COMMISSION MEETING
AGENDA

Thursday, January 26, 2012
9:30 A.M.

Oro Loma Sanitary District
2655 Grant Avenue
San Lorenzo, CA 94580

1. Call to Order
2. Roll Call
3. Public Forum

CONSSENT CALENDAR

MOTION 5. List of Disbursements for December 2011
MOTION 6. Treasurer's Report for December 2011

REGULAR CALENDAR

INFORMATION 7. General Manager's Report
(The Commission will be updated on EBDA issues.)

INFORMATION 8. Report From the Managers Advisory Committee
(The General Manager will report on the meeting of January 25, 2012.)

MOTION 9. Report From the Financial Management Committee
(The General Manager will report on the meeting of January 23, 2012.)

MOTION 10. Report From the Regulatory Affairs Committee
(The General Manager will report on the meeting of January 24, 2012.)

MOTION 11. Report From the Operations & Maintenance Committee
(The General Manager will report on the meeting of January 23, 2012.)

RESOLUTION 12. Resolution Accepting the Bid and Authorizing the General Manager to Issue a Purchase Order to Pump Repair Service in the Amount of $38,614 for the Replacement of Oro Loma Effluent Pump Station High-Pressure Pumps
(A resolution accepting the bid and authorizing the General Manager to issue a purchase order for purchase of high-pressure pumps at the OLEPS.)
RESOLUTION 13. Resolution Authorizing the General Manager to Execute a Memorandum of Understanding Between East Bay Dischargers Authority and the City Hayward for Use of the Hayward Ponds
(A resolution approving a Memorandum of Understanding with the City of Hayward for the use of the Hayward Ponds for emergency overflow.)

RESOLUTION 14. Resolution Approving FY 2011/2012 Budget Modification No. 1
(A resolution approving a modification to the FY 2011/2012 budget adding $10,000 for costs associated with approval of the Memorandum of Understanding with the City of Hayward.)

MOTION 15. Report From the Personnel Committee
(The General Manager will report on the meeting of January 24, 2012.)

CLOSED SESSION 16. Closed Session
(The Commission may meet in closed session pursuant to Government Code Section 54956.9(b) to discuss anticipated litigation related to conditions of permit.)

OPEN SESSION 17. Reconvene to Open Session
(The Chair will report on any actions taken in closed session.)

RESOLUTION 18. Resolution Approving FY 2011/2012 Budget Modification No. 2
(A resolution approving a modification to the FY 2011/2012 budget adding $20,000 for costs associated with renewal of the NPDES permit.)

INFORMATION 19. Items From the Commission
(The Commission will comment on miscellaneous items of interest.)

20. Adjournment

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at the EBDA office at (510) 278-5910. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at http://www.ebda.org.)

The next Commission meeting will be held Thursday, February 16, 2012 at 9:30 a.m.
CONSENT CALENDAR

Consent calendar items are typically routine in nature and are considered for approval by the Commission with a single action. The Commission may remove items from the Consent Calendar for discussion. Items on the Consent Calendar are deemed to have been read by title. Members of the public who wish to comment on Consent Calendar items may do so during Public Forum.

Item No. 4  Commission Meeting Minutes of December 15, 2011
Item No. 5  List of Disbursements for December 2011
Item No. 6  Treasurer's Report for December 2011

Recommendation

Approve Consent Calendar Items No. 4, 5 & 6.
ITEM NO. 4  DECEMBER 15, 2011 COMMISSION MEETING MINUTES

1. Call to Order
Chair Francis called the meeting to order at 9:30 A.M. on Thursday, December 15, 2011, at the Oro Loma Sanitary District Boardroom, 2655 Grant Avenue, San Lorenzo, CA 94580.

2. Roll Call
PRESENT: Marvin Peixoto, City of Hayward; Anjali Lathi, Union Sanitary District; Jim Prola, City of San Leandro; Ron Dias, Oro Loma Sanitary District; Harry Francis, Castro Valley Sanitary District

ABSENT: None

OTHERS
PRESENT: Mike Connor East Bay Dischargers Authority
John Bakker Legal Counsel
Linda Adams East Bay Dischargers Authority
Rich Currie Union Sanitary District
Alex Ameri City of Hayward
Jason Warner Oro Loma Sanitary District
Mike Bakaldin City of San Leandro
Dean Wilson City of San Leandro
Roland Williams Castro Valley Sanitary District

3. Public Forum
There were no members of the public in attendance at the meeting.

C O N S E N T C A L E N D A R

4. Commission Meeting Minutes of November 17, 2011
5. List of Disbursements for November 2011
6. Treasurer's Report for November 2011
A motion by Vice Chair Prola, seconded by Commissioner Peixoto, to approve the Consent Calendar passed by a vote of 5 ayes, 0 noes.

R E G U L A R C A L E N D A R

8. General Manager's Report
The General Manager said that we are gearing up for the wet weather season and testing our facilities. An agreement with the City of Hayward for use of the Hayward Ponds for backup storage continues to be developed and will be brought to the Commission at its next meeting.

9. **Report from the Managers Advisory Committee (MAC)**
The Managers' Advisory Committee discussed the wet weather flows and the focus by environmental groups on sewer system overflows. The General Manager noted that Andy Morrison of USD chairs the BACWA committee that is developing strategies to improve sewer system management plans (SSMP) for its members. The MAC also discussed the NPDES permit and the O&M Manager transition.

10. **Report from the Financial Management Committee**
The General Manager thanked the Committee for its input and direction on the financial audit. He said that the Committee requested that it be informed of the Personnel Committee’s work on benefit assumptions in the upcoming year.

A motion by Commissioner Peixoto, seconded by Commissioner Lathi, to accept the Financial Management Committee report passed by a vote of 5 ayes, 0 noes.

11. **Report from the Regulatory Affairs Committee**
The General Manager stated that EBDA's permit compliance continues to be excellent. He said that discussion of the NPDES permit renewal would be addressed in closed session later in the meeting.

A motion by Commissioner Prola, seconded by Commissioner Lathi, to accept the Regulatory Affairs Committee report passed by a vote of 5 ayes, 0 noes.

12. **Report from the Operations and Maintenance Committee**
The Committee discussed preparation for the upcoming wet weather season. It also reviewed and recommended adoption of resolutions approving projects costing in excess of $10,000.

A motion by Commissioner Prola, seconded by Commissioner Dias, to accept the Operations and Maintenance Committee report passed by a vote of 5 ayes, 0 noes.

13. **Matter of Accepting Bids and Authorizing the General Manager to Issue Purchase Orders for R&R Fund Projects**
   A. Resolution Accepting the Bid and Authorizing the General Manager to Issue a Purchase Order to Calcon Systems, Inc. to Replace the ATI Residual Sulfite Analyzer at the Marina Dechlorination Facility in the Amount of $12,865
B. Resolution Accepting the Bid and Authorizing the General Manager to Issue a Purchase Order to Calcon Systems, Inc. to Upgrade the Pneumatic Tank and High Pressure Water Control System at the Oro Loma Effluent Pump Station in the Amount of $16,200

C. Resolution Accepting the Bid and Authorizing the General Manager to Issue a Purchase Order to Frank Bonetti Plumbing for Replacement of the Under-Drain and Sewage Pump/Vault Systems at the Marina Dechlorination Facility in the Amount of $17,419

Resolutions accepting the bids and authorizing the General Manager to issue purchase orders for the aforementioned Renewal and Replacement Fund projects, introduced by Commissioner Prola and seconded by Commissioner Lathi, passed by the following roll call vote.

AYES: Commissioners Peixoto, Lathi, Prola, Dias and Chair Francis
NOES: None
ABSTAIN: None
ABSENT: None

14. Closed Session
The Commission met in closed session pursuant to Government Code Sections 54956.9(b) to discuss anticipated litigation related to conditions of NPDES permit renewal.

15. Reconvene to Open Session
Chair Francis announced that no reportable action was taken by the Commission in closed session.

16. Items from the Commission
The Commissioners expressed holiday wishes to all. Chair Francis thanked the General Manager for his presentation to the Castro Valley Sanitary District Board and reminded everyone that the January meeting will be held on Thursday, January 26, 2012 at 9:30 a.m., a week later than usual, because of the CASA Conference.

17. Adjournment
With no further business, Chair Francis adjourned the meeting at 10:10 a.m.

Michael S. Connor
General Manager/Secretary
ITEM NO. 5 LIST OF DISBURSEMENTS FOR DECEMBER 2011

The itemized List of Disbursements for the month of December 2011 totaled $227,853.11. Please note that there are two lists, one sorted by amount (high to low) and one sorted by check number.

Approval is recommended.
## East Bay Dischargers Authority
### Cash Disbursements
#### December 2011

### Invoices:
- **Credit Memos:**
  - $0 - $1,000: 46, $14,399.56
  - $1,000 - $10,000: 14, $41,546.36
  - 10,000 - $100,000: 5, $110,292.42
  - Over $100,000: 0, 0.00
  - Total Invoices: 195,233.36
- **Electronic:**
  - 4, $31,056.38
- **Payroll:**
  - 4, $28,954.83

### Payments:
- **Checks:**
  - $0 - $1,000: 25, $7,665.41
  - $1,000 - $10,000: 14, $48,260.53
  - 10,000 - $100,000: 5, $110,292.42
  - Over $100,000: 0, 0.00
  - Total Checks: 166,233.36
- **Electronic Payments:**
  - 4, $32,060.09
- **Payroll:**
  - 4, $28,954.83

### Total Owed:
- 225,195.40

### Total December 2011 Disbursements:
- 227,853.11

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**Total Disbursements**

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**TOTAL CHECKS**

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**ELECTRONIC PAYMENTS**

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**TOTAL ELECTRONIC PAYMENTS**

32,660.09

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**PAYROLL/DIRECT DEPOSIT**

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**TOTAL PAYROLL DISBURSEMENTS**

28,954.65

**TOTAL DISBURSEMENTS**

227,853.11
ITEM NO. 6 TREASURER'S REPORT FOR DECEMBER 2011

The beginning cash balance on December 1, 2011 was $4,822,372.95. The ending cash balance was $4,599,796.34. The Local Agency Investment Fund (LAIF) held $3,128,288.18 and Wells Fargo Bank held $1,471,508.16. Total receipts during the month were $5,276.50 and disbursements were $227,853.11. EBDAs major financial holdings are split between the LAIF and a Wells Fargo Savings account for local government agencies, which minimizes transfer fees between the two accounts. The LAIF interest rate for the period ending December 31, 2011 was 0.38%. The Wells Fargo interest rate for the same period was 0.40%.

Approval is recommended.
## SUPPLEMENTAL TREASURERS REPORT

**Dec-11**  
**01/12/12**

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**TOTALS**

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Local Agency Investment Fund  
P.O. Box 942809  
Sacramento, CA 94209-0001  
(916) 653-3001

EAST BAY DISCHARGERS AUTHORITY

GENERAL MANAGER  
2651 GRANT AVENUE  
SAN LORENZO, CA 94580

www.treasurer.ca.gov/pmia-laif
January 06, 2012

PMIA Average Monthly Yields

Account Number: 70-01-004

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https://laifms.treasurer.ca.gov/RegularStatement.aspx  
1/6/2012
NO. 7 GENERAL MANAGER’S REPORT
The General Manager will report on EBDA issues.

ITEM NO. 8 REPORT FROM THE MANAGERS ADVISORY COMMITTEE
The Managers Advisory Committee will meet with the General Manager on December 14, 2011. A copy of the agenda follows. A report will be provided at the meeting.

MANAGERS ADVISORY COMMITTEE
AGENDA

Wednesday, January 25, 2012

1:00 P.M.

East Bay Dischargers Authority
2651 Grant Avenue
San Lorenzo, CA 94580

Discussion 1  BCDC Sea Level Rise Study

Discussion 2  NPDES Permit Update
• Board Hearing
• Annual Report Text from Members

Discussion 3  Board Package Discussion
• O&M Committee
• Finance Committee
• Regulatory Committee
• Personnel – O&M Mgr

Discussion 4  Flow Management Study Discussion
• Scope for Hayward Ponds

Discussion 5  EBDA Long-Term Visioning

Discussion 6  EBDA Managers Round Robin
ITEM NO. 9 REPORT FROM THE FINANCIAL MANAGEMENT COMMITTEE

The Financial Management Committee, Commissioners Peixoto and Lathi will meet with the General Manager on Monday, January 23, 2012 at 12:30 p.m. A copy of the Committee agenda is attached. A report will be provided at the meeting.

The Committee will review the List of Disbursements and Treasurer’s Reports for December 2011. In addition, the Committee will consider the status of CalPERS retirement accounts, insurance costs, a proposed budget schedule, historical budget trends since 2000 and costs associated with a Memorandum of Understanding with the City of Hayward for use of the Hayward Ponds. A resolution approving the Memorandum of Understanding is being presented as Agenda Item No. 12.

Recommendation
Approve the report from the Financial Management Committee.
FINANCIAL MANAGEMENT COMMITTEE
AGENDA

Monday, January 23, 2012
12:30 P.M.

East Bay Dischargers Authority
2651 Grant Avenue, San Lorenzo, CA 94580

FM1. Call to Order
FM2. Roll Call
FM3. Public Forum

FM4. List of Disbursements for December 2011
(The Committee will review the List of Disbursements for December 2011.)

FM5. Treasurer's Report for December 2011
(The Committee will review the Treasurer's Report for December 2011.)

FM6. Update on Status of CalPERS Retirement Accounts
(The Committee will be updated on the status of EBDA's CalPERS Retirement Accounts.)

FM7. Insurance Update
(The Committee will be updated on EBDA's insurance costs.)

FM8. EBDA Budget Schedule
(The Committee will be updated on the budget planning and implementation schedule.)

FM9. EBDA Budget Trends Since 2000
(The Committee will review budget trends since the year 2000.)

FM10. Memorandum of Understanding Between East Bay Dischargers Authority and the City Hayward for Use of the Hayward Ponds
(The Committee will be apprised of costs associated with a Memorandum of Understanding with the City of Hayward for the use of the Hayward Ponds for emergency overflow.)

FM11. Adjournment

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at (510) 278-5910 or ladams@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are also posted on the East Bay Dischargers Authority website located at http://www.ebda.org.)
(Any member of the public may address the Committee at the commencement of the meeting on any matter within the jurisdiction of the Committee. This should not relate to any item on the agenda. Each person addressing the Committee should limit their presentation to three minutes. Any member of the public desiring to provide comments to the Committee on any agenda item should do so at the time the item is considered. Oral comments should be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available and are to be completed prior to speaking.)

The next Financial Management Committee meeting will be held
Monday, February 13, 2012
ITEM NO. FM6 UPDATE ON STATUS OF CALPERS RETIREMENT ACCOUNTS

Background
Given the Commission's interest in tracking EBDA's pension obligations, staff provides an annual briefing summarizing the most recent CalPERS actuarial valuation of EBDA's retirement savings that are used to develop rates for the following year. To provide an overall context of funding status, staff compiles a summary of reports for the previous five years to provide an overall comparison for the Commission.

The status of EBDA's retirement reserve is quite dependent on its history. EBDA previously had a much larger staff. There are currently eight retired beneficiaries as compared to the three current employees. EBDA's small size requires its participation in a CalPERS group risk pool for agencies with less than 100 employees. This risk pool includes 164 agencies and more than 5,000 total employees. As a result, the overall health of EBDA's program depends on that larger group's performance.

The overall status of the retirement fund has been quite volatile due to the stock market, declined from greater than 100% funded before the market downturn to a low of 59.4% funded last year, and improving to 63% funded this year. As a result, the risk pool's payment rate will need to be significantly increased over the next several years.

Finally, when EBDA joined the CalPERS system, its retirement needs were "superfunded" so that EBDA had a large "side fund." CalPERS assumes that the "side fund" earns interest at its overall interest rate assumption of 7.75%. For many years, the interest income from the "side fund" exceeded EBDA's employer contribution requirements so it was not necessary for EBDA to provide funding to maintain its retirement pool. With the increased funding needs discussed above, that situation has changed, and EBDA's employer contributions will need to increase significantly in the coming years. Even so, EBDA's situation is better than over 90% of CalPERS' members because the side fund balance of $457,177 is almost 115% of the size of EBDA's annual payroll of about $400,000 on which the CalPERS contributions are calculated. As a result, EBDA's employer contribution to retirement is 2.56% of payroll or $9,789.)

Table 1. CalPERS Actuarial Valuation from 2007-2013.

