



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

AGENDA
REGULAR CLOSED SESSION

Tuesday, August 13, 2024

11:00 a.m.

Boardroom

375 11th Street

Oakland, CA 94607

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

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.

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Existing litigation pursuant to Government Code section 54956.9(d)(1):
 - a. *Saji Pierce, et al. v. East Bay Municipal Utility District, et al.*
USDC, N.D. Cal., Case No. 3:21-cv-04325-AGT
 - b. Hearing on Petition Requesting Changes in Water Rights of the Department of Water Resources for the Delta Conveyance Project
California State Water Resources Control Board Administrative Hearings Office
2. Initiation of litigation pursuant to Government Code section 54956.9(d)(4): one matter.
3. Personnel exception pursuant to Government Code section 54957 to consider the annual public employee evaluation of the General Counsel.

(The Board will discuss Closed Session agenda items in Conference Room 8.)

REGULAR BUSINESS MEETING
1:15 p.m.

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

PRESENTATIONS:

- Women's Business Enterprise Council 2024 Top Corporation Award

ANNOUNCEMENTS FROM CLOSED SESSION:

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.

CONSENT CALENDAR: (Single motion and vote approving 15 recommendations.)

1. Approve the Regular Meeting Minutes of June 25, 2024 and July 9, 2024.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Anvil Builders, Inc., in an amount not to exceed \$11,566,669 for construction of the Carter Reservoir Rehabilitation, Arroyo Pumping Plant Improvement, and Arroyo Reservoir Replacement Project, under Specification 2185.
4. Award a contract beginning on or after August 13, 2024 to the lowest responsive/responsible bidder, Core and Main Company, for supplying resilient seated gate and butterfly valves for two years, with three options to renew for additional one-year periods for a total cost after the addition of taxes, including option years, not to exceed \$6,902,035 under Request for Quotation No. 2414.
5. Award a contract beginning on or after August 13, 2024 to the lowest responsive/responsible bidder, Ferguson Enterprises, LLC, for supplying a 36-inch motor operated gate valve for Wastewater Pump Station H, for a total cost, after the addition of taxes, not to exceed \$241,448 under Request for Quotation No. 2410.
6. Award a contract beginning on or after August 13, 2024 to the lowest responsive/responsible bidder, Larson Electronics, LLC, for supplying a medium voltage transformer for the Lafayette Water Treatment Plant for a total cost, after the addition of taxes, not to exceed \$101,349 under Request for Quotation No. 2406A Schedule I.

CONSENT CALENDAR: (Continued)

7. Award a sole source contract beginning on or after August 13, 2024 to Evoqua Water Technologies LLC, for supplying six clarifier sludge collectors and drives for the Main Wastewater Treatment Plant, for two clarifiers in the next two years, with the option to supply equipment for up to four additional clarifiers in the next four years for a total cost, after the addition of taxes, including option years, not to exceed \$6,318,036.
8. Authorize an agreement beginning on or after August 13, 2024 with Nichols Consulting Engineers, Chtd. for \$1,395,400 for three years with two options to renew for additional one-year periods, plus \$1,956,000 for optional construction management and inspection services, for a total amount, including option years, not to exceed \$4,342,200 for pavement management and design services for the Facility Paving Project.
9. Authorize actions related to design, construction inspection and engineering services.
 - 9a. Ratify the payment of \$82,194 to Aetypic, Inc. for design, construction inspection, and engineering services during construction for the Main Wastewater Treatment Plant Operations Center Improvements Project under SD-424 through August 13, 2024.
 - 9b. Authorize an amendment to the agreement previously authorized under Board Motion No. 187-20 with Aetypic to increase the agreement amount by \$120,312, which incorporates the ratified amount from the action above, to a total amount not to exceed \$663,301 for additional design, construction inspection, and ESDC for the MWWTP Operations Center Improvements Project under SD-424.
10. Authorize an amendment to the agreement previously authorized under Board Motion No. 203-23 with Info-Tech Research Group, Inc. dba McLean & Company to increase the agreement amount by \$272,698 to a total amount not to exceed \$416,210 and extend the agreement term to August 20, 2027 for additional online human resources and diversity, equity, and inclusion advisory services.
11. Authorize an amendment to the agreement previously authorized under the General Manager's authority with P&A Administrative Services, Inc. to increase the agreement amount by \$290,000 to a total amount not to exceed \$600,500 and extend the agreement term to December 31, 2029, with an option to extend the agreement term for an additional one-year period, to provide employee Flexible Spending Account administrative services.
12. Authorize an amendment to the agreement previously authorized under Purchase Order No. EBM207487 with United Rentals (North America), Inc. to increase the agreement amount by \$20,000 to a total not to exceed \$100,000 and extend the agreement term to February 18, 2025 for supplying a temporary diesel tank for the standby generator at the Sobrante Water Treatment Plant.
13. Authorize the Office of General Counsel to continue the employment of the law firm of GinnLaw, P.C. for specialized legal services related to construction, public contracts and procurement, claims, and litigation matters in an amount not to exceed \$200,000.

CONSENT CALENDAR: (Continued)

14. Approve the Water Supply Assessment requested by the Lawrence Berkeley National Laboratory for the 2025 Long Range Development Plan pursuant to California Water Code, Sections 10910-10915.
15. Adopt the Reporting Year 2023 Equal Employment Opportunity Program.

DETERMINATION AND DISCUSSION:

16. Legislative Update.
 - Receive Legislative Report No. 06-24 and consider a position on the following bill: H.R. 8682 (Huffman) Water Conservation Rebate Tax Parity Act
 - Update on Legislative Issues of Interest to EBMUD
17. Conduct a second reading and adopt an ordinance amending Ordinance No. 355-11, as previously amended, which is the Wastewater Control Ordinance, to incorporate changes to the local limits, clarify appellate procedures for enforcement orders, modify permit categories and permitting procedures, adopt modifications recommended by federal auditors, and make other clarifications to ensure consistency with federal regulations. (Second Reading and Vote – Ordinance No. 377-24)
18. General Manager's Report.
 - Update on Nutrient Watershed Permit
 - Monthly Report – July 2024

REPORTS AND DIRECTOR COMMENTS:

19. Committee Reports:
 - Planning
 - Legislative/Human Resources
 - Sustainability
 - Finance/Administration
20. Other Items for Future Consideration.
21. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, August 27, 2024.

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.

BOARD CALENDAR

Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, August 13	Planning Committee	9:00 a.m. Boardroom	- Dam Safety Program Annual Report - Los Vaqueros Reservoir Expansion Project Update - Trench Soils Management Update
	Legislative/Human Resources Committee	10:30 a.m. Boardroom	- Legislative Update - Reporting Year 2023 Equal Employment Opportunity Program Report
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	- Closed Session - Regular Meeting
Tuesday, August 27	Finance/Administration Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	- Closed Session - Regular Meeting
Monday, September 2	Labor Day Holiday		<i>Offices closed</i>
Tuesday, September 10	Planning Committee	TBD Boardroom	
	Legislative/Human Resources Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom 1:15 p.m. Boardroom	- Closed Session - Regular Meeting
<u>2024 Board Committee Members</u> Finance/Administration Katz {Chair}, Chan, Patterson Legislative/Human Resources Patterson {Chair}, Gómez, McIntosh Planning Young {Chair}, Chan, Linney Sustainability Linney {Chair}, Katz, Young			

APPENDIX

**Closed Session and Regular Business Meetings
11:00 a.m. and 1:15 p.m.**

*EBMUD public Board meetings will be conducted in person and accessible via Zoom.
These meetings are recorded, live-streamed, and posted on the District's website.*

Online*

<https://ebmud.zoom.us/j/97065086667?pwd=eUdZSGh5SG82akZiRDZlUDg2b0IyUT09>

Webinar ID: 970 6508 6667

Passcode: 238500

By Phone*

Telephone: 1 669 900 6833

Webinar ID: 970 6508 6667

Passcode: 238500

International numbers available: <https://ebmud.zoom.us/u/adMXn1VnPp>

*To familiarize yourself with Zoom, please visit <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

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.*

- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers
- The Secretary will track time and inform each speaker when the allotted time has concluded
- 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
- The Secretary will call each speaker in the order received

In person

- Fill out and submit a blue speaker card which is available in the meeting room

Via Zoom

- 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

Submitting written comments or materials

- Email written comments or other materials for the Board of Directors to SecOffice@ebmud.com
- Please indicate the meeting date and agenda item number or non-agenda item topic in the subject line of the email. Contact information is optional.
- **Please email by 4 p.m. the day prior to the scheduled regular meeting;** written comments and other materials submitted to the Board of Directors will be filed in the record.

To view the livestream of Board meetings, please visit:
<https://www.ebmud.com/about-us/board-directors/board-meetings/>

MINUTES

**Tuesday, July 9, 2024
East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California**

Regular Closed Session Meeting

President Lesa R. McIntosh called to order the Regular Closed Session Meeting of the Board of Directors at 11:01 a.m. in the Administration Building Boardroom.

ROLL CALL

Directors April Chan, Luz Gómez, Doug A. Linney, William B. Patterson, Marguerite Young and President Lesa R. McIntosh were present at roll call. Director Andy Katz arrived in Conference Room 8 at 11:10 a.m.

Staff participants included General Manager Clifford C. Chan and General Counsel Derek T. McDonald.

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera who commented on documents she provided to the Board, the performance appraisals for the General Manager and General Counsel, and the investigation of alleged violations by former Director John Coleman.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President McIntosh announced the closed session agenda and the Board convened to Administration Building Conference Room 8 for discussion.

Regular Business Meeting

At 1:07 p.m. General Manager Clifford C. Chan informed Secretary of the District Rischa S. Cole that due to an extended Closed Session Meeting, the Regular Business Meeting would start at 1:25 p.m. President Lesa R. McIntosh called to order the Regular Business Meeting of the Board of Directors at 1:35 p.m. in the Administration Building Boardroom.

ROLL CALL

Directors April Chan, Luz Gómez, Andy Katz, Doug A. Linney, William B. Patterson, Marguerite Young, and President Lesa R. McIntosh were present at roll call.

Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, and Secretary of the District Rischa S. Cole.

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Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, and Secretary of the District Rischa S. Cole.

BOARD OF DIRECTORS

President McIntosh led the pledge of allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

President McIntosh announced that due to time constraints the Board did not hold the annual performance evaluation of the General Counsel. The Board will continue the evaluation to the August 13, 2024 Regular Closed Session meeting. There were no other announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board was Ivette Rivera who commented on documents she provided to the Board and read an excerpt from one of the documents.

CONSENT CALENDAR

- Agenda Items 4.1, 4.2 and 14 were pulled from the Consent Calendar for separate discussion.
 - Motion by Director Katz, seconded by Director Linney to approve the recommended actions for Items 1-3, 5-13, and 15-16 on the Consent Calendar carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Young, Patterson and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 126-24** – Approved the Regular Meeting Minutes of June 11, 2024.
 2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Proposed Amendments to the Wastewater Control Ordinance,” dated July 9, 2024; **2)** Presentation entitled, “Board Governance Policies” dated July 9, 2024; **3)** Presentation entitled, “Walnut Creek Water Treatment Plant Pretreatment Project Final EIR and Project Approval” dated July 9, 2024; **4)** Presentation entitled, “Service award Recipients (April 2024 – June 2024)” dated July 9, 2024; **5)** Speakers’ Bureau and Outreach Record CY24, dated July 9, 2024; **6)** Memo dated July 9, 2024 from Serge V. Terentieff, Director of Engineering and Construction to Board of Directors regarding Walnut Creek Water Treatment Plant Pretreatment Project – Final Environmental Impact Report **7)** Email dated July 5, 2024 from Julia Jackson to the Board of Directors transmitting document titled EBMUD Walnut Creek Pretreatment Project: Mitigations; **8)** Email dated July 9, 2024 from Ivette Rivera to Board of Directors regarding Documents for 7/9/24 Board Meetings AND Committee Meetings transmitting attachments titled Ivette Rivera docs for EBMUD BOD Meetings 07/09/2024; **9)** Email dated July 7, 2024 from Ivette Rivera to Board of Directors et. al, transmitting attachments titled Rivera-Tort 2024-L-114 and Copy of MORRA Promotions 2024_L-114 EX2; **10)** Document titled Excerpt from Jan Duffy Report with attachments; **11)** Memorandum dated June 20, 2024 to Lesa McIntosh, President Board of Directors and Andy Katz, Board of Directors regarding Summary of Investigation and Conclusions re Investigation of Ethics Complaint Concerning Former Director John Coleman; **12)** Contra Costa Times Proof of Publication Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District on the Collection by East Bay Municipal Utility District of Unpaid Delinquent Charges Through Property Tax Bills for Multi-Family Residential Accounts

and Filing of Report (Legal No. 0006835208 published June 21 and June 28, 2024); **13) Oakland Tribune** Proof of Publication Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District on the Collection by East Bay Municipal Utility District of Unpaid Delinquent Charges Through Property Tax Bills for Multi-Family Residential Accounts and Filing of Report (Legal No. 0006835208 published June 21 and June 28, 2024); **14) West County Times** Proof of Publication Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District on the Collection by East Bay Municipal Utility District of Unpaid Delinquent Charges Through Property Tax Bills for Multi-Family Residential Accounts and Filing of Report (Legal No. 0006835208 published June 21 and June 28, 2024); **15) Oakland Tribune** Proof of Publication Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District to Consider a Resolution Ordering the Wet Weather Facilities Charge to be Collected on the Property Tax Roll (Legal No. 0006835229 published June 21 and June 28, 2024); **16) West County Times** Proof of Publication Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District to Consider a Resolution Ordering the Wet Weather Facilities Charge to be Collected on the Property Tax Roll (Legal No. 0006835229 published June 21 and June 28, 2024); **17) Contra Costa Times** Proof of Publication Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year 2025 (Legal No. 0006830686 published May 24 and May 31, 2024); **18) West County Times** Proof of Publication Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year 2025 (Legal No. 0006830686 published May 24 and May 31, 2024); **19) Oakland Tribune** Proof of Publication Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year 2025 (Legal No. 0006830686 published May 24 and May 31, 2024); **20) Calaveras Enterprise** Proof of Publication Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year 2025 (published May 23 and May 30, 2024); **21) Amador Ledger Dispatch** Proof of Publication Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year 2025 (Legal No. X643 published May 24 and May 31, 2024); **22) Lodi News-Sentinel** Proof of Publication Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year 2025 (published May 23 and May 30, 2024); **23) Notarized Affidavit of Posting** regarding the Notice of the Time and Place of a Public Hearing on the Report and Recommendation of the General Manager of the East Bay Municipal Utility District on Proposed Revisions to the Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year 2025,

signed by Rischa S. Cole, dated August 9, 2024; **24)** Notarized Affidavit of Posting regarding the Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District on the Collection by East Bay Municipal Utility District of Unpaid Delinquent Charges Through Property Tax Bills for Multi-Family Residential Accounts and Filing of Report, signed by Rischa S. Cole, dated August 9, 2024; and **25)** Notarized Affidavit of Posting regarding the Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District to Consider a Resolution Ordering the Wet Weather Facilities Charge to be Collected on the Property Tax Roll, signed by Rischa S. Cole, dated August 9, 2024.

3. **Motion No. 127-24** – Awarded a contract to the lowest responsive/responsible bidder, Blocka Construction, Inc., in an amount not to exceed \$2,895,000 for the construction of the Lafayette Water Treatment Plant Control Systems Improvements Project, under Specification 2177.
- 4.1. **Award a contract to the lowest responsive/responsible bidder, Thompson Builders Corporation, in an amount not to exceed \$5,980,000 for the temporary Cull Creek Rate Control Station and permanent Regulator, and the Campus, Keller, Gramercy, and Villareal Regulators Upgrade Project, under Specification 2180.**
 - Addressing the Board was Eric Larsen, President, AFSCME Local 444, who said the union objects to contracting out the installation of rate control stations and maintenance of regulators and asked the Board to defer the work until there are sufficient inhouse resources to perform the work, separate the work on the Cull Creek facilities from the rest of the project, reduce the contract scope, and use the funds to hire staff to complete the work. He commented on the volume of future rate control station related work projected in the District’s Capital Improvement Program. Planning Committee Chair Marguerite Young reported the Committee received an update on this item earlier today but did not discuss separating the work on the Cull Creek facilities from the rest of the project. The Committee supported the staff recommendation but asked staff to continue discussions with the union and to evaluate using District forces to complete future projects. General Manager Clifford C. Chan explained it is not simple to separate the projects and as discussed during the Planning Committee meeting, staff will continue discussions with the union and explore resource needs for future work during the upcoming budget cycle.
 - Motion by Director Linney, seconded by Director Young to approve the recommended actions for Item 4.1 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).
- Motion No. 139-24** – Awarded a contract to the lowest responsive/responsible bidder, Thompson Builders Corporation, in an amount not to exceed \$5,980,000 for the temporary Cull Creek Rate Control Station and permanent Regulator, and the Campus, Keller, Gramercy, and Villareal Regulators Upgrade Project, under Specification 2180.
- 4.2. **Authorize an agreement beginning on or after July 9, 2024, with Mott MacDonald Group, Inc. in an amount not to exceed \$328,940 for engineering services during construction for the construction of the temporary Cull Creek Rate Control Station and permanent Regulator, and the Campus, Keller, Gramercy, and Villareal Regulators Upgrade Project.**

- Motion by Director Linney, seconded by Director Young to approve the recommended actions for Item 4.2 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 140-24 – Authorized an agreement beginning on or after July 9, 2024, with Mott MacDonald Group, Inc. in an amount not to exceed \$328,940 for engineering services during construction for the construction of the temporary Cull Creek Rate Control Station and permanent Regulator, and the Campus, Keller, Gramercy, and Villareal Regulators Upgrade Project.

5. **Motion No. 128-24** – Authorized an agreement beginning on or after July 9, 2024 with Arup US, Inc. in an amount not to exceed \$462,790 for design services for security improvements at the District's Adeline Maintenance Center Campus located in West Oakland, California.
6. **Motion No. 129-24** – Authorized an agreement beginning on or after July 9, 2024 with Brown and Caldwell in an amount not to exceed \$1,677,699 for engineering consultant services for the planning phase of the Dewatering Improvements Project at the Main Wastewater Treatment Plant.
7. **Motion No. 130-24** – Authorized an agreement beginning on or after July 9, 2024 with ConvergeOne, Inc. for \$524,810 for three years, with one option to renew for an additional three-year period for a total, including option years, not to exceed \$864,505 for implementation, system support services and software licenses for call center management software.
8. **Motion No. 131-24** – Authorized an agreement beginning on or after July 9, 2024 with Corcus Construction, Inc. in an amount not to exceed \$432,800 for District sewer lateral maintenance including sewer location services, installation of sewer appurtenances, replacements, and compliance testing.
9. **Motion No. 132-24** – Authorized an agreement beginning on or after July 9, 2024 with Dynamic Systems, Inc. for one year, with one option to renew for an additional one-year period for a total amount, including the option year, not to exceed \$830,546 for Oracle Premier software maintenance and support services. This agreement will be made under State of California contracts available for use by local governments.
10. **Motion No. 133-24** – Authorized an agreement beginning on or after July 9, 2024 with Eaton Corporation in an amount not to exceed \$1,619,151 for the Orinda Water Treatment Plant Main Plant Switchgear Breaker Replacement project.
11. **Motion No. 134-24** – Authorized an agreement beginning on or after July 9, 2024 with FlowWest in an amount not to exceed \$793,092 for the planning, design, and permitting of two floodplain and spawning habitat restoration projects along the Mokelumne River.
12. **Motion No. 135-24** – Authorized an agreement beginning on or after July 9, 2024 with GEMS Environmental Management Services, Inc. in an amount not to exceed \$432,188 for the installation of a standby generator diesel tank and day tank at Sobrante Water Treatment Plant.
13. **Motion No. 136-24** – Authorized an agreement beginning or after July 9, 2024 with the Peralta Community College District in an amount not to exceed \$119,500 for tuition, student support services, and appropriate materials required for the fourth iteration of the Cohort Learning Program during the period of August 2024 to May 2026.

14. **Authorize an agreement beginning on or after July 9, 2024 with TJC and Associates, Inc. in an amount not to exceed \$999,718 for as-needed electrical engineering services during construction in support of the Upper San Leandro Water Treatment Plant Maintenance and Reliability Project.**

- Addressing the Board was Justin Young, EBMUD Electrical Engineer who commented on recruitment and retention for Electrical Engineers and contracting out electrical engineering services and asked for a two-step equity adjustment for District Electrical Engineers.

President McIntosh requested follow up information. General Manager Clifford C. Chan reported Human Resources Department staff is in discussions with AFSCME Local 2019 and this is the first time he became aware of the equity adjustment request which are a part of ongoing labor negotiations. President McIntosh withdrew the request for follow up.

- Motion by Director Linney, seconded by Director Chan to approve the recommended actions for Item 14 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 141-24 – Authorized an agreement beginning on or after July 9, 2024 with TJC and Associates, Inc. in an amount not to exceed \$999,718 for as-needed electrical engineering services during construction in support of the Upper San Leandro Water Treatment Plant Maintenance and Reliability Project.

15. **Motion No. 137-24** – Awarded a contract beginning on or after July 9, 2024 to the lowest responsive/responsible bidder, ePlus Technology, Inc., for supplying Arista Networks' converged cloud fabric switches for the District's data center, for a total cost, after the addition of taxes, not to exceed \$208,332 under Request for Quotation No. 2409A.

- 16a. – **Motion No. 138-24** – Authorized amendments to the agreements previously authorized under
16b. Board Motion No. 119-23, with Eyeball Enterprises, Inc.; Ferguson Welding Service, Inc.; John Arthur Welding, Inc.; Larsson Welding; Mid Mountain Mechanical, Inc.; Nicole Welding, Inc.; and Woods Welding to increase the aggregate amount of those agreements by \$125,000 to a total aggregate amount not to exceed \$375,000 and extend the term of the agreements to July 9, 2025 for welding services; and authorized additional agreements for welding services, on an as-needed basis and subject to the total aggregate amount authorized by the Board for such services on July 9, 2024 with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.

PUBLIC HEARING

- 17.1. **Conduct a public hearing and consider objections and protests to the General Manager's report to Transfer Delinquent EBMUD Charges to the Alameda and Contra Costa counties' 2024-2025 Property Tax Rolls.**

President McIntosh opened the public hearing at 1:54 p.m. and announced the hearing is to consider objections and protests to the General Manager's Report to Transfer Delinquent EBMUD Charges to the 2024-2025 Property Tax Rolls. She reviewed the processes for the public to comment, object or protest the charges and advised staff was available to assist if needed. She asked if there were speakers online or in person to lodge an objection or to protest the actions being considered by the Board. There were none. President McIntosh asked for a motion to close the public hearing and closed the public hearing at 1:57 p.m.

- Motion by Director Patterson, seconded by Director Young to close the public hearing carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 142-24 – Conducted a public hearing to consider objections and protests to the General Manager's report to Transfer Delinquent EBMUD Charges to the Alameda and Contra Costa counties' 2024-2025 Property Tax Rolls.

- 17.2. – **Adopt the General Manager's Report dated June 11, 2024 and authorize the General**
17.3. **Manager to exclude from the report any affected parcels or amounts as appropriate, including those that the District receives payment for on or before August 10, 2024, the date in which the report will be sent to Alameda and Contra Costa counties; and authorize the transfer of delinquent EBMUD charges to the Alameda and Contra Costa counties' 2024-2025 property tax rolls.**

- Motion by Director Gómez, seconded by Director Young to approve the recommended actions for Items 17.2-17.3 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35411-24 – Approving Transfer Of Unpaid Delinquent Charges To The Alameda And Contra Costa Counties' 2024-2025 Property Tax Rolls.

- 18.1. **Conduct a public hearing to consider objections and protests to EBMUD's written report describing each parcel of real property subject to the Wet Weather Facilities Charge (WWFC) and amount of the WWFC to be imposed on each parcel for the Alameda and Contra Costa counties' Fiscal Year (FY) 2024-2025 Property Tax Rolls.**

President McIntosh opened the public hearing at 1:58 p.m. and announced the hearing is to consider objections and protests to EBMUD's written report describing each parcel of real property subject to the WWFC and amount of the WWFC to be imposed on each parcel for the Alameda and Contra Costa counties' FY 2024-2025 Property Tax Rolls. Written protests must have been mailed and received by the District before the close of the public hearing. Secretary of the District Rischa S. Cole confirmed no written objections or protests had been submitted to be read as part of the public hearing. President McIntosh asked if there were speakers online or in

person to provide comment or protest the actions being considered by the Board. There were none. President McIntosh announced the District did not receive any protests to the written report and asked for a motion to close the public hearing. She closed the public hearing at 1:59 p.m.

- Motion by Director Patterson, seconded by Director Linney to close the public hearing carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

18.2a. Adopt the written report and authorize the District to collect the FY 2025 WWFC on the Alameda and Contra Costa counties' property tax rolls by at least two-thirds of the members of the Board (i.e., five Board members).

- Motion by Director Young, seconded by Director Linney to approve the recommended actions for Item 18.2a carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

18.3b. Authorize District staff to adjust the FY 2025 WWFC for any affected parcels as new information is provided by the counties.

- Motion by Director Linney, seconded by Director Katz to approve the recommended actions for Item 18.3b carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

18.4c. Direct the Secretary of the District to file a copy of the Report on or before August 10, 2024, with the Alameda County Auditor-Controller and the Contra Costa County Auditor-Controller.

- Motion by Director Linney, seconded by Director Patterson to approve the recommended actions for Item 18.4c carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35412-24 – Adopting The Report Of The East Bay Municipal Utility District Wet Weather Facilities Charge And Directing The Secretary To File Said Report With The Alameda County Auditor-Controller And the Contra Costa County Auditor-Controller And To Request The Auditor-Controllers To Place The Fiscal Year 2025 Wet Weather Facilities Charge On The Property Tax Rolls.

DETERMINATION AND DISCUSSION

19. Appoint an Ad Hoc Committee to negotiate amendments to the employment agreements with the General Manager and General Counsel.

General Manager Clifford C. Chan announced that although the annual performance evaluation for the General Counsel has been continued to August 13, the Board is being asked to appoint an Ad Hoc Committee to negotiate any amendments to the employment agreements with the General Manager and General Counsel. President McIntosh announced past practice has been for the current Board President, current Board Vice President, and immediate past Board President

to serve as the Ad Hoc Committee for this purpose. President McIntosh called for other volunteers from the Board. There were none.

- Motion by Director Linney, seconded by Director Young to appoint President Lesa R. McIntosh, Vice President William B. Patterson and Director Andy Katz to serve as the Ad Hoc Committee to negotiate amendments to the employment agreements with the General Manager and General Counsel 19 carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 144-24 – Appointed President Lesa R. McIntosh, Vice President William B. Patterson, and Director Andy Katz to the Ad Hoc Committee to negotiate amendments to the employment agreements with the General Manager and General Counsel.

20. **Conduct a first reading of an ordinance amending Ordinance No. 355-11, as previously amended, which is the Wastewater Control Ordinance, to incorporate changes to the local limits, clarify appellate procedures for enforcement orders, modify permit categories and permitting procedures, adopt modifications recommended by federal auditors, and make other clarifications to ensure consistency with federal regulations.**

Manager of Wastewater Environmental Services Alicia R. Chakrabarti presented the proposed amendments to the ordinance, which was last amended in 2013, and provides authority for the District to operate its Pretreatment Program as required by federal regulations and the National Pollutant Discharge Elimination System (NPDES) permit for the Main Wastewater Treatment Plant (MWWTP). The District established limits for certain constituents for wastewater discharges to the community sewer to ensure regulatory compliance and protect MWWTP processes. The MWWTP NPDES permit requires that these limits be evaluated every five years. A local limits study was completed in 2023 and staff proposes modifications to limits for volatile organics as well as oil and grease. The District did not receive any objections to the proposed changes to the local limits during the federally required public comment period. On March 28, 2024, the San Francisco Regional Water Quality Control Board (Regional Board) approved the proposed changes and advised the District to proceed with modifying the ordinance. These changes will help the District control pollutants at their source to protect treatment staff, maintain treatment processes, and prevent contaminants from being discharged to the San Francisco Bay. They will also ensure compliance with federal pretreatment requirements and maintain effective ordinance enforcement. Ms. Chakrabarti summarized the proposed changes and said the second reading and adoption of the ordinance amendments is scheduled for the August 13, 2024 Board meeting. Once the ordinance is adopted, staff will notify the Regional Board and incorporate the changes to the local limits into all existing and new wastewater discharge permits. The changes will also be deemed incorporated into the MWWTP NPDES permit. Planning Committee Chair Marguerite Young reported the Committee received an update on this item in June and unanimously recommended approval of the proposed amendments to the ordinance.

Ordinance No. 377-24 – An Ordinance Amending Ordinance No. 355-11, As Previously Amended, Which Is The Wastewater Control Ordinance (*Introduction and First Reading only*).

21. **Provide input and direction to the Office of General Counsel and Office of the Secretary on the development of Governance Policies for the Board of Directors.**

General Manager Clifford C. Chan announced that during the November 2023 Board Retreat, the Board asked staff to draft governance policies. Staff drafted ten policies that are based on Board resolutions and directives, Board practices, policies, administrative ordinances, and the Municipal Utility District Act. New policies were developed based on Board feedback during the retreat, as well as subsequent discussions with individual Board members. Staff also reviewed other agencies' governance policies while drafting the policies. Staff presented the draft policies at the Legislative/Human Resources Committee meeting on June 11. The Committee commented on the need for all Board members to review and provide feedback and asked staff to provide drafts to Board members for review and comment by Friday, June 28. Mr. Chan said staff is seeking the Board's direction on how they would like to provide feedback and discuss the draft policies. General Counsel Derek T. McDonald reviewed the draft policies which cover: Role of the Board of Directors; Board Member Code of Conduct; Board Meetings; Election of Board Officers and Committee Assignments; Board Member Orientation and Training; Role of Board Committees; Ethics of the Board of Directors; Protection of Whistleblowers; Board Member Compensation and Benefits; and Reimbursement of Director Expenses. He noted eight policies are new and two are existing policies that have been updated. There was considerable Board discussion to either conduct a workshop, appoint an Ad Hoc Committee, or review the draft policies with the Finance/Administration Committee, with assistance from Internal Auditor Supervisor Barry N. Gardin. There was additional Board discussion on how Board members would provide feedback to staff, language in some of the draft policies, the time needed to complete the review and incorporate updates, a Board handbook, and on appointing an Ad Hoc Committee or reviewing with the Finance/Administration Committee. Mr. McDonald noted the Secretary has drafted a handbook for Board members that will be based on the governance policies and also include information on administrative topics.

- Addressing the Board was Ivette Rivera who commented on the Board pressing pause on the draft policies, the policies going into effect before the end of the year, and a Board handbook. She expressed concern with the policies as drafted.

The Board continued discussing the draft policies regarding agenda setting and interacting with constituents. President McIntosh asked Board members if they would prefer to appoint an Ad Hoc Committee or have staff review the draft policies with the Finance/Administration Committee. Mr. McDonald advised the Board did not agendaize appointing an Ad Hoc Committee for today's meeting and would need to agendaize that action for the August 13, 2024 Regular meeting. He said the Board President can direct staff to review the draft policies with the Finance/Administration Committee. General Manager Chan asked Board members to provide feedback to staff on the draft policies before the Finance/Administration Committee meeting scheduled for August 27, 2024. Due to the number of topics on that agenda, he commented the Board could also consider scheduling a special Finance/Administration Committee meeting to review the draft policies. The Board directed staff to present the draft policies to the Finance/Administration Committee for initial review before presenting them at a Board meeting for discussion.

- Director Patterson left the meeting at 2:20 p.m. and returned at 2:28 p.m.

- 22a. – **Certify the Final Environmental Impact Report (EIR) for the Walnut Creek Water Treatment Plant Pretreatment Project; make findings in accordance with the California Environmental Quality Act (CEQA), including a Statement of Overriding Considerations; adopt the Mitigation Monitoring and Reporting Program in accordance with CEQA; adopt the Practices and Procedures Monitoring and Reporting Plan; and approve the Project.**
- 22e.

- Addressing the Board were the following: 1) Julia Jackson commented on documents she emailed to the Board, concerns with the project, and asked for reasonable mitigations; 2) Norman Matloff commented on traffic concerns, sludge removal, the meetings with staff, and asked for mitigations; and 3) Arvind Mallya commented on the meetings with staff and urged the Board to vote no on the project and consider the alternative options.

Senior Civil Engineer Bill E. Maggiore provided the presentation which included an overview of meetings with the community on June 21 and June 27; off-site and on-site project alternatives that were analyzed as part of the EIR; the need to pretreatment water in Briones Reservoir and the Contra Costa Water District intertie; discussions with neighbors of the plant on other issues; and outreach plans to keep the community apprised throughout future phases of the project. Mr. Maggiore reported the District addressed all comments received in the Final EIR and provided additional clarification on why the alternative to install a pipeline to pump sludge away from the plant is not a feasible solution. If the Board certifies the Final EIR and approves the project, Phase 1 will occur from 2024 through 2027, followed by construction from 2027 through 2030. Design and construction of Phase 2 would depend on future untreated water quality conditions and the timing of future water demands. Staff responded to Board questions regarding sheltering in place policies in the District's Emergency Action Plans and long-term truck traffic. Director Gómez thanked staff and the neighbors and commented on studying the EIR and meeting with neighbors and staff to better understand the criticalness of the project for the community and the District. She put forth a motion to approve the recommended actions.

- Director Chan left the meeting at 2:56 p.m. and returned at 2:58 p.m.
- Motion by Director Gómez, seconded by Director Linney to approve the recommended actions for Items 22a.- 22e. carried (7-0) by the following voice vote: (Chan, Gómez, Katz, Linney, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35413-24 – Certifying The Final Environmental Impact Report For The Walnut Creek Water Treatment Plant Pretreatment Project, Making Findings, Adopting The Mitigation Monitoring And Reporting Program, Adopting The Practices And Procedures Monitoring And Reporting Plan, And Approving The Project.

23. **General Manager's Report.**

Service Award Recipients - April through June 2024

Senior Human Resources Analyst Siobhan M. Tuvo highlighted the employees that reached service award milestones ranging from five to 25 years during this period. These employees were also recognized by their organizational leadership through the Employee Recognition and Service Award Program and received a service award on behalf of the District. Ms. Tuvo read the names

of the recipients including the following in attendance: Director of Engineering and Construction Serge V. Terentieff; Senior Civil Engineer Jennifer L. McGregor; Accounting and Financial Systems Analyst Melody Wang; Manager of Operations/Maintenance Planning William A. Sharp; Material Storage Foreman Arnold M. Gacusan; Special Assistant to the General Manager Derry L. Moten; and Assistant Engineer Martin C. Serena.

Monthly Report – June 2024

General Manager Clifford C. Chan announced the Forecast and Summary of 2024 Board Committee and Workshop Agenda Topics, and the Monthly Report were included in the agenda materials. The Speakers' Bureau and Outreach Record CY24 had been provided at Board places.

REPORTS AND DIRECTOR COMMENTS

24. Committee Reports.

- Filed with the Board were the Minutes for the June 11, 2024 Planning and Legislative/Human Resources Committees.
- Chair Marguerite Young reported the Planning Committee met earlier and received the Fiscal Year 2024 Pipeline Rebuild Program Update and Cull Creek Regulator Construction and Campus, Keller, Gramercy, and Villareal Regulators Replacement Project Update.
- President McIntosh reported the Legislative/Human Resources Committee met earlier and received the Diversity, Equity, and Inclusion Strategic Plan Update.

25. Other Items for Future Consideration.

None.

26. Director Comments.

- Director Chan reported participating in a meeting and tour of the Oakland Roots soccer team facilities with General Manager Chan and Special Assistant to the General Manager Kelly A. Zito on July 1 in Alameda.
- Director Patterson reported attending the Oakland Chamber of Commerce Annual meeting and celebration on June 26 at Children's Fairyland in Oakland.
- Director Young reported participating in the City of Orinda's Fourth of July Parade and shared pictures from the event.
- Directors Gómez, Katz, Linney, and President McIntosh had no reports.

ADJOURNMENT

President McIntosh adjourned the meeting at 3:55 p.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: August 13, 2024

Lesa R. McIntosh, President of the Board

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BOARD ACTION

Agenda Number:	3.	Meeting Date:	August 13, 2024

TITLE	CARTER RESERVOIR REHABILITATION, ARROYO PUMPING PLANT IMPROVEMENT, AND ARROYO RESERVOIR REPLACEMENT

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:

RECOMMENDED ACTION	Award a contract to the lowest responsive/responsible bidder, Anvil Builders, Inc., in an amount not to exceed \$11,566,669 for construction of the Carter Reservoir Rehabilitation, Arroyo Pumping Plant Improvement, and Arroyo Reservoir Replacement Project (Project), under Specification 2185.

SUMMARY	This contract includes the rehabilitation of Carter Reservoir, improvements to Arroyo Pumping Plant, and replacement of the existing Arroyo Reservoir with two new reservoirs, Arroyo Reservoirs No. 1 and 2. This project was discussed at the October 11, 2022 Long-Term Infrastructure Investment Workshop.

DISCUSSION	This project is part of the Reservoir Rehabilitation Program which includes rehabilitation, replacement, or demolition of the District's reservoirs to extend reservoir service life, improve reservoir safety for staff, improve water distribution resiliency, and improve water quality. Carter and Arroyo Reservoirs are both in the Carter Pressure Zone in the Town of Moraga. Carter Reservoir was built in 1974 and has been out of service since 2011 due to water quality issues caused by excess storage in the Carter Pressure Zone. Rehabilitating Carter Reservoir will extend the service life of the reservoir, incorporate improved fall protection and safety measures to meet current District standards, provide service for Carter Pressure Zone customers while Arroyo Reservoir is shut down for replacement, and allow the District to operate the Carter Pressure Zone with greater flexibility to meet seasonal demand changes and water quality standards. Arroyo Reservoir was built in 1982 and is currently the only reservoir operating in the Carter Pressure Zone. Replacing the reservoir with two smaller tanks will allow the District to operate the Carter Pressure Zone with greater flexibility to meet seasonal changes in demand and maintain water quality standards. The new reservoirs will include improved fall protection and safety measures to meet current District standards. Improvements will also be made to Arroyo Pumping Plant to allow for a portable pump to be operated during outage events because of PG&E Public Safety Power Shutoffs. This project is located in the Town of Moraga, as shown in the attached Location Map. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

Originating Department: Engineering and Construction	Department Director or Manager: Serge V. Terentieff	CEP Forms? Yes	Board Action Type: Construction
Funds Available: FY2025; Award #7000031; Page #76	Budget Coding: 11-570-3100017-2020091:25-7000031	Approved: 	
Attachment(s): Bid Summary; Location Map; P-035; P-061			

Title:	Carter Reservoir Rehabilitation, Arroyo Pumping Plant Improvement, and Arroyo Reservoir Replacement	Meeting Date:	August 13, 2024

BID RESULTS

Bid documents were posted on the District's website and issued to 22 resource organizations and 17 prospective bidders. Six bids were received, ranging from \$11,566,669 to \$14,773,000. The engineer's estimate for this work is \$15,504,423. The bid summary is attached.

The lowest responsive/responsible bidder, Anvil Builders, Inc., is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. Anvil Builders Inc. and its listed subcontractors are properly registered with the State DIR. In the past five years, Anvil Builders, Inc. has not filed a Government Code Claim nor initiated any litigation against the District.

SUSTAINABILITY**Economic**

Funding for this work is available in the Fiscal Year 2025 adopted capital budget for Reservoir Rehabilitation and Maintenance.

Social

Work under this contract is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of the DIR of the State of California.

Local 444 was notified of this contract on January 18, 2023 and did not raise any specific issues related to this contract.

Environmental

A California Environmental Quality Act Notice of Exemption was filed with the Contra Costa County Clerk on March 6, 2023.

ALTERNATIVES

Do not complete the project. This alternative is not recommended because this work is required to address aging infrastructure and meet current and future water demands.

Perform the work with District forces. This alternative is not recommended because District forces are fully committed to other capital and maintenance work and cannot support this project in the required timeframe. In addition, District forces do not have the resources or experience to construct these facilities.

