change of living organisms and their habitats and standardize the metrics and reporting for indicators. Support from these proposed grants would continue development and analysis of additional indicators in prioritized order to inform management questions.

4) Support additional WRMP governance and administration and project site data collection (SFEP)

The current WRMP governance structure is composed of a Steering Committee, Technical Advisory Committee and workgroups. The Steering Committee and Technical Advisory Committee guide overall priorities and provide technical oversight, respectively. Investment through the proposed grants aims to strengthen coordination with California state and tribal partners and ensure greater inclusion of community-based, and equity/environmental justice partnerships are integrated into the WRMP. SFEP's responsibilities under the new grant will also include work under item #1 above in establishing the monitoring site network related to curating data from "project sites", one of the three types that make up the monitoring network. SFEP is best suited for this work because of their ongoing support of the San Francisco Bay Joint Venture and other restoration partners currently working on projects.

III. Justification for a noncompetitive award based on Section 12.a.(6) of the Competition Policy

A. No meaningful competition if the grants were competed

If a competition were conducted for SF Bay funds centered on WRMP priorities, the SF Bay Program Office expects that SFEI and SFEP would likely win the competition. EPA Region 9 is providing this analysis based on our ongoing involvement as technical advisors and grant funders of the planning phase. It is highly unlikely, given the expertise needed, that other organizations would be competitive in performing and implementing the new phases of WRMP work as described above. SFEI and SFEP are uniquely positioned to implement the work because of their long-established involvement in the WRMP's planning phases, technical knowledge, and cultivation of diverse regional relationships and partnerships across the

restoration community. It is these working relationships and the trust formed between the SFEI and SFEP and the stakeholders that are highly critical to the work proposed and could not be rebuilt in a timely manner with another entity.

Competing these grants at this time is not in the public interest for several reasons - because of the considerable public resources and time required by the EPA to manage a competition, the time and resources of the external organizations to prepare application materials, the remote possibility that there are other organizations with the expertise and stakeholder support required to successfully complete this work, and the inefficiency of transferring ongoing work that the SFEI and SFEP have been involved in for over a decade. In the year before the end of the five-year noncompetitive grant period, the SF Bay Program plans to re-evaluate if there is potential meaningful competition for this work by doing market research to see if other organizations may be competitive in performing the work of the WRMP.

B. Substantial public benefit to making the award quickly

Issuing non-competitive awards to the SFEI and SFEP will hasten the delivery of anticipated funding and will allow these entities to implement the WRMP in a timely manner. The development phase of the WRMP has accomplished over a decade of scientifically rigorous and collaborative work to get the program to where it is today. Both SFEI and SFEP have been closely involved in aspects of the WRMP development to date. Timely implementation will result in benefits to the public through a regional program that can turn monitoring data into the information needed by tidal marsh restoration planners, designers, funders, and regulators to protect tidal wetlands. Additionally, by protecting tidal wetlands, the WRMP will help advance adaptation to SLR, a climate change stressor that poses an ever-increasing threat to tidal wetlands in San Francisco Bay.

C. Adverse impacts if the grants were competed

If the EPA competed the available funds, this action would cause significant delays in implementing critical work of the WRMP. A grant competition resulting in other organizations being selected would risk destabilizing vital program continuity, loss of specialized technical expertise, and jeopardizing involvement from necessary stakeholders that the SFEI and SFEP have built relationships with. Further, the time and resources needed for EPA to manage a competition would delay initiating the critical work of tidal wetland restoration and likely cause detrimental effects to the overall planning processes in the San Francisco Bay region. Local and state agency plans are largely informed and assisted by the timely work of the WRMP, as well as the many tidal wetland restoration projects that depend on the monitoring data and analysis of the WRMP.

