



**Executive Board Meeting**  
**AGENDA**  
 Friday, April 17, 2020, 9:00a.m. – 12:30 p.m.  
<https://global.gotomeeting.com/join/687224877>  
 You can also dial in using your phone.  
 United States: +1 (224) 501-3412  
 Access Code: 687-224-8770

Agenda Item	Time	Pages
<b>ROLL CALL, INTRODUCTIONS, AND TELECONFERENCE ETIQUETTE</b>	9:00 AM	
<b>PUBLIC COMMENT</b>	9:03 AM	
<b>CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER</b>	9:04 AM	
<b>CONSENT CALENDAR</b>	9:05 AM	
1 February 21, 2020 BACWA Executive Board Meeting Minutes		3-8
2 January 2020 Treasurer's Reports		9-19
<b>APPROVALS AND AUTHORIZATIONS</b>	9:06 AM	
3 <u>Approval</u> : FY21 Budget and Workplan		20-34
<b>POLICY/STRATEGIC</b>		
4 <u>Discussion</u> : COVID-19 Response		
a. Resources		35
b. Regulatory engagement		36-41
c. Study of COVID-19 in wastewater		42-47
d. Wipes and flushables		
link to <a href="#">Nature</a> and <a href="#">Bloomberg</a> articles		
link to <a href="#">Mercury News</a> article		
5 <u>Discussion</u> : Nutrients	9:40 AM	48-52
a. Regulatory		
i. Update on NBS Study and RW Evaluation		
link to <a href="#">RFI</a>		
b. Technical Work		
i. Update on Science Program planning contingencies for FY21		
c. Governance Structure		
i. March 13, 2020 Steering Committee Debrief		
ii. BACWA posting Steering Committee agendas per Brown Act		
iii. April 8, 2020 Assessment Framework Meeting Debrief		
BREAK	10:30 AM	
6 <u>Discussion</u> : Microplastics Working Group Meeting Debrief		53-55
link to <a href="#">Microplastics Working Group Agenda Package</a>		
7 <u>Discussion</u> : Update on SWRCB's Plans for PFAS and Impact on Wastewater Facilities		
8 <u>Discussion</u> : Statewide collaboration on monitoring per AB617		
9 <u>Discussion</u> : Update on Chlorine Residual Basin Plan Amendment		
10 <u>Discussion</u> : Transition to State General Order for Recycled Water		56
link to <a href="#">NOA</a>		
<b>OPERATIONAL</b>	11:40 AM	
11 <u>Discussion</u> : BACC Bid withdrawn for FY21		57-61
12 <u>Discussion</u> : 5-yr plan w/ contracting approval considerations for FY21		62-63
13 <u>Discussion</u> : ASC and designation of JPA signatory designee		64-81
<b>REPORTS</b>	12:15 PM	
14 Committee Reports		82-86
15 Member Highlights		
16 Executive Director Report		87-89
17 Regulatory Program Manager Report		90
18 Other BACWA Representative Reports		91-95

a. RMP Technical Committee	Mary Lou Esparza, Yuyun Shang, Samantha Engelage		
b. RMP Steering Committee	Karin North; Leah Walker; Eric Dunlavey		
c. Summit Partners	Lorien Fono; Lori Schectel		
d. ASC/SFEI	Lorien Fono; Eileen White		
e. Nutrient Governance Steering Committee	Eric Dunlavey; Eileen White; Lori Schectel		
e.i Nutrient Planning Subgroup	Eric Dunlavey		
e.ii NMS Technical Workgroup	Eric Dunlavey		
f. SWRCB Nutrient SAG	Lorien Fono		
g. NACWA Taskforce on Dental Amalgam	Tim Potter		
h. BAIRWMP	Cheryl Munoz; Linda Hu; Lorien Fono		
i. NACWA Emerging Contaminants	Karin North; Melody LaBella		
j. CASA State Legislative Committee	Lori Schectel		
k. CASA Regulatory Workgroup	Lorien Fono		
l. ReNUWit	Jackie Zipkin; Karin North		
m. ReNUWit One Water	Jackie Zipkin, Eric Hansen		
n. RMP Microplastics Liaison	Artem Dyachenko		
o. Bay Area Regional Reliability Project	Eileen White		
p. WateReuse Working Group	Cheryl Munoz		
q. San Francisco Estuary Partnership	Eileen White; Lorien Fono		
r. CPSC Policy Education Advisory Committee	Colleen Henry		
s. California Ocean Protection Council	Lorien Fono		
t. Countywide Water Reuse Master Plan	Karin North, Pedro Hernandez		
u. CHARG - Coastal Hazards Adampation Resiliancy Group	Jackie Zipkin		
<b>19 SUGGESTIONS FOR FUTURE AGENDA ITEMS</b>		<b>12:27 PM</b>	
<b>NEXT MEETING</b>		<b>12:28 PM</b>	
The next regular meeting of the Board is scheduled for May 15, 2020 from 9:00 am to 12:30 pm at EBMUD, 2nd Floor Large Training Room 375 11th Street, Oakland, CA.			
<b>ADJOURNMENT</b>		<b>12:30 PM</b>	

**ROLL CALL AND INTRODUCTIONS**

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

**Other Attendees:**

<u>Name</u>	<u>Agency/Company</u>
Lorien Fono	BACWA
Alina Constantinescu	LWA/ BACWA
Jennifer Dymont	BACWA
Sarah Deslauriers	Carollo Engineers/ BACWA AIR Committee
Tom Hall	EOA
Azalea Mitch	City of San Mateo
Samantha Engelage	City of Palo Alto
Jeff Skinner	Central San
Jim Graydon	Woodward & Curran
Colleen Henry	Central San
Rita Cheng	Central San
Amanda Roa	Delta Diablo
Randy Schmidt	Central San
Dave Smith	EPA
Bahman Sheikh	WateReuse Consultant
Eric Rosenblum	Enviropective
Felicia Marcus	State Water Board
Greg Fogel	Policy Director for WateReuse

**PUBLIC COMMENT** - The Board members welcomed AED Jennifer Dymont to her first BACWA Board meeting.

The Board held a moment of silence to honor the passing of Bruce Wolf

ED asked Board members to send Form 700 to BACWA Mailbox at EBMUD. Forms are due April 1.

**CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER** – Item 17 was discussed early on as it’s a priority given the circumstances. Item 9 and Item 10 were also taken up early to accommodate the presenter’s schedule.

## CONSENT CALENDAR

1. February 21, 2020, BACWA Executive Board Meeting Minutes – The approved minutes will be posted on the BACWA website.

**Consent Calendar item 1:** *A motion to approve was made by Eileen White and seconded by Amit Mutsuddy. The motion was approved unanimously.*

2. January 2020 Treasurer's Reports – No comments on this item.

**Consent Calendar item 2:** *A motion to approve was made by Eileen White and seconded by Amit Mutsuddy. The motion was approved unanimously.*

## APPROVALS & AUTHORIZATIONS

3. Authorization: EDAR for Maze & Associates Internal Audit. Discussion: There was a clerical error in that there was no authorization in place for them to do their work. They had signed the contract, BACWA had not. Work has already been done.

**Item 3:** *Less than \$5,000 item; no need to authorize by Board. Informational item only.*

4. Authorization: EDAR for correction for contract for K&A for ED recruitment. Discussion: \$15K with optional another \$5K. Correction needed because final contract was \$16K.

**Item 4:** *Less than \$5,000 item ; no need to authorize by Board. Informational item only. .*

## OTHER BUSINESS-POLICY/STRATEGIC

Agenda **Item 5** – Discussion: Nutrients

### a. Regulatory

- i. Group Annual Report data vs planning targets. BACWA ED presented on brief trend analysis: GAR targets vs planning targets. The percent buffer between 2019 loads and planning targets range from 14% to 34%, depending on different locations of the Bay.
- ii. Ocean Protection Council 5-Year Plan – BACWA ED testified at the adoption hearing. ED also spoke with Mike Montgomery and Tom Mumley (Regional Water Board) before the hearing and they felt that the OPC was not a huge concern for our region because we have a good Nutrient Management Strategy in place. However, they do recognize the need to focus on outreach and education to the members of the OPC. To this end, David Senn (SFEI), is in contact with scientists involved in the research provided to the OPC. ED's presentation at the hearing also helped with this effort – the testimony covered science funding, region-wide collaborations, science-based decision making, etc. Steve Jepsen (SCAP) also testified. He brought up that the OPC model had not been validated, which OPC's Chair objected to.

### b. Technical Work

- i. Letter to USGS – See meeting packet for copy of letter. Letter is from Tom Mumley (Regional Water Board) to USGS urging an agreement for partnership for RMP monitoring be reached by March 31. BACWA ED reported that USGS has since responded and expressed confidence that a timely agreement will be reached.
  - ii. Coastal Impact Study Plan – not a new topic, but BACWA following developments. SFEI is beginning to fund a 2-3 year study, at a cost of \$400K to \$600K. This study could potentially have enormous management implications, as other studies have looked only at in-Bay impacts.
- c. Governance Structure
- i. Planning committee meeting #45 Debrief – See notes in meeting packet; however, Board members reported that some things may have shifted since that meeting. SFEI has been holding interviews for the modeling position (as planned), but David Senn is uncertain about making offers to candidates at this time... SFEI also expressed concerns about being able to maintain funding levels and to conduct the planned studies in a timely manner with staff working from home. BACWA ED plans to invite David Senn to a future Board meeting to discuss these matters.

**Agenda Item 6 – Discussion: Exfiltration – Potential Regional Strategy**

BACWA ED met with Sejal Choksi, SF Bay keeper ED to discuss intent behind recent NOIs issued to two Bay Area agencies. They agreed that lawsuits are not necessarily the best way to set regulation. Also – it would be unfortunate to spend massive resources on fixes that may or may not make a difference to water quality. EDs have broadly discussed the possibility of a regional effort, with involvement of the Regional Water Board. Starting point may be a joint ‘best practices manual/ sampling plan’ to better identify anthropogenic bacteria sources to the Bay. BACWA ED will follow-up with Mountain View and Sunnyvale and will also approach the stormwater community.

**Agenda Item 7 – Discussion: EPA Reuse Action Plan.** Board received presentation by Eric Rosenblum, with support from Dave Smith (EPA), Felicia Marcus (former State Water Board Chair), Greg Fogel (WaterReuse) , Bahman Sheikh (consultant). Eric’s presentation is available [here](#). The project team is working on Scope of Work, to be made available in the next week. Team is hoping to execute agreement in the next month. Would like support from BACWA and other associations around the country, if possible, but recognize that issues with COVID-19 may slow things down. BACWA Board will discuss further; no decision made at this time. See also Item 16: Draft FY21 BACWA Budget.

**Agenda Item 8 – Discussion: Update on SWRCB’s Plans for PFAS and Impact on Wastewater Facilities.** ED reported that the most recent communication from the State Water Board indicated that they intend for every facility over 1 MGD to conduct quarterly monitoring of influent, effluent, and biosolids. CASA is working on a counter proposal that would cover only large agencies with potential PFAS sources in the service area. ED will continue to track and report developments.

Agenda **Item 9** – Discussion: Statewide collaboration on monitoring per AB617. Sarah Deslauriers, Carollo Engineers (BACWA AIR Committee) presented on potential statewide collaboration opportunities for required monitoring under AB617 as well as other air-related updates. Sarah’s presentation is available [here](#). BACWA is considering participating in this effort, but the process is not sufficiently defined at this point to make a specific commitment in the FY21 budget. For now, considering funding it through a \$250,000 “General Technical Support” line item. Sarah will get feedback from the AIR committee regarding direction on this topic.

Agenda **Item 10** – Information: 13267 letter on vulnerability assessments. The survey response will be mandatory for all agencies that receive it. The intent was to release it in March but it has been delayed.

Agenda **Item 11** – Discussion: Update on Chlorine Residual Basin Plan Amendment. Tom Hall reported that meeting with Tong Yin (Regional Water Board) was postponed that still needs to be rescheduled. Tom understands that the issues is moving forward; a BPA draft staff report was circulated internally with Regional Water Board staff. The required minimum reporting level for residual chlorine continues to be an issue; Tom Hall sent Tong Yin research supporting 0.1 mg/L RL. Tom will follow-up and report developments to BACWA.

Agenda **Item 12** – Discussion: BACWA Strategic Plan Update. BACWA ED has met with BACWA Board members individually to request feedback, but effort is on hold for now due to priorities involving the response to COVID-19.

Agenda **Item 13** – Discussion: Revised ELAP Regulations. The Revised regulations were slated to be adopted at the State Water Board March 17 meeting. The meeting was cancelled due to COVID-19 concerns and this item is yet to be rescheduled.

Agenda **Item 14** – Discussion: Engagement with Summit Partners on Pesticides. Because engagement with DPR on pesticide inputs to sewers is a Statewide issue, BACWA will reach out to Summit Partners to garner participation from the other entities.

Agenda **Item 15** – Discussion: Invitation to speak to BAWAC about recycled water drivers. This is an item related to BACWA’s efforts to reach out/ collaborate with other regional organization. ED reported that she will participate at the BAWAC’s upcoming 4/13 meeting.

## **OPERATIONAL**

Agenda **Item 16** – Discussion: Draft FY21 BACWA Budget. Board discussed draft budget presented at the February Board meeting. Board did not vote on the budget; the vote is scheduled in April. Items discussed now: EPA Reuse Action Plan – Board generally in favor of providing some support, but would need to review Scope of Work before making a commitment. There was a general concern among Board members about spending right now

considering the health crisis and potential economic crisis. Discretionary spending needs to be more sensitive right now. After some discussion, there was a preliminary agreement to approve a budget that is generally consistent with how BACWA would proceed if there wasn't a state of emergency with the understanding that budgeting is one thing, but spending is another because things may shift as the year progresses. The budget assumptions (both revenue and spending needs) will need to be reviewed and potentially modified throughout the year because of the very dynamic situation.

**Agenda Item 17** – Discussion: COVID-19 Contingency Planning for BACWA. BACWA ED discussed a draft letter for the RWB regarding BACWA members' regulatory needs around COVID-19 challengers. ED noted that, through discussions with CASA, there may be an opportunity to elevate this issue to the State Water Board. BACWA/CASA joint call on the issue is planned. Board members noted that they are most interested in mutual aid agreements, defining essential vs. non-essential staff, seeking relief for any potential/future issues that agency may face due to short staffing, disruption in supplies, reduced revenues, and other COVID-19 potential issues. Board member also proposed that BACWA compiles some resources for member agencies – like a folder to share staff rotation procedures or other modified work procedures, emergency/contingency plans, etc.

**Agenda Item 18** – Discussion: ASC and designation of JPA signatory agency designee. BACWA has not designated a signatory per the California Joint Exercise of Powers Act. The JPA has come under scrutiny, since BACWA is the designated signatory to ASC's JPA. ED informed the Board that next steps will be considered at the next meeting.

**Agenda Item 19** – Discussion: Update on Regulatory Program Manager recruitment. Effort put on hold for now; may opt to extend LWA contract, as needed.

**Agenda Item 20** – Discussion: FWQC membership. Board agreed to put on hold for now; BACWA is more mindful of discretionary spending, plus there are other efforts that may be prioritized (EPA Reuse Action Plan, Pesticides, etc.)

## **REPORTS**

**Agenda Item 21** – Committee Reports: included in the packet.

**Agenda Item 22** - Member highlights: City of Palo Alto thanked the Board for support on their Horizontal Levee Project. The City may reach out in the near future to request letter of support for their next grant request (from EPA).

**Agenda Item 23** – Executive Director Report: included in the packet.

**Agenda Item 24** – Regulatory Program Manager Report: included in the packet.

Agenda **Item 25** – Other BACWA Representative Reports. BACWA Representatives were given an opportunity to provide updates. There were no reports given and no actions taken.

- a. RMP-TRC: Mary Lou Esparza, Yuyun Shang, Samantha Engelage – No report.
- b. RMP Steering Committee: Karin North; Leah Walker; Eric Dunlavey – No report.
- c. Summit Partners: Lorien Fono; Lori Schectel – No report.
- d. ASC/SFEI: Lorien Fono; Eileen White – No report.
- e. Nutrient Governance Steering Committee: Eric Dunlavey; Eileen White; Lori Schectel - No report.
  - i. Nutrient Planning Subgroup: Eric Dunlavey – No report.
  - ii. NMS Technical Workgroup: Eric Dunlavey – No report.
- f. SWRCB Nutrient SAG: Lorien Fono – No report.
- g. NACWA Taskforce on Dental Amalgam: Tim Potter – No report
- h. BAIRWMP: Cheryl Munoz; Linda Hu; Lorien Fono – No report
- i. NACWA Emerging Contaminants: Karin North; Melody La Bella – No report.
- j. CASA State Legislative Committee: Lori Schectel – No report.
- k. CASA Regulatory Workgroup: Lorien Fono – No report.
- l. ReNUWIt: Jackie Zipkin; Karin North – No report.
- m. ReNUWIt OneWater: Jackie Zipkin, Eric Hansen – No report.
- n. RMP Microplastics Liaison: Artem Dyachenko – No report.
- o. Bay Area Regional Reliability Project: Eileen White– No report.
- p. WateReuse Working Group: Cheryl Munoz – No report.
- q. San Francisco Estuary Partnership: Eileen White; Lorien Fono – No report.
- r. CPSC Policy Education Advisory Committee Colleen Henry – No report.
- s. California Ocean Protection Council Lorien Fono – No report.
- t. Countywide Water Reuse Master Plan Karin North; Pedro Hernandez – No report.
- u. CHARG – Coastal Hazards Adaptation Resiliency Group Jackie Zipkin – No report.

Agenda **Item 26** - SUGGESTIONS FOR FUTURE AGENDA ITEMS. None.

**ANNOUNCEMENTS:** The next regular meeting of the Board is scheduled for April 17, 2020 to take place over conference call. Call-in information will be posted with the agenda.

To receive a copy of any materials provided to the Board at a BACWA Executive Board meeting, contact Lorien Fono at [lfono@bacwa.org](mailto:lfono@bacwa.org).

The meeting adjourned at 12:30pm.



# Bay Area Clean Water Agencies

A Joint Powers Public Agency

Leading the Way to Protect our Bay

March 25<sup>th</sup>, 2020

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

As required by section eight of the Joint Powers Agreement establishing the Bay Area Clean Water Agencies (BACWA) and California Government Code Sections 6500 et seq., attached is the BACWA Treasurer's Report for the period covering **July 1, 2019 through February 29, 2020** (eight months of Fiscal Year 2020). This report covers expenditures, cash receipts, and cash transfers for the following BACWA funds:

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

## Houck, Matt

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**From:** Charléty, Damien  
**Sent:** Wednesday, March 25, 2020 1:13 PM  
**To:** Houck, Matt  
**Cc:** Coburn, Yenny  
**Subject:** RE: BACWA - February 2020 Treasurers Report

Approved.

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**From:** Houck, Matt  
**Sent:** Wednesday, March 25, 2020 1:01 PM  
**To:** Charléty, Damien  
**Cc:** Coburn, Yenny  
**Subject:** BACWA - February 2020 Treasurers Report

Please approve BACWA - February 2020 Treasurers Report for distribution.

Thanks,

### **Matt Houck**

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

## **Fund Balances**

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

BACWA Fund: This fund provides the resources for BACWA staff, its committees, and other administrative needs. The ending fund balance on February 29, 2020 was \$1,515,426 which is significantly higher than the target reserve of \$199,709 which is intended to cover 3 months of normal operating expenses based on the BACWA FY20 budget. \$425,932 of the ending fund balance is shown on the BACWA Fund & Investments Balance Report February 29, 2020 as obligated to meet ongoing operating line item expenses for BAPPG Committee Support, Legal services, IT services, Board meeting expenses, accounting services and BACWA staff support. This leaves actual unobligated excess funds of \$889,785 (i.e., actual fund balance of \$1,089,494 less target reserves) as of February 29, 2020. As the details of the costs of the various regulatory requirements included in the 2nd Nutrient Watershed Permit become better defined, these excess funds may be transferred to the CBC fund and used to offset potential Nutrient Surcharge increases to the BACWA members.

CBC Fund: This fund provides the resources for completing special investigations as well as meeting regulatory requirements. The ending fund balance on February 29, 2020 was \$1,871,786, which is significantly higher than the target reserve of \$1,000,000. \$702,873 of the ending balance is obligated to meet line item expenses for completion of the Group Annual Report contract, the Chlorine Residual BPA work, completion of the NBS Study and for technical support. This leaves an actual unobligated excess fund balance of \$168,408 (i.e., actual fund balance of \$1,168,913 less target reserves) as of February 29, 2020. Total Disbursements for FY20 from the CBC Fund include the funding the Nutrient scientific investigations as required by the Nutrient Watershed Permit in the amount of \$2.4M (i.e., \$2.6M less the \$200k advanced payment made in FY19). As the strategy to fund compliance with the 2<sup>nd</sup> Nutrient Watershed Permit becomes better defined, any excess CBC funds could be used to offset potential Nutrient Surcharge increases to the BACWA members.

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

## **Budget to Actual**

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


Revenues as of February 29, 2020 (67% of the FY) are at 97.57%.

Overall Expenses as of February 29, 2020 (67% of the FY) are at 82.47%.

Line items Auditing Services (MAZE), EB Meetings, Annual Meeting, Pretreatment, InfoShare Groups, Annual Meeting are 10% over budget. There was also an unbudgeted expense of \$19,000 for Koff & Associates to fund the ED recruitment effort

**NOTE:** One Alternative Investment in the amount of \$300,000 purchased in December 2018 was called in January 2019. It will be replaced, but LAIF rates continue to be higher than Alternative Investments since the yield curve is negative out to 7 years.

FY 2020  
BACWA BUDGET to ACTUAL

						
<i>BACWA FY20 BUDGET</i>	<i>Line Item Description</i>	<i>FY 2020 Budget</i>	<i>Actuals February 2020</i>	<i>Actual % of Budget February 2020</i>	<i>Variance</i>	<i>NOTES</i>
<b>REVENUES &amp; FUNDING</b>						
<b>Dues</b>	Principals' Contributions	\$506,774	\$506,775	100%	\$1	FY20: 2% increase. 5 @ \$101,355
	Associate & Affiliate Contributions	\$184,111	\$110,407	60%	-\$73,704	FY20: 2% increase. 13 Assoc: \$8,364; 45 Affiliate: \$1,675. One collection member cancelled in FY19
<b>Fees</b>	Clean Bay Collaborative	\$675,000	673,500	100%	-\$1,500	Prin: \$450,000; Assoc/Affil: \$225,000
	Nutrient Surcharge	\$1,700,000	1,699,411	100%	-\$589	See Nutrient Surcharge Spreadsheet
	Voluntary Nutrient Contributions	\$0	\$0	0%	\$0	
<b>Other Receipts</b>	AIR Non-Member	\$6,936	\$6,936	100%	\$0	2% increase (Santa Rosa)
	BAPPG Non-Members	\$3,876	\$3,876	100%	\$0	2% increase (Sta Rosa, Sac Reg'l, Vacaville) \$1,292/each
	Other	\$0	\$0	0%	\$0	
<b>Fund Transfer</b>	Special Program Admin Fees	\$5,100	\$0	0%	-\$5,100	FY20: WOT/BACWWE, Increase to WOT/BACWWE at 2%
<b>Interest Income</b>	LAIF	\$20,000	\$41,412	207%	\$21,412	BACWA, Legal, & CBC Funds invested in LAIF
	Higher Yield Investments	\$18,000	\$1,588	9%	-\$16,413	Alternative Investment Interest (Legal & CBC Funds invested in AltInv)
	<b>Total Revenue</b>	<b>\$3,119,797</b>	<b>\$3,043,905</b>	<b>97.57%</b>	<b>-\$75,892</b>	
<b>EXPENSES</b>						
<b>Labor</b>						
	Executive Director	\$207,531	\$121,060	58%	-\$86,471	ED requested 2.9%; \$99.77/hour; contract based on full time same as FY 19, 2080 hrs
	Assistant Executive Director	\$100,907	\$29,673	29%	-\$71,234	4.5% CPI (SF Bay Metro Area Dec 2018); \$63.07/hour; Reflects 1600 hours/yr (1500 FY 19 + 100 hrs additional for FY 20)
	Regulatory Program Manager	\$137,727	\$87,807	64%	-\$49,920	4.5% CPI (SF Bay Metro Area Dec 2018); \$100.16/hour; Reflects 1375 hours/yr (1250 FY 19 + 125 additional hrs for FY 20)
	<b>Total</b>	<b>\$446,165</b>	<b>\$238,540</b>	<b>53%</b>	<b>-\$207,625</b>	
<b>Administration</b>						
	EBMUD Financial Services	\$41,616	\$8,539	21%	-\$33,077	2% increase
	Auditing Services (Maze)	\$5,240	\$7,240	138%	\$2,000	New contract with Auditors through EBMUD
	Administrative Expenses	\$7,803	\$3,209	41%	-\$4,594	2% increase. Travel, Supplies, Parking, Mileage, Tolls, Misc.
	Insurance	\$4,682	\$4,696	100%	\$14	2% increase
	<b>Total</b>	<b>\$59,341</b>	<b>\$23,684</b>	<b>40%</b>	<b>-\$35,657</b>	
<b>Meetings</b>						
	EB Meetings	\$2,601	\$1,361	52%	-\$1,240	2% increase. Catering, Venue, other expenses
	Annual Meeting	\$12,000	\$14,198	118%	\$2,198	2% increase. Catering, Venue, other expenses
	Pardee	\$6,242	\$5,835	93%	-\$407	2% increase. Catering, Venue, other expenses
	Misc. Meetings	\$5,202	\$693	13%	-\$4,509	2% increase. Hol & Comm Chair Lunch, Staff Mtgs, Fin Comm, Summit Ptnrs, CASA, NACWA Tech WS, Low Flow WS
	<b>Total</b>	<b>\$26,045</b>	<b>\$22,087</b>	<b>85%</b>	<b>-\$3,958</b>	
<b>Communication</b>						
	Website Hosting (Computer Courage)	\$600	\$0	0%	-\$600	Paid in advance in FY19 to lock in lower rate
	File Storage (Box.net)	\$750	\$720	96%	-\$30	
	Website Development/Maintenance	\$1,500	\$618	41%	-\$882	Domains (due again in FY20), website changes
	IT Support (As Needed)	\$2,600	\$0	0%	-\$2,600	
	Other Commun (MS, SM, Backup, PollEv)	\$1,750	\$640	37%	-\$1,110	MS Exchange, Survey Monkey (incr in FY20), Carbonite, Doodle Polls, PollEv, GoToMtg
	<b>Total</b>	<b>\$7,200</b>	<b>\$1,978</b>	<b>27%</b>	<b>-\$5,222</b>	
<b>Legal</b>						