EAST BAY MUNICIPAL UTILITY DISTRICT**SPECIFICATION 2185****Carter Reservoir Rehabilitation, Arroyo Pumping Plant Improvement,
and Arroyo Reservoir Replacement****Bids Opened July 17, 2024**

	BIDDER	TOTAL AMOUNT BID
1.	Anvil Builders, Inc. 1550 Park Ave. Emeryville, CA 94608 (415) 285-5000	\$ 11,566,669
2.	Mountain Cascade, Inc. 555 Exchange Ct. Livermore, CA 94550 (925) 373-8370	\$12,187,133
3.	C. Overaa & Co. 200 Parr Blvd. Richmond, CA 94801 (510) 234-0926	\$12,743,000
4.	Steve P. Rados, Inc. 2002 E. McFadden Ave., Ste. 200 Santa Ana, CA 92705 (916) 475-1654	\$13,326,000
5.	Disney Construction, Inc. (SBE/DVBE) 533 Airport Blvd, Ste. 120 Burlingame, CA 94010 (650) 259-9545	\$14,233,333 / \$14,083,333*
6.	NTK Construction, Inc. 501 Cesar Chavez St, Ste. 115 San Francisco, CA 94124 (415) 643-1900	\$14,773,000

SBE/DVBE – Small Business Enterprise or Disabled Veteran Business Enterprise

*Effective Bid Amount due to SBE/DVBE discount (7% of the low bid amount, not to exceed \$150,000)

Engineer's Estimate: \$15,504,423



PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

CARTER RESERVOIR REHABILITATION,
ARROYO PUMPING PLANT
IMPROVEMENT, AND ARROYO
RESERVOIR REPLACEMENT

SPECIFICATION 2185



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE SPECIFICATION NO.: 2185 Carter Reservoir Rehabilitation, Arroyo Pumping Plant Improvement, and Arroyo Reservoir Replacement					DATE: July 30, 2024						
CONTRACTOR: Anvil Builders, Inc. Local Business Emeryville, CA					PERCENTAGE OF CONTRACT DOLLARS						
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		99.3%		
		Ethnicity	Gender		White Women		9%		0.0%		
\$11,566,669		White		Men		Ethnic Minorities		25%		0.7%	
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:											
Anvil Builders, Inc.	\$6,351,191	White	X		54.9%						
SUBS:											
Anvil Power, Inc.	\$830,000	White	X		7.2%						
All Steel Fence, Inc.	\$220,106	White	X		1.9%						
Carone and Company, Inc.	\$589,000	White	X		5.1%						
US Tank & Mechanical Services, Inc.	\$1,596,500	White	X		13.8%						
Murphy Industrial Coatings	\$1,265,250	White	X		10.9%						
Tank Connection	\$637,685	White	X		5.5%						
Exaro Technologies Corp.	\$76,937	Hispanic	X				0.7%				
TOTAL		\$11,566,669			99.3%	0.0%	0.7%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		24		7		195		226			
Percent of Total Employees:		10.6%		3.1%		86.3%					
MSA Labor Market %:		24.5%		21.6%		53.9%					
MSA Labor Market Location:		Alameda									
COMMENTS											
Contract Equity Participation: 94.2% White Men and 5.8% Ethnic minority participation. Contract Duration: NA											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				YES							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: Carter Reservoir Rehabilitation, Arroyo Pumping Plant Improvement, and Arroyo Reservoir Replacement		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: 2185	DATE: 7/30/2024	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM: LBE	Company Wide	16	113	65	0	194	85.8%	53.9%
Anvil Builders, Inc. Maria Zavala 1550 Park Ave Emeryville, CA 94608 415-285-5000		Manager/Prof	0	16	0	0	16	50.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	5	4	0	9	90.0%	
		Semi/Unskilled	16	92	61	0	169	91.8%	
		Bay Area	16	113	65	0	194	85.8%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		7/12/2017		
		Co. Wide MSA:	California		# Employees-Co. Wide:		226	Bay Area:	0
S	WM: LBE	Company Wide	16	113	65	0	194	85.8%	53.9%
Anvil Power, Inc. Maria Zavala 1550 Park Ave Emeryville, CA 94608 415-285-5000		Manager/Prof	0	16	0	0	16	50.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	5	4	0	9	90.0%	
		Semi/Unskilled	16	92	61	0	169	91.8%	
		Bay Area	16	113	65	0	194	85.8%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		226	Bay Area:	226
S	WM: SBE	Company Wide	0	15	1	0	16	72.7%	48.4%
All Steel Fence, Inc. Denise M. Cornell 146 KLO Road Lathrop, CA 95330 209-983-9409		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	1	0	0	1	100.0%	
		Clerical/Skilled	0	2	1	0	3	60.0%	
		Semi/Unskilled	0	12	0	0	12	85.7%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		22	Bay Area:	0
S	WM: LBE	Company Wide	25	15	3	4	47	87.0%	15.0%
Carone & Company, Inc. Cristina Arcinas 5009 Forni Drive Suite A Concord, CA 94520 925-350-8534		Manager/Prof	3	0	0	0	3	100.0%	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	19	11	3	4	37	84.1%	
		Semi/Unskilled	3	4	0	0	7	100.0%	
		Bay Area	25	15	3	4	47	87.0%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		54	Bay Area:	54
S	WM	Company Wide	0	0	0	0	0	0.0%	43.6%
US Tank & Mechanical Services, Inc. Michael Smithson 6 Centerpoint Dr. Ste 700 La Palma, CA 90623 815-693-2523		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Orange		# Employees-Co. Wide:		1	Bay Area:	0
S	WM	Company Wide	5	52	1	0	58	69.9%	63.5%
Murphy Industrial Coatings Diana Sanchez 2704 Gundry Ave Signal Hill, CA 90765 209-832-7940		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	3	37	0	0	40	69.0%	
		Semi/Unskilled	2	15	1	0	0	72.0%	
		Bay Area	0	0	0	0	0	NA	39.9%
		Co. Wide MSA:	Los Angeles		# Employees-Co. Wide:		83	Bay Area:	0

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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Title: Carter Reservoir Rehabilitation, Arroyo Pumping Plant Improvement, and Arroyo Reservoir Replacement		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: 2185	DATE: 7/30/2024	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
S	WM	Company Wide	6	49	3	26	84	17.5%	14.3%
Neighbors and Associates Inc. DBA Tank Connection Lance Smith 3609 North 16th St Parsons, KS 67357 620-423-3010		Manager/Prof	0	2	2	6	10	9.7%	
		Technical/Sales	0	1	1	1	3	5.5%	
		Clerical/Skilled	1	27	0	9	37	26.4%	
		Semi/Unskilled	5	19	0	10	34	18.6%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Kansas		# Employees-Co. Wide:		481	Bay Area:	0
S	EMM-H: SBE	INFORMATION NOT PROVIDED							
Exaro Technologies Corp. Hector M. Dominguez 1831 Bayshore Hwy Burlingame, CA 94010 415-602-8039									
P	WM: LBE	Company Wide	2	138	1	0	141	47.0%	59.3%
Mountain Cascade, Inc. Desiree Arslanian 555 Exchange Court Livermore, CA 94550 925-373-8370		Manager/Prof	0	8	0	0	8	19.5%	
		Technical/Sales	0	2	0	0	2	28.6%	
		Clerical/Skilled	0	7	1	0	8	42.1%	
		Semi/Unskilled	2	121	0	0	123	52.8%	
		Bay Area	2	138	1	0	0	0.0%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		300	Bay Area:	300
P	WM	Company Wide	1	83	5	0	89	54.3%	48.4%
Steve P. Rados, Inc. Stephen S. Rados 2002 E. Mc Fadden Avenue, Suite 200 Santa Ana, CA 92735 916-475-1654		Manager/Prof	0	1	0	0	1	25.0%	
		Technical/Sales	0	17	3	0	20	48.8%	
		Clerical/Skilled	1	53	2	0	56	57.1%	
		Semi/Unskilled	0	12	0	0	12	57.1%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		164	Bay Area:	0
P	WM: SBE	Company Wide	0	7	2	0	9	30.0%	39.9%
Disney Construction, Inc. Mimi Sanchez 533 Airport Blvd. #120 Burlingame, CA 94010 650-259-9545		Manager/Prof	0	0	2	0	2	10.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	3	0	0	3	50.0%	
		Semi/Unskilled	0	4	0	0	4	100.0%	
		Bay Area	0	7	2	0	9	30.0%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		30	Bay Area:	30

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

[illegible]

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: **B**=Black, **H**=Hispanic, **A/PI**=Asian/Pacific Islander, and **AI/AN**=American Indian/Alaskan Native)



BOARD ACTION

Agenda Number:	4.	Meeting Date:	August 13, 2024

TITLE	RESILIENT SEATED GATE AND BUTTERFLY VALVES

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:

RECOMMENDED ACTION	Award a contract beginning on or after August 13, 2024 to the lowest responsive/responsible bidder, Core and Main Company, for supplying resilient seated gate and butterfly valves for two years, with three options to renew for additional one-year periods for a total cost after the addition of taxes, including option years, not to exceed \$6,902,035 under Request for Quotation (RFQ) No. 2414.

SUMMARY	The resilient seated gate and butterfly valves provided under this contract will be used for contractor and District installations and for routine and emergency repairs in the District's water distribution system.

DISCUSSION	The District is not committed to purchasing a minimum or maximum number of the material described under this contract and will only order on an as-needed basis. The estimated contract amount is based on historical usage data and projected needs. This purchase supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

VENDOR SELECTION	An RFQ was posted on the District's website, sent to 12 potential proposers, and advertised in the Oakland Tribune. Six bids were received. Core and Main Company was the lowest responsive/responsible bidder. Staff determined the bid price is reasonable.

SUSTAINABILITY	Economic The Fiscal Year 2025 adopted operating budget includes funding for the first year of this multi-year contract. Funding for the additional years will be considered as part of the associated budget development process.

ALTERNATIVE	<u>Purchase valves on the open market when replenishment inventory is needed.</u> This alternative is not recommended because volume pricing leverage as well as product availability will be compromised. The contract also provides favorable terms and conditions to the District, which would likely not be obtainable in an open market purchase.

Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY 2025	Budget Coding: 11.363.0000.0000000.17750.000000		Approved: 
Attachment(s): P-035; P-061			

Title:	Resilient Seated Gate and Butterfly Valves	Meeting Date:	August 13, 2024

Conduct a competitive bid process annually. This alternative is not recommended because the cost of an annual process and annual vendor re-pricing to the District could be significant.

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Materials and Supplies Agreement - RFQ No. 2414 Resilient Seated Gate And Butterfly Valves						DATE: July 22, 2024					
CONTRACTOR: Core and Main Company Hayward, CA						PERCENTAGE OF CONTRACT DOLLARS					
						Availability Group	Contracting Objectives		Participation		
BID/PROPOSER'S PRICE: \$6,902,035 *		FIRM'S OWNERSHIP		White Men		25%		100.0%			
		Ethnicity	Gender	White Women		2%		0.0%			
		White	Men	Ethnic Minorities		25%		0.0%			
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Core and Main Company		\$6,902,035	White	X		100.0%					
SUBS: None											
TOTAL		\$6,902,035				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		2,423		438		813		3,674			
Percent of Total Employees:		65.9%		11.9%		22.1%					
MSA Labor Market %:		39.0%		33.7%		27.3%					
MSA Labor Market Location:		USA									
COMMENTS											
Contract Equity Participation: 100% White Men participation. Contract Duration: Two years with three options to renew for additional one-year periods. *Total not to exceed: \$6,902,035											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: Resilient Seated Gate And Butterfly Valves			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
Materials and Supplies Agreement - RFQ No. 2414		DATE: 7/22/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM: LBE	Company Wide	212	80	0	0	292	7.9%	27.3%
Core and Main Company Laura Schneider 3486 Investment Blvd Hayward, CA 94545 314-995-9148		Manager/Prof	14	80	0	0	94	8.6%	
		Technical/Sales	29	0	0	0	29	2.4%	
		Clerical/Skilled	50	0	0	0	0	11.3%	
		Semi/Unskilled	119	0	0	0	119	13.0%	
		Bay Area	3	71	8	1	83	58.5%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		3,674		Bay Area: 142
P	WW	Company Wide	0	0	0	0	0	0.0%	38.5%
CAASI Flow Control Chantal Roussin 5002 Lakeview Dr Unit 202 San Ramon, CA 94582 925-989-0779		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		2		Bay Area: 2
P	WM	Company Wide	1	2	0	3	6	37.5%	48.4%
Capital Flow, Inc. Derek Burk 5800 Stanford Ranch Rd #310 Rocklin, CA 95765 916-718-9173		Manager/Prof	0	0	0		0	0.0%	
		Technical/Sales	0	2	0		2	33.3%	
		Clerical/Skilled	0	0	0		0	0.0%	
		Semi/Unskilled	1	0	0	3	4	80.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		16		Bay Area: 0
P	Unclassified	Company Wide	3,526	5,170	848	199	9,743	30.7%	27.3%
Ferguson Enterprises, LLC Charlotte Murch 12500 Jefferson Avenue Newport News, VA 23602 757-989-2870		Manager/Prof	471	611	252	33	1,367	17.5%	
		Technical/Sales	559	1,445	201	55	2,260	22.9%	
		Clerical/Skilled	641	833	136	18	1,628	35.6%	
		Semi/Unskilled	1,855	2,281	259	93	4,488	47.5%	
		Bay Area	58	175	62	7	302	72.4%	39.9%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		31,738		Bay Area: 417
P	WM	Company Wide	1	10	1	0	12	42.9%	48.4%
Underground Republic Water Works, Inc. Kurt Vievelette 1175 Campbell Ave San Jose, CA 95126 408-714-0047		Manager/Prof	0	3	0	0	3	50.0%	
		Technical/Sales	1	1	1	0	3	25.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	6	0	0	6	85.7%	
		Bay Area	1	10	1	0	12	42.9%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		28		Bay Area: 28

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

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BOARD ACTION

Agenda Number:	5.	Meeting Date:	August 13, 2024

TITLE	MOTOR OPERATED GATE VALVE

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:

RECOMMENDED ACTION	Award a contract beginning on or after August 13, 2024 to the lowest responsive/responsible bidder, Ferguson Enterprises, LLC, for supplying a 36-inch motor operated gate valve for Wastewater Pump Station H (PS H), for a total cost, after the addition of taxes, not to exceed \$241,448 under Request for Quotation (RFQ) No. 2410.

SUMMARY	This contract is for the purchase of one 36-inch solid wedge, motor operated gate valve with electric actuator for PS H as part of the upcoming Rehabilitation Phase 2 project under SD-444. The PS H Rehabilitation Phase 2 project was discussed at the October 11, 2022, Long-Term Infrastructure Investment Workshop.

DISCUSSION	The 36-inch motor operated gate valve provides a critical function of isolating PS H, located in Oakland, during emergencies. The existing valve, originally installed in the 1950s, cannot close properly and is due for replacement. The PS H Rehabilitation Phase 2 project includes replacement of this valve in 2025. Due to the long equipment lead time for this valve and wet weather construction constraints, purchase of this valve in advance of the project is recommended so the equipment is on-site for installation within the 2025 dry weather construction window. This purchase supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

VENDOR SELECTION	An RFQ was posted on the District's website, sent to nine potential proposers, and advertised in the Oakland Tribune. One bid was received. Ferguson Enterprises, LLC, was the lowest responsive/responsible bidder. Staff determined the bid price is reasonable.

SUSTAINABILITY	Economic Funding for this purchase is available in the Fiscal Year 2025 adopted capital budget for the Interceptors and Pump Stations. Social This purchase will increase operational reliability and facilitate rebuilding existing equipment that has been in service for over 36 years.

Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY2025; CIP#7000328; Page 124	Budget Coding: 21.928.0000.3100025.2020222:22.53610.000000		Approved: 
Attachment(s): P-035; P-061			

Title:	Motor Operated Gate Valve	Meeting Date:	August 13, 2024

Environmental

This purchase will replace equipment needed to maintain a critical wastewater pump station which serves over 60 percent of the District's wastewater service area and ensures compliance with the Main Wastewater Treatment Plant's National Pollution Discharge Elimination System Permit discharge requirements.

ALTERNATIVES

Do not purchase this equipment. This alternative is not recommended because the equipment is critical to pump station operation and maintaining permit compliance and public health.

Reject received bid and re-bid. This alternative is not recommended because the District engaged in a fair and competitive bid process. The bid received meets all specifications and is reasonable in price for the equipment being purchased.

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Material and Supplies Agreement -RFQ 2410 Motor Operated Gate Valve						DATE: July 10, 2024						
CONTRACTOR: Ferguson Enterprises, LLC Newport News, VA				Sole Bidder		PERCENTAGE OF CONTRACT DOLLARS						
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		100.0%				
		Ethnicity	Gender	White Women		6%		0.0%				
\$241,448 *		White	Men	Ethnic Minorities		25%		0.0%				
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIMES: Ferguson Enterprises, LLC		\$241,448	White	x		100.0%						
SUBS:												
TOTAL		\$241,448				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		15,631		5,527		10,742		31,900				
Percent of Total Employees:		49.0%		17.3%		33.7%						
MSA Labor Market %:		39.0%		33.7%		27.2%						
MSA Labor Market Location:		United States										
COMMENTS												
Contract Equity Participation: 100% White Men participation. Contract Duration: NA *Total not to exceed: \$241,448												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: Motor Operated Gate Valve		Ethnic Minority Percentages From U.S. Census Data							
				B	H	A/PI	AI/AN	TOTAL	
		National		10.5	10.7	3.7	0.7	27.3	
Material and Supplies Agreement		DATE: 7/10/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	3,563	5,588	953	261	10,365	32.5%	27.2%
Ferguson Enterprises, LLC Charlotte Murch 12500 Jefferson Ave. Newport News, VA 23602 757-989-2870		Manager/Prof	463	769	306	39	1,577	18.0%	
		Technical/Sales	521	1,455	218	51	2,245	23.8%	
		Clerical/Skilled	673	971	142	78	1,864	40.6%	
		Semi/Unskilled	1,906	2,393	287	93	4,679	51.3%	
		Bay Area	46	194	53	6	299	74.0%	39.9%
		AA Plan on File:	NA	Date of last contract with District:		6/21/2019			
Co. Wide MSA:	USA	# Employees-Co. Wide:		31,900		Bay Area:		404	

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: **B**=Black, **H**=Hispanic, **A/PI**=Asian/Pacific Islander, and **A/IAN**=American Indian/Alaskan Native)



BOARD ACTION

Agenda Number:	6.	Meeting Date:	August 13, 2024

TITLE	MEDIUM VOLTAGE TRANSFORMER FOR LAFAYETTE WATER TREATMENT PLANT

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:

RECOMMENDED ACTION	Award a contract beginning on or after August 13, 2024 to the lowest responsive/responsible bidder, Larson Electronics, LLC, for supplying a medium voltage transformer for the Lafayette Water Treatment Plant for a total cost, after the addition of taxes, not to exceed \$101,349 under Request for Quotation (RFQ) No. 2406A (Schedule I).

SUMMARY	The contract will provide a medium voltage transformer to support chemical system improvements at the Lafayette Water Treatment Plant (WTP). This work is part of the Lafayette and Walnut Creek WTP Chemical System Safety Improvements Project (CSSIP) (Specification 2194).

DISCUSSION	A second medium voltage transformer (Schedule I) and switchboard (Schedule II) are required at Lafayette WTP to provide adequate 480-volt power for the new loads in the Lafayette WTP Chemical System Safety Improvements Project (Specification 2194) and the Lafayette WTP Carbonic Acid Storage and Feed Control System project (Specification 2137). The transformer and switchboard are long lead time items and on the critical path for construction of the Specification 2194 project so the District is pre-purchasing the transformer and switchboard to avoid delays to the construction schedule. Since the RFQ allowed for multiple awards, bidders were not required to bid on all schedules; two separate awards can be made for the equipment. Due to time constraints, the award for the transformer is being recommended ahead of the switchboard, and upon successful evaluation of the switchboard (Schedule II) of the RFQ, a separate award recommendation will follow. The procurement of this item supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

VENDOR SELECTION	An RFQ was posted on the District's website, sent to eight firms, and advertised in the Oakland Tribune. Four responses were received, and bidders were not required to bid on both schedules (three bids for Schedule I (transformer) and two bids for Schedule II (switchboard)). Larson Electronics, LLC, was the lowest responsive/responsible bidder for Schedule I. Upon successful evaluation, Schedule II of RFQ 2406A will be submitted in a separate award recommendation.

Originating Department: Finance	Department Director or Manager: Sophia D. Skoda	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY2025; Award #7000090; page 105	Budget Coding: 11.551.3100053.2020354.55210	Approved: 	
Attachment(s): P-035; P-061			

Title:	Medium Voltage Transformer for Lafayette Water Treatment Plant	Meeting Date:	August 13, 2024

SUSTAINABILITY

Economic

Funding for this purchase is available in the Fiscal Year 2025 adopted capital budget for Treatment Plant Upgrades.

ALTERNATIVES

Do not award this contract. This alternative is not recommended because the Lafayette WTP has insufficient 480-volt power for the chemical system improvements (Specification 2194).

Reject received bid and re-bid. This alternative is not recommended because the District engaged in a fair and competitive bid process and the bid received met the specifications.

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Materials and Supplies Agreement - RFQ No. 2406A Medium Voltage Transformer Purchase for Lafayette Water Treatment Plant						DATE: July 26, 2024					
CONTRACTOR: Larson Electronics, LLC Kemp, TX					PERCENTAGE OF CONTRACT DOLLARS						
					Availability Group	Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		100.0%		
		Ethnicity	Gender		White Women		2%		0.0%		
		White	Men		Ethnic Minorities		25%		0.0%		
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Larson Electronics, LLC		\$101,349	White	X		100.0%					
SUBS: None											
TOTAL		\$101,349			100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		22		20		57		99			
Percent of Total Employees:		22.2%		20.2%		57.6%					
MSA Labor Market %:		31.5%		26.1%		42.4%					
MSA Labor Market Location:		Texas									
COMMENTS											
Contract Equity Participation: 100% White Men participation. Contract Duration: NA *Total not to exceed: \$101,349											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: Medium Voltage Transformer Purchase for Lafayette Water Treatment Plant			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
Materials and Supplies Agreement - RFQ No. 2406A		DATE: 7/26/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM: SBE	Company Wide	26	20	6	2	54	54.5%	42.4%
Larson Electronics, LLC Robert Bresnahan 9419 E US HWY 175 Kemp, TX 75143-3357 903-498-3364		Manager/Prof	7	6	1	0	14	41.2%	
		Technical/Sales	6	6	0	1	13	65.0%	
		Clerical/Skilled	4	5	3	0	0	60.0%	
		Semi/Unskilled	9	3	2	1	15	57.7%	
		Bay Area	0	0	0	0	0	0.0%	
		AA Plan on File:	NA		Date of last contract with District:		10/23/2019		
		Co. Wide MSA:	TX		# Employees-Co. Wide:		99		Bay Area: 0
P	EMM-H: SBE	Company Wide	0	14	0	0	14	100.0%	63.5%
GA Technical Services, Inc. Adriana Cervantes 1157 E Arrow Hwg, Ste 2 Glendora, CA 91740 909-981-8600		Manager/Prof	0	4	0	0	4	0.0%	
		Technical/Sales	0	6	0	0	6	0.0%	
		Clerical/Skilled	0	3	0	0	3	0.0%	
		Semi/Unskilled	0	1	0	0	1	0.0%	
		Bay Area	0	0	0	0	0	0.0%	
		Co. Wide MSA:	Los Angeles		# Employees-Co. Wide:		14		Bay Area: 0
P	WM: LBE	Company Wide	16	36	149	3	204	56.4%	37.3%
Tesco Controls, Inc. Esmeralda Pena 8440 Florin Road Sacramento, CA95828 916-395-8800		Manager/Prof	5	16	45	0	66	39.8%	
		Technical/Sales	2	5	6	1	14	40.0%	
		Clerical/Skilled	3	7	20	0	30	65.2%	
		Semi/Unskilled	6	8	78	2	94	81.7%	
		Bay Area	0	0	0	0	0	0.0%	
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		362		Bay Area: 0
P	Unclassified	INFORMATION NOT PROVIDED							
Maddox Industrial Transformer Adam Berlin 865 Victor Hill Road Greer, SC 29651 866-984-1856									
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		0		Bay Area: 0

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: **B**=Black, **H**=Hispanic, **API**=Asian/Pacific Islander, and **AI/AN**=American Indian/Alaskan Native)



BOARD ACTION

Agenda Number:	7.	Meeting Date:	August 13, 2024

TITLE	PURCHASE OF SECONDARY CLARIFIER COLLECTORS AND DRIVES

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:

RECOMMENDED ACTION	Award a sole source contract beginning on or after August 13, 2024 to Evoqua Water Technologies LLC (Evoqua), for supplying six clarifier sludge collectors and drives for the Main Wastewater Treatment Plant (MWWTP), for two clarifiers in the next two years, with the option to supply equipment for up to four additional clarifiers in the next four years for a total cost, after the addition of taxes, including option years, not to exceed \$6,318,036.

SUMMARY	This purchase is for six clarifier sludge collectors and drives, referred to collectively as collector systems. Two will be provided for the upcoming Secondary Clarifier Rehabilitation, Phase 4 Project to be installed in the 2025. Up to four additional clarifiers may be rehabilitated in 2027 and 2028 as part of the Phase 5 Project. This project was presented at the October 11, 2022, Long-Term Infrastructure Investment Workshop.

DISCUSSION	The MWWTP has 12 clarifiers, which are 140-foot-diameter concrete tanks with an access bridge and collector systems that collect sludge from the floor of each clarifier and skim scum off the water surface. Originally constructed in the 1970s, the clarifiers are critical to meeting the MWWTP's treatment capacity and regulatory discharge requirements. Inspections have found the clarifiers' collector systems are deteriorated and need replacement as they are nearing the end of their useful life. The collector systems for clarifiers 1, 8, 10, and 12 were rehabilitated between 2017 to 2022 during the Secondary Clarifier Rehabilitation, Phase 1 and 2 Projects; clarifiers 2 and 7 are being rehabilitated as part of the Secondary Clarifier Rehabilitation, Phase 3 Project, which is due to be completed in October 2024. This purchase will allow for the collection system fabrication and delivery in time for the 2025 rehabilitation of clarifiers 4 and 11 during the Phase 4 Project, and in 2027 and 2028 for the Phase 5 rehabilitation of the last four clarifiers, 3, 5, 6, and 9. The first collector systems will be delivered in 2025; all subsequent equipment purchases and deliveries are optional with pricing to be renegotiated if delivery dates are to be delayed due to a change in construction schedule. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

Originating Department: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? Yes	Board Action Type: Materials and Supplies
Funds Available: FY2025; CIP#7000332; Page 115	Budget Coding: 21-928-3100074-55110	Approved: 	
Attachments: P-035; P-061			

Title:	Purchase of Secondary Clarifier Collectors and Drives	Meeting Date:	August 13, 2024

**VENDOR
SELECTION**

Evoqua is the sole source supplier for the collector systems. Sole sourcing is required to replace the existing collector systems' in-kind to standardize equipment and ensure absolute compatibility with the existing concrete and access bridge structures.

SUSTAINABILITY**Economic**

Funding for the first two clarifiers is available in the Fiscal Year 2025 adopted capital budget for the Secondary Award. Funding for the additional years will be considered as part of the associated budget development process. The decision to replace the collector systems with stainless steel components was based on a lifecycle cost analysis.

Social

This purchase will replace failing treatment equipment and increase operational reliability.

Environmental

This purchase will allow the project to proceed and increase operational reliability and regulatory compliance.

ALTERNATIVES

Do not award this contract. This alternative is not recommended because the purchase is required to replace the clarifier systems on schedule. Delay in replacing this equipment could result in reduced treatment capacity, potential regulatory violations, and unplanned maintenance costs and resources to repair.

Select a different vendor to provide the collector systems. This alternative is not recommended because the Evoqua collector systems allow standardization with the existing equipment, ensuring compatibility. Evoqua also provided a reasonable price and meets the requirements for delivering the equipment on schedule for construction during the 2025 dry weather season.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Materials and Supplies Contract Purchase of Secondary Clarifier Collectors and Drives							DATE: July 17, 2024					
CONTRACTOR: Evoqua Water Technologies LLC Pittsburgh, PA 15201 Sole Source					PERCENTAGE OF CONTRACT DOLLARS							
					Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		0.0%			
		Ethnicity	Gender		White Women		6%		0.0%			
\$6,318,036 *					Ethnic Minorities		25%		0.0%			
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Evoqua Water Technologies LLC		\$6,318,036	Publicly Held Corp.							100.0%		
SUBS: None												
TOTAL		\$6,318,036				0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		70		21		15		106				
Percent of Total Employees:		66.0%		19.8%		14.2%						
MSA Labor Market %:		47.5%		42.8%		9.6%						
MSA Labor Market Location:		Wisconsin										
COMMENTS												
Contract Equity Participation: Zero contract equity participation. Firm is a Publicly Held Corporation. Contract Duration : NA *Total not to exceed: \$6,318,036												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

[illegible]

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: **B**=Black, **H**=Hispanic, **A/PI**=Asian/Pacific Islander, and **AI/AN**=American Indian/Alaskan Native)



BOARD ACTION

Agenda Number:	8.	Meeting Date:	August 13, 2024

TITLE	FACILITY PAVING PROJECT

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:

RECOMMENDED ACTION	Authorize an agreement beginning on or after August 13, 2024 with Nichols Consulting Engineers, Chtd. for \$1,395,400 for three years with two options to renew for additional one-year periods, plus \$1,956,000 for optional construction management and inspection services, for a total amount, including option years, not to exceed \$4,342,200 for pavement management and design services for the Facility Paving Project (Project).

SUMMARY	The work involves management and design of pavement, roadway, and drainage systems at District facilities, and optional construction management and construction inspection services.

DISCUSSION	The District owns and maintains approximately 826,000 square yards of asphalt and concrete pavement surrounding over 250 facilities including administration buildings, maintenance yards, pumping plants, reservoirs, water treatment plants, recreational areas, and access roads. After pavement has deteriorated over time, these surfaces must be replaced or repaired to ensure access, personnel safety, and appropriate drainage. Pavement condition is quantified using an industry standard pavement condition index (PCI) which ranges from 0 (extremely poor, unusable) to 100 (new). On average, the District's existing pavement is rated at 49, with many areas rated below 25. Over the next ten years, the Project will raise pavement scores to at least 70, focusing on the most degraded areas. Implementation of the improvements (construction) will be managed under a separate agreement and is estimated to cost \$35 million. The optional services consist of construction management and construction inspection services.

Services include general administrative (\$59,500), engineering design (\$1,206,500), project management (\$129,400), optional services for two one-year periods (\$990,800), and optional construction management and inspection services (\$1,956,000). Design services include development of technical specifications, site-specific designs, and detailed scope for basis of bids. The services contracted for in the agreement cannot be satisfactorily performed under the District civil service and therefore contracting out is proper.

This Project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

CONSULTANT SELECTION	A request for proposals was posted on the District's website and sent to five firms with expertise in pavement design. One firm submitted a proposal. Nichols Consulting Engineers,

Originating Department: Operations and Maintenance	Department Director or Manager: David A. Briggs	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2025; Award #7000326; Page 14	Budget Coding: 11.730.3100092.52310		Approved: 
Attachment(s): P-035; P-061			

Title:	Facility Paving Project	Meeting Date:	August 13, 2024

Chtd. was selected based on their expertise in pavement design and long-term pavement management.

SUSTAINABILITY	Economic Funding for this purpose is available in the Fiscal Year 2025 adopted capital budget for Building Facilities Improvements. Social Local 2019 and Local 21 were notified of this agreement on June 5, 2024 and did not raise any specific issues related to this agreement. Environmental The Project supports sustainable practices by designing maintenance treatments to prolong the serviceable life of pavements and improve stormwater drainage.

ALTERNATIVES	<u>Do not perform the work.</u> This alternative is not recommended because facility pavement will continue to deteriorate to unsafe and unusable conditions. <u>Perform the work with District Forces.</u> This alternative is not recommended because District staff does not have the resources to complete the construction management and construction inspection.

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Professional Services Agreement Facility Paving Project						DATE: July 11, 2024					
CONTRACTOR: Nichols Consulting Engineers, Chtd. (NCE) Oakland, CA				Sole Proposer/ Local Business		PERCENTAGE OF CONTRACT DOLLARS					
						Availability Group		Contracting Objectives		Participation	
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP				White Men		25%		100.0%	
		Ethnicity	Gender			White Women		6%		0.0%	
\$1,395,400 *		White		Men		Ethnic Minorities		25%		0.0%	
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION					
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit
PRIME: Nichols Consulting Engineers, Chtd. (NCE)		\$1,395,400	White	X		100.0%					
SUBS: Swinerton Management and Consulting		TBD	White	X							
Guida		TBD	White	X							
Psomas		TBD	White	x							
Applied Materials & Engineering		TBD	Asian	x							
TOTAL		\$1,395,400				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
			White Men		White Women		Ethnic Minorities		Total Employees		
No. of Employees:			50		33		36		119		
Percent of Total Employees:			42.0%		27.7%		30.3%				
MSA Labor Market %:			39.0%		33.7%		27.2%				
MSA Labor Market Location:			United States								
COMMENTS											
Contract Equity Participation - 98% White Men participation and 2% Ethnic Minority participation. Contract Duration: Three year(s), with 2 options to renew for additional 1-year periods *Total not to exceed: \$4,342,200											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



BOARD ACTION

Agenda Number:	9a-9b.	Meeting Date:	August 13, 2024

TITLE	AMEND AGREEMENT FOR MAIN WASTEWATER TREATMENT PLANT OPERATIONS CENTER IMPROVEMENTS PROJECT

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:

RECOMMENDED ACTION

- Ratify the payment of \$82,194 to Aetypic, Inc. (Aetypic) for design, construction inspection, and engineering services during construction (ESDC) for the Main Wastewater Treatment Plant (MWWTP) Operations Center Improvements Project under SD-424 through August 13, 2024.
- Authorize an amendment to the agreement previously authorized under Board Motion No. 187-20 with Aetypic to increase the agreement amount by \$120,312, which incorporates the ratified amount from the action above, to a total amount not to exceed \$663,301 for additional design, construction inspection, and ESDC for the MWWTP Operations Center Improvements Project under SD-424.

SUMMARY

This amendment to the consultant agreement provides additional ESDC for the MWWTP Operations Center Improvements Project due to an extended construction schedule and difficulties encountered during construction due to unforeseen building conditions. This project was discussed at the October 11, 2022 Long-Term Infrastructure Investment Workshop.

DISCUSSION

In October 2020, the Board originally authorized this agreement under Motion No. 187-20 for an amount not to exceed \$428,157. In April 2023, the Board authorized an amendment under Motion No. 070-23 to increase the amount by \$114,832 to an amount not to exceed \$542,989. The construction schedule for the project has been extended due to unforeseen building conditions that required design changes during construction.

Board authorized funds were exhausted in March 2024. While staff worked to amend the agreement before funds were exhausted, the consultant did not provide an amended budget in a timely manner, causing further negotiations and delays on pricing. The construction work is imperative for MWWTP operations, so staff continued to authorize consultant support. For this reason, staff is requesting the Board ratify payment for services rendered through August 13, 2024. Staff also requests the Board authorize additional funds for the consultant to complete their contracted scope of work, including additional ESDC.

Originating Department: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2025; Award# 7000340; Page 123	Budget Coding: 21-928-2013936-52310		Approved: 
Attachments: P-035; P-061			

Title:	Amend Agreement for Main Wastewater Treatment Plant Operations Center Improvements Project	Meeting Date:	August 13, 2024

ESDC tasks include reviewing shop drawings, responding to submittals and requests for information, attending weekly ESDC coordination meetings, and providing engineering design support for change orders as needed.

The services contracted for in the agreement cannot be satisfactorily performed under the District civil service and therefore contracting out is proper.

This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

**CONSULTANT
SELECTION**

In June 2020, a request for proposals for the original agreement was posted on the District's website and sent to 27 firms, including three minority-owned firms with expertise in architectural and engineering design services. Five firms submitted proposals and a short list of three firms was established. Aetypic, Inc. was selected based on its qualifications and understanding of the District's needs and approach. Aetypic, Inc. qualifies as a Small Business Enterprise firm.

SUSTAINABILITY**Economic**

Funding for this purpose is included in the Fiscal Year 2025 adopted capital budget for Utilities and Sitework.

Social

Locals 21 and 2019 were notified of this original agreement on March 19, 2020 and did not raise any issues regarding this agreement.

The additional work under this amendment will increase operational reliability and improve worker safety.

Environmental

This project will reduce greenhouse gas emissions by replacing gas boilers with electric boilers.

ALTERNATIVES

Select a different consultant to perform the work. This alternative is not recommended because Aetypic is the engineer of record, completed the design and construction phase support work to date, and understands the challenges of this project.

Perform the work with District forces. This alternative is not recommended because staff lacks sufficient resources to perform this work within the required timeframe, and staff do not have the necessary expertise. District staff is performing the construction contract administration, project management, and full-time construction inspection.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Professional Services Agreement - Amendment Amend Consultant Agreement for Main Wastewater Treatment Plant Operations Center Improvements Project					DATE: July 3, 2024						
CONTRACTOR: Aetypic, Inc. San Francisco, CA 94107 Small Business					PERCENTAGE OF CONTRACT DOLLARS						
					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		0.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$120,312 *		Asian Men		Ethnic Minorities		25%		100.0%			
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Aetypic, Inc.		\$120,312	Asian	X			100.0%				
SUBS: Degenkolb		TBd	Asian	X							
YEI Engineers, Inc.		TBD	White	X							
TOTAL		\$120,312				0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		4		1		3		8			
Percent of Total Employees:		50.0%		12.5%		37.5%					
MSA Labor Market %:		32.4%		27.8%		39.9%					
MSA Labor Market Location:		9 Bay Area Counties									
COMMENTS											
Contract Equity Participation - 9.5% White Men participation, 2.3% White Women participation, and 85.5% Ethnic Minority participation. *Total not to exceed: \$663,301 = \$428,157 (Original amount) + \$114,832 (Amendment # 1) + \$120,312 (Amendment #2)											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				YES							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: Amend Consultant Agreement for Main Wastewater Treatment Plant Operations Center Improvements Project		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement - Amendment		DATE: 7/3/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
		Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	EMM: A/PI - SBE	Company Wide	0	1	4	0	5	50.0%	39.9%
Aetypic, Inc. Tanya Bartleson 7 Freelon Street San Francisco, CA 94107 415-762-8388 ext. 45		Manager/Prof	0	1	4	0	5	55.6%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	1	4	0	5	50.0%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		10	Bay Area:	10
S	WM	Company Wide	2	30	43	0	75	220.6%	27.3%
Degenkolb Mark Berkowitz 375 Beale Street, Suite 500 San Francisco, CA 94105 415-392-6952		Manager/Prof	1	22	35	0	58	214.8%	
		Technical/Sales	0	4	4	0	8	266.7%	
		Clerical/Skilled	0	4	3	0	7	175.0%	
		Semi/Unskilled	1	0	1	0	0	0.0%	
		Bay Area	1	9	28	0	38	111.8%	39.9%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		34	Bay Area:	34
S	EMM: A/PI - L/SBE	Company Wide	2	1	17	0	20	10.9%	53.9%
YEI Engineers, Inc. Patrick Mallillin 7677 Oakport Street Oakland, CA 94621 510-383-1050		Manager/Prof	1	0	15	0	16	10.1%	
		Technical/Sales	0	0	1	0	1	12.5%	
		Clerical/Skilled	1	1	1	0	3	21.4%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	1	17	0	20	20.4%	39.9%
		Co. Wide MSA:	Alameda County		# Employees-Co. Wide:		183	Bay Area:	98
P	EMM: A/PI - SBE	Company Wide	0	1	7	0	8	38.1%	48.4%
dsk architects Amir Kakavand 926 Natoma Street, Suite 200 San Francisco, CA 94103 415-244-6953		Manager/Prof	0	1	6	0	7	38.9%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	1	0	0	33.3%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	1	5	0	0	28.6%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		21	Bay Area:	21

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: Amend Consultant Agreement for Main Wastewater Treatment Plant Operations Center Improvements Project		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement - Amendment		DATE: 7/3/2024	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
		Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	EMM: B - SBE	Company Wide	2	0	0	0	2	9.1%	39.9%
Stevens + Associates Myles Stevens 855 Sansome Street, 2nd Floor San Francisco, CA 94111 415-397-6500 ext. 206		Manager/Prof	2	0	0	0	2	10.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	0	0	0	2	15.4%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide: 22		Bay Area: 13		
P	EMM: A/PI - SBE	Company Wide	0	1	2	0	3	42.9%	44.0%
LDA Architects, Inc. Thomas Lee 1108-A Bryant Street San Francisco, CA 94103 415-552-9940 ext. 117		Manager/Prof	0	1	1	0	2	33.3%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	1	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	1	2	0	3	42.9%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide: 7		Bay Area: 7		
P	EMM: A/PI - L/SBE	Company Wide	0	2	7	0	9	75.0%	53.9%
Shah Kawasaki Architects Philip Luo 570 10th Street, Suite 201 Oakland, CA 94607 510-379-2275		Manager/Prof	0	2	6	0	8	72.7%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	1	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	2	7	0	9	75.0%	39.9%
		Co. Wide MSA:	Alameda		# Employees-Co. Wide: 12		Bay Area: 12		

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)

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BOARD ACTION

Agenda Number:	10.	Meeting Date:	August 13, 2024

TITLE	AMEND AGREEMENT FOR SUBSCRIPTION FOR ONLINE HUMAN RESOURCES AND DIVERSITY, EQUITY, AND INCLUSION ADVISORY SERVICES

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:

RECOMMENDED ACTION	Authorize an amendment to the agreement previously authorized under Board Motion No. 203-23 with Info-Tech Research Group, Inc. dba McLean & Company (McLean) to increase the agreement amount by \$272,698 to a total amount not to exceed \$416,210 and extend the agreement term to August 20, 2027 for additional online human resources and diversity, equity, and inclusion (DEI) advisory services.

SUMMARY	This amendment will upgrade the District's current subscription tier to McLean's human resources online research and implementation tools to provide staff in the Office of Diversity, Equity, and Culture (ODEC) and the Human Resources (HR) Department with external resources to be used for staff development, training, and implementation for key initiatives related to a full range of DEI and HR related disciplines. The McLean advisory services subscription includes access to research centers on the subjects of HR strategy; work culture; talent management; talent acquisition; total rewards; HR technology; change management; DEI; employee experience resources; hybrid workplace; learning and development; and workforce planning.

DISCUSSION	In December 2023, the Board authorized under Motion No. 203-23 a three-year agreement for an amount not to exceed \$143,512.41. This amendment will extend the agreement term to August 20, 2027 and increase the agreement amount by \$272,698 to a total amount not to exceed \$416,210. The amendment will extend the term and increase the advisory service access from one executive seat (Director of ODEC) and four advisory seats (HR and ODEC managers) to two executive seats (Directors of HR and ODEC) and nine advisory and team seats (HR and ODEC managers and Senior HR Analysts assigned to key projects). The expanded services will also provide the Director of HR with additional advisory support for the development of the HR Strategic Plan and business alignment for HR strategies. This work supports the District's Workforce Planning and Development Strategic Plan goal, the District's DEI Strategic Plan, and the HR Department's Strategic Plan.