IV. Conclusion

The timely implementation of the WRMP is imperative for improving the protection and restoration of tidal marsh ecosystems in San Francisco Bay by turning monitoring data into the information needed by tidal marsh restoration planners, designers, funders, and regulators. EPA Region 9 has supported the development of the WRMP for over a decade; the next phase of implementation needs to progress soon and depends upon continued support and investment. Competing these grants will likely impede the ability for agencies to take effective action towards WRMP implementation. Noncompetitive grants to the SFEI and SFEP will benefit public health and the environment by funding implementation of a needed WRMP for multiple long and short-term data sets that can inform the restoration community and all interested stakeholders on the status and trends of the baylands in the face of climate change stressors.

Enclosure: Wetland Regional Monitoring Program Plan

cc: Tomás Torres, Director, Water Division, R9 (WTR-1)
Héctor Aguirre, Associate Director, Water Division, R9 (WTR-3)
Sandra Leon, Office of Regional Council, R9 (ORC-2)

Concurrence:

Elizabeth January
Grants Competition Advocate
Office of Grants and Debarment

Date

Martha Guzman
USEPA Region IX Regional Administrator

Date

BAAQMD-BACWA Implementation Workgroup

Update to Bay Area Air Quality Management District Board of Directors

Planned for Presentation at Stationary Source Committee

Wednesday, July 17, 2024

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)

- Other Opportunities for Collaboration (PM_{2.5}, South Bay Odor Study)
- **October 2022**
 - Statewide Air Toxics Pooled Emissions Study: Two-Step Process and BAAQMD Rule 11-18
 - Permitting Process and Timelines (permit flow tracking, critical path permitting)
 - Source Test Concerns (timely notification of new test methods, report review and approval)
- **February 2023** (continued from previous meeting discussion)
 - Statewide Air Toxics Pooled Emissions Study: Two-Step Process and BAAQMD Rule 11-18
 - Permitting Process and Timelines
 - Source Test Concerns (including compliance and enforcement coordination, developing standard report formatting)
 - Getting Involved in Strategic Planning with the new Executive Officer
- **June 2023** (continued from previous meeting discussion)
 - Engaging in Strategic Planning with the new Executive Officer
 - Statewide Air Toxics Pooled Emissions Study: Two-Step Process and BAAQMD Rule 11-18
 - Source Test Concerns (including discussion for a POTW specific workshop with BAAQMD staff)
 - Permitting Process and Timelines (including revisions to standard permit conditions)
 - Projected Regulatory Changes
- **September 2023**
 - Status of Report to BAAQMD Board
 - Tier 4 Equivalence for standby diesel IC Engines
 - Statewide Air Toxics Pooled Emissions Study: Two-Step Process and BAAQMD Rule 11-18
 - Source Test Concerns (POTW-specific workshop with BAAQMD staff in November 2023)
 - Permitting Process and Timelines (including revisions to standard permit conditions)
- **February 2024**
 - Status of Report to BAAQMD
 - Update on Source Test Workshop and Next Steps (including standardized reporting formats and written guidance)
 - Following Established Guidance for Policy Decisions
 - Future BACT Determinations
 - Update on BAAQMD Strategic Planning
 - Permitting Process and Timelines (including status of revisions to standard permit conditions)
 - Statewide Air Toxics Pooled Emissions Study: Two-Step Process and BAAQMD Rule 11-18

- **June 2024**

- 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.

July 17, 2024
BAAQMD Stationary Source
Committee

Lorien Fono, Executive Director
lfono@bacwa.org





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

Who is BACWA?



BACWA is a joint powers authority formed by the five largest Bay Area Publicly Owned Treatment Works (POTWs).

