



BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Time and Location Change

PLANNING COMMITTEE MEETING

Tuesday, June 14, 2022

9:00 a.m.

*****Virtual*****

Notice is hereby given that the Tuesday, June 14, 2022 Planning Committee Meeting of the Board of Directors has been rescheduled from 9:15 a.m. to 9:00 a.m.

In accordance with Government Code section 54953(e), **this meeting will be conducted by webinar and teleconference only.** A physical location will not be provided for this meeting.

Dated: June 9, 2022

A handwritten signature in blue ink that reads 'Rischa S. Cole'.

Rischa S. Cole
Secretary of the District

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**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Planning Committee
Tuesday, June 14, 2022
9:00 a.m.
*Virtual***

Location

In accordance with Government Code section 54953(e), **this meeting will be conducted by webinar and teleconference only**. A physical location will not be provided for this meeting.

***** Please see appendix for public participation instructions*****

Committee Members: Marguerite Young {Chair}, Lesa R. McIntosh and Frank Mellon

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

DETERMINATION AND DISCUSSION:

- | | |
|-----------------------------------------|-----------|
| 1. Private Sewer Lateral Program Update | (White) |
| 2. Education Program Update | (Zito) |
| 3. Paving and Other Related Services | (Ambrose) |

ADJOURNMENT:

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

Planning Committee Meeting
Tuesday, June 14, 2022
9:00 a.m.

EBMUD public Board meetings will be conducted via Zoom.
Board committee meetings are recorded, and live-streamed on the District's website.

Please visit this page beforehand to familiarize yourself with Zoom.
<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Online

<https://ebmud.zoom.us/j/94576194030?pwd=dWZlc3hNU3JNUVBQYmNKWjJSNVZQdz09>

Webinar ID: 945 7619 4030

Passcode: 925293

By Phone

Telephone: 1 669 900 6833

Webinar ID: 945 7619 4030

Passcode: 925293

International numbers available: <https://ebmud.zoom.us/u/kdmpbwwlg2>

Providing public comment

The EBMUD Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

If you wish to provide public comment please:

- Use the raise hand feature in Zoom to indicate you wish to make a public comment
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
 - If you participate by phone, press *9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic
- The Secretary will call each speaker in the order received
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- Each speaker is allotted 3 minutes to speak; the Committee Chair has the discretion to amend this time based on the number of speakers
- The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded

To observe the Planning Committee Meeting,
please visit: <https://www.ebmud.com/about-us/board-directors/board-meetings/>

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 9, 2022

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager *CCC*

FROM: Eileen M. White, Director of Wastewater *EMW*

SUBJECT: Private Sewer Lateral Program Update

SUMMARY

The Wet Weather Consent Decree (Consent Decree) with the U.S. Environmental Protection Agency requires the District and its seven satellite collection system agencies (Satellites) to eliminate most discharges from the District's three wet weather facilities by 2036 through the reduction of infiltration and inflow. One component of the Consent Decree is the continued implementation of the Regional Private Sewer Lateral (PSL) Program, which includes all Satellites except the City of Berkeley. The Regional PSL Ordinance (Ordinance) has been in effect since 2010 and was most recently modified in May 2019. Updates regarding program milestones and overall performance will be presented at the June 14, 2022 Planning Committee meeting.

DISCUSSION

The Ordinance requires individual property owners to obtain a compliance certificate when they meet one of three triggers: title transfer, remodeling or construction valued at over \$100,000, or a change in water meter size. The Ordinance provides extended deadlines and interim milestones for two categories of properties: those managed by homeowners' associations (HOAs) and properties with PSLs greater than 1,000 feet in length. HOAs were required to complete certifications of all PSLs under their control, and properties with greater than 1,000 feet of PSLs were required to submit their detailed work plan by July 12, 2021.