CONSULTANT SELECTION	The original agreement was recommended as a direct award, due to McLean's unique subscription model of HR data and resources that allows both self-access and guided

Originating Department: Office of Diversity, Equity, and Culture	Department Director or Manager: Derry L. Moten	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY2025	Budget Coding: 11.140.8851100.52310; 11.361.8851100.52050		Approved: 
Attachment(s): P-035; P-061			

Title:	Amend Agreement for Subscription for Online Human Resources and Diversity, Equity, and Inclusion Advisory Services	Meeting Date:	August 13, 2024

implementations. In the original outreach for DEI consulting services, no diverse suppliers were identified that offer comparative services.

SUSTAINABILITY**Economic**

The Fiscal Year 2025 adopted operating budget includes funding for the first year of the agreement. Funding for the additional years will be considered as part of the associated budget development process.

Social

This type of work is not performed by District forces and consequently union notification was not required.

Environmental

The McLean platform and advisory services are 100 percent digital and reduce the potential usage of paper resources and consultant or staff travel.

ALTERNATIVE

Do not authorize this amendment. This alternative is not recommended because staff need these additional resources to move forward with the District's Strategic Plan and DEI Strategic Plan initiatives.

Choose a different consultant. This alternative is not recommended because the District has a current agreement and is working with McLean on several projects. The District has also not identified another consultant that offers a similar subscription model with similar levels of resources.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Professional Services Agreement -Amendment Amend Agreement for Subscription for Online Human Resources and Diversity, Equity, and Inclusion Advisory Services						DATE: July 29, 2024					
CONTRACTOR: Info-Tech Research Group, Inc. dba McLean & Company Las Vegas, NV Direct Award					PERCENTAGE OF CONTRACT DOLLARS						
					Availability Group		Contracting Objectives		Participation		
					White Men		25%		100.0%		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Women		6%		0.0%			
		Ethnicity		Gender		Ethnic Minorities		25%		0.0%	
\$272,698 *		White		Men							
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION					
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit
PRIMES: Info-Tech Research Group, Inc. dba McLean & Company SUBS:		\$272,698	White	x		100.0%					
TOTAL		\$272,698				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		166		60		66		292			
Percent of Total Employees:		56.8%		20.5%		22.6%					
MSA Labor Market %:		37.8%		31.3%		30.9%					
MSA Labor Market Location:		Nevada									
COMMENTS											
Contract Equity Participation: 100% White Men participation. Contract Duration: Extend to August 20, 2027 *Total not to exceed: \$416,210 = \$143,512 (Original amount) + \$272,698 (Amendment)											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

[illegible]

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: **B**=Black, **H**=Hispanic, **A/PI**=Asian/Pacific Islander, and **AI/AN**=American Indian/Alaskan Native)



BOARD ACTION

Agenda Number:	11.	Meeting Date:	August 13, 2024

TITLE	AMEND AGREEMENT FOR FLEXIBLE SPENDING ACCOUNT ADMINISTRATIVE SERVICES

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:

RECOMMENDED ACTION	Authorize an amendment to the agreement previously authorized under the General Manager's authority with P&A Administrative Services, Inc. (P&A) to increase the agreement amount by \$290,000 to a total amount not to exceed \$600,500 and extend the agreement term to December 31, 2029, with an option to extend the agreement term for an additional one-year period, to provide employee Flexible Spending Account (FSA) administrative services.

SUMMARY	In January 2017, under the General Manager's authority, the District entered into an agreement with P&A to administer the Internal Revenue Code (IRC) Section 125 plans including Medical and Dependent Care FSAs from January 1, 2017 through June 30, 2017 for an amount not to exceed \$36,000. In June 2017, under Motion No. 095-17, the Board authorized to extend the agreement to December 31, 2021, with three options to renew for an additional one-year period, for a total amount not to exceed \$270,000. In January 2024, staff authorized the 15 percent change order contingency to increase the agreement by \$40,500 for a total amount not to exceed \$310,500. At this time, staff is recommending extending the agreement to take advantage of a multi-year price guarantee offered by P&A.

DISCUSSION	The District provides an annual Supplemental Benefit of \$1,000 to eligible employees which allows them to allocate the entire amount to an IRC Section 125 Medical or Dependent Care FSA or to take the entire amount as taxable cash. The proper administration of FSAs requires the third-party administrator to track annual funds deposited, review and process claims, administer the debit card which can be used to make payments from the FSA, and issue checks or direct deposit of funds if the debit card is not used. They also ensure compliance with the IRC, by monitoring the claims for eligibility, monitoring run out claims and funds eligible for rollover, creating plan documents, and running discrimination testing. Staff recommends continuing with P&A given their proven track record with claims handling, lower operating costs, and detailed reporting of plan usage and claims data through their employer portal. This agreement supports the District's Workforce Planning and Development Strategic Plan goal.

Originating Department: Human Resources	Department Director or Manager: Cindy R. Charan	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY 2025	Budget Coding: 11.365.1770.8859600.5231	Approved: 	
Attachment(s): P-035; P-061			

Title:	Amend Agreement for Flexible Spending Account Administrative Services	Meeting Date:	August 13, 2024

**CONSULTANT
SELECTION**

In July 2016, requests for proposals were sent to four firms on behalf of the District by the District's benefit broker, Alliant Insurance Services, Inc. Three firms replied and two were considered for further review. P&A was selected based on their competitive rates, an agreement for a multi-year rate guarantee and use of the most current technology in their FSA debit cards. The cards can communicate with pay stations at pharmacies and hospitals, and understand which charges can be pre-approved by the vendor. This feature reduces the number of receipts that must be submitted by participants, and should lead to reduced instances of debit cards being locked due to missing receipts for claims. P&A is a small privately-owned business out of Rochester, New York that has been in business since 1975.

SUSTAINABILITY**Economic**

The Fiscal Year 2025 adopted operating budget includes funding for the first year of this multi-year agreement. Funding for the additional years will be considered as part of the associated budget development process.

Social

This type of work is not performed by District forces and consequently union notification was not required.

ALTERNATIVES

Do not extend and increase the agreement. This alternative is not recommended because additional time and funding are needed to maintain compliance-related services for the Employee Services Division.

Issue a new request for proposals. This alternative is not recommended because the District would incur additional costs because of the complexity of changing vendors and integrating a new vendor into the benefits administration system.

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Professional Services Agreement - Amendment Amend Agreement for Flexible Spending Account Administrative Services					DATE: August 6, 2024					
CONTRACTOR: P&A Administrative Services, Inc. Williamsville, NY		Sole Proposer		PERCENTAGE OF CONTRACT DOLLARS						
				Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		100.0%		
		Ethnicity		Gender		White Women		6%		
\$290,000 *		White		Men		Ethnic Minorities		25%		
						25%		0.0%		
CONTRACT EQUITY PARTICIPATION										
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION				
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.
PRIME: P&A Administrative Services, Inc.		\$290,000	White	X		100.0%				
SUBS: None										
TOTAL		\$290,000				100.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)										
		White Men		White Women		Ethnic Minorities		Total Employees		
No. of Employees:		62		94		72		228		
Percent of Total Employees:		27.2%		41.2%		31.6%				
MSA Labor Market %:		35.0%		30.9%		34.1%				
MSA Labor Market Location:		New York								
COMMENTS										
Contract Equity Participation - 100.0% White Men participation Contract Duration: Until December 31, 2029, with the option to extend the agreement for an additional one-year period *Total Not to Exceed: \$600,500 = \$36,000 (original amount) + \$234,000 (amendment) + \$40,500 (change order contingency) + \$290,000 (amendment)										
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended		
NA				NA						

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

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WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: **B**=Black, **H**=Hispanic, **A/PI**=Asian/Pacific Islander, and **A/IAN**=American Indian/Alaskan Native)



BOARD ACTION

Agenda Number:	12.	Meeting Date:	August 13, 2024

TITLE	AMEND AGREEMENT FOR SOBRANTE WATER TREATMENT PLANT STANDBY GENERATOR TEMPORARY DIESEL TANK RENTAL

ACTION	☒ Motion:	☐ Resolution:	☐ Ordinance:

RECOMMENDED ACTION	Authorize an amendment to the agreement previously authorized under Purchase Order No. EBM207487 with United Rentals (North America), Inc. to increase the agreement amount by \$20,000 to a total not to exceed \$100,000 and extend the agreement term to February 18, 2025 for supplying a temporary diesel tank for the standby generator at the Sobrante Water Treatment Plant (SOWTP).

SUMMARY	The permanent diesel tank for the standby generator at the SOWTP failed March 1, 2022 and was taken out of service. A rental tank from United Rentals (North America), Inc. has provided temporary diesel storage for the standby generator under an existing agreement while the new diesel tank system is installed. This amendment extends the rental of a temporary diesel tank until the new permanent diesel tank is placed in service.

DISCUSSION	On May 4, 2022, under Purchase Order No. EBM207487, a rental agreement was authorized with United Rentals (North America), Inc., in an amount not to exceed \$30,000. On March 15, 2024, under the General Manager's authority, an amendment was authorized to increase the agreement to an amount not to exceed \$80,000 while the District obtained proposals to install and replace the permanent diesel tank. The estimated completion for the construction of the new tank was extended to early October 2024 because of permitting delays. This amendment will extend the rental agreement to meet the revised completion date for the permanent diesel tank. This project supports the District's Water Quality and Environmental Protection and Long-Term Infrastructure Investment Strategic Plan goals.

SERVICE PROVIDER SELECTION	In May 2022, an initial agreement was executed with United Rentals (North America), Inc., to provide a temporary diesel tank for the standby generator at the SOWTP. An amendment is needed to extend the rental of a temporary diesel tank until the replacement is installed.

Originating Department: Operations and Maintenance	Department Director or Manager: David A. Briggs	CEP Forms? Yes	Board Action Type: General Services
Funds Available: FY2025; Award #7000305; Page 19	Budget Coding: 11.733.2008884.53110	Approved: 	
Attachment(s): P-035; P-061			

Title:	Amend Agreement for Sobrante Water Treatment Plant Standby Generator Temporary Diesel Tank Rental	Meeting Date:	August 13, 2024

SUSTAINABILITY

Economic

Funding for this purpose is available in the Fiscal Year 2025 adopted capital budget for the Small Capital Improvements.

Social

This type of work is not performed by District forces and consequently union notification was not required.

Environmental

This project will mitigate potential leaks from the failed permanent diesel tank, reducing risk of leaking diesel fuel into the environment.

ALTERNATIVES

Do not extend the agreement. This alternative is not recommended because failure to provide temporary diesel tank rental will leave the SOWTP vulnerable in the event of a power failure.

Procure an alternate rental tank. This alternative is not recommended because the costs and time needed to procure and install a new rental tank would outweigh the costs of increasing the amount of the current agreement.

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE General Services Agreement - Amendment Amend Agreement for Sobrante Water Treatment Plant Standby Generator Temporary Diesel Tank Rental							DATE: August 6, 2023					
CONTRACTOR: United Rentals (North America), Inc. Oakland, CA 94607				Direct Award / Local Business		PERCENTAGE OF CONTRACT DOLLARS						
BID/PROPOSER'S PRICE: \$100,000 *		FIRM'S OWNERSHIP		White Men		25%		100.0%				
		Ethnicity	Gender	White Women		6%		0.0%				
		White	Men	Ethnic Minorities		25%		0.0%				
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: United Rentals (North America), Inc.		\$100,000	White	X		100.0%						
SUBS: None												
TOTAL		\$100,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		1		2		17		20				
Percent of Total Employees:		5.0%		10.0%		85.0%						
MSA Labor Market %:		24.5%		21.6%		53.9%						
MSA Labor Market Location:		Alameda										
COMMENTS												
Contract Equity Participation: 100% White Men participation. Contract Duration: Six months *Total not to exceed: \$100,000 = \$30,000 (Original amount) + \$50,000 (Amendment 1) + \$20,000 (Amendment 2)												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

[illegible]

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: **B**=Black, **H**=Hispanic, **API**=Asian/Pacific Islander, and **AI/AN**=American Indian/Alaskan Native)



BOARD ACTION

Agenda Number:	13.	Meeting Date:	August 13, 2024

TITLE **AUTHORIZE CONTINUED EMPLOYMENT OF GINNLAWS, P.C. FOR SPECIALIZED LEGAL SERVICES**

ACTION ☒ Motion: ☐ Resolution: ☐ Ordinance:

RECOMMENDED ACTION Authorize the Office of General Counsel (OGC) to continue the employment of the law firm of GinnLaw, P.C. for specialized legal services related to construction, public contracts and procurement, claims, and litigation matters in an amount not to exceed \$200,000.

DISCUSSION OGC entered into an agreement with Ginn & Crosby, LLP, in April 2006 to assist OGC in matters related to public works construction, public contracts and procurement, claims, and litigation related to public works construction matters. In 2021, Ginn & Crosby dissolved and David Ginn transferred his practice to a new professional corporation known as GinnLaw, P.C. David Ginn of Ginn & Crosby, LLP, and GinnLaw, P.C. has provided excellent legal services to the District. OGC is requesting the Board authorize the continued employment of GinnLaw, P.C., to provide specialized legal services related to public works construction, public contracts and procurement, claims, and related litigation matters.

OGC will provide a separate confidential attorney-client memorandum to the Board to provide further detail regarding the services to be provided by GinnLaw, P.C.

SUSTAINABILITY **Economic**
Funding for this item is included in the Fiscal Year 2025 adopted operating budget.

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Originating Department: Office of General Counsel	Department Director or Manager: Derek McDonald	CEP Forms? Yes	Board Action Type: Professional Services
Funds Available: FY 2025	Budget Coding: 11-130-1730-8851100-52310-000000	Approved: 	
Attachment(s): P-035; P-061			

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE Professional Services Agreement Authorize Continued Employment of GinnLaw, PC, for Specialized Legal Services						DATE: July 30, 2024					
CONTRACTOR: GinnLaw, P.C. Walnut Creek, CA				Small Business/ Local Business/ Direct Award		PERCENTAGE OF CONTRACT DOLLARS					
						Availability Group		Contracting Objectives		Participation	
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP				White Men		25%		100.0%	
		Ethnicity	Gender			White Women		6%		0.0%	
\$200,000 *		White		Men		Ethnic Minorities		25%		0.0%	
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION					
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit
PRIME: GinnLaw, P.C.		\$200,000	White	X		100.0%					
SUBS: None											
TOTAL		\$200,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		1		1		0		2			
Percent of Total Employees:		50.0%		50.0%		0.0%					
MSA Labor Market %:		28.0%		23.6%		48.4%					
MSA Labor Market Location:		9 Bay Area Counties									
COMMENTS											
Contract Equity Participation: 100.0% White Men participation. Contract Duration: NA *Total not to exceed: \$200,000											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

[illegible]

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: **B**=Black, **H**=Hispanic, **A/PI**=Asian/Pacific Islander, and **AI/AN**=American Indian/Alaskan Native)



BOARD ACTION

Agenda Number:	14.	Meeting Date:	August 13, 2024

TITLE **WATER SUPPLY ASSESSMENT FOR THE LAWRENCE BERKELEY NATIONAL LABORATORY 2025 LONG RANGE DEVELOPMENT PLAN**

ACTION ☒ Motion: ☐ Resolution: ☐ Ordinance:

RECOMMENDED ACTION Approve the Water Supply Assessment (WSA) requested by the Lawrence Berkeley National Laboratory (LBNL) for the 2025 Long Range Development Plan (LRDP) pursuant to California Water Code, Sections 10910-10915.

SUMMARY The LBNL 2025 LRDP is located in the Cities of Berkeley and Oakland, adjacent to the University of California Berkeley campus (see Attachment A). LBNL covers approximately 200 acres. A WSA for the LBNL 2005 LRDP was approved by Board of Directors on November 23, 2004 under Board Motion 232-04, followed by two revised WSAs for the 2006 LRDP that were approved by the Board of Directors on January 22, 2008 under Board Motion 017-08 and April 28, 2015 under Board Motion 072-15. Based on the project's Notice of Preparation of a Draft Environmental Impact Report (EIR), the 2025 LRDP supersedes the 2006 LRDP and proposes to add approximately 275,000 square feet additional square footage over existing conditions consisting predominantly of office, laboratory, and research and development (R&D) office spaces.

The existing land use consists of office, laboratory, and R&D office space with a historical water use of approximately 191,000 gallons per day (GPD). The estimated water demand for the 2025 LRDP is approximately 400,000 GPD. This demand is accounted for in the District's Urban Water Management Plan (UWMP) 2020. Approval of the WSA by the Board of Directors is required prior to its submittal to LBNL. The assessment is described in the attached letter (see Attachment B) which, upon Board approval, will be sent to the LBNL.

DISCUSSION On June 10, 2024, LBNL submitted a formal request for consultation between the District and LBNL regarding preparation of a WSA for the 2025 LRDP, pursuant to California Environmental Quality Act Guidelines, Section 15155, and California Water Code sections 10910-10915. The 2025 LRDP, for which an EIR is being prepared, meets the threshold requirement for an assessment of water supply availability based on the projected water use and size of redevelopment, which is greater than a commercial office building employing more than 1,000 people or having more than 250,000 square feet of floor space. LBNL is required to consult with the public water supplier to determine whether the water demand associated with the 2025 LRDP was included in its last UWMP and to assess whether its 20-year water supply

Originating Department: Engineering and Construction	Department Director or Manager: Serge V. Terentieff	CEP Forms? N/A	Board Action Type: WSA
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): Location Map; Draft District Response to WSA Request			

Title:	Water Supply Assessment for the Lawrence Berkeley National Laboratory 2025 Long Range Development Plan	Meeting Date:	August 13, 2024

(available during normal, single-dry and multiple-dry water years) will meet the water demand associated with the 2025 LRDP.

The UWMP 2020 concludes that the District has, and will have, adequate water supplies to serve existing and projected demands within the Ultimate Service Boundary during normal and wet years but that deficits are projected for drought years. During multi-year droughts, the District may require significant customer water use reductions and may also need to acquire supplemental supplies to meet customer demand. Attachment 1 of the UWMP 2020, Water Shortage Contingency Plan (WSCP) 2020, includes Drought Management Program (DMP) Guidelines that establish the level of water use restrictions the District may implement under varying conditions. Applicability of this language will depend on the contents of DMP, which can/will change each time the Board adopts a new UWMP. Under the DMP Guidelines, water use restrictions may be determined based upon projected end-of-September Total System Storage (TSS) or water use restriction mandates from the State Water Resources Control Board. When state-mandated water use restrictions exceed the reductions that would otherwise be called for based upon the end-of-September TSS, the District's water use reduction requirements may be guided by the applicable state mandates. While the District strives to keep water use reductions at or below 15 percent, if the drought is severe, mandatory water use reductions could exceed 15 percent under either scenario.

The 2025 LRDP will be subject to the same drought restrictions that apply to all District customers. In addition, the 2025 LRDP will be subject to District regulations aimed at encouraging efficient water use, such as Sections 29 and 31 of the District's Regulations Governing Water Service. Section 29, "Water Use Restrictions," promotes efficient water use by District customers and prohibits certain uses of potable water. Section 31, "Water Efficiency Requirements," identifies the types of water efficiency requirements (i.e., maximum flow rates for flow control devices) for water service.

The WSA letter requests that LBNL comply with the California Code of Regulations concerning water-efficient landscapes and District water service regulations, including compliance with Sections 29 and 31, described above, in effect at the time the application is made. The District also requests a meeting to discuss water conservation opportunities for the 2025 LRDP, which will identify timely opportunities to maximize conservation and identify District programs, as well as state and federal best management practices applicable to the 2025 LRDP.

The 2025 LRDP is not currently a candidate for centralized recycled water; however, contingent on potential options and extent of irrigation required, the site may be a candidate for a satellite treatment system. As the District further plans its recycled water program, the feasibility of providing recycled water to LBNL may change. The District encourages LBNL to continue to coordinate closely with the District during the planning of the 2025 LRDP to further explore the options and requirements relating to recycled water use.

ALTERNATIVE

Do not approve and submit the WSA. This alternative is not recommended because this assessment has been prepared pursuant to California Water Code, Sections 10910-10915, and the District has determined that the projected water demand associated with the 2025 LRDP

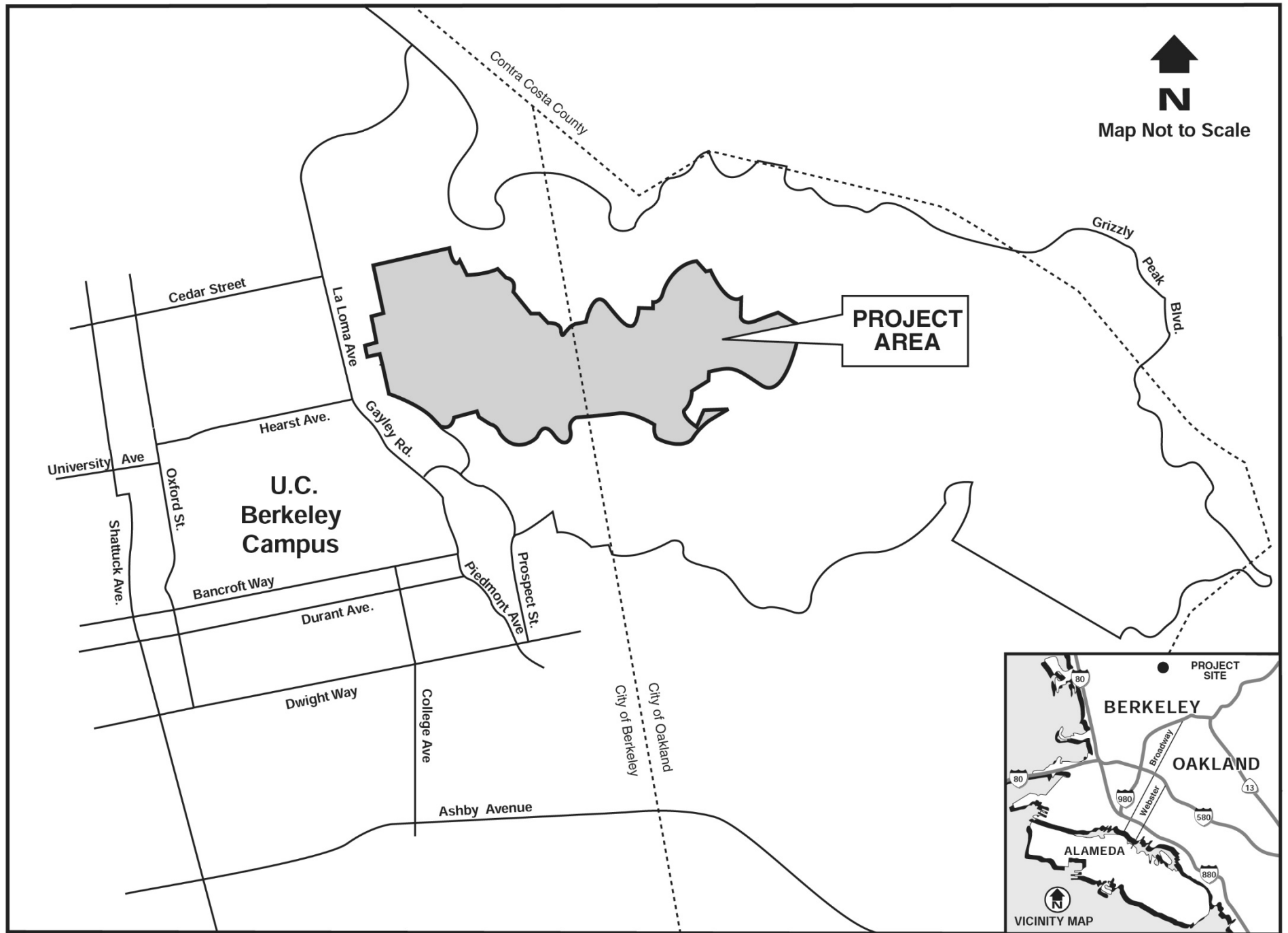
Title:	Water Supply Assessment for the Lawrence Berkeley National Laboratory 2025 Long Range Development Plan	Meeting Date:	August 13, 2024

has been accounted for in the most recently adopted UWMP. The WSA is consistent with the law and the District’s past WSAs and must be provided in accordance with the law.

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LAWRENCE BERKELEY NATIONAL LABORATORY



August 13, 2024

Jeff Philliber
Senior Site and Environmental Planner
Lawrence Berkeley National Laboratory
1 Cyclotron Road, M/S 50A1148
Berkeley, CA 94720

Re: Water Supply Assessment - Lawrence Berkeley National Laboratory 2025 Long Range Development Plan

Dear Mr. Philliber:

This letter is in response to your request made on June 10, 2024, for water agency consultation (Enclosure 1) concerning the Water Supply Assessment (WSA) for the Lawrence Berkeley National Laboratory (LBNL) 2025 Long Range Development Plan (LRDP), located in the Cities of Berkeley and Oakland, which is within East Bay Municipal Utility District's (EBMUD's) Ultimate Service Boundary. EBMUD appreciates the opportunity to provide this response.

A WSA for the LBNL 2005 LRDP was approved by EBMUD Board of Directors on November 23, 2004, followed by two revised WSAs for the 2006 LRDP that were approved by the EBMUD Board of Directors on January 22, 2008 and April 28, 2015. The 2015 revised WSA determined that EBMUD had sufficient water supply to meet LBNL's water demand. The 2025 LRDP supersedes the 2006 LRDP and proposes to add a net new building square footage of approximately 275,000 square feet over existing conditions consisting predominantly of office, laboratory, and research and development office spaces based on the Notice of Preparation of a Draft Environmental Impact Report for the 2025 LRDP.

Pursuant to Sections 10910-10915 of the California Water Code, the 2025 LRDP meets the threshold requirement for an assessment of water supply availability because the 2025 LRDP proposes commercial development of more than 250,000 square feet of floor space.

Please note this WSA addresses the issue of water supply only and is not a guarantee of service; future water service is subject to the rates and regulations in effect at that time.

Project Demand

The water demand for the 2025 LRDP is accounted for in EBMUD's water demand projections, as published in EBMUD's Urban Water Management Plan (UWMP) 2020

(see <https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan/>). EBMUD's water demand projections account for anticipated future water demands within EBMUD's service boundaries and for variations in demand-attributed changes in development patterns. The existing land use consists of office, laboratory, and research and development (R&D) office space with a historical water use of approximately 191,000 gallons per day (GPD). The 2025 LRDP will include similar land uses consisting of approximately 275,000 square feet of new net building spaces over existing conditions. The estimated water use at 2045 build-out is approximately 400,000 GPD.

EBMUD's demand projections indicate both densification and land use changes in a few existing land use classifications, including commercial and residential land use areas. These changes increase demand for EBMUD water. EBMUD's UWMP 2020 projects water demands over time, accounting for estimated variations in demand usage minus conservation and recycled supply sources, as noted in the UWMP 2020, Table 3-1, 2050 Demand Projections (Table 1). Typically, EBMUD prepares a full demand study every ten years; the most recent version, the 2050 Demand Study, was completed in 2020, and the study results are incorporated into the UWMP 2020. For planning purposes, water demands are estimated in five-year increments, but it is recognized that actual incremental amounts may occur stepwise in shorter time increments. An increase in usage by one customer in a particular customer class does not require a strict gallon-for-gallon increase in conservation by other customers in that class, as, in actuality, the amount of potable demand, conservation and recycled water use EBMUD-wide will vary somewhat.

Table 1
2050 Demand Projections (UWMP 2020, Table 3-1)

TABLE 3-1	AVERAGE ANNUAL WATER DEMAND FORECAST 2050 DEMAND PROJECTIONS (MGD)						
	2020	2025	2030	2035	2040	2045	2050
FORECASTED WATER DEMAND	238	245	254	264	277	287	297
WATER CONSERVATION ¹	-48	-53	-58	-61	-63	-65	-66
RECYCLED WATER ¹	-5	-6	-6	-9	-13	-13	-13
RAW WATER	-0.2	-0.2	-0.2	-0.2	-0.2	-0.2	-0.2
PLANNING LEVEL OF DEMAND (ROUNDED)	181	186	190	194	201	209	218
1. See Chapters 6 and 5 for more specific program details on conservation and water recycling, respectively. The goals reflected in this table take into account uncertainty as described in Section 5.2.3 and Section 6.1.3.							

Project Area

The 2025 LRDP is in the Cities of Berkeley and Oakland, adjacent to the University of California (UC), Berkeley campus, and consists of approximately 200 acres.

EBMUD Water Demand Projections

Since the 1970s, water demand within EBMUD's service area has ranged from 200 to 220 million gallons per day (MGD) in non-drought years. Section 3.1 of the UWMP 2020 outlines past and current EBMUD water demand, including Figure 3-1 which shows historic water use (including metered and unmetered demands) within EBMUD's service area, along with the number of customer accounts. The 2050 water demand forecast of 297 MGD for EBMUD's service area can be reduced to 218 MGD with the successful implementation of water recycling and conservation programs, as outlined in the UWMP 2020. Current demand is lower than estimated in the 2050 Demand Study as a result of recent droughts. The difference is because the planning level of demand may differ from the actual demand in any given year due to water use reductions that typically occur during droughts. After droughts, a rebound effect is expected wherein demand rises back to projected levels. Thus, the 2050 Demand Study still reflects a reasonable expectation for demands in future years, as the demands are expected to gradually increase back to 2050 projected demand levels as development and water use return to pre-drought conditions. The proposed 2025 LRDP future development and operations will not change EBMUD's 2050 demand projection.

EBMUD Water Supply, Water Rights and the UWMP 2020

EBMUD has water right permits and licenses that allow for water delivery from the Mokelumne River to the East Bay, subject to the availability of Mokelumne River runoff and the senior water rights of other users. EBMUD's position in the hierarchy of Mokelumne River water users is determined by a variety of agreements between Mokelumne River water right holders and the terms of the appropriative water right permits and licenses.

Conditions that could, depending on hydrology, restrict EBMUD's ability to receive its full entitlement include:

- Upstream water use by senior water right holders.
- Downstream water use by riparian and senior appropriators and other downstream obligations, including protection of public trust resources.
- Variability in precipitation and runoff.
- Curtailments by State Water Resources Control Board.

During prolonged severe droughts, the Mokelumne River supply cannot meet EBMUD's projected customer demands. To address this, EBMUD has completed construction of the Freeport Regional Water Facility and is evaluating future local groundwater projects in the East Bay Plain Subbasin (EBP Subbasin) as part of a Groundwater Sustainability Plan (GSP), which are discussed below in the Supplemental Water Supply and Demand Management section of this assessment. EBMUD has obtained and continues to seek supplemental supplies.

The UWMP 2020, adopted on June 22, 2021, by EBMUD's Board of Directors under Resolution No. 35234-21, is a long-range planning document used to assess current and projected water usage, water supply planning, and conservation and recycling efforts. The Water Shortage Contingency Plan (WSCP) 2020, also adopted on July 22, 2021, by EBMUD's Board of Directors under Resolution No. 35235-21 for inclusion as Attachment 1 within the UWMP 2020, is a document used to develop a coordinated response for when water shortages occur (for example, due to drought, earthquakes, and other emergencies that could impact EBMUD's ability to supply water to customers), and to guide EBMUD's planning and response through thoughtful assessment and management of the water supply.

EBMUD's water supply sources are discussed in Section 1.4.3 of the UWMP 2020. EBMUD's main water supply is the Mokelumne River, and EBMUD has rights to receive up to 325 MGD of water from this source subject to the availability of runoff, senior water rights of other users, and downstream fishery flow requirements. EBMUD also has a Long-Term Renewal Contract (Contract No. 14-06-200-5183A-LTR1) with the United States (U.S.) Bureau of Reclamation to receive water from the Central Valley Project (CVP) through the Freeport Regional Water Facility in years when EBMUD's water supplies are relatively low (for more details, see Section 1.4.3 of the UWMP 2020). During some dry years, EBMUD may purchase water transfers to help meet customer demands. Section 4.2 of the UWMP 2020 discusses EBMUD's water transfer program.

EBMUD maintains a biennial budget and five-year capital improvement program to optimize investments and maximize drinking water quality, and the reliability, safety, flexibility, and overall efficiency of the water supply system. EBMUD's most recently adopted budget, which includes capital expenditures for the delivery of water supplies to its customers, can be found at <http://www.ebmud.com/about-us/investors/budget-and-rates/>.

EBMUD complies with applicable local, state, and federal regulations in the operation of its water supply system. Figure 1-4 of the UWMP 2020 illustrates the numerous local, state, and federal agencies that may regulate EBMUD's facilities and operations.

A summary of EBMUD's demand and supply projections, in five-year increments, for a 30-year planning horizon is provided in UWMP 2020 Attachment 1, WSCP, Table W-3, Supply and Demand Assessment, 2020-2050 (**Table 2**).

Table 2
Supply and Demand Assessment, 2020-2050
(UWMP 2020, WSCP Table W-3)

TABLE W-3		SUPPLY & DEMAND ASSESSMENT, 2020-2050						
EBMUD PLANNING LEVEL OF DEMAND (PLOD)		2020	2025	2030	2035	2040	2045	2050
NORMAL YEAR	MOKELUMNE SUPPLY (MGD)	>181	>186	>190	>194	>201	>209	>218
	EBMUD PLANNING LEVEL OF DEMAND (PLOD) (MGD)	181	186	190	194	201	209	218
	NEED FOR WATER (TAF)	0	0	0	0	0	0	0
SINGLE DRY YEAR	MOKELUMNE SUPPLY (MGD)	121	126	129	132	138	144	151
	CVP SUPPLIES (MGD)	60	60	60	60	60	60	60
	TOTAL SUPPLIES (MGD)	181	186	189	192	198	204	211
	VOLUNTARY RATIONING (%)	0	0	1	1	2	2	3
	NEED FOR WATER (TAF)	0	0	0	0	0	0	0
SECOND DRY YEAR	MOKELUMNE SUPPLY (MGD)	82	86	89	92	98	104	111
	CVP SUPPLIES (MGD)	74	74	74	74	74	74	74
	TOTAL SUPPLIES (MGD)	156	161	164	167	172	178	185
	MANDATORY RATIONING (%)	13	13	13	14	14	14	15
	NEED FOR WATER (TAF)	0	0	0	0	0	0	0
THIRD DRY YEAR	MOKELUMNE SUPPLY (MGD)	141	145	146	145	132	118	105
	CVP SUPPLIES (MGD)	12	12	12	12	12	12	12
	TOTAL SUPPLIES (MGD)	153	157	158	157	144	130	117
	MANDATORY RATIONING (%)	15	15	15	15	15	15	15
	NEED FOR WATER - BASE CONDITION (TAF)	0	0	0	0	28	52	75
	NEED FOR WATER - HIGH DEMAND SCENARIO (TAF)	0	0	21	35	60	97	125
	NEED FOR WATER - EXTREME DROUGHT SCENARIO (TAF)	0	0	0	13	32	55	84

EBMUD's evaluation of water supply availability accounts for the diversions of both upstream and downstream water right holders and fishery releases on the Mokelumne River. Fishery releases are based on the requirements of a 1998 Joint Settlement Agreement (JSA) between EBMUD, U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife. The JSA requires EBMUD to make minimum flow releases from its reservoirs to the lower Mokelumne River to protect and enhance the fishery resources and ecosystem of the river. As this water is released downriver, it is, therefore, not available for use by EBMUD's customers.

The available supply and demand shown in **Table 2** were derived from EBMUD's baseline hydrologic model with the following assumptions:

- Customer demand values are based on the 2050 Demand Study, and planning-level demands account for projected savings from water recycling and conservation programs.
- EBMUD Drought Planning Sequence assumes water years 1976, 1977 and a modified 1978 hydrology.
- Total system storage is depleted by the end of the third year of the drought.
- EBMUD will implement its Drought Management Program (DMP) when necessary.

- The diversions by Amador and Calaveras Counties upstream of Pardee Reservoir will increase over time, eventually reaching the full extent of their senior rights.
- Releases are made to meet the requirements of senior downstream water right holders and fishery releases, as required by the JSA.
- EBMUD allocation of CVP supply, as available each drought year based on model results generated by the Department of Water Resources, is available the first year of a drought and subsequent drought years, according to the U.S. Bureau of Reclamation's (USBR) Municipal and Industrial Shortage Policy. However, in some severe dry years, USBR could make a determination of insufficient CVP water supplies and therefore limit further the allocation amounts that EBMUD would receive. During the 2014-2016 drought, EBMUD's CVP allocation went as low as 25 percent, and the extreme drought scenario in Table 2 reflects this reduced allocation.

The UWMP 2020 concludes that EBMUD has, and will have, adequate water supplies to serve existing and projected demand within the Ultimate Service Boundary during normal and wet years, but that deficits are projected for multi-year droughts. During multi-year droughts, EBMUD may require significant customer water use reductions and may also need to acquire supplemental supplies to meet customer demand.

As discussed in the UWMP 2020 WSCP, EBMUD's system storage generally allows EBMUD to continue serving its customers during dry-year events. EBMUD typically imposes water use restrictions based on the projected storage available at the end of September and may also implement water use restrictions in response to a State of California mandate. By imposing water use restrictions in the first dry year of potential drought periods, EBMUD attempts to minimize water use restrictions in subsequent years if a drought persists. Throughout dry periods, EBMUD must continue to meet its current and subsequent-year fishery flow release requirements and obligations to downstream agencies.

The UWMP 2020 WSCP includes DMP Guidelines that establish the level of water use restrictions EBMUD may implement under varying conditions. Under the DMP Guidelines, water use restrictions may be determined based upon projected end-of-September Total System Storage (TSS). When state-mandated water use restrictions exceed the reductions that would otherwise be called for based upon end-of-September TSS, EBMUD's water use reduction requirements may be guided by the applicable state mandates. Under either scenario, while EBMUD strives to keep water use reductions at or below 15 percent, if the drought is severe, mandatory water use reductions could exceed 15 percent.

Despite water savings from EBMUD's aggressive conservation and recycling programs and water use restrictions called for in the DMP Guidelines, supplemental supplies are still

needed in significant, severe, and critical droughts. The 2025 LRDP will be subject to the same drought restrictions that apply to all EBMUD customers. In addition, the 2025 LRDP will be subject to EBMUD's regulations aimed at encouraging efficient water use, such as Sections 29 and 31 of EBMUD's Regulations Governing Water Service. Section 29, "Water Use Restrictions," promotes efficient water use by EBMUD customers and prohibits certain uses of potable water. Section 31, "Water Efficiency Requirements," identifies the types of water efficiency requirements (i.e., maximum flow rates for flow control devices) for water service.

Supplemental Water Supply and Demand Management

The goals of meeting projected water needs, and increased water reliability rely on supplemental supplies, improving reliability of existing water supply facilities, water conservation, and recycled water programs. Chapter 4 of the UWMP 2020 describes potential supplemental water supply projects that could be implemented to meet projected long-term water demands during multi-year drought periods.

The Freeport Regional Water Facility became operational in February 2011. EBMUD's ability to take delivery of CVP water through the Freeport Regional Water Facility is based on its Long Term Renewal Contract (LTRC) with the U.S. Bureau of Reclamation. The LTRC provides for up to 133,000 acre feet of CVP supply in a single dry year, not to exceed a total of 165,000 acre feet in three consecutive dry years. Under the LTRC, the CVP supply is available to EBMUD only in dry years when EBMUD's total stored water supply is forecast to be below 500,000 total acre feet on September 30 of each year.

EBMUD is the Groundwater Sustainability Agency (GSA) for the portion of the East Bay Plain Subbasin underlying its service area, and as a GSA, is implementing a Groundwater Sustainability Plan (GSP) that was approved by the California Department of Water Resources in July 2023 and includes the first phase of the Bayside Groundwater Project. Construction of the first phase (Bayside Groundwater Project Phase 1) was completed in 2010, allowing EBMUD to pilot injection of treated potable water into a deep aquifer in the South East Bay Plain Groundwater Basin for later extraction, treatment, and use during severe droughts. A permit from the Department of Public Health is required before groundwater extraction can be piloted for municipal use. Additional information on the Bayside Groundwater Project can be found in Section 4.1.1 and the WSCP of the UWMP 2020. As part of the GSP management actions, EBMUD will collect additional data and use science-based decision making to inform whether future expansion of Bayside or other groundwater projects are necessary.

Chapter 4 of the UWMP 2020 also lists other potential supplemental water projects, including Northern California water transfers, Bayside Groundwater Project Expansion, expansion of Contra Costa Water District's Los Vaqueros Reservoir, and others that could be implemented to meet the projected long-term water supplemental need during multi-

year drought periods. The UWMP 2020 identifies a broad mix of projects, with inherent scalability and the ability to adjust implementation schedules for particular components, which will allow EBMUD to pursue the necessary supplemental supplies while minimizing the risks associated with future uncertainties, such as project implementation challenges, evolving regulatory requirements, and global climate change. The Environmental Impact Report that EBMUD certified for the Water Supply Management Program 2040 examined the impacts of pursuing these supplemental supply projects at a program level. Separate project-level environmental documentation will be prepared, as appropriate, for specific components as they are developed in further detail and implemented in accordance with EBMUD's water supply needs.

In addition to pursuing supplemental water supply sources, EBMUD also maximizes resources through continuous improvements in the delivery and transmission of available water supplies and investments in ensuring the safety of its existing water supply facilities. These programs, along with emergency interties and planned water recycling and conservation efforts, would ensure a reliable water supply to meet projected demands for current and future EBMUD customers within the current service area.

Water Conservation and Recycled Water Considerations

The 2025 LRDP presents opportunities to incorporate water conservation measures. Conditions of approval for the implementation of the 2025 LRDP should require that the LBNL comply with the California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). EBMUD staff would appreciate the opportunity to meet with LBNL to discuss conservation measures. This meeting will explore early opportunities to expand water conservation via EBMUD's conservation programs and best management practices applicable to the 2025 LRDP.

Conservation strategies will be required to achieve water use reduction goals and restrictions, including compliance with Sections 29 and 31, described above, of EBMUD's Regulations Governing Water Service, and all other legally mandated water conservation requirements. The State of California has established a new regulatory framework for urban water conservation based on two policy bills, Senate Bill 606 and Assembly Bill 1668, passed in 2018 which become effective on January 1, 2025. These bills established water use efficiency targets for urban water agencies based on indoor residential water use, outdoor water use, and distribution systems. EBMUD will continue to comply with State water conservation regulations as they are developed.