**FY 2020  
BACWA BUDGET to ACTUAL**

<b>EXPENSES</b>						
	Regulatory Support	\$2,653	\$2,224	84%	-\$429	2% increase
	Executive Board Support	\$2,133	\$0	0%	-\$2,133	2% increase
	<b>Total</b>	<b>\$4,786</b>	<b>\$2,224</b>	<b>46%</b>	<b>-\$2,562</b>	
<b>Committees</b>						
	AIR	\$76,000	\$13,123	17%	-\$62,877	\$75k consulting support, \$1k misc expenses
	BAPPG	\$100,000	\$71,258	71%	-\$28,742	Includes CPSC @ \$10,000, OWOW @ \$10,000, and Pest. Reg Spt. @ \$15,000, Paid Baywise Hosting in FY19 to lock in rate
	Biosolids Committee	\$1,000	\$0	0%	-\$1,000	
	Collections System	\$1,000	\$0	0%	-\$1,000	
	InfoShare Groups	\$1,000	\$1,100	110%	\$100	Funds for 2 workgroups (Asset Mgmt & O&M - AM on hiatus in FY20)
	Laboratory Committee	\$1,000	\$0	0%	-\$1,000	
	Permits Committee	\$1,300	\$569	44%	-\$731	all meetings moved to include lunch hour for commuting purposes
	Pretreatment	\$2,000	\$3,402	170%	\$1,402	FY20: Includes \$1,000 for training
	Recycled Water Committee	\$1,000	\$0	0%	-\$1,000	
	Misc Committee Support	\$45,000	\$638	1%	-\$44,362	
	Manager's Roundtable	\$1,000	\$372	37%	-\$628	
	<b>Total</b>	<b>\$230,300</b>	<b>\$90,462</b>	<b>39%</b>	<b>-\$139,838</b>	
<b>Collaboratives</b>						
	<b>Collaboratives</b>					
	State of the Estuary (SFEP-biennial)	\$0	\$0	0%	\$0	Biennial in Odd Fiscal Years. (Paid biennially in odd years for even year conference)
	Arleen Navarret Award	\$2,500	\$0	0%	-\$2,500	Biennial in Even Fiscal Years. Increase in FY20
	FWQC (Fred Andes)	\$7,500	\$0	0%	-\$7,500	
	Stanford ERC (ReNUWit)	\$10,000	\$0	0%	-\$10,000	
	Misc	\$5,000	\$1,600	32%	-\$3,400	BayCAN, NBWA
	<b>Total</b>	<b>\$25,000</b>	<b>\$1,600</b>	<b>6%</b>	<b>-\$23,400</b>	
<b>Other</b>						
	<b>Unbudgeted Items</b>					
	Other	\$0	\$19,000	0%	\$19,000	Koff & Associates
		<b>\$0</b>	<b>\$19,000</b>	<b>0%</b>	<b>\$19,000</b>	
<b>Tech Support</b>						
	<b>Technical Support</b>					
	Nutrients					
	Watershed	\$2,000,000	\$2,400,000	120%	\$400,000	1st year of 2nd WS Permit less \$200k paid in advance in FY19
	NMS Voluntary Contributions	\$0	\$0	0%	\$0	
	Additional work under permit	\$100,000	\$37,799	38%	-\$62,202	Includes HDR PO for \$225k spread out over FY20-24.
	Regional Study on Non-Gray Scape	\$500,000	\$0	0%	-\$500,000	New Line item in FY20
	Member Voluntary Nutrient Contributions	\$0	\$0	0%	\$0	
	Nutrient Workshop(s)	\$0	\$0	0%	\$0	Pilot Studies/Plant Review/Innovative Technologies
	General Tech Support	\$52,020	\$12,659	24%	-\$39,361	2% increase.
	Risk Reduction	\$20,000	\$12,500	63%	-\$7,500	\$50,000 over 5 years (FY19-FY23) 2 Contracts for \$25,000 each over FY19, 20, & 21
	<b>Total</b>	<b>\$2,672,020</b>	<b>\$2,462,958</b>	<b>92%</b>	<b>-\$209,063</b>	
	<b>TOTAL EXPENSES</b>	<b>\$3,470,857</b>	<b>\$2,862,532</b>	<b>82.47%</b>	<b>-\$608,325</b>	
	<b>NET INCOME BEFORE TRANSFERS</b>	<b>-\$351,060</b>				
	<b>TRANSFERS FROM RESERVES</b>	<b>\$351,060</b>				aligns with strategy of drawing down reserves to lessen impact of Nutrient Surcharge
	<b>NET INCOME AFTER TRANSFERS</b>	<b>\$0</b>				
	<b>TOTAL OPERATING BUDGET</b>	<b>\$798,837</b>				
	<b>OPERATING RESERVE</b>	<b>\$199,709</b>				

**BACWA Fund Report as Of February 29, 2020**

BACWA FUND BALANCES - DATA PROVIDED BY ACCOUNTING DEPT.							
DEPTID	DESCRIPTION	FISCAL YEAR BEGINNING FUND BALANCE	TOTAL RECEIPTS TO-DATE	TOTAL DISBURSEMENTS TO-DATE	MONTH-ENDING FUND BALANCE	OUTSTANDING ENCUMBRANCES	MONTH-END UNOBLIGATED FUND BALANCE
800	BACWA	1,185,382	712,056	382,012	1,515,426	425,932	1,089,494
804	LEGAL RSRV	300,000	-	-	300,000	-	300,000
805	CBC	1,926,714	2,408,029	2,462,957	1,871,786	702,873	1,168,913
	<b>SUBTOTAL 1</b>	<b>3,412,096</b>	<b>3,120,085</b>	<b>2,844,969</b>	<b>3,687,212</b>	<b>1,128,805</b>	<b>2,558,407</b>
802	BABC	-	299,805	24,122	275,683	-	275,683
806	BACC	-	-	1,563	(1,563)	-	(1,563)
810	WOT	322,375	-	39,417	282,958	-	282,958
	<b>SUBTOTAL 2</b>	<b>322,375</b>	<b>299,805</b>	<b>65,102</b>	<b>557,078</b>	<b>-</b>	<b>557,078</b>
811	PRP84	161,590	-	(2,859)	164,449	-	164,449
	<b>SUBTOTAL 3</b>	<b>161,590</b>	<b>-</b>	<b>(2,859)</b>	<b>164,449</b>	<b>-</b>	<b>164,449</b>
	<b>GRAND TOTAL</b>	<b>3,896,061</b>	<b>3,419,890</b>	<b>2,907,212</b>	<b>4,408,739</b>	<b>1,128,805</b>	<b>3,279,934</b>

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

BACWA INVESTMENTS BALANCES - DATA PROVIDED BY TREASURY DEPT.													
DEPTID	DESCRIPTION	FISCAL YEAR BEGINNING FUND BALANCE	TOTAL RECEIPTS TO-DATE	TOTAL DISBURSEMENTS TO-DATE	MONTH-ENDING FUND BALANCE	RECONCILIATION TO FINANCIAL STATEMENTS	MONTH-END RECONCILED FUND BALANCE	UNINVESTED CASH BALANCES	LAIF INVESTMENTS AMOUNTS	LAIF INVESTMENTS PERCENTAGE	ALTERNATIVE INVESTMENTS AMOUNTS	ALTERNATIVE INVESTMENTS IDENTIFIERS	ALTERNATIVE INVESTMENT INSTRUCTIONS AND NOTES
800	BACWA	1,185,382	712,056	382,012	1,515,426	2,430,522	3,945,948	3,855,134	90,814	4%	-		priority # 3 for allocation
804	LEGAL RSRV	300,000	-	-	300,000	-	300,000	-	300,000	13%	-		priority # 1 for allocation
805	CBC	1,926,714	2,408,029	2,462,957	1,871,786	-	1,871,786	-	1,871,786	83%	-		priority # 2 for allocation
	<b>SUBTOTAL 1</b>	<b>3,412,096</b>	<b>3,120,085</b>	<b>2,844,969</b>	<b>3,687,212</b>	<b>2,430,522</b>	<b>6,117,734</b>	<b>3,855,134</b>	<b>2,262,600</b>	<b>100%</b>	<b>-</b>		
802	BABC	-	299,805	24,122	275,683	-	275,683	275,683	-	0%	-		pass-through funds, no allocation
806	BACC	-	-	1,563	(1,563)	-	(1,563)	(1,563)	-	0%	-		
810	WOT	322,375	-	39,417	282,958	-	282,958	282,958	-	0%	-		pass-through funds, no allocation
	<b>SUBTOTAL 2</b>	<b>322,375</b>	<b>299,805</b>	<b>65,102</b>	<b>557,078</b>	<b>-</b>	<b>557,078</b>	<b>557,078</b>	<b>-</b>	<b>0%</b>	<b>-</b>		
811	PRP84	161,590	-	(2,859)	164,449	-	164,449	164,449	-	0%	-		pass-through funds, no allocation
	<b>SUBTOTAL 3</b>	<b>161,590</b>	<b>-</b>	<b>(2,859)</b>	<b>164,449</b>	<b>-</b>	<b>164,449</b>	<b>164,449</b>	<b>-</b>	<b>0%</b>	<b>-</b>		
	<b>GRAND TOTAL</b>	<b>3,896,061</b>	<b>3,419,890</b>	<b>2,907,212</b>	<b>4,408,739</b>	<b>2,430,522</b>	<b>6,839,260</b>	<b>4,576,660</b>	<b>2,262,600</b>	<b>-</b>	<b>-</b>		

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

**Reconciliation to Trial Balance - accrual basis**

Per Report above:		STB	1493	2,262,600	
General	3,120,085	STB	1505	4,576,660	
WOT	299,805			<b>6,839,260</b>	-
PROP	-	STB	2135	(2,430,522)	
<b>subtotal</b>	<b>3,419,890</b>			<b>4,408,739</b>	-

Billings-Pending Receipts

4686	Mem Contrib	1,500
4687	Transfer	-
4690	Assoc Contrib	3,350
4696	Other	589
4731	State Grant	-
4732	Grant Retention	-
<b>subtotal</b>		<b>5,439</b>

Trial Balance Revenue Accounts

4411	Interest	(43,000)
4686	Mem Contrib	(1,368,275)
4687	Transfer	(113,305)
4690	Assoc Contrib	(187,388)
4696	Other	(1,713,362)
4731	State Grant	-
4732	Grant Retention	-
<b>subtotal</b>		<b>(3,425,329)</b>
<b>Difference</b>		<b>(0)</b>

### BACWA Revenue Report as of February 29, 2020

FUND #	DEPARTMENT	JOB	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE			UNOBLIGATED	
					Admin & General	Contributons	Interest, Transfers, Others	Admin & General	Contributons	Interest, Transfers, Others		ACTUAL
800	Bay Area Clean Water Agencies	0408511	Administrative & General	-	-	-	-	-	-	-	-	
800	Bay Area Clean Water Agencies	1011099	BDO Member Contributions	506,774	-	-	-	-	506,775	-	506,775	(1)
800	Bay Area Clean Water Agencies	1011108	BDO Other Receipts	-	-	-	-	-	-	-	-	-
800	Bay Area Clean Water Agencies	1011109	BDO Fund Transfers	5,100	-	-	-	-	-	-	-	5,100
800	Bay Area Clean Water Agencies	1011117	BDO- Interest Income from LAIF	20,000	-	-	-	-	-	6,294	6,294	13,706
800	Bay Area Clean Water Agencies	1011133	BDO Assoc.&Affiliate Contr	184,111	-	-	-	-	110,407	-	110,407	73,704
800	Bay Area Clean Water Agencies	1014251	BDO Non-Member Contr BAPPG	3,876	-	1,292	-	-	3,876	-	3,876	-
800	Bay Area Clean Water Agencies	1014252	BDO Non-Member Contr AIR	6,936	-	6,936	-	-	6,936	-	6,936	-
800	Bay Area Clean Water Agencies	1014511	BDO-Alternative Investment Inc	18,000	-	-	-	1,588	-	-	1,588	16,413
800	Bay Area Clean Water Agencies	1015265	BDO Other Receipts (Misc)	-	-	-	-	-	2,550	-	2,550	(2,550)
800	Bay Area Clean Water Agencies	1015266	BDO Affiliate/Associate Dues	-	-	1,675	-	-	36,850	-	36,850	(36,850)
800	Bay Area Clean Water Agencies	1015267	BDO Affil/CS/Assoc Dues	-	-	-	-	-	36,781	-	36,781	(36,781)
<b>BACWA TOTAL</b>				<b>744,797</b>	<b>-</b>	<b>9,903</b>	<b>-</b>	<b>1,588</b>	<b>704,174</b>	<b>6,294</b>	<b>712,056</b>	<b>32,741</b>
805	WQA-CBC	1011099	BDO Member Contributions	675,000	-	2,110	-	-	673,500	-	673,500	1,500
805	WQA-CBC	1011108	BDO Other Receipts	1,700,000	-	3,846	-	-	1,699,411	-	1,699,411	589
805	WQA-CBC	1011117	BDO- Interest Income from LAIF	-	-	-	-	-	-	35,118	35,118	(35,118)
805	WQA-CBC	1014528	BDO-Voluntary Nutrient Contrib	-	-	-	-	-	-	-	-	-
<b>WQA CBC TOTAL</b>				<b>2,375,000</b>	<b>-</b>	<b>5,956</b>	<b>-</b>	<b>-</b>	<b>2,372,911</b>	<b>35,118</b>	<b>2,408,029</b>	<b>(33,029)</b>
<b>TOTAL</b>				<b>3,119,797</b>	<b>-</b>	<b>15,859</b>	<b>-</b>	<b>1,587</b>	<b>3,077,085</b>	<b>41,413</b>	<b>3,120,085</b>	<b>(288)</b>

DEPARTMENT	JOB	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE			UNOBLIGATED		
				Admin & General	Contributons	Interest, Transfers, Others	Admin & General	Contributons	Interest, Transfers, Others		ACTUAL	
802	BABC	1011099	BDO Member Contributions	-	-	16,500	-	-	186,500	-	186,500	(186,500)
802	BABC	1011109	BDO Fund Transfers	-	-	-	-	113,305	-	-	113,305	(113,305)
<b>BABC TOTAL</b>				<b>-</b>	<b>-</b>	<b>16,500</b>	<b>-</b>	<b>113,305</b>	<b>186,500</b>	<b>-</b>	<b>299,805</b>	<b>(299,805)</b>
810	WOT	1011117	BDO- Interest Income from LAIF	-	-	-	-	-	-	-	-	-
<b>WOT TOTAL</b>				<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

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

<b>Grand Total</b>				<b>3,119,797</b>	<b>-</b>	<b>32,359</b>	<b>-</b>	<b>114,892</b>	<b>3,263,585</b>	<b>41,413</b>	<b>3,419,890</b>	<b>(300,093)</b>
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## BACWA Expense Detail Report for February 2020

EXPENSE TYPE	JOB	AMENDED BUDGET	CURRENT PERIOD				YEAR TO DATE				OBLIGATED	UNOBLIGATED	
			ENC	PV	DA	JV	ENC	PV	DA	JV			
<b>LABOR</b>													
AS-Executive Director	1011123	207,531	79,165	-	-	-	-	165,636	121,060	-	-	286,696	(79,165)
AS-Assistant Executive Directo	1011124	100,907	25,295	6,875	-	-	-	83,540	29,673	-	-	113,213	(12,306)
AS-Regulatory Program Manager	1011149	137,727	(24,189)	22,987	-	-	-	58,901	87,807	-	(11,885)	134,822	2,905
<b>ADMINISTRATION</b>													
AS-EBMUD Financial Services	1011125	41,616	-	-	-	-	-	33,077	8,539	-	-	41,616	-
AS-Audit Services	1014512	5,240	-	-	2,000	-	-	5,240	5,240	2,000	(5,240)	7,240	(2,000)
BDO Other Receipts	1011108	-	-	-	5,000	-	-	-	-	19,000	-	19,000	(19,000)
AS-BACWA Admin Expense	1011118	7,803	-	-	740	-	-	-	-	3,209	(167)	3,043	4,760
AS-Insurance	1011126	4,682	-	-	-	-	-	-	-	4,696	-	4,696	(14)
<b>MEETINGS</b>													
GBS-Meeting Support-Annual	1014514	12,000	-	-	824	(270)	-	-	-	14,198	(270)	13,928	(1,928)
GBS-Meeting Support-Exec Bd	1014513	2,601	(517)	158	229	-	-	1,418	823	538	-	2,779	(178)
GBS-Meeting Support-Misc	1014516	5,202	-	-	487	-	-	-	-	693	-	693	4,509
GBS-Meeting Support-Pardee	1014515	6,242	-	-	-	-	-	-	-	5,835	-	5,835	407
<b>COMMUNICATION</b>													
CAR-BACWA File Storage	1014518	1,500	-	-	-	-	-	-	-	720	-	720	780
CAR-BACWA IT Software	1014520	1,750	-	-	56	-	-	-	-	640	-	640	1,110
CAR-BACWA IT Support	1014519	2,600	-	-	-	-	-	2,600	-	-	-	2,600	-
CAR-BACWA Website Dev/Maint	1011116	600	-	-	-	-	-	-	-	618	-	618	(18)
CAR-BACWA Website Hosting	1014517	750	-	-	-	-	-	-	-	-	-	-	750
<b>LEGAL</b>													
LS-Executive Board Support	1011110	2,133	-	-	-	-	-	2,133	-	-	-	2,133	-
LS-Regulatory Support	1011107	2,653	(80)	80	-	-	-	429	2,224	-	-	2,653	-
<b>COMMITTEES</b>													
AIR-Air Issues&Regulation Grp	1014253	76,000	(2,978)	2,978	206	-	-	62,651	12,349	774	-	75,774	226
BC-BAPPG	1011147	100,000	(14,615)	14,615	10,000	-	-	10,307	35,693	35,565	-	81,565	18,435
BC-Biosolids Committee	1011101	1,000	-	-	-	-	-	-	-	-	-	-	1,000
BC-Collections System	1011097	1,000	-	-	-	-	-	-	-	-	-	-	1,000
BC-InfoShare Groups	1011102	1,000	-	-	-	-	-	-	-	1,100	-	1,100	(100)
BC-Laboratory Committee	1011103	1,000	-	-	-	-	-	-	-	-	-	-	1,000
BC-Permit Committee	1011098	1,300	-	174	206	-	-	-	174	395	-	569	731
BC-Pretreatment Committee	1011146	2,000	-	-	-	-	-	-	-	3,402	-	3,402	(1,402)
BC-Water Recycling Committee	1011100	1,000	-	-	-	-	-	-	-	-	-	-	1,000
BC-Manager's Roundtable	1014777	1,000	-	186	-	-	-	-	186	186	-	372	628
BC-Miscellaneous Committee Sup	1011104	45,000	-	-	-	-	-	-	-	638	-	638	44,362
<b>COLLABORATIVES</b>													
CAS-Arleen Navaret Award	1012201	2,500	-	-	-	-	-	-	-	-	-	-	2,500
CAS-FWQC	1012202	7,500	-	-	-	-	-	-	-	-	-	-	7,500
CAS-Misc Collaborative Sup	1014521	5,000	-	-	100	-	-	-	-	1,600	-	1,600	3,400
CAS-PSSEP	1011112	-	-	-	-	-	-	-	-	-	-	-	-
CAS-Stanford ERC	1011969	10,000	-	-	-	-	-	-	-	-	-	-	10,000
<b>BACWA TOTAL</b>		<b>798,837</b>	<b>62,081</b>	<b>48,052</b>	<b>19,849</b>	<b>(270)</b>		<b>425,932</b>	<b>303,768</b>	<b>95,806</b>	<b>(17,562)</b>	<b>807,944</b>	<b>(9,107)</b>
<b>TECH SUPPORT</b>													
WQA-CE Addl Work Under Permit	1014254	100,000	-	-	-	-	-	182,202	37,798	-	-	220,000	(120,000)
WQA-CE-Technical Support	1011127	52,020	(2,446)	2,446	554	-	-	20,671	11,445	1,214	-	33,330	18,690
WQA-CE Risk Reduction	1014023	20,000	-	-	-	-	-	-	-	12,500	-	12,500	7,500
WQA-CE-Nutrient WS Permit Comm	1014021	2,000,000	-	-	2,400,000	-	-	-	-	2,400,000	-	2,400,000	(400,000)
WQA-CE-Nature Based Solutions	1015367	500,000	-	-	-	-	-	500,000	-	-	-	500,000	-
<b>TECH SUPPORT (CBC) TOTAL</b>		<b>2,672,020</b>	<b>(2,446)</b>	<b>2,446</b>	<b>2,400,554</b>	<b>-</b>		<b>702,873</b>	<b>49,243</b>	<b>2,413,714</b>	<b>-</b>	<b>3,165,830</b>	<b>(493,810)</b>
<b>GRAND TOTAL</b>		<b>3,470,857</b>	<b>59,635</b>	<b>50,498</b>	<b>2,420,403</b>	<b>(270)</b>		<b>1,128,805</b>	<b>353,011</b>	<b>2,509,520</b>	<b>(17,562)</b>	<b>3,973,774</b>	<b>(502,917)</b>
<b>BABC</b>													
AS-Assistant Executive Directo	1011124	-	41	-	-	-	-	-	316	-	-	316	(316)
BDO Contract Expenses	1011143	-	-	-	-	-	-	-	-	6,182	-	6,182	(6,182)
AS-Regulatory Program Manager	1011149	-	-	1,202	46	-	-	-	2,905	69	-	2,974	(2,974)
Collateral Development	1015374	-	-	-	-	-	-	-	-	14,650	-	14,650	(14,650)
<b>BABC TOTAL</b>		<b>-</b>	<b>41</b>	<b>1,202</b>	<b>46</b>	<b>-</b>		<b>-</b>	<b>3,221</b>	<b>20,901</b>	<b>-</b>	<b>24,122</b>	<b>(24,122)</b>
<b>BACC</b>													
Administrative Support	1011142	-	-	289	10	-	-	-	1,471	92	-	1,563	(1,563)
<b>BACC TOTAL</b>		<b>-</b>	<b>-</b>	<b>289</b>	<b>10</b>	<b>-</b>		<b>-</b>	<b>1,471</b>	<b>92</b>	<b>-</b>	<b>1,563</b>	<b>(1,563)</b>
<b>WOT</b>													
Administrative Support	1011142	-	-	-	-	-	-	-	-	3,667	-	3,667	(3,667)
BDO Contract Expenses	1011143	-	-	-	-	-	-	-	-	35,750	-	35,750	(35,750)
					17					39,417		39,417	(39,417)
<b>GRAND TOTAL (BDO, CBC, BABC, BACC, WOT)</b>		<b>3,470,857</b>	<b>59,676</b>	<b>51,989</b>	<b>2,420,459</b>	<b>(270)</b>		<b>1,128,805</b>	<b>357,703</b>	<b>2,569,930</b>	<b>(17,562)</b>	<b>4,038,876</b>	<b>(568,019)</b>

### BACWA Expense Detail Report for February 2020

DEPTID	DEPARTMENT	EXPENSE TYPE	AMENDED BUDGET	CURRENT PERIOD				YEAR TO DATE				OBLIGATED	UNOBLIGATED
				ENC	PV	DA	JV	ENC	PV	DA	JV		
811	Prop84BayAreaIntegRegnIWtrMgmt	BDO Fund Transfers	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Administrative Support	-	-	-	-	-	-	-	-	(2,859)	(2,859)	2,859
811	Prop84BayAreaIntegRegnIWtrMgmt	BDO Contract Expenses	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Regional Green Infrastructure	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Hacienda Ave Green St Improvem	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Sears Point Wtln & Wtrshd Res	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Bay Friendly Landscape TP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Weather Based Irrigation Cntrl	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	High Efficiency Toilet & UR	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	High Efficiency Toilet & UI	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	High Efficiency Clothes Washrs	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Napa Co. Rainwater HP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Conservation Program Admin	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Flood Infrastructure Mapping T	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Stormwater Improvements & PBP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Richmond Shoreline & San PFP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Pescadero Integrated FRAH	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Restoration Guidance, San FC	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	SF Estuary Steelhead MP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Stream Restoration in North BD	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnIWtrMgmt	Watershed Program Admnstrtn	-	-	-	-	-	-	-	-	-	-	-
<b>PRP84 TOTAL</b>			-	-	-	-	-	-	-	-	<b>(2,859)</b>	<b>(2,859)</b>	<b>2,859</b>

### BACWA Revenue Report as of February 29, 2020

DEPTID	DEPARTMENT	JOB	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE			UNOBLIGATED	
					Admin & General	Contributons	Interest, Transfers, Others	Admin & General	Contributons	Interest, Transfers, Others		ACTUAL
811	Prop84BayAreaIntegRegniWtrMgmt	1011117	BDO- Interest Income from LAIF	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1011142	Administrative Support	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1011691	Water Efficient Landscape Reba	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1011702	Sears Point Wtind & Wtrshd Res	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1011705	Regional Green Infrastructure	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1011706	Hacienda Ave Green St Improvem	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1011707	WQ Improve Flood Mgmt & EP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1011911	Stream Restoration w/Schools i	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1011912	Flood Infrastructure Mapping	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012209	Water Efficient LRP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012210	Bay Friendly Landscape TP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012211	Weather Based Irrigation Cntrl	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012212	High Efficiency Toilet & UR	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012213	High Efficiency Toilet & UI	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012214	High Efficiency Clothes Washrs	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012215	Napa Co. Rainwater HP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012216	Conservation Program Admin	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012218	Stream Restoration in North BD	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012219	Flood Infrastructure Mapping T	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012220	Stormwater Improvements & PBP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012221	Richmond Shoreline & San PFP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012222	Pescadero Integrated FRAH	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012223	Restoration Guidance, San FC	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012224	SF Estuary Steelhead MP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegniWtrMgmt	1012225	Watershed Program Admnstrtn	-	-	-	-	-	-	-	-	-
<b>PROP 84 TOTAL</b>				-	-	-	-	-	-	-	-	-

# BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 3

FILE NO.: 20-37

MEETING DATE: April 17, 2020

**TITLE: Fiscal Year 2021 Budget & Workplan**

RECEIPT       DISCUSSION       RESOLUTION       APPROVAL

## RECOMMENDED ACTION

Approve the Budget and Workplan for the fiscal year covering July 1, 2020 through June 30, 2021.