To date, the District has issued over 49,000 compliance certificates that represent approximately 596 miles of leak-free PSLs or approximately 38 percent of laterals within the program area. The demand for PSL inspections declined by about 20 percent during the first six months of the pandemic but has rebounded due to the recovery in the housing market, increased construction activity, and the need for HOAs to comply with the 2021 deadline. Over the past three years, the District has also prioritized enforcement to maximize PSL repair to achieve the infiltration and inflow reductions required by the Consent Decree. Some enforcement tools have not been deployed yet due to the ongoing pandemic.

Common Interest Developments

Common interest developments, which can range from small condominium buildings to large subdivisions, present a special challenge for the PSL Program because property owners may share maintenance responsibility for their PSLs with their HOA. To address this, the Ordinance established a deadline for all HOA-maintained PSLs to become compliant within ten years of adoption of the Ordinance in 2011 (i.e., by July 12, 2021), whereas individual unit owners with PSL maintenance responsibility within an HOA remain trigger-based. Over the last three years, the District has issued a number of customized and general mailings to the over 600 HOAs identified within the program area. Just ahead of the deadline, the District sent a Compliance Date Reminder Notice to approximately 350 non-compliant HOAs.

Over the last year and a half, staff have been performing HOA inspections, which can involve testing many individual lengths of pipe and manholes, on a weekly basis. To assist property owners with coordinating and scheduling testing for these more extensive projects, the District began offering off-hours inspections in Fiscal Year (FY) 2016 and exact appointment time inspections, rather than appointment windows, in FY21. Approximately 75 percent of the HOAs within the program area are now certified. Staff is continuing to conduct inspections and outreach and will begin enforcement as the next phase.

Parcels or Parcel Groups with Greater Than 1,000 Feet of PSLs

The Ordinance allows individual property owners and/or common interest developments with PSLs greater than 1,000 feet in length to plan and implement their PSL rehabilitation work on a specified schedule. This schedule includes deadlines for developing a condition assessment plan (July 12, 2016) and a work plan (July 12, 2021). The Ordinance requires certification by either July 12, 2026 or, if certain conditions are met, by July 12, 2029. Currently there are a total of 93 properties in this category and 13 of these are already certified ahead of the deadline. For the remaining 80 properties, approximately 20 percent are on track and approximately 80 percent require additional follow up on their submitted plans. This work is ongoing.

Enforcement

To increase compliance rates and the number of PSLs certified as leak-free, the District began issuing a cost-recovery based fee to noncompliant properties. The first fees were issued in February 2020 to properties that had long been noncompliant and to those that had failed to comply after receiving two courtesy notices and approximately six months after meeting a trigger. Over the past two years, these notices have been issued on a monthly basis. The current initial noncompliance fee is a one-time fee of \$460, which will increase to \$480 on July 1, 2022. The District also established an ongoing monthly noncompliance fee of \$110 for properties that remain out of compliance following the initial notice. However, staff has not assessed the ongoing noncompliance fee to date, recognizing the ongoing pandemic has made aspects of timely compliance more challenging. Staff expects to begin issuing these ongoing noncompliance fees in the future to increase compliance rates.

Staff will continue to closely track the improvements in compliance rates. Should properties remain out of compliance, the District has various options under the Municipal Utility District Act and the Ordinance, including seeking judicial enforcement, which could result in civil penalties of up to \$10,000 per day or, in special cases, up to \$25,000 per day. Following the May 2019 Ordinance amendments, staff utilized Compliance Agreements to provide property owners additional time to comply in specific circumstances and with a monetary deposit. This tool allows the District to achieve the ultimate goals of the Ordinance with flexibility and transparency. To date, 109 Compliance Agreements have been executed.

NEXT STEPS

Staff will continue to work with property owners and HOAs to achieve maximum compliance rates and ensure transparent and uniform implementation of the Ordinance to meet the reduction in infiltration and inflow as required under the Consent Decree. Staff will continue current enforcement efforts and will consider expanding them as the pandemic ebbs to ensure uniform compliance.