<table>
<thead>
<tr>
<th>FY Ending June 30</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employer Contribution Required (in %)</td>
<td>8.33%</td>
<td>8.37%</td>
<td>8.37%</td>
<td>8.40%</td>
<td>8.47%</td>
<td>8.71%</td>
<td>8.70%</td>
</tr>
<tr>
<td>Risk Pool's Net Employer Normal Cost</td>
<td>0.26%</td>
<td>0.41%</td>
<td>0.66%</td>
<td>0.76%</td>
<td>1.20%</td>
<td>4.03%</td>
<td>4.52%</td>
</tr>
<tr>
<td>Risk Pool's Payment on Amortization Bases</td>
<td>0.58%</td>
<td>0.58%</td>
<td>0.58%</td>
<td>0.58%</td>
<td>0.59%</td>
<td>0.60%</td>
<td>0.60%</td>
</tr>
<tr>
<td>Surcharge for One-Year Final Compensation</td>
<td>0.50%</td>
<td>0.37%</td>
<td>0.25%</td>
<td>0.13%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Phase Out of Normal Cost Difference</td>
<td>(9.67%)</td>
<td>(9.06%)</td>
<td>(8.41%)</td>
<td>(7.76%)</td>
<td>(10.26%)</td>
<td>(10.79%)</td>
<td>(10.64%)</td>
</tr>
<tr>
<td>Amortization of Side Fund</td>
<td>0.00%</td>
<td>0.00%</td>
<td>1.45%</td>
<td>2.10%</td>
<td>0.00%</td>
<td>2.56%</td>
<td>3.37%</td>
</tr>
</tbody>
</table>

S:\Agendas\2011-2012\Finance\Finance January 2012.docx
Table 1 presents the CalPERS actuarial valuation calculating EBDA's required contribution from 2007 to 2013. The fastest growing element is the money necessary to make up for the risk pool's changing demographic assumptions and poor market performance discussed above. That percentage of payroll has increased from less than 1% for many years to 4.034% last year and 4.527% this year. Overall, EBDA's total employer contribution will be 3.271% of salaries. That contribution is anticipated to rise to 3.5% next year, slightly less than anticipated based on the good performance of CalPERS investments last year. The mitigation provided by the EBDA side fund is demonstrated by its contribution to the reduction of the overall rate by -10.643% this year.

Table 2 compares the employer share of the CalPERS contributions across Member Agencies to put EBDA's status in perspective. These increasing employer shares have prompted the different agencies to modify their contribution to the employee share of CalPERS (see Table 3).

Table 2. Employer Share of CalPERS Contributions by Agency (2010)

<table>
<thead>
<tr>
<th>Agency</th>
<th>Employer Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>USD</td>
<td>12.098%</td>
</tr>
<tr>
<td>CVSD</td>
<td>12.042%</td>
</tr>
<tr>
<td>OLSD</td>
<td>8.140%</td>
</tr>
<tr>
<td>San Leandro (2009)</td>
<td>6.063%</td>
</tr>
<tr>
<td>Hayward (2009)</td>
<td>3.351%</td>
</tr>
<tr>
<td>EBDA</td>
<td>2.107%</td>
</tr>
</tbody>
</table>

Table 3. Employee Share of CalPERS Contributions Paid by Agency (2010)

<table>
<thead>
<tr>
<th>Agency</th>
<th>Employee Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>USD</td>
<td>6%</td>
</tr>
<tr>
<td>CVSD</td>
<td>7% for employees hired after 6/2011</td>
</tr>
<tr>
<td>OLSD</td>
<td>1% for employees hired after 6/2011</td>
</tr>
<tr>
<td>San Leandro (2009)</td>
<td>Sliding scale 2-8% for first four years new employees (2010)</td>
</tr>
<tr>
<td>Hayward (2009)</td>
<td>7%</td>
</tr>
<tr>
<td>EBDA</td>
<td>8%</td>
</tr>
</tbody>
</table>

**Summary**

While EBDA’s employer contribution percentage is growing significantly, the impact of the employer contribution of ~$13,000 is only a small portion of EBDA’s annual operating budget of >$3 million—EBDA’s employee contribution of ~$30,000 will be further evaluated by the Commission for next year. This staff summary is for information only. Staff seeks Commission direction on what information should be considered in its further evaluation.
ITEM NO FMT INSURANCE UPDATE

Background
EBDA has been a long-term participant in the California Sanitation Risk Management Authority (CSRMA). As indicated in Table 1, EBDA's Pooled Liability Program (PLP) costs have risen 2% over the past five years. This year's annual premium for the PLP is $28,796. The Authority's deductible and coverage limits under the PLP are outlined below in Table 2.

For the past several years, an annual dividend representing favorable loss experience among its members has been distributed by CSRMA. It is expected that the CSRMA Executive Board will recommend that a dividend of $814,709 will be distributed to its membership in 2012. EBDA's portion of the total dividend will yield a payment in the same range as previous years.

Table 1. EBDA Insurance Premiums and Dividends

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Premium Paid</th>
<th>% +/-</th>
<th>Dividend Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>$31,383</td>
<td>0.00%</td>
<td>$13,637</td>
</tr>
<tr>
<td>2007</td>
<td>$29,300</td>
<td>6.64%</td>
<td>$10,736</td>
</tr>
<tr>
<td>2008</td>
<td>$25,164</td>
<td>-14.12%</td>
<td>$10,036</td>
</tr>
<tr>
<td>2009</td>
<td>$36,586</td>
<td>41.42%</td>
<td>$10,412</td>
</tr>
<tr>
<td>2010</td>
<td>$36,347</td>
<td>2.14%</td>
<td>$13,738</td>
</tr>
<tr>
<td>2011</td>
<td>$28,796</td>
<td>-20.77%</td>
<td>$8,880</td>
</tr>
</tbody>
</table>

Table 2. EBDA Deductibles and Coverage

<table>
<thead>
<tr>
<th>Deductibles</th>
<th>Maximum Coverage Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>$100,000 per occurrence, combined for Bodily Injury, Property Damage and Personal Injury</td>
<td>$25,500,000 per occurrence, combined for Bodily Injury, Property Damage, Personal Injury and/or Public Entity Errors &amp; Omissions</td>
</tr>
<tr>
<td>$2,500 per occurrence for Public Entity Errors &amp; Omissions other than Employment Related Practices</td>
<td>$15,500,000 per occurrence for Employment Related Practices</td>
</tr>
<tr>
<td>$25,000 per occurrence for Employment Related Practices</td>
<td>$25,000 per occurrence for Automobile Medical Payments</td>
</tr>
<tr>
<td>$2,500 per occurrence for Automobile Medical Payments</td>
<td>$500,000 per occurrence for Dam Failure</td>
</tr>
<tr>
<td>$250,000 per occurrence for Dam Failure</td>
<td></td>
</tr>
</tbody>
</table>

Recommendation
This is an information item only requiring no action by the Committee or Commission.
ITEM NO **FM8** EBDA BUDGET SCHEDULE

The following budget planning and implementation schedule is provided for the Committee’s information and input.

**Recommendation**
This report is for the Committee’s information only and no action is required.

**EBDA Master Budget Schedule**

<table>
<thead>
<tr>
<th>Month</th>
<th>Activities</th>
<th>Assigned Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Throughout the year</td>
<td>Gather reports, date, articles, correspondence, etc. that will assist in budget planning in the upcoming fiscal year(s)</td>
<td>All</td>
</tr>
</tbody>
</table>
| January  | Begin the budget planning process  
- Update the Salary and Benefit Calculation Worksheet  
- Update the Commodity Calculation Worksheet  
- Request a rate comparison report from PG&E  
- Review R&R Fund Schedule and obtain equipment addition/replacement requests from staff | O&M Mgr/AO |
| February | Continue the budget planning process  
- Request Member Agency estimates  
- 2nd Quarter Expense Summary to Finance Committee/Commission | GM |
| March    | Finalize the budget planning process  
- Staff equipment requests are due to GM  
- Member agency estimates are due to GM  
- Perform benchmark salary and benefits surveys  
- EBDA's budget forecast is provided to Member Agencies by April 1 | O&M Mgr/AO |
| April    | Approve the Budget  
- 3rd Quarter Expense Summary to Finance Committee/Commission  
- Draft budget is presented to Finance Committee/Commission | GM |
| May      | Resolution Adopting the budget is scheduled for Finance Committee/Commission approval | AA |
| June     |  
- Update and approval of R&R Fund Schedule  
- Update and approval of Compensation Plan  
- Reso Estab Price of Recycled Water is scheduled for RA Comm/Commission approval | O&M Mgr/AO |
| July     | Implement the budget  
- 4th Quarter Expense Summary to Finance Committee/Commission | GM |
| August   | Financial audit field work; non-audited annual reports due to State Controller | AA/Acctg |
| September| Summary of final O&M billing to Finance Committee/Commission | GM |
| November | 1st Quarter Expense Summary to Finance Committee/Commission | GM |
| December | Review of Commissioner Compensation | GM |
ITEM NO FM9 EBDA BUDGET TRENDS SINCE 2000

Recommendation
This report is for the Committee’s information only and no action is required.

Background
As the Commission prepares for the upcoming budget process, staff thought it would be helpful to evaluate how the budget has changed since 2000. EBDA’s budgets, allocated by fund and by account, are compared in the charts below for the FY2000-01 and the FY 2011-12 and the mid-point (FY2006-07).
These comparisons document the following budget trends:

- From FY2000-01 to FY 2011-12, Fund 12 (O&M) costs have risen by 50% (almost $1 Million) and Fund 13 (Special Projects) budgets have risen by 31% ($113,000).
- The five largest fund categories of the budget are General Administration, Bay and Effluent Monitoring, Marina Dechlorination Facility (MDF), and the Oro Loma Effluent Pump Station (OLEPS), and the Alvarado Effluent Pump Station (AEPS). The five largest EBDA accounts are Maintenance and Repair (through member agencies), Professional Services, Rents & Fees, Utilities, and Salary.
- General Administration budgets have risen by almost 90% ($380K) from 2000-2012. Salaries and Commissioner Compensation increased in the first half of that period, but have been flat in the last several years. Benefits rose dramatically when the Commission picked up retiree health costs.
- Bay and Effluent Monitoring budgets have risen by 258% ($400K) over the period, mostly due to dramatic increases in permit fees and required monitoring by the Regional Board for basin planning.
- The MDF budgets declined initially with large reduction in supply costs for dechlorination chemicals associated with negotiation of permit limits.
- For the facilities, the overall budget increase ranges from 32-95% (about $150K in total). Besides increases in Member Agency staffing costs (somewhat masked by moving Calcon costs to professional services), the biggest driver has been utility cost increases ($180K) and professional services costs (mostly associated
with system capital planning, computer automation and individual maintenance projects). Pump station upgrades (e.g. SLEPS) can reduce electricity usage.

Implications for Future Budgets
Of these budget drivers, EBDA staff costs and Member Agency staff costs are similar and together account for slightly more than one-third of the EBDA budget. Contract negotiations will likely stabilize these budgets in future years. The regulatory drivers (permit fees, much of monitoring, and memberships) have been the fastest growing part of the budget, and now account for almost one-third of EBDA’s budget. These costs are somewhat difficult to influence, but as the state budget situation stabilizes, these budgets will also. Professional services costs should stabilize with the completion of permit negotiations and the mature integration of the computer automation system. Finally, electricity costs represent about 16% of the O&M costs. They remain a major uncertainty for future budgets.

ITEM NO FM10 MEMORANDUM OF UNDERSTANDING BETWEEN EAST BAY DISCHARGERS AUTHORITY AND THE CITY HAYWARD FOR USE OF THE HAYWARD PONDS

Background
As noted in the O&M Committee agenda, in November 2011, the Commission directed staff to pursue a Memorandum of Understanding (MOU) with the City of Hayward for the use of its unused oxidation ponds for emergency storage of secondarily-treated effluent if needed during wet weather events. EBDA and Hayward staff worked together to negotiate the terms of the MOU. If approved, costs associated with the operation and maintenance of the ponds will add $10,000 to $20,000 to the annual budget but will reduce the risk of costly fines associated with sanitary sewer overflows. A copy of the MOU is included in the Commission packet as Agenda Item No. 12.

Recommendation
This report is being provided for the Committee’s information only and no specific action is needed.
ITEM NO. 10  REPORT FROM THE REGULATORY AFFAIRS COMMITTEE

The Regulatory Affairs Committee, Commissioners Prola and Dias, will meet with the General Manager on Tuesday, January 24, 2012 at 9:30 a.m. A copy of the Committee agenda is attached.

The Committee will consider EBDA December performance and review a list of regulatory compliance activities completed in the last quarter. In addition, the Committee will review the NPDES Annual Report for 2011 and will be updated on the January 18, 2012 RWQCB hearing on EBDA’s permit renewal. Finally, the Committee will conduct a closed session to discuss anticipated litigation with regard to the permit renewal pursuant to Government Code 54956.9(b). The closed session is presented separately as Agenda Item No. 14.

Recommendation
Approve the report from the Regulatory Affairs Committee.
REGULATORY AFFAIRS COMMITTEE
AGENDA

Tuesday, January 24, 2011
9:30 A.M.

East Bay Dischargers Authority
2651 Grant Avenue
San Lorenzo, CA 94580

RA1. Call to Order

RA2. Roll Call

RA3. Public Forum

RA4. Status Report – NPDES Permit
(The Committee will review the NPDES Permit and other regulatory issues.)

RA5. Quarterly Regulatory Reporting Checklist
(The Committee will review the quarterly checklist for regulatory reporting.)

RA6. NPDES Annual Report
(The Committee will review the annual NPDES report.)

RA7. EBDA’s Permit Renewal
(The Committee will be updated on the January 18th hearing on EBDA’s permit renewal.)

RA8. Closed Session – Anticipated Litigation
(The Committee will hold a closed session pursuant to GC 54956.9(b) to discuss anticipated litigation related to conditions of permit renewal.)

RA9. Reconvene to Open Session
(The Chair will report on any action taken in closed session.)

RA10. Adjournment

(Any member of the public may address the Committee at the commencement of the meeting on any matter within the jurisdiction of the Committee. This should not relate to any item on the agenda. Each person addressing the Committee should limit their presentation to three minutes. Any member of the public desiring to provide comments to the Committee on any agenda item should do so at the time the item is considered. Oral comments should be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at (510) 278-5910 or ladams@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

The Next Regulatory Affairs Committee Meeting will be held
Tuesday, February 14, 2012 at 9:30 a.m.
ITEM NO. RA4 STATUS REPORT – NPDES PERMIT

Permit Compliance Issues
There were no known violations of the combined effluent in November 2011. EBDA has not had any permit violations since April 2006.

The submitted November monthly Discharge Monitoring Reports are attached. The results were within the normal range.

Recommendation
For Committee information only, requiring no specific action by the Committee or Commission at this time.
<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>QUANTITY OR LOADING</th>
<th>QUALITY OR CONCENTRATION</th>
<th>FREQUENCY OF ANALYSIS</th>
<th>SAMPLE TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temperature, water deg., centigrade</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>00010 1 0 Effluent Gross</td>
<td>23.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oxygen, dissolved (DO)</td>
<td>1.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>00300 1 0 Effluent Gross</td>
<td>REPORT MO AVG</td>
<td>REPORT DAILY MX</td>
<td></td>
<td></td>
</tr>
<tr>
<td>pH</td>
<td>7.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solids, Total Suspended</td>
<td>9</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>00530 1 0 Effluent Gross</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nitrogen, Ammonia Total (as N)</td>
<td>26</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>00610 1 0 Effluent Gross</td>
<td>29</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cyanide, Total (as CN)</td>
<td>NODI(Q)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>00720 1 0 Effluent Gross</td>
<td>NODI(Q)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arsenic, Total Recoverable</td>
<td>NODI(Q)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>00978 1 0 Effluent Gross</td>
<td>NODI(Q)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** Read instructions before completing this form.

