



A Public Agency

## SBWMA TECHNICAL ADVISORY COMMITTEE MEETING

THURSDAY MARCH 9, 2023 at 3:00 p.m.

IN PERSON OR VIA ZOOM

Place:

Silicon Valley Clean Water Administrative  
Offices 2<sup>nd</sup> Floor Pelican Conference Rm.:  
1400 Radio Road Second Floor  
Redwood Shores, CA 94065  
[Link to driving directions/map](#)

Join Zoom Meeting:

[https://us02web.zoom.us/j/89081988165?  
pwd=VForYkiTNkw0ejhQWHp0WIR4YmtsZz09](https://us02web.zoom.us/j/89081988165?pwd=VForYkiTNkw0ejhQWHp0WIR4YmtsZz09)

Dial in: 1 669 900-91281

Meeting ID: 890 8198 8165

Passcode: 521695

Teleconference Location\*

Peter Brown  
Belmont City Hall  
1 Twin Pines Lane,  
Belmont, CA 94002

Teleconference Location\*

Jack Johnson  
1021 El Dorado,  
Vallejo, CA 94590

The public may observe/participate in Committee meetings using remote public comment options or attending in person. Committee members shall attend in person unless remote participation is permitted by law.

### TO ADDRESS THE COMMITTEE IN PERSON

Masking is not required but according to the California Department of Public Health guidelines, people at higher risk for severe illness should consider masking. To help maintain public health and safety, we respectively request that people NOT attend in-person if they are experiencing symptoms associated with COVID-19 or are otherwise ill and likely contagious (e.g., respiratory illnesses).

To address the Committee on any item – whether on the posted agenda or not – please fill out a Request to Speak Form and submit it to the Board Clerk. Speakers are not required to submit their name or address.

### REMOTE PARTICIPATION

Members of the public may participate in public Agency meetings by logging into the Zoom:

<https://us02web.zoom.us/j/86337260032?pwd=aVRwMzNvODM3T2xOcnNPTXIMbGo1QT09>

Written public comments for the record may be submitted in advance by 12:00 p.m. on the meeting date by email to: [rethinker@rethinkwaste.org](mailto:rethinker@rethinkwaste.org) and will be made part of the written record but will not be read verbally at the meeting. Written public comments submitted by email should adhere to the following: 1) Clearly indicate the Agenda Item No. or specify “Public” in the Subject Line for items not on the agenda and 2) Include the submitter’s full name. You may also use the raise hand feature on Zoom to enter a verbal public comment.

\*Pursuant to Ralph M. Brown Act, government code section 54953, all votes shall be by roll call if any members of the board of directors are participating by teleconference and/or video conference.

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#### MEMBER AGENCIES

BELMONT \* BURLINGAME \* EAST PALO ALTO \* FOSTER CITY \* HILLSBOROUGH \* MENLO PARK \* REDWOOD CITY  
\* SAN CARLOS \* SAN MATEO \* COUNTY OF SAN MATEO \* WEST BAY SANITARY DISTRICT

March 3, 2023

# AGENDA

## 1. Call to Order/Roll Call

## 2. Public Comment

Persons wishing to address the Board on matters NOT on the posted agenda may do so. Each speaker is limited to three minutes. If there are more than five individuals wishing to speak during public comment, the Chairman will draw five speaker cards from those submitted to speak during this time. The balance of the Public Comment speakers will be called upon at the end of the Board Meeting. If the item you are speaking on is not listed on the agenda, please be advised that the Board may briefly respond to statements made or questions posed as allowed under The Brown Act (Government Code Section 54954.2). The Board's general policy is to refer items to staff for attention, or have a matter placed on a future Board agenda for a more comprehensive action or report and formal public discussion and input at that time. **Speakers may also submit comments via email prior to the meeting by sending those comments to [rethinker@rethinkwaste.org](mailto:rethinker@rethinkwaste.org).**

## 3. Executive Director's Report (Verbal Update)

p.3

## 4. Approval of Consent Calendar

Consent Calendar item(s) are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Board, staff or public request specific items be removed for separate action. *Items removed from the Consent Calendar will be moved to the end of the agenda for separate discussion.*