Members include 40+ wastewater agencies and collection systems



AIR ISSUES & REGULATIONS COMMITTEE
A Committee of the Bay Area Clean Water Agencies

BACWA's mission and vision

MISSION

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

VISION

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



Advent of BACWA/ BAAQMD Workgroup

BAAQMD Approved Resolution 2021-23 on 12/15/21:

BE IT FURTHER RESOLVED that the Board of Directors of the Bay Area Air Quality Management District directs Air District staff to form a working group comprised of regional operators of publicly owned treatment works to help facilitate the implementation of the Proposed Amendments and address other concerns related to toxic air contaminant reduction at these facilities and future rule development; the working group will provide updates to this Board of Directors on a regular basis;

BACWA and BAAQMD goals addressed by workgroup

1. Efficiency in permit issuance and source testing to maximize community protection
2. Discussion of rule development
3. Coordination with other ongoing efforts statewide
4. Information sharing on what's happening at BAAQMD and the wastewater community

- 8 meetings beginning 2022

Notable Outcomes

Item	Outcome
Permit Backlog	<ul style="list-style-type: none"> • Edits to standard permitting conditions to streamline permitting.. • 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 and reference updated/new emission factors in BAAQMD Rule 11-18 data analysis.
Source Test Requirements & Reporting	<ul style="list-style-type: none"> • Workgroup agreement that a standard report format and standardized source testing requirements would be beneficial. • Conducted first source-testing workshop
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.

Future Work

Item	Outcome
Permit Backlog	<ul style="list-style-type: none">• Continue to work to update standard permit conditions• BACWA to advocate for increased permit staffing
Statewide Wastewater Sector Air Toxics Study	<ul style="list-style-type: none">• Begin meeting with CASA/CARB/other Air districts
Source Test Requirements & Reporting	<ul style="list-style-type: none">• BAAQMD to provide feedback on next steps on standard formal report• BAAQMD to convene a second POTW-focused workshop on source test requirements and reporting.
Ongoing & Future Collaboration	<ul style="list-style-type: none">• BACWA to inform BAAQMD of POTW issues relating to climate pollutants
Strategic Planning	<ul style="list-style-type: none">• BACWA to engage in District level planning as external stakeholders, as appropriate.

Dr. David Jenkins Technical Series

Relating Fundamentals of Biological Nitrogen Removal to Retrofit Activated Sludge Plants

WORKSHOP #1

August 29, 2024

**SF Bay Regional Water Quality Control Board
1515 Clay Street, Oakland, CA**



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

AGENDA

Time Start	Time Finish	Minutes	Topic
8:30	9:00	30	Registration and Coffee
9:00	9:10	10	Introduction and Learning Goals
9:10	9:30	20	Nutrient Overview in SF Bay Area
9:30	10:15	45	<u>Developing a Nutrient Management Strategy or Roadmap:</u> Carbonaceous Activated Sludge Trickling Filter and Hybrid Activated Sludge Plants Intensification Facilities with Digestion or Codigestion Multi-Benefit and Regional Solutions
10:15	10:30	15	Break
10:30	11:15	45	<u>Nitrogen Removal Fundamentals</u> Forms and Transformations in Wastewater Ammonia Removal – Nitrification Nitrogen Removal – Denitrification N Removal Effects and Impacts on Sludge Production Nitrogen Removal Effects and Impacts on Recycle Nitrogen Removal Effects on Aeration and Energy Consumption Deammonification
11:15	11:30	15	Q&A or Panel Discussion
11:30	12:15	45	Lunch Break (Lunch Provided)
12:15	12:55	40	Carbonaceous Activated Sludge Case Studies
12:55	2:15	80	Hybrid and Intensification Case Studies
2:15	2:30	15	Break
2:30	3:10	40	Sidestream Case Studies
3:10	3:50	40	Multi-Benefit and Regional Solution Case Studies
3:50	4:05	15	Q&A or Panel Discussion
4:05	4:15	10	Wrap-up and Next Topics
4:15			Adjourn

Learning Objectives

To familiarize the audience with:

- Nutrient regulations and impacts in the SF Bay
- SF Bay case studies for developing a nutrient strategy
- 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

Ground Rules:

1. **Punctuality:** We have a lot of information to cover and a lot of learning to do together. We will start and stop on time for all breaks to ensure you get your full worth!
2. **No Disturbances:** Smart phones will actually play a role in this training but should be turned to vibrate so as to not disturb others during the workshop.
3. **Participation:** This is NOT intended be one-way communication to audience. To get the most from this workshop, you will need to be an involved and engaged participant in each module.
4. **Ask Questions:** If you do have a question you don't want to ask in front of others, ask it privately during a break. Please do not think any question you have is unimportant.