## SUMMARY

The Joint Powers Agreement establishing BACWA requires approval of a Budget and Workplan for the coming fiscal year's activities no later than June of the preceding fiscal year.

Draft versions of the budget were reviewed first with the Finance Committee and then at the February 21, 2020 and the March 20, 2020 Executive Board meetings. This final iteration incorporates all changes received from the Board to date and is ready to be approved.

## FISCAL IMPACT

The final budget has revenues of \$3,159,943 and expenses of \$4,305,220 resulting in a negative variance of expenses over revenues of \$1,145,277 for FY 20 which will be transferred from reserves.

## ALTERNATIVES

Do not approve the Budget and Workplan: This is not recommended as the budget has been reviewed on two occasions and needs to be approved prior to July 1, 2020.


Attachments:

FY 2021 Budget and Workplan

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

Lori Schectel,  
Chair, BACWA Executive Board

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

			
<u>BACWA FY20 BUDGET</u>	<u>Line Item Description</u>	<u>FY 21 Budget</u>	<u>FY 21 NOTES</u>
<b>REVENUES &amp; FUNDING</b>			
<b>Dues</b>	Principals' Contributions	\$516,909	FY21: 2% increase. 5 @ \$103,382
	Associate & Affiliate Contributions	\$187,793	FY21: 2% increase. 13 Assoc: \$8,364; 45 Affiliate: \$1,675. One collection member cancelled in FY19
<b>Fees</b>	Clean Bay Collaborative	\$675,000	Prin: \$450,000; Assoc/Affil: \$225,000
	Nutrient Surcharge	\$1,700,000	See Nutrient Surcharge Spreadsheet
	Member Voluntary Nutrient Contributions	\$0	
<b>Other Receipts</b>	AIR Non-Member	\$7,075	2% increase (Santa Rosa)
	BAPPG Non-Members	\$3,954	2% increase (Sta Rosa, Sac Reg'l, Vacaville) \$1,292/each
	Other	\$0	
<b>Fund Transfer</b>	Special Program Admin Fees (WOT)	\$5,202	FY21: 2% increase
	Special Program Admin Fees (BACC)	\$20,010	300 hours of AED support, based on hours billed
	Special Program Admin Fees (BACC)	\$6,000	AED and RPM support, hours billed
<b>Interest Income</b>	LAIF	\$20,000	BACWA, Legal, & CBC Funds invested in LAIF
	Higher Yield Investments	\$18,000	Alternative Investment Interest (Legal & CBC Funds invested in AltInv)
	<b>Total Revenue</b>	<b>\$3,159,943</b>	
<b>BACWA FY20 BUDGET EXPENSES</b>			
<b>Labor</b>			
	Executive Director	\$190,000	No change from FY20 contract
	Assistant Executive Director	\$102,551	2.5% CPI (SF Bay Metro Area Dec 2018); \$66.7/hour; Reflects 1500 hours
	Regulatory Program Manager	\$141,170	2.5% CPI (SF Bay Metro Area Dec 2018); \$100.16/hour; Reflects 1375 hours/yr - Contract TBD
	<b>Total</b>	<b>\$433,721</b>	
<b>Administration</b>			
	EBMUD Financial Services	\$42,448	2% increase
	Auditing Services (Maze)	\$5,345	New contract with Auditors through EBMUD
	Administrative Expenses	\$7,959	2% increase. Travel, Supplies, Parking, Mileage, Tolls, Misc.
	Insurance	\$4,776	2% increase
	<b>Total</b>	<b>\$60,528</b>	
<b>Meetings</b>			
	EB Meetings	\$2,653	2% increase. Catering, Venue, other expenses
	Annual Meeting	\$14,369	5% increase from projected FY20 actual. Catering, Venue, other expenses
	Pardee	\$6,367	2% increase. Catering, Venue, other expenses
	Misc. Meetings	\$5,306	2% increase. Hol & Comm Chair Lunch, Staff Mtgs, Fin Comm, Summit Ptnrs, CASA
	<b>Total</b>	<b>\$28,695</b>	
<b>Communication</b>			
	Website Hosting (Computer Courage)	\$612	

	File Storage (Box.net)	\$765	
	Website Development/Maintenance	\$1,530	Domains, website changes
	IT Support (As Needed)	\$2,652	2% increase
	Other Commun (MS, SM, Backup, PollEv)	\$1,785	MS Exchange, Survey Monkey (incr in FY20), Carbonite, Doodle Polls, PollEv, GoToMtg
	<b>Total</b>	<b>\$7,344</b>	
<b>Legal</b>			
	Regulatory Support	\$2,706	2% increase
	Executive Board Support	\$2,176	2% increase
	<b>Total</b>	<b>\$4,882</b>	
<b>Committees</b>			
	AIR	\$76,000	\$75k consulting support, \$1k misc expenses
	BAPPG	\$130,000	Includes CPSC @ \$10,000, OWOW @ \$10,000, and Pest. Reg Spt. @ \$60,000.
	Biosolids Committee	\$1,000	
	Collections System	\$1,000	
	InfoShare Groups	\$1,750	Funds for 2 workgroups (\$750 for Asset Mgmt - new in FY21; \$1,000 for O&M)
	Laboratory Committee	\$1,000	
	Permits Committee	\$1,300	all meetings moved to include lunch hour for commuting purposes
	Pretreatment	\$1,000	
	Recycled Water Committee	\$1,000	
	Misc Committee Support	\$45,000	
	Manager's Roundtable	\$1,000	
	<b>Total</b>	<b>\$260,050</b>	
<b>Collaboratives</b>			
	<b>Collaboratives</b>		
	State of the Estuary (SFEP-biennial)	\$20,000	Biennial in Odd Fiscal Years. (Paid biennially in odd years for even year conference)
	Arleen Navarret Award	\$0	Biennial in Even Fiscal Years. Increase in FY20
	FWQC (Fred Andes)	\$7,500	
	Stanford ERC (ReNUWIt)	\$10,000	
	Misc	\$5,000	BayCAN, NBWA
	<b>Total</b>	<b>\$42,500</b>	
<b>Other</b>			
	<b>Unbudgeted Items</b>		
	Other	\$0	
		<b>\$0</b>	
<b>Tech Support</b>			
	<b>Technical Support</b>		
	<b>Nutrients</b>		
	Watershed	\$2,800,000	Advance funding for 2nd Watershed Permit Sciece Studies
	NMS Voluntary Contributions	\$0	
	Additional work under permit	\$100,000	Includes HDR PO for \$225k spread out over FY20-24.
	Regional Study on Nature Based Systems	\$200,000	New Line item in FY20
	Regional Recycling Evaluation	\$60,000	
	Nutrient Workshop(s)	\$0	Pilot Studies/Plant Review/Innovative Technologies

General Tech Support	\$250,000	AB617 emissions factors, nutrient technical review, other nutrient support, PFAS
CEC Investigations	\$50,000	Support for studies through RMP (PFAS in FY21)
Risk Reduction	\$7,500	\$50,000 over 5 years (FY19-FY23) 2 Contracts for \$25,000 each over FY19, 20, & 21
<b>Total</b>	<b>\$3,467,500</b>	
<b>TOTAL EXPENSES</b>	<b>\$4,305,220</b>	
<b>NET INCOME BEFORE TRANSFERS</b>	<b>-\$1,145,277</b>	
<b>TRANSFERS FROM RESERVES</b>	<b>\$1,145,277</b>	aligns with strategy of drawing down reserves to lessen impact of Nutrient Surcharge
<b>NET INCOME AFTER TRANSFERS</b>	<b>\$0</b>	
<b>TOTAL OPERATING BUDGET</b>	<b>\$837,720</b>	
<b>OPERATING RESERVE</b>	<b>\$209,430</b>	

# Budget & Workplan

## FISCAL YEAR 2021



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## INTRODUCTION

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

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

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

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

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

In FY20 BACWA had two Special Benefit Programs: Water Operator Training, and the Bay Area Biosolids Coalition. The Bay Area Biosolids Coalition is comprised of a subset of BACWA members who are pursuing alternatives for biosolids beneficial reuse and/or disposal in order to meet future regulatory requirements for diversion of organics from landfills. In FY21, BACWA will likely have a third Special Benefit Program, the Bay Area Chemical Coalition. If the program is implemented at the beginning of or during FY 21, it will conform to the JPA requirements under Part C.

The purpose of this document is to fulfill the requirements of the JPA for Fiscal Year 2021 (FY21). This workplan and budget specify the purpose of each of BACWA’s programs during FY21, the methods by which they will be carried out, the products that will be developed, and the persons responsible for implementation. The schedule for implementation of these programs is July 1, 2020 through June 30, 2021.

## STRATEGIC PLAN

BACWA adopted its first strategic plan and accompanying workplan in 2009 and subsequently refined it in 2011. The strategic plan states the mission, values and goals of the organization as demonstrated in the work undertaken annually by the agency.

### **Mission**

Through leadership, science and advocacy, BACWA provides an effective regional voice for the clean water community's role in stewardship of the San Francisco Bay environment.

### **Values**

Leadership  
Environmental Stewardship  
Collaboration  
Transparency  
Fiscal Responsibility  
Member Service

### **Goals**

#### *Member Service*

1. Members are informed of critical issues and activities.
2. Members comply with applicable rules and regulations.

#### *Informed Regulation*

3. Environmental regulations and policies reflect the best available scientific, technical, and economic information.
4. Regulations consider environmental, social, and economic sustainability.

#### *Environmental Stewardship*

5. Members optimize the value available from wastewater.
6. Watershed management principles are applied to address San Francisco Bay management challenges.

BACWA plans to update its Strategic Plan in FY21.

## MANAGEMENT AND ADMINISTRATION (PART A)

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

<b>Management &amp; Administration</b>				
<b>Objective</b>	<b>Deliverables/Outcomes</b>	<b>Lead</b>	<b>FY 21 Budget</b>	<b>Budget Line</b>
<b>A. Effectively and efficiently manage BACWA as an organization (Labor, Meetings, and Administration)</b>	<b>A.1. Monthly Treasurer Reports,</b>	ED, AED, EBMUD	\$42,448	Administration, Financial Services
	<b>A.2. Annual audit</b>	ED, AED, Auditor	\$5,345	Administration, Audit Services
	<b>A.3. Miscellaneous Operational Expenses</b>	ED, AED, RPM	\$7,959	Administration, Admin Expenses
	<b>A.4. Insurance to manage organizational risk</b>	ED, AED	\$4,776	Administration, Insurance
	<b>A.5. Compliance with organization legal requirements</b>	ED, AED	\$2,176	Legal, Executive Board Support
	<b>A.6. Program Administration and Operations Support</b>	ED, AED, RPM	\$145,168	Labor, ED (15%), RPM (10%), AED (100%),
	<b>A.7. Miscellaneous Meeting &amp; Administrative Expenses</b>	ED, AED	\$2,653	Meetings, Exec. Board Meetings
	<b>A.8. Miscellaneous Meeting &amp; Administrative Expenses</b>	ED, AED	\$6,367	Meetings, Pardee Seminar
	<b>A.9. Miscellaneous Meeting &amp; Administrative Expenses</b>	ED, AED, RPM	\$5,306	Meetings, Misc. Meetings
		<b>TOTAL</b>	<b>\$222,198</b>	

## GENERAL BENEFIT PROGRAMS (PART B)

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

### BACWA MEMBER AGENCY PROGRAM AND CLEAN BAY COLLABORATIVE (CBC) (PART B.1.)

The **BACWA Member Agency Program** serves the following of BACWA’s goals: (1) Members are informed of critical issues and activities, (2) Members comply with applicable rules and regulations, and (3) Environmental regulations and policies reflect the best available scientific, technical, and economic information.

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

The purpose of the **CBC program** is to respond to current regulatory requirements and to develop scientific, technical and industry information to inform future regulations and policies affecting Bay Area POTWs and the environment. Program expenses include the costs of special studies and reports requested by regulatory agencies, policy strategy development and implementation, and collaborations with statewide organizations to do the same. The goals of the CBC are to ensure that (1) regulations and policies reflect the best available scientific, technical, and economic information; (2) regulations consider environmental, social and economic sustainability; (3) members optimize the value available from wastewater; and (4) watershed management principles are applied to address San Francisco Bay management challenges.

Bay Area Clean Water Agencies				
Objective(s)	Deliverables/Outcomes	Lead	FY21 Budget	Budget Line
A. Effectively and efficiently manage BACWA as an organization <b>(Committees: Labor, Meetings, and Administration)</b>	A.1. AIR Committee Support - Admin Support - Technical Support	Chair, AED, RPM, Consultant	\$76,000	Committees, AIR Comm.
	A.2. BAPPG Committee Support - Multiple Programs	Chair, AED, RPM, Consultants	\$130,000	Committees, BAPPG Comm.
	A.3. Biosolids Comm. Support - Misc. Expenses - Conference attendance	Chair	\$1,000	Committees, Biosolids Comm.

	<b>A.4.</b> Collection Systems Comm. Support - Misc. Expenses	Chair, RPM	\$1,000	Committees, Collection Systems Comm.
	<b>A.5.</b> InfoShare Groups Support (Ops & Maint/Asset Mgmt) - Misc. Expenses	Chair, RPM	\$1,750	Committees, Asset Management and O&M InfoShare Groups
	<b>A.6.</b> Laboratory Comm. Support - Technical Conference - Training Events - Misc. Expenses	Chair, RPM	\$1,000	Committees, Laboratory Comm.
	<b>A.7.</b> Permits Comm. Support - Misc. Expenses	Chair, RPM	\$1,300	Committees, Permits Comm.
	<b>A.8.</b> Pretreatment Committee, - Training - Factsheet - Misc. Expenses	Chair	\$1,000	Committees, Pretreatment Comm.
	<b>A.9.</b> Recycled Water Comm., Misc. Expenses	Chair, RPM	\$1,000	Committees, Recycled Water Comm.
	<b>A.10</b> Misc. Committee Support	ED, AED, RPM	\$45,000	Committees, Misc. Comm. Support
	<b>A.11.</b> Manager's Roundtable	ED, AED	\$1,000	Committees, Manager's Roundtable
	<b>A.12.</b> Executive Director	Board Chair	\$161,500	Labor, ED (85%)
	<b>A.13.</b> Legal Support	ED	\$2,706	Legal, Regulatory Legal Support
	<b>A.14.</b> Regulatory Program Manager	RPM	\$98,819	Labor, RPM (70%)
	<b>A.15.</b> File Storage	ED, AED	\$765	Communications, File Storage
	<b>A.16.</b> IT Support (As Needed)	ED, AED	\$2,652	Communications, IT Support
	<b>A.17.</b> Software (As Needed)	ED, AED	\$1,785	Communications, Software
<b>B.</b> Increase direct communication with members regarding regulatory developments and BACWA accomplishments. <b>(Communication, Meetings)</b>	<b>B.1.</b> Annual Meeting	ED, AED, RPM	\$14,369	Meetings, Annual Meeting
	<b>B.2.</b> Website Hosting	ED, AED, Consultant	\$612	Communications, Website Hosting
	<b>B.3.</b> Website Development/Maintenance	ED, AED, RPM, Consultant	\$1,530	Communications, Website Dev/Maint
<b>C.</b> Encourage partnerships and relationships that further BACWA's strategic goals. <b>(Collaboratives)</b>	<b>C.1.</b> State of the Estuary	ED, AED	\$20,000	Collaboratives, State of the Estuary
	<b>C.2.</b> Arleen Navarret Award	ED, AED	\$0	Collaboratives, Arleen Navarret Award
	<b>C.3.</b> Federal Water Quality Coalition	ED, AED	\$7,500	Collaboratives, FWQC
	<b>C.4.</b> Stanford ERC (ReNUWit)	ED, AED	\$10,000	Collaboratives, ReNUWit
	<b>C.5.</b> Miscellaneous	ED, AED	\$5,000	Collaboratives, Misc.

<b>D. Further Nutrient related science and management goals for SF Bay and ensure compliance with Watershed Permit, Tech Support</b>	<b>D.1.</b> Watershed	ED, RPM, Consultant	\$2,800,000	Tech. Support, Nutrients/Watershed Permit Obligation
	<b>D.2.</b> NMS Voluntary Contributions	ED, RPM	\$0	Tech. Support, Nutrients/Watershed/Vol Contributions
	<b>D.3.</b> Additional Work Needed Under Permit	ED, RPM, Consultant	\$100,000	Tech. Support, Nutrients/Add'l Work Under Permit/ GAR etc.
	<b>D.4.</b> Regional Study on Nature Based Systems	ED, RPM, Consultant	\$200,000	Tech. Support, Nutrients/Reg'l Study Non-Gray Scope
	<b>D.5.</b> Regional Recycled Water Evaluation	ED, RPM	\$60,000	Tech. Support, Nutrients/Member Vol Nutrient Contributions
	<b>D.6.</b> Nutrient Workshop(s)	ED, RPM, Consultant	\$0	Tech. Support, Nutrient Workshop(s)
	<b>D.7.</b> General Tech Support	ED, RPM, Consultants	\$250,000	Tech. Support, General Tech Support: PEEP, PFAS, Nutrient Review
	<b>D.8.</b> CEC Investigations	ED, RPM, Consultants	\$50,000	CEC studies for POTWs
	<b>D.9.</b> Risk Reduction	ED, RPM, Consultants	\$7,500	Tech, Support, Risk Reduction
<b>E. Other</b>	<b>E.1.</b> General Technical and Regulatory Support	ED, RPM	\$28,234	Labor, RPM (20%)
		<b>TOTAL</b>	<b>\$3,969,522</b>	

## SPECIAL BENEFITS PROGRAMS (PART C)

BACWA has two active special benefit programs: Water Operator Training (WOT) and the Bay Area Biosolids Coalition (BABC). Member dues for WOT are optional and are established on an annual basis by the WOT Program Members with training offered at sites within the BACWA service area. The training is conducted in conjunction with an accredited local community college. The Bay Area Biosolids Coalition became a Special Benefits Program in FY 20, where the participants establish their budget and associated revenue needs. The program is administered under Part C of the JPA Annual Budget and Workplan.

## WATER OPERATOR TRAINING (PART C.2.)

<b>WATER OPERATOR TRAINING</b>		
<u>Deliverables/Outcomes</u>	<u>Manager</u>	<u>FY 20 Budget</u>
Encourage development of a skilled workforce by offering classes in conjunction with a local community college.	Program Participant Reps; ED, AED	To be determined by member interest.

## BAY AREA BIOSOLIDS COALITION (PART C.3.)

<b>BAY AREA BIOSOLIDS COALITION</b>		
<u>Deliverables/Outcomes</u>	<u>Manager</u>	<u>FY 21 Budget</u>
Pursue alternatives for biosolids beneficial reuse and/or disposal in order to meet future regulatory requirements for diversion of organics from landfills	Program Participant Reps; ED, RPM, AED	To be determined by member interest.

## FISCAL YEAR 2021 BUDGET

<b>BACWA/CBC</b>	<b>2021 Budget</b>	<b>Notes</b>
<b>REVENUES</b>	<b>UPDATE</b>	
BACWA Principals' Contributions	516,909	2% increase
BACWA Assoc. & Affil. Contributions	187,793	2% increase
Clean Bay Collaborative (CBC)	675,000	0% increase
Nutrient Surcharge	1,700,000	2 <sup>nd</sup> Watershed Permit Requirement
Voluntary Nutrient Contributions	0	
AIR Non-Members	7,075	2% increase
BAPPG Non-Members	3,954	2% increase
Other/Special Program Admin Fees (WOT)	5,202	WOT 2% increase
Other/Special Program Admin Fees (BABC)	6,000	Based on staff hours, AED, RPM, and ED
Other/Special Program Admin Fees (BABC)	20,010,000	300 hours AED support
Interest Income (LAIF)	20,000	Includes BACWA & Nutrient Funds
Interest Income (higher yield Investments)	18,000	Alternative Investments
<b>TOTAL</b>	<b>3,159,942</b>	

<b>EXPENSES</b>		
<b>Labor</b>	<b>433,721</b>	
Executive Director	190,000	No change from FY20 budget
Assistant Executive Director	102,551	2.5% CPI (SF Bay Metro Area) \$66.70/hr, Reflects 1500 hours / yr
Regulatory Program Manager	141,170	2.5% CPI (SF Bay Metro Area) \$100.16/hour; Reflects 1375 hours/ yr, Contract TBD
<b>Administration</b>	<b>60,528</b>	
EBMUD Financial Services	42,448	2% increase
Auditing Services (Maze)	5,345	New contract with Auditors through EBMUD

Administrative Expenses	7,959	2% increase
Insurance	4,776	2% increase
<b>Meetings</b>	<b>28,695</b>	
EB Meetings	2,653	2% increase
Annual Meeting	14,369	2% increase
Pardee	6,367	2% increase
Misc.	5,306	2% increase: Holiday/Comm Chairs Lunch, Staff Mtgs, Finance Comm Mtg, Summit Partners, CASA, NACWA
<b>Communications</b>	<b>7,344</b>	
<i>Web Host</i>	612	Computer Courage
<i>File Storage</i>	765	Box.net
<i>Website Development/Maint.</i>	1,530	Computer Courage
<i>IT Support (As Needed)</i>	2,652	Cayuga Information Systems
<i>Other Communications/Software</i>	1,785	MS Exchange/Survey Monkey/Poll Everywhere/Backup Software /GoToMeeting
<b>Legal Support</b>	<b>4,882</b>	
Regulatory Support	2,706	2% increase
Executive Board Support	2,176	2% increase
<b>BACWA Committees</b>	<b>260,050</b>	
AIR	76,000	Consultant support
BAPPG	130,000	Technical support and outreach contracts
Biosolids Committee	1,000	
Collections System	1,000	
InfoShare Groups	1,750	Asset Management and O&M Support
Laboratory Committee	1,000	
Permit Committee	1,300	
Pretreatment Committee	1,000	
Recycled Water Committee	1,000	
Misc. Committee Support	45,000	
Manager's Roundtable	1,000	
<b>Collaboratives</b>	<b>42,500</b>	
State of the Estuary	20,000	Biennial in odd fiscal years
Arleen Navarret Award	0	Biennial in even fiscal years
FWQC	7,500	
Stanford ERC (ReNUWIt)	10,000	
Misc.	5,000	
<b>Technical Support</b>	<b>\$3,467,500</b>	
Nutrients		
<i>Watershed</i>	<i>2,800,000</i>	Advanced funding for 2 <sup>nd</sup> Watershed Permit Science Studies
<i>NMS Voluntary Contributions</i>	<i>0</i>	
<i>Additional Work Under Permit</i>	<i>100,000</i>	Includes HDR PO for \$225K spread out over FY20-24
<i>Regional Study on Nature Based Systems</i>	<i>200,000</i>	
<i>Regional Recycling Evaluation</i>	<i>60,000</i>	
<i>Nutrient Workshop(s)</i>	<i>0</i>	
General Technical Support	250,000	AB617 emissions factors, nutrient technical review, other nutrient support, PFAS
CEC Investigations	50,000	Support for studies through RMP

Risk Reduction	7,500	\$50,000 over 5 yrs (FY19-23) 2 Contracts for \$25,00 over each FY19, 20, 21
<b>TOTAL</b>	<b>\$4,305,220</b>	

<b>WOT</b>	<b>2021 Budget (est)</b>	<b>Notes</b>
<b>REVENUES</b>	<b>0</b>	
Participant's Contributions	0	Est. depends on member interest.
<b>EXPENSES</b>	<b>85,200</b>	
Contract expenses	80,000	Est. depends on member interest.
BACWA Indirect Expenses	5,200	Per BACWA Policy
<b>TOTAL</b>	<b>-85,200</b>	Funding transferred from WOT reserve

<b>BABC</b>	<b>2021 Budget (est)</b>	<b>Notes</b>
<b>REVENUES</b>	<b>186,500</b>	
Participant's Contributions	186,500	Est. depends on member interest.
<b>EXPENSES</b>	<b>186,500</b>	
Contract expenses	180,500	Est. depends on member interest.
BACWA Indirect Expenses	6,000	Per BACWA Policy
<b>TOTAL</b>	<b>0</b>	

**COVID-19 Resources for POTWs – posted on [BACWA Website](#)**

[CASA Resource Page](#)

- Resources for Agency Planning and Operations
- Worker Safety
- State Actions
- Federal COVID-19 Response and Resources
- Maintaining Agency Compliance
- Links to Known Reliable Resources on COVID-19 Response
- COVID-19 Communication Tools
- FEMA and CalOES Emergency Assistancess

[CWEA](#) - Webinars, worker safety, CA and national updates

[WEF](#) - Water-sector technical information, WEF events, training resources

[CDC](#) - COVID-19 information for drinking water, recreation, and wastewater

[CalWARN](#) – Blanket mutual aid and assistance agreement for members

March 31 [Extended Shelter-in-Place Order](#) for SF and other Bay Area Counties

## Lorien Fono

---

**From:** Roberta Larson <blarson@somachlaw.com>  
**Sent:** Thursday, April 9, 2020 3:36 PM  
**To:** Maletic, Beba@Waterboards; Bishop, Jonathan@Waterboards; Laudon, Leslie@Waterboards; Morgan, Nichole@Waterboards; Caraway, Annette@Waterboards; Elder, Bryan@Waterboards; Adam Link; jvoskuhl@casaweb.org; Lorien Fono; jjones@cwea.org; Debbie Webster  
**Cc:** Messina, Diana@Waterboards; Arjil, Marji@Waterboards  
**Subject:** RE: **\*\*Call\*\*** Wastewater Operations Staffing During COVID-19

Hello,

Here is a very brief draft agenda for our call tomorrow. Looking forward to the discussion.

1. Introductions
2. Review of Actions Taken in Response to COVID-19
  - Wastewater Associations
  - State Water Board
3. Discussion of Issues Raised by COVID-19 and possible approaches
  - Operator Certification/staffing
  - Reporting, monitoring and studies
  - Other
4. Wrap up and Next Steps

Thanks

-----Original Appointment-----

**From:** Maletic, Beba@Waterboards <Beba.Maletic@waterboards.ca.gov>  
**Sent:** Wednesday, April 8, 2020 10:22 AM  
**To:** Maletic, Beba@Waterboards; Bishop, Jonathan@Waterboards; Laudon, Leslie@Waterboards; Morgan, Nichole@Waterboards; Caraway, Annette@Waterboards; Elder, Bryan@Waterboards; Roberta Larson; Adam Link; jvoskuhl@casaweb.org; lfono@bacwa.org; jjones@cwea.org; Debbie Webster  
**Cc:** Messina, Diana@Waterboards; Arjil, Marji@Waterboards  
**Subject:** **\*\*Call\*\*** Wastewater Operations Staffing During COVID-19  
**When:** Friday, April 10, 2020 1:30 PM-2:30 PM (UTC-08:00) Pacific Time (US & Canada).  
**Where:** Dial In: (916) 255-4069; no passcode

To discuss concerns CASA and other regional associations have been hearing from California wastewater treatment agencies about staffing issues related to the COVID-19 pandemic, would appreciate the opportunity to speak with you via conference call to get your thoughts on these issues and how best to advise our members. We understand and agree it is critical that our plants are operated competently and that effluent limitations are met. The main

focus of our discussion would be on the operator certification requirements and what flexibility might be available during this emergency.