A. Approval of the Minutes from the September 8, 2022, TAC Meeting

**ACTION p. 7**

## 5. Staff Update and Review of Recology San Mateo Senate Bill (SB) 1383 Cost Proposal

**ACTION p. 15**

## 6. SB 1383 Implementation Update (Verbal Update)

p. 19

- Record Keeping Requirements
- Outreach and Technical Assistance
- Procurement Support

## 7. Discussion on Future Meetings of the TAC (Verbal Update)

p. 21

## 8. Contractor Updates

p. 23

- Recology
- SBR

## 9. Committee Member Comments

## 10. Adjourn

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March 3, 2023



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# EXECUTIVE DIRECTOR'S UPDATE

Agenda Item 3 is a verbal report only at the  
03/09/2023 SBWMA TAC Committee Meeting





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# CONSENT CALENDAR



**DRAFT MINUTES**

**SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY  
MEETING OF THE TECHNICAL ADVISORY COMMITTEE  
September 8, 2022 – 2:00PM.  
Via Zoom Tele/Video Conference**

**Call to Order: 2:01PM**

**1. Roll Call**

Agency	Present	Absent	Agency	Present	Absent
Belmont	X		Redwood City	X	
Burlingame	X		San Carlos	X	
East Palo Alto	X		San Mateo	X	
Foster City	X		County of San Mateo	X	
Hillsborough	X		West Bay Sanitary District	X	
Menlo Park	X				

**2. Public Comment**

Persons wishing to address the Board on matters NOT on the posted agenda may do so.

Each speaker is limited to two minutes. If there are more than five individuals wishing to speak during public comment, the Chairman will draw five speaker cards from those submitted to speak during this time. The balance of the Public Comment speakers will be called upon at the end of the Board Meeting.

If the item you are speaking on is not listed on the agenda, please be advised that the Board may briefly respond to statements made or questions posed as allowed under The Brown Act (Government Code Section 54954.2). The Board's general policy is to refer items to staff for attention, or have a matter placed on a future Board agenda for a more comprehensive action or report and formal public discussion and input at that time.

None

**3. Executive Director's Report**

Chair Lorenz welcomed the newest TAC member Mary Morris-Mayorga representing Menlo Park to the committee.

Executive Director La Mariana welcomed the committee to the meeting, and gave the following updates:

- He went over the fall to the end of the year meeting calendar and noted that at the September SBWMA Board meeting the board would consider moving to hybrid meetings. If that decision is made, the meetings will take place at Silicon Valley Clean Water and will move to 3PM. As such the TAC meetings will also move to 3PM and be held in hybrid format.

- The operations agreement with the two finalists is winding down, staff has been in negotiations with both parties all summer, and there will be staff recommendation to award the contract at the November 17 Board meeting.
- He noted that with either contractor there will be a significant cost increase and rate impact of at least 10%. He encouraged member agencies to consider raising rates an additional 5% this year to avoid the full 10% or more impact in 2024.
  - Member Brown asked for a further explanation on the rate increase recommendation.
  - Executive Director La Mariana answered that the total step up in the operations agreement costs is 10%, but he is recommending member agencies increase rates 5% this year, and another 5% next year so the full 10% hit isn't coming in one year. He noted that this is only on the operations. Rate impacts on the collection side are in addition to this. He also noted that the main driver in the contract's cost increases is that both proposers believe more staff is needed to run the facility. So, both proposers responses include additional staff. He noted that there will be a full detailed report on these cost increase drivers that will go the Board in November, but that he couldn't share any specific details before then.
  - Chair Lorenz asked staff to provide comparative rate information as they are being asked to raise rates in 2023.
  - Executive Director La Mariana noted that a local rate survey will be included in the September Board packet.
- He encouraged TAC members to talk to their city attorneys regarding the Zolly versus the City of Oakland case. It may have ramifications for setting rates in the member agencies' cities, because it defines what can and cannot be included in utility rates charged by a City.
  - Member Tong asked if there was anything final yet about the Zolly court case.
  - Counsel Savaree answered that it is not final yet, it is being further considered at this stage.
- On September 13 the Finance Committee will meet to discuss setting up a Captive Insurance entity which would allow the agency to self-insure to address the high escalation in insurance costs over the last five years.