---

**ATTN:** MICHAEL S. CONNOR

**NAME / TITLE:** PRINCIPAL EXECUTIVE OFFICER

MICHAEL S. CONNOR

GENERAL MANAGER

**TELEPHONE:** 510-276-5910

**DATE:** 11 | 12 | 20

**SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT**

**AREA CODE/NUMBER:** YEAR | MO | DAY

**COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)**
**EAST BAY DISCHARGERS AUTHORITY**

**14150 MONARCH BAY DRIVE**
**ALAMEDA, CA 94577**

**EBDA JOINT OUTFALL**

**14150 MONARCH BAY DRIVE**
**ALAMEDA, CA 94577**

**ATTN: MICHAEL S. CONNOR**

---

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**

**DISCHARGE MONITORING REPORT (DMR)**

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Quantity or Loading</th>
<th>Quality or Concentration</th>
<th>No. Ex</th>
<th>Frequency of Sample Analysis</th>
<th>Sample Type</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Selenium, total recoverable</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>00981 1 0 0 Effluent Gross</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>01032 1 0 0 Effluent Gross</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nickel, total recoverable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>01074 1 00 Effluent Gross</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Silver, total recoverable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>01079 1 00 Effluent Gross</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zinc, total recoverable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>01094 1 00 Effluent Gross</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cadmium, total recoverable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>01113 1 00 Effluent Gross</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lead, total recoverable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>01114 1 00 Effluent Gross</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**NAME / TITLE PRINCIPAL EXECUTIVE OFFICER**

MICHAEL S. CONNOR  
**GENERAL MANAGER**

**TELEPHONE**  
510-278-5910

**DATE**  
11 | 12 | 20

**DURING THE PERIOD FROM 11/11/01 TO 11/11/01*** NO DISCHARGE ***

**SZ=30550 PERMIT NUMBER**

**DMR Mailing ZIP CODE: 94580**

---

**FORM APPROVED**

OBS No. 2943-0004
<table>
<thead>
<tr>
<th>Parameter</th>
<th>Quantity or Loading</th>
<th>Quality or Concentration</th>
<th>No. Ex</th>
<th>Frequency of Analysis</th>
<th>Sample Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copper, total recoverable</td>
<td>Sample Measurement</td>
<td>Average</td>
<td>Minimum</td>
<td>Average</td>
<td>Maximum</td>
</tr>
<tr>
<td>01119 1 0 Effluent Gross</td>
<td>Permit Requirement</td>
<td></td>
<td>7.4</td>
<td>7.4</td>
<td></td>
</tr>
<tr>
<td>Flow in conduit or thru treatment plant</td>
<td>Sample Measurement</td>
<td>59</td>
<td>70</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50060 1 0 Effluent Gross</td>
<td>Permit Requirement</td>
<td>REPORT MO AVG</td>
<td>53</td>
<td>MO AVG</td>
<td>78</td>
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<td>Chlorine, total residual</td>
<td>Sample Measurement</td>
<td></td>
<td>0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50060 1 0 Effluent Gross</td>
<td>Permit Requirement</td>
<td>REPORT DAILY MX</td>
<td>0.0</td>
<td>INST MX</td>
<td></td>
</tr>
<tr>
<td>Mercury, total recoverable</td>
<td>Sample Measurement</td>
<td></td>
<td>0.01030</td>
<td>0.01030</td>
<td></td>
</tr>
<tr>
<td>71901 1 0 Effluent Gross</td>
<td>Permit Requirement</td>
<td></td>
<td>0.068</td>
<td>MO AVG</td>
<td>0.072</td>
</tr>
<tr>
<td>Coliform, fecal general</td>
<td>Sample Measurement</td>
<td></td>
<td>16</td>
<td>80</td>
<td></td>
</tr>
<tr>
<td>74055 1 0 Effluent Gross</td>
<td>Permit Requirement</td>
<td></td>
<td>500</td>
<td>GEOMEAN</td>
<td>1100</td>
</tr>
<tr>
<td>BOD, Carbonaceous, 05-Day, 20 C</td>
<td>Sample Measurement</td>
<td></td>
<td>14</td>
<td>17</td>
<td></td>
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<tr>
<td>80082 1 0 Effluent Gross</td>
<td>Permit Requirement</td>
<td></td>
<td>25</td>
<td>MO AVG</td>
<td>40</td>
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<tr>
<td>BOD, Carb 5-Day @ 20 Deg C Percent Removal</td>
<td>Sample Measurement</td>
<td></td>
<td>95</td>
<td></td>
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<tr>
<td>80091 K 0 0 Percent Removal</td>
<td>Permit Requirement</td>
<td></td>
<td>85</td>
<td>MO AVG MN</td>
<td></td>
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</table>

**Comment and Explanation of Any Violations**

(Reference all attachments here)
<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>QUANTITY OR LOADING</th>
<th>QUALITY OR CONCENTRATION</th>
<th>NO. EX.</th>
<th>FREQUENCY OF ANALYSIS</th>
<th>SAMPLE TYPE</th>
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<tbody>
<tr>
<td></td>
<td>AVERAGE</td>
<td>MINIMUM</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>MAXIMUM</td>
<td>AVERAGE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>UNITS</td>
<td>MAXIMUM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>UNITS</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Solids, Suspended Percent Removal</td>
<td>*****</td>
<td>97</td>
<td>******</td>
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<tr>
<td>81011, K 0 0 Percent Removal</td>
<td>*****</td>
<td>85</td>
<td>MO AVG MN</td>
<td>%</td>
<td>Monthly</td>
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<tr>
<td>%Surv Fith 96Hr Oncorhynchus Mykiss</td>
<td>*****</td>
<td>90</td>
<td>100</td>
<td>0</td>
<td>0</td>
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<tr>
<td>TRX61 1 0 Effluent Gross</td>
<td>*****</td>
<td>70</td>
<td>90TH% MN</td>
<td>%</td>
<td>Survival</td>
</tr>
</tbody>
</table>

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted to, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME / TITLE: MICHAEL S. CONNOR
PRINCIPAL EXECUTIVE OFFICER
GENERAL MANAGER

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: 510-278-5910
DATE: 11 | 12 | 20

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
ITEM NO. RA5 QUARTERLY REGULATORY REPORTING CHECKLIST

Recommendation
This report is for the Committee’s information only and no action is required.

Background
The following checklist is provided to inform the Committee of routine regulatory activities completed during the period October through December 2011.

<table>
<thead>
<tr>
<th>Regulatory Agency</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Controller</td>
<td>Submittal of Annual Financial Transactions and Public Agency Compensation Reports</td>
</tr>
<tr>
<td>DOSH</td>
<td>Scheduling of annual crane recertification</td>
</tr>
<tr>
<td>Ala Co Environmental Health</td>
<td>Submittal of CUPA Hazmat Fee</td>
</tr>
<tr>
<td>SWRCB</td>
<td>Submittal of Operator Certification renewal fees</td>
</tr>
<tr>
<td></td>
<td>Submittal of OLEPS Pressure Vessel &amp; Pump Station Inspection fees</td>
</tr>
<tr>
<td>Dept of Industrial Relations</td>
<td>Submittal of Permit Fee - MDF</td>
</tr>
<tr>
<td>BAAQMD</td>
<td>Scheduling Haz Mat Maintenance Inspection</td>
</tr>
<tr>
<td>Ala Co Environmental Health</td>
<td>Submittal of Local Government Directory Survey Posting of Federal and State Employment Legal Notices</td>
</tr>
<tr>
<td>US Census Bureau</td>
<td></td>
</tr>
<tr>
<td>Dept of Industrial Relations/ DOL</td>
<td>Submittal of annual permit fees</td>
</tr>
<tr>
<td>SWRCB</td>
<td>Submittal of permit fees SLEPS</td>
</tr>
<tr>
<td>BAAQMD</td>
<td></td>
</tr>
<tr>
<td>Bureau of Automotive Repair</td>
<td>Submittal of annual fleet maintenance report</td>
</tr>
<tr>
<td>State Controller’s Office &amp; Alameda County</td>
<td>Submittal of EBDA Financial Statements</td>
</tr>
</tbody>
</table>
ITEM NO. RA6  NPDES ANNUAL REPORT

Recommendation
This report is for the Committee's information only and no action is required.

Background
Each year, all dischargers are required to submit annual NPDES monitoring reports. Essentially, this requirement is an attempt by the Water Board to ensure that their permit case workers and the discharger agency staff are in agreement on operational priorities. This report does provide an opportunity to provide performance reporting to the Commission members. Staff has excerpted the most relevant information from EBDA performance in 2011, including charts summarizing each facility's report reviews.

Section 3. Tabular and Graphical Summaries
Since EBDA submits all its data electronically into CIWQS, this section simply summarizes performance on the major contaminants for which there are permit limits. Most all other contaminants are found at concentrations below detection limits. The TSS and BOD data show a reasonably large safety margin between monthly limits and performance.
The only significant temporal trends in the data are seasonal peaks of fecal coliform concentrations when the water is warmest and pipe transport time is longest. EBDA's collection of chlorinated secondary effluent from the four treatment plants and LAVVMA show seasonal regrowth in the pipe in hot weather. To some extent, this trend is merely an artifact of regrowth in the sampling pipe, and EBDA is conducting more intensive pipe cleaning activities in hot weather.
Long-term temporal trends continue to show declines in EBDA's mercury discharges, which is further discussed and documented in the BACWA group mercury permit. Copper discharges have shown a similar long-term declining trend, but the trend has been flattening out.
The toxics chemistry data are supplemented by monthly toxicity tests. There does not seem to be a correlation of toxicity results with chemical measurements. Toxicity tests could be indicative of unmonitored chemicals causing problems or an artifact of the test procedures themselves. Growing fish in a treatment plant back room is not a trivial undertaking. EBDA's long-term data do not show a particular trend. The decline in December, 2011, has caused us to examine our fish room cleanliness and protocols.
EBDA Acute Toxicity (% Survival)

Limit = 70% (90%ile minimum of 11 mos.)

% survival

Date (1/1/2008 to 12/31/2011)

Acute Toxicity % Survival (Mo Avg)

WMS (East Bay Dischargers Authority)

EBDA Acute
Section 7. Results of Facility Report Reviews
Status report for reviewing and updating the following documents: O&M Manual, Contingency Plan, Spill Prevention Plan, and Wastewater Facilities Status Report

Union Sanitary District

<table>
<thead>
<tr>
<th>Document</th>
<th>Review Date</th>
<th>Review Procedures</th>
<th>Planned Actions</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>O&amp;M Manual</td>
<td>January 2012</td>
<td>Plant O&amp;M documents are incorporated into the District's Competency-Based Training Program. USD utilizes Microsoft SharePoint software for electronic document management.</td>
<td>Plant management reviews training documents and SOP's as changes occur (i.e., following construction) or as scheduled.</td>
<td>Each training module and SOP has a review frequency of 1-3 years.</td>
</tr>
<tr>
<td>Contingency Plan</td>
<td>January 2012</td>
<td>Plant Manager reviews and updates the Contingency Plan annually.</td>
<td>Sections on Staffing Contingencies and Emergency Stand-by Power updated.</td>
<td>Complete next review by January 31, 2013</td>
</tr>
<tr>
<td>Spill Prevention Plan</td>
<td>January 2012</td>
<td>Spill Prevention Plan is incorporated into the Contingency Plan review.</td>
<td>Update section on bulk chemical storage to include Hydrogen Peroxide.</td>
<td>Complete next review by January 31, 2013</td>
</tr>
</tbody>
</table>
## Hayward Water Pollution Control Facility

<table>
<thead>
<tr>
<th></th>
<th>Review Date</th>
<th>Review Procedures</th>
<th>Planned Actions</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>O&amp;M Manual</td>
<td>January 2012</td>
<td>Ops Supervisor &amp; Operator Review</td>
<td>The WPCF Operation Supervisor and Operators will review, develop and train staff based on SOP and policy's created. The information is stored electronically within the online manual (OLM) which is accessible by all operations staff.</td>
<td>O&amp;M section review is scheduled for each calendar year. SOP's are reviewed by operations staff with revisions made by the Supervisor and his designated staff.</td>
</tr>
<tr>
<td>Contingency Plan</td>
<td>December 2011</td>
<td>Manager &amp; Supervisors Review</td>
<td>No major changes – Add new, revise &amp; delete employee and vendors information</td>
<td>Review and update is performed annually</td>
</tr>
<tr>
<td>Spill Prevention Plan</td>
<td>June 2011</td>
<td>Manager &amp; Supervisor Review</td>
<td>No changes to plan - Review and update plan as needed. Provide refresher training to employee's for spill response. Ensure spill containment kits are fully supplied.</td>
<td>Review and update is performed annually</td>
</tr>
<tr>
<td>Wastewater Facilities Status Report</td>
<td>March 2012</td>
<td>Manager lead Review</td>
<td>Perform all annual equipment replacements and process unit maintenance. Review and plan 2 yr. fiscal year budget. FY 2013 CIP projects: • Cogeneration Replacement RFP • Grease Receiving stn. • Primary Clarifier Rehab • Relocate Digester Sludge pumping • Calpine 72' Effluent connection</td>
<td>Annual review and update • WPCF Master/Facility Plan update for 2012. • 2 yr. CIP planning, update and budget began in December 2011 • Cogeneration Replacement</td>
</tr>
</tbody>
</table>
**Oro Loma Sanitary District Treatment Plant**

<table>
<thead>
<tr>
<th>Review Date</th>
<th>Review Procedures</th>
<th>Planned Actions</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>O&amp;M Manual</td>
<td>January 2012</td>
<td>O&amp;M MGR: O&amp;M Manual will be updated to reflect changes in the solids handling portion of the process with focus on the new belt press installation</td>
<td>June 2012</td>
</tr>
<tr>
<td>Contingency Plan</td>
<td>January 2012</td>
<td>O&amp;M MGR: Update phone list and add/delete staff members as required</td>
<td>January 2012</td>
</tr>
<tr>
<td>Wastewater Facilities Status Report</td>
<td>January 2012</td>
<td>NA: In 2011, several upgrades were made to the plant’s disinfection facilities, process water filtration, and dewatering facility. The plant also started a 468 kW solar array and grease receiving facility. The primary action planned for 2012 includes the design and bidding associated with a new anaerobic digester.</td>
<td>Digester Design and Bidding during 2012</td>
</tr>
</tbody>
</table>
### San Leandro Treatment Plant

<table>
<thead>
<tr>
<th>Reports</th>
<th>Review</th>
<th>Review</th>
<th>Planned Actions</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>O&amp;M Manual</td>
<td>Jan, 2012</td>
<td>The Water Pollution Control Plant Assistant Plant Manager will assign Operation and Maintenance manual chapters to Lead Operators to review and edit. Chapters written by Plant Operators are edited by Lead Plant Operators and approved by the Assistant Plant Manager.</td>
<td>Review O&amp;M chapters per schedule. Continue developing new SOPs as gaps are found. Last year saw a concentrated effort on updating and adding to our O&amp;M manuals. Listed below are the changes: Table of Contents 09/20/11 organized by Judy Walker Chapter 1 Introduction Revised by Ray Busch 05/11 Chapter 2 Design Criteria Revised by Ray Busch 05/11 Chapter 3 Equipment List Revised by Justin Jenson 05/11 Chapter 4 Functional Descriptions Revised by Ray Busch 06/11 Chapter 6 Operating Procedures Revised by Amanda Liu 06/11 Chapter 7 Process Control Revised by Akil Belaidi 06/11 Chapter 8 Troubleshooting Guide Written by Anthony Canavaro 08/11 Chapter 9 Sieve Drum Concentrator–RF 90 Written by Akil Belaidi and Amanda Liu 09/03/11 – Revision 2 Chapter 10 Huber Rotary Screw Thickener Written by Andy Juon 6/03/11 – Revision 2 Chapter 12 Fog Receiving Station Written by Richard Haltman 06/02/11 Chapter 15 Laboratory Compliance and Performance Reference Written by Angelica Berumen 07/29/11 Chapter 16 Effluent Pump Station Written by Laurie Ramsey 12/1/2011 A new O&amp;M chapter on the Belt Filter Press is 90% complete. All chapters in electronic format shared drive in electronic format and as hard copy.</td>
<td>O&amp;M chapter review is scheduled for each chapter every year, by a Lead Operator and rotated each year. SOPs are peer reviewed before being approved by the Assistant Plant Manager.</td>
</tr>
<tr>
<td>Contingency Plan</td>
<td>Jan, 2012</td>
<td>Assistant Plant Manager reviews, edits and approves.</td>
<td>Plan reviewed and updated. Added new vendors and new employees. Updated phone numbers. Changes made to section 5, appendix A, and attachment B.</td>
<td>Review and update is performed annually.</td>
</tr>
<tr>
<td>Spill Prevention Plan</td>
<td>Jan, 2012</td>
<td>Assistant Plant Manager reviews, edits and approves.</td>
<td>Plan has been reviewed and updated with current employee contact information. Changes made to attachment E.</td>
<td>Review and update is performed annually.</td>
</tr>
<tr>
<td>Wastewater Facilities Status Report</td>
<td>Jan, 2012</td>
<td>The City has had a facility master plan study completed and is acting upon that study by starting construction on a $48.9M rehabilitation project. In this last fiscal year, the City has performed major upgrades to two sanitary lift stations.</td>
<td>The plant rehabilitation will include: a new electrical system, new headworks, new grit separator, new standby generator, new wet weather flow diversion pond, a new diurnal flow diversion, a new primary clarifier, a new laboratory, a new odor scrubbing bio filter and new fixed film reactor. Rehabilitation efforts will extend to all of the clarifiers and three digesters.</td>
<td>The San Leandro Water Pollution Control Plant is now in week 14 of a three year rehabilitation project. The total project cost for the Water Pollution Control Plant Facility Rehabilitation project is approximately $50 million. Construction efforts were concluded on the $5 million cogeneration project. Over $3 million was spent on six sanitary sewer CIP projects. Additionally over $40,000 was spent on painting plant equipment.</td>
</tr>
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</table>
## Marina Dechlorination Facility

<table>
<thead>
<tr>
<th>REPORTS</th>
<th>REVIEW DATE</th>
<th>REVIEW PROCEDURES</th>
<th>PLANNED ACTIONS</th>
<th>SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>O&amp;M Manual</td>
<td>Jan 2012</td>
<td>Updated on an as needed basis and reviewed annually by the EBDA O&amp;M Manager.</td>
<td>The Authority maintains a comprehensive O&amp;M Manual for the joint-use facilities. Chapters of the Manual are regularly reviewed and updated. The Authority's O&amp;M Manual was completely revised and rewritten in January 1990. A copy of the Manual was submitted to the RWQCB. Most recent revisions were made to appropriate chapters in 2007, 2008, 2009 and 2010.</td>
<td>The chapters for the AEPS and HEPS may be revised in 2012 depending upon potential capital projects at these locations.</td>
</tr>
<tr>
<td>Contingency Plan</td>
<td>Jan 2012</td>
<td>Updated annually by EBDA O&amp;M Manager and EBDA Administrative Assistant. EBDA is included in the Alameda County's Office of Emergency Service's Utility Unit.</td>
<td>The Emergency Operating Contingency Plan is supported by Operations &amp; Maintenance Agreements between Member Agencies that are compatible with their existing plans and known to all other local and county agencies for emergency purposes. Operation and maintenance activities are contracted with the Member Agencies for routine work, emergency work and contracts with private specialty firms. Member Agencies have a mutual interest in the continuous uninterrupted use of the Authority Force main and Bay Outfall system.</td>
<td>The contingency plan is revised by staff on both calendar year and an as needed basis. There were no significant revisions in 2011.</td>
</tr>
<tr>
<td>Spill Prevention Plan</td>
<td>Jan 2012</td>
<td>Updated annually by EBDA O&amp;M Manager</td>
<td>No major changes planned for 2012</td>
<td>No major changes in 2011.</td>
</tr>
<tr>
<td>Wastewater Facilities Status Report</td>
<td>Jan 2012</td>
<td>EBDA has maintained a comprehensive Replacement and Renewal Policy covering all of EBDA's equipment above a $3,000 value and is incorporating an asset management program that will cover all infrastructure. The program is reviewed monthly by EBDA staff and is reviewed annually by the EBDA General and O&amp;M Managers.</td>
<td>In 2011 the Authority completed several projects that provided upgrades to the EBDA system as follows: 1. Replaced a Motor Control Center at the Alvarado Effluent Pump Station (AEPS) for equipment that had served their designated useful life. 2. Installed a standby generator set for the EBDA offices. This project provides a backup power supply for the Authority's Supervisory Control and Data Acquisition (SCADA) system. 3. Replaced 6 air relief assemblies on the EBDA force main for equipment that had served their designated useful lives. 4. Upgraded SCADA communications by switching from a SCADA to PLC polling protocol for more reliable data collection. 5. Completed a flow master plan study and system model that identified strengths and weaknesses of EBDA's force main and disposal system.</td>
<td>Completed in 2011.</td>
</tr>
</tbody>
</table>
ITEM NO. RAZ EBDA’s PERMIT RENEWAL

Recommendation
This report is for the Committee’s background for further discussion in the closed session.