The 2025 LRDP is not currently a candidate for centralized recycled water; however, depending on potential irrigation demands, the site may be a candidate for a satellite treatment system. As EBMUD further plans its recycled water program, the feasibility of providing recycled water to LBNL may change. EBMUD encourages LBNL to continue to

Jeff Philliber, Senior Site and Environmental Planner

August 13, 2024

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coordinate closely with EBMUD during the planning of the 2025 LRDP to further explore the options and requirements relating to recycled water use.

LBNL should contact Jennifer L. McGregor, Senior Civil Engineer, at (510) 287-1030 for further information.

Sincerely,

David J. Rehnstrom

Manager of Water Distribution Planning Division

DJR:JLM:kn

wdpd24_108 WSA 24-002 LBNL 2025 LRDP District Response

Enclosure: 1. Letter of Request for Water Supply Assessment dated June 10, 2024

cc: Board of Directors



June 10, 2024

David Rehnstrom
Manager of Water Distribution Planning
East Bay Municipal Utility District
375 11th Street, M/S 701
Oakland, California 94607

Subject: Water Supply Assessment for Lawrence Berkeley National Laboratory

Dear Mr. Rehnstrom:

This letter is to formally request that the East Bay Municipal Utility District (EBMUD or “the District”) prepare a Water Supply Assessment (WSA) for the Lawrence Berkeley National Laboratory (LBNL or Berkeley Lab) 2025 Long Range Development Plan (LRDP) and Environmental Impact Report (EIR).

The District previously prepared a WSA for Berkeley Lab’s 2006 LRDP and EIR, followed by two revised WSAs that accounted for subsequent changes in water use projections: one in 2007 and another in 2015. The revised 2015 WSA determined that EBMUD had sufficient water supply to meet Berkeley Lab’s water demand of 92.5 million gallons per year (MGY) through 2025.

The Berkeley Lab campus presently consumes less than half the water projected in the 2015 WSA. In FY 2023, Berkeley Lab consumed 42.6 MGY, with approximately 69% used in cooling towers and about 13% accounted for with a variety of other identified uses: domestic plumbing fixtures (7%), emergency building-level single-pass cooling (3%), laboratory equipment (3%), and commercial kitchen (0.1%). Leaks and unknown uses account for the balance (18%) (see Table 1).

Berkeley Lab projects that campus water consumption under the proposed 2025 LRDP could increase to up to 145 MGY by 2045. This increase would be largely due to the cooling needs of LBNL’s Building 59, which houses the campus’s National Energy Research Scientific Computing (NERSC) facility (and which presently consumes 12.9 MGY—approximately 30% of campus water consumption). NERSC and additional Building 59 computing capabilities are projected to require up to 83 MGY by 2045. Furthermore, LBNL cooling needs for contemplated Information Technology (IT) uses could potentially require an additional 16 MGY if future upgrades are constructed (see Table 2).

Berkeley Lab is committed to minimizing water consumption and maximizing water efficiency in both existing and new buildings. All future projects will be designed with the highest sustainability principles and environmental standards practicable. For example, to reduce NERSC and Building 59 cooling needs, the Lab expects to install at least three air-cooled heat exchangers, also known as dry coolers, which can reject process heat without consuming water. Furthermore, Berkeley Lab increasingly uses sophisticated custom data analytics to monitor water consumption, including custom alerts on various water submeters across the site. These analytics allow the Lab to track performance and to identify opportunities for improvement.

Please e-mail me at jgphilliber@lbl.gov or call me at 510-499-4012 if you or your staff have any questions about our new development or wish to discuss this request. We look forward to hearing back from you, and we appreciate your continuing consideration of Lawrence Berkeley National Laboratory's water service needs.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Philliber", with a stylized, cursive script.

Jeff Philliber
Sr. Site & Environmental Planner

TABLE 1
FY 2023 WATER CONSUMPTION

Water End-Use	Estimated Annual Potable Water Consumption	
	Thousand gallons/year	Percent
Cooling Towers		
NERSC/Building 59	12,900	30
Other Towers	16,313	38
Domestic Plumbing Fixtures	2,980	7
Other Processes: Emergency Building Single-pass Cooling	1,378	3
Other Processes: Laboratory Water	1,200	3
Commercial Kitchen	58	< 1
Leaks/Unknown	7,778	18
Total	42,607	100
SOURCE: Berkeley Lab Water Assessment, 2024		

TABLE 2
PROJECTED FY 2045 WATER CONSUMPTION UNDER 2025 LRDP

Water End-Use	Estimated Annual Potable Water Consumption	
	Thousand gallons/year	Percent
NERSC/Bldg. 59 Cooling Towers	83,000	57
IT Cooling Towers	16,000	11
All Other Uses	47,000	32
Total	145,000	100
SOURCE: LBNL, 2024		

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BOARD ACTION

Agenda Number:	15.	Meeting Date:	August 13, 2024

TITLE **ADOPT THE REPORTING YEAR 2023 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**

ACTION ☒ Motion: ☐ Resolution: ☐ Ordinance:

RECOMMENDED ACTION Adopt the Reporting Year 2023 (RY 2023) Equal Employment Opportunity Program (EEOP).

SUMMARY As a federal contractor, the District is required by federal regulations to update and adopt annually a written EEOP that complies with Executive Order 11246, the Vietnam Era Veterans Readjustment Assistance Act, and Section 503 of the Rehabilitation Act. The EEOP report was presented at the July 9, 2024 and August 13, 2024 Legislative/Human Resources Committee meetings.

DISCUSSION

Pursuant to these regulations, the District annually establishes placement goals (by job group) for minorities and females. These placement goals are based on a utilization analysis comparing District incumbency to availability in the relevant labor markets for each job group. The District also analyzes its hires against a customized hiring benchmark for Protected Veterans, currently set at 3.4 percent for Reporting Year (RY) 2024, and analyzes its workforce by job group against the national utilization goal of seven percent for qualified individuals with disabilities (IWDs). The District makes good faith efforts toward reaching its minority and/or female placement goals and evaluates the success of its outreach activities to meet the Protected Veteran hiring benchmark and IWD utilization goal. Depending on the progress toward these goals, the District evaluates program effectiveness and recommends action items/action-oriented programs to improve performance. The RY 2023 EEOP provides a summary of workforce data and program performance for RY 2023 and action items/action-oriented programs for RY 2024.

The District's approach to cultivating a diverse, qualified workforce in accordance with the District's Workforce Planning and Development Strategic Plan and the Diversity, Equity, and Inclusion Strategic Plan (DEISP). Going beyond compliance, the District's long-term workforce development strategy also addresses the District's business and human needs for a sustained, qualified workforce as part of the DEISP. This comprehensive approach serves to attract and retain qualified applicants from diverse and underrepresented groups for a workforce that is equitably representative across levels and functions.

Originating Department: Office of Diversity, Equity, and Culture	Department Director or Manager: Derry L. Moten	CEP Forms? N/A	Board Action Type: Administrative
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment(s): RY2023 EEOP Report			

Title:	Adopt the Reporting Year 2023 Equal Employment Opportunity Program	Meeting Date:	August 13, 2024

SUSTAINABILITY	Social The EEOP supports diversity for the District’s current and future generation of employees, communities, and customers.
ALTERNATIVE	<u>Do not adopt the RY 2023 EEOP.</u> This alternative is not recommended because adopting the program is required for the District to remain in compliance with federal regulations.

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FY 2024

Equal Employment Opportunity Program

REPORTING YEAR 2023 REPORT (JULY 1, 2022 – JUNE 30, 2023)
REPORTING YEAR 2024 GOALS (JULY 1, 2023 – JUNE 30, 2024)

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I. Executive Summary

EBMUD is an equal employment opportunity (EEO) employer. As a federal contractor, the District is required by federal regulations to annually update and adopt a written EEO Program (EEOP) for minorities, females, Protected Veterans (Veterans), and individuals with disabilities (IWDs). Federal regulations specifically require the District to:

- Establish placement goals by job group for minorities and/or females based on the results of a statistical utilization analysis¹ comparing District incumbency to availability.
- Establish action-oriented programs (AOPs) to address problem areas impacting the employment of minorities or females at availability rates.
- Analyze its progress and the effectiveness of its outreach efforts in reaching benchmarks for the hiring of Protected Veterans and utilization goal for IWDs.

The Board of Directors' adoption of the Reporting Year (RY) 2023 EEOP Report complies with these regulations. Furthermore, the District's EEOP also serves to support the District's Strategic Plan Workforce Planning goal to attract and hire quality candidates that reflect the diversity of the District's community. The EEOP also supports the District's Diversity, Equity, and Inclusion Strategic Plan (DEISP) Workforce Development goal to attract and retain qualified applicants from diverse and underrepresented² groups for a workforce that is equitably representative across levels and functions.

Of the 22 District job groups, during RY 2023, efforts were focused on seven job groups for which the District had a total of ten placement goals for minorities and/or females, which are summarized in **Figure 1**.

¹ Underutilization refers to job groups with a lower proportion of representation of minorities and/or females than is available in the relevant recruitment areas.

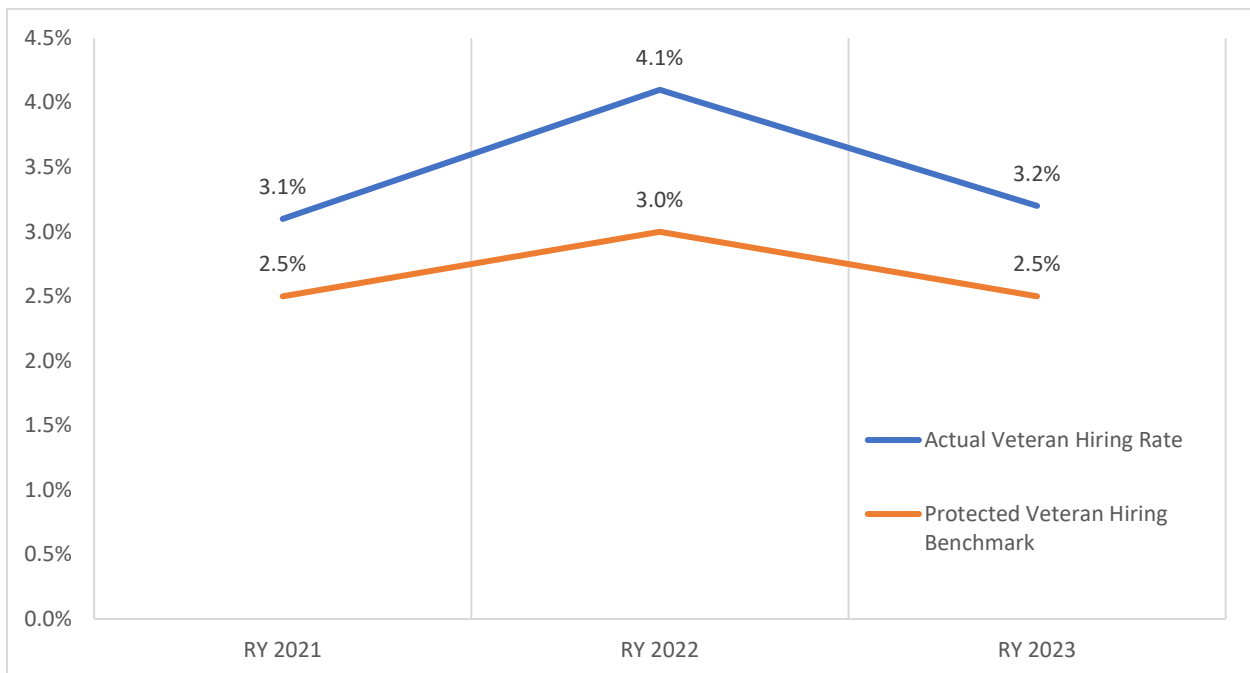
² Underrepresented refers to a general lack of diversity in the water/wastewater industry.

Figure 1: Current Year Minority Placement Goals

RY 2023 Job Group Placement Goals Performance		
Exceeded Goal	Nearly Met Goal	Did Not Meet Goal
Minorities - Heavy Equipment/Truck Operators - Rangers - Water Distribution Plumbing & Maintenance Females - Mechanical Maintenance	Minorities Mechanical Maintenance	Minorities - Electrical/Structural Maintenance - Service Maintenance - Supervising Engineering Females - Electrical/Structural Maintenance - Service Maintenance

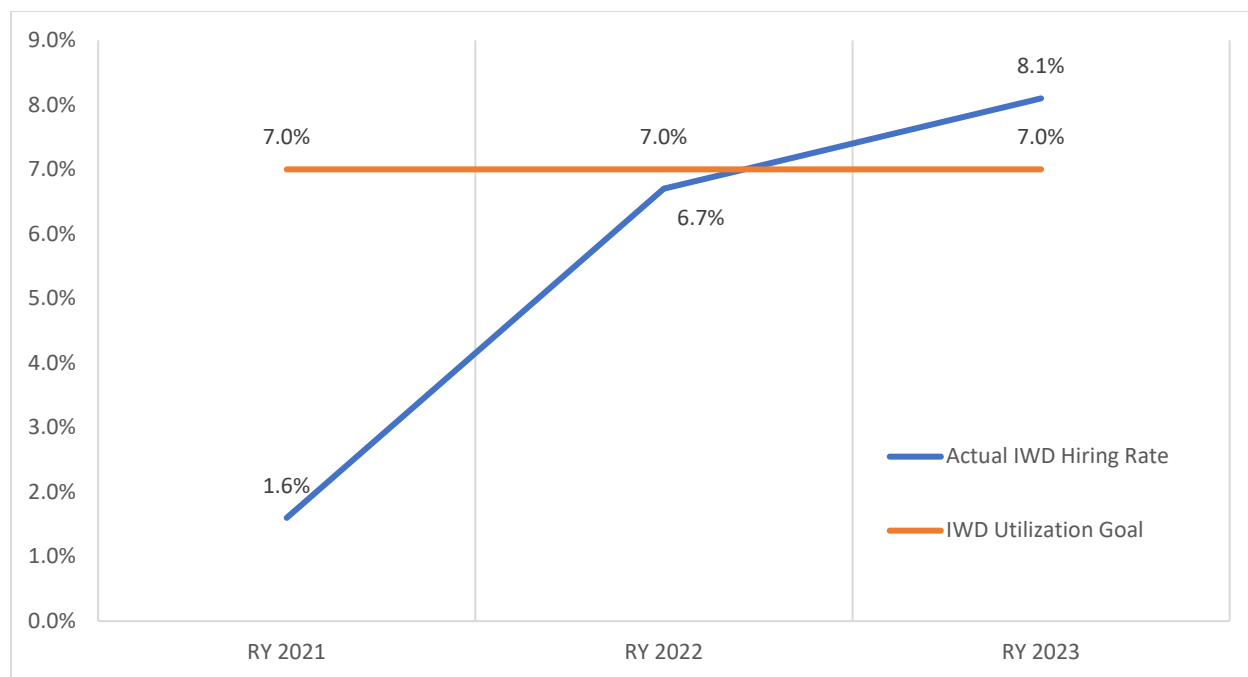
As shown in **Figure 2**, the District exceeded its Protected Veteran hiring benchmark of 2.5% for RY 2023 with a hiring rate of 3.2%. This is a slight decrease from the previous RY (4.1%), which exceeded the RY 2022 hiring benchmark of 3.0% and is slightly higher than RY 2021's rate of 3.1% (which also exceeded that RY's hiring benchmark of 2.5%).

Figure 2: Comparison of Protected Veteran Hiring Benchmark and Protected Veteran Hiring Rate (RY 2021 - 2023)



The District has steadily increased its hiring rate for individuals with disabilities (IWDs) from 1.6% in RY 2020, 6.7% in RY 2022 and to 8.1% in RY 2023. As shown in **Figure 3**, the District exceeded the national IWD utilization goal in RY 2023.

Figure 3: Comparison of IWD Utilization Goal and IWD Hiring Rate (RY 2021 - 2023)



A. RY 2024 Placement Goals, Hiring Benchmark, and Utilization Goal

Per OFCCP requirements, if there is a significant level of underutilization within a specific minority group and/or for females identified in the annual workforce utilization analysis, the organization is required to set goals by minority and/or female subgroups. The District also establishes an annual, customized Protected Veteran hiring benchmark. Finally, the District adopts the national IWD utilization goal of 7.0% each year.

Hiring benchmarks and placement goals are not quotas. They are “goal” percentages/benchmarks that the District should make good faith efforts to reach by increasing recruiting efforts to find a more diverse and qualified applicant pool.

Figure 4: Overview of RY 2024 Placement Goals, Hiring Benchmark, and Utilization Goal

Target Group	Goal/Benchmark	Corresponding Section of EEOP Report
Minorities	7 placement goals	C.4.iv of the <i>Executive Order 11246 Equal Employment Opportunity Program for Minorities and Women Report</i>
Females	3 placement goals	C.4.iv of the <i>Executive Order 11246 Equal Employment Opportunity Program for Minorities and Women Report</i>
Protected Veterans	3.4% hiring benchmark	G.1.i of the <i>Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) and Section 503 of the Rehabilitation Act Equal Employment Opportunity/Affirmative Action Program for Protected Veterans and Individuals with Disabilities Report</i>
IWDs	7% utilization goal	F.2.i of the <i>Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) and Section 503 of the Rehabilitation Act Equal Employment Opportunity/Affirmative Action Program for Protected Veterans and Individuals with Disabilities Report</i>

B. Action-Oriented Programs (AOPs)

The District employs many strategies to meet its placement goals for minorities and females, hiring benchmark for Protected Veterans, and utilization goal for IWDs.

1. Diversity, Equity, and Inclusion Strategic Plan (DEISP) Objectives

The following are the DEISP objectives which are AOPs that expand upon current District efforts. Specific DEISP action items under the below objectives are listed in section [D.1](#) of the *Executive Order 11246 Equal Employment Opportunity Program for Minorities and Women Report*.

- Implement Racial Equity Toolkit for Hiring and Recruitment (DEISP Objective 4.1)
- Diversify Recruiting, Outreach, and Marketing Efforts (DEISP Objective 4.2)
- Learning and Knowledge Building (DEISP Objective 4.3)

- Cultural Competence and Emotional Intelligence in Hiring (DEISP Objective 4.4)
- Continuous Improvement (DEISP Objective 4.5)
- Expand Entry-Level Career Opportunities (DEISP Objective 4.6)
- Promotion and Retention Pilot Project (DEISP Objective 5.1)
- Improve and Expand Equitable Access to Professional Development Resources and Opportunities (DEISP Objective 5.2)
- Workforce Planning and Development (DEISP Objective 5.3)
- Talent Development Planning (DEISP Objective 5.4)

2. Community/Educational Partnerships

EBMUD values its strategic partnerships with local organizations and educational institutions and continues to leverage them in its recruitment efforts, including the following:

1. Partner with diversity organizations, such as those focused on minorities, women, veterans, and individuals with disabilities, for referrals.
2. Coordinate various outreach and information-sharing sessions with representatives from diverse community groups throughout the District's regional recruitment areas. These sessions included presentations by District employees who come from diverse, varying backgrounds (including minorities and females), who provided information about current and future job openings, as well as the District's selection process. EBMUD has also made classification descriptions, worker specifications and recruiting literature available to these representatives by email or online.
3. Support career development events coordinated by community partners such as Cypress Mandela x Oakland Unified School District Skilled Trades Career Fairs, mock interview sessions with YouthBuild, employer spotlights/workshops, career fairs, internship fairs, teacher externships, and hosting tours of various EBMUD facilities.
4. Recruit at several local colleges and universities, including targeting community colleges and universities based in part on the high level of diversity of their student body and with a focus on reaching diversity-focused student organizations.
5. Serve on Advisory Boards for local community colleges such as Merritt College's Natural History and Sustainability Advisory Board and provide insight into the skills, knowledge, and abilities that graduates should develop in their degree programs to become more qualified, competitive candidates for EBMUD positions.

6. Partner with community-based organizations, youth organizations, and educational institutions throughout the District's service area to recruit qualified, diverse interns for the District's internship programs.

3. Internship Programs

The District offers a variety of paid internship and training programs as part of its long-term workforce development strategy to attract, recruit, and retain a diverse, qualified workforce. EBMUD internships offer valuable hands-on experience/training to individuals pursuing/exploring careers in water and wastewater services.

These paid, short-term opportunities include the following:

i) Sponsored Internships

Sponsored internships are unique opportunities for individuals to gain hands-on training and experience at the District while being employed by either a community-based organization (CBO) or the Peralta Colleges Foundation. Sponsored internships are conducted in partnership with local CBOs, community college districts, and BAYWORK. These partnerships help attract, recruit, and cultivate a diverse, qualified candidate pool.³ Sponsored internships include:

1. The High School Summer Internship (HSSI) Program, which has an emphasis on reaching students at diverse and/or Title I high schools in the East Bay area to help develop a pipeline of future talent. In RY 2023, the District's six-week HSSI program sponsored 35 student interns who received mentorship and coaching from 27 District staff. The internship provided hands-on work experience and weekly career enrichments to develop skills critical to their future academic and professional success. Ninety percent of HSSI interns surveyed in 2023 stated the HSSI program prepared them for future career and educational opportunities. Similarly, 86 percent of HSSI interns expressed interest in future internships and employment at the District.
2. Internships and training programs in the trades for diverse, qualified student populations at community colleges and/or community training programs. Such internships are tied to upcoming job openings (thus not on a set schedule) in related classifications and will be developed for other EEO-related job classifications. Two sponsored internships offered in RY 2023 were:

³ Interns are not guaranteed District employment at the conclusion of their participation in any internship program.

- a. The first implementation of a “Stackable Internship” (which began in RY 2022) in partnership with BAYWORK, a consortium of water and wastewater agencies in the Bay Area. The stackable internship offers students from community college trades programs paid internships with BAYWORK signatory agencies. This program is designed to provide Interns with opportunities to enhance their classroom learning by obtaining practical real world work experience at a water and/or wastewater agency. The District hosted four diverse, qualified EBMUD Stackable Interns in RY 2023 (two Electrical and two Machining).
- b. An Information Technology (IT) Service Desk Internship, which provided hands-on experience to two college interns interested in the field of IT.

ii) Direct Internships

Direct interns are hired as District employees into part time (PT) or limited term (LT) classifications including the following:

1. Classifications directly related to job groups with placement goals and/or those which historically have had placement goals:
 - a. Engineering Aide
 - i. This classification is used to increase the number of qualified, diverse candidates for mission critical Engineering positions at the District, such as Junior and Assistant Engineer. Incumbents in Engineering positions are also feeder classes for Supervising Engineering positions.
 - b. LT Junior Engineer
 - i. This LT classification is used as a bridge position for current Engineering Aides. The LT Junior Engineer classification provides additional developmental opportunities to previous Engineering Aides, which also increases the number of qualified, diverse candidates for mission critical Engineering positions at the District, such as Junior and Assistant Engineer. Incumbents in Engineering positions are also feeder classes for Supervising Engineering positions.
 - c. PT/LT Ranger/Naturalist I
 - i. This classification is used to increase the number of qualified, diverse candidates for hard-to-fill Ranger/Naturalist positions at the District, such as Ranger/Naturalist II.
 - d. LT Special Employment Program Trainee

- i. This classification is used to increase the number of qualified, diverse candidates for hard-to-fill Service Maintenance positions at the District, such as Grounds Maintenance Specialist I/II, Utility Laborer, and Janitor.
- 2. Other classifications which generally help increase the pool of diverse, qualified talent available to fill various professions or career pathways at the District:
 - a. PT/LT IT Intern
 - b. Student Intern
 - c. Human Resources (HR) Intern
 - i. HR interns also provide support to AOPs such as the HSSI program and internal talent development/training programs.

4. Other Strategic Tactics

The District has adopted and continues to implement the following actions to increase recruitment efforts:

- 1. Develop and implement targeted outreach and advertising strategies for classifications with high-volume recruitments, EEO placement goals, and/or that are identified as mission critical.
- 2. Develop and implement targeted outreach and advertising strategies for sponsored and direct internships.
 - a. Restructured the internship program and centralized its administration to the Diversity and Inclusion Office (DIO) to enhance consistency of program administration and establish regular recruiting cycles to improve outreach to diverse, qualified applicants, many of whom are university students.
- 3. Provide technical and strategic guidance and support to hiring managers recruiting for classifications with EEO placement goals. Focus has been around implementing EEO best practices in recruitment and selection processes such as enhancing outreach efforts or identifying new referral sources.
- 4. Actively encourage minority and female employees to refer applicants.
 - a. Bolster the roles of Diversity Committee members as outreach ambassadors.
 - b. Supported the formation of the Women's Employee Resource Opportunity and Collaboration Community (WE ROCC) affinity group, which is dedicated to "promote, educate, and provide information to enhance the visibility, value, understanding, tolerance, and advancement of individuals who identify as women (women), their allies, as well as all other employees at the District and in

its communities, and to support the District’s mission and goals.” Provided guidance throughout the chartering process, which was finalized in August 2023.

5. Encourage minority and female employees to attend, serve and/or participate in career events, youth (and educator) career awareness efforts, and related outreach activities in the community, to represent and highlight staffing diversity at EBMUD.
6. Advertise on a regular basis in Employment/Career Center/Jobs sections of media focused on minority and/or female audiences.
7. Ensure job advertisements and postings are culturally appropriate and always carry the District’s EEO in hiring clause.
8. Participate in job fairs/career events on a regular and ongoing basis.
 - a. Develop enhanced outreach such as “boot camps” for individuals interested in applying to trades positions such as Water Distribution Plumber I or Utility Laborer and virtual information sessions for individuals interested in applying to other high-volume, mission critical, and/or underutilized job groups such as LT Special Employment Program Trainee and Meter Reader/Mechanic.

5. Job Specifications/Selection Process

The District ensures that diversity is considered in the selection process by continuing to implement a variety of strategies that are discussed in section [D.2.iv](#) of the *Executive Order 11246 Equal Employment Opportunity Program for Minorities and Women* Report.

6. Internal Job Advancement

The District ensures that current employees have equitable access to career advancement opportunities by continuing to implement a variety of strategies that are discussed in section [D.2.v](#) of the *Executive Order 11246 Equal Employment Opportunity Program for Minorities and Women* Report.

7. Inclusive Work Environment

The District ensures that it provides an inclusive work environment for all employees by continuing to implement a variety of strategies that are discussed in section [D.2.vi](#) of the *Executive Order 11246 Equal Employment Opportunity Program for Minorities and Women* Report.

8. RY 2024 AOPs

The District has a variety of AOPs in process/planned for RY 2024, including some of which are highlighted in **Figure 5**. While the target areas for each AOP are listed below, AOPs may also help achieve placement goals/benchmarks for additional target areas:

Figure 5: RY 2024 AOP Highlights

RY 2024 AOP	Minorities	Females	IWDs	Protected Veterans
Expand the LT Special Employment Program from two positions to eight and partner with pre-apprenticeship programs in the community to identify diverse, qualified candidates for the program.	X	X		X
Pilot a mock interview workshop with a cohort of graduating pre-apprentices from Cypress Mandela Training Center to support their ability to compete for District Civil Service positions.	X	X		X
Onboard four Toolworks interns, their job coaches, and support them and their District mentors throughout their time at EBMUD.	X		X	
Implement first “cycle” of internship programs in January 2024 per the updated internship program structure. Fill positions that had previously been vacant and unfunded, such as IT Intern, Student Intern, etc.	X	X		
Expand the HSSI program to EBMUD’s Mokelumne Watershed.	X	X		
Explore options to implement the Department of Rehabilitation’s Pathways to Success Program at EBMUD.			X	X

RY 2024 AOP	Minorities	Females	IWDs	Protected Veterans
Conduct information sessions for a variety of District recruitments, specifically high-volume, entry-level, mission-critical, and/or those with placement goals.	X	X	X	X

II. Preface

A. Background

EBMUD is a publicly-owned utility formed under the Municipal Utility District Act (MUD Act). The MUD Act, as codified by the Public Utilities Code of the State of California, authorizes the formation and governance of the District. The District has adopted a Civil Service system in accordance with the requirements of the MUD Act, Cal. Pub. Util. Code §12051. Under §12101, all employment appointments made under the civil service system at the District *“shall be made from lists of eligibles prepared by the general manager.”* This list of eligibles constitutes the pool from which the District can hire for a particular classification during the life of the list. Cal. Pub. Util. Code §12052 of the MUD Act requires the General Manager to adopt rules and regulations to carry out the provisions of the Civil Service system, which the District has done. The Civil Service rules constitute these rules and regulations and are supplemented by portions of the memoranda of understanding (MOUs) with the unions formally recognized by the District.

As a federal contractor, the District is subject to the affirmative action requirements of Executive Order (EO) 11246, Section 503 of the Rehabilitation Act of 1973 as amended (Section 503), and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), Section 4212. Because the District has \$50,000 or more in annual federal contracts, and employs 50 or more employees, it is required to prepare an annual written equal employment opportunity program (EEOP) for minorities and females, for Protected Veterans (Veterans), and for individuals with disabilities (IWDs).

The District's EEOP was developed in accordance with and in reliance upon the Equal Employment Opportunity Commission's (EEOC) Guidelines on Affirmative Action, Title 29 Code of Federal Regulations, Part 1608. The EEOP, as defined under EO 11246, does not violate California's Proposition 209. Furthermore, the District does not believe any violation of Title VII of the Civil Rights Act of 1964 exists. Compliance with these laws and their implementing regulations is enforced by the Office of Federal Contract Compliance Programs (OFCCP), and failure to comply can result in debarment of the District from future contracts and subcontracts.

B. EEOP Report Format

This EEOP consists of two reports:

1. Executive Order 11246 Equal Employment Opportunity Program for Minorities and Women; and
2. Vietnam Era Veterans' Readjustment Assistance Act and Section 503 of the Rehabilitation Act Affirmative Action Program for Protected Veterans and Individuals with Disabilities.

The Job Group Summary is provided in Exhibit A of this report. Consistent with last year's EEOP Report (Report), the following charts/tables used by Biddle Consulting Group, Inc. (Biddle) to conduct the calculations/analyses for placement goals/identification of problem areas will be retained by the Diversity and Inclusion Office (DIO) rather than included in the Report's appendices. Data will still be maintained by the DIO as part of the administration of the District's EEOP. Any charts/tables mentioned throughout the Report are available upon request to the DIO.

- Job Group Analysis
- Internal Availability Analysis
- Availability Analysis
- Comparison of Incumbency to Availability and Placement Goals
- Summary of Personnel Transactions
- Workforce Analysis Table
- Hiring Benchmark and Utilization Goals Analyses

C. Complementary Role of the DEISP

The EBMUD Board of Directors (Board) approved the DEISP on February 22, 2022. The plan has five Strategic Pillars: Leadership Commitment, Workforce Diversity, Inclusive Culture, Supplier Diversity, and Social Responsibility. The Pillars encompass 11 goals, 36 five-year objectives, that guide the ongoing actions of the District in cultivating diversity, advancing equity, and maintaining an inclusive work culture. Staff provide ongoing updates to the Board of Directors on the progress of the program and related actions.

The District's EEOP supports the District's Strategic Plan Workforce Planning goal of attracting and hiring qualified candidates who reflect the diversity of the District's community. The DEISP's Strategic Pillar Two – Workforce Diversity is an intentional and focused effort to attract

and retain qualified applicants from diverse and underrepresented groups to achieve and maintain a workforce that is equitably representative across levels and functions. Section D will provide further information on the DEISP Action Items/Action-Oriented Programs (AOPs).

Data in this Report provides a retroactive snapshot of the District's progress in RY 2023, which is defined as July 1, 2022 through June 30, 2023, and goals for RY 2024 based on RY 2023 data. The District monitors ongoing progress through the DEI Dashboard, a monthly management tool utilized by the Senior Management team used to monitor hiring, promotions, and staff turnover.

The intent of this Report is for compliance purposes only. The DEISP is considered a complementary resource to the EEOP and can be referred to for additional information on the District's progress regarding action items/AOPs.

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EAST BAY MUNICIPAL UTILITY DISTRICT (DISTRICT OR EBMUD)

375 11th Street

Oakland, CA 94607

Dun's #: 05-190-4423

Water EIN (tax) #: 94-6000590

EEO-4 #: 06505230

NAICS: 2213 Water, Sewage and Other Systems

MSA: 41860 San Francisco-Oakland-Fremont, CA

EXECUTIVE ORDER 11246 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM FOR MINORITIES AND WOMEN

Reporting Year: July 1, 2022 – June 30, 2023

Equal Employment Opportunity Program (EEOP) Contact:

Derry Moten

Special Assistant to the General Manager for Diversity, Equity and Culture

East Bay Municipal Utility District

PO Box 24055, MS 601

Oakland, CA 94623-9979

Attn: Diversity and Inclusion Office

(510) 287-0710

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A. Designation of Responsibility: 41 C.F.R. § 60-2.17(a)

As part of the District's efforts to ensure EEO to all individuals, various staff have specific responsibilities to ensure that the EO 11246 EEO focuses on all components of the employment system. The Board of Directors, General Manager, Special Assistant to the General Manager for Diversity, Equity, and Culture, Manager of Diversity and Inclusion, Director of Human Resources, supervisors and managers, and employees have undertaken the responsibilities described below.

1. Board of Directors (Board)

The seven-member Board, publicly elected pursuant to the MUD Act, is the legislative body of the District and determines all questions of policy. The Board is also responsible for fair and equitable treatment at the District. Specifically, Board Members promote diversity and equality in personnel policies consistent with state and federal laws and assist in achieving the equal employment opportunity objectives of EBMUD (District Policy 6.04, Ethics of the EBMUD Board). The Board adopts the EO 11246 EEO annually and the District's EEO policies (6.06 and 6.07), are updated and presented for adoption by the Board on a prescribed schedule.

2. General Manager (GM)

The Board appoints a GM to conduct the business affairs of the District, including the administration of the Civil Service system. Accordingly, the GM has the overall responsibility to implement the District's EEO and EEO policies. The GM has delegated the Civil Service system responsibilities to the Director of Human Resources. The GM has delegated the direct responsibility to implement and administer the EEO and EEO policies to the Office of Diversity, Equity, and Culture's (ODEC) Special Assistant to the GM for Diversity, Equity, and Culture. The Director of Human Resources and the ODEC Special Assistant to the GM have the full support of and access to senior management officials.

3. ODEC Special Assistant to the GM

The ODEC Special Assistant to the GM is responsible for overall supervision of the EEO and EEO policies. The ODEC Special Assistant to the GM has delegated the EEO and EEO policies to the Manager of Diversity and Inclusion. The ODEC Special Assistant to the GM ensures, through the Manager of Diversity and Inclusion and department managers and supervisors, that all relevant policies and procedures are enforced. Successful implementation of the EEO and EEO

policies is one of the elements considered in evaluating the work performance of the ODEC Special Assistant to the GM.

4. Manager of Diversity and Inclusion

The Manager of Diversity and Inclusion provides leadership and direction in the development, implementation, and evaluation of an effective EEOP. The Manager of Diversity and Inclusion has the full support of and access to senior management officials. Successful implementation of the EEOP and EEO policies are a basis for evaluating the Manager of Diversity and Inclusion's effective work performance. The Manager of Diversity and Inclusion's responsibilities include, but are not limited to, the following:

- Develop and revise EEO policies, procedures, and work rules to enhance EEO and be in accordance with federal and state laws. Prepare the annual EEOP and present findings and recommendations to the Board.
- Identify problem areas and barriers to EEO and develop strategies and programs with management to address these problems.
- Develop, implement, and maintain audit and reporting systems to measure the effectiveness of the EEOP, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.
- Conduct periodic audits to ensure that all required posters and the EEO policies and EEOP are displayed properly.
- Serve as a liaison between the District and enforcement agencies.
- Serve as a liaison between the District and minority and female organizations, and community action groups concerned with the employment opportunities of minorities and females.
- Provide oversight and direction to District-sponsored Affinity Groups, Diversity Committee, and Equity Core Team, which support the DEISP initiatives.
- Keep managers/supervisors informed of the latest developments in the EEO area.

5. Director of Human Resources

The Director of Human Resources provides oversight to the divisions under their direction (Recruitment and Classification, Employee Relations, and Employee Services) and their compliance with the Civil Service system. The Director of Human Resources is responsible for ensuring resources are applied to diversifying the talent pools of all recruitments with intentional strategic effort applied to those positions identified in the EEOP.

6. Managers and Supervisors

Managers and supervisors at all levels act on behalf of the District. Accordingly, all managers and supervisors have the following EEOP responsibilities:

- Monitor their work unit for discriminatory, harassing, and/or retaliatory behavior and take appropriate steps to stop and correct behavior that violates District EEO policies.
- Familiarize themselves with District EEO Policies 6.06 and 6.07 on discrimination, harassment and/or retaliation based on a protected class and/or activity.
- Enforce District EEO policies and adhere to them (incorporate them into their own behavior, and to inform employees in the work unit to do the same).
- Be familiar with the District's Procedure 614, Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals and be ready to assist employees (including those who do not report directly to them) who raise EEO-related complaints.
- Regard all complaints of discrimination, harassment, and/or retaliation based on an EEO-protected class and/or activity seriously. Managers and supervisors should not ignore or minimize such complaints or otherwise discourage employees from reporting them.
- Participate in and support staff's involvement with the EEOP and diversity programs and recruitment activities.
- Work with the Manager of Diversity and Inclusion to enhance the effectiveness of the EEOP and make good faith efforts by considering alternative methods to fill vacant positions to create a diverse and qualified candidate pool.
- Consider all qualified candidates for promotion/hire and ensure that all selections are made for valid job-related reasons and without discrimination.

7. All District Employees

Employees at all levels are responsible for supporting the District's EEOP, as may be appropriate in the performance of their official duties, by ensuring equitable treatment, and equitable access to service for all persons with whom they deal.

All District employees receive training, are required to adhere to the District EEO policies, and encouraged to make positive contributions to creating an inclusive work environment.

Employees are expected to demonstrate the District's Values of Stewardship, Integrity, Respect, and Teamwork in all aspects of their role at the District. Finally, all District employees are

expected to adhere to Policy 6.15, Workforce Communications, particularly in exercising appropriate behavior in their communication with co-workers, taking the initiative to understand others and be understood, and embracing diversity of thought and ideas.

8. District EEO Policies

Policy 6.06, Equal Employment Opportunity, provides for EEO in all employment practices, including recruitment, hiring, placement, transfers, promotions, and training consistent with the principles of the District and in order to promote the full realization of EEO. It prohibits discrimination and workplace harassment based on race (i.e. racial characteristics including hair style/texture), color, religion, creed, sex, gender, gender identity (including transgender status), gender expression, marital or registered domestic partnership status, age for individuals age forty or older, national origin, ancestry, disability (mental or physical), medical condition (cancer and genetic characteristics), genetic information, sexual orientation, military and/or veteran status, family or medical leave status, pregnancy (including childbirth, lactation or related medical condition) pregnancy disability leave status, domestic violence victim status, political affiliation, or any other status protected by federal, state and/or local laws.

In addition, the policy prohibits retaliation against employees alleging discrimination and harassment based on an EEO-protected class and/or activity or involved as witnesses in an EEO discrimination or harassment investigation. Employees who oppose and/or refuse to participate in illegal discrimination or harassment are also protected against retaliation. Finally, it requires development and maintenance of an EEOP consistent with applicable laws, including any recruitment and placement methods that will enhance District efforts to achieve a workforce composition reflective of the qualified relevant labor.

Policy 6.07, Prevention of Workplace Harassment, provides for a workplace for all employees that is free from any form of workplace harassment, defined as unwelcome conduct that is based on an EEO-protected group status, including sexual harassment. It affirmatively states that workplace harassment based on an EEO-protected group status, including sexual harassment, will not be condoned or tolerated. In addition, it prohibits retaliation against employees alleging workplace harassment based on an EEO-protected group status or involved as witnesses in a workplace harassment investigation. Employees who oppose and/or refuse to participate in workplace harassment based on an EEO-protected group status are also protected against retaliation.

B. Identification of Goals for Achieving Diversity: 41 C.F.R. § 60-2.17(b)

1. Terminology Disclaimer

The phrases “comparison of incumbency to availability,” and “problem area” appearing in this section are terms of art the District is required by government regulations to use. The criteria used in relation to these terms are those specified by the government. These terms have no independent legal or factual significance. Although the District will use the terms in good faith in connection with its EO 11246 EEOP, such use does not necessarily signify the District agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, or objectives. In addition, the establishment of a placement goal does not amount to an admission of impermissible conduct. It is neither a finding of discrimination nor a finding of a lack of good faith affirmative action efforts. Rather, the establishment of a placement goal is designed to be a technical term used by EEO planners who seek to apply good faith efforts to increase, in the future, the percentage employment of minorities and females in a workforce.

2. Background

In addition to comparing incumbency to availability within job groups, EBMUD has conducted analyses to identify problem areas in each of its selection procedures (i.e., hires, promotions, and terminations). EBMUD will continue to monitor and update these analyses during each EEOP year. In each case where potential problem areas have been identified, affirmative actions, as appropriate, will be taken consistent with any of the efforts described in Section D – DEISP Action Items/AOPs.

i) EBMUD Demographic Data

The District has approximately 2,000 employees. Approximately 53% are racial minorities and 47% are white/non-Hispanic.⁴ Of the 53% of minorities, 20% self-identify as Asian, 14% Hispanic/Latino, 8% Black/African Americans, 10% Two or more races, 2% Native Hawaiian/Pacific Islanders, and just under 1% as American Indian or Alaskan Native.

⁴ Demographic data is effective June 30, 2023.

In accordance with OFCCP reporting requirements, the District currently only collects sex and gender data for the District's workforce in terms of male and female. Approximately 74% of employees are male, and 26% are female.

ii) RY 2023 EEOP Goals

In accordance with 41 C.F.R. § 60-2.17(b)(1), an analysis of minority and female utilization within each job group was accomplished by a thorough investigation of comparison of incumbency to availability. Placement goals are determined for each job group based on the current availability of minorities and/or females working in similar jobs within the District's recruitment area.