#### 4. Approval of Consent Calendar

Consent Calendar item(s) are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the TAC, staff or public request specific items be removed for separate action. *Items removed from the Consent Calendar will be moved to the end of the agenda for separate discussion.*

- A. Approval of the Minutes from the June 9, 2022, TAC Meeting
- B. Approval of the 2023 SBWMA TAC Meeting Calendar

Motion/Second: Tong/Lee

Roll Call Vote: 11-0-0-0

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Belmont	X				Redwood City	X			
Burlingame	X				San Carlos	X			
East Palo Alto	X				San Mateo	X			
Foster City	X				County of San Mateo	X			
Hillsborough	X				West Bay Sanitary Dist.	X			
Menlo Park	X								

#### 5. TAC Review of the SBWMA Report Reviewing the Recology 2023 Compensation Application



Staff Mangini gave a PowerPoint presentation highlighting the 2023 Recology Compensation Application, and an overview of the rate setting process.

Executive Director La Mariana reiterated that RethinkWaste staff is available to attend member agencies' council meetings or study sessions as each member agency navigates the rate setting process, so if city staff would like SBWMA staff present please reach out. He also reiterated his comments from his executive director report regarding bumping up rates by 5 – 6% this year to smooth out the jump in the Operating Agreement costs in 2024.

Staff Mangini continued his presentation and noted that Recology has requested a reimbursement based on special circumstances due to COVID costs. He explained SB114 requiring companies to pay additional sick leave. He noted that this item would be discussed at the Board meeting, but he wanted to bring it to the TAC's attention as well.

Evan Boyd, General Manager of Recology, noted that Recology has made the request for reimbursement for expenses related to the pandemic that weren't considered in the contract negotiations. He explained the expiration dates for CARES Act and the Retroactive California Supplemental Sick Leave (CPSL) passed by the state legislature (SB114). He explained the costs that were incurred and how they are reducing those costs as pandemic restrictions relate.

Member Ramirez asked if all of the CPSL costs were incurred in 2022 and if all of these costs were not part of any other governmental reimbursement.

Evan Boyd answered yes, from January through June 2022, and that there was a mechanism for governmental reimbursement of costs in 2021 that doesn't exist any longer in 2022, which is why the request is larger.

Member Brown asked for an accounting of all the grants and governmental reimbursements requests and a full cost accounting of the difference between costs in 2021 versus 2022. He also wondered if this request falls above or below the 2% threshold set forth in the Franchise Agreements.

Evan Boyd answered that this doesn't exceed the 2% threshold it is purely Covid related.

Member Clark asked for a time period of when these expenses incurred, and how many employees we affected relative to sick leave.

Evan Boyd noted that he would include the number of employees affected in the report that goes to the Board. But relative to the portable toilets they have 190 employees sharing two toilets, so to comply with regulations they needed additional toilets.

## **6. TAC Review of the SBWMA Report Reviewing the South Bay Recycling 2023 Compensation Application**

Staff Mangini gave an overview of SBR's compensation application for 2023. He noted that the indices are very high this year compared to recent years, resulting in a 6.5% increase in SBR's compensation for 2023. He noted that the fuel index was a big driver in the increase, as that index is up 82%.

Chair Lorenz asked for clarification on why SBR's fuel index was 82% higher than last year, while Recology's was up 40% over last year.

Staff Mangini answered yes that is correct, they are using different indices, but both have been confirmed.

## 7. Update on SB 1383 Implementation

Staff Carter gave the following SB 1383 implementation updates.

- Organics Collection/AB 1826 Action Plan has resulted in more work reaching to generators who needed to be enrolled in organics collection. There has been a huge push to get accounts enrolled. He thanked Mia Rossi and her team at Recology for their efforts on this issue, and 800 new organics customers have been enrolled this year.
- Staff has been working with Ascent Environmental on EARs and 1383 reporting, there are still a few outstanding data points needed from Member Agencies, but the process is moving in the right direction.
- He gave an update on organics capacity planning, noting that he worked very closely with the County to provide CalRecycle specific SBWMA territory information regarding organics capacity and that each Member Agency will be receiving something from Cal Recycle about submitting an implementation schedule. He noted that in the SBWMA service area staff believes that the organics-to-energy program will satisfy the implementation schedule, and staff will provide the Member Agencies with a template to submit to Cal Recycle.