**Roberta Larson** | *Attorney*

500 Capitol Mall, Suite 1000 | Sacramento, CA 95814

**Cell** 916.798.7488 | **Direct** 916.469-3874 | **Fax** 916.446.8199 | [blarson@somachlaw.com](mailto:blarson@somachlaw.com)

<http://www.somachlaw.com>

Wastewater Community:

Adam Link, CASA

Jared Voskuhl, CASA

Bobbi Larson, CASA

Lorien Fono, BACWA

Jenn Jones, CWEA

Debbie Webster, CVCWA (tentative)

Beba Maletic Arsov

Assistant to the Executive Office

State Water Resources Control Board

[beba.maletic@waterboards.ca.gov](mailto:beba.maletic@waterboards.ca.gov)

\*currently teleworking

## Lorien Fono

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**From:** Schlipf, Robert@Waterboards <Robert.Schlipf@waterboards.ca.gov>  
**Sent:** Monday, April 6, 2020 8:54 AM  
**To:** Alina Constantinescu; Johnson, Bill@Waterboards; Parrish, James@Waterboards  
**Cc:** Lorien Fono; Dan Jackson; Jason Mitchell  
**Subject:** Re: Request on behalf of BACWA agencies: Modified clean hands/dirty hands sampling technique

Hi Alina,

We approve BACWA's request to modify sampling techniques for mercury (described below) provided that agencies document any deviations from the test method in monitoring reports and explain that such deviations were necessary to maintain social distancing directives.

Please let me know if you have any questions. Hope that everyone is doing okay.

Best regards, Robert  
510.622.2478

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**From:** Alina Constantinescu <alinac@lwa.com>  
**Sent:** Thursday, April 2, 2020 11:19 AM  
**To:** Johnson, Bill@Waterboards <Bill.Johnson@waterboards.ca.gov>; Schlipf, Robert@Waterboards <Robert.Schlipf@waterboards.ca.gov>; Parrish, James@Waterboards <James.Parrish@waterboards.ca.gov>  
**Cc:** Lorien Fono <lfono@bacwa.org>; Dan Jackson <danj@unionsanitary.ca.gov>; Jason Mitchell <jason.mitchell@ebmud.com>  
**Subject:** Request on behalf of BACWA agencies: Modified clean hands/dirty hands sampling technique

**EXTERNAL:**

Hello James, Bill, and Robert

I hope all is well and you're all adjusted to the new WFH reality.

We heard from a few BACWA members about concerns with sampling techniques that involve two people working in close quarters, such as clean hands/dirty hands sampling for low-level mercury. Members of our Lab Committee proposed the following modifications to this technique that would allow one person to conduct this type of sampling and account for social distancing directives. BACWA agencies are asking for your approval to begin implementing the modified procedure. Please review and let us know as soon as you can. Some agencies are gearing up to conduct their monthly sampling in the next few days.

### **Modified clean hands/dirty hands sampling technique**

Clean hands and dirty hands are the same person, gloves will be peeled off after steps 1-4 below, so that essentially all actions are performed using "clean hands". The person will need to start by layering at least 4 pairs of gloves on their hands.

1. Dirty Hands (outer gloves worn to sampling site while driving ok)
  - a. Put on clean gloves. (4 pairs layered)

2. Clean Hands

- a. Put on clean gloves.
- b. Do not touch anything that may contaminate your gloves.

3. Dirty Hands (peel off first layer of gloves before completing a-c)

- a. Set up sampling equipment, open cooler and remove sample kit and its bubble pack bag.
- b. Complete label on outer ziplock bag.
- c. Open outer bag (for all samples to be collected) and hold it open so the Clean Hands technician can reach inside.

4. Clean Hands (peel off second layer of gloves before completing a-d)

- a. Do not touch outer bag.
- b. Open inner bag, remove a sample bottle, remove cap and collect sample, filling completely.
- c. Replace cap and return the sample bottle to inner ziplock bag. Repeat for all bottles.
- d. Close the inner ziplock while squeezing the inner bag to expel the air, complete the seal, and push the inner bag inside the outer bag.

5. Dirty Hands (no need to change gloves from step 4, clean hands above)

- a. Close outer ziplock while squeezing the bag to expel the air, and then complete the seal.
- b. Place the double bagged bottle kit in the bubble pack bag, seal the bubble bag.
- c. Place the kit in the cooler.

It's worth noting that the same procedure will be used for the blank sample so if for some reason there is contamination due to the sampling technique, it will be flagged in the blank.

Thank you for your consideration.

*Alina Constantinescu*  
*BACWA Interim Regulatory Program Manager*

Alina Constantinescu, P.E.  
**Larry Walker Associates, Inc.**  
2397 Shattuck Ave, Suite 204  
Berkeley, CA 94704  
Office: (510) 883-9873 x415 (forwards to cell)  
Cell: (415) 378-2780  
[www.lwa.com](http://www.lwa.com)

40 YEARS | 1979-2019

## CHIEF PLANT OPERATOR (CPO) RESPONSIBILITIES

The Chief Plant Operator (CPO) is responsible for the overall operation of a wastewater treatment plant (WWTP) including compliance with effluent limitations established in the WWTP's waste discharge requirements and ensuring that operators-in-training (OITs) are supervised directly in accordance with the WWTP Operator Certification Regulations. The CPO has a unique position among all certified operators. The CPO's management and supervisory responsibilities at the WWTP include:

- Overall operation of the WWTP and compliance with the regulations regardless of the facility organizational hierarchy.
- Notification to the Wastewater Operator Certification Program (WWOCP) regarding any modifications including process changes at a WWTP by submitting a Plant Classification Form, available on the WWOCP home webpage under "Forms" or at:

[http://www.waterboards.ca.gov/water\\_issues/programs/operator\\_certification/docs/forms/plantclassification.pdf](http://www.waterboards.ca.gov/water_issues/programs/operator_certification/docs/forms/plantclassification.pdf)

- Development, review and use of Standard Operating Procedures (SOPs) for all operators to ensure reasonable care and judgment covering operations, maintenance, and compliance at the plant including:
  - 1) Operator SOPs (short, clear and concise step-by-step procedures for operators, to be used on a daily and/or weekly basis for ensuring consistent work tasks at the plant).
  - 2) Reference SOPs (narrative descriptions for operators, to be used covering operational and maintenance requirements for the plant - major treatment unit processes).
- Submitting a Chief Plant Operator Acknowledgement Form to the WWOCP within 30 days of becoming a CPO, or change of CPO. The form is available on the website under "Forms" at:

[http://www.waterboards.ca.gov/water\\_issues/programs/operator\\_certification/docs/forms/cpo\\_acknowledgement.pdf](http://www.waterboards.ca.gov/water_issues/programs/operator_certification/docs/forms/cpo_acknowledgement.pdf)

- Signing certification applications for OITs and certified operators employed at the WWTP. By signing these applications, the CPO is verifying that the employment information provided is true and correct. The CPO must maintain and/or keep work records of qualifying experience for OITs under its supervision or direction.
- Returning an OIT's original certificate to the WWOCP when an OIT's training at the WWTP ends, along with the documentation stating the total number of hours worked in wastewater operations. The information must be on official WWTP letterhead and include the name of the OIT, the start and end date of hours worked, and the total number of hours worked under the supervision of the CPO or another operator at the same or higher grade level as the OIT.
- Post all current certified operator certificate(s) including those for OITs in an area accessible to the public or if not available, posted at the WWTP's headquarters.
- Understanding and acknowledging the wastewater operation certification regulations at: [http://www.waterboards.ca.gov/water\\_issues/programs/operator\\_certification/docs/ocr\\_clean.pdf](http://www.waterboards.ca.gov/water_issues/programs/operator_certification/docs/ocr_clean.pdf)
- Develop a procedure for designating a qualified Designated Operator-In-Charge (DOIC) when the CPO is unable to carry out the responsibilities of the position. DOIC appointments must be properly documented in the SOPs, organization charts, and duty rosters. The DOIC work details including timeframe for coverage at the plant should be documented via email and/or in the plant logbooks.



## DESIGNATED OPERATOR-IN-CHARGE

The DOIC is a certified operator appointed by the CPO to be responsible for the overall operation of a WWTP, including compliance with the applicable waste discharge requirements when the CPO is unable to carry out the responsibilities of the position. The DOIC reports directly to the CPO who is responsible for documenting the DOIC work details and timeframe (see above). The DOIC's minimum required certification level depends on the WWTP classification. Please see the chart listed below.

WWTP Classification	Minimum Grade Level of CPO	Minimum Grade Level of DOIC
I	I	I
II	II	I
III	III	II
IV	IV	III
V	V	III

## LONE OPERATOR REQUIREMENTS

A lone operator is a certified operator working alone at a WWTP at a grade level lower than the DOIC. The CPO must obtain prior written approval from the WWOCP before allowing an operator to work alone. An OIT can never be a Lone Operator.

The CPO must demonstrate that the owner has had difficulty, despite due diligence, hiring a certified operator of the appropriate grade level to operate the WWTP. The CPO must submit a written plan that includes:

- a.) the name(s) and grade level(s) of the lone operator(s) and the proposed duties of the lone operator(s);
- b.) a work schedule showing when the lone operator(s) will be working alone; and
- c.) the procedure lone operator(s) will use to communicate with the CPO, the DOIC, or an operator at the same or higher grade level as the DOIC when the lone operator(s) needs direction.

An approval for a lone operator is valid for a maximum of 180 days.

## DIRECT SUPERVISION

“Direct supervision” means the supervising operator shall oversee and inspect the work performed by an OIT and provide adequate training to ensure the safe and proper operation and maintenance of the plant. Direct supervision must be carried out by a certified operator at the same or higher grade level as the OIT. The supervising operator must be present at the WWTP or otherwise readily available to consult with, including reasonable distance to come to the plant if needed, to provide immediate assistance.

## EXAMPLES OF OPERATIONAL DUTIES

- ❖ adjusting pump and valve controls
- ❖ collecting water quality samples
- ❖ adjusting chemical controls
- ❖ monitoring and adjusting SCADA systems
- ❖ reading and monitoring meters
- ❖ visual inspections of operational equipment

## DISCIPLINARY ACTION REQUIREMENTS

If a WWTP issues a disciplinary action, are they obliged to report it to the WWOCP? The facility **owner** (or CPO representing the facility owner) is required to provide written notification to the WWOCP within thirty (30) days of any final disciplinary action. Disciplinary action includes reprimanding or placing on probation, suspending, demoting, or discharging an operator, provisional operator, OIT, or contract operator for performing, or allowing or causing another to perform, any act of violation. Only final disciplinary actions that violate the WWTP Operator Certification Regulations and/or the Water Code are reportable to the WWOCP. Owners do not have to report disciplinary actions due to a DUI or other action that does not have any bearing on the operation of the WWTP. The notice must include the name of the operator, provisional operator, OIT, or contract operator, the specific violations, and the final disciplinary action taken. The notice also must include the operator’s certificate number or the contract operator’s registration number.

Any person (e.g., a CPO, operator, OIT, or member of the public) who has reason to suspect a violation of the WWTP Operator Certification Regulations and/or the Water Code is encouraged to contact the WWOCP or the Office of Enforcement directly at (916) 341-5272 or [siu@waterboards.ca.gov](mailto:siu@waterboards.ca.gov). Reports can be made anonymously.

For more information, please see section 3676(g) of the WWTP Operator Certification Regulations. If you have any questions regarding reporting disciplinary actions call (916) 341-5648 or email at [wwopcertprogram@waterboards.ca.gov](mailto:wwopcertprogram@waterboards.ca.gov).

## REQUEST FOR MAILING LIST OF CERTIFIED WASTEWATER TREATMENT PLANT OPERATORS

The WWOCP will release the names, addresses, and grades of certified operators who have authorized us to release their personal information to owners of WWTPs for recruitment purposes. Owners should submit a mailing list request by using the Request for Mailing List of Certified Operators form. If a private company is recruiting on behalf of an owner, the owner must submit the form and indicate in the *Special Instructions* section, the name and email address or physical address where the WWOCP should send the mailing list. The WWOCP may send the mailing list via email or by mail. The WWOCP only is authorized to provide and release this information to owners or authorized designated representatives of WWTPs.

The Request for Mailing List form can be accessed at the following:

[http://www.waterboards.ca.gov/water\\_issues/programs/operator\\_certification/docs/forms/requestmailinglist.pdf](http://www.waterboards.ca.gov/water_issues/programs/operator_certification/docs/forms/requestmailinglist.pdf)

FOR ADDITIONAL INFORMATION AND PROGRAM UPDATES VISIT THE WASTEWATER OPERATOR CERTIFICATION WEBSITE AT:

[http://www.waterboards.ca.gov/water\\_issues/programs/operator\\_certification/operator\\_certification.shtml](http://www.waterboards.ca.gov/water_issues/programs/operator_certification/operator_certification.shtml)

### CONTACT INFORMATION

State Water Resources Control Board  
Wastewater Operator Certification  
P. O. Box 944212  
Sacramento, CA 94244-2120  
Main Telephone: (916) 341-5819  
Fax: (916) 341-5734

Email: [wwopcertprogram@waterboards.ca.gov](mailto:wwopcertprogram@waterboards.ca.gov)



## CHIEF PLANT OPERATOR (CPO) RESPONSIBILITIES



## Lorien Fono

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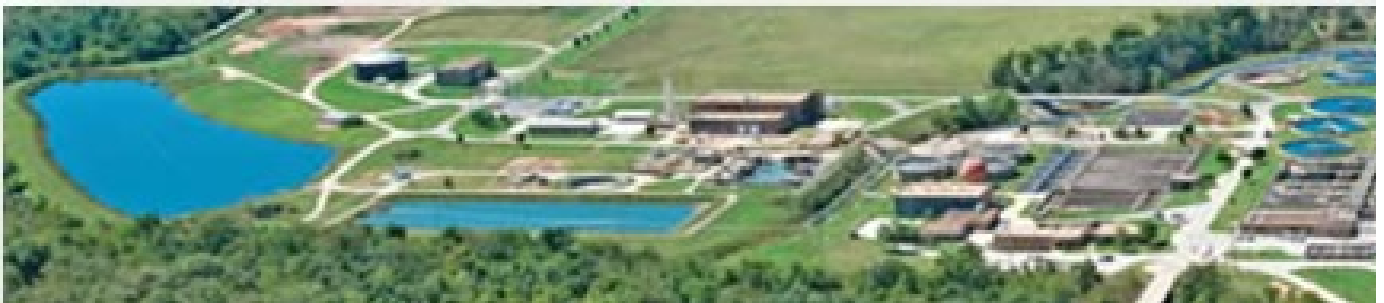
**From:** Warner Chabot <warnerc@sfei.org>  
**Sent:** Monday, April 6, 2020 7:21 AM  
**To:** Warner Chabot  
**Subject:** Fwd: Nature and Bloomberg - Scientists Suggest Sewage Screening to Detect and Track Covid-19

FYI - Two articles below, in [Nature](#) & [Bloomberg](#) on researchers worldwide using water treatment plants to detect and track Covid-19

Warner Chabot

San Francisco Estuary Institute

- “More than a dozen research groups worldwide have started analyzing wastewater for Covid-19 as a way to estimate the total infections in a community, given that most people will not be tested.” (Source: [Nature](#))
- “Dutch scientists were able to find Covid-19 in a city’s wastewater before cases were reported.” (Source: [Bloomberg](#))



# nati

## How sewage could reveal true scale of coronavirus outbreak

Wastewater testing could also be used as an early-warning sign if the virus returns.



Smriti Mallapaty 4-3-20

*Scientists have found traces of the coronavirus in several wastewater treatment plants in the Netherlands.*

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More than a dozen research groups worldwide have started analysing wastewater for the new coronavirus as a way to estimate the total number of infections in a community, given that most people will not be tested. The method could also be used to detect the coronavirus if it returns to communities, say scientists. So far, researchers have found traces of the virus in the Netherlands, the United States and Sweden.

Analysing wastewater — used water that goes through the drainage system to a treatment facility — is one way that researchers can track infectious diseases that are excreted in urine or faeces, such as SARS-CoV-2.

One treatment plant can capture wastewater from more than one million people, says Gertjan Medema, a microbiologist at KWR Water Research Institute in Nieuwegein, the Netherlands. Monitoring influent at this scale could provide better estimates for how widespread the coronavirus is than testing, because wastewater surveillance can account for those who have not been tested and have only mild or no symptoms, says Medema, who has detected SARS-CoV-2 genetic material — viral RNA — in several treatment plants in the Netherlands. “Health authorities are only seeing the tip of the iceberg.”

But to quantify the scale of infection in a population from wastewater samples, researchers say the groups will need to find out how much viral RNA is excreted in faeces, and extrapolate the number of infected people in a population from concentrations of viral RNA in wastewater samples.

Researchers will also need to ensure that they are looking at a representative sample of what is being excreted by the population and not just one snapshot in time, and that their tests can detect the virus at low levels, say scientists representing the Queensland Alliance for Environmental Health Sciences in Australia, a research centre that advises the state government on environmental-health risks. And it's important that wastewater surveillance, should it be feasible, does not take away resources from the testing of individuals, the group says.

Some efforts to monitor the virus have been stalled by university and laboratory shut-downs and the limited availability of reagents to conduct tests — the same ones used in clinics, which are already in short supply, says Kyle Bibby, an environmental engineer at the University of Notre Dame in Indiana. “We don't want to contribute to the global shortage,” he says.

## Early-warning sign

Infection-control measures, such as social distancing, will probably suppress the current pandemic, but the virus could return once such measures are lifted. Routine wastewater surveillance could be used as a non-invasive early-warning tool to alert communities to new COVID-19 infections, says Ana Maria de Roda Husman, an infectious-disease researcher at the Netherlands National Institute for Public Health and the Environment in Bilthoven. The institute has previously monitored sewage to detect outbreaks of norovirus, antibiotic-resistant bacteria, poliovirus and measles.

de Roda Husman’s group detected traces of SARS-CoV-2 in wastewater at Schiphol Airport in Tilburg only four days after the Netherlands confirmed its first case of COVID-19 using clinical testing. The researchers now plan to expand sampling to the capitals of all 12 provinces in the Netherlands and 12 other sites that have not had any confirmed cases. Medema’s group found viral RNA in the city of Amersfoort before infections had been reported in the community.

Studies have also shown that SARS-CoV-2 can appear in faeces within three days of infection, which is much sooner than the time taken for people to develop symptoms severe enough for them to seek hospital care — up to two weeks — and get an official diagnosis, says Tamar Kohn, an environmental virologist at the Swiss Federal Institute of Technology in Lausanne. Tracking viral particles in wastewater could give public-health officials a head start on deciding whether to introduce measures such as lockdowns, she says. “Seven to ten days can make a lot of difference in the severity of this outbreak.”

Earlier identification of the virus’s arrival in a community might limit the health and economic damage caused by COVID-19, especially if it comes back next year, says Bibby.

Wastewater monitoring has been used for decades to assess the success of vaccination campaigns against poliovirus, says Charles Gerba, an environmental microbiologist at The University of Arizona in Tucson. The approach could also be used to measure the effectiveness of interventions such as social distancing, says Gerba, who has found traces of SARS-CoV-2 in raw sewage in Tucson.

# Bloomberg

## Dutch Scientists Find a Novel Coronavirus Early-Warning Signal

By Jason Gale *March 30, 2020*

- **Wastewater surveillance found SARS-CoV-2 before reported cases**
- **Environmental testing may complement clinical surveillance**

Dutch scientists were able to find the coronavirus in a city's wastewater before Covid-19 cases were reported, demonstrating a novel early warning system for the pneumonia-causing disease.

The so-called SARS-CoV-2 coronavirus is often excreted in an infected person's stool. Although it's unlikely that sewage will become an important route of transmission, the pathogen's increasing circulation in communities will increase the amount of it flowing into sewer systems, Gertjan Medema and colleagues at the KWR Water Research Institute in Nieuwegein said on Monday.

They detected genetic material from the coronavirus at a wastewater treatment plant in Amersfoort on March 5, before any cases had been reported in the city, located about 50 kilometers (32 miles) southeast of Amsterdam. The Netherlands confirmed its first Covid-19 case on Feb. 27 and discovered health workers had fallen ill with the infection in a southern part of the country days later -- a sign that it was spreading in the community.

"It is important to collect information about the occurrence and fate of this new virus in sewage to understand if there is no risk to sewage workers, but also to determine if sewage surveillance could be used to monitor the circulation of SARS-CoV-2 in our communities," Medema, the institute's principal microbiologist, and co-authors said in a paper released ahead of peer review. "That could complement current clinical surveillance, which is limited to the Covid-19 patients with the most severe symptoms." It's the first report of detection of SARS-CoV-2 in sewage, they said.

Wastewater surveillance is a well established method of detecting poliovirus and antibiotic-resistant bacteria, as well as the use of illicit and prescription medications. Sewage surveillance could also serve as early warning of the emergence and re-emergence of Covid-19 in cities, the Dutch scientists said.

"The detection of the virus in sewage, even when the Covid-19 prevalence is low, indicates that sewage surveillance could be a sensitive tool to monitor the circulation of the virus in the population," they said.

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## Implications of COVID-19 for Water, Wastewater, and Water Reuse

**Contributing authors:** Daniel Gerrity, Southern Nevada Water Authority\*; Walter Betancourt, University of Arizona; Kyle Bibby, University of Notre Dame; Francis de los Reyes, North Carolina State University; Patricia Holden, University of California Santa Barbara; Nadine Kotlarz, North Carolina State University; Sandra McLellan, University of Wisconsin Milwaukee; Katerina Papp, Southern Nevada Water Authority

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### What is COVID-19?

Coronavirus disease 2019 (COVID-19) is caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or simply the 2019 novel coronavirus (2019-nCoV). In terms of its genome, this virus is closely related to the viruses responsible for SARS in 2003 and Middle East Respiratory Syndrome (MERS) in 2012. However, there are important differences affecting the global spread of SARS-CoV-2 and the unprecedented actions that have been taken to mitigate public health impacts and ensure continuity of critical infrastructure.

In late 2019, the first cases of COVID-19 were identified, and by March 11<sup>th</sup>, the World Health Organization (WHO) had classified COVID-19 as a global pandemic. The rapid progression of the disease was caused by a number of factors:

- The **case fatality rate** for COVID-19 is still uncertain and is dependent on age, underlying health conditions, and other variables, but current estimates put the rate at ~1-3%, while SARS and MERS had case fatality rates of 11% and 34%, respectively.<sup>1-3</sup>
- The virus responsible for COVID-19 has a **reproduction number**—or the number of additional cases caused by an infected individual—of between 1.5 and 3.5. This is higher than that of seasonal influenza (0.9 to 2.1), SARS (<1 to 2.75), and MERS (~1), but considerably lower than that of measles (12-18).<sup>4</sup>
- COVID-19 has an estimated **asymptomatic ratio**—the proportion of infected individuals showing no significant symptoms—of 1 in 3, which is slightly higher than SARS (1 in 10) and significantly higher than MERS (1 in 1,000).<sup>5-7</sup>

Collectively, these characteristics make SARS-CoV-2 a ‘superbug’ because of its relatively high infectivity, its ability to be transmitted undetected in many cases, and the severe outcomes that are overwhelming medical resources in many regions.

### What does this mean for water/wastewater/water reuse?

SARS-CoV-2 is primarily respiratory in nature, but studies have confirmed the presence of its genetic material in the feces of infected individuals, possibly due to co-infection of cells within the gastrointestinal tract.<sup>8</sup> This secondary infection may explain why the genetic material can be detected in feces after it is no longer detected in oral and nasal swabs.<sup>9</sup> During the previous SARS outbreak and also the current COVID-19 outbreak, transmission via sewage was implicated but never confirmed.<sup>10</sup>

Common enteric viruses such as adenovirus and norovirus essentially consist of nucleic acid—DNA or RNA—surrounded by a protein coat. SARS-CoV-2 consists of RNA surrounded by a protein coat, but similar to other respiratory coronaviruses, SARS-CoV-2 also has a lipid envelope that affects its ‘survival’ and partitioning. Enveloped viruses are often thought to be more fragile, but studies indicate that coronaviruses can persist on surfaces<sup>11</sup> and in water/wastewater<sup>12</sup> for days. However, research also suggests that coronaviruses are **more likely to partition to solids** and are **more susceptible to water and wastewater treatment** processes than their non-enveloped enteric counterparts.<sup>13</sup> Therefore, multi-barrier water and wastewater treatment processes likely provide adequate protection against coronaviruses<sup>13</sup>, so the associated public health risks for drinking water, treated wastewater, and water reuse are likely negligible. Recent CDC guidance<sup>14</sup> supports these conclusions:

<https://www.cdc.gov/coronavirus/2019-ncov/php/water.html>

## Implications of COVID-19 for Water, Wastewater, and Water Reuse

### What are the implications of wastewater detection of SARS-CoV-2?

Because SARS-CoV-2 genetic material has been detected in feces, many researchers and wastewater agencies throughout the world are collaborating to document its occurrence in wastewater. One published study has already confirmed detection of the viral RNA in wastewater at multiple sites in the Netherlands,<sup>15</sup> and there are ongoing studies in Nevada, Washington, and Arizona (likely others as well) observing similar results. It is important to note that there have not been any detections in drinking water.<sup>14</sup> Given the intense interest and time-sensitive nature of this issue, researchers are now developing collaborative networks to share protocols and coordinate monitoring efforts.