Committee Request for Board Action: None

Regular meeting: 26 attendees from 18 member agencies participating

Kristy Fournier ran the meeting in her new role as committee chair. Brittany Rossi Worthen is the committee's new Vice Chair.

ELAP Fee Structure Update

ELAP's [Proposed Fees for FY25](#) are the same as FY24 for small labs; the base fee is not changing. For FY25, ELAP plans to set higher fees for three additional tiers of large laboratories with more than 500 Fields of Accreditation (FOAs). Members should make sure to check their bill to make sure the correct number of FOAs are listed (i.e., drop any old FOAs that are no longer relevant due to the MUR 2021 Methods Update).

Report-Out from 2024 ELAP Program

At the 2024 ELAP Program Conference, there was a discussion about the acceptable limits for IR guns. The daily acceptable limit for is within +/-0.5C of the reference thermometer in the updated SM24 9020, which is different than what we had previously discussed at the BACWA Lab committee (+/-1.0C). The more stringent limits apply because ELAP auditors are using the SM24 edition, including the SM 9000 QA chapter, even though MUR 2024 does not call out the new 9000 QA chapter. Third-party auditors will not switch over to the new standard until the new MUR is adopted by California.

Methods Update Rule 2023 Update

Committee leaders will work with a group of volunteers to identify important changes in the USEPA [Methods Update Rule 2023](#) and will report back to the committee soon.

BACWA Updates:

- The Nutrient Watershed Permit is scheduled for adoption on July 10th. A revised Tentative Order is expected later this week.
- Materials from the BACWA Annual Meeting are available on [BACWA website](#)

Training Needs

The TNI training session is now complete, and all 30 training session videos are archived on the [BACWA website](#). For future training, committee members suggested a presentation on the Methods Update Rule 2023.

Announcements and Member Discussion

- EBMUD staff shared information about new risk management rules for methylene chloride ([Risk Management for Methylene Chloride | US EPA](#)). Methylene Chloride is used for liquid extraction in some laboratory methods, and EBMUD has taken steps to reduce worker exposure such as moving the location of items within the fume hood, adjusting fume hood sash heights, and investigating the use of solid phase extraction in lieu of liquid extraction.
- Palo Alto is recruiting for two laboratory tech positions ([link](#)) through July 15th.

Next Regular Meeting: Tuesday, August 13th



Executive Director's Report to the Board

June 2024

EXECUTIVE BOARD MEETING AND SUPPORT

- Worked with BACWA staff to plan and manage 6/21 Executive Board meeting
- Conducted the Executive Board meeting agenda review with the BACWA Chair
- Hosted 6/21 Executive Board meeting and developed meeting notes
- Continued to track all action items to completion

COMMITTEES:

- Attended meeting on baywise.org redesign, 6/24

REGULATORY:

- Attended Statewide pooled emissions study meeting, 6/26

NUTRIENTS:

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

- Reviewed revised tentative order, resolution and response to comments
- Met with legal council to discuss WSP Tentative Order and petitioning logistics
- Discussed nutrient watershed permit with Baykeeper
- Met with member agencies to discuss nutrient permitting
- Attended NWRI OAH IPR Steering Committee meeting, 6/26
- Met with CASA OAH Subgroup, 6/24, 6/27
- Discussed permitting approach with R2 AEO, 6/27
- Planned and hosted NST meeting, 6/21
- Met with WB staff to discuss enforceable milestones in WSP, 6/20
- Met with Science manager to discuss program management issues

COMMUNICATIONS

- Held weekly progress meetings with Civic Edge
- Reviewed nutrient press release and provided edits
- Discussed updates to Baywise with BAPPG and Civic Edge

FINANCE:

- Reviewed the monthly BACWA financial reports
- Reviewed and approved invoices

COLLABORATIONS:

- Met with consultants to discuss David Jenkins Scholarship conference, 6/24
- Attended CASA RWG meeting, 6/27
- Attended SFEP Implementation Committee, 5/22

ASC (AQUATIC SCIENCE CENTER)

- Reviewed materials sent via email by ASC ED
- Attended Board meeting 6/27

BABC (BAY AREA BIOSOLIDS COALITION)

- None

BACC (BAY AREA CHEMICAL CONSORTIUM)

- None

BACWWE (BAY AREA COALITION FOR WATER/WASTEWATER EDUCATION)

- Reviewed and edited draft RFP for program support
- Discussed next steps with executive committee

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

Aug 2024 – Dec 2024 Meetings

DATE	AGENDA ITEMS
<i>August 16, 2024</i> <i>SFPUC</i>	Approvals & Authorizations: <ul style="list-style-type: none">• NMS payment #1• FY24 Year End Treasurer's Report Policy / Strategic Discussion: <ul style="list-style-type: none">• Permit support RFP• Biosolids Survey Results 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• FY24 Financial Audit Policy / Strategic Discussion: <ul style="list-style-type: none">• Operational: <ul style="list-style-type: none">•
<i>December 4, 2024</i> <i>EBMUD downtown</i>	Approvals & Authorizations: <ul style="list-style-type: none">•• Policy / Strategic Discussion: <ul style="list-style-type: none">• Source control update Operational: <ul style="list-style-type: none">••



BACWA ACTION ITEMS

Number	Subject	Task	Responsibility	Deadline	Status
Action Items from June 21 2024 BACWA Executive Board Meeting			resp.	deadline	status
2024.6.43	Schedule and meeting topics for next meeting with RWQCB	BACWA ED to schedule and develop agenda	ED	7/20/2024	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 43 Action Items are complete
 FY23: 58 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

June 2024

BIOSOLIDS COALITION: Attended June meeting of the Bay Area Biosolids Coalition, provided updates from BACWA, and prepared draft meeting notes.

BACWA BULLETIN: Completed and circulated June Bulletin.

NUTRIENTS: Continued discussions with Regional Water Board regarding draft resolution and Tentative Order, including compliance schedule deliverables; participated in Nutrient Strategy Team meeting and prepared summary.

COMMITTEE SUPPORT:

AIR – Assisted with selection of consultant support team for AIR committee in FY25; attended June workgroup meeting with BAAQMD, and began work on action items.

Asset Management – Assisted with June workshop held at Central San in Martinez; prepared and circulated notes.

BAPPG – Assisted with contractor-led effort to complete Baywise website edits; attended June meeting and prepared notes; assisted with contract documents for public outreach, pesticides, and professional outreach contracts for FY25; participated in pesticides subcommittee meeting and reviewed draft comment letters.

Collection System – Coordinated with SSMP guidance consultants and State Water Board staff to obtain review comments on the draft SSMP guidance documents; presented results of Private Sewer Lateral survey to BACWA Executive Board.

Laboratory – Prepared for and participated in June committee meeting; assisted with administrative tasks for the final TNI training session; attended ELAP stakeholder fee meeting and circulated summary to interested members.

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

Recycled Water – Began preparations for July committee meeting.

Executive Board – Prepared contracts and associated board action requests for June meeting. Provided regulatory updates at June meeting.

BACWA MEETINGS ATTENDED:

Asset Management Workshop (6/4)
BAPPG Committee (6/5)
Bay Area Biosolids Coalition (6/10)
Permits Committee (6/11)
Laboratory Committee TNI Training (6/18)
Executive Board (6/21)
Nutrient Strategy Tetam (6/21)
Lab Committee (6/25)

EXTERNAL EVENTS ATTENDED:

BAAQMD Workgroup (6/3)
CASA ACE Workgroup (6/13)
ELAP Stakeholder Fee Meeting (6/14)