CCC:EMW


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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 9, 2022

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Kelly A. Zito, Special Assistant to the General Manager 

SUBJECT: Education Program Update

SUMMARY

This memo provides an update on the District's Education Program (Program) and a preview of future developments of the Program. The Program's goal is to educate residents and stakeholders about the importance of water, the complex nature of our water and wastewater systems, EBMUD's commitment to environmental stewardship, and what goes into providing high-quality water and wastewater services to the community. This item will be discussed at the June 14, 2022 Planning Committee meeting.

DISCUSSION

In 2019, the District began evaluating its education materials and outreach efforts and concluded that to ensure the District's community engagement and education are effective, efforts must reach beyond K-12 students and include a diverse range of age groups, stakeholders, and communities. As part of the plan to enhance and modernize the District's K-12 offerings, staff began a portfolio of programs, events, and materials to expand education efforts to District residents and upcountry partners as outlined below.

Facility Tours

After a hiatus during the pandemic, in-person tours of the District's water and wastewater treatment plants are slowly resuming. In Fiscal Year 2022 (FY22) , staff provided tours for middle-schoolers at the Orinda Water Treatment Plant, key government officials at Upper San Leandro Water Treatment Plant, preschoolers at San Pablo Clearwell, and city officials at the Main Wastewater Treatment Plant. All tours incorporated conversations with operators, chemists, plumbers, and other key staff responsible for making these systems work. Digital tours are also offered to those who cannot join in-person.

Classroom Presentations and Science Fairs

The Board has honored local science fair winners at its meetings in the past. Along with science fair participation, staff resumed providing in-person classroom presentations and demonstrations. This past spring, a tour of the District's Pipeline Training Academy allowed high school students to see what it takes to become a District plumber, and in February middle school students participated in water safety experiments. In FY22, staff participated in 11 K-12 events, which included presentations in-person and virtually, tours of District facilities, and a Science, Technology, Engineering, Arts, and Math (STEAM) career fair at an elementary school.

Community Water Academy

The first EBMUD Community Water Academy launched on June 1, 2022. The inaugural class will receive a thorough grounding in the District's water and wastewater systems through five in-person discussion sessions on topics including EBMUD's history, sustainability, innovation, infrastructure, finances, diversity, equity and inclusion, and other priority areas. With participants made up of community leaders, local officials, and residents, the goal of the academy is to build an active, educated, and engaged community while also highlighting careers at the District.

K-12 Student Materials

In 2021, the District began updating its K-12 student/teacher curriculum and workbooks to meet Next Generation Science Standards (NGSS); STEAM; and Common Core criteria. The new NGSS/STEAM/Common Core-compliant materials provide lessons at the elementary, middle, and high school levels and go beyond the water cycle to explain water and wastewater systems. The new workbooks and curriculum reflect the cultural and ethnic diversity of the District's service area, and will be translated into Spanish and other languages, as needed. With the assistance of local education nonprofits, the District's curriculum will be incorporated into schools throughout the service area. The materials will be available to teachers beginning fall 2022.

Digital Resources

Local teachers have requested more digital resources that can be easily incorporated into their curriculum. In addition, residents and community groups are increasingly requesting videos, and other digital tools to learn more about the District. Staff has produced several self-guided story maps that go behind-the-scenes at the Orinda and Main Wastewater treatment plants, the historic paleontological find near Camanche Lake, and others. Along with the story maps, the District's 2022 Biennial Report is now a digital flipbook that provides a paper-free, always-available resource for District information. In addition, the District's video library continues to grow with animated videos geared toward young adults and new water service customers, videos on careers in the watershed, and a much-anticipated updated version of the Snowflake to the Bay video. The District plans to expand the library with videos for the centennial and other programs.