Background
The EBDA NPDES permit was the subject of a San Francisco Water Board hearing on January 18, 2012. Attached is the final copy of the Staff Summary and Response to Comments. There is no significant difference from what the Commission has discussed previously. If the Commission intends to file a motion to put the permit into abeyance, it would need to direct Meyers Nave to begin the process at this meeting.
STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Robert Schlipf)
MEETING DATE: January 18, 2012

ITEM: 7

SUBJECT: East Bay Dischargers Authority (EBDA), EBDA Common Outfall, San Leandro; City of Hayward, Hayward Water Pollution Control Facility and Associated Collection System, Hayward; City of San Leandro, San Leandro Water Pollution Control Plant and Associated Collection System, San Leandro; Oro Loma Sanitary District and Castro Valley Sanitary District, Water Pollution Control Plant and Associated Collection System, San Lorenzo; Union Sanitary District, Raymond A. Boege Alvarado Wastewater Treatment Plant and Associated Collection System, Union City; Livermore-Amador Valley Water Management Agency; Alameda County - Reissuance of NPDES Permit

CHRONOLOGY: August 2006 – Permit Reissued

DISCUSSION: This item would reissue EBDA’s permit for the discharge of up to 107 million gallons per day of treated wastewater through a deepwater outfall 7 miles offshore to Central San Francisco Bay. This is one of the largest discharges in this region because it includes the combined flows from six treatment plants that serve most of Alameda County from San Leandro south to Fremont and east to Livermore.

Each treatment plant treats and disinfects wastewater from its service area. Each then pumps the treated and disinfected wastewater to a dechlorination facility in San Leandro owned and operated by EBDA, where EBDA discharges the combined wastewater through its outfall. EBDA is a joint powers agency whose members include the agencies that own and operate the four treatment plants named in this item. Hence, this item would reissue the permit for discharges from just these four treatment plants and EBDA. Items 8 and 9 following this item would reissue the permits for the other two treatment plant owners and operators, the Dublin San Ramon Services District and the City of Livermore.

We received comments from EBDA, U.S. EPA, and San Francisco Baykeeper on a tentative order distributed for public review (Appendix B). We have revised the original tentative order as appropriate. Our responses (Appendix C) appear to have resolved all comments except for one from EBDA.

EBDA is concerned that the tentative order would require that each of the four treatment plants be held individually to federally-mandated minimum
secondary treatment standards. Previously, compliance with these standards was incorrectly allowed at the combined outfall after the treated wastewater from all plants was mixed together. EBDA asserts that the four treatment plants discharging through the EBDA common outfall constitute one single treatment facility and, therefore, compliance with treatment standards should continue to be determined on the combined wastewater from all of these facilities. We disagree. Compliance with federal treatment standards are most appropriately met at the end of each treatment plant, because each treatment plant is owned and operated separately by each of the municipalities. The definition of a treatment facility under the federal Clean Water Act supports our position as does the U.S. EPA in its comment letter.

We expect EBDA to reiterate its concerns at the Board meeting.

RECOMMENDATION: Adopt the Revised Tentative Order

CIWQS Place IDs: 222123, 229882, 246217, 255368, 269042 (RS)

APPENDICES:
A – Revised Tentative Order
B – Comments
C – Response to Comments
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

Response to Written Comments
Item No. 7

NPDES Permit Reissuance
for
East Bay Dischargers Authority (EBDA), City of Hayward, City of San Leandro, Oro Loma
Sanitary District, Castro Valley Sanitary District, Union Sanitary District
Livermore-Amador Valley Water Management Agency

The Regional Water Board received timely written comments from the following:

- East Bay Dischargers Authority, dated November 14, 2011
- U.S. Environmental Protection Agency, dated November 23, 2011
- San Francisco Baykeeper, dated November 28, 2011

This Response to Comments begins with the comments (in italics) quoted where possible, or paraphrased for brevity. Regional Water Board staff responses follow each comment.

I. East Bay Dischargers Authority (EBDA)

**EBDA Comment 1:** EBDA indicates that compliance with technology-based effluent limitations should be measured at the EBDA outfall, not at each individual plant. Throughout the entire permitting history of EBDA’s facilities, beginning with the first NPDES permit issued in 1979 through the permits currently in effect, compliance with technology-based effluent limitations for secondary treatment has always been determined in the combined effluent from all contributing facilities. In this Tentative Order, Regional Water Board staff proposes to determine compliance with these effluent limitations in the effluent of each individual treatment plant. The Tentative Order includes language that mitigates the impact of this new compliance point to a degree, and EBDA is appreciative that Regional Water Board staff has attempted to accommodate concerns on this issue. Nevertheless, EBDA must respectfully assert that this point of compliance requirement is improper for the reasons discussed below and that the appropriate point of compliance is the combined discharge at the EBDA outfall, as in all prior permits.

*First,* effluent limitations only apply to discharges to waters of the United States, and the individual treatment plants do not discharge to such waters. Section 301(e) of the Clean Water Act states that “effluent limitations established pursuant to this section...shall be applied to all point sources of discharge of pollutants in accordance with the provisions of this chapter.” An effluent limitation is “any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters.” (33 U.S.C. § 1362(11)), and a point source is “any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit...from which pollutants are or may be discharged.” (33 U.S.C. § 1362(14).) Discharge of
pollutants means “any addition of any pollutant to navigable waters from any point source.” (33 U.S.C. § 1362(12).)

Based on these provisions, it is clear that all effluent limitations, including technology-based effluent limitations based on secondary treatment, only apply to actual discharges to navigable waters. Therefore, because EBDA member’s treatment plants do not discharge directly to navigable waters, effluent limitations based on secondary treatment do not apply to the uncombined treated wastewater coming from the plants. Rather, they apply only to EBDA’s discharge of combined effluent from all of the plants to navigable waters. The Clean Water Act only regulates discharges of pollutants to navigable waters. (33 U.S.C. 1311(a).)

Second, Clean Water Act section 301(b)(1)(B), which requires all publicly owned treatment works (“POTWs”) to achieve “effluent limitations based upon secondary treatment as defined by the [EPA] Administrator . . . .,” merely describes a level of effluent quality that must be achieved based on EPA’s determination of the effectiveness of secondary treatment. Section 301(b)(1)(B) does not specifically require a POTW to implement secondary technology. The regulations EPA adopted to implement the secondary treatment requirements further illustrate that the regulatory focus is on effluent quality discharged to navigable waters. (40 C.F.R. § 133.102.)

Third, the point of compliance with technology-based limitations based on secondary treatment should be the outfall because EBDA’s entire system constitutes a single POTW under EPA regulations. (33 U.S.C. § 1292(2)(A); 40 CFR §§ 122.1, 403.3.) The history of EBDA’s formation illustrates that EBDA is a single POTW. After the Clean Water Act was enacted, EBDA members worked closely with EPA, the State Water Resources Control Board and the Regional Water Board to develop a solution for achieving compliance with effluent limitations based on secondary treatment. EBDA members conducted a Water Quality Management Program Study, which recommended that EBDA members consolidate effluent disposal at a separate outfall. To implement the recommendations in the study, EBDA was formed and EBDA members obtained federal construction grants to construct and/or upgrade their plants and constructed a conveyance system to deliver all treated effluent from the four member plants and the two plants operated by members of the Livermore Amador Valley Water Management Agency to the EBDA outfall. More than $140,000,000 was spent to construct EBDA’s system to meet the requirements of the Clean Water Act. Not only was the Regional Water Board involved in the process of constructing EBDA’s system to comply with the requirements of the Clean Water Act, but it has consistently acknowledged in all NPDES permits issued to EBDA since 1979 that EBDA is a single system. It is clear from EBDA’s history and its prior NPDES permits that EBDA is a single POTW. Therefore, it is appropriate to measure compliance with effluent limitations based on secondary treatment in the combined effluent discharged from the system at the outfall.

Fourth, the Porter-Cologne Water Quality Control Act prohibits the Regional Water Board from specifying the manner of compliance with the Tentative Order. (Wat. Code, § 13360, subd. (a).) Requiring compliance with secondary treatment standards in the segregated effluent of each EBDA member agency’s facility improperly specify the location and manner of compliance in violation of section 13360.

Finally, EPA regulations provide that monitoring in NPDES permits should be designed to provide data that is “representative of the monitored activity.” (40 C.F.R. § 122.48.) The regulated and monitored activity at issue is the discharge of treated wastewater effluent into navigable waters.
Monitoring in the combined effluent is representative of that activity, and monitoring in the uncombined effluent is not.

Response: We have not made changes in response to this comment. The fundamental disagreement is over the definition of a "POTW" or "publicly owned treatment works." EBDA asserts that its entire system, consisting of four separate municipal treatment plants discharging through a common outfall, should be recognized as one single POTW. The argument is contrary to the definition of "POTWs," which is defined in the federal Clean Water Act regulations as:

a
treatment works ... owned by a state or municipality.... This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality ... which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works. 40 CFR § 403.3(q) (emphasis added).

The plain language of the definition does not lend itself to the idea that many distinct treatment works owned by numerous municipalities can be a single POTW. Here, there are four distinct treatment works owned by different municipalities1, and each is a POTW under the above definition. Each of the four treatment works is owned (and operated) separately by different municipalities such that the entire system cannot be considered as a single POTW. While EBDA has certain oversight authorities on its members, these authorities do not extend to ownership (or operation) of any of its members' treatment works and plants. Nor by being a member of EBDA does the member share in the ownership of the other EBDA members' treatment plants.

Moreover, from other definitions in 40 Code of Federal Regulations (CFR) section 403.3, it is clear that the term “treatment,” for the purpose of compliance with secondary standards, is intended to apply at each treatment plant and not after comingleing with effluent from other treatment plants. As set forth above, a POTW includes devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. More specifically, 40 CFR section 403.3(r) states, “The term POTW Treatment Plant means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.”

Secondary standards are defined by the parameters biochemical oxygen demand (BOD) and total suspended solids (TSS). Wastewater from each of EBDA’s member agencies flows only to its own separate treatment plant. Treatment for BOD and TSS occurs only at each treatment plant, not at the EBDA common outfall or the EBDA dechlorination facility. As these technology-based limits are considered the minimum level of effluent quality that should be attained by a POTW, the tentative order proposes to require compliance with these limits at each individual treatment plant to ensure these minimum standards are met.

Allowing compliance with technology-based limits at the common outfall also allows for dilution from well-run facilities to offset higher pollutant loads from not as well-run facilities. This is clearly

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1 The Union Sanitary District, Oro Loma Sanitary District, and Castro Valley Sanitary District fall within the definition of municipality, which is defined as "a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and have jurisdiction over the disposal of sewage...." Clean Water Act § 1362(4).
not the intent of technology-based limits that were established to ensure the minimum level of treatment achievable by all facilities.

EBDA claims that Clean Water Act section 301(b)(1)(B) does not specifically mandate secondary treatment, but rather focuses on the quality of the effluent into navigable waters to bolster its argument that the compliance point should be at the end of the common outfall as opposed to at each treatment plant. The cited section requires all POTWs to meet “effluent limitations based on secondary treatment.” EBDA’s distinction is meaningless because the effluent limitations that must be met can only occur through the application of secondary or equivalent treatment at each POTW. To somehow suggest that POTWs do not have to implement secondary treatment at their plants is contrary to the Clean Water Act and how it has been implemented for more than 30 years.

As for EBDA’s other points, effluent from each of the four individual treatment plants does eventually all discharge to navigable waters. As such, limits are appropriate and authorized for these discharges from the plants to navigable waters. As pointed out by EBDA, 40 CFR section 122.41(j)(1) requires that all samples for compliance be representative of the monitored activity. The monitored activity in this case is whether each individually-owned and operated treatment plant meets minimum treatment standards required under the Clean Water Act; it is not the act of discharging to San Francisco Bay. Therefore, it is appropriate that the sampling points (i.e., compliance points) be located at the end of each treatment plant as proposed in the tentative order. Doing so does not somehow change whether the discharges are to navigable waters as EBDA asserts. Doing so also is not in conflict with Water Code section 13360. Section 13360 is a prohibition on specifying the manner of compliance including the location of where treatment facilities are located. It is not a prohibition on specifying the location of where sampling must be conducted to determine compliance as asserted by EBDA. Even if that is the intent and effect of section 13360, the Clean Water Act would preempt any conflicting requirements of section 13360. Moreover, Water Code section 13372 requires that the Water Code be construed to ensure consistency with the Clean Water Act.

**EBDA Comment 2:** This comment concerns pretreatment and biosolids monitoring requirements in the Tentative Order. EBDA believes its limited public resources should be focused on monitoring that provides useful information on constituents of current and/or emerging concern. Most monitoring efforts focus on the 126 Priority Pollutants constituents that were identified by US EPA approximately 30 years ago. Much has been done since then to reduce or ban their use and prevalence. As evidenced by the lack of Reasonable Potential (RP) for all other constituents except for copper and cyanide, pretreatment and pollution programs have been effective in reducing these constituents to below levels of water quality concern. Therefore, intensive monitoring of Priority Pollutants has little management value.

EBDA believes that the proposed monthly metals and semi-annual priority pollutant monitoring frequencies in Table E-5 for EBDA and the individual EBDA member WWTPs is unnecessary. This effort would add additional polycyclic aromatic hydrocarbon (PAH) and pesticide monitoring beyond current permit requirements. Instead, EBDA believes that reduced monitoring frequencies are appropriate for three reasons:

- First, the EBDA member and contributing LAVWMA agencies have mature and successful Pretreatment Programs that have been operating since the mid-1980s. It is unclear how, if at all, the proposed monitoring data provides information useful for making
management/enforcement decisions within the respective Pretreatment Programs. Such actions are typically based on individual Significant Industrial User (SIU) inspections and monitoring.

- In addition, based on Attachment H guidance for reduction of monitoring frequencies based on the number of SIUs regulated by a Discharger’s Pretreatment Program all but one of the EBDA and LAVWMA agencies have less than 50 SIUs in their service areas and are thus potentially eligible for a minimum monitoring frequency of once per year. EBDA’s permit application includes equivalent influent, effluent, and biosolids information to that requested in Attachment H that justify monitoring frequency reductions as part of its Annual Pretreatment Program Reports and the March 16, 2011 and February 17, 2005 Reports of Waste Discharge (If additional information is needed regarding interpretation of the influent and/or biosolids data, EBDA requests guidance on how to present historic influent and biosolids data to demonstrate that the concentrations are “very low” as specified in Appendix H-4).

- Finally, the Reasonable Potential Analysis (RPA) is conducted on the EBDA combined effluent discharge, not on the individual WWTP effluents. Therefore there is no need for these data on a twice per year and certainly not a monthly basis, for RPA purposes. The EBDA RPA results (Fact Sheet Table F-10) shows that with two exceptions, all the monitored priority pollutant organics were either non-detected (below the method detection limit (MDL)) or were estimated “J-flag” values (detected-not-quantified or DNQ). The two exceptions were dioxin-TEQ (for which there is no CTR objective) and 1,4-Dichlorobenzene which was detected at a concentration over 10,000-fold below the corresponding CTR water quality objective.

EBDA requests that the Influent-M-INF-x and Effluent M-002-x monitoring frequencies for the EBDA member WWTPs in Table E-5 be reduced to once per year for all priority pollutants, including metals and cyanide (excluding the ~$1,000 per analysis for dioxin-TEQ). This frequency will provide sufficient information to track long-term trends in influent loadings and removals across each WWTP and to compare to the combined EBDA M-001 effluent quality.