Although it is not necessarily surprising for the RNA of SARS-CoV-2 to be detected in wastewater, it creates additional uncertainty for the water/wastewater/water reuse industries. SARS-CoV-2 is not expected to persist through disinfection processes,<sup>13</sup> but the precautionary principle dictates that the industry should consider risks from aerosolization in sewers and during primary or secondary wastewater treatment. In previous research, viruses spiked at high concentrations were detected in aerosols released from model-scale sewers and aeration basins.<sup>16</sup> Here are several additional considerations:

- All wastewater studies to date have used molecular assays targeting the genetic material of SARS-CoV-2 and do not provide any direct evidence of infectivity or even structurally intact viruses. So even though the viral RNA has been detected in wastewater, the presence of the genetic material does not necessarily imply any risk to facility personnel or the general public.
- Cell culture methods are critical for evaluating the infectivity of human viruses. Virus growth in cell culture indicates the potential for the virus to replicate in humans and cause disease. For SARS-CoV-2, cell culture methods require Biosafety Level 3 precautions. This limits such studies to specialized laboratories, which is why many studies include only molecular assays.
- SARS-CoV-2 genetic material is frequently detected in the feces of infected individuals, hence the detection of its RNA in wastewater, but isolation of infectious SARS-CoV-2 from fecal samples has been unsuccessful in many, but not all, cases.<sup>17-18</sup> Previous studies of SARS-CoV-1 (2003 outbreak) showed that diarrhea was a common symptom, but attempts to isolate infectious virus from fecal samples also experienced mixed results.<sup>19-20</sup> For SARS-CoV-2, neither RNA nor infectious virus has been detected in urine,<sup>17</sup> but infectious SARS-CoV-1 was detected in urine in past studies.<sup>20</sup> Therefore, the situation is still uncertain, but it is possible that wastewater contains only non-infectious SARS-CoV-2 or even just its genetic material. ***It is critically important that this conclusion be reevaluated over time as additional research becomes available.***
- Consistent with these findings and past research on other coronaviruses, the CDC published the following guidance for wastewater agencies: “Wastewater treatment plant operations should ensure workers follow routine practices to prevent exposure to wastewater. These include using engineering and administrative controls, safe work practices, and PPE normally required for work tasks when handling untreated wastewater. No additional COVID-19-specific protections are recommended for employees involved in wastewater management operations, including those at wastewater treatment facilities.”<sup>14</sup>

### How can water/wastewater/water reuse agencies get involved?

One of the major challenges associated with COVID-19 is developing an accurate estimate of disease prevalence in various communities. This has been hindered by challenges in implementing broad clinical testing and the wide range of symptoms experienced by infected individuals, including those who are completely asymptomatic. This presents a unique opportunity for the water/wastewater/water reuse industry with respect to ‘environmental surveillance’ or ‘wastewater epidemiology’—the study of wastewater-derived constituents as a means of characterizing levels of disease within a community. Widespread monitoring of wastewater across regions and time may ultimately provide critical information related to the actual prevalence of COVID-19, time series comparisons with clinically-confirmed cases, and an early-warning system for reemergence of COVID-19. In fact, some regions where COVID-19 had

## Implications of COVID-19 for Water, Wastewater, and Water Reuse

largely been contained, such as South Korea, are now observing a second wave of infections as society returns to normal.<sup>21</sup>

As a water/wastewater/water reuse agency, there may be opportunities to actively participate in this important research effort. Although standard methods exist for clinical testing,<sup>22-23</sup> there are no standard methods for environmental surveillance of SARS-CoV-2, and given the current ‘stay-at-home’ directives in many states, research is currently on hold in many places. However, there are still measures that can be adopted now to assist in future research efforts. ***One option is to freeze at least 1 liter of composite influent wastewater/raw sewage each week—or whatever frequency is practical for a given facility.*** If possible, this sampling should continue throughout the duration of the outbreak and beyond to account for unexpected spikes in COVID-19. Once activities resume at universities and other research agencies, there will be considerable demand for these samples so that the industry can learn from the current pandemic and adopt best practices for the future. There will be additional guidance from researchers and/or research foundations on how to participate in these future efforts. The Water Environment Federation (WEF) is also expected to release additional guidance on COVID-19 in the coming weeks.

### References

1. CDC, 2020. Severe outcomes among patients with coronavirus disease 2019 (COVID-19) – United States, February 12-March 16, 2020. U.S. Centers for Disease Control and Prevention.
2. WHO, 2003. Consensus document on the epidemiology of severe acute respiratory syndrome. World Health Organization.
3. WHO, 2020. Middle East respiratory syndrome coronavirus (MERS-CoV). World Health Organization.
4. Eisenberg, J., 2020. R0: How scientists quantify the intensity of an outbreak like coronavirus and its pandemic potential. University of Michigan School of Public Health.
5. Nishiura, H., et al., 2020. Estimation of the asymptomatic ratio of novel coronavirus infections (COVID-19). *Int. J. Infect. Disease. In press.*
6. Wilder-Smith, A., et al., 2005. Asymptomatic SARS coronavirus infection among healthcare workers, Singapore. *Emerg. Infect. Dis.* 11(7), 1142-1145.
7. Song, Y., et al., 2018. Asymptomatic Middle East respiratory Syndrome coronavirus infection using a serologic survey in Korea. *Epidemiol. Health* 40, e2018014.
8. Zhou, J., et al., 2017. Human intestinal tract serves as an alternative infection route for Middle East respiratory syndrome coronavirus. *Sci. Adv.* 3, eaao4966.
9. Xiao, F., et al., 2020. Evidence for gastrointestinal infection of SARS-CoV-2. *Gastroenterology. In press.*
10. Wang, X., et al., 2005. Excretion and detection of SARS coronavirus and its nucleic acid from digestive system. *World J. Gastroenterology.* 11(28), 4390-4395.
11. Casanova, L.M., et al., 2010. Effects of air temperature and relative humidity on coronavirus survival on surfaces. *Appl. Environ. Microbiol.* 76(9), 2712-2717.
12. Gundy, P.M., et al., 2009. Survival of coronaviruses in water and wastewater. *Food Environ. Virol.* 1, 10-14.
13. Wiggington, K.R., Boehm, A.B., 2020. Environmental engineers and scientists have important roles to play in stemming outbreaks and pandemics caused by enveloped viruses. *Environ. Sci. Technol. In press.*
14. CDC, 2020. Water transmission and COVID-19. U.S. Centers for Disease Control and Prevention.
15. Medema, G., et al., 2020. Presence of SARS-Coronavirus-2 in sewage. *medRxiv. In press.*
16. Lin, K., Marr, L.C., 2017. Aerosolization of Ebola virus surrogates in wastewater systems. *Environ. Sci. Technol.* 51, 2669-2675.
17. Wolfel, R., et al., 2020. Virological assessment of hospitalized patients with COVID-2019. *Nature. In press.*
18. Zhang, Y., et al., 2020. Notes from the field: Isolation of 2019-nCoV from a stool specimen of a laboratory-confirmed case of the coronavirus disease 2019 (COVID-19). *China CDC Weekly.* 2(8), 123-124.
19. Leung, W.K., et al., 2003. Enteric involvement of severe acute respiratory syndrome-associated coronavirus infection. *Gastroenterology.* 125(4), 1011-1017.
20. Xu, D., et al., 2005. Persistent shedding of viable SARS-CoV in urine and stool of SARS patients during the convalescent phase. *Eur. J. Clin. Microbiol. Infect. Dis.* 24, 165-171.
21. Moon, G., 2020. South Korea’s return to normal interrupted by uptick in coronavirus cases. *NBC News.*
22. CDC, 2020. Real-time RT-PCR panel for detection of 2019-novel coronavirus.
23. Corman, V.M., et al., 2020. Detection of 2019 novel coronavirus (2019-nCoV) by real-time RT-PCR. *Euro Surveill.* 25(3).



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

Date/Time: March 13, 2020, 10:00 AM to 2:00 PM

Location: WEBCONFERENCE

Chair: Thomas Mumley

**Steering Committee Attendees**

Organization	First	Last	Role	Present	Comments
BASMAA	Adam	Olivieri	Member		
	Tom	Hall	Alternate	x	
	Matt	Fabry	Alternate		
BACWA	Geoff	Brosseau	Alternate		
	Eileen	White	Member	X	
	Lori	Schectel	Alternate		
	Eric	Dunlavey	Member	X	
Cal DFW	Jackie	Zipkin	Alternate	X	
	Becky	Ota	Member		
Delta Stewardship Council	Bill	Paznokas	Alternate		
	Rainer	Hoenicke	Alternate		
Napa County Farm Bureau	Jeff	Page	Member		Has stepped down
U.S. Geological Survey	Deb	Stoliker	Member	X	
NOAA Fisheries	Joe	Dillon	Member	X	
	Melanie	Harrison	Alternate		
Regional San	Lisa	Thompson	Member	X	
San Francisco Baykeeper	Ian	Wren	Member	X	
South Bay Salt Pond Restoration Project	David	Halsing	Member	X	
Interagency Ecological Program	Steve	Culberson	Member	X	
SFCWA	Lynda	Smith	Member	X	
	Frances	Brewster	Alternate		
	Stephanie	Fong	Alternate		
U.S. EPA	Terry	Fleming	Member	X	
	Luisa	Valiela	Alternate		
U.S. FWS	Leanna	Zweig	Member		
WSPA	Kevin	Buchan	Member		

	Mike	Armour	Alternate		
Central Valley Water Board	Adam	Laputz	Member		
	Janis	Cooke	Alternate	X	
	Christine	Joab	Alternate		
SF Bay Water Board	Tom	Mumley	Member	X	
	Richard	Looker	Alternate	X	

**Additional Attendees**

Lorien Fono, BACWA  
 Melissa Foley, SFEI, Facilitation  
 David Senn, SFEI, Science Manager, Program Coordinator Team  
 Robert Schlipf, Water Board  
 SFEI staff  
 Eric Roberts

**Agenda Item**

**1 Welcome, Introductions and Agenda Review**

Melissa summarized teleconference meeting etiquette.

**2 Decision: Approve Prior SC Meeting Summaries**

*Materials:*

- Dec 13, 2019 meeting summary

Eric Dunlavey moved to approve, and Terry Fleming seconded. There were no opposition, which was taken as unanimous consensus approval. There was a request to circulate the State of the Science Document, which will be sent to the Committee and be discussed at the June meeting.

**Action Item: SFEI to circulate the State of Science document with citations.**

**3 Information: Action items**

- Update on action items from previous meetings

*Materials:*

- Action Items Table

**4 Information: Planning Subcommittee Report Out**

- *Update on planning subcommittee action items*

The major item at the March 4 Planning Subcommittee (PS) meeting was planning the Steering Committee meeting.

- *Updating Charter*

Lorien and Ian are working together to update the Steering Committee Charter to better reflect current practices. They will circulate a draft prior to the next PS meeting.

**Action Item: SFEI to circulate revised Charter to the PS for review prior to circulation to the SC**

- *Contingency Decision-making*

Given the uncertainty due to COVID-19, there are questions about whether a workplan can be approved in the absence of a quorum. The Planning Subcommittee will put together a procedure to address this

contingency. It was also mentioned that SFEI may not be able to complete projects on schedule.

**Action Item: SFEI to circulate a brief memo regarding governance contingencies and planning for the next SC meeting**

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## 5 Information: NMS Program Update

- *Financials*

The science manager described how the modeling work will potentially be about \$50K over budget by the end of June. There was a request to reallocate approximately \$50 from FY2019 to partially support new staff, to make up for this shortfall. The Planning Subcommittee has recommended the SC support this approach, which will be reflected in the FY21 Program Plan and associated funding request.

- *Program/Projects*

SFEI wrapped up webconference interviews with three promising candidates for a modeling position. They are deciding whether to hire one or two people. New staff could spend part of their time on model development for the Delta program so they wouldn't need to be fully billable to the NMS. There was a question about what percentage of the effort is contracted out versus done in-house.

*Materials:*

- Quarterly Financial Report
  - Program update
  - Update NMS-SC on a program details relevant to, to inform afternoon discussion on draft projects for FY2021 program plan
- 

## 6 Technical/Detailed Updates

- *Assessment Framework (AC, MF, 20min):*
  - *Lower South Bay DO, Expert Workgroup Spring 2020*

SFEI staff gave an update in the low DO Issues in LSB, beginning with an overview of observational data in the channels and sloughs. There is an upcoming expert workgroup meeting, and SFEI needs input on how to develop charge questions to bring to the group. A small group of SC members have already volunteered to participate (EPA, NOAA, Water Board, BACWA) and will be engaged to inform the charge questions for this meeting, scheduled to take place in mid-May.

- *Assessment Framework: Water Quality Trends*

The Science Manager gave a debrief on the January 30<sup>th</sup> Water Quality Trends workshop. The next steps are to write up methods for chlorophyll, apply methods to DO and GPP, characterize seasonal patterns of key parameters, and explore methods for incorporating explanatory variables. The IEP rep will share a link to Shinyapps to help span issues in the Bay and Delta.

- *LSB DO: exploring factors controlling LSB DO variability*

SFEI staff gave a graphical illustration of condition assessment tools and potential nutrient linkages, to identify potential current and future nutrient impacts. One key avenue of investigation is respiration rates. Derek gave a summary of how different related factors such as light and tidal flows can be controlled to get an estimate of rates. Proposed work for FY21 is to refine metabolic rates with in-situ experiments, and use that data in a synthesis with flows and metabolic drivers. SFEI staff asked the Steering Committee if this is a reasonable approach. Participants discussed the complexity of this effort, but offered general support for the proposed approach. There is a possibility of meeting with experts to inform this effort.

- *Ship-based monitoring: outlook for fy2021 and beyond*

The Science Manager and Deb Stoliker (USGS) gave an update on the current status of the ship-based monitoring program. USGS staff thanked the Water Board for the letter requesting a commitment for engagement, and will have a response by the end of the month. The most likely path forward will be an agreement with the California Water Science Center. The next steps are to brief the Associate Director for Water regarding a commitment to a dollar figure for contributing the program in the future. The details still need to be worked out, and there was a discussion about cash flow logistics.

*Materials:*

- WB Letter

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## 7 QuickUpdate: Science Plan 2.0

Postponing until June meeting. Will convene small group to discuss and provide input (April-May). Please let us know if you are interested during this item, or follow up by email.

The science team will work out a visualization for the science plan to help a meeting discussion. The Water Board rep requested a volunteer who would test drive the visualization once it's developed. USEPA and IEP offered to assist.

**Action Item: SFEI to work with USEPA and IEP to develop draft Science Plan visualizations prior to circulation to the SC in June.**

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## 8 Discussion: FY2021 Program Plan

- *Overview of program priorities for FY2021 and proposed ideas for FY2021 program plan*

The Science Manager provided an overview of the areas where he needs input from the group, including alignment between FY21 work and program goals, and what kind of input meetings to host (NTW, small meetings, etc.). He showed a visualization of current status and targets for the science focus areas.

The Science Manager gave an overview of the budget, and how funding would be distributed over a five-year period. A list of projects will be circulated to steering committee members, with a request for electronic feedback. There will also be a meeting to discuss them in detail, scheduled for April or May. This meeting would be equivalent to an NTW meeting. It was requested that this be an in-person meeting if possible.

The Science manager asked for the group's feedback about moving funding availability up to the next few years, as well as optimizing FY21 Program Plan activities relative to program goals. The Regional Water Board rep expressed concern that the questions were too open ended for this meeting. Participants agreed that the accelerated funding makes sense, but that we don't have enough information for specific funding recommendations. Input was that overall direction and project balance is good. There was a comment that we need to spend effort on synthesis and analysis. There was a discussion about making sure projects proceed even when SFEI does not have in-house staff to perform the work by using external scientists and consultants.

SFEI staff asked for feedback on how resources should be directed to informing management questions versus baseline monitoring and other activities. Getting more funding for a HABS program in the Delta is a high priority for Central Valley.

*Materials:*

- Project briefs (distributed 3/12). Please review these during the 9-10am timeslot.
- SC initial input: aligning FY2021 projects with sals for review and approval at June 2020 NMS-SC meeting.

**Action Item: SFEI to circulate proposed FY21 project descriptions to the SC for review, in anticipation of partial authorization of near-term projects at the June SC meeting.**

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## 11 Other Business

- *Updates from other activities/members*

There is a possibility of obtaining Federal Funding for SF Bay in future years. There may be some Water Board funding for HABS.

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## **12 Action Items and Wrap-up**

Confirm next meeting date: June 12, 2020 @ SFEI Following meeting: Sep 11, 2020 @ SFEI

- Circulate state of science documents (Item 2)
- Develop contingency document (next two weeks) (Item 4)
- Review charter and circulate draft update (Item 4)
- Develop visualization tools for project planning (Item 7)
- Refine project list and scenario planning (Item 8)
- Send out list of projects and schedule NTW meeting for April/May (likely mid-May) (Item 8)

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**Adjourn – 2:18pm**

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# RMP

REGIONAL MONITORING  
PROGRAM FOR WATER QUALITY  
IN SAN FRANCISCO BAY

[sfei.org/rmp](http://sfei.org/rmp)

## RMP Microplastic Workgroup Meeting

Thursday, April 9, 2020

10:00 AM – 2:30 PM

### REMOTE ACCESS

<https://zoom.us/j/173218654>

Meeting ID: 173 218 654

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## AGENDA

1.	<p><b>Introductions and Goals for This Meeting</b> (Attachment)</p> <p>The goals for this meeting:</p> <ul style="list-style-type: none"> <li>• Present progress of stormwater conceptual model to date and obtain feedback;</li> <li>• Obtain recommendations on special study and SEP proposals for 2021 and ways to further refine proposals</li> </ul> <p>Meeting materials: 2019 MPWG minutes (See pages XX)</p>	10:00 Melissa Foley
2.	<p><b>Discussion: Microplastic Strategy and Collaborations Update</b></p> <ul style="list-style-type: none"> <li>• Summarize microplastic studies and collaborations SFEI team is involved in or pursuing and related work;</li> <li>• Feedback on external funding opportunities to support microplastic strategy and workgroup</li> </ul>	10:15 Diana Lin

	Desired Outcome: Feedback to guide further work Meeting materials: Slides	
3	<p><b>Discussion: State Water Board Definition of Microplastics in Drinking Water</b></p> <ul style="list-style-type: none"> <li>Summarize proposed definition of microplastics in drinking water</li> </ul> <p>Desired Outcome: Feedback on proposed definition Meeting materials: Slides</p>	10:45 Scott Coffin
	<b>Short Break</b>	11:00
4.	<p><b>Information: Stormwater Conceptual Model</b></p> <ul style="list-style-type: none"> <li>Present preliminary developments of conceptual models</li> </ul> <p>Desired outcome: Feedback to guide further work Meeting materials: Slides</p>	11:05 Alicia Gilbreath
5.	<p><b>Information: The ecological impacts of microplastics in the environment</b></p> <p>Dr. Chelsea Rochman will present on state of the science on understanding toxicity of microplastics and ongoing research projects on microplastic impacts</p> <p>Desired outcome: Informed workgroup Meeting materials: Slides</p>	11:40 Chelsea Rochman (U Toronto)
	<b>Lunch Break</b>	12:00
6.	<p><b>Discussion: Microplastic Proposals for 2021</b></p> <p>Proposal for special study ideas for 2021 will be presented. The workgroup will ask questions, discuss, and provide feedback.</p> <p>2021 Special Study Proposals include:</p> <ul style="list-style-type: none"> <li>Microplastic effects workshop</li> <li>Microplastic stormwater conceptual model, part 2</li> <li>Microplastic sediment cores</li> <li>Microplastics in sport fish (archived samples)</li> </ul> <p>Desired outcome: Gather feedback on the merits of each proposal and how they can be improved Meeting materials: MPWG Special Study Proposals (<b>See pages XX</b>)</p>	1:00 Diana Lin
7.	<p><b>Closed Session - Decision: Recommendations for 2021 Special Studies Funding</b></p> <p>RMP Special Studies are identified and funded through a three-step process. Workgroups recommend studies for funding to the Technical Review Committee (TRC). The TRC weighs input from all the workgroups and then recommends a slate of studies to the Steering Committee. The Steering Committee makes the final funding decision.</p> <p>For this agenda item, the MPWG is expected to decide (by consensus) on a prioritized list of which studies to recommend to the TRC. To avoid an actual</p>	2:00 Eric Dunlavey

	<p>or perceived conflict of interest, the Principal Investigators for proposed special studies are expected to leave the room during this agenda item.</p> <p>Desired Outcome: Recommendations from the MPWG to the TRC regarding which special studies should be funded in 2021 and their order of priority.</p>	
<b>8.</b>	<b>Report out on Recommendations</b>	2:20
	<b>Adjourn</b>	2:30

## Lorien Fono

---

**From:** Gunter, Melissa@Waterboards <Melissa.Gunter@waterboards.ca.gov>  
**Sent:** Wednesday, April 8, 2020 5:59 PM  
**To:** Alina Constantinescu; Lorien Fono; 'Tom Hall'; Stacy Ambrose; mvelasquez@ci.calistoga.ca.us; Levi Fuller; Yung, Kristine; Denise Conners; Melody LaBella; Justin Waples; Dembiczak, Chris; Ben Zacharia; Steiner, Nick; Roa, Amanda; Levi Fuller; Yung, Kristine; Dembiczak, Chris; Meg P. Herston; jjenson@sanleandro.org; SGolshani@lgvsd.org; dratkins@cityoflivermore.net; gkrauss@dalcycity.org; mudkat510@gmail.com; Steve Moore; dmartin@napasan.com; Bailey, John; Bob Lange; aguilar@ci.pacifica.ca.us; Mpierce@ci.petaluma.ca.us; lwalker@ci.petaluma.ca.us; Rita Di Candia; kforouhi@cityofsancarlos; Nimisha Patel; Lei Hong; jbrewley@sbsa.org; Frank.Mello@scwa.ca.gov; Don Moore  
**Cc:** Monahan, Margaret@Waterboards  
**Subject:** Order 2016-0068 Enrollment Notice of Applicability for Recycled Water Administrators  
**Attachments:** 2020-04\_NOA-Recycled Water (04-08-20).pdf

Good Afternoon,

Section 11 of the State Water Resources Control Board's (State Water Board) [Recycled Water Policy Amendment](#) required the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) to transfer recycled water permit coverage from the Regional Water Board's *General Water Reuse Requirements for Municipal Wastewater and Water Agencies*, [Order No. R2-1996-0011](#), to the State Water Board's *General Water Reclamation Requirements for Recycled Water Use*, [Order WQ 2016-0068-DDW](#). Please find attached the Notice of Applicability and revised Monitoring and Reporting Program that transfers regulatory coverage for the recycled water program administrators listed in the Notice Attachment 1 to Order WQ 2016-0068-DDW, effective today, April 8, 2020.

This phase of the transition covered recycled water program administrators with Title 22 Engineering Reports approved after January 1, 2001, which aligns with the time when the California Code of Regulations Title 22 Water Recycling Criteria were updated. Delta Diablo Sanitation District, Napa Sanitation District, City of Livermore, and the Sewerage Agency of Southern Marin will be enrolled at a later date following the Division of Drinking Water's review of their Title 22 Engineering Reports and supporting information. I will subsequently reach out to those agencies with additional information on the next steps.

We thank you for your valuable review and input throughout this process and the work that you do in support of recycled water.

We recognize that COVID-related restrictions are occurring at this time. We are here (remotely) if you have questions about the transition.

Sincerely,

Melissa Gunter  
Water Resources Control Engineer  
SF Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400 | Oakland, CA 94612

March 24, 2020

To all members of the Bay Area Chemical Consortium,

The Bay Area Chemical Consortium (BACC) coordination team is informing you that we are canceling the bids for Fiscal Year Ending 2021 (FYE 2021) that was posted on Wednesday March 18, 2020 with Addendum No. 1 posted on the same day. We have reached this difficult decision in recognition of the high level of uncertainty and limited resources at both our member agencies as well as our chemical suppliers due to the current COVID-19 global crisis. This unprecedented crisis impacts every aspect of our operations and is of unknown duration. We are responding to feedback from our members and suppliers that this is not the time be reevaluating and renegotiating supply chains and logistics.

The current FYE 2020 bid document contained the following stipulation (Section 4.11):

*The term of the contract between the respective BACC agency and the successful bidder will be twelve (12) months commencing July 1, 2020, and expiring June 30, 2020, with an option to extend the contract on a year-to-year basis, not to exceed three (3) yearly renewals if conditions and service are satisfactory to both the respective BACC agency and the successful bidder. The price for any succeeding periods of service shall be determined by negotiation between the respective BACC agency and the successful bidder.*

BACC recommends that each participating agency exercise the extension option in their current contract with suppliers. We have reached out to Univar, Chemtrade, Thatcher, and Olin Chlor regarding their willingness to extend FYE 2020 prices for another year. So far, Univar has committed to extend the prices. We will pass along communications from our FYE 2020 chemical suppliers as we receive them.

To the agencies that are new participants this year and do not have an existing BACC contract, let us know if there is anything we can do to help.

We very much appreciate all the work your agency has put into providing information to support the FYE 2021 bid and are hopeful that we will be able to successfully coordinate a new bid for FYE 2022. Thank you for your understanding.

Addendum No. 2 for Notice of Bid Cancellation will be issued as soon as possible within this week.

Best regards,

Lorien Fono, BACWA Executive Director  
Jeff Carson, Operations Manager, Dublin San Ramon Services District  
Gemma Lathi, Administrative Analyst II, Dublin San Ramon Services District

Attachments:

Univar extension letter 3/19/20  
Chemtrade extension offer 3/24/20  
Thatcher reply 3/24/20  
Olin Chlor reply 3/24/20

Date: March 19, 2020

To: Gemma Lathi, Administrative Analyst II,  
Operations Department of Dublin San Ramon.

Subject: Bulk Water Treatment Chemicals Availability and Contract Terms

*Univar Solutions is proud to be your bulk water treatment chemical supplier of sodium hypochlorite, sodium hydroxide & sodium bisulfite. We recognize the need for certainty in these unsettled times. Univar, as the largest distributor of bulk water treatment chemicals in United States, has a critical role in the manufacture, distribution, and supply of these bulk chemicals. To ensure Univar has product for all our municipalities and retail bottlers, Univar along with our Supply Partners have implemented some new processes that include:*

- *Implementing business continuity plans at all our locations. Some details include daily wipe down of equipment and with non-overlapping employee shifts.*
- *All non-production essential employees will work remotely*
- *Increased raw material purchases at our manufacturing locations*
- *Increased stock of all of our packaged materials at our warehouses*

*Planning is key to our success to ensuring we meet everyone's needs during this period. We ask your team keep us informed of any material changes to your particular needs or demand pattern.*

***If helpful to your Organization, Univar will extend our current bulk water treatment chemical supply agreements on the following terms:***

- ***Sodium Hypochlorite: honor the current pricing and extend any of our current supply contract for another year.***
- ***Sodium Hydroxide: A \$50 per dry short ton reduction in current pricing and extend any of our current supply contract for another year***
- ***Sodium Bisulfite: honor the current pricing and extend any of our current supply contract for another year***

*Please let your Univar municipal specialist know if this of value to your community and supply planning.*

*Thank you for your trust and your business*

*Univar Solutions*

From: [Schroeder, Michele](#)  
 To: [Gemma, Lathi](#)  
 Cc: [Ryno, Betty](#); [Naranjo, Robert](#)  
 Subject: RE: BACC Bids and COVID-19 situation  
 Date: Tuesday, March 24, 2020 12:09:23 PM  
 Attachments: [image002.png](#)

**[EXTERNAL – check for red flags]**

Good afternoon, Gemma,

Hope you are doing well & staying safe during this unprecedented time as well!