Water Wednesday

The District has developed a healthy following for the monthly online Water Wednesday program. Subject matter experts and guest speakers provide a deep dive on relevant topics and conduct on-the-spot polls, and viewers ask questions and debate ideas. Topics have ranged from Drought Mythbusters to Untangling EBMUD's History. Since June 2021, there have been ten Water Wednesdays with nearly 1,300 viewers and over 2,500 views online.

Sponsorships

The District has shifted its focus on sponsorships to support more education, job training, and community engagement programs. Attachment 1 shows the Education Program's emphasis on STEAM, job training and increasing support to upcountry partners with local scholarships.

Water on Wheels (WOW) Events

As the District emerges from pandemic restrictions, the WOW trailer and accompanying information and education booth will be available at a limited number of public events this summer and fall. Attachment 2 shows a calendar of upcoming events.

NEXT STEPS

Given the District's goal to raise public awareness of its mission, projects and priorities, staff continues to assess current educational programming, materials, budget, and staffing needs. Moving forward, staff will explore additional ways to enhance its educational offerings while developing a comprehensive education strategy aligned with the District's Strategic Communications Plan. In addition, the District will look to leverage the centennial resources, including in-person events, videos, digital tools, and other materials to educate the public about the District's history and future.

CCC:KZ:mfh

Attachments: 1. FY22 Sponsorships (Education and Outreach-related)
2. 2022 WOW Festivals and Events

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ATTACHMENT 1

FY22 Sponsorships (Education and Outreach-related)

Sponsored Organization	Amount	City of Org	Description
Alameda County - Statewide Illegal Dumping Conference	2,500	Oakland	April 19-21, 2022. Enforcer-level sponsorship includes logo on conference webpage.
Alameda County Science and Engineering Fair - Alameda County Water District	300	Various	Mar 26, 2022. Sponsorship of Science and Engineering Fair "Excellence in Water, Wastewater, and Recycled Water" Awards for students and science teachers.
Amador Flyfishers	500	Jackson	Sponsorship of educational programs and outreach, recognition on website, banner at events, summer camps, Ione Day Festival, Dandelion Days, Fish in the Classroom release (12 schools, 600 students).
American Fisheries Society National Conference	1,000	Davis	February 14-17, 2022. Sturgeon-level sponsorship includes 5 registrations and recognition in materials, newsletter, website, conference materials, and plenary announcements.
American Society of Civil Engineers - Annual Infrastructure Symposium	1,000	San Francisco	April 22, 2022. Emerald-level sponsorship includes recognition on website, registration packets, event programs, event signage, announcements, and 2 event registrations.
American Society of Civil Engineers - Lifelines Conference/UC Berkeley Center for Smart Infrastructure	2,500	Los Angeles	Silver-level Sponsorship includes logo on website, shared booth with UC Center for Smart Infrastructure, and one Exhibitor attendee.
Argonaut High School Scholarship	500	Jackson	High school scholarship to support leadership and agricultural education.
California Farm Bureau Federation	500	Sacramento	High school and college scholarships for agricultural-related major (animal science, biotech, veterinary medicine, and aquaculture).

California Water Data Consortium	5,000	Sacramento	Opportunity to provide input to the Consortium via Data Users Working Group.
Community Resources for Science - STEM Education and Outreach	2,000	Berkeley	Sponsorship of science education outreach throughout East Bay K-12 schools, outreach materials development and distribution, and educator awareness.
Contra Costa County Science and Engineering Fair	300	Dublin	March 10-12, 2022. Sponsorship of Science and Engineering Fair's "Excellence in Water, Wastewater, and Recycled Water Research" awards.
David Brower Center - Corporate Contribution	2,500	Berkeley	March 20-June 2, 2022. Sponsorship of Art/Act Youth Show and Exhibit, "Plastic Rebellion," including production, installation, and exhibit costs (teacher art supplies and honoraria), to promote understanding among students of environmental impacts of plastic pollution.
Delta Fly Fishers, Inc	500	Lodi	Sponsorship of the Salmon in the Classroom Fund, which provides tanks and coolers to 32 classrooms, and includes recognition in website, newsletter, and outreach materials.
East Bay Economic Development Alliance Foundation - Annual Innovation Awards	2,500	Oakland	June 16, 2022 and August 4, 2022. Sponsorship of Innovation Awards Block Party and awards ceremony at Fox Theater. Includes 10 tickets to block party, booth, social media and website recognition, and table for 10 at awards ceremony.
East Bay Leadership Council - Leadership Series	2,500	Walnut Creek	April 26, 2022. Sponsorship of East Bay Leadership Council Leadership Series Part 3, which includes recognition in event material, emails, press release, programs, slide decks, social media, and on registration page.
Engineers Without Borders	500	San Francisco	Oct 19-28, 2021. Silver-level Sponsorship includes 5 tickets to virtual event and recognition on website.