Alternatively, EBDA would accept semi-annual monitoring frequency at the combined effluent (M-001) for all priority pollutants and dioxin TEQ, and monthly for copper and cyanide (i.e. those constituents for which there are effluent limits). As noted above, EBDA does not believe that monthly or quarterly monitoring for other metals provides information useful for pollution management actions.

EBDA believes that the above recommendations are technically sound, protective of water quality, make appropriate use of public funds, and can and should be included in the Tentative Order. EBDA believes that the effluent quality data supports the requested monitoring frequency reduction to once per year monitoring.

Response: We have not made changes in response to this comment. The alternative proposed by EBDA (semi-annual monitoring for priority pollutants and dioxin-TEQ, and monthly monitoring for metals at the Common Outfall) is already a requirement proposed in the tentative order. While the EBDA members have mature pretreatment programs, we do not believe they have provided sufficient information for us to reduce monitoring requirements to once per year at each individual
treatment plant. This is because there is always the possibility that individual treatment plants may receive a slug of pollutants from an unknown source even if significant industrial users are well regulated. In our view, the monitoring frequency proposed in the tentative order for influent, effluent, and biosolids at individual treatment plants is the minimum necessary to ensure the effectiveness of pollution prevention and pretreatment programs and as a means for detecting illicit discharges into the system. That said, the Pretreatment Program Provisions, included in Attachment H, do provide EBDA and its members with the opportunity to request a reduction in influent, effluent, and biosolids monitoring if it documents nondetect levels in its effluent and very low (i.e., near nondetect) levels for influent and biosolids monitoring for a minimum of eight previous years' worth of data. However, neither EBDA nor its members have provided an analysis to show that influent and biosolids contain low levels, nor do the reports of waste discharge from 2011 and 2005 appear to include all data from the previous eight years. Therefore, we do not believe that a reduction in the monitoring frequency is appropriate at this time.

II. U.S. Environmental Protection Agency (USEPA)

USEPA Comment 1: USEPA supports the revised requirement that each publicly owned treatment work (POTW) separately meet the technology-based effluent limits for secondary treatment at 40 CFR 133 prior to comingling for discharge through the Common Outfall.

According to the Clean Water Act section 301(b)(1)(B), POTWs must meet technology-based effluent limits for secondary treatment. Technology-based effluent limits are to be met with treatment technology, not through non-treatment mechanisms, such as dilution which occurs as these effluents are comingled for discharge through the Common Outfall (40 CFR 125.3(f)). Moreover, the past practice of determining compliance with secondary treatment standards in the comingled effluent is inappropriate, as the Common Outfall fails to meet the definition of a POTW because it does not convey waste to a treatment plant. (A POTW is defined as "...any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant..." (40 CFR Parts 122.2 and 403.3.))

Consequently, USEPA supports the proposed permit requirement that facility effluents be monitored and compliance with secondary treatment standards be determined immediately following treatment at each treatment plant.

Response: We appreciate USEPA's support that compliance with secondary treatment standards be determined immediately following treatment at each POTW (see also Response 1 to EBDA).

III. San Francisco Baykeeper (Baykeeper)

Baykeeper Comment 1: Baykeeper indicates that the Draft Permits must require Dischargers to produce a detailed sewer system management plan to administer their wastewater treatment plants and collection systems. Baykeeper indicates that the Draft Permits are incomplete because they do not require the Dischargers to prepare a Sewer System Management Plan ("SSMP"). According to
Water Board Order No. 2006-0003-DWQ, all owners of sanitary sewer systems must develop and implement a system-specific SSMP that includes provisions to provide proper and efficient management, operation, and maintenance of sanitary sewer systems. Order No. 2006-0003-DWQ, 2. Specifically, each SSMP must include several elements, including, but not limited to, plans for condition assessment, operation and maintenance, design and performance, overflow emergency response, communications, FOG control, system evaluation and capacity assurance, monitoring and measuring modifications, and SSMP program audits. See Order No. 2006-0003-DWQ, 10 to 15. If the Dischargers have already prepared SSMPs to comply with the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (“Statewide WDRs”), the Draft Permits or their corresponding Fact Sheets should, at the very least, discuss the elements of each SSMP.

Response: We have not made changes in response to this comment. The dischargers are all currently subject to Order No. 2006-0003-DWQ (Statewide General Waste Discharge Requirements for Sanitary Sewer Systems). As Order No. 2006-0003-DWQ already requires that dischargers develop and implement a system-specific Sewer System Management Plan, and each discharger has already done so, it is unnecessary to include this duplicative requirement in the tentative order. The suggestion to summarize the plans in the permit is without basis or purpose and would only add to the already significant local agency and Regional Water Board staff time needed to reissue a permit.

Baykeeper Comment 2: Baykeeper indicates that the Draft Permit must prohibit all spills from the sewer collection system. Discharge Prohibition E is insufficient because it fails to prohibit sanitary sewer overflows that result in discharges of untreated or partially treated wastewater to California waters, not just waters of the United States: EBDA Permit, 12; Livermore Permit, 10; DSRSDF Permit, 10. The Clean Water Act (“CWA”) is not the only law that prohibits sewage discharges – the California Water Code forbids all discharges to state waters that violate California water quality standards, precluding the Regional Board from authorizing discharges that violate such standards. Water Code § 13304(a), 13263, 13377. In addition, the Statewide WDRs prohibit overflows that create a public nuisance. Order No. 2006-0003-DWQ, 7. Therefore, the Regional Board should revise Discharge Prohibition E in the Draft Permits to read, “Any sanitary sewer overflow that results in a discharge of untreated or partially treated wastewater to waters of the United States and California is prohibited.” The Regional Board has authority to prohibit such discharges under section 13243 of the California Water Code. This revision is necessary to ensure that beneficial uses are not impaired by harmful spills of raw sewage.

Response: We have not made changes in response to this comment. The tentative order would prohibit illicit discharges to waters of the United States, which is where the focus should appropriately remain at this time. To revise the prohibitions to include State waters as Baykeeper requests would in essence add groundwater to the mix and thus diffuse the focus of efforts to eliminate discharges to surface waters where the threat to water quality remains the greatest. The prohibition in the tentative order, coupled with the requirements of Order No. 2006-0003-DWQ, are sufficient to ensure that these dischargers properly operate and maintain their respective collection systems so untreated wastewaters are not discharged and that any discharges are minimized.

Furthermore, while the prohibition would not specifically include discharges to waters of the State, this does not mean that the tentative order would permit such discharges. Such discharges would be in violation of Water Code section 13260, which requires that any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the...
State file a report of waste discharge. Such discharges would be directly enforceable under Water Code sections 13304 and 13350.

Baykeeper Comment 3: Baykeeper indicates that the Draft Permit for EBDA must include an additional discharge point for Wet Weather Diversions and require the Discharger to sample these diversions for pollutants. The Draft Permit for EBDA allows the San Leandro and Oro Loma Treatment Plants to discharge a portion of their secondary treated effluent from overflow weirs instead of the common outfall. EBDA Permit, F-8. This potential overflow discharge must be listed as a discharge point in the permit. The EBDA Draft Permit should also require the Discharger to sample this effluent for CBOD, TSS, pH, oil and grease, residual chlorine, and all priority pollutants in the event of a discharge to ensure compliance with water quality standards.

Response: We have not made changes in response to this comment. Contrary to the Baykeeper’s assumption, the tentative order does not propose to permit routine discharges from the San Leandro or Oro Loma treatment plant overflow weirs; so it would be inappropriate to add discharge points for them. The purpose of the language in the Fact Sheet is simply to recognize that discharges via these overflow weirs could occur in an extreme weather event (i.e., 10-year storm or greater). As stated in the Fact Sheet (page F-8), these discharges would be subject to the requirements in Federal Standard Provisions section I.G. This means that if such discharges occur, the Regional Water Board may take an enforcement action for bypass, unless the discharger documents that (a) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, (b) there were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and (c) it has submitted notice to the Regional Water Board.

In the event the discharger routes treated wastewater via the overflow weirs to San Francisco Bay, the tentative order already proposes to require monitoring for all pollutants with effluent limits except for chronic toxicity. This is because such a discharge is subject to bypass requirements under Regional Standard Provisions section III.A.3.b (5).

Baykeeper Comment 4: Baykeeper indicates that the Draft Permits must conduct a complete reasonable potential analysis that fully addresses pharmaceuticals, chemicals from personal care products, and sediment toxicity. The Draft Permits are inadequate because their reasonable potential analyses (“RPA”) are incomplete – the RPAs do not address all of the pollutants discharged from the Dischargers’ facilities that could potentially impair the water quality of the San Francisco Bay. The CWA requires NPDES permits to include effluent limitations for all pollutants that may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of narrative or numeric water quality standards. 40 CFR 122.44(d)(1)(i). However, the Draft Permits ignore several pollutants that are most likely present in the Dischargers’ wastewater, including antibiotics, contraceptives, various medicines, nanoparticles from sunscreen, and chemical fragrances. The active ingredients of these products are typically not removed by wastewater treatment processes because standard treatment plants are not designed to remove a wide variety of compounds. Even though the impacts of these substances are not widely known, many cause severe ecological and human harm. For example, studies show that triclosan, the active ingredient in many antibacterial products that has been detected in the San Francisco Bay, is acutely and chronically toxic to aquatic organisms and bioaccumulates at an extremely high rate. Since the Draft Permits do not consider the presence of any of these substances in wastewater, the Permits must be revised. At the very least, the Draft Permits should require the Dischargers to
independently monitor and test for chemicals from pharmaceuticals and personal care products in their wastewater to ensure that there are no exceedances of narrative water quality standards. Also, according to the third trigger for a RPA, the Dischargers must conduct a RPA if monitoring results show a potential for adversely impacting beneficial uses. See EBDA Permit, F-22; Livermore Permit, F-16; DSRSD Permit, F-18.

The RPAs also fail to analyze the potential for impairing sediments in San Francisco Bay. According to the Sediment Quality Objectives ("SQO") for enclosed bays and estuaries, sediments may not have pollutants in quantities that are harmful to benthic communities, wildlife, resident finfish, or human health. SQO Policy. 3. Despite this mandate, the Draft Permits dismisses the SQOs because "there is no evidence directly linking compromised sediment conditions to the discharges subject to this Order." EBDA Permit, F-26; Livermore Permit, F-21; DSRSD Permit, F-22. Instead, the Draft Permits should explicitly require the Dischargers to monitor sediment pollutants in order to gather the evidence necessary for a RPA during the next permit cycle. This provision would ensure that the Dischargers are following the CWA's process for determining when effluent limitations are needed to comply with water quality standards, 40 CFR 122.44(d)(1).

**Response:** We have not made changes in response to this comment. We are not aware of promulgated water quality standards that would allow us to perform a reasonable potential analysis for the compounds Baykeeper suggested. While we share some of Baykeeper's concern that some of the compounds have been detected in the Bay, there is insufficient information to specifically determine if the levels detected are causing actual problems, or how to translate a potential problem into a numeric limit.

Until sufficient information is available, the tentative order, as does nearly all other permits in this region, would require compliance with the Basin Plan's toxicity objective, through acute and chronic toxicity testing, and compliance with limitations if appropriate. Toxicity tests would measure unregulated pollutants, such as personal care products and pharmaceuticals, or pollutants with synergistic effects in the discharges. Both of these tests are conducted on the most sensitive species available and serve as indicators for protecting all other aquatic life in San Francisco Bay. Including mortality, the chronic toxicity tests especially measure for sublethal impacts, such as changes in reproduction or growth from these unregulated compounds.

That said, we are working with the San Francisco Estuary Institute (SFEI) to better understand personal care products and pharmaceuticals and identify any that we should target for further monitoring. For example, SFEI measured triclosan at detectable concentrations in San Francisco Bay but found them to be less than the known toxicity threshold for this pollutant. Moving forward, SFEI has a workgroup through the Regional Monitoring Program (RMP) that is addressing emerging contaminants and is expected to produce a report on next steps in spring 2012. The RMP has and is currently funded in large part by all Bay dischargers.

In regards to sediment monitoring, the tentative order would require these dischargers to participate in the RMP. Through this effort, additional sediment toxicity data are being collected that will allow us to revisit whether the discharge may be impacting sediment quality. The State Water Board's *Water Quality Control Plan for Enclosed Bays and Estuaries—Part I, Sediment Quality* requires a multiple lines of evidence approach (toxicity, chemistry, and benthos) to determine impairment. For San Francisco Bay sites identified as impacted, SFEI is working on how to conduct a stressor analysis to determine the causal factors behind toxicity. This is a necessary step before we can
conduct a linkage analysis to identify sources of sediment toxicity. Given the complex nature of assessing sediment quality, we believe it’s most effective to require all San Francisco Bay dischargers to support the RMP as opposed to requiring individual dischargers to attempt this complex and costly work by themselves.

**Baykeeper Comment 5:** The Regional Board must assess the environmental impacts of all major facility upgrades under the California Environmental Quality Act. The Draft Permits unlawfully exempts all existing and future facility upgrades from review under the California Environmental Quality Act ("CEQA"). According to the Draft Permits, the Dischargers are planning several major upgrades to their facilities, including multimillion dollar upgrades to the City of Hayward Water Pollution Control Facility, Oro Loma and Castro Valley Sanitary District Treatment Plant, San Leandro Water Pollution Control Plant, Livermore Treatment Facility, and DSRSD Facility. EBDA Permit, F-6 to F-7; Livermore Permit, 9; DSRSD Permit, 10. These considerable projects could result in environmental impacts that are not reviewed by the Regional Board during the NPDES permit renewal process, such as the impacts associated with increased air emissions, traffic, land use, and greenhouse gas emissions. Since these potential environmental impacts are not addressed by the NPDES permit review process, the Draft Permits are not the functional equivalent of environmental impact reports prepared pursuant to CEQA. The Regional Board should assess all of the environmental impacts associated with these projects, not just water-related impacts.

**Response:** We have not made changes in response to this request. Under Water Code section 13389, Regional Water Boards are not required to comply with CEQA prior to adoption of NPDES permits, except for new sources, which these proposed facility upgrades are not.

However, this does not mean that dischargers are exempt from CEQA for the potential environmental impacts pointed out by Baykeeper, such as air emissions, traffic, land use, and greenhouse gases. Before Union Sanitary District, the City of Livermore, or Dublin San Ramon Services District can increase their respective capacities, each of the tentative orders requires these dischargers to comply with CEQA (see Provision C.2.d in all three tentative orders). In the case of other construction activities not related to flow increases, the dischargers are responsible for compliance with CEQA and must complete a negative declaration, mitigated negative declaration, or Environmental Impact Report as deemed appropriate by the local lead agency. NPDES permit coverage in general for the discharges does not exempt the dischargers from their responsibility to comply with CEQA.

**IV. Revisions Initiated by Regional Water Board Staff**

In addition to minor editorial and formatting, Regional Water Board staff has made the revisions below to: (1) improve and add clarity to the requirement that the discharge must achieve a minimum initial dilution of 79:1, (2) remove duplicative requirements for chronic toxicity (i.e., monitoring requirements are already included in the monitoring and reporting program), (3) clarify Fog Management Program requirements, and (4) modify Attachment G to replace a discontinued regional electronic reporting system with a current statewide system.
Discharge Prohibition III.B (page 11)

Discharge of treated wastewater that does not receive an initial dilution of at least 79:1 (nominal) is prohibited. Compliance shall be achieved by proper operation and maintenance of the discharge outfall to ensure that it (or its replacement, in whole or in part) is in good working order, and is consistent with, or can achieve better mixing than that described in the Fact Sheet (Attachment F). The Discharger shall address measures taken to ensure this in its application for permit reissuance.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS
D. Whole Effluent Chronic Toxicity – Discharge Point No. 001 (page 14)

2. The Discharger shall comply with the following tiered requirements based on results from representative samples of the effluent at M-001 as described in the MRP (Attachment E). Compliance with the Basin Plan narrative chronic toxicity objective shall be demonstrated according to the following tiered requirements based on results from representative samples of the treated final effluent meeting test acceptability criteria and complying with MRP section V.B. (Attachment E):

a. Conduct routine monitoring.

b. Accelerate monitoring after exceeding a three sample median of 10 TUE or a single-sample maximum of 20 TUE or greater. Accelerated monitoring shall consist of monthly monitoring:

i. A TUE equals 100/NOEL. The No Observable Effect Level (NOEL) shall equal to the \( IC_{25} \) or \( EC_{25} \) (see Attachment E, Appendix E.1). If the \( IC_{25} \) or \( EC_{25} \) cannot be statistically determined, the NOEL shall equal the No Observable Effect Concentration (NOEC) derived using hypothesis testing. The NOEC is the maximum percent effluent concentration that causes no observable effect on test organisms, based on a critical life stage toxicity test. The NOEL shall be based on a critical life stage test using the most sensitive test species as specified in MRP section V.B (Attachment E). If two compliance test species are specified, compliance shall be based on the maximum TUE value of the discharge samples based on a comparison of TUE values obtained through concurrent testing of the two species.

c. Return to routine monitoring if accelerated monitoring does not exceed the “trigger” in b., above.

d. If accelerated monitoring confirms consistent toxicity above the “trigger” in b., above, initiate toxicity identification evaluation/toxicity reduction evaluation (TIE/TRE) in accordance with a workplan submitted in accordance with MRP section V.B (Attachment E) that incorporates any and all comments from the Executive Officer.

e. Return to routine monitoring after appropriate elements of the TRE workplan are implemented and either the toxicity drops below “trigger” levels in b., above, or, based on the TRE results, the Executive Officer authorizes a return to routine monitoring.
Provision VI.C.4d - Fog Management Program (page 24)

If the Discharger receives hauled in organic wastes, including fats, oils, grease, or food processing wastes for injection into an anaerobic digester, into its treatment works, the Discharger shall develop and implement standard operating procedures (SOPs) for this activity. The SOPs shall address spill prevention, spill response, prevention of the introduction of materials that could cause interference, pass through, or upset of the treatment processes, or cause a process upset, vector control, and operation and maintenance procedures. The Discharger must operate the system in compliance with all permit effluent limitations, conditions, prohibitions, and requirements. The Discharger shall provide training to its staff on the SOPs and shall maintain records onsite for a minimum of three years documenting for each load received, describing the hauler, waste type, and amount, the type and amount of waste in the load and the hauler for a minimum of 3 years.