For each job group, if the occupational availability of minorities/females is significantly higher in the District's recruitment area compared to the District's incumbent workforce, a placement goal is established. The placement goal is always equivalent to the availability of minorities/females in the District's geographic recruitment area. Placement goals should not be mistaken as quotas. They are "goal" percentages for minorities/females that the District should make good faith efforts to reach by increasing recruiting efforts to find a more diverse and qualified applicant pool.

C. Definitions and Methodology for Determining Placement Goals

1. Job Group Analysis: Job Titles & Placement of Incumbents in Job Groups: 41 C.F.R. §§ 60-2.12-2.13

Disclaimer: *The grouping of job titles into given job groups does not suggest that the District believes the jobs so grouped are of comparable worth.*

Pursuant to 41 C.F.R. § 60-2.12, we maintain a listing of all job groups at this establishment listing each job title in each job group. Specifically, we have grouped those jobs having similar job content, wage rates and promotional opportunities.⁵

2. Availability Analysis: 41 C.F.R. § 60-2.14

Disclaimer: *The comparison of incumbency to availability contained within this EEOP is required by government regulations to be based on certain statistical comparisons. Geographic areas and sources of statistics used herein for these comparisons were used in compliance with*

⁵ Job Group Summary table is listed in [Exhibit A](#).

government regulations, as interpreted by government representatives. The use of certain geographic areas and sources of statistics does not indicate the District's agreement that the geographic areas are appropriate in all instances of use or that the sources of statistics are the most relevant. The use of such geographic areas and statistics may have no significance outside the context of this EEOP. Such statistics and geographic areas will be used, however, in total good faith with respect to this EEOP.

"Availability" is an estimate of the proportion of each gender and racial group available and qualified for employment at the District for a given job group in the relevant labor market during the life of the EEOP. Availability indicates the approximate level at which each racial and gender group could reasonably be expected to be represented in a job group if the District's employment decisions are being made without regard to gender, race, or ethnic origin.

Availability estimates, therefore, are a way of translating EEO into concrete numerical terms. Correct comparisons of incumbency to availability, worthwhile and attainable goals, and real increases in employment for problem groups depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed versus the District's current employment,⁶ identify problem areas or areas of deficiency, and establish goals to correct the problems.

3. Steps in Comparison of Incumbency to Availability

i) Identify Availability Factors

The following availability factors are required of federal government contractors for consideration when developing availability estimates for each job group:

1. External Factor: The external requisite skills data comes from the 2018 5-year EEO Tabulation, which is based on the 2014–2018 American Community Survey from the U.S. Census Bureau.
 - a. Local Labor Area: An applicant/employee Zip Code Analysis was used to identify the most precise local labor area for EBMUD. The final local labor area met the following two conditions:
 - i. It includes all counties/county sets where 5% or more of the employees/applicants resided, and

⁶ Job Group Analysis table is retained by the DIO.

- ii. When summed, those counties/county sets accounted for at least 78% of the total applicants/employees within the at-issue workforce. Smaller contributing counties/county sets are removed (i.e., trimmed) unless they are necessary to reach 78%.

iii.

Once trimmed, the weights for the remaining counties/county sets were proportionately increased to reach 100%.

- b. Reasonable Labor Area: California and/or National depending on the job group.
- 2. Internal Factor: The percentage of minorities or females among those promotable, transferable, and trainable within the District's organization.⁷

ii) Identify Final Availability

- 1. Assign Internal and External Factor Weights: Weights were assigned to each factor for each job group. A combination of historical data and experience were used to determine the weights; specifically, internal and external job posting trends were used. Weights are never assigned in an effort to hide or reduce problem areas.
- 2. Identify Final Availability: Weights were multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component was summed. This produced a final availability estimate for each gender and race/ethnic group, as well as for minorities in the aggregate.⁸

4. Placement Goals Analysis: 41 C.F.R. §§ 60-2.15-2.16

Once final availability estimates were made for each job group, the District compared the percentage of incumbents in each job group to their corresponding availability. A comparison was made between the percentage employed as of June 30, 2023, and that group's final availability percentage.

Disclaimer: *The establishment of a placement goal does not amount to an admission of impermissible conduct. It is neither a finding of discrimination nor a finding of a lack of good faith affirmative action efforts. Rather, the establishment of a placement goal is designed to be*

⁷ *Internal Availability Analysis* is retained by the DIO.

⁸ *Availability Analysis* for the availability breakdown for each job group is retained by the DIO. In most cases, the final availability report (and most other technical reports in this EEOP) only include data/information for females and minorities in the aggregate.

a technical term used by EEO planners who seek to apply good faith efforts to increase in the future the percentage employment of minorities and females in a workforce.

The District has established an annual percentage placement goal whenever it found that minority or female representation within a job group was less than would reasonably be expected given their availability. Biddle used the Exact Binomial Test to determine placement goals. In each case, the goal was set at the availability figure derived for females and/or minorities, as appropriate for that job group.

Goals are not rigid inflexible quotas which must be met but are instead targets reasonably attainable by means of applying good faith efforts to make the entire EEOP work. These goals will be reached primarily through recruiting and advertising to increase the pool of qualified minority and female applicants and through implementation of the District's AOPs. Selections will occur only from among qualified applicants. Goals do not require the hiring of a person when there are no vacancies or the hiring of a person who is less likely to do well on the job ("less qualified") over a person more likely to do well on the job ("better qualified"), under valid selection procedures. Goals do not require that the District hire a specified number of minorities or females.⁹

i) Prior Year EBMUD Placement Goals

Figures 1 and 2 show the RY 2023 placement goals for minorities and females. First, **Figure 1** provides a detailed view of RY 2023 placement goals by job group, including minority placement goals disaggregated by race/ethnicity. Then, **Figure 2** provides an overview of the number of placement goals per EEOP focus area.¹⁰

For many of the job groups with “overall minority” goals, although there are not statistically significant disparities for every racial minority, the District's diversity recruitment efforts will include outreach to all minorities. The District will also consider opportunities for outreach targeted to specific minority groups whenever:

- There are statistically significant disparities for that minority group in one or more job groups.

⁹ *Comparison of Incumbency to Availability and Placement Goals* table for each job group is retained by the DIO.

¹⁰ Throughout this report, the following abbreviations are used in charts/graphs: B/AA – Black/African American; A – Asian; H – Hispanic; NH/PI – Native Hawaiian or Pacific Islander; AI/AN – American Indian or Alaskan Native; 2+ – Two or more races.

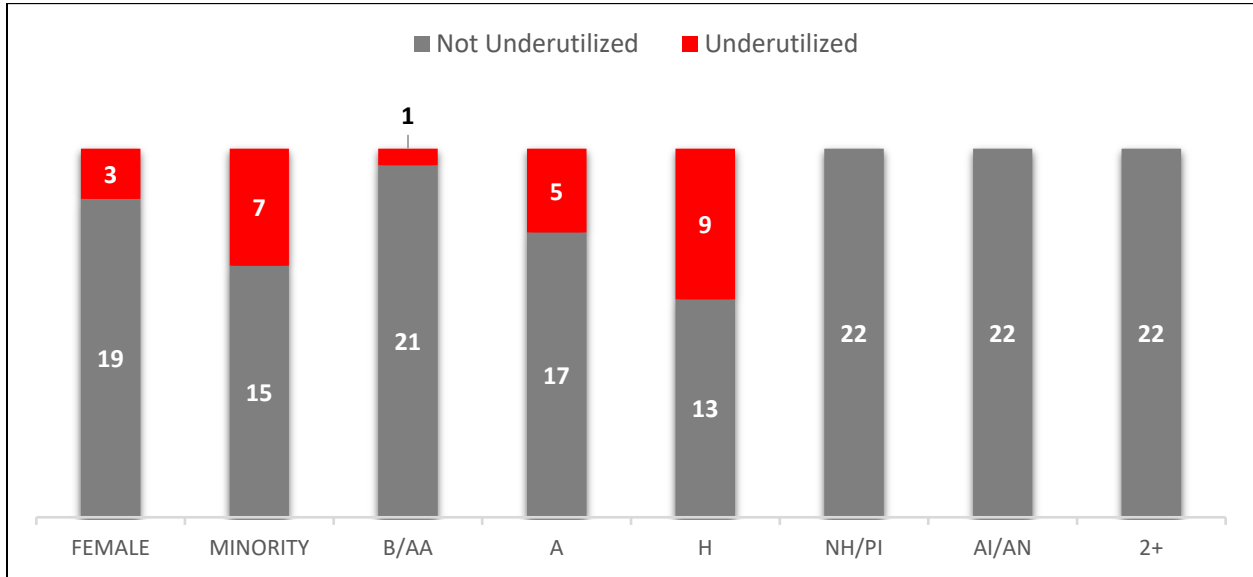
- There is a trend of declining incumbency representation for that minority group at the District.
- The minority group is significantly underrepresented in the relevant occupations/ professions in the broader workforce outside of EBMUD (i.e., when there is low external availability) due to historical, external, and/or systemic barriers.

Historically, the District has only considered placement goals for “overall minorities.” However, disaggregating the District’s placements by minority subgroups (number of goals areas/shortfalls per Job Group for each race group) allows for a more complete analysis of affirmative action issues and considerations, as shown in **Figure 1**.

Figure 1: Prior Year EBMUD Placement Goals

EEOP Job Groups	Female	Minority	B/AA	A	H	NH/PI	AI/AN	2+
Directors/Managers								
Programmers								
Analysts								
Professionals								
Science Professionals								
Administrative Assistants								
General Clerical					D			
Customer Service					D			
Technicians								
Plant Operators								
Plant Operators Lead/Sup					D			
Laboratory & Qual Ctrl Tech								
Rangers		X		D	D			
Engineering								
Supervising Engineering		X		D				
Engineering Technicians								
Water Dist. Plumb & Mtc		X		D	D			
Heavy Equipmnt/Truck Op.		X		D	D			
Pipeline Mtce Lead/Super								
Electrical/Structural Wrks	X	X		D	D			
Mechanical Maintenance	X	X	D		D			
Service Maintenance	X	X			D			
• Gray boxes indicate that there are <u>no placement goals</u> for minorities and/or females • Red boxes with an “X” indicate that there is <u>an overall placement goal</u> for minorities and/or females • Red boxes with a “D” indicate that there is a <u>disaggregated placement goal for minorities</u> • Yellow boxes with a “D” indicate that there is a <u>disaggregated placement goal for minorities</u>, but no overall minority placement goal exists for that job group								

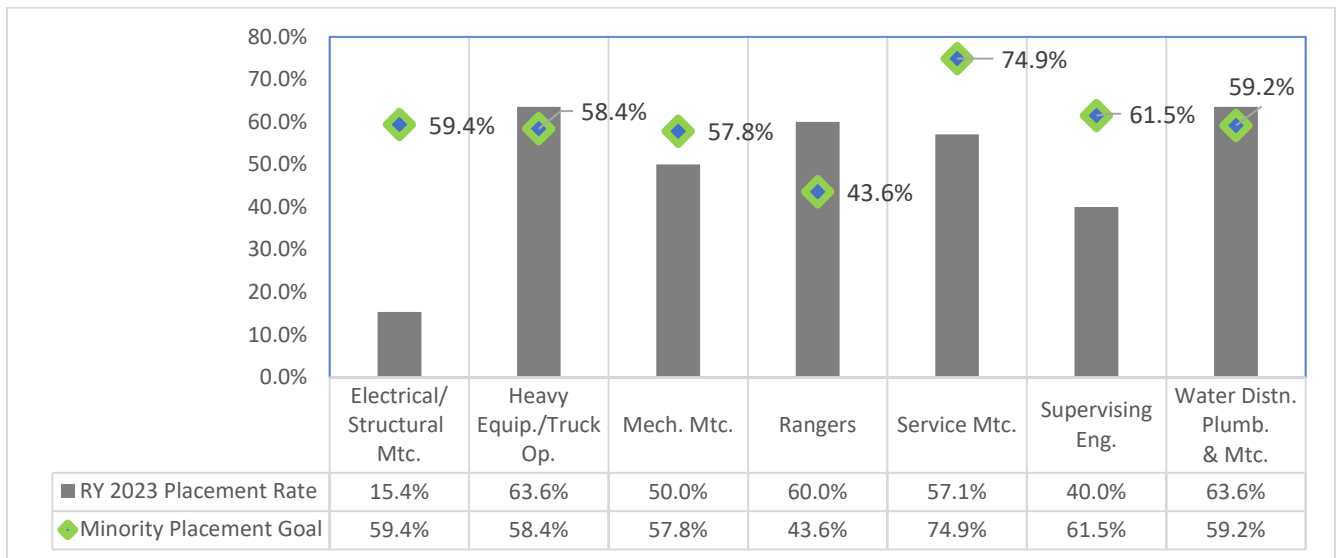
Figure 2: Prior Year EBMUD Utilization Analysis (Number of Job Groups)



ii) Prior Year EEOP Minority Placement Goals Progress Summary

Figure 3 provides a visual representation of the District's progress (actual minority hiring rates) in RY 2023 with respect to its RY 2023 minority placement goals, regardless of gender.

Figure 3: Prior Year EEOP Minority Placement Goals Progress Summary



To summarize Figure 3 (above):

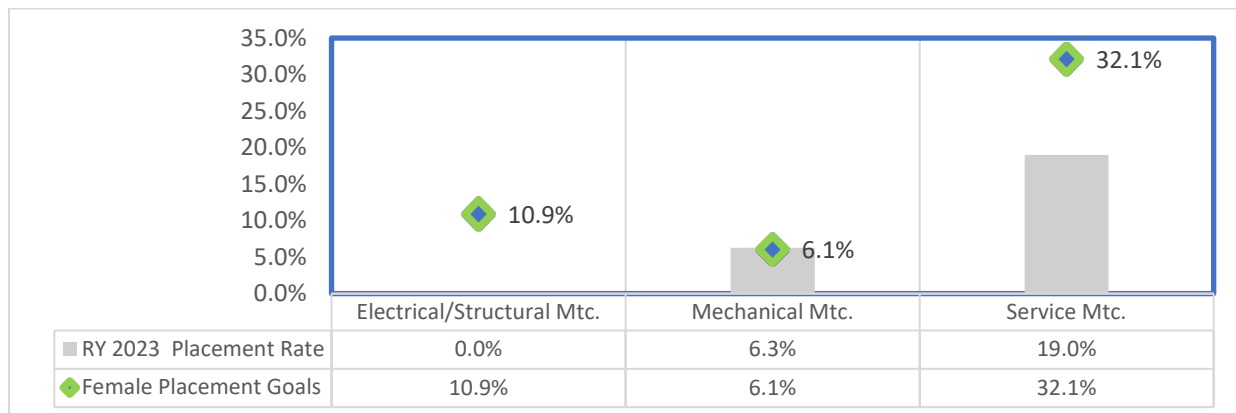
- **Electrical/Structural Maintenance:** The District placement rate (15.4%) did not meet the overall goal for this job group (59.4%).

- **Heavy Equipment/Truck Drivers:** The District’s placement rate for minorities (63.6%) exceeded the overall placement goal (58.4%). The RY 2023 placement rate also exceeded the RY 2022 placement rate (60.0%).
- **Mechanical Maintenance:** The District had a placement rate that nearly met its placement goal for this job group (50% and 57.8% respectively). The RY 2023 placement rate increased from the previous RY (33.3%).
- **Rangers:** The District exceeded the placement goal of 43.6% with a hiring rate of 60%.
- **Service Maintenance:** The District had a placement rate for minorities (57.1%) that did not meet the placement goal (74.9%).
- **Supervising Engineering:** The District’s placement rate for minorities (40%) did not meet the placement goal (61.5%). The RY 2023 placement rate was lower than that of the previous RY (62.5%).
- **Water Distribution Plumbing and Maintenance:** The District’s placement rate for minorities (63.6%) exceeded the placement goal (59.2%).

iii) Prior Year EEOP Female Placement Goals Progress Summary

Figure 4 provides a visual representation of the District’s progress (actual female hiring rates) in RY 2023 with respect to its RY 2023 female placement goals, regardless of race/ethnicity.

Figure 4: Prior Year EEOP Female Placement Goals Progress Summary



To summarize **Figure 4** (above):

- **Electrical/Structural Maintenance:** The District did not meet the RY 2023 placement goal (10.9%). The District did not have any female placements in this job group in RY 2023.

- **Mechanical Maintenance:** The District had a placement rate for females (6.3%) that exceeded the overall placement goal (6.1%).
- **Service Maintenance:** The District's placement rate for females (19.0%) did not meet the placement goal (32.1%).

iv) Current Year EBMUD Placement Goals

Figures 5 and 6 show the RY 2024 placement goals for minorities and females. First, **Figure 5** provides a detailed view of RY 2024 placement goals by job group. Then, **Figure 6** provides an overview of the number of placement goals per EEOP focus area.

Figure 5: Current Year EBMUD Placement Goals

EEOP Job Groups	Female	Minority	B/AA	A	H	NH/PI	AI/AN	2+
Directors/Managers								
Programmers								
Analysts								
Professionals								
Science Professionals					D			
Administrative Assistants								
General Clerical					D			
Customer Service					D			
Technicians			D					
Plant Operators					D			
Plant Operators Lead/Sup					D			
Laboratory & Qual Ctrl Tech								
Rangers		X			D			
Engineering								
Supervising Engineering		X		D				
Engineering Technicians								
Water Dist. Plumb & Mtc		X		D	D			
Heavy Equipmnt/Truck Op.		X		D	D			
Pipeline Mtce Lead/Super								
Electrical/Structural Wrks	X	X		D	D			
Mechanical Maintenance	X	X			D			
Service Maintenance	X	X			D			

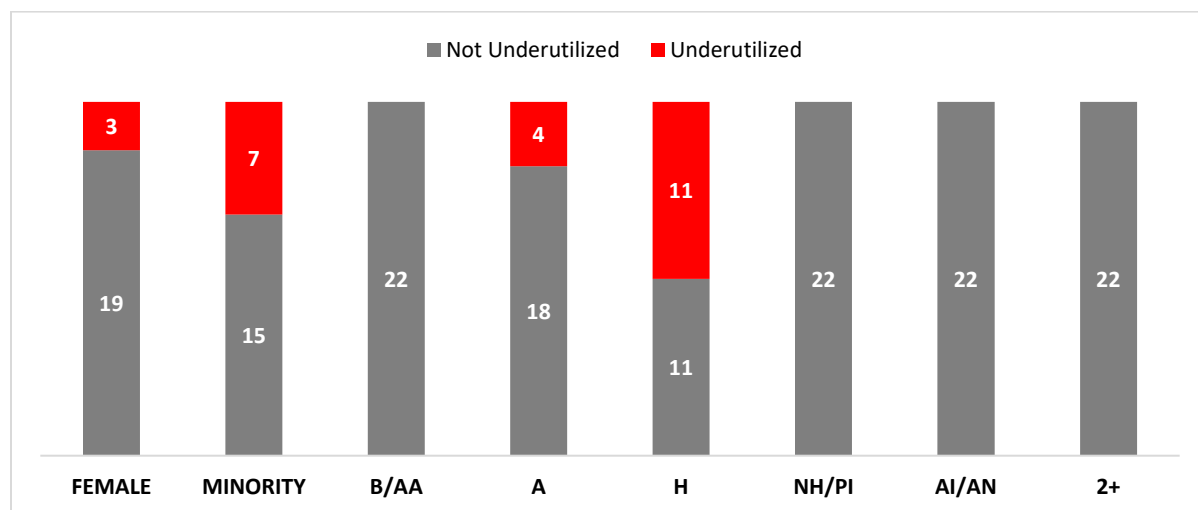
- Gray boxes indicate that there are no placement goals for minorities and/or females
- Red boxes with an "X" indicate that there is an overall placement goal for minorities and/or females
- Red boxes with a "D" indicate that there is a disaggregated placement goal for minorities
- Yellow boxes with a "D" indicate that there is a disaggregated placement goal for minorities, but no overall minority placement goal exists for that job group

Based on RY 2023 data, the District set ten placement goals for RY 2024 (current year) where the incumbency of minorities and/or females within the group was statistically significantly below the availability in the recruitment area. Seven of the ten goals were for minority placements and three were for female placements.

As discussed previously, disaggregating the District’s placements by minority subgroups (see **Figure 5**) allows for a more complete analysis of affirmative action issues and considerations. Hispanic/Latino and Asian stand out immediately as the minority subgroups with the most significant concern in **Figure 5**. Three of the seven job groups with overall minority placement goals also have disaggregated placement goals for both Hispanic/Latino and Asian individuals. One of the six job groups with overall minority placement goals (Supervising Engineering) has a placement goal only for Asian employees. Mechanical Maintenance, Rangers, and Service Maintenance each have overall minority placement goals, as well as disaggregated placement goals for Hispanic/Latino individuals.

There are also six job areas that will be targeted for placement goals for specific minority subgroups even though these job groups do not have placement goals for minorities overall. This means higher incumbency rates for other minority groups in each of these job groups may be masking the underrepresentation of specific minority groups, such as Hispanic/Latino, in these areas. The District has disaggregated Hispanic/Latino placement goals for five job groups: Customer Service, General Clerical, Plant Operators, Plant Operator Leads/Supervisors, and Science Professionals. Finally, the District has a disaggregated African American placement goal for Technicians.

Figure 6: Current Year EBMUD Utilization Analysis (Number of Job Groups)



The DEISP contains action items for the District to develop customized approaches for each minority group and across the District's various workforce recruitment areas.

5. Diversity Analysis

i) Personnel Activity: 41 C.F.R. § 60-2.17(b)(2)

Applicant flows, hires, promotions, and terminations were analyzed by job group. An analysis of selection disparities in personnel activity between males/females and whites/minorities was accomplished by a thorough examination of transaction data and/or by cohort analysis. Per Biddle, the statistical analysis they perform, *"determines whether chance or something other than chance caused the hiring, promotional, and/or retention rates of the disadvantaged group (e.g., females) to be less than the group with the highest rate (e.g., males)."*

Past analyses of promotion and selection data in previous years, identified the following barriers in various instances:

- Applicant Pool Diversity: Insufficient representation of minorities and/or females in applicant pools (i.e., below availability).
- Test Information: Posting information about testing categories in advance of the written and/or performance exams may help candidates be better prepared.
- Pass Point: Pass points for job-related Training and Experience (T&E) reviews or tests (written or performance) significantly screening out or eliminating minorities.
- Interview Band Diversity: Insufficient representation of minorities in an interview/hire band.¹¹
- Five Ranks Rule: Insufficient representation of minorities in a hiring interview pool due to the Five Ranks Rule.¹²
- Passage of Time: Insufficient availability of minorities on an eligible list due to passage of time. The diversity of some of the District's eligible lists has been noted to decrease over

¹¹ e.g., Candidates passing the performance exam and interview for certain trades positions are placed on the eligible list and hired in rank order. From time to time, the hiring list may have an insufficient representation of minority candidates due to minority candidates being hired in previous years, declining an offer, or being unreachable.

¹² Rule XIII in the Civil Service rules, and language in the MOU between the District and Unions. MOU with Local 2019 has a Rule of 3.

time as candidates tend to lose interest the longer it takes to receive an employment offer.

The District has planned and/or implemented numerous DEISP action items/AOPs to address these barriers.¹³

ii) Workforce by Organizational Unit: 41 C.F.R. § 60-2.17(b)(1)

An analysis of minority and female distribution within each organizational unit was accomplished by a thorough investigation of the Workforce Analysis table.¹⁴ An analysis of the incumbency of minorities and females within each organizational unit was also compared to the overall incumbency of these demographics across the District as a whole.

D. DEISP Action Items/AOPs: 41 C.F.R. § 60-2.17(c)

AOPs refer to programs intended to address any problem areas identified in the analysis of the employment process and demonstrate good faith efforts to attain established goals and objectives, remove identified barriers, and expand employment opportunities. The District has a number of existing programs and initiatives which are AOPs and are discussed in detail in the DEISP. Further, the DEISP identifies additional actions the District intends to take in order to enhance previous AOP efforts.

Currently, the District has ongoing AOPs, including:

- Coordinating a variety of internship programs each year such as the High School Summer Internship (HSSI) program, Engineering Aide program, and machining interns;
- Implementing targeted outreach and community partnership development for recruitment efforts such as attending career fairs or hosting information and/or bootcamp sessions for District positions such as Water Distribution Plumber I;
- Collaborating with BAYWORK and California Urban Water Agencies (CUWA) on regional industry recruitment strategies;
- Leveraging the employee Affinity Groups, Equity Core Team (including pilot projects), and the Diversity Committee as outreach ambassadors and partners for recruitment and hiring; and
- Providing support and guidance to hiring managers.

¹³ *Summary of Personnel Transactions Report* for each job group is retained by the DIO.

¹⁴ *Workforce Analysis* table is retained by the DIO.

1. DEISP Objectives

The following are some of the District's DEISP objectives which are AOPs that expand upon current District efforts. For more information about these or other objectives, please refer to the DEISP, which is available upon request to the DIO or via the District's intranet (Splashpad).

i) Implement Racial Equity Toolkit for Hiring and Recruitment (DEISP Objective 4.1)

- Equity Core Team will implement the Racial Equity Toolkit six-step process to identify hiring and recruitment systemic inequities.

ii) Diversify Recruiting, Outreach, and Marketing Efforts (DEISP Objective 4.2)

- Develop and enhance recruiting partnerships with a variety of external community partners and education institutions.
- Engage a diverse pool of current and retired employees in storytelling to brand EBMUD as a destination employer.
- Enhance social media outreach and explore other avenues of publicizing recruitments.

iii) Learning and Knowledge Building (DEISP Objective 4.3)

- Develop a system of DEI trainings and reminders that is embedded into every hiring and recruitment process.
- Include DEI training and messaging as a featured component of new employee orientation and onboarding.
- Develop a DEI Recruitment, Hiring, and Onboarding Toolkit.
- Evaluate the quality and efficacy of training courses through surveys and stakeholder consultations.

iv) Cultural Competence and Emotional Intelligence in Hiring (DEISP Objective 4.4)

- Establish DEI awareness, cultural competency, emotional intelligence, and growth mindset, as required managerial competencies in all job descriptions and recruitment materials.
- Develop DEI-informed interview, reference, and supplemental questions to assess a candidate's ability to apply culturally competent and emotionally intelligent practices at work.

v) Continuous Improvement (DEISP Objective 4.5)

- Apply an equity lens and quality improvement principles in the review of policies, procedures, and practices.
- Clearly communicate EBMUD's efforts and commitments to advancing DEI in its workforce.
- Conduct an external organizational assessment to review Human Resources (HR) policies, processes, systems, delivery of services, and organizational structure.
- Develop a process that encourages candidates to correct and/or provide additional information about their minimum qualifications before their candidacy is formally eliminated from further consideration.

vi) Expand Entry-Level Career Opportunities (DEISP Objective 4.6)

- Assess opportunities for expanded internships and trainee positions within each District department.
- Develop and implement a budget, project plan, and timeline for each new/expanded internship/trainee program.
- Develop an ongoing series of work-based learning events and/or programs to encourage diverse candidates to pursue District careers (e.g., facility/site visits, informational interviews, job shadowing, mentorship).

vii) Promotion and Retention Pilot Project (DEISP Objective 5.1)

- Equity Core Team will implement the Racial Equity Toolkit six-step process to identify promotion and retention systemic inequities.

viii) Improve and Expand Equitable Access to Professional Development Resources and Opportunities (DEISP Objective 5.2)

- Develop a job shadowing and mentoring program.
- Improve access to District career ladder information.
- Provide "Career Conversations" sessions – career development events with opportunities for employees to better understand District career opportunities.
- Offer more professional development opportunities for individual contributors.
- Explore options to expand the Educational Assistance Program to go beyond the Tuition Reimbursement Program.

ix) Workforce Planning and Development (DEISP Objective 5.3)

- Conduct an analysis of the District's future employment needs and create workforce plans to address needs.
- Identify classifications with limited career paths and evaluate systematic options for expanded career mobility opportunities (e.g., professional development, career pathways, work out-of-class assignments, etc.).
- Review practices for evaluating minimum qualifications.
- Implement Leadership Academies (group development) to cultivate pools of potential candidates for future leadership opportunities.

x) Talent Development Planning (DEISP Objective 5.4)

- Conduct an environmental scan to anticipate the future state of the District in the next 2-4 years (e.g., drought impacts, workforce changes, process improvements, organizational culture).
- Identify and document key competencies and skills needed in the future state of the organization.
- Conduct a risk analysis of key positions likely to be impacted.
- Design development programming to support employee preparation.

In summary, the District will continue to implement the DEISP, which will involve coordination of pilot projects around improvements in the District Civil Service processes, partnering with workforce training programs, and coordinated community outreach. Additionally, the District will implement targeted recruitment outreach efforts for all District job groups that fall within the bottom third for incumbency rate of females or overall minorities.

2. Recruitment Actions

i) Community/Educational Partnerships

EBMUD values its strategic partnerships with local organizations and educational institutions and continues to leverage them in its recruitment efforts, including the following:

- Partner with diversity organizations, such as those focused on minorities, women, veterans, and individuals with disabilities, for referrals. The following are the number of organizations that receive the full list of open recruitments every week.¹⁵

Figure 7: Recruitment/Outreach Community Partners - 119¹⁶

Diversity Focus	Number of Organizations
Minority	56
Women	28
Veteran	27
Individuals with Disabilities (IWD)	31
General Diversity	42

- Coordinate various outreach and information-sharing sessions with representatives from diverse community groups throughout the District’s regional recruitment areas. These sessions included presentations by District employees who come from diverse, varying backgrounds (including minorities and females), who provided information about current and future job openings, as well as the District’s selection process. EBMUD has also made classification descriptions, worker specifications and recruiting literature available to these representatives by email or online.
- Support career development events coordinated by community partners such as Cypress Mandela x Oakland Unified School District Skilled Trades Career Fairs, mock interview sessions with YouthBuild, employer spotlights/workshops, career fairs, internship fairs, teacher externships, and hosting tours of various EBMUD facilities.
- Recruit at several local colleges and universities, including targeting community colleges and universities based in part on the high level of diversity of their student body and with a focus on reaching diversity-focused student organizations.
- Serve on Advisory Boards for local community colleges such as Merritt College’s Natural History and Sustainability Advisory Board and provide insight into the skills, knowledge, and abilities that graduates should develop in their degree programs to become more qualified, competitive candidates for EBMUD positions.

¹⁵ The full list of organizations and their diversity outreach focus is retained by the DIO.

¹⁶ Note that while 119 organizations receive a weekly update from EBMUD’s Recruitment and Classification division, the District engages with more than 119 organizations on recruitment. Also, some organizations have more than one diversity focus, so the same organization may be represented in multiple diversity foci in **Figure 7**.

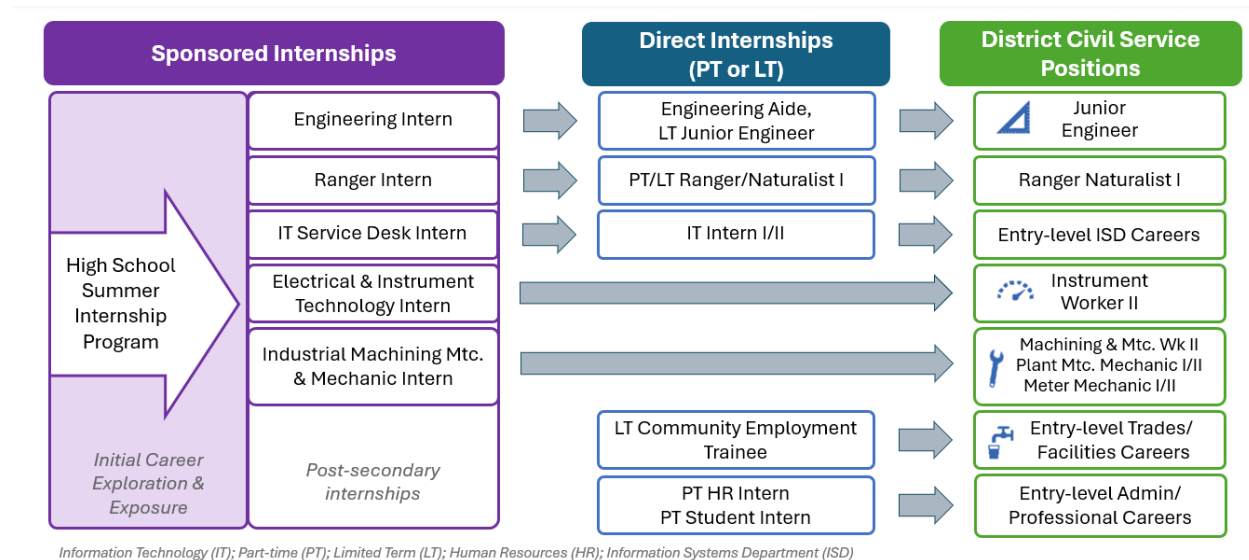
- Partner with community-based organizations, youth organizations, and educational institutions throughout the District’s service area to recruit qualified, diverse interns for the District’s internship programs.

ii) Internship Programs

The District offers a variety of paid internship and training programs as part of its long-term workforce development strategy to attract, recruit, and retain a diverse, qualified workforce. EBMUD internships offer valuable hands-on experience/training to individuals pursuing/exploring careers in water and wastewater services.

Figure 8 provides a visual representation of various District internships and how internship opportunities help interns compete for regular employment opportunities at EBMUD.

Figure 8: District Internship Program Pathways



These paid, short-term opportunities include the following:

(1) Sponsored Internships

Sponsored internships are unique opportunities for individuals to gain hands-on training and experience at the District while being employed by either a community-based organization (CBO) or the Peralta Colleges Foundation. Sponsored internships are conducted in partnership

with local CBOs, community college districts, and BAYWORK. These partnerships help attract, recruit, and cultivate a diverse, qualified candidate pool.¹⁷ Sponsored internships include:

1. The HSSI Program, which has an emphasis on reaching students at diverse and/or Title I high schools in the East Bay area to help develop a pipeline of future talent. In RY 2023, the District's six-week HSSI program sponsored 35 student interns who received mentorship and coaching from 27 District staff. The internship provided hands-on work experience and weekly career enrichments to develop skills critical to their future academic and professional success. Ninety percent of HSSI interns surveyed in 2023 stated the HSSI program prepared them for future career and educational opportunities. Similarly, 86 percent of HSSI interns expressed interest in future internships and employment at the District.
2. Internships and training programs in the trades for diverse, qualified student populations at community colleges and/or community training programs. Such internships are tied to upcoming job openings (thus not on a set schedule) in related classifications and will be developed for other EEO-related job classifications. Two sponsored internships offered in RY 2023 were:
 - a. The first implementation of a "Stackable Internship" (which began in RY 2022) in partnership with BAYWORK, a consortium of water and wastewater agencies in the Bay Area. The stackable internship offers students from community college trades programs paid internships with BAYWORK signatory agencies. This program is designed to provide Interns with opportunities to enhance their classroom learning by obtaining practical real world work experience at a water and/or wastewater agency. The District hosted four diverse, qualified EBMUD Stackable Interns in RY 2023 (two Electrical and two Machining).
 - b. An Information Technology (IT) Service Desk Internship, which provided hands-on experience to two college interns interested in the field of IT.

(2) Direct Internships

Direct interns are hired as District employees into part time (PT) or limited term (LT) classifications including the following:

¹⁷ Interns are not guaranteed District employment at the conclusion of their participation in any internship program.

1. Classifications directly related to job groups with placement goals and/or those which historically have had placement goals:
 - a. Engineering Aide
 - i. This classification is used to increase the number of qualified, diverse candidates for mission critical Engineering positions at the District, such as Junior and Assistant Engineer. Incumbents in Engineering positions are also feeder classes for Supervising Engineering positions.
 - b. LT Junior Engineer
 - i. This LT classification is used as a bridge position for current Engineering Aides. The LT Junior Engineer classification provides additional developmental opportunities to previous Engineering Aides, which also increases the number of qualified, diverse candidates for mission critical Engineering positions at the District, such as Junior and Assistant Engineer. Incumbents in Engineering positions are also feeder classes for Supervising Engineering positions.
 - c. PT/LT Ranger/Naturalist I
 - i. This classification is used to increase the number of qualified, diverse candidates for hard-to-fill Ranger/Naturalist positions at the District, such as Ranger/Naturalist II.
 - d. LT Special Employment Program Trainee
 - i. This classification is used to increase the number of qualified, diverse candidates for hard-to-fill Service Maintenance positions at the District, such as Grounds Maintenance Specialist I/II, Utility Laborer, and Janitor.
2. Other classifications which generally help increase the pool of diverse, qualified talent available to fill various professions or career pathways at the District
 - a. PT/LT IT Intern
 - b. Student Intern
 - c. Human Resources Intern
 - i. HR interns also provide support to AOPs such as the HSSI program and internal talent development/training programs.

iii) Other Strategic Tactics

The District has adopted and continues to implement the following actions to increase recruitment efforts:

1. Develop and implement targeted outreach and advertising strategies for classifications with high-volume recruitments, EEO placement goals, and/or that are identified as mission critical.
2. Develop and implement targeted outreach and advertising strategies for sponsored and direct internships.
 - a. Restructured the internship program and centralized its administration to the DIO to enhance consistency of program administration and establish regular recruiting cycles to improve outreach to diverse, qualified applicants, many of whom are university students.
3. Provide technical and strategic guidance and support to hiring managers recruiting for classifications with EEO placement goals. Focus has been around implementing EEO best practices in recruitment and selection processes such as enhancing outreach efforts or identifying new referral sources.
4. Actively encourage minority and female employees to refer applicants.
 - a. Bolster the roles of Diversity Committee members as outreach ambassadors.
 - b. Supported the formation of the Women's Employee Resource Opportunity and Collaboration Community (WE ROCC) affinity group, which is dedicated to "promote, educate, and provide information to enhance the visibility, value, understanding, tolerance, and advancement of individuals who identify as women (women), their allies, as well as all other employees at the District and in its communities, and to support the District's mission and goals." Provided guidance throughout the chartering process, which was finalized in August 2023.
5. Encourage minority and female employees to attend, serve and/or participate in career events, youth (and educator) career awareness efforts, and related outreach activities in the community, to represent and highlight staffing diversity at EBMUD.
6. Advertise on a regular basis in Employment/Career Center/Jobs sections of media focused on minority and/or female audiences.
7. Ensure job advertisements and postings are culturally appropriate and always carry the District's EEO in hiring clause.
8. Participate in job fairs/career events on a regular and ongoing basis.
 - a. Develop enhanced outreach such as "boot camps" for individuals interested in applying to trades positions such as Water Distribution Plumber I or Utility Laborer and virtual information sessions for individuals interested in applying to other high-volume, mission critical, and/or underutilized job groups such as LT Special Employment Program Trainee and Meter Reader/Mechanic.

iv) Job Specifications/Selection Process

The District ensures that diversity is considered in the selection process by continuing the following:

1. Develop and update classification descriptions that accurately reflect classification functions and are consistent for the same classification across locations.
2. Develop and update classification or worker specifications that contain academic, experience, and skill requirements that do not constitute inadvertent discrimination. The District will continue to develop specifications that are free from bias with regard to age, race, color, sex, gender identity, sexual orientation, religion, national origin, disability, or veteran status.
3. Approved classification specifications and worker specifications continue to be made available to all members of management involved in the recruiting, screening, selection, and promotion process. Copies may also be made available to recruiting sources.
4. Use only worker specifications that include job-related criteria.
5. Ensure that raters for Training and Experience (T&E) review, performance exams, oral exams, and panel interviews are diverse in ethnicity and gender.
6. Ensure that more than one rater is involved in hiring interviews and the panel is diverse in ethnicity and gender.
7. Explore partnerships for training/education, curriculum development, recruitment, and test prep services.
8. Preparation and submittal of written justifications for all promotions and hires from hiring managers to HR in compliance with HR requirements.

v) Internal Job Advancement

1. Posting of Promotional Opportunities: The District continues to post or announce promotional opportunities in accordance with Civil Service rules.
2. Peralta College District Cohort Program: The District continues to offer this program focused on general education and construction management classes. Classes are both in-person and virtual. The third two-year Cohort started in August 2022 and graduated in June 2024.
3. Career Counseling Programs: The District continues to provide individual and group career counseling programs including coaching on communication skills, managing conflict, and career development and education; job rotation, coaching/mentoring, and similar programs.

4. Mentoring Programs: The District continues to partner with employee Affinity Groups, including Black Employee Network (BEN), to offer mentorship for District employees connected to those groups.
5. Performance Plan and Appraisal Procedure: The District continues to use its standardized procedure for the annual performance review of all employees.
6. Employee Training: Employees can choose training courses through the Training Schedule and include them in their career development plan.
 - a. Manager and Supervisor Training (MAST) Program: The District MAST program includes two tiers of training to better prepare employees for promotional opportunities:
 - i. Tier 1 – Leading People and Performance (for supervisors, forepersons, and leads).
 - ii. Tier 2 – Leading Processes and for Outcomes (for managers, superintendents, and process leaders).
 - b. Emotional Intelligence and Cultural Competence: This training gives participants the ability to understand people of different cultures and/or backgrounds, where they develop an awareness of their own behavior, and adjust their behaviors based on their understanding of that culture. Participants learn about different types of biases, and gain awareness about some of their own biases when working with others. Finally, they gain best practices regarding respectful and professional behavior in diverse environments, including giving and receiving feedback. The participant will learn how to apply these skills when working with others and learn about the District’s guidance with regard to work-related communications.
 - c. Career Development Workshops: The District offers career development workshops, which differ from each other regarding depth, breadth and focus of developing skills that are relevant to employees who are actively preparing to advance in their careers. Some workshops offered have been *Activate your Job Application*, *Activate Your Interview*, and *Navigating Through the EBMUD Hiring Process*.
 - d. Microsoft Office Software Training: The District continues to offer this training for employees interested in improving their computer skills. These classes provide instruction for employees who self-identify as beginner, intermediate, or advanced in their abilities.