Galt Joint Union High School	500	Galt	Scholarship for students in Galt Joint Union High School District FFA.
Jewish Vocational Services Strictly Business virtual event	2,500	San Francisco	May 11, 2022. Benefactor-level sponsorship of virtual Strictly Business event, which includes 5 tickets, listing in printed materials, event signage, program, website, and advertising.
Kid Scoop News	2,950	Oakland	Sponsorship of Kid Scoop News subscription for seven Title 1 schools, a dedicated EBMUD education page, and messaging in magazine.
Liberty Ranch FFA Alumni	500	Galt	High school scholarship to support agricultural education and leadership development.
Museum of Children's Art	2,000	Oakland	Sponsorship of 2021-2022 school year outreach initiative on water conservation. Includes two workshops on conservation using art in six schools in Oakland, San Leandro, and Richmond. Student posters were featured in public exhibit.
Oakland Museum of California	5,000	Oakland	Sponsorship in support of museum's Learning Initiatives programs for K-12 students, including field trips and a 3 rd grade environmental justice program on conservation, watershed modeling, drought education, and pollution prevention.
People for Open Space dba Greenbelt Alliance	2,500	San Francisco	Sponsorship includes recognition on website, email, and social media.
Peralta Community Colleges Foundation - Scholarship Resources	500	Oakland	April 23, 2022. Sponsorship of Laney College's Career and Technical Education Open House.
Rising Sun Energy Center	1,000	Berkeley	May 6, 2022. Sponsorship of Rising Sun Center's Women Building the Bay graduation ceremony.
Rosie the Riveter Trust	2,000	Richmond	Sponsorship includes recognition on event publicity, website, newsletter, visitor center donor wall, and at events.

Salmonid Restoration Federation Annual Conference	1,000	Eureka	Apr 19-22, 2022. Sponsorship includes two conference tickets, and recognition in website, program, and during plenary.
San Joaquin Farm Bureau	500	Stockton	Sponsorship to support youth in promoting and protecting agriculture in San Joaquin County.
Social Good Fund's The East Oakland Collective	3,000	Oakland	Sponsorship of racial justice and equity programs in East Oakland.
Water Education Foundation	2,500	Sacramento	May 18-20, 2022. Sponsorship of Bay-Delta Tour and May 19 Dinner Walnut Creek.
Water for People	500	Denver	Sponsorship of programs that improve community access to safe drinking water and sanitation in developing countries.
West Contra Costa Public Education Fund - Calculus Roundtable A-Z Program	3,000	Richmond	Sponsorship of STEM education for underserved youth. "E" for EBMUD as part of the A-Z Community Partners program.