Monitoring and Reporting Program (page E-7)

Insert new B.1c

Definition of TlC. Chronic toxicity is measured in terms of TlC. TlC = 100/NOEL. The No Observable Effect Level (NOEL) shall equal to the IC25 or EC25 (see Attachment E, Appendix F-1). If the IC25 or EC25 cannot be statistically determined, the NOEL shall equal to the No Observable Effect Concentration (NOEC) derived using hypothesis testing. The NOEC is the maximum percent effluent concentration that causes no observable effect on test organisms based on a critical life stage toxicity test.

Fact Sheet (page F-5)

EBDA Common Outfall. EBDA is comprised of five member agencies: City of Hayward, Oro Loma Sanitary District, Castro Valley Sanitary District, City of San Leandro, and Union Sanitary District. EBDA conveys treated wastewater from its member agencies together with treated wastewater from LAVWMA, which is comprised of wastewater from the City of Livermore, DSRSD, to a dechlorination station near the San Leandro Marina (Marina Dechlorination Facility). The treated wastewater is dechlorinated by sodium bisulfite before being discharged from the EBDA Common Outfall to Lower San Francisco Bay, a water of the United States within the San Francisco Bay Watershed. The outfall’s diffuser is located 37,000 feet from shore, 23.5 feet below the water surface, and includes 251 special bell mouth riser ports with a 6-inch diameter that split into two 3-inch perpendicular discharge points that open every eight feet along the last 2,000 feet of outfall pipe. The diffuser is designed to provide a minimum initial dilution of greater than 10:1. At current flows, a minimum initial dilution of 95:1 is achieved.

Fact Sheet (page F-16)

Discharge Prohibition III.B (Discharge of treated wastewater that does not receive a minimum initial dilution of 79:1 is prohibited): This Order allows a conservative estimate of the actual initial dilution credit of 79:1 to calculate WQBELs for ammonia, based on information of dilution achieved by the Discharger’s current outfall. Thus, this prohibition is necessary to ensure that the assumptions used to derive the dilution credit remain substantially the same so that the limitations are protective of water quality. This is discussed further in section IV.C.4.b of this Order. These
WQBELs would not be protective of water quality if the discharge did not actually achieve at least a 79.1 minimum initial dilution, thus this prohibition is necessary and warranted.

Modifications to Attachment G

At VIII.A of the MRP, revise as follows:

A. General Monitoring and Reporting Requirements

The Discharger shall comply with all Federal Standard Provisions (Attachment D) and Regional Standard Provisions (Attachment G) related to monitoring, reporting, and recordkeeping, with modifications shown in VIII.D below.

... 

After VIII.C of the MRP, add subsection VIII.D as follows:

D. Modifications to Attachment G

1. V.C.1.f. and V.C.1.g. are revised as follows, and V.C.1.h. (Reporting data in electronic format) is deleted.

   f. Annual self monitoring report requirements

   By the date specified in the MRP, the Discharger shall submit an annual report to the Regional Water Board covering the previous calendar year. The report shall contain the following:

   1) Annual compliance summary table of treatment plant performance, including documentation of any blending events (This summary table is not required if the Discharger has submitted the year's monitoring results to CIWQS in electronic reporting format by EDF/CDF upload or manual entry);

   2) [subsection V.C.1.f.2] is unchanged from Attachment G;

   3) Both tabular and graphical summaries of the monitoring data for the previous year if parameters are monitored at a frequency of monthly or greater (This item is not required if the Discharger has submitted the year's monitoring results to CIWQS in electronic reporting format by EDF/CDF upload or manual entry);

   [subsections V.C.1.f.4) through to and including V.C.1.f.7] unchanged from Attachment G

   g. Report submittal

   The Discharger shall submit SMRs addressed as follows, unless the Discharger submits SMRs electronically to CIWQS:

   California Regional Water Quality Control Board
   San Francisco Bay Region
   1515 Clay Street, Suite 1400
h. Reporting data in electronic format – Deleted

2. V.E.2.a. and V.E.2.c. are revised as follows, and subsections V.E.2.b. (24-hour Certification) and V.E.2.d. (Communication Protocol) are deleted:

2. Unauthorized Discharges from Municipal Wastewater Treatment Plants\footnote{Cal. Code of Regs., tit 23, § 2250(b), defines an unauthorized discharge to be a discharge, not regulated by waste discharge requirements, of treated, partially treated, or untreated wastewater resulting from the intentional or unintentional diversion of wastewater from a collection, treatment or disposal system.}

The following requirements apply to municipal wastewater treatment plants that experience an unauthorized discharge at their treatment facilities and are consistent with and supersede requirements imposed on the Discharger by the Executive Officer by letter of May 1, 2008, issued pursuant to California Water Code Section 13383.

a. Two (2)-Hour Notification

For any unauthorized discharges that result in a discharge to enter a drainage channel or a surface water, the Discharger shall, as soon as possible, but not later than two (2) hours after becoming aware of the discharge, notify the State Office of California Emergency Services Management Agency (CalEMA currently 800-852-7550), the local health officers or directors of environmental health with jurisdiction over the affected water bodies, and the Regional Water Board. The Timely notification by the Discharger to CalEMA also satisfies notification to the Regional Water Board's online reporting system at www.wbers.net, and Notification shall include the following:

[Subsections V.E.2.a.1) through to and including V.E.2.a.6) is unchanged from Attachment G]

b. 24-hour Certification – Deleted

c. 5-day Written Report

Within five business days, the Discharger shall submit a written report, via the Regional Water Board's online reporting system at www.wbers.net, that includes, in addition to the information required above, the following:

[Subsections V.E.2.c.1) through V.E.2.c.7) unchanged from Attachment G]

d. Communication Protocol - Deleted
ITEM NO. 11 REPORT FROM THE OPERATIONS AND MAINTENANCE COMMITTEE

The Operations and Maintenance Committee, Chair Francis and Commissioner Dias, will meet with the General Manager on Monday, January 23, 2012. A copy of the Committee agenda is attached.

The Committee will discuss EBDA performance and the status report on O&M projects. In addition, the Committee will consider a resolution adopting a Memorandum of Understanding between the Authority and the City of Hayward for use of the Hayward Ponds for emergency storage of secondarily-treated wastewater as needed during wet weather events. The resolution is presented separately as Agenda Item No. 12.

Recommendation
Approve the report from the Operations and Maintenance Committee.
OPERATIONS & MAINTENANCE COMMITTEE
AGENDA

Monday, January 23, 2012
9:00 A.M.

East Bay Dischargers Authority
2651 Grant Avenue, San Lorenzo, CA 94580

OM1. Call to Order

OM2. Roll Call

OM3. Public Forum

OM4. EBDA Performance
(The Committee will be updated on EBDA’s NPDES report.)

OM5. Status Report
(The Committee will be updated on EBDA’s O&M activities.)

OM6. Resolution Authorizing the General Manager to Execute a Memorandum of Understanding Between East Bay Dischargers Authority and the City Hayward for Use of the Hayward Ponds
(A resolution approving a Memorandum of Understanding with the City of Hayward for the use of the Hayward Ponds for emergency overflow.)

OM7. Adjournment

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at (510) 278-5910 or ladams@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are also posted on the East Bay Dischargers Authority website located at http://www.ebda.org.

(Any member of the public may address the Committee at the commencement of the meeting on any matter within the jurisdiction of the Committee. This should not relate to any item on the agenda. Each person addressing the Committee should limit their presentation to three minutes. Any member of the public desiring to provide comments to the Committee on any agenda item should do so at the time the item is considered. Oral comments should be limited to three minutes per individual or ten minutes for an organization. Speaker’s cards will be available and are to be completed prior to speaking.)

The next O&M Committee meeting will be held
Monday, February 13, 2012 at 9:00 a.m.
ITEM NO. OM4 EBDA PERFORMANCE

This information is a standing agenda item for both the O&M Committee and the Regulatory Affairs Committee. The detailed package is included in the Regulatory Affairs Committee agenda. The NPDES report shows that EBDA’s performance continues to operate within the normal range.

Please see the Regulatory Affairs Committee agenda, Item No. RA4, for November permit compliance data.

ITEM NO. OM5 STATUS REPORT

Alvarado Effluent Pump Station (AEPS)
Per previous discussions with Operations and Maintenance Committee (O&M) and the Managers Advisory Committee (MAC), staff has prepared a Request for Proposal (RFP) that will provide recommendations for determining:

- The most efficient operating strategy using existing equipment; and,
- The optimum pumping design using the existing building and wet well infrastructure; and
- The best strategy for equipment replacement.

Letters requesting proposals for this project were mailed to the following Consulting Firms:

- Carollo Engineers
- HDR, Engineering
- Kennedy/Jenks Consultants
- Winzler & Kelly

These firms were selected with assistance from the MAC and were chosen for their past work on this particular station or familiarity with both EBDA and/or the USD. The bids are scheduled to be received by 2:00 PM on February 24, 2012.

Hayward Effluent Pump Station (HEPS)
No change all equipment is operating as designed.

Oro Loma Effluent Pump Station (OLEPS)
D.W. Nicholson (DWN) provided a quote for replacement of a damaged 24-inch valve stem in the amount of $7,135. A purchase order and subsequent Notice to Proceed (NTP) was issued to DWN in November. The stem has been ordered and is scheduled
to ship on January 31, 2012. The valve stem replacement is expected to be scheduled for February depending upon weather.

The high-pressure water pumps are scheduled via the Replacement and Renewal Fund (RRF) for replacement this fiscal year. Both units have been rebuilt previously, to extend their initial useful life by an additional 10 years. The units are demonstrating a loss of efficiency requiring replacement at this time. RRF has approximately $22,000 allocated for this purchase and installation. Staff has acquired three quotes as follows:

| E & M Electrical and Machinery | $40,512 |
| Pump Repair Services           | $38,614 |
| Layne Pump Company             | $52,022 |

The RRF’s allotted amount for replacement covered the purchase of pumps and motors. The installation costs were under estimated when forecasting these expenditures, thus the discrepancy. Staff recommends accepting the low bid of Pump Repair Services.

**San Leandro Effluent Pump Station (SLEPS)**
No change all equipment is operating as designed.

**Sky West Pump Station**
No change; all equipment is operational.

**Marina Dechlorination Facility (MDF)**
Staff previously reported on the condition of the under drain and sewage pump/vault systems. The under drain piping is constructed of ductile iron is beginning to show signs of failure including joint leaks, pitting and fracture cracks. A large percentage of the pipe is above the exposed force main, requiring construction of scaffolding to facilitate repairs. Staff consulted with City of San Leandro (CSL) maintenance staff in preparing the bid package and conducted bid walks in November with three local plumbing contractors. The bid was awarded to Frank Bonetti Plumbing with a scheduled starting date of January 23rd. The project is expected to be completed by January 27th.

The sewage pumps at this location are original equipment. The useful life as defined by the RRF was extended an additional five years in 2007 after both pumps were rebuilt. The valves and plumbing in the vault are in various stages of disrepair and are in need of replacement. The RRF has approximately $32,000 appropriated for these repairs. The first estimate to replace the pumps, associated plumbing and hardware using stainless steel, valve box extension with bypass, and a new access hatch was quoted to be $110,000.

Staff acquired a second cost estimate to replace the pumping units, guide rails and associated hardware in the amount of $45,000. The notable cost differential is the elimination of an external valve box and bypass option of the discharge plumbing.
The MAC requested that staff review the hydraulic flow entering the sewage wet well to determine the pros and cons of a different flow management strategy. The O&M Manager will give an oral presentation of these findings during the meeting.

The EBDA National Pollutant Discharge Elimination Permit (NPDES) will require a change in bacteria sampling protocol beginning in March of 2012. The coliform sampling will be augmented with enterococcus. EBDA and the CSL lab department staff have determined that a change in sampling points from the MDF sampling sink, which is the current practice to the meter vault, will provide a more representative sample and reduce the likelihood of permit violation due to bacterial re-growth in the sampling pipe. This sample will be grabbed three times per week by CSL Operations staff and delivered to the lab for measurement.

**Force main**

Sixty-three Underground Service Alert (USA) tickets were received by EBDA during the month of December. None of the tickets required marking of the force main or field meetings.

EBDA staff has historically believed that the EBDA force main and outfall system have a useful life of 50-80 years, but the longevity of these systems is not easy to gauge. The South Bayside System Authority (SBSA)'s conveyance system was constructed approximately five years prior to the EBDA force main and outfall disposal system. There are differences in the systems the most notable being influent (SBSA) compared to treated effluent (EBDA). The construction challenges that SBSA is facing would be similar to repairs/permits that EBDA would encounter. EBDA staff is beginning the process in the Asset Management Program of better evaluating the long-term health of the force main system. The following article is an excerpt from the South Bayside System Authority's (SBSA) quarterly newsletter.

"This issue contains two updates on how SBSA is working to upgrade its conveyance system in conformance with recommendations from the Conveyance System Master Plan (CSMP). One article singles out the 48-inch Reliability Improvement Project portion of the conveyance system, which involves replacement of nearly 2.5 miles of the 48-inch pipe. The project is very complex and expensive due to the complications of getting such a large pipe through extremely sensitive areas. This new section of force main will involve these unique challenges and complexities:

- **A Variety of Jurisdictions and Land Ownership** - The force main route crosses property within the borders of the federal government, San Mateo County, City of San Carlos and the City of Redwood City. Additionally, the Bay Conservation and Development Commission, the US Army Corps of Engineers, US Fish and Wildlife Service, the State Fish and Game and the SF Regional Water Quality Control Board all have jurisdiction..."
somewhere along the proposed alignment and in some cases, there are multiple jurisdictions in the same area. Significant sections of land along the route are privately owned and as a result private easements will need to be secured.

- **Unusually Challenging and Variable Soil Conditions** - Much of the route is located in areas of Young Bay Mud, which is considered one of the world’s most difficult soils to construct utilities.

- **Three Watercourse Crossings; Two Sloughs and One Creek** - Economics and environmental considerations will likely dictate micro-tunnel crossings under the two sloughs surrounding Bair Island to the north and south and Redwood Creek.

- **Environmentally Sensitive Baylands** - Protected plant and animal species exist along much of the proposed route, necessitating environmental reviews and permits.

- **Urban Congestion** - A high degree of urban congestion exists along the proposed route including: office buildings, an airport, extensive underground utilities, and high voltage power lines.

- **Mandatory Continuous Functionality** - The existing force main must remain fully functional during construction of the new force main until the complete switchover to the new force main. SBSA and its consultants have been working hard to meet all of these challenges. We will keep you posted as we continue to make progress.