Member Clark asked to make sure the County is included on any emails with Ascent even though Ascent isn't doing the County reporting.

- AB 1985 was the third piece of legislation the Agency co-sponsored in this legislative session. He noted that it has passed out of both houses and is waiting for the Governor's signature. This will stagger out the SB 1383 procurement targets.
- Contamination monitoring protocols have been finalized to meet the SB 1383 mandates. During the middle two weeks of October inspections will take place. Commercial accounts with contamination in their bins will get more hands-on training.
- A large number of generators have been identified as needing SB1383 waivers. SCS is working on efficient ways to quickly and uniformly evaluate waiver requests.

Member Daher suggested SCS use city staff in the waiver evaluation process since they know the sites and may have been there already on that or another issue.

- The complaint form will launch in a couple of weeks to guide the process of complaints and streamline the process.

Chair Lorenz queried if the form could have a way for residents to determine if their complaint does not qualify as a SB1383 report and would take non related complaints to Recology directly.

Staff Carter answered that they are working on the form to guide them to SB 1383 specific complaints, but that staff is expecting to have to field other kinds of complaints as well.

Member Clark asked that when the team is doing the contamination monitoring, can there be a note to look at 32 gallon carts with the 20 gallon insert, because there have been a lot of cases where the insert was removed so the customer was getting a 32 gallon cart at a 20 gallon collection rate.

Staff Carter answered yes, he would make a note.

## **8. Discussion item to deliver a Site and Optimization Study and Design Development starting point in FY2022**

Executive Director La Mariana introduced the item and introduced the staff and contracting partners who worked on this site optimization study. Underlying the site optimization study is that the site has become completely space restrained at this point. In addition to increased staff at Recology and with the new operations agreement the SBWMA team will also need to move on site due to the City of San Carlos not being able to extend the lease for the Agency administrative staff past June 30, 2024. He also noted that in previous discussions there was the possibility of a long-term lease of county property adjacent to the airport. The County has let us know that the property will not be available for long term lease, so in looking at other options there is a possibility of relocating some of the Recology operations off site at West Bay Sanitary District. He then turned it over to the SCS team to walk the committee through 3 possible scenarios.

Tim Flanagan of SCS Engineers gave a presentation outlining the needs of the space and highlighting the 3 identified scenarios for further discussion. He noted that some of the needs of the space include increased parking, a world class environmental education center, covered space for handling ebb and flow of materials when supply chain issues arise, additional space for MRF, organics and transfer operations, improved traffic flow and access to the site and space for staff mentioned before. He also noted that the current layout is insufficient to support the existing regulatory requirements and future requirements.

Executive Director that tours of the back side of Shoreway - the nonpublic facing side - will be available to TAC and Board members to help visualize how space constrained the current operations are.

The committee discussed space for electric vehicle charging. 12 charging stations have been identified to be added to one of these scenarios once it is selected for light duty trucks. 12 is the number that comes from the CARB requirements are, there is not enough space on site to accommodate EV charging for 100% of the fleet. Member Daher expressed concern for private vehicles of employees on site needing to charge while at work not being considered in these scenarios.

Public Comment from Drew asked if there was any public input on this project.

Executive Director La Mariana we haven't had public feedback yet, but as these progresses there will be a formal process to get input from the public. He thanked the team for the presentation and noted he would welcome feedback after the meeting.

## **9. Contractor Updates**

### **A. Recology**

Evan Boyd General Manager gave the following updates.

- The entire administrative team will be back on-site September 12.

- Two changes at the Senior Management level; Sr. Operations Manager is Steve Yugie and Maintenance Manager is Mike King.

B. South Bay Recycling  
No Report

**10. TAC Member Comments**

**11. Adjourn 4:12PM**



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# Staff Update and Review of Recology San Mateo Senate Bill (SB) 1383 Cost Proposal



## STAFF REPORT

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**To:** SBWMA TAC Members  
**From:** Tj Carter, Program Manager II, Recycling and Compliance  
**Date:** March 09, 2023 Technical Advisory Committee Meeting  
**Subject:** Update and Discussion on Recology San Mateo Senate Bill (SB) 1383 Cost Proposal

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### Summary

This report is meant to provide the SBWMA Technical Advisory Committee (TAC) with an informational update on a proposal from Recology San Mateo (Recology) to provide mandated SB 1383 services to SBWMA Member Agencies.