7. Tuition Reimbursement Program: This program is offered to all employees who wish to improve their job skills and performance, and to pursue promotions. The current maximum amount approved this fiscal year is \$3,500 per employee.¹⁸ Additionally, the Tuition Advancement pilot (in effect since RY 2019) provides advanced payment of tuition for employees in the Peralta College District on-site cohort program.

vi) Inclusive Work Environment

1. District-Sponsored Cultural, Social, and Recreational Activities: The District continues to actively encourage all employees to participate in these activities across its various facilities.
2. District-Sponsored Affinity Groups (AGs): AGs are comprised of District employees who identify with a particular diversity dimension(s) or wish to learn about or support a particular diversity dimension. AGs are sponsored by the DIO and assist the District in engagement, inclusion, outreach, and retention efforts in support of the District's DEISP.
3. Sexual Harassment Prevention Training: In accordance with the California Senate Bill (SB) 1343 legislation, the District continues to provide training in this area. All employees are required to complete a minimum of one hour of training and supervisors a minimum of two hours training on a two-year cycle.
4. Inclusive Leadership Forums: These forums feature panels, interviews, and discussions on methods to increase teamwork and productivity through inclusive leadership practices. Forums create a space for ongoing discussions to provide leaders with resources and tools to build and maintain an inclusive workplace. Forums typically take place several times a year, and each Forum covers different topics and issues related to inclusive leadership.
5. DEISP Strategic Pillar 3 – Inclusive Culture: This pillar in the DEISP outlines action items regarding how to build an inclusive culture. For more information about these inclusive action items, please refer to the DEISP, which is available upon request to the DIO or via the Splashpad.
6. Exit Survey: The exit survey is provided to all regular full-time employees who retire or resign from the District with the intention of inviting their feedback on their overall experience in EBMUD.

¹⁸ In accordance with the FY2021-2025 MOU between Local 21 International Federation of Professional and Technical Engineers (Local 21) and the District, employees represented by Local 21 receive a tuition reimbursement amount of \$5,000 per employee.

3. AOP Highlights: RY 2024

The District has a variety of AOPs in process/planned for RY 2024, including some of which are highlighted in **Figure 9**. While the target areas for each AOP are listed below, AOPs may also help achieve placement goals/benchmarks for additional target areas.

Figure 9: RY 2024 AOP Highlights

RY 2024 AOP	Minorities	Females	IWDs	Protected Veterans
Expand the LT Special Employment Program from two positions to eight and partner with pre-apprenticeship programs in the community to identify diverse, qualified candidates for the program.	X	X		X
Pilot a mock interview workshop with a cohort of graduating pre-apprentices from Cypress Mandela Training Center to support their ability to compete for District Civil Service positions.	X	X		X
Onboard four Toolworks interns, their job coaches, and support them and their District mentors throughout their time at EBMUD.	X		X	
Implement first “cycle” of internship programs in January 2024 per the updated internship program structure. Fill positions that had previously been vacant and unfunded, such as IT Intern, Student Intern, etc.	X	X		
Expand the HSSI program to EBMUD’s Mokelumne Watershed.	X	X		
Explore options to implement the Department of Rehabilitation’s Pathways to Success Program at EBMUD.			X	X

RY 2024 AOP	Minorities	Females	IWDs	Protected Veterans
Conduct information sessions for a variety of District recruitments, specifically high-volume, entry-level, mission-critical, and/or those with placement goals.	X	X	X	X
Develop and implement in-person “boot camps” for positions in job groups such as Water Distribution Plumbing & Maintenance.	X	X	X	X
Design advertisements for the magazine publication, “Pride and a Paycheck,” which targets women in the trades.	X	X		
Create social media posts for high-volume recruitments such as Utility Laborer (service maintenance job group) and to widely promote the HSSI program.	X	X	X	X

E. Design and Implementation of Internal Audit and Reporting Systems: 41 C.F.R. § 60-2.17(d)

The Manager of Diversity and Inclusion is responsible for implementing the auditing and reporting system. The District’s auditing and reporting system measures the effectiveness of its total EEOP. In partnership with HR, Information Systems, and Employee Development, the Manager of Diversity and Inclusion periodically monitors this system. The reporting and auditing system provides for:

1. Accurate and up-to-date records on all referrals, applicants, hires, promotions, transfers and terminations by race and gender to ensure that all employees are treated on a fair and equitable basis.
2. Regular reports to HR from hiring managers on all hires and promotions.
3. Recruitment reports on a scheduled basis reflecting the degree to which EEO and organizational objectives are attained.
4. Review of selections, promotions, and training to ensure that they are nondiscriminatory.

5. Review of report results with management, advising top management of program effectiveness and submitting recommendations to improve unsatisfactory performance.

F. Organizational Profile: 41 C.F.R. § 60-2.11

Pursuant to 41 C.F.R. § 60-2.11, EBMUD conducted a workforce analysis to identify employees by gender and race/ethnicity in each job title. The data was collected from payroll records dated June 30, 2022. Job titles are listed by organizational unit.

Job titles are listed from lowest to highest paid. The list includes all job titles, including departmental supervision, exempt, and nonexempt titles. For each job title, EBMUD identified the total number of employees, the number of male and female employees, the total number of minority employees, the male and female minority employees, the total number of employees who are White, Black, Hispanic, Asian, American Indian or Alaskan Native, Native Hawaiian or Pacific Islander, and Two or More races, and the male and female employees within each of these race/ethnic groups.¹⁹

¹⁹ *Workforce Analysis* table is retained by the DIO.

EAST BAY MUNICIPAL UTILITY DISTRICT (DISTRICT OR EBMUD)

375 11th Street
Oakland, CA 94607

Dun's #: 05-190-4423
Water EIN (tax) #: 94-6000590
EEO-4 #: 06505230
NAICS: 2213 Water, Sewage and Other Systems
MSA: 41860 San Francisco-Oakland-Fremont, CA

VIETNAM ERA VETERANS' READJUSTMENT ASSISTANCE ACT (VEVRAA) AND SECTION 503 OF THE REHABILITATION ACT EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM FOR PROTECTED VETERANS AND INDIVIDUALS WITH DISABILITIES

Reporting Year: July 1, 2022 – June 30, 2023

Contractor Facility

Equal Employment Opportunity Program (EEOP):

Derry Moten
Special Assistant to the General Manager for Diversity, Equity and Culture
East Bay Municipal Utility District
PO Box 24055, MS 601
Oakland, CA 94623-9979
Attn: Diversity and Inclusion Office
(510) 287-0710

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A. Policy Statement: 41 C.F.R. §§ 60-300.44(a); 60-741.44(a)

It is the policy of the District that equal employment opportunity (EEO) be provided in the employment and advancement for all persons regardless of race (i.e. racial characteristics including hair style/texture), color, religion, creed, sex, gender, gender identity (including transgender status), gender expression, marital or registered domestic partnership status, age for individuals forty or older, national origin, ancestry, disability (mental or physical), medical condition (cancer and genetic characteristics), genetic information, sexual orientation, military and/or veteran status, family or medical leave status, pregnancy (including childbirth, lactation or related medical condition), pregnancy disability leave status, domestic violence victim status, political affiliation, or any other status protected by federal, state and/or local laws, at all levels of employment, including the executive level. The District does not and will not discriminate against any applicant or employee on the bases of any of the aforementioned protected categories, in regard to any position for which the applicant or employee is qualified.

In addition, the District is committed to a policy of taking affirmative action to employ and advance in employment qualified employees/applicants who are protected veterans (Protected Veterans) and/or individuals with disabilities (IWDs). Such affirmative action shall apply to all employment practices, including, but not limited to hiring, promotion, upgrading, demotion or transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training. Decisions related to personnel policies and practices shall be made on the basis of an individual's capacity to perform a particular job and the feasibility of any necessary job accommodation. The District will make every effort to provide reasonable accommodations to any physical and mental limitations of IWDs and to disabled Protected Veterans.

Employees and applicants shall not be subjected to workplace harassment, intimidation, threats, coercion, or discrimination because they have engaged in or may engage in any activity protected by state, federal or local anti-discrimination laws including the following activities:

- Filing a complaint;
- Assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA) or any other Federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active wartime or campaign badge veterans, or Armed Forces service medal veterans (Protected Veterans) or Section 503 of the Rehabilitation

Act of 1973, as amended (Section 503) or any other federal, state or local law requiring equal opportunity for disabled persons;

- Opposing any act or practice made unlawful by VEVRAA or its implementing regulations or any other federal, state, or local law requiring equal opportunity for Protected Veterans or Section 503 or its implementing regulations or any other federal, state or local law requiring equal opportunity for disabled persons; or
- Exercising any other right protected by VEVRAA or Section 503 or their implementing regulations.

The District obligations in this area stem from not only adherence to various state and federal regulations, but also from its commitment as an employer in this community to provide job opportunities to all persons regardless of the protected categories. The District's EEO policies and EEO (affirmative action [AA]) obligations include the full support from EBMUD's General Manager and are set forth in Policy 2.02, Accommodations for Individuals with Disabilities in the Workplace; Policy 6.06, Equal Employment Opportunity; and Policy 6.07, Prevention of Workplace Harassment.

The District will also continually design and implement audit and reporting systems that will measure the effectiveness and the compliance of the VEVRAA and Section 503, identify the need for remedial actions, determine if objectives were attained, and determine if opportunities to participate in District-sponsored activities were extended to all employees and applicants.

The District is also committed to abiding with the Pay Transparency Nondiscrimination Provisions and therefore, will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. The District's employees who have access to the compensation information of other employees or applicants as part of their essential job functions are informed and trained to not disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) a response to a formal complaint or charge; (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer; or (c) consistent with the District's legal duty to furnish the information.

If you have any questions regarding the District's EEO policies (6.06, 6.07), the EEO complaint procedure (Procedure 614), or the EEOP, you may contact the Diversity and Inclusion Office (DIO).

B. Responsibility for Implementation: 41 C.F.R. §§ 60-300.44(i); 60-741.44(i)

As part of its efforts to ensure EEO to Protected Veterans and IWDs, the District has designated specific responsibilities to various staff to ensure the EEO focuses on all components of the employment system. To that end, the General Manager, ODEC Special Assistant to the General Manager, Manager of Diversity and Inclusion, Director of HR, HR Regulatory Administrator, Manager of Risk Management, and those employed as supervisors and managers have undertaken the responsibilities described below.

1. Board of Directors (Board)

The seven-member Board, publicly elected pursuant to the MUD Act, is the legislative body of the District and determines all questions of policy. The Board is also responsible for fair and equal treatment at the District. Specifically, Board Members promote diversity and equality in personnel matters consistent with state and federal laws and assist in achieving the equal employment opportunity objectives of EBMUD (District Policy 6.04, Ethics of the EBMUD Board of Directors). The Board adopts the VEVRAA and Section 503 annually and EEO Policy, 2.02, Accommodations for Individuals with Disabilities in the Workplace, EEO Policy 6.06, and Policy 6.07 are updated and presented for adoption by the Board on a prescribed schedule.

2. General Manager (GM)

The Board appoints a GM to conduct the business affairs of the District, including the administration of the Civil Service system. Accordingly, the District's GM has the overall responsibility to implement the District EEO and EEO policies. The GM has delegated the Civil Service system responsibilities to the Director of Human Resources. The GM has delegated the direct responsibility to implement and administer the EEO and EEO policies to the Office of Diversity, Equity, and Culture (ODEC) Special Assistant to the GM for Diversity, Equity, and Culture. The Director of Human Resources and the ODEC Special Assistant to the General Manager have the full support of and access to senior management officials.

3. ODEC Special Assistant to the GM

The ODEC Special Assistant to the GM is responsible for overall supervision of the EEO and EEO policies. The ODEC Special Assistant to the GM has delegated the EEO and EEO policies to the Manager of Diversity and Inclusion. The ODEC Special Assistant to the GM ensures, through the Manager of Diversity and Inclusion and department managers and supervisors, that all

relevant policies and procedures are adhered to. Successful implementation of the EEOP and EEO policies is one of the elements considered in evaluating the ODEC Special Assistant to the GM's effective work performance.

4. Manager of Diversity and Inclusion

The Manager of Diversity and Inclusion provides leadership and direction in the development, implementation, and evaluation of an effective EEOP. The Manager of Diversity and Inclusion has the full support of and access to senior management officials. Successful implementation of the EEOP and EEO policies and procedure are a basis for evaluating the Manager of Diversity and Inclusion's effective work performance. The Manager of Diversity and Inclusion's responsibilities include, but are not limited to, the following:

- Develop and revise EEO policies, procedures, and work rules to enhance EEO and in accordance with federal and state laws. Prepare annual EEOP and present findings and recommendations to the Board.
- Identify problem areas and barriers to EEO and develop strategies and programs with management to address these problems.
- Develop, implement, and maintain audit and reporting systems to measure effectiveness of the EEOP, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.
- Conduct periodic audits to ensure that all required posters and the EEO policies and EEOP are displayed properly.
- Conduct audits to ensure that the Invitation to Self-Identify (pre- and post-offer) for Protected Veterans and IWDs, the District's EEO, and EEOP policies are being utilized appropriately and thoroughly communicated.
- Ensure that employees are re-surveyed regarding their disability status every five years and send out reminders to employees, at least once during the five-year intervals, that they may voluntarily update their disability status at any time.
- Serve as a liaison between the District and enforcement agencies.
- Provide oversight and direction to District-sponsored Affinity Groups, Diversity Committee, and Equity Core Team, which support the DEISP initiatives.
- Keep managers informed of the latest developments in the EEO area.

5. Director of Human Resources

The Director of Human Resources provides oversight to the divisions under their direction (Recruitment and Classification, Employee Relations, and Employee Services) and their compliance with the Civil Service system. The Director of Human Resources is responsible for ensuring resources are applied to diversifying the talent pools of all recruitments with intentional strategic effort applied to those positions identified in the EEOP.

6. Human Resources Regulatory Administrator and Manager of Risk Management

The HR Regulatory Administrator (HRRRA) acts as the District's Americans with Disabilities Act (ADA) Compliance Officer. The HRRRA responds to requests for reasonable accommodation of physical or mental disabilities covered under ADA and Fair Employment and Housing Act (FEHA). The Manager of Risk Management responds to requests for reasonable accommodations of physical or mental disabilities covered under ADA and FEHA when a claim originates with a worker compensation claim.

7. Managers and Supervisors

Supervisors at all levels act on behalf of the District. Accordingly, all managers and supervisors have the following EEOP responsibilities:

- Monitor their work unit for discriminatory or harassing behavior and take appropriate steps to stop and correct behavior that violates District EEO policies.
- Familiarize themselves with the District's policies on discrimination and harassment (Policies 6.06 and 6.07), to incorporate them into his or her own behavior, and to inform employees in the work unit to do the same.
- Enforce District EEO policies as well as adhere to it.
- Be familiar with the District's Procedure 614 on Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals and be ready to assist employees (including those who do not report directly to them) who raised EEO-related complaints.
- Regard all complaints of EEO discrimination or harassment seriously. Managers/supervisors should not ignore or minimize such complaints or otherwise discourage employees from reporting them.

- Participate in and support staff's involvement with EEOP and diversity programs and recruitment activities.
- Work with the Manager of Diversity and Inclusion to enhance the effectiveness of the EEOP and make good faith efforts by considering alternative methods to fill vacant positions in order to create a diverse and qualified candidate pool.
- Consider all qualified candidates for promotion/hire and ensure that all selections are made for valid job-related reasons and without discrimination.

8. All District Employees

Employees at all levels are responsible for supporting the District's EEOP, as may be appropriate in the performance of their official duties, by assuring equal treatment, and equal access to service for all persons with whom they deal.

All District employees are required to adhere to the District's EEO policies and encouraged to make positive contributions to creating an inclusive work environment. Employees are expected to demonstrate the District's Values of Stewardship, Integrity, Respect, and Teamwork in all aspects of their role at the District. Finally, all District employees are expected to adhere to Policy 6.15, Workforce Communications, particularly in exercising appropriate behavior in their communication with co-workers, taking the initiative to understand others and be understood, and embracing diversity of thought and ideas.

9. District EEO Policies

Policy 6.06, Equal Employment Opportunity, provides for EEO in all employment practices, including recruitment, hiring, placement, transfers, promotions, and training consistent with the principles of the District and in order to promote the full realization of EEO. It prohibits discrimination and workplace harassment based on race (i.e. racial characteristics including hair style/texture), color, religion, creed, sex, gender, gender identity (including transgender status), gender expression, marital or registered domestic partnership status, age for individuals age forty or older, national origin, ancestry, disability (mental or physical), medical condition (cancer and genetic characteristics), genetic information, sexual orientation, military and/or veteran status, family or medical leave status, pregnancy (including childbirth, lactation or related medical condition) pregnancy disability leave status, domestic violence victim status, political affiliation, or any other status protected by federal, state and/or local laws.

In addition, the policy prohibits retaliation against employees alleging discrimination and harassment based on an EEO-protected class and/or activity or involved as witnesses in an EEO

discrimination or harassment investigation. Employees who oppose and/or refuse to participate in illegal discrimination or harassment are also protected against retaliation. Finally, it requires development and maintenance of an EEOP consistent with applicable laws, including any recruitment and placement methods that will enhance District efforts to achieve a workforce composition reflective of the qualified relevant labor.

Policy 6.07, Prevention of Workplace Harassment, provides for a workplace for all employees that is free from any form of workplace harassment, defined as unwelcome conduct that is based on an EEO-protected group status, including sexual harassment. It affirmatively states that workplace harassment based on an EEO-protected group status, including sexual harassment, will not be condoned or tolerated. In addition, it prohibits retaliation against employees alleging workplace harassment based on an EEO-protected group status or involved as witnesses in a workplace harassment investigation. Employees who oppose and/or refuse to participate in workplace harassment based on an EEO-protected group status are also protected against retaliation.

C. Review of Personnel Processes: 41 C.F.R. §§ 60-300.44(b); 60-741.44(b)

To ensure that all personnel activities are conducted in a job-related manner which provides and promotes EEO for all known Protected Veterans and employees and applicants with disabilities, reviews are periodically made of the District's examination and selection methods to identify barriers to employment, training, and promotion.

1. The District reviews its recruitment processes before it announces an examination to establish an open and/or internal eligible list for a classification. It ensures there are no barriers to the consideration of Protected Veterans and IWDs. To determine whether an individual is qualified for a particular job, a close examination of the content of the job is made, as well as a review of the job qualifications of known Protected Veterans and IWDs, both applicants and employees. In determining the qualifications of a Protected Veteran, consideration is given only to that portion of the military record, including discharge papers, relevant to the job qualifications for which the veteran is being considered.
2. The District ensures that its personnel processes do not stereotype IWDs or Protected Veterans in a manner which limits their access to jobs for which they are qualified.
3. The District ensures that applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and

communication technologies. The District uses an online application system to accept applications for employment and potential applicants with disabilities either can use the system or can apply in a timely manner through alternative means such as a paper application.

4. The District provides reasonable accommodations to applicants and employees with disabilities to ensure that EEO is extended in the operation of its personnel processes unless such accommodations will cause undue hardship to the District.

D. Audit and Reporting System: 41 C.F.R. §§ 60-300.44(h); 60-741.44(h)

In partnership with Human Resources, Information Systems, and Employee and Organizational Development, the Manager of Diversity and Inclusion is responsible for implementing the auditing and reporting system. The District has developed and currently implements an audit and reporting system that addresses the following:

1. Measures the effectiveness of the District's overall EEOP and whether the District is in compliance with specific obligations.
2. Indicates the need for remedial action. Any corrective actions will be the responsibility of the subject matter manager with oversight by the Manager of Diversity and Inclusion and the Director of HR.
3. Measures the degree to which the District's objectives are being met.
4. Considers whether there are any undue hurdles for Protected Veterans and IWDs regarding District-sponsored educational, training, recreational, and social activities. This will also include, but not be limited to, the review of the online and electronic application system to determine its accessibility and ensure that procedures to request accommodations are displayed and that individuals with disabilities can readily obtain the reasonable accommodation.

E. Physical and Mental Qualifications: 41 C.F.R. §§ 60-300.44(c); 60-741.44(c)

To ensure that all physical and mental qualifications and requirements of job classifications are job-related and promote EEO for all known Protected Veterans and employees and applicants with qualified disabilities, the District reviews the knowledge, skills, and abilities of a

classification to ensure they are critical and essential before it announces an examination to establish an open and/or internal eligible list for a classification.

The District's physical and mental job classification requirements are reviewed by the Manager of Recruitment and Classification (R&C), the hiring manager, and the unions to determine whether or not they are job-related and consistent with business necessity and safe performance on the job.

Any previously reviewed classification will be reviewed again if there is a change in working conditions which affects the job's physical or mental requirements (e.g., new requirements, new equipment, etc.) and/or if a class study is requested.

F. Reasonable Accommodation of Physical and Mental Limitations: 41 C.F.R §§ 60-300.44(d); 60-741.44(d)

The District will make every effort to provide reasonable accommodations to physical and mental limitations of applicants and employees with disabilities, or those who are disabled veterans. Such reasonable accommodations are explained and documented in the District's Procedure 201. The District ensures that qualified applicants and employees with disabilities, who are unable to fully utilize the on-line job application system, are provided equal opportunities to apply and be considered for all jobs.

The District will confidentially review issues of employees to determine whether a reasonable accommodation is needed when:

1. The employee is having significant difficulty with job performance, and
2. It is reasonable to conclude that the problem is related to the known disability.

Employees may also contact the following person at any time to formally request an accommodation:

Name: Winnie Anderson

Title: HR Regulatory Administrator

Phone: (510) 287-0380

Email: winnie.anderson@ebmud.com

G. Data Collection Analysis: 41 C.F.R. §§ 60-300.44(k); 60-741.44(k)

1. Protected Veterans

A veteran is a "Protected Veteran" under VEVRAA if they served on active duty in the U.S. Military; and were discharged or released from service under conditions other than dishonorable; and falls into one or more of the following categories:

- Disabled veteran
- Recently separated veteran (within the last three years)
- Active-duty wartime or campaign badge veteran
- Armed Forces service medal veteran

Additional information about Protected Veteran status can be found in the following U.S. Department of Labor (U.S. DOL) link:

https://www.dol.gov/sites/dolgov/files/ofccp/posters/Infographics/files/ProtectedVet-2016-11x17_ENGESQA508c.pdf

During RY 2023 EEOP period, seven Protected Veterans out of a total of 221 successful candidates were hired for a hiring rate of 3.2% Protected Veterans. The RY 2023 rate was a decrease from RY 2022 hiring rate (4.1%) but still exceeded the RY 2023 Protected Veteran hiring benchmark of 2.5%.

i) EBMUD Protected Veteran Incumbency, Hiring Benchmarks, Applicant Rates, & Hiring Rates

Figure 1: EBMUD Protected Veteran Incumbency, Hiring Benchmarks, Applicant Rates, & Hiring Rates

Reporting Year	Protected Veteran Incumbency	Protected Veteran Hiring Benchmark	Protected Veteran Applicant Rate (%)	Actual Veteran Hiring Rate (%)
RY 2023	77/1994= 3.9%	2.5% ²⁰	486/8,810= 5.5%	7/221= 3.2%
RY 2022	58/1,949= 3.0%	3.0%	389/7,616= 5.1%	11/269= 4.1%
RY 2021	55/1,931= 2.8%	2.5%	288/5,575= 5.2%	8/258= 3.1%
RY 2020	55/1,938= 2.8%	2.9%	313/9,280= 4.0%	6/332= 1.8%
RY 2019	56/1,890= 3.0%	3.0%	303/9,489= 3.2%	5/335= 1.5%

²⁰ Note that the RY 2022 Report stated that the RY 2023 Protected Veteran Hiring Benchmark was 3.0%. However, this benchmark was updated to 2.5% for RY 2023.

Goals and/or benchmarks do not require that the District hire, promote, train, and/or retain a specified number of IWDs and/or Protected Veterans. These goals/benchmarks are not rigid and inflexible quotas which must be met, but are instead targets. The District has collected the required data and conducted studies to identify areas of opportunity in the employment of Protected Veterans and IWDs. The District updates its Protected Veteran hiring benchmark annually.

The District has established an individualized hiring benchmark of 3.4% for Protected Veterans for RY 2024. The District has calculated and established its Protected Veterans benchmark by taking the OFCCP's five-criteria into consideration. In establishing that hiring benchmark, the District considered the following factors:

1. The average percentage of veterans in the civilian labor force in California for the previous three years.²¹
 - a. 2020 (3.6%), 2021 (3.3%), and 2022 (3.3%).
2. The number of veterans who participated in the employment service delivery system in California over the previous four quarters – July 1, 2022 to June 30, 2023 (27,613).²²
3. The District's applicant ratio (5.5%; 486 protected veterans/8,810 total applicants) and hiring ratio for the prior year (3.2%; 7 protected veterans hires/221 total hires) for the prior year.²³
4. The relative effectiveness of the District's most recent outreach and recruitment efforts.
 - a. The District continues to conduct outreach to attract more qualified Protected Veteran applicants. In RY 2023, there were 486 applicants who self-identified as Protected Veterans (5.5% of all applicants), as compared to 389 applicants who self-identified as Protected Veterans in RY 2022 (5.1% of all applicants), an increase of nearly 100 applicants.
5. Other factors that may affect the availability of qualified protected veterans.
 - a. The District is located more than 52 miles from the nearest military base (Travis Air Force Base in Fairfield, CA), and more than 112 miles from the next closest base (Presidio of Monterey, CA). The District's distance from these military installations generally results in limited numbers of veterans who apply for open positions at the District.

²¹ Per the OFCCP's website: <https://www.dol.gov/agencies/ofccp/vevraa/hiring-benchmark>.

²² See footnote 22.

²³ For the period July 1, 2022 to June 30, 2023.

2. Individuals with Disabilities (IWDs)

Per the U.S. DOL, an “individual with disabilities” is “someone who (1) has a physical or mental impairment that substantially limits one or more “major life activities,” (2) has a record of such an impairment, or (3) is regarded as having such an impairment.” For District employees and applicants this status is self-reported.

The District has adopted the current national utilization goal of 7.0% for qualified IWDs. The 7.0% utilization goal is applied to each job group within the District. Although this number has remained constant in recent years, the District will update its utilization goal as new data becomes available, updated, and published.

The number of applicants who self-identified as IWD has been steadily increasing (from 186 IWD applicants in RY 2021 to 365 IWD applicants in RY2022 and 411 IWD applicants in RY 2023).

The District’s hiring rate for IWD is also trending upward - increasing from 1.6% in RY 2021, to 6.7% in RY 2022 and 8.1% in RY 2023.

To comply with the Department of Labor’s OFCCP regulations in implementing Section 503 of the Rehabilitation Act of 1973, the District surveys its employees every five years and did so in fall of 2023. The survey resulted in an increase in the overall % of incumbent employees who self-identified as having a disability from 5.3% in RY 2022 to 10.2% in RY 2023.

i) Individuals with Disabilities (IWD) EBMUD Incumbency, Utilization Goals, Applicant Rates, & Hiring Rates

Figure 2: Individuals with Disabilities (IWD) EBMUD Incumbency, Utilization Goals, Applicant Rates, & Hiring Rates

Reporting Year	IWD Incumbency (%)	IWD Utilization Goal (%)	IWD Applicant Rate (%)	Actual IWD Hiring Rate (%)
RY 2023	10.2% (n=203)	7.0%	411/8,810= 4.7%	18/221= 8.1%
RY 2022	5.3% (n=104)	7.0%	365/7,616= 4.8%	18/269= 6.7%
RY 2021	4.5% (n=88)	7.0%	186/5,575= 3.3%	4/258= 1.6%
RY 2020	4.8% (n=94)	7.0%	374/9,280= 4.0%	21/332= 6.3%
RY 2019	4.9% (n=93)	7.0%	353/9,489= 3.7%	19/335= 5.7%

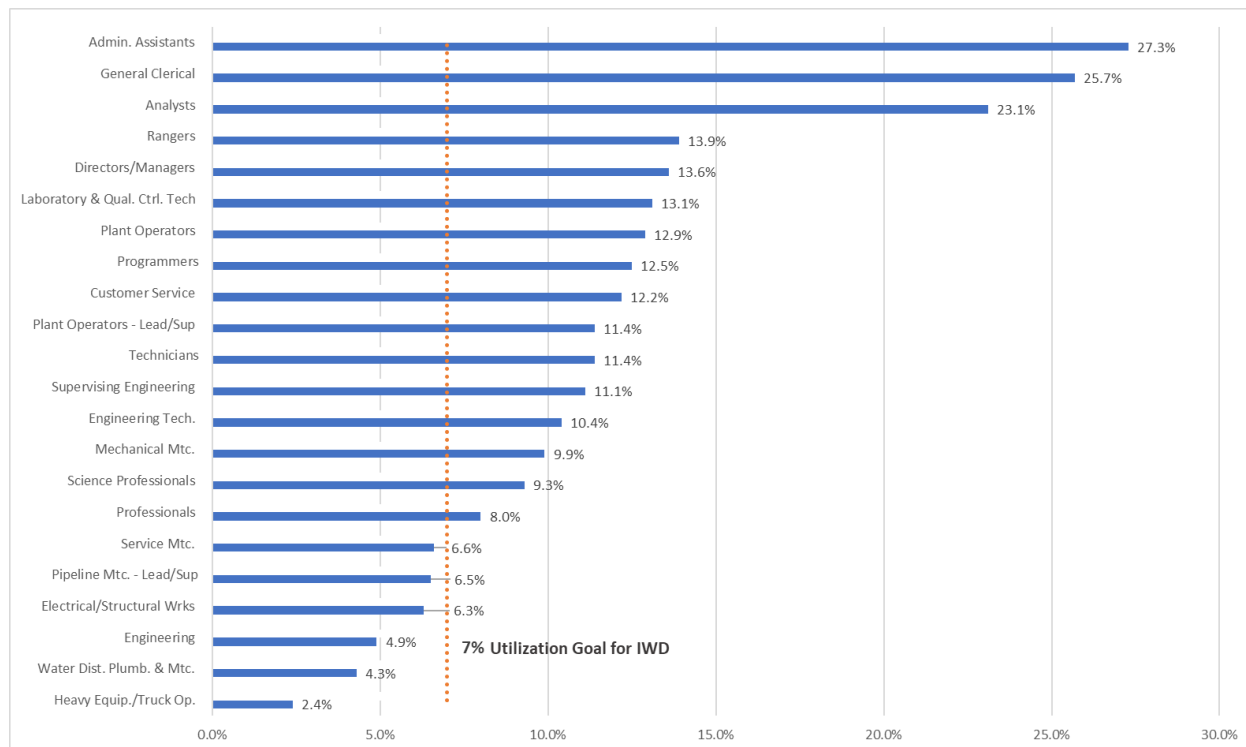
ii) Analysis of IWD by Job Group:

The following chart lists the top eleven EBMUD job groups in descending order according to their RY 2023 IWD utilization rate (i.e., the number of EBMUD workers in these jobs who self-identify as IWD, divided by the total number of all workers in these jobs at the District).

Figure 3 shows the District’s incumbency rate for IWDs in RY 2023 (based on the snapshot date of June 30, 2023) by job group:

- The right of the line exceeded the 7.0% utilization goal;
- Just to the left of the line was nearly at the 7.0% utilization goal; and
- The left of line did not meet the 7.0% utilization goal.

Figure 3: IWD Utilization Rates: Job Groups in Descending Order of Incumbency



The vast majority (16 out of 22) of job groups exceeded the 7.0% utilization goal. The three job groups that were nearly at the 7.0% utilization goal (Service Maintenance, Pipeline Maintenance Leads/Supervisors, and Electrical/Structural workers) and three of the job groups that did not meet (Engineering, Water Distribution Plumbing & Maintenance, and Heavy Equipment/Truck Operators) the 7.0% utilization goal. Each EEOP year, the District continues to monitor the outreach and recruitment plans for the aforementioned job groups that have smaller IWD applicant pools and/or lower success rates. The District will identify measures and where practicable, mitigate the underutilization.

In each case where the hiring benchmark for Protected Veterans and/or the utilization goal for IWDs are not met, affirmative actions, as appropriate, will be taken consistent with the activities mentioned in Section H of this report (External Dissemination of Policy, Outreach, and

Positive Recruitment) and measures described in Section E of the *Executive Order 11246 Equal Employment Opportunity/Affirmative Action Program for Minorities and Women Report* (Design and Implementation of Internal Audit and Reporting Systems).²⁴

H. External Dissemination of Policy, Outreach, and Positive Recruitment: 41 C.F.R. §§ 60-300.44(f); 60-741.44(f)

1. Evaluation of RY 2023 EEOP Outreach Activities

Below is the District’s evaluation of ongoing outreach activities set forth in the RY 2023 EEOP Report:

Figure 7: Evaluation of RY 2023 EEOP Outreach Activities

Activity & Description	Evaluation of Each Activity
External Partnerships: Develop partnerships to attract more qualified Protected Veteran and IWD applicants.	Staff: - Partnered with other industry employers to promote the BAYWORK resource webpage for military veterans. - Participated in an ongoing working group for veterans through American Water Works Association (AWWA). Through this BAYWORK working group, District staff actively contribute to developing and implementing industry outreach specifically targeted to veterans.
Internal Efforts: Implement strategies to retain and support qualified Protected Veteran and IWD applicants.	- The Disability Advocacy and Rights Team (DART), a District Affinity Group that formed in February 2022, continued to provide resources to staff and develop a pilot program which aims to recruit more IWDs for employment at the District. - Is supporting the establishment of an EBMUD Affinity Group for military veterans. Staff will leverage Affinity Group members to enhance targeted outreach efforts to military veterans.
Test Prep Services/Support: Develop partnerships for test preparation, application, and interview workshops.	District efforts in this area have been with community partners representing diverse populations in general, not specifically with organizations targeting veterans or IWDs.
Data: Extract and analyze Veteran and IWD data from applicant tracking system. Generate reports at each step of the recruitment process to identify barriers to hiring.	The District plans to issue an RFP for an upgraded Human Capital Management (HCM) Program. The new system will allow staff to create customized applicant flow reports for IWD and Protected Veterans.

²⁴ See the *Hiring Benchmark and Utilization Goals Analyses*, which are retained by the DIO.

Activity & Description	Evaluation of Each Activity
EBMUD-Toolworks Internship Program: Continue to implement the internship program as operational needs and safety protocols allow.	District staff began working with Toolworks in 2022 to plan for the program to be reactivated in December 2023, following the program's prior suspension due to COVID-19 health/safety concerns. The DART Affinity Group helped to identify placement opportunities and provide support for Toolworks interns.

2. RY 2024 Outreach Activities:

During RY 2024, the District will continue exploring partnerships with Veteran and Disability organizations to attract more qualified Protected Veteran and IWD applicants. Moving forward, the District will look at investing in targeted social media efforts to reach out to military veterans and IWDs. The District will also coordinate with community partners to develop application, interview, and test preparation workshops. Furthermore, the District will continue the EBMUD-Toolworks Internship Program in RY 2024, with up to six internship placements. The District's DEISP will inform future outreach, recruitment, and workforce development activities.

Based upon the District's review of its personnel processes as described in Section C, the following activities will be continued to further enhance the District's EEO efforts. All activities are the responsibility of the Manager of Diversity and Inclusion, Manager of R&C, and the Contract Equity Administrator.

1. The District initiates and maintains communication with organizations having special interests in the recruitment of and job accommodations for Protected Veterans and IWDs.
2. The District provides information emphasizing job opportunities for Protected Veterans and IWDs to local educational institutions, public and private.
3. The District informs all recruiting sources of the District's EEO policy for Protected Veterans and IWDs.
4. The District lists with the California State Employment Development Department (EDD) all suitable job openings. The exemptions for posting jobs are when positions are:
 - a. Executive and top management positions,
 - b. Positions that will be filled from within the contractor's organization, and
 - c. Positions lasting three days or less.
5. As an ongoing activity, a listing of job opportunities reported to the local State Employment Service Delivery System is kept current.

6. The District notifies all subcontractors, vendors, and suppliers in writing regarding the District's EEO policies and requests appropriate action on their part.
7. The District arranges for referral of applicants with organizations having special interests in the recruitment of and job accommodations for Protected Veterans and IWDs.
8. The District participates in veterans' job fairs.
9. The District grants leaves of absence to employees who participate in honor guards for the funeral of veterans.

I. Internal Dissemination of Policy: 41 C.F.R. §§ 60-300.44(g); 60-741.44(g)

To gain positive support and understanding for the EEOP for Protected Veterans and IWDs the District will implement or continue to implement the following internal dissemination procedures, all of which are the responsibility of the Manager of Diversity and Inclusion and Manager of Employee Relations. The following policies, procedures, and actions are designed to foster support and understanding from the District's executive staff, management, supervisors, and other employees in an effort to encourage all employees to take the necessary actions to aid the District in meeting its obligations.

1. Discuss Policies 2.02, 6.06, and 6.07 and the EEOP in both employee orientation and management training programs.
 - a. Inform Union officials of Policies 2.02, 6.06, and 6.07, and the EEOP, and request their cooperation.
2. Include non-discrimination clauses in all union agreements and review all contractual provisions to ensure they are non-discriminatory.
3. Post Policies 2.02, 6.06, and 6.07 on District bulletin boards, which includes the District's harassment policy that incorporates protection from workplace harassment on the basis of disability.
4. All employees are required to complete a minimum of one hour of training and supervisors a minimum of two hours training on a two-year cycle on preventing workplace harassment.
5. All employees are re-surveyed regarding their disability status every five years and reminders are sent out to employees at least once during the five-year interval that they may voluntarily update their disability status at any time.
6. See Section D(2)(vi) of the *Executive Order 11246 Equal Employment Opportunity/Affirmative Action Program for Minorities and Women Report for*

information on the District's initiatives towards creating an inclusive culture, which includes Protected Veterans and IWDs.

J. Training: 41 C.F.R. §§ 60-300.44(j); 60-741.44(j)

The District trains all employees involved in any way with the recruitment, selection, promotion, training, and related processes regarding IWDs or Protected Veterans to ensure commitment to the District's stated EEOP goals.

III. Exhibits

A. Job Group Summary²⁵

1. By Job Group

Directors/Managers	
Assistant General Counsel	Manager of Maintenance and Construction/Water Operations
Chief Information Officer	Manager of Maintenance Support
Chief Trial Attorney	Manager of Operations & Maintenance Planning
Controller	Manager of Pipeline Construction & Equipment
Customer Services Manager	Manager of Planning and Analysis for Water Quality
Director of Customer & Community Services	Manager of Purchasing
Director of Human Resources	Manager of Real Estate Services
Director of Operations & Maintenance	Manager of Recruitment and Classification
Director, Administration	Manager of Regulatory Compliance
Director, Engineering & Construction	Manager of Risk Management
Director, Finance	Manager of Security & Emergency Preparedness
Director, Wastewater	Manager of Wastewater Engineering
Director, Water & Natural Resources	Manager of Wastewater Environmental Services
Diversity & Inclusion Officer	Manager of Wastewater Technical and Emerging Issues
Engineering Manager	Manager of Wastewater Treatment
Environmental Affairs Officer	Manager of Water Conservation
General Counsel	Manager of Water Quality
General Manager	Manager of Water
Information Systems Division Manager	Supply/Treatment/Distribution
Manager of Budget	Manager of Water Supply Improvements
Manager of Distribution Maintenance & Construction	Manager of Watershed & Recreation
Manager of Employee & Organizational Development	Manager of Workplace Health & Safety
Manager of Employee Relations	Secretary of the District
Manager of Employee Services	Special Assistant I
Manager of Environmental Compliance	Special Assistant II
Manager of Facilities Maintenance & Construction	Special Assistant III
Manager of Fisheries & Wildlife	Special Assistant IV
Manager of Fleet & Construction Support	Special Assistant V
Manager of Laboratory Services	Treasury Manager

²⁵ The *Job Group Summary* includes job classifications by job group as of the snapshot date of June 30, 2023. Note that some of the classifications listed did not have incumbency on the snapshot date of June 30, 2023 and/or may have been retitled, reclassified, or abolished since the snapshot date.