We do not anticipate any supply chain interruption. Our key raw materials are procured from North American sites and we are back loaded as well with our Sulfuric Acid and Alumina TriHydrate suppliers. Additionally, we are able to source product from other Chemtrade locations due to our 39 water plants in North America. I don't believe other Alum suppliers would have this same infrastructure available in the event of any disruption. During this uncertain time, we believe it would be risky to change suppliers.

The data below shows last's bid results and our offer on renewal below that.

If the BACC agencies decided to extend for 6 months or for 12 months beginning 7/1, the renewal offer would be: \$0.8968/Gal delivered on Alum, \$1.0153/Gal delivered for 5% Acidized and \$1.092/Gal delivered for 7% Acidized.

2019-2020 BACC Bid Results 44.49% Alum Liquid Solution Unit Price Per Gallon							
Name of Bidder	44.49% Alum Liquid Solution Unit Price Per Gallon					Optional 5% Acidized Unit Price per Gal	Optional 7% Acidized Unit Price per Gal
	Central Valley	North Bay	Sacramento	South Bay	Tri Valley	North Bay	North Bay
Chemtrade Logistics US LLC	\$0.7717	\$0.7617	\$0.7481	\$0.7838	\$0.7717	\$0.8084	\$0.8864
Thatcher Company of California, Inc.	\$1.0152	\$1.0152	\$1.0152	\$1.0152	\$1.0152	\$1.4979	\$1.5716
Univar USA	no bid	no bid	no bid	no bid	no bid	no bid	no bid

Chemtrade's Renewal Offer effective July 1, 2020 44.49% Alum Liquid Solution Unit Price Per Gallon							
Name of Bidder	44.49% Alum Liquid Solution Unit Price Per Gallon					Optional 5% Acidized Unit Price per Gal	Optional 7% Acidized Unit Price per Gal
	Central Valley	North Bay	Sacramento	South Bay	Tri Valley	North Bay	North Bay
Chemtrade Logistics US LLC	\$0.8968	\$0.8968	\$0.8968	\$0.8968	\$0.8968	\$1.0153	\$1.0920

Please let us know if the agencies decide to bid out the requirements or renew for a period of 6 or 12 months.  
 Stay safe and be well!

Thank you!

Best Regards,

Michele Schroeder  
 Business Manager  
 Chemtrade Logistics Inc.  
 90 E Halsey Rd. Parsippany, NJ 07054-3713  
**Office:** (973) 515 1841 | **Cell:** (862) 309-0083  
**E-mail:** [m Schroeder@chemtradelogistics.com](mailto:m Schroeder@chemtradelogistics.com) | **Website:** [www.chemtradelogistics.com](http://www.chemtradelogistics.com)

**From:** [Mike Mitchell](#)  
**To:** [Gemma Lathi](#)  
**Subject:** BACC Renewals  
**Date:** Monday, March 23, 2020 11:52:50 AM

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**[EXTERNAL – check for red flags]**

Gemma,

I hope that you are well and staying healthy.

This is a follow-up email to our conversation this morning.

We are evaluating holding the prices on both chlorine and ferric chloride; this is all about having our suppliers hold our costs as well for another 12 months. We have reached out to our suppliers for their commitment.

In regards to supply/logistics, we currently do not have any supply/delivery issues for any of our raw materials required to support the BACC. This includes aluminum sulfate, chlorine, ferric chloride, calcium nitrate, sodium bisulfite or any other product required from the BACC. While we are not a supplier to many of these commodities, we have no issue supporting BACC customers in the event your primary distributors cannot meet your requirements.

In addition to supply, we have multiple facilities that we can support BACC customers to include: Stockton, Sacramento, Sparks, NV, Henderson, NV and Salt Lake City.

Regardless, I will follow-up with you promptly on BACC renewals for 2020-2021 contract year.

Mike

Michael Mitchell  
Thatcher Company  
Direct: (801) 924.1401 | M: (779) 227-5389  
1905 Fortune Rd. Salt Lake City, UT 84104  
[mike.mitchell@tchem.com](mailto:mike.mitchell@tchem.com)

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## Gemma Lathi

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**From:** Schabacker, John M TRAC <JMSchabacker@olin.com>  
**Sent:** Tuesday, March 24, 2020 11:32 AM  
**To:** Gemma Lathi  
**Cc:** 'Lorien Fono'; Jones, Bret S TRAC; Eells, Kathy E TRAC  
**Subject:** RE: BACC bids

[EXTERNAL – check for red flags]

Hello Gemma,

Yes, as long as renewals are confirmed in writing and bids cancelled before the bid due dates. I believe it may be in every ones' best interests to do so given the current uncertainty of supply due to COVID-19.

Also,

You may recall, some BACC members did not follow your awards to Olin from last years' bid due to some biased false rumors that were circulated in the Sacramento region and disproven. As a result we received less business than we deserved based on lowest bid prices. Our costs and prices were based upon the volume of a full award of all the associated regional member agencies. As the lead agency, can you ask them in good faith to please follow your awards to Olin for this next term?

Thank you,



*John M. Schabacker*  
**Business Director – West Bleach**  
26700 S. Banta Rd  
Tracy, CA 95304 USA  
T: 209.221.8265  
F: 209.835.9760  
[jmschabacker@olin.com](mailto:jmschabacker@olin.com)

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**From:** Gemma Lathi <lathi@dsrsd.com>  
**Sent:** Tuesday, March 24, 2020 11:08 AM  
**To:** Schabacker, John M TRAC <JMSchabacker@olin.com>  
**Cc:** 'Lorien Fono' <lfono@bacwa.org>; Jones, Bret S TRAC <BSJones@olin.com>; Eells, Kathy E TRAC <KEEells@olin.com>  
**Subject:** RE: BACC bids

<< THIS EMAIL ORIGINATED FROM OUTSIDE OF OLIN >>

Good morning John,

Would Olin be willing to offer the same prices for any chemicals under BACC contract this year should the agencies exercise the renewal option for next year? That is, if all BACC bids are canceled this year.

Thanks and regards,  
Gemma

5 Year Plan - Baseline Adjusted to Eliminate Excess Reserves (CBC @ \$1,000,000)									Year 6 of watershed permit
			2020 (adopted)	2020 (projected)	2021 (proposed)	2022 (proposed)	2023 (proposed)	2024 (proposed)	2025 (proposed)
<b>REVENUES</b>									
Dues	Principals' Contributions		\$506,774	\$506,774	\$516,909	\$527,248	\$537,793	\$548,548	\$559,519
	Associate & Affiliate Contributions		\$184,111	\$184,111	\$187,793	\$191,549	\$195,380	\$199,288	\$203,273
Fees	Clean Bay Collaborative		\$675,000	\$675,000	\$675,000	\$675,000	\$675,000	\$675,000	\$675,000
	Nutrient Surcharge		\$1,700,000	\$1,700,000	\$1,700,000	\$1,700,000	\$1,700,000	\$1,000,000	\$675,000
	Member Voluntary Nutrient Contributions		\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Receipts	AIR Non-Member		\$6,936	\$6,936	\$7,075	\$7,216	\$7,361	\$7,508	\$7,658
	BAPPG Non-Members		\$3,876	\$3,876	\$3,954	\$4,033	\$4,113	\$4,196	\$4,279
	Other		\$0	\$0	\$0	\$0	\$0	\$0	\$0
Fund Transfer	Special Program Admin Fees (WOT)		\$5,100	\$5,100	\$5,202	\$5,306	\$5,412	\$5,520	\$5,631
	BACC Admin Fees		\$0	\$2,000	\$20,010	\$20,410	\$20,818	\$21,235	\$21,659
	BABC Admin Fees		\$0	\$6,000	\$6,000	\$6,120	\$6,242	\$6,367	\$6,495
Investment Income	LAIF		\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
	Higher Yield Investments		\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000
<b>TOTAL REVENUES</b>	<b>Total Revenue</b>		<b>\$3,119,797</b>	<b>\$3,127,797</b>	<b>\$3,159,943</b>	<b>\$3,174,882</b>	<b>\$3,190,119</b>	<b>\$2,505,662</b>	<b>\$2,196,515</b>
<b>EXPENSES</b>									
Labor			\$446,165	\$446,165	\$433,721	\$446,733	\$460,135	\$473,939	\$488,157
Administration			\$59,341	\$59,341	\$60,528	\$61,739	\$62,973	\$64,233	\$65,517
Meetings			\$26,045	\$26,045	\$28,695	\$29,269	\$29,854	\$30,451	\$31,060
Communication			\$7,200	\$7,200	\$7,344	\$7,491	\$7,641	\$7,794	\$7,949
Legal			\$4,786	\$4,786	\$4,882	\$4,980	\$5,079	\$5,181	\$5,284
Committees			\$230,300	\$230,300	\$260,050	\$265,251	\$270,556	\$275,967	\$281,486
Collaboratives			\$25,000	\$25,000	\$42,500	\$23,350	\$43,817	\$24,693	\$45,187
Other			\$0	\$0	\$0	\$0	\$0	\$0	\$0
Technical Support	Nutrients								
	Permit Req'm't for Science Funding		\$2,000,000	\$2,000,000	\$2,200,000	\$2,200,000	\$2,200,000	\$2,200,000	\$1,000,000
	NMS Advance on Future Funding		\$0	\$400,000	\$600,000	\$400,000	(\$200,000)	(\$1,200,000)	\$0
	NMS Voluntary Contributions		\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Additional Work Under Permit		\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
	Optimization / Upgrade Studies		\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Nature Based Solutions Study		\$500,000	\$150,000	\$200,000	\$150,000	\$0	\$0	\$0
	Regional Recycling Report		\$0	\$50,000	\$60,000	\$40,000	\$0	\$0	\$0
	Member Voluntary Contributions		\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Nutrient Workshops		\$0	\$0	\$0	\$0	\$0	\$0	\$0
	CECs studies		\$0	\$0	\$50,000	\$51,000	\$52,020	\$53,060	\$54,122
	General Tech Support		\$52,020	\$52,020	\$250,000	\$100,000	\$102,000	\$104,040	\$106,121
	Risk Reduction		\$20,000	\$30,000	\$7,500	\$0	\$12,500	\$30,000	\$7,500
	Total Technical Support		\$2,672,020	\$2,782,020	\$3,467,500	\$3,041,000	\$2,266,520	\$1,287,100	\$1,267,742
<b>TOTAL EXPENSES</b>			<b>\$3,470,857</b>	<b>\$3,580,857</b>	<b>\$4,305,220</b>	<b>\$3,879,812</b>	<b>\$3,146,575</b>	<b>\$2,169,358</b>	<b>\$2,192,385</b>
<b>NET INCOME BEFORE TRANSFERS</b>									
			(\$351,060)	(\$453,060)	(\$1,145,277)	(\$704,930)	\$43,544	\$336,304	\$4,130
<b>TRANSFERS TO(+)/FROM(-) RESERVES</b>									
			(\$351,060)	(\$453,060)	(\$1,145,277)	(\$704,930)	\$43,544	\$336,304	\$4,130
<b>RESERVES</b>									
	Operating Target	\$200,000							
	Legal Target	\$300,000							
	CBC Target	\$1,000,000							
	<b>Target Reserves</b>	<b>\$1,500,000</b>							
	Total Reserves at End of FY 19	\$3,412,096							
	<b>Amt. Above Target End of FY</b>	<b>\$1,912,096</b>		<b>\$1,459,036</b>	<b>\$313,759</b>	<b>(\$391,171)</b>	<b>(\$347,627)</b>	<b>(\$11,323)</b>	<b>(\$7,192)</b>

5 Year Plan - Baseline Adjusted to Eliminate Excess Reserves (CBC @ \$1,000,000)

		2020 (adopted)	2020 (projected)	2021 (proposed)	2022 (proposed)	2023 (proposed)	2024 (proposed)	Year 6 of watershed permit 2025 proposed)
<b>REVENUES</b>								
Dues	Principals' Contributions	\$506,774	\$506,774	\$516,909	\$527,248	\$537,793	\$548,548	\$559,519
	Associate & Affiliate Contributions	\$184,111	\$184,111	\$187,793	\$191,549	\$195,380	\$199,288	\$203,273
Fees	Clean Bay Collaborative	\$675,000	\$675,000	\$675,000	\$675,000	\$675,000	\$675,000	\$675,000
	Nutrient Surcharge	\$1,700,000	\$1,700,000	\$1,700,000	\$1,700,000	\$1,700,000	\$1,700,000	\$1,200,000
	Member Voluntary Nutrient Contributions	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Receipts	AIR Non-Member	\$6,936	\$6,936	\$7,075	\$7,216	\$7,361	\$7,508	\$7,658
	BAPPG Non-Members	\$3,876	\$3,876	\$3,954	\$4,033	\$4,113	\$4,196	\$4,279
	Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Fund Transfer	Special Program Admin Fees (WOT)	\$5,100	\$5,100	\$5,202	\$5,306	\$5,412	\$5,520	\$5,631
	BACC Admin Fees	\$0	\$2,000	\$20,010	\$20,410	\$20,818	\$21,235	\$21,659
	BABC Admin Fees	\$0	\$6,000	\$6,000	\$6,120	\$6,242	\$6,367	\$6,495
Investment Income	LAIF	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
	Higher Yield Investments	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000
<b>TOTAL REVENUES</b>	<b>Total Revenue</b>	<b>\$3,119,797</b>	<b>\$3,127,797</b>	<b>\$3,159,943</b>	<b>\$3,174,882</b>	<b>\$3,190,119</b>	<b>\$3,205,662</b>	<b>\$2,721,515</b>
<b>EXPENSES</b>								
Labor		\$446,165	\$446,165	\$433,721	\$446,733	\$460,135	\$473,939	\$488,157
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Other		\$0	\$0	\$0	\$0	\$0	\$0	\$0
Technical Support	Nutrients							
	Permit Req'm't for Science Funding	\$2,000,000	\$2,000,000	\$2,200,000	\$2,200,000	\$2,200,000	\$2,200,000	\$2,200,000
	NMS Advance on Future Funding	\$0	\$400,000	\$600,000	\$400,000	\$0	(\$200,000)	(\$1,200,000)
	NMS Voluntary Contributions	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Additional Work Under Permit Optimization / Upgrade Studies	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
	Nature Based Solutions Study	\$500,000	\$150,000	\$200,000	\$150,000	\$0	\$0	\$0
	Regional Recycling Report	\$0	\$50,000	\$60,000	\$40,000	\$0	\$0	\$0
	Member Voluntary Contributions	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Nutrient Workshops	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	CECs studies	\$0	\$0	\$50,000	\$51,000	\$52,020	\$53,060	\$54,122
	General Tech Support	\$52,020	\$52,020	\$250,000	\$100,000	\$102,000	\$104,040	\$106,121
	Risk Reduction	\$20,000	\$30,000	\$7,500	\$0	\$12,500	\$30,000	\$7,500
	Total Technical Support	\$2,672,020	\$2,782,020	\$3,467,500	\$3,041,000	\$2,466,520	\$2,287,100	\$1,267,742
<b>TOTAL EXPENSES</b>		<b>\$3,470,857</b>	<b>\$3,580,857</b>	<b>\$4,305,220</b>	<b>\$3,879,812</b>	<b>\$3,346,575</b>	<b>\$3,169,358</b>	<b>\$2,192,385</b>
<b>NET INCOME BEFORE TRANSFERS</b>		<b>(\$351,060)</b>	<b>(\$453,060)</b>	<b>(\$1,145,277)</b>	<b>(\$704,930)</b>	<b>(\$156,456)</b>	<b>\$36,304</b>	<b>\$529,130</b>
<b>TRANSFERS TO(+)/FROM(-) RESERVES</b>		<b>(\$351,060)</b>	<b>(\$453,060)</b>	<b>(\$1,145,277)</b>	<b>(\$704,930)</b>	<b>(\$156,456)</b>	<b>\$36,304</b>	<b>\$529,130</b>
<b>RESERVES</b>								
Operating Target		\$200,000						
Legal Target		\$300,000						
CBC Target		\$1,000,000						
<b>Target Reserves</b>		<b>\$1,500,000</b>						
Total Reserves at End of FY 19		\$3,412,096						
<b>Amt. Above Target End of FY</b>		<b>\$1,912,096</b>	<b>\$1,459,036</b>	<b>\$313,759</b>	<b>(\$391,171)</b>	<b>(\$547,627)</b>	<b>(\$511,323)</b>	<b>\$17,808</b>
Total CBC Reserves			\$2,459,036	\$1,313,759	\$608,829	\$452,373	\$488,677	\$1,017,808

MEMORANDUM

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*Confidential: Attorney-Client Privilege, Attorney Work Product*

**TO:** LORIEN FORNO, EXECUTIVE DIRECTOR  
**FROM:** RALPH R. NEVIS  
**DATE:** MARCH 26, 2020  
**RE:** COMPLIANCE WITH GOVERNMENT CODE REQUIREMENTS FOR BACWA TO DESIGNATE A MEMBER AGENCY'S RESTRICTIONS ON THE EXERCISE OF POWERS UNDER THE JOINT EXERCISE OF POWERS ACT

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## I. INTRODUCTION AND STATEMENT OF THE ISSUE

The Bay Area Clean Water Agency (“BACWA”) is a California Joint Powers Authority (“JPA”) formed and existing under the laws of the State of California. BACWA is subject to the Joint Exercise of Powers Act, Government Code section 6500 *et seq.* (the “Act”). BACWA’s members have executed, and are parties to, BACWA’s 1984 Joint Powers Agreement (the “JPA Agreement”), which has been amended one time to make a non-substantive change.

Recently, a state agency asked BACWA for clarification of the restrictions, policies, and procedures applicable to BACWA’s exercise of its enumerated powers, particularly with respect to contracting procedures. Typically, under the Act, a JPA designates one of its member agency’s policies and procedures to govern the JPA’s exercise of its powers. *See*, Gov. Code, § 6509 (the JPA’s “. . . power is subject to the restrictions upon the manner of exercising the power of one of the contracting parties, which party shall be designated by the agreement.”). Upon review, BACWA determined that its JPA Agreement does not designate a BACWA member for purposes of section 6509. The JPA Agreement does, however, grant BACWA the right to designate one of its member’s administrative procedures and policies to apply to BACWA’s exercise of its powers. JPA Agreement, § 5.C.

BACWA seeks guidance on how to satisfy the state agency that BACWA’s powers are subject to legally adequate policies and procedures and to achieve compliance with Government Code section 6509 to the extent necessary. BACWA also seeks confirmation that it is empowered to adopt its own policies and procedures so long as they are consistent with applicable law. BACWA seeks to address these issues without amending the JPA Agreement.

## II. ANALYSIS

The Act provides that a joint powers authority may, by agreement, exercise certain powers common to its member entities. *See*, Gov. Code, § 6502. “The agreements shall state the purpose

of the agreement or the power to be exercised. They shall provide for the method by which the purpose will be accomplished or the manner in which the power will be exercised.” Gov. Code, § 6503. “The agency shall possess the common power specified in the agreement and may exercise it in the manner or according to the method provided in the agreement.” Gov. Code, § 6508. Pertinent to the issue facing BACWA, Government Code section 6509 states that the power described in section 6508 “is subject to the restrictions upon the manner of exercising the power of one of the contracting parties, which party *shall* be designated by the agreement.” Gov. Code, § 6509 (*emphasis added*). Note that section 6509’s requirement to designate one of the member entities is stated in mandatory terms, and would likely be found to be mandatory by a court of law.<sup>1</sup>

This memorandum assumes, without further analysis, that the JPA Agreement does not technically comply with Government Code section 6509 because it does not expressly designate one of the JPA’s member’s “restrictions upon the manner of exercising” the JPA’s powers. The analysis turns to an assessment of what the JPA Agreement *does* provide with respect to policies and procedures in relation to the two issues framed above and how BACWA may achieve substantial compliance.

#### **A. BACWA May, by Resolution, Designate One of its Members Under Section 6509**

Section 5.C. of the JPA Agreement grants BACWA the power to designate one of its member’s administrative procedures and policies to apply to BACWA’s exercise of its powers. That passage is as close as the JPA Agreement comes to complying with the requirement of section 6509 that designate one of its member’s by name in the JPA Agreement. Nonetheless, the passage is helpful and enforceable as a grant of authority to BACWA to make the required designation. It is reasonable for BACWA to exercise this grant of authority set forth in the JPA Agreement to make the required designation. BACWA should exercise this authority and make the designation, and do so by a duly-passed resolution.<sup>2</sup>

<sup>1</sup> Whether section 6509 states a mandatory duty, as opposed to a permissive duty, has not been the subject of a reported decision of a California court. But courts typically apply the plain meaning of a statute whenever possible. “Our role in construing a statute is to ascertain the Legislature’s intent so as to effectuate the purpose of the law. In determining intent, we look first to the words of the statute, giving the language its usual, ordinary meaning. If there is no ambiguity in the language, we presume the Legislature meant what it said, and the plain meaning of the statute governs.” *Hunt v. Superior Court* (1999) 21 Cal.4th 984, 1000. *See also*, Code Civ. Pro., § 1858 (“In the construction of a statute or instrument, the office of the Judge is simply to ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted, or to omit what has been inserted . . .”).

<sup>2</sup> This solution does not achieve strict compliance with the mandatory language of section 6509 because the JPA Agreement does not, itself, designate the member agency. But, if BACWA’s action was challenged on mandamus the action would be presumed to be legally authorized and otherwise correct; it would be presumed that BACWA’s members acted reasonably and within the scope of their respective powers; and, the burden of showing otherwise would be on the petitioner. *See Zack v. Marin Emergency Radio Auth.* (2004) 118 Cal.App.4th 617, 631 (internal citations and quotes omitted), citing *California Teachers Assn. v. Ingwerson* (1996) 46 Cal.App.4th 860, 865; see also *Beckwith v. County of Stanislaus* (1959) 175 Cal. App. 2d 40, 44–45, and *California Correctional Peace Officers Assn. v. State Personnel Bd.* (1995) 10 Cal.4th 1133, 1154. BACWA would have a defense to the challenge. Nonetheless, to the extent BACWA has cause to amend the JPA Agreement in the future, it should include an amendment to Section 5.C., to make the section 6509 designation in the JPA Agreement itself. That action would

**B. BACWA may Adopt Operating Procedures and Policies of its Own so long as they are Consistent with the Designated Member’s Procedures**

Section 5.C. also grants BACWA the general power to adopt “bylaws, rules for conduct of meetings, and operating procedures.” Over the course of its existence, BACWA has adopted various operating procedures and policies, including policies and procedures for contracting. BACWA may properly adopt policies and procedures of its own under the power granted to it in Section 5.C. Such policies and procedures should be consistent with those of the designated member’s policies and procedures, and should be consistent with the “restrictions” on the designated member’s powers as explained in section D, below.

**C. Proposed Resolution Operative Language**

BACWA should adopt a resolution, in its usual format, with the following operative provision:

Restrictions on Powers. Pursuant to and to the extent required by Government Code Section 6509 and pursuant to Section 5.C. of the Association’s January 4, 1984, Joint Powers Agreement, as amended, the Association shall be restricted in the exercise of its powers in the same manner as [First Entity] is restricted in its exercise of similar powers; provided that, if [First Entity] shall cease to be a Member, then the Association shall be restricted in the exercise of its power in the same manner as the [Second Entity]. If the [Second Entity] shall cease to be a Member, then the \_\_\_\_\_ shall be restricted in the exercise of its powers in the same manner as the [Third Entity]. Nothing herein shall be construed as limiting the Association’s power to adopt governing policies and procedures consistent with applicable laws.

This provision states that the action is taken in accordance with section 6509. But it does not affirmatively state that section 6509 is applicable or that it requires the designation. The provision states that BACWA is using the power to adopt one member’s policies and procedures as its own. The provision names one member, the “First Entity”, as the primary designee, and then lists two alternate members in the event the initial designee leaves the JPA. Finally, the provision’s last sentence allows BACWA to adopt internal policies or procedures consistent with applicable laws and regulations of the designated member.

**D. Considerations for Choosing Designated Member for Purpose of Section 6509**

Choosing which entity to designate requires an understanding of how the designation has been construed and applied by the California courts. In *Rider v. City of San Diego* (1998) 18 Cal.4th 1035, the California Supreme Court provided a history of the legislation that ultimately led to

alleviate any risk that a third-party could use the lack of designation in the JPA Agreement to BACWA’s disadvantage.

section 6509. “Originally, the Act merely authorized counties and municipalities to do jointly anything they each could do separately.” *Id.*, at p. 1050, citing, Stats. 1921, ch. 363, § 1, p. 542. “In 1947, however, the Legislature added a section to the Act that allowed ‘contracting parties’ – that is, the local governmental entities that enter into a joint powers agreement – to create a separate board or commission (a joint powers agency) to exercise on their behalf powers they hold in common.” *Rider, supra*, 18 Cal.4th at p. 1050. “The section also provided that the agency administering the agreement – whether one of the contracting parties or a separate joint powers agency – need not comply with all the possibly conflicting procedural restrictions that apply to the various contracting parties.” *Id.* “Rather, the agency need only comply with the procedural restrictions that apply to one of the contracting parties.” *Id.*, citing, Stats. 1947, ch. 1045, § 3, p. 2447. “This principle now appears in Government Code section 6509 (section 6509), which provides that the ‘common power’ (Gov. Code, § 6508) specified in the joint powers agreement ‘is subject to the restrictions upon the manner of exercising the power of one of the contracting parties, which party shall be designated by the agreement.’” *Id.* The purpose of section 6509, as explained in *Rider*, is to avoid a JPA having to comply with a multitude of possibly conflicting procedures that would otherwise apply to its members when the JPA is exercising common powers.