The SBWMA recently received a proposal from Recology to expand their scope of collection and related support services to assist SBWMA Member Agencies in complying with SB 1383. Over a year ago, the SBWMA and Recology began, and then suspended, discussions when it became clear that the parties were not aligned on mandated program goals and compliance implementation. As discussed below, the current proposal from Recology appears to be more aligned with the needs of the Member Agencies. As a result, this informational report is presented for TAC discussion. The proposal will then be presented to the SBWMA Finance Committee for its review on March 28<sup>th</sup>, followed by a presentation to the SBWMA Board of Directors (Board) on April 27<sup>th</sup>.

If the Board views the proposal favorably, SBWMA staff will request that the Board recommend to the Member Agencies that the Franchise Agreements be amended to include this proposal and its associated costs within the scope of services authorized by the Franchise Agreements. If the Board recommends that the Franchise Agreements be amended to include this program, the amendment would need approval by two thirds of the Member Agencies in order to become effective.

Recology provided its current proposal on February 17, 2023. The SBWMA, with assistance from HF&H Consultants, is currently conducting an internal analysis of the proposal. HF&H's analysis is not complete but based on the work completed to date, it appears that the proposal would provide Member Agencies with an appropriate scope of services needed to comply with SB1383.

Recology's proposal contains two components of expanded services to meet the mandated work identified for SB1383 compliance:

1. **Non-Operational Support Staff:** Recology proposes to hire three new permanent full-time positions--- two (2) Zero Waste Specialists and One (1) Sustainability Coordinator.

Recology proposes to add two Zero Waste Specialists to their existing team of six (plus a team manager) to handle significantly increased commercial account outreach and education, program waiver inspections, route review preparation, reporting requirements and SB 1383 data analysis. It should be noted that these two positions previously existed until they were deactivated in 2018 by mutual agreement

between the SBWMA and Recology. If approved by way of an amendment to the Franchise agreements, Recology plans to fill these positions by late 2023.

2. **Expanded Collection Operations:** Recology also proposes to add up to seven new front-load routes YE 2024 to address the mandated expansion of collection of source-separated organic materials at businesses and multi-family dwelling properties. Recology estimates this expanded service based on bringing 5,900 new commercial and multifamily organics accounts onto the overall collection program.

### **Analysis**

SB 1383 requires all generators (single-family, commercial, and multi-family) to subscribe to the 3-container system to separate Landfill, Targeted Recyclables, and Organic/Compost Materials into the black, blue, and green carts respectively. There are still limited allowances for alternative compliance through back-haul, self-haul, and waivers, though most generators will rely on collection services provided by Recology for compliance.

As of February 2023, the SBWMA and Recology have identified roughly 2,000 residential accounts and 5,900 commercial and multi-family accounts that still need either recycling or compost service or, in some cases, both. Anticipated additional lifts and increased tonnages of diverted material has lead Recology to propose an expansion of their operations with more drivers, trucks, operational support, and customer service personnel. In support of their proposal Recology noted that in 2022 alone, SB 1383 compliance required, 2,043 new organics lifts at 1,705 stops. This increase required 2 new drivers. Recology anticipates that it may need to add a total of 7 new drivers over the next three years as the compost collection services grows both in terms of number of new lifts and amount of material collected.

In addition to the required new collection services to all residents and businesses, Member Agencies are required to implement new or expand many of the current waste programs to meet SB 1383 requirements for outreach and education, edible food recovery, organic waste procurement, recordkeeping, contamination monitoring, and reporting.

Partner organizations in the SBWMA service area have already begun working collaboratively to satisfy SB 1383. These partners include Member Agencies, San Mateo County Office of Sustainability, South Bay Recycling and Recology. All Member Agencies signed a Memorandum of Understanding (MOU) to establish an Edible Food Recovery program on their behalf with the County's Office of Sustainability. Additionally, all Member Agencies signed a separate MOU with the SBWMA to support SB 1383 implementation of outreach and education, procurement planning assistance, reporting, recordkeeping, organic waste capacity planning, complaints and waiver management, and model tool development.