The SBSA Commission at its December meeting approved initiation of seven new projects identified in the 10-year Capital Improvement Program (CIP), all related to the conveyance system. The conveyance system is comprised of pump stations, force main, flow equalization, and headwork’s facility. As noted in the Manager’s Column in SBSA’s last newsletter, the Commission in October accepted the Conveyance System Master Plan (CSMP) and directed staff to begin implementation of the identified projects. SBSA’s conveyance system is in critical need of rehabilitation. The force main is an old bell-and-spigot concrete pipe that is susceptible to moving as the soil surrounding it shifts and has been experiencing leaks and subsequent repairs for years. The pump stations are past their useful life, requiring significant investment of maintenance labor and materials to try and insure their ability to pump the untreated wastewater until new facilities can be constructed. A systematic approach and schedule under which the projects will be implemented has been prepared. The overall plan will allow the series of elements that make up the conveyance system program to be integrated and completed in a sensible and effective way. Thus far, work on the 48-inch diameter section of the force main has begun and the majority of that section of pipe is moving into the final design stages of work. Staff recently interviewed and selected an engineering firm to finalize an alignment for the 54-inch diameter section of force main and a scope of work and budget will be presented to the Commission at the February 2012 meeting to begin the critical phase of the project. Negotiations with West Bay Sanitary District have just begun to establish SBSA’s ability
to use the Flow Equalization Facility (FEF) for many years. And staff has just interviewed and
selected an engineering firm to undertake preliminary design for the new pump stations; a
scope and budget for this work will also be presented to the Commission at the February 2012
meeting. Because all the elements of the conveyance system are interrelated, it is necessary to
have all the projects initiated so that staff can adequately address and manage the needs of the
overall program and properly allocate costs to each element of the conveyance system
program. The projects will be staged and scheduled to enable the work to be done in a
coherent and systematic manner but there may be elements in one project that need to be
reviewed to allow another project to continue to move forward. This is why the SBSA staff
requested the Commission to approve initiation of all the conveyance system projects. The
projects are:

- Flow Equalization Facility Improvements
- Redwood City Pump Station Improvements
- San Carlos Pump Station Improvements
- Belmont Pump Station Improvements
- Pump Station General Management and Support
- Pump Station Predesign and CEQA
- WWTP Headworks and Screening Facility

Update on 48-Inch Force Main Project Involving Bair Island
The SBSA Commission has approved engineering design services with Kennedy/Jenks
Consultants for the final design of the section of 48-inch force main that stretches from Bair
Island to the Redwood City Pump Station on Maple Street. The overall force main is comprised
of reinforced concrete pipe segments beginning with the 33-inch section between the Menlo
Park and Redwood City pump stations, a 48-inch diameter pipe extending from the Redwood
City Pump Station to the San Carlos Pump Station and a 54-inch diameter pipe extending to the
SBSA Treatment Plant. Flow from Belmont is pumped from the Belmont Pump Station and
discharged via a 28-inch pipe to the 54-inch pipe just downstream of San Carlos Pump Station.
Several factors went into “fast-tracking” repair of the 48-inch pipe that lies within Inner Bair
Island, which the U.S. Fish and Wildlife Service is currently converting to a tidal marsh wildlife
refuge. Once the conversion is complete, construction on Inner Bair Island will be nearly
impossible to perform. This section of pipe represents upwards of 74% of the historical leaks
from the SBSA conveyance system. The pipe is leaking because it is a single “o” ring bell and
spigot jointed concrete pipe which can separate at the joints when the ground surrounding it
moves. The ground surrounding the pipe moves significantly because it was installed almost
entirely in Young Bay Mud, which is characterized by extremely soft bay mud conditions, almost
like pudding. These conditions always pose challenges for design and construction of major
utilities and, given a pipe that can separate at its joints, leaks can and do readily occur. Staff has
noted an increase in the leaks from this section of pipe over the past two years. Replacing this
section of pipe as soon as practical is in the best interest of SBSA. In January 2010, the Commission approved a task order for Kennedy-Jenks to prepare a preliminary design (30% design level) for the entire 48-inch section. Some of the component projects are now nearing the 30% preliminary design phase and the US Fish and Wildlife Service and private developers have settled on their own construction schedules that significantly impact SBSA’s force main construction. Therefore, SBSA is highly motivated to ensure that the 48-inch force main repair and replacement is completed before any of these outside schedules impair the ability for SBSA to construct.”

**Miscellaneous Items:**

**Russell City Energy Project (RCEP):** No issues of concern have arisen over the past month.

**Asset Management Project:** EBDA has contracted with GHD to review and improve the Authority’s current asset management program and funding strategy. The project will include assessing asset values; capital needs projection to ascertain the full lifecycle costs for all assets; developing an asset hierarchy; perform funding scenarios to determine a sustainable funding plan to meet future capital needs and the development of an asset management plan based upon the results of the previous steps.

The initial project kickoff meeting was held on October 26th. The overall EBDA system was discussed in detail and a framework for a system hierarchy developed for asset allocation.

A second workshop was conducted December 7th. The hierarchy and asset register was compared to determine inconsistencies within the internal data bases, consisting of the accounting software, RRF (excel) and CMMS. Staff is in the process of reconciling these databases and determining appropriate replacement costs for EBDA’s buildings, force mains/outfall and associated attributes. Once completed a third workshop will be scheduled to draft a criticality rating system of the EBDA assets.

The project will have two major impacts, first providing a clear framework for capturing the existing O&M Manager’s knowledge of the system for transfer to a successor and second providing a framework for capturing the needs for replacing the outfall and force mains.

**Flow Master Plan:** Bob Hoffman of Carollo submitted a draft technical memorandum of the feasibility of wet weather storage at the Hayward ponds. The memorandum was distributed to members of the MAC and Plant Managers Advisory Committee (PAC) for review prior to discussing at the January MAC meeting.
1. Summary sheets from the NPDES Report submitted to the RWQCB and
   EPA are attached for the month of: Dec-11

2. Number of violations reported in the above NPDES Report: None to Report

3. The violations included the following:

4. Preventive Maint. for the month of: Nov-11

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5. Unscheduled Maint. for the month of: Nov-11

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<td>Force Main</td>
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6. Other Items of significance: Dec-11
   a. FM: Calked overflow weir separating the OLSD effluent channel from EBDA overflow structure.
   b. AEPS:
   c. OLEPS: The 15-ton crane received and passed its annual certification.
   d. MDF: The backflow prevention device and annual hazardous material inspection were performed and passed/certified.
   e. HEPS:
   f. SLEPS: Installed a meter to measure SLWPCP electrical usage from SLEPS.
RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE GENERAL MANAGER TO ISSUE A PURCHASE ORDER TO PUMP REPAIR SERVICE IN THE AMOUNT OF $38,614 FOR THE REPLACEMENT OF ORO LOMA EFFLUENT PUMP STATION HIGH-PRESSURE PUMPS

WHEREAS, the East Bay Dischargers Authority advertised for bids for replacement of the Oro Loma Effluent Pump Station (OLEPS) high-pressure pumps in compliance with the requirements of the Public Contracts Code; and

WHEREAS, it has been determined by staff that the bid from Pump Repair Service is the lowest responsible bid, is in conformance with the bid specifications, and is an acceptable bid.

WHEREAS, the Operation & Maintenance Committee has recommended acceptance of the bid and authorization for the General Manager to issue a Purchase Order to Pump Repair Service for replacement of the OLEPS high-pressure pumps.

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby accepts the bid from Pump Repair Service.

BE IT FURTHER RESOLVED, the General Manager is hereby authorized to issue a Purchase Order on behalf of the Authority in the amount of $38,614 in accordance with the accepted bid.

SAN LORENZO, CALIFORNIA, ON JANUARY 26, 2012, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

________________________________________________________________________
CHAIR
EAST BAY DISCHARGERS COMMISSION

________________________________________________________________________
ATTEST:

________________________________________________________________________
GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
ITEM NO. 13 RESOLUTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN EAST BAY DISCHARGERS AUTHORITY AND THE CITY HAYWARD FOR USE OF THE HAYWARD PONDS

Background
In November 2011, the Commission directed staff to pursue a Memorandum of Understanding (MOU) with the City of Hayward for the use of its unused oxidation ponds for emergency storage of secondarily-treated effluent as needed during wet weather events. EBDA and Hayward staff worked together to negotiate the terms of the MOU. If approved, costs associated with the operation and maintenance of the ponds will add $10,000 to $20,000 to the annual budget but will reduce the risk of costly fines associated with sanitary sewer overflows. The Operations and Maintenance Committee will review the MOU at its January 23 meeting.

Recommendation
Staff recommends adoption of the attached resolution authorizing the General Manager to execute the Memorandum of Understanding for the use of the Hayward Ponds.
EAST BAY DISCHARGERS COMMISSION
EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 11-17
INTRODUCED BY ____________

RESOLUTION AUTHORIZING THE GENERAL MANAGER
TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN
EAST BAY DISCHARGERS AUTHORITY AND THE CITY OF HAYWARD
FOR USE OF THE HAYWARD PONDS

WHEREAS, the Authority provides collection, pumping, and dechlorination of
secondarily-treated wastewater for the City of Hayward and four other member
agencies, but its ability to receive effluent may be constrained during very large storms
at high tides.

WHEREAS, the City of Hayward has holding capacity in its old oxidation ponds
to accept secondary effluent from the Hayward treatment plant and store it prior to
release to the Authority’s system; and

WHEREAS, the City of Hayward never in the past exceeded its capacity rights in
the Authority system; and

WHEREAS, the parties recognize the need to ensure that the Authority does not
violate its NPDES permit for discharge to San Francisco Bay during very large storms at
high tides; and

WHEREAS, the Commission is familiar with provisions of the Memorandum of
Understanding (a copy of which is attached hereto);

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay
Dischargers Authority hereby approves and authorizes the General Manager to execute
the Memorandum of Understanding for the operation and maintenance of the Hayward
Ponds.

SAN LORENZO, CALIFORNIA, ON JANUARY 26, 2012, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

__________________________
CHAIR
EAST BAY DISCHARGERS COMMISSION

__________________________
ATTEST:

__________________________
GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
MEMORANDUM OF UNDERSTANDING BETWEEN  
EAST BAY DISCHARGERS AUTHORITY AND THE CITY OF HAYWARD  
FOR USE OF HAYWARD PONDS

This Memorandum of Understanding (MOU) is made this ___ day of February, 2012, between the East Bay Dischargers Authority, a joint powers authority (AUTHORITY) and the City of Hayward (HAYWARD), a municipal corporation, hereinafter jointly referred to as the PARTIES.

Recitals

1. The AUTHORITY provides collection, pumping, and dechlorination of secondarily-treated wastewater for HAYWARD and four other member agencies, but its ability to receive effluent may be constrained during very large storms at high tides.

2. HAYWARD has holding capacity in its old oxidation ponds (depicted in Attachment A hereto, and referred to as PONDS) to accept secondary effluent from the HAYWARD treatment plant and store it prior to release to the AUTHORITY’s system.

2.A. HAYWARD has never in the past exceeded its capacity rights in the AUTHORITY system.

3. The PARTIES recognize the need to ensure that the AUTHORITY does not violate its NPDES permit (CA0038636) for discharge to San Francisco Bay during very large storms at high tides and to ensure the AUTHORITY can safely operate the system and accommodate effluent from other AUTHORITY member agencies if flows exceed available capacity and storage.

Therefore, the PARTIES have entered into this MOU for the PONDS to be operated and maintained for temporary holding of secondarily treated effluent, and further agree as follows:

1. Operation and Maintenance of Hayward Ponds:

   A. HAYWARD agrees to:

      1. Make a portion of PONDS available for diversion and storage of some of HAYWARD’s effluent flows, up to 25 million gallons of effluent per twenty-four (24) hour period.

      2. Pump the diverted flows from the PONDS back into the AUTHORITY’s system in consultation with the AUTHORITY.

      3. Maintain the capacity and structural integrity of the PONDS for purposes of this MOU.

   B. The AUTHORITY agrees to:

      1. Give HAYWARD as much advance notice as possible that storage in the PONDS may be necessary, but at a minimum, notify HAYWARD at least one hour in advance when diversion is required.
2. Obtain from the Regional Water Board and other agencies all required permits or monitoring reports allowing use of the PONDS.

3. Reimburse HAYWARD for use of the PONDS according to the following schedule:
   a. $10,000 annual fee;
   b. $1,000 per storm event per day;
   c. $0.001 per gallon diverted.

4. Notify HAYWARD promptly when diversion of flow is no longer necessary.

II. **Indemnity:**

To the fullest extent provided by law governing the mutual and reciprocal obligation of public agencies, each PARTY agrees to hold harmless, indemnify and defend the other, its governing body, members, directors, officers, employees, and contractors from any and all losses, damages, liability claims or demands of whatever character, except those relating to non-compliance (which is not the result of the PARTIES' negligent acts or omissions) with effluent quality standards, including injury to person or property of any third party whatsoever proximately caused by the negligent act or omission of the indemnitor, its governing body, members, directors, officers, employees, or contractors in constructing, operating or maintaining PONDS.

III. **Insurance:**

The PARTIES shall exchange certificates of insurance coverage showing evidence of coverage for workers compensation and comprehensive general liability. The PARTIES agree to modify such coverage at the commercially reasonable request of the other PARTY and to inform the other PARTY of any changes in coverage or other limitations of coverage during the term hereof.

IV. **Changed Conditions:**

A. The PARTIES may from time to time agree upon changes in the operation of the PONDS as a detention basin for secondarily treated effluent, add flows from other sources in the EBDA system or make other alterations as will carry out the intent of the PARTIES. The following constitute changed conditions which may require review and amendments to this MOU:

1. RWQCB discharge requirements and other regulatory requirements are amended and such amendment(s) affect the cost of supplying water to or operating the PONDS.

2. The AUTHORITY or HAYWARD makes changes in operating conditions in HAYWARD's system affecting the cost of supplying water to the PONDS.
3. The AUTHORITY may desire to increase its authorized use of the PONDS.

4. HAYWARD may desire to decrease its authorized use of the PONDS by AUTHORITY.

V. Ownership of Facilities and Responsibility for Operation:
The PONDS are owned and operated by HAYWARD. While HAYWARD may use these PONDS for any of their own purposes, including, but not limited to, storing HAYWARD’s own effluent as HAYWARD deems necessary, the use of the PONDS for treated effluent storage during large storms at high tides, as covered by this MOU, shall only occur at the request of the AUTHORITY staff.

VI. Notices:
All notices required to be given, or which may be given by any PARTY to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, certified or registered and postage prepaid and addressed to the respective PARTIES as follows or at such other addresses as may in writing be designated by the AUTHORITY or HAYWARD.

AUTHORITY: HAYWARD:
General Manager WPCF Manager
East Bay Dischargers Authority City of Hayward
2651 Grant Avenue 777 B Street
San Lorenzo, CA 94580 Hayward, CA 94541

VII. Effective Date:
This MOU shall be effective on the day and year first above written.

VIII. Termination:
This MOU shall continue until terminated by one of the PARTIES as follows:

A. Two (2) years from the date and year first above written.

B. Should termination not occur on the second (2nd) anniversary, then this MOU shall continue for three additional years with either PARTY having the option to terminate on each one (1) year anniversary date thereafter provided written notice is given six (6) months prior to the date of termination.

C. This MOU may be terminated or amended at any time by mutual consent of all PARTIES with written notice.

X. Assignment:
Neither party to this MOU shall assign any right or obligation hereunder without the written consent of the other PARTIES except to a successor public entity assuming its public functions.

X. **Severability:**

Should any part, term, or provision of this MOU be decided by a final judgment of a court to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

XI. **Authority Member Agencies:**

The PARTIES acknowledge that while the AUTHORITY is composed of five individual member Agencies, those individual Agencies are not parties to this MOU; that any cause of action which might be created in favor of HAYWARD as a proximate result of this MOU, such cause of action shall be directed to the AUTHORITY and not to its individual member Agencies, save and except should a member Agency be a successor in interest as provided for in Section X, herein.

**IN WITNESS WHEREOF,** the PARTIES hereto executed this Memorandum of Understanding the day and year first above written.

EAST BAY DISCHARGERS AUTHORITY, a California joint exercise of powers authority  
CITY OF HAYWARD, a California municipal corporation

By: ___________________________________________________________________
Harry S. Francis, Chair

By: ___________________________________________________________________
Michael S. Connor, General Manager  
By: ___________________________________________________________________
Frances David, City Manager

Approved as to Form:

By: ___________________________________________________________________
Steve R. Meyers, Authority Attorney  
By: ___________________________________________________________________
Michael Lawson, City Attorney

1749066.1
RESOLUTION APPROVING FY 2011/2012 BUDGET MODIFICATION NO. 1

WHEREAS, the East Bay Dischargers Authority Joint Exercise of Powers Agreement requires that a Fiscal Year Budget be adopted annually, prior to June 1, to provide an operating guideline and authorize expenditure of funds; and

WHEREAS, the Commission adopted the FY 2011/12 Budget on May 19, 2011; and

WHEREAS, the Operations & Maintenance Committee has recommended the additional funding of costs associated with the use of the Hayward Ponds for emergency overflow at a cost of $10,000.

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby adopts FY 2011/12 Budget Modification No. 1 to fund costs associated with the use of the Hayward Ponds, Account No. 12-18-00-4140, Administrative Rents and Fees.

BE IT FURTHER RESOLVED, that the sums set forth in the attached FY 2011/2012 Budget are hereby appropriated for expenditure as detailed, and that any and all expenditures for or relating to the Budget, when expended or entered into under authority of or by the General Manager, are hereby approved and authorized, and warrants therefore may be drawn by the Treasurer/Controller, commencing July 1, 2011, and ending June 30, 2012.

SAN LORENZO, CALIFORNIA, JANUARY 26, 2012, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

__________________________
CHAIR
EAST BAY DISCHARGERS COMMISSION

__________________________
ATTEST:

__________________________
GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
ITEM NO. 15 REPORT FROM THE PERSONNEL COMMITTEE

The Personnel Committee, Chair Francis and Commissioner Lathi, will meet with the General Manager on Tuesday, January 24, 2012 at 12:30 p.m. A copy of the Committee agenda is attached.

The Committee will discuss pension assumptions for next year’s budget and the draft Operations and Maintenance Manager job announcement.

Recommendation
Approve the report from the Personnel Committee.
PERSONNEL COMMITTEE
AGENDA

Tuesday, January 24, 2012
12:30 p.m.