The appellate court’s opinion in *Zack v. Marin Emergency Radio Auth.* (2004) 118 Cal.App.4th 617 provides a good example of how section 6509 operates as a shield against conflicting regulation with respect to governance of a JPA. In *Zack*, a 25-member JPA designated the County of Marin under section 6509. *Zack, supra*, 118 Cal.App.4th at p. 628. The JPA attempted to carry out a project but citizens challenged the project on the grounds that the JPA did not comply with the Town of Tiburon’s local land use regulations. *Id.*<sup>3</sup> The trial and appellate courts both acknowledged that the JPA was “subject only to those restrictions applicable to the County” and that *the County was exempt* from Tiburon’s land use regulations. *Id.* Under section 6509, that should have meant that the JPA was exempt from Tiburon’s regulations as well. The trial court, however, refused to find that the JPA was exempt. *Id.* The appellate court reversed the trial court’s determination.

First, the appellate court found that the JPA was exercising a joint power common to all of its members. *Id.*, 637. Thus, section 6509’s plain language applied such that the JPA was subject *only* to the restriction on the exercise of its powers applicable to the County of Marin – and exempt from Tiburon’s land use regulations. *Id.*, 637. The court summarized its holding:

Plaintiffs have not rebutted the presumption [the JPA] acted within the scope of its authority. [The JPA] possesses the “common power” to construct and operate an emergency communications system. The manner in which it exercises that power is therefore subject only to those restrictions that would apply to the County of Marin, the party designated by the joint powers agreement. (§ 6509.) Because the County is not subject to Tiburon’s land use regulations (§ 53090), neither is [the JPA].

<sup>3</sup> The Town of Tiburon was itself a member of the JPA.

*Zack, supra*, 118 Cal.App.4th at p. 638.<sup>4</sup>

*Zack* teaches that BACWA's selection of its designee will not merely make BACWA subject to the designee's internal practices and procedures. Its selection will also subject BACWA to the external legal and regulatory environment of the designee. Finally, the selection can, in certain circumstances *exempt* BACWA from otherwise applicable legal or regulatory burdens in the exercise of powers common to BACWA's members.

BACWA should consider the internal policies and procedures of its members in deciding which member to designate under section 6509. It should also consider how that designation will affect the regulations and laws that will apply to restrict BACWA's exercise of its common powers. That inquiry should be guided by a consideration of BACWA's activities and projects and the potential regulatory and legal requirements to carry those out. To the extent possible, BACWA should designate a member whose legal and regulatory burdens are the lowest so long as that member's internal policies and procedures are well developed and consistent with BACWA's established practices.

<sup>4</sup> See also, *Cooper v. Mountains Recreation and Conservation Authority* (1998) 61 Cal.App.4th 1115 ("*Cooper*"). In *Cooper*, a JPA was comprised of a State agency and two park districts. The JPA's agreement designated the park districts under section 6509. The appellate court rejected a challenge brought by a taxpayer who contended that the JPA should have obtained approval from a public works board before acquiring real property. The court explained that "the [JPA] is subject to the same restrictions as the park districts. Seeking approval from the public works board is not among those restrictions." *Id.* at 1118.

6j

JOINT POWERS AGREEMENT  
CREATING AN AGENCY TO BE KNOWN AS THE  
BAY AREA DISCHARGERS ASSOCIATION

THIS AGREEMENT is entered into this 4th day of Jan., 1984, between the CENTRAL CONTRA COSTA SANITARY DISTRICT, a public corporation, hereinafter known as "CCCSD"; the EAST BAY DISCHARGERS AUTHORITY, a joint powers authority, hereinafter known as "EBDA"; the EAST BAY MUNICIPAL UTILITY DISTRICT, a public corporation, hereinafter known as "EBMUD"; the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, hereinafter known as "San Francisco"; and the CITY OF SAN JOSE, a municipal corporation, hereinafter known as "San Jose." Hereinafter, these five agencies will sometimes be referred to as the "original signatory agencies".

WITNESSETH:

WHEREAS, each of the foregoing public agencies is empowered to survey, study, and report concerning matters related to wastewater treatment and disposal and conduct other activities concerning such treatment and disposal; and specifically they are empowered to monitor discharges of treated wastewater to waters of the bay system and gather and interpret the data of such monitoring with primary emphasis on effects of treated wastewater discharges on waters on the bay system;

WHEREAS, each of the foregoing agencies is desirous of conducting some of these activities jointly; and

WHEREAS, each of the foregoing agencies is desirous hereby to exercise, jointly, selected powers common to all.

WHEREAS EBDA consists of the following jurisdictions: CITY OF HAYWARD, CITY OF SAN LEANDRO, ORO LOMA SANITARY DISTRICT, CASTRO VALLEY SANITARY DISTRICT, UNION SANITARY DISTRICT.

WHEREAS San Jose represents the following jurisdictions: CITY OF SANTA CLARA, a co-owner of the Water Pollution Control Plant, and the agencies tributary to that plant, CITY OF MILPITAS, SUNOL SANITARY DISTRICT, BURBANK SANITARY DISTRICT, COUNTY SANITATION DISTRICTS 2-3, COUNTY SANITATION DISTRICT 4, CUPERTINO SANITARY DISTRICT.

NOW, THEREFORE, IN CONSIDERATION of the mutual promises, covenants, and conditions hereinafter contained, the parties agree as follows:

1. DEFINITIONS

Unless the context otherwise requires, the terms defined in this section shall, for all purposes of this Agreement, have the meanings herein specified.

Agreement: This joint powers agreement.

Annual Budget: See Section 9.

Annual Work Plan: See Section 8.

Associate Member: Any public agency, other than the original signatory agencies, with wastewater treatment or disposal responsibilities accepted for membership in this Association by the Executive Board.

Association: Bay Area Dischargers Association

Bay: San Francisco Bay System.

Executive Board: A board consisting of the General Manager or person of equivalent position from each of the original signatory agencies.

Fiscal Year: The period from July 1 to June 30.

Member Agency: Any of the original signatory agencies and any Associate Members.

Original Signatory Agencies: Central Contra Costa Sanitary District, East Bay Dischargers Authority, East Bay Municipal Utility District, City and County of San Francisco, and the City of San Jose.

Overhead: Activities or costs not directly associated with a program.

Participating Agency: A Member Agency receiving benefits and sharing in the costs of a program.

Program: Work that is directly related to the accomplishment of the purposes of the Association.

Programs of General Benefit: Programs that benefit all member agencies in the same general proportions assumed in the cost allocation formula.

Programs of Specific Benefit: Programs whose benefits are significantly greater for some member agencies than for others and whose costs are allocated to agencies in accordance with the programs' benefits.

San Francisco Bay System: San Francisco Bay, the Golden Gate, San Pablo Bay, Carquinez Strait, Suisun Bay, Grizzly Bay, Honker Bay, and other adjacent waters as may be determined from time to time by the Executive Board.

Simple Majority: More than half of the voting members of the Executive Board.

Total Discharge: The volume of wastewater discharged into the Bay, in gallons.

## 2. PURPOSE

The purpose of this Agreement is to create an agency as a public entity separate and apart from the parties to this Agreement to administer and exercise such Agreement, the purpose of which is as follows:

- o To collect data on the aquatic life and quality of waters of the San Francisco Bay system, with emphasis on pollution-related effects;
- o To coordinate the work of this Association with related work of other agencies or organizations;
- o To interpret data collected by this Association and by others in order to assess the effects of pollution and other factors on the Bay;
- o To manage this data to assure its continued usefulness;
- o To carry out other tasks in support of the collection, interpretation, and management of data;
- o To represent the interests of the member agencies;
- o To develop and disseminate information about the Bay;
- o To carry out other programs of mutual interest;

3. CREATION OF ASSOCIATION

Pursuant to Chapter 5, Division 7 of Title 1 (commencing with government Code Section 6500 et seq.,) there is hereby created an agency as a public entity, separate and apart from the signatories in this Agreement, to be known as the "Bay Area Dischargers Association", herein called "Association". Such agency shall administer and execute this Agreement.

The Agreement shall be effective on the date of execution by the last original signatory agency.

4. POWERS AND AUTHORITIES OF THE ASSOCIATION

The Association shall and is hereby authorized in its own name to do all things necessary and desirable (subject to the limitations of this Agreement) to carry out the purposes of this Agreement, including but not limited to the following:

- o To make and enter contracts;
- o To employ agents and employees;
- o To acquire, hold, or dispose of property;
- o To incur debts, liabilities, and obligations which shall not constitute the debts, liabilities, or obligations of any of the Member Agencies;
- o To apply for and accept grants;
- o To make plans and conduct studies;
- o To sue and be sued in its own name.

The Association is prohibited from issuing revenue bonds or otherwise incurring indebtedness as provided in Article 2, Chapter 2, Division 7, Title 1 (commencing with Section 6550 of the Government Code).

5. ORGANIZATION

A. Executive Board

Such Association shall have an Executive Board composed of five (5) members serving in their individual capacities as members of such Executive Board. The members of the Executive Board shall be the General Managers or persons of equivalent position of each of the five original signatory agencies.

Each member agency shall officially designate their member of the Executive Board. Each member agency shall also designate an alternate to serve in the absence of the member.

#### B. Associate Members

Other public agencies with wastewater treatment and disposal responsibilities can join the Association as Associate Members with the approval of the Executive Board. The Executive Board shall set the conditions and privileges of membership for Associate Members, and these conditions and privileges shall not be inconsistent with the terms of this agreement.

#### C. Procedures

The Executive Board may adopt bylaws, rules for conduct of meetings, and operating procedures. The administrative procedures and policies of a member agency may be adopted by the Association.

#### D. Meetings

The Executive Board shall meet at least twice in each calendar year and such other times as necessary to conduct the business of the Association. A majority of Executive Board Members shall constitute a quorum.

All meetings of the Association shall be held subject to the provisions of the Ralph M. Brown Act, being Sections 54950 et seq of the California Government Code, and other applicable laws of the State of California requiring notice of meetings of public bodies to be given.

### 6. REPORTS TO MEMBER AGENCIES

Each year the Association will report to the governing bodies of each of the member agencies. This report will describe the technical and financial activities of the Association during the preceding year.

### 7. OFFICERS

The Association shall have two officers: Chairman and Vice-Chairman. The Executive Board shall select the Chairman and Vice-Chairman from the members of the Executive Board. Each officer shall hold office for one year with the term of office coinciding with the fiscal year of the Association.

**A. Chairman**

The Chairman shall, subject to the direction of the Executive Board, supervise and control the affairs of the Association and the activities of the officers of the Executive Board, the staff, and consultants. The Chairman shall perform all duties incident to the office and such other duties as may be required to carry out this Agreement or which may be prescribed from time to time by the Executive Board.

**B. Vice-Chairman**

The Vice-Chairman shall serve as Chairman in the absence of the regularly elected Chairman. In the event both the Chairman and Vice-Chairman are absent from a meeting which otherwise would constitute a quorum and a temporary Chairman was not designated by the Chairman at the last regular meeting, any member may call the meeting to order, and a temporary Chairman may be elected by majority vote to serve until the Chairman or Vice-Chairman is present.

**8. TREASURER**

The Treasurer shall be the depository of and have custody of all money of the Association from whatever source. The Treasurer shall perform all duties required to be performed by an Auditor. The Treasurer of one of the Member Agencies, with consent of the Member Agency, shall be designated Treasurer of the Association by unanimous approval of the Executive Board. The Treasurer shall:

- o Receive and receipt for all money of the Association and place it in the treasury of the Association to the credit of the Association;
- o Be responsible for the safekeeping and disbursement of all Association money;
- o Pay, when due, from Association funds and upon the signature of the Chairman and counter-signature of the Treasurer, all sums payable by the Association;
- o Verify and report in writing to the Executive Board on the first day of each quarter of the Association's fiscal year the amount of receipts since the last report and the amount paid out since the last report in compliance with Article 1, Chapter 5, Division 7, Title 1 of the California Government Code (Sections 6500 et seq);

- o Invest all of the Association's funds, not currently required, in the manner provided by law and collect interest thereon for account of the Association;
- o Make or arrange for a contract with a certified public accountant to make an annual audit of the accounts and records of the Association. In each case the minimum requirements of the audit shall conform to generally accepted auditing standards. The report of the audit shall be filed as a public record with the Executive Board, each member signatory agency, and the county auditor of each county in which the agency is located, not later than six months following the end of the fiscal year under examination unless such filing date is extended by the Executive Board.

The governing body of the same Member Agency as the Treasurer shall determine charges to be made against the Association for the services of the Treasurer. Payment of these charges shall be subject to the approval of the Executive Board.

#### 9. ANNUAL WORK PLAN

Each year, prior to July 1, the Association shall prepare an annual work plan describing the work to be done by the Association in the ensuing fiscal year. The work plan shall segregate all work of the Association into two categories, overhead and programs. Work falling into the category of programs will be further segregated into two sub-categories: programs of general benefit to all Member Agencies and programs of specific benefit to one or more Member Agencies. For each program, the work plan will set forth information including the following:

- o The purpose of the program;
- o The method by which the program will be carried out;
- o The products to be produced by the program;
- o The schedule for carrying out the program;
- o The responsibility for carrying out the program;
- o The budget for the program.

The work plan will be prepared in three parts. Part A shall consist of the information on overhead. Part B shall consist of the information on programs of general benefit to all Member Agencies. Part C shall contain the information on programs of specific benefit to one or more Member Agencies.

#### 10. ANNUAL BUDGET

Concurrent with the preparation of the annual work plan the Association will prepare an annual budget based on the work plan. The budget shall include, but not be limited to, the following parts:

- o Part A of the budget shall set forth the cost of overhead and the allocation of overhead cost among Member Agencies;
- o Part B of the budget shall set forth the cost of programs of general benefit and the allocation of costs of such programs among Member Agencies;
- o Part C of the budget shall set forth the cost of programs of specific benefit to one or more agencies and the allocation of such costs among participating agencies.

#### 11. VOTING

The Association shall be governed by the Executive Board which shall exercise all powers and authority on behalf of the Association, subject to the following limitations:

- o The affirmative vote of all five members of the Executive Board shall be required for approval of Parts A and B of the annual work plan and the annual budget and any amendments to Parts A and B of the annual work plan and annual budget.
- o The affirmative vote of a simple majority of the members of the Executive Board and the affirmative vote of all members of the Executive Board participating in a program of specific benefit shall be required for approval of Part C of the annual work plan and budget and any amendments to that Part;
- o A simple majority vote of members of the Executive Board shall be required for approval of all business not otherwise described herein.

A simple majority of members of the Executive Board shall constitute a quorum.

## 12. ALLOCATION OF COSTS

Costs for work described in Parts A and B of the annual work plan shall be allocated to each of the Original Signatory Agencies as follows:

- o One half of these costs shall be allocated equally among each of the Original Signatory Agencies;
- o One half shall be allocated among the Original Signatory Agencies in proportion to each agency's total discharge to the San Francisco Bay System during the preceding fiscal year.

The allocation of costs to Associate Members for work described in Parts A and B of the annual work plan shall be determined by the Executive Board on a case-by-case basis.

Costs for work described in Part C of the annual work plan shall be allocated among those agencies participating in the programs in direct proportion to the benefits received by each agency in a manner established by the Executive Board at the time each program of specific benefit is approved or revised.

## 13. PAYMENT OF ANNUAL COSTS

Not later than March 1st of each year, following the first year of service to an Agency, the Association shall notify each Agency of its allocated share of the estimated costs for the forthcoming fiscal year. Each Agency hereby agrees to include in each annual budget approved by the governing body of such Agency amounts estimated to be sufficient to pay all such charges and to pay to the Association within thirty days of receipt of a statement of the Agency's allocated share of the actual costs for the billing period as determined by the Executive Board.

## 14. JOINT REVOLVING FUND

A Joint Revolving Fund shall be established, which shall be used to pay all administrative, operating, engineering, and other noncapital expenses incurred by the Association. Each Agency shall, within thirty days of execution of this Agreement, deposit into the Joint Revolving Fund the sum of \$10,000 to cover initial formation costs, including preparation of the initial budget and work plan. The deposit shall be credited against the annual cost allocated to the member agency.

All monies in the joint revolving fund shall be paid out by the Treasurer for obligations authorized and approved by the Executive Board.

#### 15. STAFF AND CONSULTANTS

The Association may employ or contract for any staff or consultants as may be reasonably necessary to carry out the purposes of this Agreement, including, but not limited to an Executive Director, consultants, and experts in various technical aspects of the Association's programs. The Association may elect to use the staff technical or administrative services of a member agency and shall pay the charges jointly agreed upon between the Agency furnishing the services and the Executive Board.

#### 16. OFFICES

For the purposes of forming the Association and for initial operation, the principal office of the Association shall be at EBMUD. The Association is hereby granted full power and authority to change said principal office from one location to another. Fifteen days prior to such change, the Chairman shall notify the Secretary of State and each member agency in writing of the change.

#### 17. TERMINATION OF AGREEMENT

This Agreement shall be terminated upon the resignation of any one of the original signatory agencies.

#### 18. DISPOSITION OF PROPERTY AND SURPLUS FUNDS

At the termination of this Agreement, any and all property, funds, assets, and interests therein of the Association shall become the property of and be distributed to the Member Agencies. Money collected from Member Agencies and held in reserve by the Association for payment of costs of programs shall be allocated among Member Agencies in proportion to each agency's contributions to such reserves. All other property, funds, assets, and interests shall be distributed to Member Agencies in proportion to each agency's contributions to the Association for costs set forth in Part A of the annual budgets.

19. REPORTS AND PUBLICATIONS

All reports and publications must be approved by the Executive Board before being released for public distribution.

20. SUCCESSORS

This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties.

21. INDEMNIFICATION LIABILITY AND INSURANCE

Third party liability insurance naming each Member Agency as an additional insured party, shall be carried during the entire term of this Agreement; the premiums shall be paid by the Association.

Each Member Agency agrees to indemnify and hold harmless every other Member Agency to this Agreement and their officers, agents, and employees free from any cost or liability imposed upon any other Member Agency, officers, agents, or employees arising out of any acts or omissions of its own officers, agents, or employees.

22. ARTICLE HEADINGS

Article headings in this Agreement are for convenience only and are not intended to be used in interpreting or construing the terms, covenants, and conditions of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates hereafter set forth.

ATTEST CENTRAL CONTRA COSTA SANITARY DISTRICT

By Jayne E. McMillan By W. J. [Signature]  
Dated: Oct 20, 1983 Dated: Oct 20, 1983

ATTEST EAST BAY DISCHARGERS AUTHORITY

By [Signature] By [Signature]  
Dated: Oct 13, 1983 Dated: Sept 30, 1983  
Manager  
By [Signature]  
Chairman of the Commission  
Dated: Oct 5, 1983

ATTEST EAST BAY MUNICIPAL UTILITY DISTRICT

By [Signature] By [Signature]  
PAUL G. E. MALCOM SECRETARY JEROME B. GILBERT GENERAL MANAGER  
Dated: 9/26/83 Dated: September 23, 1983

ATTEST CITY AND COUNTY OF SAN FRANCISCO

By [Signature] By [Signature]  
Dated: \_\_\_\_\_ Mayor of San Francisco  
Dated: 11/4/84

ATTEST CITY OF SAN JOSE

By \_\_\_\_\_ By [Signature]  
HELEN E. JACKSON  
City Clerk  
Dated: \_\_\_\_\_ Dated: \_\_\_\_\_

AMENDMENT TO  
JOINT POWERS AGREEMENT

THIS AMENDMENT TO JOINT POWERS AGREEMENT CREATING AN AGENCY TO BE KNOWN AS THE BAY AREA DISCHARGERS ASSOCIATION (the "Joint Powers Agreement") is entered into this \_\_\_\_ day of February, 2001, between the CENTRAL CONTRA COSTA SANITARY DISTRICT, a public corporation; the EAST BAY DISCHARGERS AUTHORITY, a joint powers authority; the EAST BAY MUNICIPAL UTILITY DISTRICT, a public corporation; the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation; and the CITY OF SAN JOSE, a municipal corporation (the "Original Signatory Agencies").

WHEREAS the Original Signatory Agencies acting by and through their designated members of the Executive Board, desire to amend the Joint Powers Agreement in the manner herein set forth to change the name of such association to Bay Area Clean Water Agencies effective as of March 1, 2001.

NOW, THEREFORE, the Joint Powers Agreement is amended, effective as of March 1, 2001, as follows:

1. The definition of the term "Association" in Section 1 is amended to read as follows: "Association: Bay Area Clean Water Agencies."
2. Section 3 is amended to delete the name, "Bay Area Dischargers Association," and insert in place thereof the name, "Bay Area Clean Water Agencies."

All other terms of the Joint Powers Agreement remain the same.

IN WITNESS WHEREOF, the Original Signatory Agencies have executed this Agreement on the dates hereafter set forth.

CENTRAL CONTRA COSTA SANITARY DISTRICT

By J. Kelly  
Dated: 2-22-01

EAST BAY DISCHARGERS AUTHORITY

By Chad V. Ward  
Dated: 2/22/01

**Committee Notes are available [online](#).****25 attendees representing 17 member agencies*****Regional Water Board Report (Debbie Phan)***

- RWB staff working on creating a map for collection systems/POTW service areas in the Bay Area. Effort is put on hold for now.
- Board staff is working from home; please use email to contact. Also keep in mind that not all staff has access to VPN/office files.
- All Water Board requirements (permits, etc.) still in effect; please email Water Board if compliance issues arise due to COVID-19 public health emergency.
- State Water Board [press release](#) on wipes had wide coverage, hoping public gets message.

***Updates on Committee Activity***

- Robert Wilson reported that focus of spring outreach campaign changed from flea/tick control messaging to wipes because many agencies have reported issues with wipes during the current health emergency. [Video](#) from Central San has had 30,000 views so far; campaign cost only \$238.
- Committee will work with SGA and possibly with Collection Systems Committee on our own press release on wipes (similar to SWB release). Will also make prominent on website.
- OWOW: Bedbugs fact sheet complete and English and Spanish versions have been added to website and will be included on the next print run.
- Committee budget is on track for this time of year

***Presentation on Updates to BAPPG-supported Pesticides Work***

Kelly Moran (TDC Environmental) and Stephanie Hushes, P.E., presented on BAPPG-supported pesticides work efforts. [Presentation](#) highlights below:

- History of BAPPG work in this area: involved since 1990s. Notable campaigns: copper root killers, TBT biocides, pyrethroids, triclosan, fipronil and imidacloprid
- Pet flea control: the problem, safer alternatives, outreach to vets, pet stores, and pet owners.
- Urban Pesticides Pollution Prevention (UP3) Partnership – formerly active since 2000. Supports coordinated actions on behalf of dozens of agencies and NGO partners; funded by BACWA, CASQA, Water Boards, and individual agencies. Future uncertain b/c lead funder (CASQA) unable to continue support.
- POTW Monitoring: conducted in partnership with RMP; studies showed that indoor pesticides use (pet treatment, foggers, etc.) reaches POTWs and passes-through to ambient waters; because of these Bay Area studies, DPR is establishing permanent POTW monitoring network in CA.
- Regulatory Engagement: collaboration with DPR, comment letters to EPA. BAPPG/BACWA Pesticides Workgroup very active in this arena and aims to build prevention into pesticides regulatory processes
- Plans for 2020/2021: Start discussing POTW mitigation actions with DPR including around pet flea control and POTW effluent protection for future potable reuse. Engage in US EPA pesticide reviews with imidacloprid and fipronil as priority

**Next BAPPG General Meeting: June 3, 2020**

Hi All - thanks for attending the March 25<sup>th</sup> BACWA AIR Committee Meeting remotely, staying safe while continuing to provide essential services to the community! Below is a summary of the meeting discussion and action items for your information and files:

### **Coronavirus Disease 2019 (COVID-19): Regulatory Contingency Planning**

BACWA's Executive Director (Lorien Fono) reported reaching out to the membership to compile a list of scenarios and asks related to the wastewater sector's response to the pandemic to deliver to the Regional Water Board. BACWA is drafting a letter (in collaboration with CASA) to deliver to the Regional Water Board. The BACWA AIR Committee discussed drafting a letter for delivery to the BAAQMD regarding concerns and potential issues with respect to regulatory compliance during this time. The group made several suggestions for concerns/issues to raise, including:

- Recognizing the focus of POTWs is to protect public health by treating wastewater and keeping the sewers and pump stations operational
- Requesting regulators exercise enforcement discretion during the SIP
- Relaxing reporting requirements due to staffing restrictions (i.e., staff reductions due to illness/quarantine, as well as stay-at-home mandates)
- Reducing parameter monitoring frequency for certain sources (from weekly to monthly, for example) due to staff restrictions
- Forgiving payment penalties due to inability to cut paper checks for regulatory payment

Lorien mentioned that the Regional Water Board suggested to do the "best you can and notify them as soon as possible" when/if you diverge from permit compliance.

Lorien reminded the group about [CalWARN](#) (California's Water/Wastewater Agency Response Network) as a potential source for mutual aid and assistance within the region (a mechanism to share resources). The mission of CalWARN is to support and promote statewide emergency preparedness, disaster response, and mutual assistance processes for public and private water and wastewater utilities.

CARB sent out a Portable Equipment Registration Program (PERP) Compliance Advisory in response to the State's emergency order (see attached), stating that in the event an unpermitted or unregistered portable engine or equipment unit must operate to alleviate the threat to public health and safety during this emergency order, the organization must submit a completed Form 40 to PERP.

We have also received an email from the BAAQMD regarding their changes to internal operations during the COVID-19 SIP order (see attached). BAAQMD permitting staff is now working from home and that is slowing things down more than usual – staff do not have access to their physical records and electronic records are not always complete.

### **Proposed Amendments to AB 617 Criteria Air Pollutants and Toxic Air Contaminants Reporting Regulation (CTR) and AB 2588 Air Toxics "Hot Spots" Program Updates**

AB 617's CTR regulation was enacted January 1, 2020 and gives CARB authority to harmonize community air monitoring, reporting, and local emission reductions programs for CAPs and TACs and GHGs from stationary sources. The 2020 updates to the AB 2588 Program include expanding the already long list of toxic compounds by more than 800. These compounds may have to be reported to comply with the proposed amendments to AB 617's CTR; however, many of the new compounds have no known/determined toxicity levels and no emission factors.