Programmers

HRIS Analyst I	Information Technology Engineer II
HRIS Analyst II	Network Analyst I
Information Services Supervisor	Network Analyst II
Information Systems Administrator	Network Analyst III
Information Systems Administrator II	Senior HRIS Analyst
Information Systems Support Analyst I	Senior Information Technology Engineer
Information Systems Support Analyst II	Senior Software Engineer
Information Technology Intern I	Software Engineer I
Information Technology Intern II	Software Engineer II
Information Technology Engineer I	Supervising Systems Programmer

Analysts

Community Affairs Representative I	Public Information Representative I
Community Affairs Representative II	Public Information Representative II
Human Resources Analyst I	Public Information Representative III
Human Resources Analyst II	Senior Community Affairs Representative
Human Resources Regulatory Administrator	Senior Human Resources Analyst
Management Analyst I	Senior Public Information Representative
Management Analyst II	Technical Training & Writing Administrator
Management Analyst III	Technical Training Analyst
Principal Management Analyst	

Professionals

Accountant I	Junior Water Resources Specialist
Accountant II	Law Clerk
Accountant III	Purchasing Contract Supervisor
Accounting Systems Supervisor	Real Estate Representative I
Accounting & Financial Systems Analyst	Real Estate Representative II
Assistant Water Resources Specialist	Risk Management Analyst
Associate Architect	Security & Emergency Preparedness Specialist
Associate Water Resources Specialist	Security Shift Supervisor
Attorney I	Senior Accounting and Financial Systems Analyst
Attorney II	Senior Real Estate Representative
Attorney III	Supervising Accountant
Building Tenant Services Supervisor	Supervisor of Purchasing
Business Development Representative	Supervisor of Water Conservation
Buyer I	Water Conservation Representative
Buyer II	Water Conservation Administrator
Contract Equity Administrator	Workers' Compensation Manager & Risk Specialist
Internal Auditor	
Internal Auditor Supervisor	

Science Professionals

Chemist I	Microbiologist II
Chemist II	Quality Assurance Officer
Environmental Health & Safety Specialist I	Research Chemist
Environmental Health & Safety Specialist II	Research Microbiologist
Fisheries & Wildlife Biologist I	Senior Chemist
Fisheries & Wildlife Biologist II	Senior Environmental Health & Safety Specialist
Laboratory Supervisor	Senior Microbiologist
Microbiologist I	Supervising Fisheries/Wildlife Biologist

Administrative Assistants

Administrative Assistant	Legal Secretary I
Administrative Secretary I	Legal Secretary II
Administrative Secretary II	Litigation Secretary
Administrative Secretary II, Confidential	Office Assistant, General Manager's Office
Administrative Services Supervisor	Paralegal
Assistant To The General Manager	Public Affairs Specialist
Executive Assistant I	Senior Legal Secretary
Executive Assistant II	Student Intern
Human Resources Intern I	Supervising Legal Secretary
Human Resources Intern II	

General Clerical

Account Clerk II	Relief Clerk
Account Clerk III	Senior Administrative Clerk
Administrative Clerk	Senior Administrative Clerk, Confidential
Administrative Clerk, Confidential	Senior Messenger/Mail Clerk
Messenger/Mail Clerk	

Customer Service

Customer Services Representative I	Meter Reader
Customer Services Representative II	New Business Representative I
Customer Services Representative III	New Business Representative II
Customer Services Supervisor	Senior Customer Services Representative
Dispatch Center Representative	Senior Dispatch Center Representative
Dispatch Center Supervisor	Senior Field Services Representative
Field Services Representative I	Senior New Business Representative
Field Services Representative II	Water Conservation Technician

Technicians

Accounting Technician	Materials Testing Supervisor
Computer Operations Technician	Materials Testing Technician I
Corrosion Control Technician	Materials Testing Technician II
Fisheries & Wildlife Aide	Printing Technician I
Fisheries & Wildlife Technician	Printing Technician II
Human Resources Technician	Real Estate Technician
Information Systems Specialist I	Risk Management Assistant
Information Systems Specialist II	Senior Printing Technician
Information Systems Specialist III	

Plant Operators

Hydroelectric Power Plant Operator I	Wastewater Plant Operator II
Hydroelectric Power Plant Operator II	Wastewater Plant Operator Trainee
Power Plant Mechanic/Operator	Water Distribution Operator
Senior Water Distribution Operator	Water Reclamation Operator
Senior Water Treatment Operator	Water Treatment Operator
Treatment Plant Specialist	Water Treatment/Distribution Operator Trainee
Wastewater Plant Operator I	

Plant Operators Lead/Sup

Assistant Superintendent Aqueduct/Pardee	Superintendent of Pardee Section
Assistant Superintendent, Water Treatment/Dist	Superintendent of Water
Assistant Wastewater Shift Supervisor	Treatment/Distribution/System Water Quality
Hydroelectric Power Plant Supervisor	Wastewater Operations Coordinator
Pardee Water/Wastewater Supervisor	Wastewater Shift Supervisor
Power Plant Supervisor	Wastewater Treatment Superintendent
Power, Treatment & Transmission Maintenance Supervisor	Water Distribution Supervisor
Superintendent of Aqueduct Section	Water Treatment Supervisor

Laboratory & Quality Control Technicians

Laboratory Technician I	Wastewater Control Inspector I
Laboratory Technician II	Wastewater Control Inspector II
Laboratory Technician III	Wastewater Control Representative
Senior Wastewater Control Inspector	Water Sampler
Supervising Wastewater Control Inspector	Water System Inspector I
Supervising Wastewater Control Representative	Water System Inspector II

Rangers

Ranger/Naturalist I
Ranger/Naturalist II

Ranger Supervisor
Senior Ranger/Naturalist

Engineering

Assistant Corrosion Control Specialist
Assistant Engineer
Associate Civil Engineer
Associate Control Systems Engineer
Associate Corrosion Control Specialist

Associate Electrical Engineer
Associate Mechanical Engineer
Junior Engineer
LT Junior Electric Engineer
Senior Corrosion Control Engineer

Supervising Engineering

Senior Civil Engineer
Senior Control System Engineer
Senior Electrical Engineer

Senior Mechanical Engineer
Supervising Administrative Engineer

Engineering Technicians

Assistant Surveying Supervisor
Chief of Party
Construction Inspector
Drafter I
Drafter II
Drafter III
Drafting Supervisor
Engineering Aide
Engineering Designer I
Engineering Designer II
Geographic Information Systems Specialist
Graphic Design Supervisor
Graphic Designer I
Graphic Designer II
Hydrographer I

Hydrographer II
Hydrographer III
Plant Inspector
Senior Construction Inspector
Senior Drafter
Senior Engineering Designer
Senior Geographic Information System Specialist
Senior Graphic Designer
Supervising Construction Inspector
Supervising Hydrographer
Supervising Plant Inspector
Survey Technician I
Survey Technician II
Surveying Supervisor

Water Distribution Plumbing & Maintenance

Concrete Finisher I
Concrete Finisher II
Paving Raker A
Paving Raker B
Paving Raker C
Pipeline Welder I

Pipeline Welder II
Pipeline Welder III
Water Distribution Plumber I
Water Distribution Plumber II
Water Distribution Plumber III
Water Distribution Plumber IV

Heavy Equipment/Truck Operators

Crane Operator	Heavy Transport Operator
Heavy Equipment Operator	Truck Driver II
Heavy Equipment Operator Trainee	Truck Driver II Trainee
Heavy Forklift Operator	

Pipeline Maintenance Lead/Super

Assistant Construction & Maintenance Superintendent	Paving Crew Foreman
Construction and Maintenance Scheduler	Pipeline Welding Supervisor
Construction and Maintenance Superintendent	Senior Supervisor of Maintenance Shift Operations
General Pipe Supervisor	Water Distribution Crew Foreman
Maintenance Shift Supervisor	

Electrical/Structural Workers

Carpenter	Facility Technician
Carpenter Supervisor	Instrument Maintenance Supervisor
Carpentry Worker I	Instrument Supervisor
Carpentry Worker II	Instrument Technician
Carpentry Worker III	Instrument Worker I
Electrical Supervisor	Instrument Worker II
Electrical Technician	Instrument Worker III
Electrical Worker I	Painter
Electrical Worker II	Painter Foreman
Electrical Worker III	Painting Worker I
Electronic Technician	Painting Worker II
Facility Foreman	Painting Worker III
Facility Specialist I	Plant Electrical Maintenance Supervisor
Facility Specialist II	Plant Structures Maintenance Supervisor
Facility Supervisor	

Mechanical Maintenance

Automotive Maintenance Worker I	Maintenance Specialist I
Automotive Maintenance Worker II	Maintenance Specialist II
Automotive Maintenance Worker III	Maintenance Specialist III
Automotive Mechanic A	Maintenance Superintendent
Automotive Mechanic B	Mechanical Supervisor Meter Mechanic I
Cross-Connection Specialist	Meter Mechanic II
Equipment Superintendent	Meter Reader/Mechanic
Equipment Supervisor	Meter Reader/Mechanic Foreman
General Equipment Mechanic	Meter Reading & Maintenance Supervisor
Heavy Equipment Maintenance Worker I	Meter Repair and Testing Supervisor
Heavy Equipment Maintenance Worker II	Plant Maintenance Mechanic
Heavy Equipment Maintenance Worker III	Plant Maintenance Superintendent
Heavy Equipment Mechanic	Plant Maintenance Worker I
Hydroelectric Power Plant Mechanic	Plant Maintenance Worker II
Machining & Maintenance Worker I	Plant Maintenance Worker III
Machining & Maintenance Worker II	Plant Mechanical Maintenance Supervisor
Machining & Maintenance Worker III	Senior Cross Connection Specialist
Maintenance Machinist	Senior Mechanic

Service Maintenance

Automotive Services Attendant I	LT Special Employment Program Trainee
Automotive Services Attendant II	Material Storage Foreman
Distribution Maintenance Worker	Material Storage Supervisor
Gardener Foreman	Materials Specialist
Grounds Maintenance Specialist I	Recreation Area Attendant
Grounds Maintenance Specialist II	Storekeeper I
Housekeeper	Storekeeper II
Janitor	Stores Supervisor
Janitor Foreman	Utility Laborer
Janitor Supervisor	

2. By Job Title

Job Title	Job Group Name
Account Clerk II	General Clerical
Account Clerk III	General Clerical
Accountant I	Professionals
Accountant II	Professionals
Accountant III	Professionals
Accounting & Financial Systems Analyst	Professionals
Accounting Systems Supervisor	Professionals
Accounting Technician	Technicians
Administrative Assistant	Administrative Assistants
Administrative Clerk	General Clerical
Administrative Clerk, Confidential	General Clerical
Administrative Secretary I	Administrative Assistants
Administrative Secretary II	Administrative Assistants
Administrative Secretary II, Confidential	Administrative Assistants
Administrative Services Supervisor	Administrative Assistants
Assistant Construction & Maintenance Superintendent	Pipeline Mtce Lead/Super
Assistant Corrosion Control Specialist	Engineering
Assistant Engineer	Engineering
Assistant General Counsel	Directors/Managers
Assistant Superintendent Aqueduct/Pardee	Plant Operators Lead/Sup
Assistant Superintendent, Water Trtmt/Distr	Plant Operators Lead/Sup
Assistant Surveying Supervisor	Engineering Technicians
Assistant To The General Manager	Administrative Assistants
Assistant Wastewater Shift Supervisor	Plant Operators Lead/Sup
Assistant Water Resources Specialist	Professionals
Associate Architect	Professionals
Associate Civil Engineer	Engineering
Associate Control Systems Engineer	Engineering
Associate Corrosion Control Specialist	Engineering
Associate Electrical Engineer	Engineering
Associate Mechanical Engineer	Engineering
Associate Water Resource Specialist	Professionals
Attorney I	Professionals
Attorney II	Professionals
Attorney III	Professionals
Automotive Maintenance Worker I	Mechanical Maintenance
Automotive Maintenance Worker II	Mechanical Maintenance

Job Title	Job Group Name
Automotive Maintenance Worker III	Mechanical Maintenance
Automotive Mechanic A	Mechanical Maintenance
Automotive Mechanic B	Mechanical Maintenance
Automotive Services Attendant I	Service Maintenance
Automotive Services Attendant II	Service Maintenance
Building Tenant Services Supervisor	Professionals
Business Development Representative	Professionals
Buyer I	Professionals
Buyer II	Professionals
Carpenter	Electrical/Structural Workers
Carpenter Supervisor	Electrical/Structural Workers
Carpentry Worker I	Electrical/Structural Workers
Carpentry Worker II	Electrical/Structural Workers
Carpentry Worker III	Electrical/Structural Workers
Chemist I	Science Professionals
Chemist II	Science Professionals
Chief Information Officer	Directors/Managers
Chief of Party	Engineering Technicians
Chief Trial Attorney	Directors/Managers
Community Affairs Representative I	Analysts
Community Affairs Representative II	Analysts
Computer Operations Technician	Technicians
Concrete Finisher I	Water Distribution Plumb & Mtc
Concrete Finisher II	Water Distribution Plumb & Mtc
Construction and Maintenance Scheduler	Pipeline Mtce Lead/Super
Construction and Maintenance Superintendent	Pipeline Mtce Lead/Super
Construction Inspector	Engineering Technicians
Contract Equity Administrator	Professionals
Controller	Directors/Managers
Corrosion Control Technician	Technicians
Crane Operator	Heavy Equipment/Truck Operators
Cross Connection Specialist	Mechanical Maintenance
Customer Services Manager	Directors/Managers
Customer Services Representative I	Customer Service
Customer Services Representative II	Customer Service
Customer Services Representative III	Customer Service
Customer Services Supervisor	Customer Service
Director of Customer & Community Services	Directors/Managers
Director of Human Resources	Directors/Managers

Job Title	Job Group Name
Director of Operations & Maintenance	Directors/Managers
Director, Administration	Directors/Managers
Director, Engineering & Construction	Directors/Managers
Director, Finance	Directors/Managers
Director, Wastewater	Directors/Managers
Director, Water & Natural Resources	Directors/Managers
Dispatch Center Representative	Customer Service
Dispatch Center Supervisor	Customer Service
Distribution Maintenance Worker	Service Maintenance
Diversity & Inclusion Officer	Directors/Managers
Drafter I	Engineering Technicians
Drafter II	Engineering Technicians
Drafter III	Engineering Technicians
Drafting Supervisor	Engineering Technicians
Electrical Supervisor	Electrical/Structural Workers
Electrical Technician	Electrical/Structural Workers
Electrical Worker I	Electrical/Structural Workers
Electrical Worker II	Electrical/Structural Workers
Electrical Worker III	Electrical/Structural Workers
Electronic Technician	Electrical/Structural Workers
Engineering Aide	Engineering Technicians
Engineering Designer I	Engineering Technicians
Engineering Designer II	Engineering Technicians
Engineering Manager	Directors/Managers
Environmental Affairs Officer	Directors/Managers
Environmental Health & Safety Specialist I	Science Professionals
Environmental Health & Safety Specialist II	Science Professionals
Equipment Superintendent	Mechanical Maintenance
Equipment Supervisor	Mechanical Maintenance
Executive Assistant I	Administrative Assistants
Executive Assistant II	Administrative Assistants
Facility Foreman	Electrical/Structural Workers
Facility Specialist I	Electrical/Structural Workers
Facility Specialist II	Electrical/Structural Workers
Facility Supervisor	Electrical/Structural Workers
Facility Technician	Electrical/Structural Workers
Field Services Representative I	Customer Service
Field Services Representative II	Customer Service
Fisheries/Wildlife Aide	Technicians

Job Title	Job Group Name
Fisheries/Wildlife Biologist I	Science Professionals
Fisheries/Wildlife Biologist II	Science Professionals
Fishery/Wildlife Technician	Technicians
Gardener Foreman	Service Maintenance
General Counsel	Directors/Managers
General Equipment Mechanic	Mechanical Maintenance
General Manager	Directors/Managers
General Pipe Supervisor	Pipeline Mtce Lead/Super
Geographic Information System Specialist	Engineering Technicians
Graphic Design Supervisor	Engineering Technicians
Graphic Designer I	Engineering Technicians
Graphic Designer II	Engineering Technicians
Grounds Maintenance Specialist I	Service Maintenance
Grounds Maintenance Specialist II	Service Maintenance
Heavy Equipment Maintenance Worker I	Mechanical Maintenance
Heavy Equipment Maintenance Worker II	Mechanical Maintenance
Heavy Equipment Maintenance Worker III	Mechanical Maintenance
Heavy Equipment Mechanic	Mechanical Maintenance
Heavy Equipment Operator	Heavy Equipment/Truck Operators
Heavy Equipment Operator Trainee	Heavy Equipment/Truck Operators
Heavy Forklift Operator	Heavy Equipment/Truck Operators
Heavy Transport Operator	Heavy Equipment/Truck Operators
Housekeeper	Service Maintenance
HRIS Analyst I	Programmers
HRIS Analyst II	Programmers
Human Resources Analyst I	Analysts
Human Resources Analyst II	Analysts
Human Resources Intern I	Administrative Assistants
Human Resources Intern II	Administrative Assistants
Human Resources Regulatory Administrator	Analysts
Human Resources Technician	Technicians
Hydroelectric Power Plant Mechanic	Mechanical Maintenance
Hydroelectric Power Plant Operator I	Plant Operators
Hydroelectric Power Plant Operator II	Plant Operators
Hydroelectric Power Plant Supervisor	Plant Operators Lead/Sup
Hydrographer I	Engineering Technicians
Hydrographer II	Engineering Technicians
Hydrographer III	Engineering Technicians
Information Services Supervisor	Programmers

Job Title	Job Group Name
Information Systems Administrator	Programmers
Information Systems Administrator II	Programmers
Information Systems Division Manager	Directors/Managers
Information Systems Specialist I	Technicians
Information Systems Specialist II	Technicians
Information Systems Specialist III	Technicians
Information Systems Support Analyst I	Programmers
Information Systems Support Analyst II	Programmers
Information Technology Engineer I	Programmers
Information Technology Engineer II	Programmers
Information Technology Intern I	Programmers
Information Technology Intern II	Programmers
Instrument Maintenance Supervisor	Electrical/Structural Workers
Instrument Supervisor	Electrical/Structural Workers
Instrument Technician	Electrical/Structural Workers
Instrument Worker I	Electrical/Structural Workers
Instrument Worker II	Electrical/Structural Workers
Instrument Worker III	Electrical/Structural Workers
Internal Auditor	Professionals
Internal Auditor Supervisor	Professionals
Janitor	Service Maintenance
Janitor Foreman	Service Maintenance
Janitor Supervisor	Service Maintenance
Junior Engineer	Engineering
Junior Water Resources Specialist	Professionals
Laboratory Supervisor	Science Professionals
Laboratory Technician I	Laboratory & Qual Control Tech
Laboratory Technician II	Laboratory & Qual Control Tech
Laboratory Technician III	Laboratory & Qual Control Tech
Law Clerk	Professionals
Legal Secretary I	Administrative Assistants
Legal Secretary II	Administrative Assistants
Litigation Secretary	Administrative Assistants
LT Special Employment Program Trainee	Service Maintenance
Machining & Maintenance Worker I	Mechanical Maintenance
Machining & Maintenance Worker II	Mechanical Maintenance
Machining & Maintenance Worker III	Mechanical Maintenance
Maintenance Machinist	Mechanical Maintenance
Maintenance Shift Supervisor	Pipeline Mtce Lead/Super

Job Title	Job Group Name
Maintenance Specialist I	Mechanical Maintenance
Maintenance Specialist II	Mechanical Maintenance
Maintenance Specialist III	Mechanical Maintenance
Maintenance Superintendent	Mechanical Maintenance
Management Analyst I	Analysts
Management Analyst II	Analysts
Management Analyst III	Analysts
Manager of Budget	Directors/Managers
Manager of Business Continuity	Directors/Managers
Manager of Distribution Maintenance & Construction	Directors/Managers
Manager of Employee & Organizational Development	Directors/Managers
Manager of Employee Relations	Directors/Managers
Manager of Employee Services	Directors/Managers
Manager of Environmental Compliance	Directors/Managers
Manager of Facilities Maintenance & Construction	Directors/Managers
Manager of Fisheries & Wildlife	Directors/Managers
Manager of Fleet & Construction Support	Directors/Managers
Manager of Laboratory Services	Directors/Managers
Manager of Maintenance and Construction/Water Operations	Directors/Managers
Manager of Maintenance Support	Directors/Managers
Manager of Natural Resources	Directors/Managers
Manager of Operations & Maintenance Planning	Directors/Managers
Manager of Pipeline Construction & Equipment	Directors/Managers
Manager of Planning and Analysis for Water Quality	Directors/Managers
Manager of Purchasing	Directors/Managers
Manager of Real Estate Services	Directors/Managers
Manager of Recruitment and Classification	Directors/Managers
Manager of Regulatory Compliance	Directors/Managers
Manager of Risk Management	Directors/Managers
Manager of Security & Emergency Preparedness	Directors/Managers
Manager of Wastewater Engineering	Directors/Managers
Manager of Wastewater Environmental Services	Directors/Managers
Manager of Wastewater Technical and Emerging Issues	Directors/Managers
Manager of Wastewater Treatment	Directors/Managers
Manager of Water Conservation	Directors/Managers
Manager of Water Quality	Directors/Managers
Manager of Water Supply	Directors/Managers
Manager of Water Supply Improvements	Directors/Managers
Manager of Workplace Health & Safety	Directors/Managers

Job Title	Job Group Name
Manager, Watershed & Recreation	Directors/Managers
Material Storage Foreman	Service Maintenance
Material Storage Supervisor	Service Maintenance
Materials Specialist	Service Maintenance
Materials Testing Supervisor	Technicians
Materials Testing Technician I	Technicians
Materials Testing Technician II	Technicians
Mechanical Supervisor	Mechanical Maintenance
Messenger/Mail Clerk	General Clerical
Meter Mechanic I	Mechanical Maintenance
Meter Mechanic II	Mechanical Maintenance
Meter Reader	Customer Service
Meter Reader/Mechanic	Mechanical Maintenance
Meter Reader/Mechanic Foreman	Mechanical Maintenance
Meter Reading & Maintenance Supervisor	Mechanical Maintenance
Meter Repair and Testing Supervisor	Mechanical Maintenance
Microbiologist I	Science Professionals
Microbiologist II	Science Professionals
Network Analyst I	Programmers
Network Analyst II	Programmers
Network Analyst III	Programmers
New Business Representative I	Customer Service
New Business Representative II	Customer Service
Office Assistant, General Manager's Office	Administrative Assistants
Painter	Electrical/Structural Workers
Painter Foreman	Electrical/Structural Workers
Painting Worker I	Electrical/Structural Workers
Painting Worker II	Electrical/Structural Workers
Painting Worker III	Electrical/Structural Workers
Paralegal	Administrative Assistants
Pardee Water/Wastewater Supervisor	Plant Operators Lead/Sup
Paving Crew Foreman	Pipeline Mtce Lead/Super
Paving Raker A	Water Distribution Plumb & Mtc
Paving Raker B	Water Distribution Plumb & Mtc
Paving Raker C	Water Distribution Plumb & Mtc
Pipeline Welder I	Water Distribution Plumb & Mtc
Pipeline Welder II	Water Distribution Plumb & Mtc
Pipeline Welder III	Water Distribution Plumb & Mtc
Pipeline Welding Supervisor	Pipeline Mtce Lead/Super

Job Title	Job Group Name
Plant Electrical Maintenance Supervisor	Electrical/Structural Workers
Plant Inspector	Engineering Technicians
Plant Maintenance Mechanic	Mechanical Maintenance
Plant Maintenance Superintendent	Mechanical Maintenance
Plant Maintenance Worker I	Mechanical Maintenance
Plant Maintenance Worker II	Mechanical Maintenance
Plant Maintenance Worker III	Mechanical Maintenance
Plant Mechanical Maintenance Supervisor	Mechanical Maintenance
Plant Structures Maintenance Supervisor	Electrical/Structural Workers
Power Plant Mechanic/Operator	Plant Operators
Power Plant Supervisor	Plant Operators Lead/Sup
Power, Treatment & Transmission Maintenance Supervisor	Plant Operators Lead/Sup
Principal Management Analyst	Analysts
Printing Technician I	Technicians
Printing Technician II	Technicians
Public Affairs Specialist	Administrative Assistants
Public Information Representative I	Analysts
Public Information Representative II	Analysts
Public Information Representative III	Analysts
Purchasing Contract Supervisor	Professionals
Quality Assurance Officer	Science Professionals
Ranger Naturalist I	Rangers
Ranger Naturalist II	Rangers
Ranger Supervisor	Rangers
Real Estate Representative I	Professionals
Real Estate Representative II	Professionals
Real Estate Technician	Technicians
Recreation Area Attendant	Service Maintenance
Relief Clerk	General Clerical
Research Chemist	Science Professionals
Research Microbiologist	Science Professionals
Risk Management Analyst	Professionals
Risk Management Assistant	Technicians
Secretary of the District	Directors/Managers
Security & Emergency Preparedness Specialist	Professionals
Security Shift Supervisor	Professionals
Senior Accounting and Financial Systems Analyst	Professionals
Senior Administrative Clerk	General Clerical
Senior Administrative Clerk, Confidential	General Clerical

Job Title	Job Group Name
Senior Chemist	Science Professionals
Senior Civil Engineer	Supervising Engineering
Senior Community Affairs Representative	Analysts
Senior Construction Inspector	Engineering Technicians
Senior Control System Engineer	Supervising Engineering
Senior Corrosion Control Engineer	Engineering
Senior Cross Connection Specialist	Mechanical Maintenance
Senior Customer Services Representative	Customer Service
Senior Dispatch Center Representative	Customer Service
Senior Drafter	Engineering Technicians
Senior Electrical Engineer	Supervising Engineering
Senior Engineering Designer	Engineering Technicians
Senior Environmental Health & Safety Specialist	Science Professionals
Senior Field Services Representative	Customer Service
Senior Geographic Information System Specialist	Engineering Technicians
Senior Graphic Designer	Engineering Technicians
Senior HRIS Analyst	Programmers
Senior Human Resources Analyst	Analysts
Senior Information Technology Engineer	Programmers
Senior Legal Secretary	Administrative Assistants
Senior Mechanic	Mechanical Maintenance
Senior Mechanical Engineer	Supervising Engineering
Senior Messenger/Mail Clerk	General Clerical
Senior Microbiologist	Science Professionals
Senior New Business Representative	Customer Service
Senior Printing Technician	Technicians
Senior Public Information Representative	Analysts
Senior Ranger/Naturalist	Rangers
Senior Real Estate Representative	Professionals
Senior Software Engineer	Programmers
Senior Supervisor of Maintenance Shift Operations	Pipeline Mtce Lead/Super
Senior Wastewater Control Inspector	Laboratory & Qual Control Tech
Senior Water Distribution Operator	Plant Operators
Senior Water Treatment Operator	Plant Operators
Software Engineer I	Programmers
Software Engineer II	Programmers
Special Assistant I	Directors/Managers
Special Assistant II	Directors/Managers
Special Assistant III	Directors/Managers

Job Title	Job Group Name
Special Assistant IV	Directors/Managers
Special Assistant V	Directors/Managers
Storekeeper I	Service Maintenance
Storekeeper II	Service Maintenance
Stores Supervisor	Service Maintenance
Student Intern	Administrative Assistants
Superintendent of Aqueduct Section	Plant Operators Lead/Sup
Superintendent of Pardee Section	Plant Operators Lead/Sup
Superintendent of Water Treatment/Distribution/System Water Quality	Plant Operators Lead/Sup
Supervising Accountant	Professionals
Supervising Administrative Engineer	Supervising Engineering
Supervising Construction Inspector	Engineering Technicians
Supervising Fisheries/WildLife Biologist	Science Professionals
Supervising Hydrographer	Engineering Technicians
Supervising Legal Secretary	Administrative Assistants
Supervising Plant Inspector	Engineering Technicians
Supervising Systems Programmer	Programmers
Supervising Wastewater Control Inspector	Laboratory & Qual Control Tech
Supervising Wastewater Control Representative	Laboratory & Qual Control Tech
Supervisor of Purchasing	Professionals
Supervisor of Water Conservation	Professionals
Survey Technician I	Engineering Technicians
Survey Technician II	Engineering Technicians
Surveying Supervisor	Engineering Technicians
Technical Training & Writing Administrator	Analysts
Technical Training Analyst	Analysts
Treasury Manager	Directors/Managers
Treatment Plant Specialist	Plant Operators
Truck Driver II	Heavy Equipment/Truck Operators
Truck Driver II Trainee	Heavy Equipment/Truck Operators
Utility Laborer	Service Maintenance
Wastewater Control Inspector I	Laboratory & Qual Control Tech
Wastewater Control Inspector II	Laboratory & Qual Control Tech
Wastewater Control Representative	Laboratory & Qual Control Tech
Wastewater Operations Coordinator	Plant Operators Lead/Sup
Wastewater Plant Operator I	Plant Operators
Wastewater Plant Operator II	Plant Operators
Wastewater Plant Operator Trainee	Plant Operators
Wastewater Shift Supervisor	Plant Operators Lead/Sup

Job Title	Job Group Name
Wastewater Treatment Superintendent	Plant Operators Lead/Sup
Water Conservation Representative	Professionals
Water Conservation Administrator	Professionals
Water Conservation Technician	Customer Service
Water Distribution Crew Foreman	Pipeline Mtce Lead/Super
Water Distribution Operator	Plant Operators
Water Distribution Plumber I	Water Distribution Plumb & Mtc
Water Distribution Plumber II	Water Distribution Plumb & Mtc
Water Distribution Plumber III	Water Distribution Plumb & Mtc
Water Distribution Plumber IV	Water Distribution Plumb & Mtc
Water Distribution Supervisor	Plant Operators Lead/Sup
Water Sampler	Laboratory & Qual Control Tech
Water System Inspector I	Laboratory & Qual Control Tech
Water System Inspector II	Laboratory & Qual Control Tech
Water Treatment Operator	Plant Operators
Water Treatment Supervisor	Plant Operators Lead/Sup
Water Treatment/Distribution Operator Trainee	Plant Operators
Workers Compensation Manager & Risk Specialist	Professionals

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 8, 2024

MEMO TO: Board of Directors

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

FROM: Kathy Viatella, Manager of Legislative Affairs *KV*

SUBJECT: Legislative Report No. 06-24

The following issue is being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on August 8, 2024.

RECOMMENDED ACTION

Approve a support position on H.R. 8682 (Huffman).

FEDERAL LEGISLATION

**H.R. 8682
(Huffman)**

**WATER CONSERVATION REBATE
TAX PARITY ACT**

RECOMMENDED POSITION

SUPPORT

The Comprehensive National Energy Policy Act of 1992 provides that public utility subsidies, or rebates, paid to residential customers for energy conservation measures are exempt from federal income tax. The Act defines energy conservation measure as “any installation or modification primarily designed to reduce consumption of electricity or natural gas or to improve the management of energy demand with respect to a dwelling unit.”

H.R. 8682 (Huffman) would ensure that rebates for water conservation improvements are exempt from federal taxes, similar to energy conservation rebates. Specifically, H.R. 8682 would amend the Internal Revenue Code to exempt from federal taxes rebates provided to public utility customers for the purchase or installation of any water conservation, stormwater management, or wastewater management measure.

Rebate programs for water conservation can help promote water conservation. However, some water conservation improvements can be too expensive for property owners to install without a financial incentive. Conservation rebates are intended to defray the upfront consumer costs and are not to be considered income.

Many water utilities have established rebate programs to incentivize the installation of water conservation improvements. H.R. 8682 would ensure that rebates for these improvements are not subject to federal taxes.

EBMUD provides rebates to its residential customers for the installation of water conservation improvements, such as lawn conversion and irrigation equipment upgrades, as well as equipment for graywater laundry-to-landscape systems. H.R. 8682 would promote water conservation by clarifying that water conservation rebates provided by a public utility, such as the rebates provided by EBMUD, are not subject to federal taxes.

EBMUD has previously supported legislation to encourage water conservation efforts. In 2017, EBMUD supported S. 1464 (Feinstein) and H.R. 448 (Huffman), companion measures that similarly to H.R. 8682 would have clarified that water conservation rebates are not subject to federal taxes. In 2015, EBMUD supported S. 176 (Boxer) and H.R. 291 (Napolitano), identical companion measures known as the Water in the 21st Century Act, that among other things would have provided funding for the WaterSense program. The WaterSense program is a voluntary labeling program to recognize water-using products that are 20 percent more water-efficient and perform as well or better than standard products. The measures did not advance out of Congress.

Consistent with other federal measures, there is no official support and opposition list for H.R. 8682.

CCC:KCV:DM/JW

Attachment

118TH CONGRESS
2D SESSION

H. R. 8682

To amend the Internal Revenue Code of 1986 to expand the exclusion for certain conservation subsidies to include subsidies for water conservation or efficiency measures, storm water management measures, and wastewater management measures.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2024

Mr. HUFFMAN (for himself, Mr. CURTIS, Ms. CHU, and Mr. LAMALFA) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to expand the exclusion for certain conservation subsidies to include subsidies for water conservation or efficiency measures, storm water management measures, and wastewater management measures.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Water Conservation
5 Rebate Tax Parity Act”.

1 **SEC. 2. MODIFICATIONS TO INCOME EXCLUSION FOR CON-**
2 **SERVATION SUBSIDIES.**

3 (a) IN GENERAL.—Subsection (a) of section 136 of
4 the Internal Revenue Code of 1986 is amended—

5 (1) by striking “any subsidy provided” and in-
6 serting “any subsidy—

7 “(1) provided”,

8 (2) by striking the period at the end and insert-
9 ing a comma, and

10 (3) by adding at the end the following new
11 paragraphs:

12 “(2) provided (directly or indirectly) by a public
13 utility to a customer, or by a State or local govern-
14 ment to a resident of such State or locality, for the
15 purchase or installation of any water conservation or
16 efficiency measure,

17 “(3) provided (directly or indirectly) by a storm
18 water management provider to a customer, or by a
19 State or local government to a resident of such State
20 or locality, for the purchase or installation of any
21 storm water management measure, or

22 “(4) provided (directly or indirectly) by a State
23 or local government to a resident of such State or
24 locality for the purchase or installation of any waste-
25 water management measure, but only if such meas-

1 ure is with respect to the taxpayer's principal resi-
2 dence.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) DEFINITION OF WATER CONSERVATION OR
5 EFFICIENCY MEASURE AND STORM WATER MANAGE-
6 MENT MEASURE.—Section 136(c) of the Internal
7 Revenue Code of 1986 is amended—

8 (A) by striking “ENERGY CONSERVATION
9 MEASURE” in the heading thereof and inserting
10 “DEFINITIONS”,

11 (B) by striking “IN GENERAL” in the
12 heading of paragraph (1) and inserting “EN-
13 ERGY CONSERVATION MEASURE”, and

14 (C) by redesignating paragraph (2) as
15 paragraph (5) and by inserting after paragraph
16 (1) the following:

17 “(2) WATER CONSERVATION OR EFFICIENCY
18 MEASURE.—For purposes of this section, the term
19 ‘water conservation or efficiency measure’ means any
20 evaluation of water use, or any installation or modi-
21 fication of property, the primary purpose of which is
22 to reduce consumption of water or to improve the
23 management of water demand with respect to one or
24 more dwelling units.

1 “(3) STORM WATER MANAGEMENT MEASURE.—

2 For purposes of this section, the term ‘storm water
3 management measure’ means any installation or
4 modification of property primarily designed to re-
5 duce or manage amounts of storm water with re-
6 spect to one or more dwelling units, including an in-
7 stallation or modification to prevent or reduce the
8 impacts of storm water-caused flooding to such
9 property.

10 “(4) WASTEWATER MANAGEMENT MEASURE.—

11 For purposes of this section, the term ‘wastewater
12 management measure’ means any installation or
13 modification of property primarily designed to man-
14 age wastewater (including septic tanks and cess-
15 pools) with respect to one or more dwelling units.”.

16 (2) DEFINITION OF PUBLIC UTILITY.—Section
17 136(c)(5) of such Code (as redesignated by para-
18 graph (1)(C)) is amended by striking subparagraph
19 (B) and inserting the following:

20 “(B) PUBLIC UTILITY.—The term ‘public
21 utility’ means a person engaged in the sale of
22 electricity, natural gas, or water to residential,
23 commercial, or industrial customers for use by
24 such customers.

“(C) STORM WATER MANAGEMENT PROVIDER.—The term ‘storm water management provider’ means a person engaged in the provision of storm water management measures to the public.

“(D) PERSON.—For purposes of subparagraphs (B) and (C), the term ‘person’ includes the Federal Government, a State or local government or any political subdivision thereof, or any instrumentality of any of the foregoing.”.

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 136 of such Code is amended—

(i) by inserting “**AND WATER**” after “**ENERGY**”, and

(ii) by striking “**PROVIDED BY PUBLIC UTILITIES**”.

(B) The item relating to section 136 in the table of sections of part III of subchapter B of chapter 1 of such Code is amended—

(i) by inserting “and water” after “energy”, and

(ii) by striking “provided by public utilities”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to amounts received after Decem-
3 ber 31, 2021.

4 (d) NO INFERENCE.—Nothing in this Act or the
5 amendments made by this Act shall be construed to create
6 any inference with respect to the proper tax treatment of
7 any subsidy received directly or indirectly from a public
8 utility, a storm water management provider, or a State
9 or local government for any water conservation or effi-
10 ciency measure, storm water management measure, or
11 wastewater management measure before January 1,
12 2022.

○



BOARD ACTION

Agenda Number:	17.	Meeting Date:	August 13, 2024

TITLE	ORDINANCE AMENDING THE WASTEWATER CONTROL ORDINANCE (SECOND READING)

ACTION	☐ Motion:	☐ Resolution:	☒ Ordinance:

RECOMMENDED ACTION	Conduct a second reading and adopt an ordinance amending Ordinance No. 355-11, as previously amended, which is the Wastewater Control Ordinance (Ordinance), to incorporate changes to the local limits, clarify appellate procedures for enforcement orders, modify permit categories and permitting procedures, adopt modifications recommended by federal auditors, and make other clarifications to ensure consistency with federal regulations.

SUMMARY	The Ordinance establishes regulations for the collection, treatment, and disposal of wastewater and industrial wastes within the District's Special District Number One service area. The Ordinance includes general prohibitions and specific numeric limits, known as local limits, for discharges to the collection system. The Ordinance was last amended in 2013. The District, with approval from the San Francisco Bay Regional Water Quality Control Board (Regional Board), is recommending changes to the local limits based on the findings from a 2023 local limits review. Additionally, changes are recommended to improve clarity, update terminology, and control introduction of non-wastewater materials. A presentation on the Ordinance amendments was provided at the June 11, 2024 Planning Committee meeting. The first reading of this ordinance was conducted at the July 9, 2024 Regular Board meeting.

DISCUSSION	The Ordinance provides the authority for the District to operate its Pretreatment Program as required by federal regulations and specified in the National Pollutant Discharge Elimination System permit for the Main Wastewater Treatment Plant. The Ordinance includes general and specific prohibitions on the discharge of wastewater, permit terms and requirements, administrative authority, enforcement procedures and penalties, and terms related specifically to trucked-in wastes as part of the Resource Recovery Program. The U.S. Environmental Protection Agency (US EPA) and the Regional Board conduct periodic audits of pretreatment programs. The most recent audit identified several minor modifications to the Ordinance, which are included in the proposed changes. Following the first reading, minor edits have been made to ensure consistent use of defined terms and other non-substantive changes to improve organization within the Ordinance. The text of the proposed amendments is attached, and the key proposed changes are summarized here.

Title I – General

- **Section 3 – Definitions.** Minor revisions have been made to clarify certain definitions, such as changing the definition of “side sewer” to “sewer lateral” to more accurately

Originating Department: Wastewater	Department Director or Manager: Amit K. Mutsuddy	CEP Forms? N/A	Board Action Type: Ordinance
Funds Available: N/A	Budget Coding: N/A		Approved: 
Attachment: Ordinance			

Title:	Ordinance Amending the Wastewater Control Ordinance (Second Reading)	Meeting Date:	August 13, 2024

reflect modern industry terminology, or updating the definition of “chemical oxygen demand” to more closely reflect current analytical methods. Other definitions have been substantively altered for accurate application in the body of the Ordinance, such as expanding the definition of “discharge” to encompass non-industrial discharges. Finally, new definitions have been added to effectuate the District’s administrative and enforcement needs, such as adding a definition for “material acceptance permit” to distinguish Resource Recovery Program permits from other categories of wastewater discharge permit.

- **Section 4 – Connection to Interceptor.** Section 4 has been revised to modernize the application process by which public agencies may request permission to make a direct connection to the District’s interceptors.
- **Section 5 – Stormwater, Drainage, Groundwater, and Bay Water Prohibition.** Section 5 has been revised to clarify the restriction on discharges of waters that are acceptable for discharge to storm sewers or receiving waters.

Title II – Regulation of the Wastewater Discharges

- **Section 1 – Permissible Discharges.** Section 1 has been revised to permit discharges of wastewater that do not exceed limitations on wastewater *concentration*, as opposed to wastewater *strength*. This change in terminology recurs throughout the Ordinance, and is intended to distinguish strength, which is a measure of the concentration of typical wastewater constituents that can be removed through treatment (e.g., suspended solids and organic loading), and the concentration of constituents more generally, which includes pollutants that must be limited (e.g., metals, oil and grease, and volatile organics).
- **Section 2 – Prohibited Discharges.** Former paragraph (c)(1), which prohibited discharges of waters suitable for discharges to storm drains or receiving waters, has been consolidated into Title 1, Section 5 to avoid redundancy and potential inconsistency. Paragraph (d) has been revised to clarify locations where discharges to the community sewer or District facilities are prohibited, as well as the process for obtaining exceptions to the prohibitions.
- **Section 3 – Limitations on Discharges.** The local limits, which specify the maximum concentration for constituents of concern, are evaluated every five years. In 2023, the local limits review identified changes to improve clarity and enhance control of discharges. The first change is to replace the limit for total identifiable chlorinated hydrocarbons, which is a grouping of chemicals more widely used in the 1970s, with a limit for total toxic organics, a more comprehensive and better-defined category of chemicals more commonly used today. The second change is to define the existing oil and grease limit of 100 milligrams per liter (mg/L) to pertain to only oil and grease of mineral origin and add a new limit of 300 mg/L for oil and grease from animal or vegetable sources, which are considered more biodegradable and less toxic.
- **Section 6 – Permits for Federal Categorical Pretreatment Standards.** Section 6 has been deleted as duplicative of Title IV, Section 1.

Title:	Ordinance Amending the Wastewater Control Ordinance (Second Reading)	Meeting Date:	August 13, 2024

- **Section 7 – Confidential Information.** Section 7 has been deleted as duplicative of Title V, Section 7, and its content has been consolidated with Title V, Section 7 to avoid redundancy.

Title III – Discharger Classification and Calculation of Wastewater Disposal Charges.

- **Section 2 – Calculation of Wastewater Disposal Charge.** Section 2 paragraph (b) has been modified to include permitted dischargers that are charged according to their assigned business classification code and paragraph (c) has been modified to clarify the circumstances in which a permitted discharger is subject to a wastewater disposal charge based on its unique wastewater strength.