East Bay Dischargers Authority
2651 Grant Avenue
San Lorenzo, CA 94580

P1. Call to Order

P2. Roll Call

P3. Public Forum

(The Committee will consider budget planning for FY 2012/2013 salary and benefits.)

P5. O&M Manager Transition Strategy
(The Committee will discuss the O&M Manager transition strategy.)

(Any member of the public may address the Committee at the commencement of the meeting on any matter within the jurisdiction of the Committee. This should not relate to any item on the agenda. Each person addressing the Committee should limit their presentation to three minutes. Any member of the public desiring to provide comments to the Committee on any agenda item should do so at the time the item is considered. Oral comments should be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at (510) 278-5910 or ladams@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

The next Personnel Committee meeting will be held
Tuesday, March 13, 2012 at 12:30 p.m.
ITEM NO. P4  SALARY AND BENEFIT PLANNING FOR FY 2012/2013

Background

In planning for the budget for next year, staff needs to make some assumptions on salary and benefit costs. Salaries and benefits for all public agencies are receiving close public scrutiny so staff seeks early Commission input as it prepares the budget for Commission approval in mid-spring. Salaries and benefits for the EBDA employees represent about one sixth of EBDA's budget. EBDA spends slightly more money reimbursing the other member agencies for their salaries and benefits.

The attached table shows staff's current estimate of FY 2012/2013 salary and benefit costs in comparison to the previous seven years.

<table>
<thead>
<tr>
<th>ESTIMATE OF SALARY AND BENEFIT COSTS FOR FY 2012/13 BUDGET</th>
</tr>
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<tbody>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>SALARY</td>
</tr>
<tr>
<td>Annual Salary</td>
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<tr>
<td>Holiday</td>
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<tr>
<td>Sick Leave</td>
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<td>Vacation</td>
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<tr>
<td>Administrative Leave</td>
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<tr>
<td>SUBTOTAL LEAVE</td>
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<tr>
<td>BENEFITS</td>
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<tr>
<td>Car Allowance</td>
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<tr>
<td>Medical Benefits</td>
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<tr>
<td>Retiree Medical Benefits</td>
</tr>
<tr>
<td>Dental</td>
</tr>
<tr>
<td>Life Insurance</td>
</tr>
<tr>
<td>Long Term Disability (0.58%)</td>
</tr>
<tr>
<td>Optical</td>
</tr>
<tr>
<td>PERS - Employer</td>
</tr>
<tr>
<td>PERS - Employee (8%)</td>
</tr>
<tr>
<td>Workers Comp</td>
</tr>
<tr>
<td>FICA Medicare (1.45%)</td>
</tr>
<tr>
<td>FICA Social Security (6.2%)</td>
</tr>
<tr>
<td>Def. Comp. - Employer</td>
</tr>
<tr>
<td>SUBTOTAL BENEFITS</td>
</tr>
</tbody>
</table>

TOTAL SALARY/ BENEFITS | $432,955 | $457,866 | $493,205 | $522,781 | $528,414 | $547,199 | $568,243 | $628,182 | 10.35% |

This comparison to the previous seven years demonstrates that
- Salaries peaked in FY 2007/2008 as a result of a multi-year Commission evaluation of EBDA salaries compared to other agencies. Since that time, two-thirds of the personnel have changed and the Commission has adopted a policy of simply increasing salaries consistent with the Consumer Price Index for the year through December. That information is not yet available, but staff estimates it to be about 3.5%.
- The elimination of Administrative Leave for the General Manager has saved the Commission about $3,200. The Commission has also eliminated the General
Manager’s monthly auto allowance that amounted to $5,100 per year. Travel is now reimbursed by monthly mileage reports so overall savings have been small.

- The cost of Benefits has more than doubled since FY 2005/2006. The biggest increases have been to Retiree Medical Benefits and PERS Employee payments which were part of the same multi-year Commission evaluation in FY 2007/2008. These changes were also made to be consistent with other agencies.
- This budget assumes an overlap of the existing and new O&M Manager for four months.
- Together, all these assumptions yield a budget increase for staffing of ~$59,000 of the overall EBDA FY2012-13 total budget of ~$3.8 million.

Recommendation

This report is for the Committee’s information as staff prepares the budget for FY 2012/13. With the Committee’s guidance, staff will use these assumptions in preparing the FY 2012/2013 budget. Existing Commission policy would provide for a COLA-matching salary increase. The Commission has also directed the General Manager to provide for some CalPERS alternatives for its consideration in next year’s budget that draw from the Governor’s anticipated proposal for state employees. In addition, the Finance Committee agenda also compares EBDA’s existing policy of paying the full employee share of CalPERS to that of other member agencies.

ITEM NO. P5 O&M MANAGER TRANSITION STRATEGY

Recommendation

That the O&M Manager position be advertised with the attached description on the California Water Environment Association (CWEA) website.

Background

In planning for the O&M manager’s anticipated retirement in November, 2012, EBDA has developed the attached position description and planned advertisement posting for the California Water Environment Association (CWEA) website—the CWEA website serves as the major clearinghouse for wastewater positions. This issue has been discussed over the past several months with the Member Agency plant superintendents and managers. Those discussions indicated that the Operator’s Licensing requirement (Grade 3 or Grade 4) might provide the largest recruitment hurdle, particularly if EBDA’s retirement policy for new hires becomes more onerous than the employee’s current coverage. One alternative might be to change the Operator’s licensing requirement to attain Grade 3 within two years and maintain oversight under the current O&M manager. The current O&M manager is amenable to providing up to half time as a consultant (at roughly consistent rates to the rates EBDA currently pays Calcon for professional support), particularly in the winter storm
months when the operator licensing would be most applicable. Making the Operator licensing requirement optional would open up the application pool to a vastly larger group of applicants.

EAST BAY DISCHARGERS AUTHORITY

CLASS TITLE: OPERATIONS AND MAINTENANCE MANAGER

BASIC FUNCTION: Under general direction, is responsible for the operation and maintenance of a regional wastewater treatment and discharge system that includes four pump stations, dechlorination facility, radio/computer monitoring and control system and force main and outfall to San Francisco Bay.

DISTINGUISHING CHARACTERISTICS: This position has primary responsibility for the operation and maintenance of EBDA wastewater facilities. This class is distinguished from member agency Wastewater Treatment Plant Superintendents and related positions by its overall responsibility for the efficient and effective operation of the entire system the requirement to be available to monitor the system and respond to emergencies that can occur at any time.

REPRESENTATIVE DUTIES:
(It is important to note that the duties listed below are "representative only" and are not intended to cover the full range or scope of duties in this class.)

1. Ensures that the wastewater disposal system meets the standards and regulatory reporting requirements established by the Regional Water Quality Control Board and EPA and further operates as required under the National Pollutant Discharge Elimination System permit.

2. Develops and implements preventative maintenance programs for wastewater treatment and disposal systems. Evaluates performance of pumps, motors, control systems and chlorination and dechlorination and schedules operations to minimize power consumption and costs. Tracks and optimizes chemical usage.

3. Oversees and directs SCADA electrical and instrumentation.

4. Develops, tracks, and monitors EBDA’s asset management program.

5. Plans and coordinates the work on Authority construction and maintenance projects.
6. Analyzes data, makes recommendations and prepares a variety of reports for submission to the General Manager, Commission and State and Federal regulatory agencies, Bay Area Air Quality Management District, and Alameda County Health Care Services.

7. Coordinates with EBDA and LAVWMA member agencies to actively manage joint facilities during peak wet-weather events.

8. Negotiates contracts with and oversees the work of engineering consultants and contractors. Oversees and coordinates the operations and maintenance activities of member agencies and meets regularly with their plant superintendents to coordinate EBDA activities.

9. Reports status of EBDA system monthly to the EBDA Commission and managers.

10. Enforces all safety regulations and policies.

11. Assists in the preparation of the annual budget and monitors operations and maintenance costs.

12. Responds to Underground Service Alert notices when EBDA facilities are impacted.

13. Trains, develops and evaluates subordinate staff or contractor staff as necessary.

14. Performs related duties as may be assigned.

**KNOWLEDGE AND ABILITIES:**

**KNOWLEDGE OF:** The methods, materials and equipment used in the installation, maintenance, and repair of wastewater treatment systems, wastewater treatment plant operations and the treatment process; safety practices and requirements; budget preparation and personnel administration; wastewater sampling techniques and statistical analysis; chemical and bacteriological characteristics of wastewater; pertinent rules, regulations, and laws affecting treatment and disposal of wastewater.

**ABILITY TO:** Plan, coordinate and direct the work of others; establish and maintain effective working relationships; maintain good public relations; read and interpret construction plans and blueprints; maintain records and prepare reports; identify and describe material resources required for system repairs; establish and implement effective preventive maintenance programs; oversee the maintenance and repair of electrical control systems, SCADA systems, and mechanical
equipment including pumps and motors; and ability to communicate written and oral material for public and technical oversight.

EDUCATION AND EXPERIENCE:

Any combination equivalent to: 1) Possession of a baccalaureate degree in Civil or Mechanical Engineering or closely related field and 2) Five years of experience in the operation and maintenance of water or wastewater treatment facilities (two years supervisory experience desirable), or an acceptable combination of the above education and experience.

Substitution: Additional qualifying experience can be substituted for the required education on a year for year basis; a minimum of two years of college is required.

LICENSES: 1) Possession of a Valid California Class C Motor Vehicle Operator’s License.
2) Grade III WTPO Certification from SWRCB (obtained within 2 years of start).

WORK DIRECTION, LEAD AND SUPERVISORY RESPONSIBILITIES: The Operations and Maintenance Manager reports to and receives work direction from the General Manager. Responsibilities include coordinating and overseeing the work of member agency employees, temporary workers and contractors engaged in the operation, maintenance and repair of the Authority’s wastewater treatment systems.

PHYSICAL EFFORT: May perform physically demanding manual work including lifting, pushing or pulling heavy objects; shoveling, climbing, standing and walking for sustained periods of time; and operating, repairing and maintaining water supply and wastewater plant equipment such as pumps, motors and other mechanical equipment.

CONTACTS: Co-workers, members of the public, member agency staff, contractors and governmental regulatory agencies staff.

WORKING CONDITIONS: Subject to adverse weather conditions, toxic agents, and hazards associated with the operation and maintenance of wastewater plant equipment and chemicals.

NOTE: THIS CLASS IS EXEMPT UNDER FLSA PROVISIONS.
CWEA Job Ad
Is a job with a high degree of autonomy, varied work challenges, and minimal bureaucracy attractive to you? EBDA is replacing its retiring O&M Manager (reporting to the General Manager) who is responsible for the operation and maintenance of a regional wastewater treatment and discharge system that includes four pump stations, a dechlorination facility, radio/computer monitoring and control system and force main and outfall to San Francisco Bay. This position has primary responsibility for the operation and maintenance of EBDA wastewater facilities that transport 60-190 MGD of secondary effluent from six treatment plants to EBDA's dechlorination facility and 7-mile outfall into San Francisco Bay. The O&M Manager is distinguished from member agency Wastewater Treatment Plant Superintendents and related positions by his/her overall responsibility for the efficient and effective operation daily Operations and Maintenance of the entire EBDA system. In order to accomplish these tasks, the O&M Manager coordinates and oversees the work of employees of EBDA's member agencies and contractors engaged in the operation, maintenance and repair of the Authority's wastewater treatment systems. While the initial response to an unforeseen or emergency scenario is provided by contracted staffs, the O&M Manager is responsible for providing overall direction and management.

The O&M Manager

1. Ensures that the wastewater disposal system meets the standards and regulatory reporting requirements established by the Regional Water Quality Control Board and EPA and further operates as required under the National Pollutant Discharge Elimination System permit.

2. Develops and implements preventative maintenance programs for wastewater treatment and disposal systems. Evaluates performance of pumps, motors, control systems and chlorination and dechlorination and schedules operations to minimize power consumption and costs. Tracks and optimizes chemical usage.

3. Oversees and directs SCADA electrical and instrumentation.

4. Develops, tracks, and monitors EBDA's asset management program.

5. Plans and coordinates the work on Authority construction and maintenance projects.

6. Analyzes data, makes recommendations and prepares a variety of reports for submission to the General Manager, Commission and State and Federal regulatory agencies, Bay Area Air Quality Management District, and Alameda County Health Care Services.

7. Coordinate with EBDA and LAWWMA member agencies to actively manage joint facilities during peak wet-weather events.
8. Negotiates contracts with and oversees the work of engineering consultants and contractors. Oversees and coordinates the operations and maintenance activities of member agencies and meets regularly with their plant superintendents to coordinate EBDA activities.

9. Reports status of EBDA system monthly to the EBDA Commission and managers.

10. Enforces all safety regulations and policies.

11. Assists in the preparation of the annual budget and monitors operations and maintenance costs.

12. Responds to Underground Service Alert notices when EBDA facilities are impacted.

13. Trains, develops and evaluates subordinate staff or contractor staff as necessary.

14. Performs related duties as may be assigned.

KNOWLEDGE AND ABILITIES:

KNOWLEDGE OF: The methods, materials and equipment used in the installation, maintenance, and repair of wastewater treatment systems, wastewater treatment plant operations and the treatment process; safety practices and requirements; budget preparation and personnel administration; wastewater sampling techniques and statistical analysis; chemical and bacteriological characteristics of wastewater; pertinent rules, regulations, and laws affecting treatment and disposal of wastewater.

ABILITY TO: Plan, coordinate and direct the work of others; establish and maintain effective working relationships; maintain good public relations; read and interpret construction plans and blueprints; maintain records and prepare reports; identify and describe material resources required for system repairs; establish and implement effective preventive maintenance programs; oversee the maintenance and repair of electrical control systems, SCADA systems, and mechanical equipment including pumps and motors; and ability to communicate written and oral material for public and technical oversight.

EDUCATION AND EXPERIENCE:

Any combination equivalent to: 1) Possession of a baccalaureate degree in Civil Engineering or closely related field and 2) Five years of experience in the operation and maintenance of water or wastewater treatment facilities at least two years of
which was in a supervisory capacity, or an acceptable combination of the above education and experience. Additional qualifying experience can be substituted for the required education on a year for year basis; a minimum of two years of college is required. Grade III Operator Certification is desired or a schedule for achieving certification should be presented.

EBDA

The East Bay Dischargers Authority (EBDA) is a Joint Powers Agency consisting of five local agencies (City of Hayward, City of San Leandro, Oro Loma Sanitary District, Union Sanitary District, and Castro Valley Sanitary District). EBDA was formed to collectively manage the wastewater treatment and disposal of these agencies. EBDA serves a population of >900,000 on the eastern shore of South San Francisco Bay and also provides service to Pleasanton, Dublin, and Livermore through an agreement with Livermore-Amador Valley Water Management Agency (LAVWMA). The purpose of EBDA is to provide for the "more efficient disposal of wastewater produced in each Member Agency, all to the economic and financial advantage of each Agency and otherwise for the benefit of each Agency; and each of the Agencies is willing to plan with the other Agencies for joint wastewater facilities which will protect all of the Agencies."

EBDA operates under a Commission consisting of individual representatives appointed by each of the five member agencies. EBDA's staff includes the General Manager, Operations & Maintenance Manager, and Administrative Assistant. Their efforts are assisted by contracts with the Member Agencies for staff work and by outside contractors.
ITEM NO. 16 CLOSED SESSION

The Commission will meet in closed session pursuant to Government Code Sections 54956.9(b) to discuss anticipated litigation related to conditions of permit renewal.

The Commission has previously discussed the possibility of a motion to put the permit into abeyance. There is consensus among the MAC that an abeyance motion should be filed. A decision on whether or not to file an abeyance will need to be made by the Commission at the January 26th meeting in order to meet timing constraints. Correspondence from Meyers Nave previously distributed to the Commission is included for the Commission’s review.

ITEM NO. 17 RECONVENE TO OPEN SESSION

The Chair will report on any action taken in closed session.
RESOLUTION APPROVING FY 2011/2012 BUDGET MODIFICATION NO. 2

WHEREAS, the East Bay Dischargers Authority Joint Exercise of Powers Agreement requires that a Fiscal Year Budget be adopted annually, prior to June 1, to provide an operating guideline and authorize expenditure of funds; and

WHEREAS, the Commission adopted the FY 2011/12 Budget on May 19, 2011; and

WHEREAS, the Regulatory Affairs Committee has recommended the additional funding of costs associated with renewal of the NPDES permit at a cost of $20,000.

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby adopts FY 2011/12 Budget Modification No. 1 to fund costs associated with renewal of the NPDES permit, Account No. 13-37-00-4120, NPDES Permit Issues Professional Services.

BE IT FURTHER RESOLVED, that the sums set forth in the attached FY 2011/2012 Budget are hereby appropriated for expenditure as detailed, and that any and all expenditures for or relating to the Budget, when expended or entered into under authority of or by the General Manager, are hereby approved and authorized, and warrants therefore may be drawn by the Treasurer/Controller, commencing July 1, 2011, and ending June 30, 2012.

SAN LORENZO, CALIFORNIA, JANUARY 26, 2012, ADOPTED BY THE FOLLOWING VOTE:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 

ATTEST:

CHAIR 
EAST BAY DISCHARGERS COMMISSION

GENERAL MANAGER 
EAST BAY DISCHARGERS AUTHORITY 
EX OFFICIO SECRETARY