As noted above, in 2021 SBWMA was unable to reach consensus with Recology on cost estimates for a proposal to include expanded SB 1383-mandated services. With approval from the SBWMA Board of Directors, a Request for Proposal (RFP) was issued to solicit a contractor to provide these expanded, SB 1383-mandated services. As a result of the RFP, SBWMA retained SCS Engineers to provide the expanded 1383 mandated services listed below for 2022 through 2023 for a not-to-exceed amount of \$685,000:

1. **Outreach and Education Technical Assistance**

- Perform outreach to the remaining ~7,500 businesses and multi-family dwellings that had not yet subscribed to recycling and/or organics services during FYs 2022-2023 in order to arrange for these properties to subscribe to the service, to determine needed service levels, and to support those generators with compliance.



- Generate reports documenting outreach efforts and status of generator compliance including names of customers, dates of outreach or site visits, and copies of outreach materials distributed.

## **2. Organics Collection Waiver Management**

- Assist RethinkWaste with waivers that can be granted to multi-family dwellings and commercial generators under SB 1383 for each of the 11 Member Agencies.
- Upload data into the Recyclist Program Tracker.

## **3. Contamination Monitoring Route Reviews**

- Conduct contamination monitoring in each Member Agency service area through annual inspections of randomly selected generator containers on each hauler route for solid waste, recyclable materials, and organic material.
- Educate customers that were identified to have contamination during the contamination monitoring study on proper sorting of materials and consequences for future contamination in a manner consistent with SB 1383 regulations.
- Maintain records and provide monthly reports to RethinkWaste on contamination monitoring efforts pursuant to the reporting requirements of SB 1383 regulations.
- Prepare the annual contamination monitoring report to CalRecycle on behalf of each Member Agency.

With the contract with SCS Engineers set to expire in December 2023, the SBWMA and Recology re-engaged in discussions about the long-term needs of Member Agencies to meet SB 1383 requirements for 2024 and beyond. These discussions led to the current proposal from Recology.

The SBWMA staff, with assistance from HF&H Consultants, is conducting an internal analysis of Recology's current proposal. While this analysis is not yet complete, it appears that consensus will be reached on cost and scope between the staff for SBWMA and Recology.

As noted above, Recology proposes three (3) additional employees to conduct support and administrative work. Given the increase in collection services, new outreach and education, and reporting requirements for commercial and multi-family generators it appears that there is a renewed need for these positions. They include:

1. One Sustainability Coordinator to assist with data entry/gathering, route review preparation, reporting requirements, waiver processing, and SB 1383 data analysis.
2. Two Waste Zero Specialists to provide outreach & education, conduct route reviews & waiver inspections, and recruit new participants in organics service.

## **Background**

September 2016, SB 1383 (Lara, Chapter 395, Statutes of 2016) established statewide methane emissions reduction targets in an effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. It includes statewide goals to reduce the disposal of organic waste and recover edible food for human consumption. To accomplish these statewide goals, SB 1383 regulations were developed, which were approved on November 3<sup>rd</sup> 2020, and include prescriptive requirements for jurisdictions related to recycling and organics collection, inspection, and enforcement policies and programs and edible food recovery. The SBWMA and its Member Agencies need to comply with nearly all SB 1383 requirements by January 1, 2022 with the significant exception that enforcement actions do not need to commence until January 1, 2024.

More information regarding SB 1383 can be found online at [www.calrecycle.ca.gov/organics/slcp/](http://www.calrecycle.ca.gov/organics/slcp/).

**Fiscal Impact**

This is an information only report.

**Attachments:**

None



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# SB 1383 IMPLEMENTATION UPDATES

Agenda Item 6 is a verbal report only at the  
03/09/2023 SBWMA TAC Committee Meeting





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# Discussion on Future Meetings of the TAC

Agenda Item 7 is a verbal report only at the  
03/09/2023 SBWMA TAC Committee Meeting





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# CONTRACTOR UPDATES

Agenda Item 8 is a Verbal Update only  
to be given at the 03/09/2023 TAC Meeting