ATTACHMENT 2**2022 WOW Festivals and Events**

	Date	Time	Event	Ward	Estimated Attendance	County
1	Sat 07/16/22	11am – 6pm	Crockett Chamber Sugartown Festival	1	10,000	Contra Costa
2	*Sat 08/20/22 & Sun 08/21/22	10am – 5pm	Oakland Chinatown Streetfest	3,5,6	60,000	Alameda
3	Sat 09/10/22	10am – 6pm	Castro Valley Chamber Fall Fest	7	60,000	Alameda
4	Sun 09/11/22	10am – 5pm	Solano Stroll	4	425,000	Alameda
5	Sat 09/17/22	10am – 6pm	Lafayette Chamber Art, Wine, & Music Fest	2	200,000	Contra Costa
6	Sun 09/18/22	10am – 4pm	El Sobrante Chamber Stroll	3	30,000	Contra Costa
7	*Sat 10/15/22	11am – 6pm	Walnut Creek Chamber Oktoberfest	2	10,000	Contra Costa
8	*Sat 10/29/22	10am – 5pm	Unity Council Dia de los Muertos	5,6,7	60,000	Alameda


*Dates to be confirmed by organization


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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 9, 2022

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Michael R. Ambrose, Manager of Maintenance and Construction 

SUBJECT: Paving and Other Related Services

SUMMARY

In repairing and replacing water distribution pipelines and appurtenances, the District performs approximately 3,500 street excavations annually. The District spends approximately \$21 million per year to restore paving to city and county requirements. Agreements with vendors for paving services are necessary to manage the District's paving backlog peaks and reimburse cities and counties for joint paving agreements in the service area. The plan to supplement District paving resources for the next year was presented at the April 12, 2022 Planning Committee meeting. Additional information will be presented at the June 14, 2022 Planning Committee meeting.

DISCUSSION

Installing, repairing, and replacing water distribution infrastructure in the public right-of-way impacts city and county streets. Restoration of paving ranges from small patches to full lane (also called extension) paving. The District's goal is to complete 90 percent of the final paving within 30 days of completion of work to minimize safety risks, maintain customer service, and preserve relationships with cities and counties.

The District employs eight paving crews (66 employees) to complete all patch paving and perform some full lane paving following pipeline replacement. To support District forces, contractors are used for paving services (e.g., asphalt replacement or sealing) on larger jobs. In addition, the District executes joint paving agreements with other cities/counties where the District contributes funds for street restoration as part of larger paving projects. The District has used contractors and joint paving agreements since the early 1990s to provide timely extension paving following pipeline replacement projects.

Numerous factors have contributed to the current paving backlog. These factors include more extensive paving requirements by city/county agencies and absences due to periodic quarantining of crews because of the pandemic. As a result, District forces completed only about 62 percent of the paving volume in the last two years, with the remaining work completed by contractors. Before the pandemic, District forces completed nearly all the patch paving work (approximately 98%). In addition, there have been challenges securing permits for emergency work. The District

currently has a “blanket permit” for paving work with the City of Oakland. Staff is working with other local agencies to establish a similar agreement in other areas.

A cost analysis was performed to compare District forces with contracted work for the various types of paving projects. Paving jobs are unique such that the cost of any particular job is dependent on a number of factors including the cost of asphalt, restoration requirements, traffic control needs, and site conditions. The cost for District forces to restore pavement following pipeline replacement projects (“Extensions”) over the past year was 52 percent higher than the cost of a contractor, however the cost of individual jobs varied widely. The District does not usually use contractors to perform patch paving. However, a recent request for quotations to a few existing vendors indicate District forces costs were significantly less for patch paving.

In May 2021, under Motion No. 083-21 the Board authorized a one-year agreement for \$3,500,000 for paving and other related services. This year, the Board will be asked to consider a one-year agreement for \$5,000,000 for paving and related services. The increase is due to inflation, an increase in joint paving projects, and an increase in the amount of paving restoration for extensions. The impacts on staff availability due to the pandemic are not expected to continue, which will allow District forces to reduce the backlog of patch paving. Staff will continue to coordinate all pavement work with cities and counties in the service area to meet community needs.

NEXT STEPS

At its June 14, 2022 meeting, the Board will be asked to consider a one-year, \$5,000,000 agreement for paving and other related services.

CCC:MRA:sd