In light of these changes, CARB has reached out and suggested the wastewater sector consider updating the Pooled Emission Estimation Program (PEEP) for POTWs, which was completed when AB 2588 initially took effect in the early 1990s. CASA is working with CARB to identify a short-list of target compounds for POTWs upon which to base an updated PEEP. The BACWA Executive Board is seeking input from AIR Committee member agencies regarding participation. BACWA AIR Committee participants expressed support for updating the PEEP. Lorien mentioned BACWA has set aside funds for fiscal year 2021 to be used for “general technical support,” a portion of which could be used (along with other regions/participants support) to get the PEEP update started. With agency budget planning already underway, information about timing of the effort and support is needed to help agencies allocate funds for this effort. SCAP has suggested \$50,000-\$100,000 per participating agency as a starting point.

Next step is CASA working with CARB to identify the short-list of toxic compounds that will serve as the basis for developing the scope, budget, and schedule for the PEEP update.

#### **BAAQMD Rule 11-18: Risk Reduction from Air Toxic Emissions at Existing Facilities**

We are continuing to monitor Rule 11-18 via the BAAQMD’s Rule 11-18 Implementation Workgroup. The next Workgroup meeting is anticipated to be held remotely in late April. EBMUD and Delta Diablo have shared the data request format they have received from BAAQMD (see attached). We are also attaching the Influent Concentration Spreadsheet developed by the AIR Committee emissions inventory subgroup. We recommend completing this as it would help inform identification of the actual compounds present at each facility, aiding both Rule 11-18 compliance, as well as providing insight for the PEEP update (discussed above).

**Standard Permit Conditions** have been submitted to BAAQMD for their consideration; however, timeline for BAAQMD review and comments is unspecified. Sunnyvale is interested in perhaps forming an informal group to discuss organic waste handling (food waste) projects. These projects are of particular interest to BAAQMD, and it would be helpful if agencies accepting food waste could share their permitting experiences with other agencies looking to do the same at their plants. Please share your experiences with Melody Tovar at [MTovar@sunnyvale.ca.gov](mailto:MTovar@sunnyvale.ca.gov).

#### **CalRecycle’s Proposed Short-Lived Climate Pollutant Reduction Regulation under SB 1383 and BAAQMD’s Proposed Regulation 13 (Climate Pollutants)**

BAAQMD is working to control methane, and further control odors, VOCs, and toxics emissions under Regulation 13, which began in anticipation of activities resulting from actions being taken to comply with SB 1383 - the formal final draft of the proposed regulations under SB 1383 was submitted January 18, 2020, but was “disapproved” by the Office of Administrative Law until specific clarifications can be addressed; as a result, there will be one more 15-day public comment period and an additional workshop (which was scheduled for April 20<sup>th</sup>, but has now been postponed to a date that is yet to be determined). As rule development kicked off, BACWA member agencies provided information regarding the process of cleaning anaerobic digesters and it was summarized to help BAAQMD staff understand the process and relative contribution of vented methane. Rule development that is focused on methane emissions from wastewater treatment plants/ anaerobic digestion (Rule 13-4) is scheduled to begin the second quarter of 2020, following adoption of Rule 13-2 (focused on Organic Material Handling). BACWA submitted comments on the final draft of Rule 13-2 on March 6<sup>th</sup>.

BAAQMD had reached out to begin discussions related to the development of Rule 13-4, but the meeting was postponed due to the need to focus attention on the response to the COVID-19. BACWA will reach out to BAAQMD to reschedule the meeting and resume discussions.

#### **Biogas/Biomethane Use Management**

CalOSHA Process Safety Management (PSM) standards have been imposed on organizations that manage more than 10,000 lbs of biogas onsite at any given time IF the organization also utilizes a portion of that biogas offsite (which has been more attractive in part due to available incentive funds for those uses). Under these circumstances, the PSM standards required extensive actions leading to costs that were (in some cases) too high to justify a project where biogas is utilized offsite (e.g., pipeline injection or truck tube trailers transporting biogas for use outside the facility). Discussions have continued with CalOSHA and they have stated there could be scenarios in which the PSM program may allow for an exemption from the required actions. A confirmation of these scenarios is underway and will be shared with the Committee upon receipt.

#### **Next Meeting**

Our next AIR Committee meeting is scheduled for June 10<sup>th</sup>. Given the uncertain times, the location will be determined and shared closer to the meeting date (with the potential for holding another webinar/conference call). Traditionally, June has been reserved for the annual in-person meeting with BAAQMD staff; however, this is up in the air (😬) at this time. We will continue reaching out to BAAQMD to determine what the options are as we get closer to the date and will keep you posted.

In the meantime, feel free to contact either of us if you have any questions or items you want to share with the Committee. We will be in touch with regular updates between meetings.

**Committee Request for Board Action: none**

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

**32 attendees (all participating remotely) representing 11 member agencies**

**Updates on funding opportunities:**

Federal:

- General comment: Congress focused on stimulus bills; infrastructure funding may be considered
- WIIN Act: Bureau of Reclamation has yet to release list of projects to be funded under FY19, thus also delaying the list for FY20 (even though funds are available)
- Title XVI: application period ended Feb 19, applications are under review; President’s budget included only \$3M for water projects, but hopefully Congress will increase that number through appropriations.

State (BAIRWM Prop 1):

- The recommended projects from the Bay Area funding region is in the 30-day public comment period phase to be concluded in April. The next phase is drafting the funding agreement with DWR.
- The BAIRWP has been updated and reviewed/approved by the DWR. Agencies who have projects included in the Bay Area’s recommended project list need to have their Board/Council/authorizing body approve the document ASAP. A condition of funding approval is having an approved IRWMP.

**Transition to State General Order**

On 4/8/2020, Regional Water Board staff released the Notice of Applicability letter to transition agencies enrolled under Region 2 Order 96-011 to the State General Order 2016-0018 (WRR for Recycled Water Use). In the weeks prior, the Committee provided comments on the Draft NOA as well as the proposed Monitoring and Reporting Program. Members also assisted Regional Water Board staff in gathering information about the enrolled facilities – such as type of treatment and disinfection level. State Water Board requested that the facility-specific disinfection requirements and applicable DDW conditions be addressed in the Notice.

**SWRCB’s Order No. WQ 2019-0037-Exec: monitoring and reporting**

State Water Board is requiring that the first volumetric annual (i.e., 2019) report for compliance with Order No. 2019-0037-EXEC be submitted to the GeoTracker database by April 30, 2020. The Committee discussed the requirements as well as upcoming training webinars hosted by the State Water Board.

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

The March meeting included a presentation on potential collaboration opportunities on EPA’s Draft National Water Reuse Action Plan, specifically proposed action 2.2.16. The presentation, by Eric Rosenblum, with support from Dave Smith (EPA), Felicia Marcus (State Water Board), and Greg Fogel and Bahman Sheikh (WateReuse) is posted [here](#). The project team is working on a Scope of Work and hoping to execute an agreement in the next month. The team would like support from BACWA and other associations around the country, if possible, but recognize that issues with COVID-19 may slow things down. The information was also presented at the BACWA Executive Board meeting in March; the Board will evaluate providing support at a later meeting.

**Regional Recycled Water Update**

Mike Falk reported that the study framework was submitted (and presumably accepted as there were no comments) to the Regional Water Board. Next step: HDR will prepare a Request for Information (RFI); the RFI template will be reviewed by the Committee leadership first before sending out to all permittees; HDR may conduct a webinar training to help agencies fill out the RFI.

**Committee leadership announcement** – Justin Waples (Central San) stepped down as co-chair; Reena Thomas (EBMUD) is taking over this role.

**Next Meeting** – Tuesday, May 19, 2020, 10:30 am to 12:30 pm, teleconference only or at EBMUD Small Training Room (TBD)

**NUTRIENTS:**

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

- Attended and drafted minutes from 3/4 NMS Planning Subcommittee meeting
- Attended and drafted meeting summary for 3/14 Steering Committee meeting.
- Reviewed and made suggested edits to NMS Charter
- Discussed NMS program with Science manager and BACWA PSC representative
- Participated in WRF Nutrient Seminar
- Reviewed draft survey for NBS study

**BACWA BOARD MEETING**

- Conferred with Chair on adapting meetings to teleconference format
- Edited minutes and action items from 2/21 meeting
- Conducted the monthly agenda review with the Chair of BACWA
- Continued to track all action items to completion
- Met with three Board members on Strategic Planning

**COVID-19:**

- Planned and hosted special Managers Roundtable teleconference on operations during the pandemic
- Collaborated with Summit Partners on information sharing and regulatory concerns
- Worked with committees to transition to teleconference meetings
- Collected contact information for mutual aid among member agencies
- Called CalWARN to get information about member mutual aid and assistance agreement
- Worked with CASA and CDPH on defining essential workers
- Communicated with member agencies on regulatory concerns and requests for information

**COMMITTEES:**

- Participated in Recycled Water Committee meeting
- Communicated with RW Committee members regarding previous communications with RWB staff on hauling recycled water across jurisdictional boundaries
- Participated in BAPPG Steering Committee call

**REGULATORY:**

- Coordinated with Regional Water Board on NOA for Recycled Water Permittees
- Reviewed AIR Comment Letter on Regulatory 13-2
- Discussed potential PEEP scope development with AIR consultant

**FINANCE:**

- Reviewed the monthly BACWA financial reports, summary, and budget to actual tracking sheet for March
- Updated draft FY21 budget with new information
- Updated 5-year plan, with consideration of different scenarios for NMS funding in FY25
- Calculated FY21 Nutrient surcharge
- Coordinated with the consultant on the internal audit report

- Reviewed and approved invoices
- Developed authorizations to correct previous contract errors

**COLLABORATIONS:**

- Met with BayKeeper on Exfiltration on 3/3
- Participated in 3/3 call with BACWWE Executive Committee to plan scholarship program
- Attended CASA RWG retreat at Pardee on 3/11
- Participated in CASA RWG meeting on 3/19
- Participated in BayCAN COVID meeting

**ASC**

- Discussed ASC and BACWA JPA signatory designation with ASC ED
- Discussed designation of signatory with BACWA attorney
- Participated in ASC Board Meeting teleconference

**BABC:**

- Attended meeting and produced meeting summary.

**BACC:**

- Worked with DSRSD to communicate with participating agencies and suppliers about withdrawal of FY2021 Bid

**STAFF TRANSITIONS:**

- Planned and executed training for new AED
- Executed transition plan for invoicing, website maintenance, Executive Board meeting planning

**ADMINISTRATION:**

- Planned for and conducted the monthly BACWA staff meeting to prepare for the Board Meeting and to coordinate and prioritize activities.
- Signed off on invoices, reviewed correspondence, prepared for upcoming Board meetings, responded to inquiries on BACWA efforts, oversaw updating of web page and provided general direction to BACWA staff.
- Worked with the RPM in the preparation of the monthly BACWA Bulletin.
- Developed and responded to numerous emails and phone calls as part of the conduct of BACWA business on a day-to-day basis.
- Planned and attended 3/3 meeting with EBMUD accounting to discuss financial management
- Worked with website consultant to streamline committee signups to Google Groups
- Worked with AED on Brown act compliance for agendas posted to website
- Worked with AED on electronic signature collection tool choice

**MISCELLANEOUS MEETINGS/CALLS:**

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



## BACWA ACTION ITEMS

Number	Subject	Task	Responsibility	Deadline	Status
<b>Action Items from December 20, 2019 BACWA Executive Board Meeting</b>					
2020.03.56	SWRCB Plans for PFAS and impact on POTWs	Continue tracking SWRCB efforts and CASA counterproposal	ED	3/31/2020	complete
2020.03.55	Exfiltration NOIs	Follow-up with Mtn View and Sunnyvale; engage SW community	ED	3/31/2020	complete
2020.03.54	NMS Planning	Invite Science Manager to Board mtg to discuss potential COVID-19 impacts on work	ED	3/31/2020	complete
2020.03.53	Letter of support	Palo Alto Horizontal Levee Project	ED	4/10/2020	complete
<b>Action Items Remaining from Previous BACWA Executive Board Meetings</b>					
2020.02.52	Assessment Framework	Get clarity on intention from Water Board staff	ED	3/19/2020	pending
2019.12.46	Risk reduction	Reach out to cities with public health clinics to work with CIEA	RPM	2/29/2020	
2019.12.39	Update CEC White Paper Data		RPM	2/29/2020	
2019.8.12	BAAQMD Permit Backlog	Set up separate meeting to discuss with Air District management	RPM/ED	11/30/2019	pending
2019.7.05	Sewer Rate Survey	Post as Google Sheet, and publicize update	RPM	8/31/2019	pending
2018.4-93	Website Policy	Add reference to regulatory requirements for Agency websites	ED	4/30/2019	pending

FY20: *52 of 56 Action Items completed*  
 FY19: *109 of 110 action Items completed*  
 FY18: *66 of 66 Action Items completed*  
 FY17: *90 of 90 Action Items completed*



# Regulatory Program Manager's Report to the Board

March 2020

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**REGULATORY COMMENTS:** Coordinated RW and Lab Committee comments on Regional Water Board Notice of Applicability and proposed Monitoring and Reporting Program for transitioning agencies enrolled under Region 2 Order 96-011 to the State General Order 2016-0018 (WRR for Recycled Water Use). Also assisted Regional Water Board staff in gathering information about the enrolled facilities – such as type of treatment and disinfection level.

**COLLABORATIONS:** None.

**COMMITTEE SUPPORT:**

**AIR** – Attended meeting.

**Collection Systems** – Coordinated with chairs and scheduled next meeting; setup teleconference.

**Laboratory** – Continued tracking and communicating with Committee re: State Water Board progress on ELAP regulations; coordinated communication with Regional Water Board re: modifications to clean hands/dirty hands sampling to follow social distancing guidelines.

**Recycled Water** – See above under regulatory comments; setup and attend March teleconference meeting; track GeoTracker reporting requirements and communicate with Committee. Attended State Water Board GeoTracker training webinar.

**Permits** – Track regulatory developments on COVID-19 public health emergency and communicate with committee.

**Executive Board** – Attended meeting and drafted EB minutes and action items.

**BACWA BULLETIN** – Prepared March Bulletin.

**ADMINISTRATION/STAFF MEETING** – Met with BACWA ED to prepare for March activities and discuss BACWA operations.

**MEETINGS ATTENDED:**

Staff meeting (3/10), Recycled Water Committee Meeting (3/18), Executive Board Meeting (3/20), AIR Committee Meeting (3/25),

## Lorien Fono

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**From:** Jared Voskuhl <JVoskuhl@casaweb.org>  
**Sent:** Tuesday, April 7, 2020 10:42 AM  
**Subject:** [Regulatory] CASA April Regulatory Update



Good Morning,

Please find updates and associated materials below from March and for April on regulatory water and land issues, including the COVID-19 emergency. Our next Regulatory Workgroup meeting will be held by teleconference on Thursday, April 16. Let us know if you have any questions about this information. We hope you are staying safe and healthy during these unprecedented times.

Thank you,  
The CASA RWG Team

### WATER

#### **CASA Launches COVID-19 Resources Webpage**

In an effort to help CASA's members navigate and manage the COVID-19 crisis, CASA released [this webpage](#) compiling numerous resources and updates for wastewater agencies pertaining to operations, compliance, and worker safety. CWEA is hosting a free webinar this Thursday on April 9 about continuity of operations and emergency staffing for which you may register [here](#). CWEA and CASA hosted a webinar on April 1, which is archived [here](#), to provide an overview of COVID-19, its transmission, and operations planning. WEF's resource on COVID-19 and water treatment is [here](#). Please reach out to [Adam Link](#) with questions.

#### **State Water Board Releases its Microplastics Definition – Workshop April 7**

On March 19, the State Water Board released its draft [definition of microplastics](#) in drinking water with an accompanying [staff report](#). The State Water Board is hosting an online workshop on April 7, written comments on the released materials are due April 24, and the definition will be up for [adoption on June 16](#). Additionally, SFEI's microplastics webinar is available to watch [here](#). Please reach out to [Jared Voskuhl](#) with comments or if you have any questions.

### **California Water Quality Monitoring Council Proposes the Council Providing Input on Permit Requirements in Draft Strategic Plan – Comments due April 10**

The California Water Quality Monitoring Council met on March 19, and shortly before the meeting, a [draft Strategic Plan](#) was released which included an entirely new provision of “acting as a resource for regulators when designing permit requirements for monitoring programs.” Comments on their Strategic Plan are due April 10, the next Council meeting is on July 1, and the March 19 meeting recording is archived [here](#). Please reach out to [Jared Voskuhl](#) with comments or concerns on the draft plan.

### **CASA Comments on the Regional Water Quality Board’s Permit Requirement for 100% Recycling**

In February, the Central Coast Regional Water Board imposed a condition in the NPDES permit for the Cayucos Sanitary District that the district will be required to recycle 100% of their influent (with some minor exceptions). CASA submitted comments, which are available [here](#). The permit is scheduled for adoption at their [May 6-8 meeting](#), which currently is scheduled and has not yet been postponed due to COVID-19. If you have questions, please reach out to [Jared Voskuhl](#).

### **CASA Comments on Proposed ELAP Regulations – Adoption Hearing and Fee Workshop Postponed due to COVID-19 – ELAP Releases COVID-19 Webpage**

ELAP’s proposed regulations were scheduled for adoption on March 17. CASA submitted [comments](#), along with [CVCWA](#) and [SCAP](#). Due to the COVID-19 crisis, the State Water Board cancelled their March 17 meeting and postponed the ELAP Fee Workshop which was to take place on March 30. Neither have been rescheduled. ELAP has released [this webpage](#) as a resource to labs during the emergency. Please contact [Jared Voskuhl](#) if you have questions.

### **Recycled Water Volumetric Annual Reporting due April 30 – COVID-19 Exceptions**

In anticipation of the recycled water volumetric annual reporting due on April 30, the State Water Board released multiple materials including a [FAQ](#) and a [Help Guide for Geotracker](#) to assist the over 900 permittees about changes to monitoring and reporting programs for WDRs, NPDES permits, water reclamation requirements, master recycling permits, and general waste discharge requirements. If an agency has been impacted by the COVID-19 emergency and cannot meet the deadline, the State Water Board is considering requests for extension on a case-by-case basis and are happy to work with individual agencies to identify the best solution. Those requests should be submitted via email to [Rebecca Greenwood](#) and the [recycled water inbox](#).

### **Water Quality Fees and the COVID-19 Workload Budget**

On March 2, the State Water Board held a workshop on 2020-21 water quality fees. Its agenda and proposed fees are available [here](#). This year’s WDR and NPDES fee increases are projected to be approximately 11%. However, due to the COVID-19 emergency, the Department of Finance [formally notified all state agencies](#) that they are moving forward with a “[workload budget](#),” meaning any budget change requests or proposals outside of existing programs and services will not be considered. Accordingly, the Assembly Budget Committee released [this memo](#) yesterday about the workload budget and how it will reflect the service levels of the 2019-20 budget. For water quality fees, this may mean that fees will not be raised as much as initially proposed. Further information will not be available until the May Revise budget is released, and per the Assembly memo, there also will be a special “August Revise” budget to account for income tax receipts in July, after which, “it is possible the State will need to consider sizeable ongoing reductions to major programs.” The next meetings on water quality fees are scheduled for June 9 and August 6. Please reach out to [Jared Voskuhl](#) with questions.

## LAND

### COVID-19

Letters by [LACSD](#) and [OCSD](#) were provided to biosolids contractors highlighting that they were supporting critical infrastructure services and were expected to continue all work. CWEA and CASA hosted a webinar on April 1<sup>st</sup> which discussed COVID-19 impacts on wastewater operations. Staffing changes have been instituted at different agencies in reaction to COVID-19 such as staggering shifts. There have been no reports of major impacts to biosolids operations, however some landfills have been taking longer to accept biosolids for ADC as there has been a drop off in incoming materials which are mixed with the biosolids.

### SB 1383

Hank Brady has moved on from his position at CalRecycle and been replaced by Ashlee Yee. The Office of Administrative Law requested changes be made to the implementation text of SB 1383. CalRecycle has indicated these changes are not substantive and entail changing language such as “may” to “shall.” Once adopted, CASA will develop a white paper to articulate the main provisions impacting the wastewater sector and schedule a webinar to explain them, ideally with CalRecycle. Again we understand that no substantive changes from the October 2nd draft were made. Given that, highlights as we understand them include:

- There is a prohibition on local ordinances which prohibit or unreasonably restrict land application of biosolids.
- All jurisdictions (Cities & Counties) which much divert organic waste away from landfills must procure a product of that diversion.
- Eligible products for procurement include biosolids compost and beneficial uses of biogas produced from digestion (but only that biogas produced from diverted organic waste) and are only eligible if the POTW is landfilling less than 25% of its biosolids.
- Procurement requirements are based on population. Procurement does not necessarily require a purchase.
- No specific reporting for WWTPs is required as AB 901 will capture all the relevant data.
- Only biosolids which are anaerobically digested and/or composted and then land applied count as a reduction in landfill disposal. All other treatment and management of biosolids, including surface disposal and incineration will count as landfill disposal.
- There is no mechanism to compel wastewater treatment agencies not managing their biosolids such as to constitute a reduction in landfill use to change what they are doing.
- Non-compliance penalties can be imposed by the state on jurisdictions beginning in January 2022. Jurisdictions must engage in the following activities to be compliant: Provide organics collection to all residents and business, establish food recovery programs, conduct education and outreach, procurement, and capacity planning.
- Local jurisdictions can impose penalties to enforce franchise agreements and other provisions beginning in January 2024.
- Non-compliance penalties can be imposed by the state and jurisdictions against non-compliant entities beginning in January 2025.
- A general overview of SB 1383 requirements can be found [here](#).

## **PFAS**

The SWB lowered response levels in drinking water to 10 ppt for PFOA and 40 ppt for PFOS from 70 ppt combined on February 6th. Notification levels for drinking water remain at 5.1 ppt for PFOA and 6.5 ppt for PFOS.

The SWB is expected to send out letters to treatment plants by May regarding testing. This would potentially entail quarterly testing of influent, effluent and biosolids for one year. It is not clear how this will be impacted by COVID-19

CASA has contracted with GSI Consulting to evaluate the data and science OEHHA used to conduct the toxicity assessments and recommendations which led to the lowered notification levels and which may be used for Public Health Goals and MCLs. The evaluation should be completed this month.

Results are available [here](#) for many of the sites targeted in phase 1 of the SWB investigation. To access reports, click on an airport or landfill location (metal plater data does not appear to be available to the public), select "Geotracker Docs – More info," select "Regulatory Activities" on the top tab, then select "View Docs" on the appropriate PFAS report. Not all sites have submitted reports at this point in time.

## **BAAQMD Rule 13**

The Bay Area Air Quality Management District is looking to more closely manage emissions from composting (13-2), organic materials handling (13-3) and wastewater treatment plants (13-4). Rule 13-3 will be coming out this fall. An exclusion was requested so that wastewater treatment plants would not be affected under 13-4, however rules surrounding biosolids storage and composting in other parts of rule 13 could still affect agencies.

## **SWB's General Order**

The SWB legal team has reviewed proposed changes to the General Order (GO) as proposed by SWB staff from recommendations provided by CASA. A draft of the proposed changes will be shared with CASA eventually such that informed decisions can be made on whether to move forward with them. Changes sought included aligning the GO with federal regulations and removing the allowance for more restrictive local ordinances in light of SB 1383.

## **Central Valley (CV) Salts and Irrigated Lands Program**

Permittees have two options for complying with new CV Salts regulations. They must either meet groundwater requirements of 700  $\mu\text{S}/\text{cm}$  (0.7 dS/m), or they can participate in the Prioritization and Optimization (P&O) study. While participating in the P&O study, participants would pay a fee and be required to meet their existing permit requirements, but will be able to defer more stringent permitting requirements which could be put in place after the completion of phase 1 of the P&O study. General information is available [here](#). Fees for participating in the study are available [here](#).

## **LCFS Fuel Standard**

At least three California wastewater agencies are in the process of developing a Tier 2 application for the LCFS Credit which requires a site-specific analysis to develop the carbon intensity (CI) of transportation fuel they would produce. The air board has been responsive with this process, which goes through CARB and not the local air districts. CARB has also agreed to work with the wastewater sector to develop guidance to utilize both the simplified model for wastewater treatment anaerobic digestion and the food waste digestion model when co-digesting. The guidance will be intended to provide a

more appropriate CI which will include the benefit of diverting food waste from landfills and co-digesting it. Initially CARB's program was not set up to account for registration of biogas to pipeline projects but after consulting with Anil Prabhu this issue has been resolved.

### **EPA RIN**

CASA met with the USEPA Office of Transportation and Air Quality (OTAQ) on credits assigned for fuel produced from co-digestion on 2/25. It was not a productive meeting. CASA's recommendation to develop a baseline for biogas produced from sewage sludge and assign that volume a D 3 RIN when converted to transportation fuel and assume all other biogas produced would be from the additional feedstock and assign that volume a D 5 RIN, was not accepted. One possibility OTAQ said they would consider is to give 75% of the baseline for sludge digestion a D3 RIN and all other biogas a D5 RIN.

### **CASA Fire Reclamation Project**

This project studying the use of biosolids for reclaiming fire ravaged lands is evaluating class B biosolids, biosolids compost, and heat dried pellets on a burned portion of the Calabasas compost facility. Three rain events this winter were sampled to assess the ability of the biosolids products to protect against erosion.

### **Mine Reclamation**

SFPUC is engaged with Slyvis Environmental and CASA to identify mines that could use biosolids to meet state reclamation requirements. After the RWG call, Harry Allen of EPA Region 9 was consulted regarding the regulatory considerations for mine reclamation through the EPA's Superfund Removal Action process.

### **Wood Innovation Project**

This project, with grant funding from the US Forest Service, compares activated biochar from tree mortalities to GAC for odor control and gas quality. After initial trials, it was found that moisture and fines in the biochar hampered efficacy. A new batch of biochar was then specified with the fines removed and a low moisture content. Demonstration projects and evaluations are ongoing with the project set to conclude in June.

### **Dates**

- April 07 – State Water Board Meeting
- April 09 – CWEA COVID-19 [Webinar](#)
- April 10 – CWQMC Strategic Plan Comment Deadline
- April 16 – CASA's Regulatory Workgroup Land and Water Meetings
- April 16 – Water Research Foundation COVID-19 [Webinar](#)
- April 21 – WateReuse COVID-19 [Webinar](#)
- April 23 – CASA's Air, Climate Change, and Energy Committee Meeting
- April 24 – State Water Board Microplastics Definition Comment Deadline
- April 29 – SWB Clean Water SRF [Workshop](#)
- April 29 – US EPA PFAS Treatment Seminar
- May 05 – US EPA Clean Water SRF and Asset Management Plans Seminar