Title IV – Wastewater Discharge Permits

- **Section 1 – Permit Requirement.** Section 1 has been substantively modified to more accurately reflect the varieties of discharge permits issued by the District. The District issues permits to certain commercial and industrial customers per federal regulations, such as metal plating facilities. In addition, the District issues permits to businesses that use materials that could harm the treatment process, collection system, or evade treatment. The District also issues permits for discharges of unmetered water (e.g., groundwater dewatering) for short-durations and ongoing projects. Requirements in these permits and the onsite inspections conducted by District staff ensure protection of the treatment plant and the environment and enable cost recovery. The proposed modifications to the Ordinance would provide increased clarity and specificity on the types of users that are required to obtain a permit, and which permit would be issued.
- **Section 2 – Application.** Section 2 has been revised to include additional application requirements, such as copies of the applicant's other environmental control permits, where applicable. Section 2 has also been revised to add a description of the process by which the Director reviews and approves permit applications, as well as an option to appeal the denial of a permit application.
- **Section 4 – Change of Permit Terms and Conditions.** Section 4 has been revised to clarify that the Director is empowered to change permit limits on wastewater constituents, as opposed to limits on the "elements of wastewater strength," to reflect terminological changes throughout the Ordinance. Section 4 has also been revised to clarify how and when permit modifications affect calculation of the permittee's wastewater disposal charge.
- **Section 5 – Transfer of Permit.** Section 5 has been revised to clarify that a permit may be transferred or assigned with the Director's prior approval.
- **Section 6 – Termination and Modification for Violations.** Section 6 has been substantively modified to distinguish decisions to modify or terminate a permit for administrative, non-adjudicative reasons from modifications or termination based on the permittee's violations of its permit or the Ordinance. In the latter instance, the modified Section 6 will provide the permittee an opportunity to appeal the Director's decision to modify or terminate a permit, by reference to Title VI, Section (1)(e).

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Title V – Administration

- **Section 2 – Wastewater Source Control Requirements.** Section 2 has been modified to clarify requirements for the biannual periodic report of continued compliance required for permittees. Other modifications include minor terminological changes for consistency throughout the Ordinance, and to reflect updated definitions.
- **Section 7 – Confidential Information.** Section 7 has been consolidated with Title II, Section 7 as described above.
- **Section 8 – District Inspection.** Section 8 has been revised to reflect terminological changes for consistency throughout the Ordinance.
- **Section 9 – New Connections.** Section 9 has been revised to reflect terminological changes for consistency throughout the Ordinance.

Title VI – Enforcement and Penalties

- **Section 1 – Director’s Orders.** Title VI specifies how the District enforces the Ordinance, including issuing enforcement orders, administrative civil liability, and criminal penalties. The proposed modifications would update the appeal procedures for enforcement orders issued by the Director to enable more efficient and effective enforcement, and to align the process for the Ordinance with the process used for the Private Sewer Lateral Ordinance. Specifically, the proposed modifications would provide more detailed requirements for submitting a written request for reconsideration of an enforcement order, add an additional layer of review by a manager designated by the Director of Wastewater, and clarify the circumstances in which a hearing may be held before the Director of Wastewater.
- **Section 2 – Director’s Enforcement Remedies and Penalties.** Section 2 has been modified to include 90-day statute of limitations for challenging the District’s final decision with respect to an administrative civil liability complaint in the superior court, in accordance with state law.

Title VII – Resource Recovery Program

- **Section 1 – Purpose.** Section 1 has been modified to clarify that the Resource Recovery Program allows for acceptance of materials transported by truck, rail, or other means “at designated receiving stations.”
- **Section 2 – Regulation of Discharges.** Section 2 has been modified to incorporate the new definition of “material acceptance permit” created for Title VII, and to clarify the circumstances in which the District may accept wastes that deviate from the local limits established for discharges to the community sewer in accordance with federal regulatory requirements and guidance.
- **Section 3 – Permit Requirements.** Section 3 has been modified to clarify requirements and processes for obtaining a material acceptance permit, as well as conditions that may be included in a material acceptance permit.
- **Section 4 – Administration and Enforcement.** Section 4 has been modified to distinguish enforcement procedures for the Resource Recovery Program from the

Title:	Ordinance Amending the Wastewater Control Ordinance (Second Reading)	Meeting Date:	August 13, 2024

enforcement procedures described in Title VI, and to clarify the circumstances in which the District may terminate a material acceptance permit.

Additional Modifications

Various other minor modifications are proposed to clarify the language and intent of the Ordinance. For example, the term “his” has been replaced with the more inclusive, nonbinary “their.” Other terms have been updated to reflect modern usage or industry practices. Finally, feedback from the 2019 US EPA/Regional Board Audit has been incorporated to align the Ordinance more closely with regulatory requirements and US EPA guidance.

If approved by the Board, in accordance with the Municipal Utility District Act, the amendment (or a summary of the amendment) must be published once a week for two successive weeks in a local newspaper of general circulation published within the Special District Number One service area. The ordinance amendments shall become effective and in full force and effect at 12:01 AM on the 31st day after its passage.

SUSTAINABILITY

Economic

No fiscal impact is anticipated. Adopting these amendments will not substantially affect the scope of the Pretreatment Program.

Social

Implementing these amendments will enhance clarity and transparency for permitted industrial customers.

Environmental

These amendments will enhance the District’s ability to effectively control pollutants at their source to protect treatment staff, maintain treatment processes, and prevent contaminants from being discharged to the San Francisco Bay. The changes will also ensure the District continues to operate within the federal pretreatment program requirements and maintains its ability to effectively enforce the provisions of the Ordinance.

ALTERNATIVES

Do not approve the proposed amended Ordinance. This alternative is not recommended because the proposed amendments will provide clarity and enhanced oversight of discharges to the treatment plant.

Delay approval of the proposed amended Ordinance. This alternative is not recommended because no objections to the local limits modifications were raised during the public notification period and the Regional Board has approved these changes. The new local limits cannot be incorporated into permits until the Ordinance is adopted.

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ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 355-11, AS PREVIOUSLY AMENDED,
WHICH IS THE WASTEWATER CONTROL ORDINANCE

Introduced by Director _____ ; Seconded by Director _____

BE IT ENACTED by the Board of Directors of the East Bay Municipal Utility District:

SECTION 1

The Board finds and declares:

1. The District maintains an ordinance regulating the interception, treatment, and disposal of wastewater and industrial wastes and the control of wastewater, providing for appropriate charges, and establishing penalties for violations (“Wastewater Control Ordinance”).

2. The District has amended the Wastewater Control Ordinance from time to time since its 1972 enactment. The Wastewater Control Ordinance was amended in 2003 to provide authority for the Resource Recovery program. It was further amended in 2010 to regulate private sewer laterals. The District then amended the Wastewater Control Ordinance in 2011 to modify the regional private sewer lateral certification program. The District most recently amended the Wastewater Control Ordinance in 2013 to repeal the portions concerned with the regional private sewer lateral certification program, and concurrently reenacted them in a separate, stand-alone Regional Ordinance.

3. The District is required by state and federal law, and by its main wastewater treatment plant National Pollutant Discharge Elimination System (NPDES) permit, to operate a pretreatment program regulating process wastewater discharges from industrial users in the District’s wastewater service area. The Wastewater Control Ordinance provides the necessary legal authority to implement and enforce this program.

4. In furtherance of the pretreatment program, and as required by state and federal law, the Wastewater Control Ordinance designates local limits which specify maximum concentrations for constituents of concern in discharges to the community sewer. The District’s main wastewater treatment plant NPDES permit requires that the District conduct a local limits review every five years to ensure that the local limits remain protective of District infrastructure and the environment. The District completed its most recent review in 2023 and identified changes to improve control of industrial discharges. The first change is to replace the limit on total identifiable chlorinated hydrocarbons with a limit for the more commonly used category, total toxic organics (TTO). The second change will define the oil and grease limit of 100 milligrams per liter (mg/L) to pertain to only oil and grease of mineral origin and add a new limit of 300 mg/L for oil and grease from animal or vegetable sources, which are considered more biodegradable and less toxic.

5. In the fall of 2023, the District initiated a public comment period with respect to the proposed changes to the local limits. Notifications were made via local newspaper publication, letters to the San Francisco Regional Water Quality Control Board (Regional Board), and letters to permitted industrial users. No objections were raised during the comment period. On March 28, 2024, the Regional Board approved the proposed changes and advised the District to proceed with modifying the Wastewater Control Ordinance.

6. The Board finds that these changes to the local limits will improve the District's ability to administer the pretreatment program and are protective of the environment and District infrastructure.

7. The pretreatment program is subject to routine audits by the United States Environmental Protection Agency (EPA) and by the Regional Board. The most recent audit was conducted in 2019 and included a review of the Wastewater Control Ordinance.

8. Following the audit, the auditors advised the District to amend the Wastewater Control Ordinance in several respects to ensure continued compliance with applicable regulatory requirements. These amendments include: (1) clarifying the District's authority to implement and administer an enforcement response plan; (2) clarifying the District's authority to issue monitoring waivers for given constituents that are not present in an industrial user's effluent; (3) adding express legal authority to issue notices of violation; (4) explicitly stating that effluent limits are included in permits; and (5) correcting or clarifying terminology and internal references.

9. In addition to the amendments recommended by the auditors, the District has identified further modifications to clarify and improve the Wastewater Control Ordinance. The Board finds that these changes will improve the District's ability to efficiently and effectively administer the Wastewater Control Ordinance, serve the public's interest in its fair, equitable, and consistent implementation, and provide for an appropriate degree of discretion and flexibility in light of the Wastewater Control Ordinance's stated purposes.

10. Federal regulations require that the District issue permits to certain categories of industrial users. In addition to permits required by federal law, the District issues other categories of permits to protect the main wastewater treatment plant and the environment, and to ensure equitable cost recovery. The Board finds it appropriate to specifically identify each category of permit issued by the District, as well as the circumstances under which they are issued, for the purposes of providing clarity and transparency for the District's wastewater customers.

11. To provide for the effective enforcement of the Wastewater Control Ordinance, it is necessary and appropriate to clarify the procedures associated with enforcement remedies provided for by applicable law. Amendments related to the appeal procedures for enforcement orders issued by the Director will enable more efficient enforcement proceedings, create a standardized process for reviewing appeals consistent with procedures used by the District in other contexts, and ensure that the review of appeals is conducted consistent with the requirements of state and federal law. The related amendments are intended to expand and

clarify the District's enforcement authority, and not to waive, diminish or abrogate any applicable enforcement authority in any way.

12. Additional clarifying or minor amendments to certain provisions of the Wastewater Control Ordinance not described above are necessary or desirable to improve the District's ability to administer the pretreatment program and regulate the discharge of wastewater more generally. Additional minor modifications include removing or updating outdated language, consistently using defined terms when possible and consolidating redundant provisions.

13. It is the Board's intent that this Wastewater Control Ordinance will continue to provide all necessary legal authority for the District's pretreatment and Resource Recovery programs.

14. It is necessary to amend the Wastewater Control Ordinance to ensure consistency with federal regulations by incorporating the changes advised by the regulatory agencies and their auditors, and to make the additional changes identified by the District.

15. These amendments to the Wastewater Control Ordinance are consistent with the District's legal obligations and with the purposes of the Wastewater Control Ordinance and the purposes of the pretreatment and Resource Recovery programs.

16. By adopting these amendments to the Wastewater Control Ordinance, the Board does not intend to relax the District's legal authorities or local limits, change the District's control mechanism or confidentiality procedures, decrease the frequency of self-monitoring, reporting, inspections, or sampling required of industrial users, or otherwise modify the Wastewater Control Ordinance in any manner that could significantly impact the pretreatment program's operation, increase pollutant loadings, or result in less stringent requirements being imposed on industrial users.

17. It is declared to be the intent of the Board that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or section of this Ordinance since the Board would have enacted them without the invalid portion.

SECTION 2

Ordinance No. 355-11 is hereby amended as follows:

1. Title I, Section 2 is amended to read as follows:

Section 2 - Purpose

Special District No. 1 of the EAST BAY MUNICIPAL UTILITY DISTRICT was formed and exists under the provisions of the Municipal Utility District Act (Public Utilities Code of the

State of California, Division 6) for Wastewater disposal service within its boundaries. Wastewater Disposal Facilities have been constructed for the interception, treatment, and disposal of Wastewater and industrial Wastes originating within its boundaries. The purpose of this Ordinance is to regulate the interception of Wastewater and industrial Wastes and to control Wastewater to provide the maximum public benefit of the Wastewater Disposal Facilities of the District. The regulations shall include provisions for source control in order to monitor and control quantity, quality, and flow of Wastewater and industrial Waste. The regulations shall require charges for use of Wastewater Disposal Facilities of the District which are designed to achieve an equitable recovery of the capital and operating costs of such facilities. The regulations shall include provisions for enforcement and penalties for violations.

2. Title I, Section 3 is amended to read as follows:

Section 3 – Definitions

For the purposes of this Ordinance, unless the context specifically indicates otherwise, the meaning of terms used shall be as follows:

(a) Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Title II, Section 2 of this Ordinance. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or Waste disposal, or drainage from raw materials storage.

(b) Board. The Board of Directors of the District.

(c) Business Classification Code. A classification of Dischargers that is determined by the District based upon the principal activity conducted upon, or use of, a parcel of real property or portion thereof. Business Classification Codes are based on the Standard Industrial Classification Manual published by the United States Office of Management and Budget in 1987.

(d) Bypass. The intentional diversion of wastestreams from any portion of a Discharger's treatment facility.

(e) Categorical Industrial User (CIU). A Discharger subject to a Categorical Pretreatment Standard.

(f) Categorical Pretreatment Standards. The regulations containing pollutant Discharge limits that apply to specific categories of Industrial Users, codified in Title 40 of the CFR, Chapter I, Subchapter N, Part 405 *et seq.*

(g) CFR. Code of Federal Regulations.

(h) Chemical Oxygen Demand. Chemical Oxygen Demand is the measure of the oxygen-consuming capacity of inorganic and organic matter present in Wastewater.

(i) Community Sewer. A sewer system owned and operated by a Public Agency within the boundaries of the District which is connected to a District Interceptor and receives Wastewater from the Sewer Lateral of a Discharger.

(j) Contamination. An impairment of the quality of the waters of the state by Waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of Wastewater, whether or not waters of the state are affected.

(k) Director. Director of the Wastewater Department of the East Bay Municipal Utility District, or their designated representative.

(l) Discharger. Any Person who Discharges, permits the Discharge of, or causes the Discharge of Wastewater to a Community Sewer system or District facilities.

(m) District. Special District No. 1 of the East Bay Municipal Utility District.

(n) EPA. The United States Environmental Protection Agency.

(o) Federal Act, Clean Water Act, or Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 U.S.C. § 1251 et seq.).

(p) General Manager. The General Manager of the East Bay Municipal Utility District.

(q) General Permits. Wastewater Discharge Permits for a group of Industrial Users that:

- (1) have the same or substantially similar types of operations,
- (2) Discharge the same types of Wastes,
- (3) require the same effluent limitations,
- (4) require the same or similar monitoring, and

- (5) in the opinion of the District are more appropriately controlled under a general control mechanism than under individual control mechanisms.

(r) General Pretreatment Regulations. Any regulations promulgated by the EPA in accordance with Sections 307(b) and (c), and 402(b)(8) of the Act (33 U.S.C. § 1317) for the implementation, administration and enforcement of Pretreatment Standards, including the regulations codified at 40 CFR Part 403.

(s) Indirect Discharge or Discharge. The introduction of Wastewater into a Community Sewer or District facilities.

(t) Industrial User (IU). A source of any Industrial Wastewater from any non-domestic source regulated under Section 307(b), (c) or (d) of the Clean Water Act.

(u) Industrial Wastewater. Includes any nondomestic liquid or semisolid Wastes from any producing, manufacturing, or processing operation of whatever nature.

(v) Interceptor. An intercepting sewer owned and operated by the District that conveys Wastewater from the Community Sewer to the Publicly Owned Treatment Works (POTW).

(w) Interference. A Discharge which, alone or in conjunction with Discharges from other sources, both:

(1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) therefore is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of Sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act, and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(x) Local Limits. Discharge limits and BMPs developed and enforced by the District to implement the general and specific Discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b), as set forth in Title II, Section 3(a) of this Ordinance.

(y) Material Acceptance Permit. A Permit issued by the District under the Resource Recovery Program authorizing the Discharge of hauled Waste of a specific nature, as defined in the permit, at designated receiving stations of the POTW.

(z) Middle Tier Categorical Industrial User. A Categorical Industrial User may be designated by the District as a Middle Tier CIU upon a finding by the Director that it complies with all of the following:

(1) Its Discharge of categorical Wastewater does not exceed any of the following:

(A) 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gpd, whichever is smaller;

(B) 0.01 percent of the design dry weather organic treatment capacity of the POTW;

(C) 0.01 percent of the maximum allowable headworks loading for any pollutant listed in the Local Limits;

(2) It has not been in Significant Noncompliance at any time in the past two years; and

(3) It does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing its reporting requirement would result in data that is not representative of conditions occurring during the reporting period.

(aa) National Pretreatment Standard, Pretreatment Standard, or Standard. Any regulation containing pollutant Discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive Discharge limits established pursuant to 40 CFR 403.5.

(bb) New Source.

(1) A New Source is any building, structure, facility, or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards which will be applicable to such source if such standards are thereafter promulgated, provided that:

(A) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(B) The building, structure, facility or installation totally replaces the process or production equipment that causes the Discharge of pollutants at an existing source; or

(C) The production or Wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (bb)(1)(B) or (bb)(1)(C) of this Section, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source has “commenced” if the owner or operator has:

(A) Begun, or caused to begin as part of a continuous onsite construction program:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(cc) Non-Significant Categorical Industrial User (NSCIU). A Categorical Industrial User may be designated by the District as a Non-Significant Categorical Industrial User, subject to annual reevaluation by the District, upon a finding by the Director that it meets the following criteria:

(1) Never Discharges more than 100 gallons per day of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the applicable Categorical Pretreatment Standard);

(2) Has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

(3) Annually submits the certification statement required in 40 CFR 403.12(q);
and

(4) Never Discharges any untreated concentrated Wastewater.

(dd) Nuisance. A Discharge of Wastewater in violation of District regulations or Orders, or which is or could be harmful to or unreasonably affect the Wastewater Disposal Facilities of the District, or which impairs or unreasonably affects the operation and maintenance of such facilities, or which violates quantity, quality, or flow standards adopted by the District, and all Wastewater Discharges which unreasonably affect the quality of the District's treatment plant effluent in such a manner that Receiving Water Quality Requirements established by law cannot be met by the District.

(ee) Order. For purposes of this Ordinance, an Order is either:

(1) A mechanism to control the contribution to the POTW by each Discharger or Resource Recovery Program participant to ensure compliance with applicable Pretreatment Standards and other Wastewater Discharge Requirements.

(2) An Order issued under Title VI of this Ordinance for purposes of enforcement.

(ff) Ordinance. This Wastewater Control Ordinance, as amended.

(gg) Pass Through. A Discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from

other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(hh) Person. Any individual, partnership, firm, association, corporation, or Public Agency, including the State of California and the United States of America.

(ii) Pollution. An alteration of the quality of the waters of the state by Waste to a degree which unreasonably affects (1) such waters for beneficial use or (2) facilities which serve such beneficial uses.

(jj) Premises. A parcel of real property, or portion thereof, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using, and paying for Wastewater disposal service. In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided, number and location of Sewer Laterals, and whether the unit is being used for a single activity and, if not, what is the principal activity for Wastewater disposal services, and whether the unit is divided by a public or a private street, but in any case the District determination shall be final.

(kk) Pretreatment Requirement or Requirement. Any substantive or procedural pretreatment requirement other than a National Pretreatment Standard.

(ll) Process Wastewater. Any water which, during manufacturing or processing, comes into direct contact with, or results from the production or use of any raw material, intermediate product, finished product, byproduct, or Waste product.

(mm) Public Agency. A city or a sanitary district or other public entity located within the boundaries of the District.

(nn) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Clean Water Act, which is owned by the District. This definition includes any District-owned devices and systems used in the storage, treatment, recycling and reclamation of municipal Sewage or industrial Wastes of a liquid nature. It also includes District-owned sewers, pipes, pump stations, and other facilities that convey Wastewater to that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal Sewage and industrial Waste. Where indicated by context, "POTW" may also refer to the District itself.

(oo) Receiving Water Quality Requirements. Requirements for the District's treatment plant effluent established by law or by State or Federal regulatory agencies for the protection of receiving water quality. "Requirements" shall include effluent limitations, and Waste Discharge

standards, requirements, limitations, or prohibitions which may be established or adopted from time to time by State or Federal laws or regulatory agencies.

(pp) Representative Data. Data obtained through analysis of Representative Samples using approved analytical methods and procedures.

(qq) Representative Sample. Samples of Discharges that are obtained using approved sampling methods, that are representative of the quantity and quality of the Discharge, and the conditions occurring during the time the Discharge was sampled or measured.

(rr) Severe Property Damage. Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.

(ss) Sewage. The water-borne Wastes derived from human habitation and use of buildings for residential, business, commercial, institutional, and industrial purposes.

(tt) Sewer Lateral. The sewer pipe that conveys Wastewater from a Discharger at a residence, commercial, industrial, or institutional building, or other structure, to a Community Sewer.

(uu) Significant Industrial User.

(1) A Categorical Industrial User other than a Non-Significant Categorical Industrial User; or

(2) A User that:

(A) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown Wastewater);

(B) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(C) Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a User meeting the criteria in Subsection (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the District may at any time, on its own initiative or in response to a petition received from a User, determine that such User should not be considered a Significant Industrial User.

(vv) Significant Noncompliance. A Significant Industrial User (or any IU which violates paragraphs 3, 4, or 8 below) is in Significant Noncompliance with applicable Pretreatment Requirements if any violation meets one or more of the following criteria:

(1) Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period are equal to or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH.)

(3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the District determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public).

(4) Any Discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a Discharge.

(5) Failure to meet, within 90 days after the due date, a compliance schedule milestone contained in a local control mechanism or enforcement Order for starting construction, completing construction or attaining final compliance.

(6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance.

(8) Any other violation or group of violations which the District determines will adversely affect the operation or implementation of the local pretreatment program.

(ww) Slug Load or Slug Discharge. Any Discharge at a flow rate or concentration, which could cause a violation of the prohibited Discharge standards in Title II, Section 2 of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch Discharge which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the District's regulations, Local Limits or permit conditions.

(xx) Suspended Solids. The concentration of nonfilterable residue dried at 103° to 105°C on a filter in conformance with the District's approved method.

(yy) User. Same meaning as "Discharger" and is used interchangeably with that term.

(zz) Unmetered Water. Water that is not supplied by East Bay Municipal Utility District through an East Bay Municipal Utility District meter, including but not limited to stormwater, drainage water, groundwater, or Bay water.

(aaa) Waste. Includes Sewage and any and all other Waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature.

(bbb) Wastewater. All Sewage, Industrial Wastewater, and other Wastes and waters, whether treated or untreated, Discharged for treatment in Wastewater Disposal Facilities of the District.

(ccc) Wastewater Capacity Fee. A charge to each new customer, or existing customer who increases their demand for capacity for Wastewater treatment measured by flow and strength, which reasonably reflects the District cost for providing Wastewater treatment capacity.

(ddd) Wastewater Discharge Permit. A written document that contains general and specific requirements governing onsite management, pretreatment, and Discharge of Wastewater to the Community Sewer. A Wastewater Discharge Permit is issued by the Director and grants revocable permission to Discharge Wastewater to the Community Sewer.

(eee) Wastewater Disposal Facilities. Intercepting sewers, Wastewater treatment works, pumping plants, outfall sewers, and other facilities and appurtenances constructed, operated, and maintained by a special district created for Wastewater disposal purposes. As used in this Ordinance, unless the context specifically indicates otherwise, "District Facilities" shall mean Wastewater Disposal Facilities of the District.

(fff) Wastewater Strength. A measurement of the concentration of the constituents in Wastewater requiring treatment, including Suspended Solids and organic loading (measured as Chemical Oxygen Demand).

(ggg) Zero Discharger. Persons engaged in an industrial process that poses a risk of Discharge, as determined by the Director, and who the Director has further determined should be subjected to permit requirements, but who are not permitted to Discharge to the Community Sewer.

3. Title I, Section 4 is amended to read as follows:

Section 4 – Connection to Interceptor

The District will not permit direct connections of or accept direct contributions of Wastewater from sewers other than Community Sewers. Before any connection of a Community Sewer is made to an Interceptor, an application signed by the Public Agency owning the Community Sewer to be connected shall be filed with the District. The application shall be in a form approved and supplied by the District, and shall contain such information and data as may be required from time to time by the District. The connecting of Community Sewers will be performed by the Public Agency at its expense in accordance with District requirements and subject to approval and inspection by the District.

4. Title I, Section 5 is amended to read as follows:

Section 5 – Stormwater, Drainage, Groundwater, and Bay Water Prohibition

(a) The District's Wastewater Disposal Facilities are not intended to dispose of waters that are acceptable for Discharge to storm sewers or to receiving waters of the State. No User shall Discharge stormwater, drainage, groundwater, or Bay water to the Community Sewer unless expressly authorized by the Director. In the event of the Discharge of such waters from a Community Sewer into an Interceptor, the District may determine the amount of such Discharge and charge the owner of the Community Sewer the cost to the District of disposing and treating such water.

(b) The Director may approve the Discharge of stormwater, drainage, groundwater, or Bay water into the District's Wastewater Disposal Facilities on such terms and conditions as the Director may require. No such Discharge will be approved unless the Director finds that:

- (1) sufficient capacity exists to convey and treat the additional flows; and
- (2) the Discharge will not adversely affect the POTW or its ability to comply with all applicable legal requirements.

5. Title I, Section 6 is amended to read as follows:

Section 6 - Unusual Conditions

Notwithstanding any provision of this Ordinance to the contrary, the District and any Discharger or Public Agency may enter into an agreement where unusual conditions compel special terms and conditions and charges for the interception, treatment, and disposal of the Wastewater by the District. However, this Section does not authorize the waiver of Federal or State standards or requirements.

6. Title II, Section 1 is amended to read as follows:

Section 1 - Permissible Discharges

Wastewater may be Discharged into Community Sewers for interception, treatment, and disposal by the District provided that such Wastewater does not contain substances prohibited by this Ordinance, or exceed limitations of Wastewater concentration as set forth in this Ordinance; and provided further that the Discharger pays all District Wastewater disposal charges and is in compliance with all terms of this Ordinance, including permit provisions if applicable.

7. Title II, Section 2 is amended to read as follows:

Section 2 – Prohibited Discharges

(a) General Prohibition. No Person shall Discharge Wastewater into a Community Sewer which will result in Contamination, Pollution, or a Nuisance.

(b) Prohibited Effects. No Person shall Discharge Wastewater into a Community Sewer if it contains substances or has characteristics which, either alone or by interaction with other Wastewaters, cause or threaten to cause:

- (1) Damage to District facilities.
- (2) Interference with or impairment of the operation or maintenance of District facilities.
- (3) Obstruction of flow in sewers or Interceptors caused by solid or viscous materials.
- (4) Danger to life or safety of any Person.
- (5) Interference with, or overloading of, treatment or disposal processes.
- (6) Flammable or explosive conditions at or near District facilities.
- (7) Wastewater or any other by-products of the treatment process to be unsuitable for reclamation and reuse, or interfere with any processes for reclamation or reuse.
- (8) Noxious or malodorous gases or odors at or near District facilities.
- (9) Discoloration or any other condition in the quality of the District's treatment plant effluent in such a manner that Receiving Water Quality Requirements established by law cannot be met by the District.
- (10) Conditions at or near District facilities which violate any statute or any rule, regulation, or ordinance of any Public Agency or State or Federal regulatory body, including the general prohibitions contained in Federal General Pretreatment Regulations.
- (11) The presence of toxic gases, fumes, or vapors in quantities injurious to the health and safety of District personnel.
- (12) Pass Through of the District's treatment plant, causing a violation of any requirement of the District's NPDES permit.

(c) Prohibited Substances. No Person shall Discharge the following to a Community Sewer:

- (1) Wastewater which creates a fire or explosion hazard including, but not limited to, Discharges with a closed cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.

(2) Garbage, except ground food scraps from residential and commercial Premises where food is prepared and consumed.

(3) Wastewater which is subject to a Wastewater Discharge Permit except in compliance with such permit.

(d) Prohibited Locations. No Person shall Discharge any Waste or Wastewater directly into a maintenance hole or other opening in a Community Sewer other than through Sewer Laterals approved by the Public Agency owning the system; provided that a Public Agency may Discharge Wastewater directly into its system for sewer construction or maintenance and the Director may grant permission for direct Discharges to the Community Sewer, upon written application, at locations approved by the Public Agency and with payment of applicable Wastewater disposal charges to the District. No Person shall Discharge any Waste, Wastewater, or any other material directly into District facilities, including Interceptor maintenance holes, unless authorized by the Director.

(e) Prohibition on Use of Dilution. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no User shall increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a Pretreatment Standard, Requirement or Discharge limitation. The District may impose mass limitations on the Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

(f) Prohibition on Slug Discharges. No User shall Discharge any pollutant, including oxygen-demanding pollutants, at a flow rate and/or pollutant concentration which causes or threatens to cause Interference with the Wastewater treatment process. For the purposes of this Section, any Discharge at a flow rate or concentration which could cause a violation of the prohibited Discharge standards or limitations in Title II, Sections 2 and 3 of this Ordinance shall be deemed a Slug Discharge.

(g) Bypass Prohibited.

(1) Bypass of pretreatment equipment and/or Discharge points is prohibited and the District may take enforcement action against any User for Bypass unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or Severe Property Damage;

(ii) there were no feasible alternatives to the Bypass, as described in 40 CFR 403.17(d) and the Industrial User submits the notifications required in 40 CFR 403.17(c).

(2) The District may approve an anticipated Bypass, after considering its adverse effects, if the District determines that it will meet the conditions specified in part (g)(1) of this prohibition.

(h) Discharge of Petroleum or Mineral Oil Causing Pass Through or Interference Prohibited. Notwithstanding the provisions of Section 3(a), no User may Discharge petroleum oil, non-biodegradable cutting oil or other products of mineral origin in any amount that causes Interference or Pass Through.

(i) Discharge of Trucked or Hauled Wastes Prohibited. No User shall Discharge any trucked or otherwise hauled Wastes to the Community Sewer or to any District facilities unless a Material Acceptance Permit has been issued by the District.

8. Title II, Section 3 is amended to read as follows:

Section 3 – Limitations on Discharges

(a) Local Limits. No Person shall Discharge Wastewater from a Sewer Lateral into a Community Sewer if the concentration of any of the following constituents in the Wastewater exceeds the following limitations:

Arsenic	2	mg/L
Cadmium	1	mg/L
Chromium (total)	2	mg/L
Copper	5	mg/L
Cyanide	5	mg/L
Iron	100	mg/L
Lead	2	mg/L
Mercury	0.05	mg/L
Nickel	5	mg/L
Oil and Grease (animal/vegetable)	300	mg/L
Oil and Grease (mineral)	100	mg/L
pH	not less than 5.5	S.U.
Phenolic compounds	100	mg/L
Silver	1	mg/L
Temperature	150 ⁽¹⁾	°F
Total Toxic Organics (TTOs) ⁽²⁾	2.1	mg/L
Zinc	5	mg/L

⁽¹⁾ 150°F (65.5°C), or any thermal discharge which as a result of temperature and/or volume causes the influent of the wastewater treatment plant to exceed 104°F (40°C).

⁽²⁾ TTO is the summation of compounds defined as “TTO” in 40 CFR 413.02(i), excluding 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) - “dioxin”.

(b) Additional Wastewater Concentration Limits. Wastewater concentration limits for constituents not listed in Section 3(a) may be established in a Wastewater Discharge Permit based on available treatment technology, existing Wastewater conditions in the District's facilities or other factors as determined by the Director. The Director may also establish Wastewater concentration limits in the Wastewater Discharge Permits at locations within a Premises whenever non-process Wastewater may dilute the Wastewater discharging from Sewer Laterals.

(c) Best Management Practices. The District may require BMPs as an alternative to numeric limits that are developed to protect the POTW, water quality, and Sewage sludge.

(d) Quantity and Rate of Flow Limits. No Person shall Discharge Wastewater into a Community Sewer in quantities or at rates of flow which may have an adverse or harmful effect on or overload District facilities or cause excessive or additional District treatment costs. The Director may establish mass Discharge limits in Wastewater Discharge Permits to control the quantity and rate of flow of Wastewater Discharges.

(e) Radioactive Limits. No Person shall Discharge or cause to be Discharged any radioactive Wastewater into a Community Sewer except when the Person is authorized to use radioactive material by the Nuclear Regulatory Commission or other governmental agency empowered to regulate the use of radioactive materials and when the Wastewater is Discharged in strict conformity with current Nuclear Regulatory Commission regulations and recommendations for safe, disposal and in compliance with all rules and regulations of State and local regulatory agencies.

(f) Deny or Condition New or Increased Contributions. The Director may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the District's Wastewater treatment facility by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the District to violate its NPDES permit.

9. Title II, Section 4 is amended to read as follows:

Section 4 – Federal Pretreatment Standards

The General Pretreatment Regulations and Categorical Pretreatment Standards are hereby incorporated into this Ordinance and, if more stringent than limitations imposed under the Ordinance for Dischargers, shall supersede the limitations imposed under this Ordinance. The Director shall notify all affected Dischargers of the applicable standards and other requirements. Effluent limitations promulgated under the authority of the Clean Water Act shall apply in any instance where they are more stringent than those in this Ordinance.

10. Title II, Section 6 is deleted.

11. Title II, Section 7 is deleted.

12. Title III, Section 1 is amended to read as follows:

Section 1 – Classification

All Dischargers shall be classified for Wastewater disposal purposes in accordance with the principal activity conducted upon the Premises, or in accordance with the use of the Premises, for purposes of Wastewater treatment, as determined by the District in case multiple tenants or activities are on the Premises. The purpose of classification is to facilitate the regulation of Wastewater Dischargers based on quality, quantity and flow, to provide an effective means of industrial Waste source control, and to establish a system of Wastewater disposal service charges, which will insure an equitable recovery of District capital and operating costs.

13. Title III, Section 2 is amended to read as follows:

Section 2 – Calculation of Wastewater Disposal Charge

All Dischargers shall pay a use charge for District Wastewater disposal services. The charges will reflect the quantity, quality, and flow of the Dischargers' Wastewater and will be based on District capital and operating costs to intercept and treat Wastewater. All Dischargers shall also pay all other charges, fees, tolls, rentals or taxes as from time to time established or adopted by the District. Flat charges, unit charges and classification charges shall be established from time to time and set forth in a schedule of rates and charges. Unit charges will be established for each element of Wastewater Strength which incurs District costs of interception, treatment and disposal. The total Wastewater disposal charge for each Discharger shall be calculated as set forth herein:

(a) Dischargers from Residential Premises with Four or Less Dwelling Units. Dischargers from residential Premises with four or less dwelling units shall pay a total Wastewater disposal charge, regardless of the source of water, which shall be the sum of a uniform flat monthly charge per dwelling unit for Wastewater Strength and the unit charge for volume multiplied by the volume of water used, subject to a maximum volume established by the District from time to time and set forth in a schedule of rates and charges.

(b) Dischargers from Residential Premises with Five or More Dwelling Units and Dischargers from Nonresidential Premises including Permitted Dischargers. Dischargers of Wastewater from residential Premises with five or more dwelling units, and Dischargers from nonresidential Premises, including Dischargers who have obtained a Wastewater Discharge Permit, will be assigned a Business Classification Code depending on the principal activity conducted on the Premises or the use of the Premises for purposes of Wastewater treatment, as determined by the District in case multiple tenants or activities are on the Premises. All Dischargers conducting the same principal activity will receive the same Business Classification Code. The Director shall

determine the typical Wastewater Strength for each Business Classification Code, and each Discharger within that classification will be assumed, for Wastewater disposal charge purposes, to have the same typical Wastewater Strength. The Director shall also subclassify within each Business Classification Code those Dischargers who Discharge primarily segregated domestic Wastes, or Wastes from sanitary conveniences. A classification charge shall be established by the District for each Business Classification Code and subclassification, which will be based on unit charges for the elements of Wastewater Strength, as applied to the typical Wastewater Strength of the particular classification. The Wastewater disposal charge applied to a Discharger in this class will be calculated by multiplying the classification charge by the volume of water used by the Discharger.

(c) Permitted Dischargers with Unique Strength. Dischargers whose average Wastewater Strength cannot be established on a business classification basis, or whose Wastewater Strength exceeds the normal range of Wastewater Strength for the Business Classification Code to which the Discharger is assigned, shall be required to obtain a permit and shall pay a Wastewater disposal charge calculated as the sum of the products of the following: The unit charge for each element of Wastewater Strength multiplied by the average concentration of each element set forth in the permit multiplied by the volume of water used; and the unit charge for volume multiplied by the volume of water used as determined herein. The Wastewater disposal charge for these permitted Dischargers, including both Wastewater Strength and water use, shall be calculated by an apportionment by the Director of strength and use to each Sewer Lateral at the Discharger's Premises. Dischargers requiring permits solely for flow estimation shall pay a Wastewater disposal charge calculated by multiplying the classification charge by the volume of water determined by the estimation. In addition to a Wastewater disposal charge, the permitted Discharger shall pay all applicable District permit charges. All Dischargers required to obtain a permit shall pay a Wastewater disposal charge in accordance with their Business Classification Code until a permit is issued.

(d) Capacity fee. A Wastewater Capacity Fee shall be paid as established from time to time by the District and which reflects the reasonable costs of providing Wastewater treatment capacity. The Wastewater Capacity Fee shall be payable prior to the time a new Discharger commences a use of the Community Sewer. The District will calculate the Wastewater Capacity Fee based on the best available estimated information for the proposed Discharger, based on the flow, strength, and other pertinent design information at the time the new Discharger applies for the District's service. Once the new Discharger is fully established, within 24 months from commencement of Discharge, the District may review the actual flow and/or strength to verify the estimated demand for Wastewater treatment capacity. If the review indicates that the actual measured flow or strength of the Discharge is greater than the initially estimated information, the District will collect an additional Wastewater Capacity Fee. The Wastewater Capacity Fee was

made effective September 11, 1984 and the Wastewater Capacity Fee shall apply to all Dischargers who increased demand for Wastewater treatment capacity on or after July 1, 1984.

An existing Discharger shall pay a Capacity Fee when the District determines that the Discharger has increased their demand for Wastewater treatment capacity. An increased demand for Wastewater treatment capacity may also be reviewed when an existing Discharger significantly increases their Wastewater treatment capacity demand or changes the nature of their operation. An increased demand for Wastewater treatment capacity can occur even if estimating parameters (e.g., square footage, fixtures) for the Discharger may not have changed.

14. Title III, Section 3 is amended to read as follows:

Section 3 – Determination of Water Used

The applicable volume of water upon which Wastewater disposal charges shall be based will be determined as follows:

(a) Water Discharged to Community Sewer. For Premises where no portion of the water received from any source is consumed in the principal activity of the Discharger or is removed from the Premises by means other than Community Sewers, the Wastewater disposal charge shall be applied against the total amount of water, from all sources, discharged to the Community Sewer. The amount of East Bay Municipal Utility District water received will be determined by registration on an East Bay Municipal Utility District meter. The amount of water used from other sources will be determined by means of a meter installed at the expense of the Discharger and approved by the District or by an estimate prepared by the District, after the Discharger obtains a permit in accordance with this Ordinance. The Discharger shall report to the District the sources of all water used at their Premises other than that supplied by the East Bay Municipal Utility District and shall notify the District of any changes in such sources.

(b) Water Not Discharged to Community Sewer. For Premises where a portion of the water received from any source does not flow into Community Sewers, because of the principal activity of the Discharger or removal by other means, the charge for Wastewater disposal service will be applied against the volume of water discharging from such Premises into Community Sewers. Written notification and proof of the diversion of water must be provided by the Discharger if they are to avoid application of the Wastewater disposal charge against the total amount of water used from all sources. They may be required to install a meter, of a type and at a location approved by the District and at their own expense, to determine the quantity of water flowing into Community Sewers. However, where it is impractical to install meters and where a significant amount of the metered water consumption is not being Discharged to a Community

Sewer, then the charge for Wastewater disposal service may be based upon an estimate prepared by the District, after the Discharger obtains a permit in accordance with this Ordinance.

15. Title IV, Section 1 is amended to read as follows:

Section 1 – Permit Requirement

All Dischargers whose Wastewater requires special regulation or contains industrial Wastes requiring source control shall secure a Wastewater Discharge Permit. No such Discharger shall connect, Discharge, cause, allow or permit any Discharge to the Community Sewer, either directly or indirectly, except in accordance with a Wastewater Discharge Permit issued by the Director.

(a) Mandatory Permits. All Dischargers in the following categories must obtain a Wastewater Discharge Permit in accordance with this Title.

(1) Significant Industrial Users, as defined in Title I.

(2) Industrial Users not otherwise specified in this Section who are determined by the Director to warrant a control mechanism for purposes of preventing Pass Through or Interference, to protect the water quality of the San Francisco Bay, to protect worker health or safety, to facilitate sludge management or disposal, or to protect against damage to the POTW, which may include Non-Significant Categorical Industrial Users, as defined in Title I, and Zero Dischargers.

(3) Dischargers determined by the Director to require a permit to establish Wastewater disposal charges based on flow and Wastewater Strength. These may include:

(i) Dischargers whose average Wastewater Strength cannot be established on a business classification basis,

(ii) Dischargers whose Wastewater Strength exceeds the normal range of Wastewater strength for the Business Classification Code to which the Discharger is assigned.

(iii) Dischargers disposing of Unmetered Water, to whom the District may issue the following types of permits:

A. Limited-Term Permits. Permits for Users who request a permit for temporary Discharges of Unmetered Water during a specified term;

B. Groundwater Permits. Permits for Users who request a permit to Discharge groundwater on an ongoing basis; or

C. Industrial User Permits. Permits for any other User that requests a permit to Discharge Unmetered Water.

(b) Estimation Permits. Estimation Permits may be issued to a Discharger which demonstrates a significant amount of the Discharger's metered water consumption is not being Discharged to a Community Sewer. For the purposes of this Ordinance, any diversion from the Community Sewer shown to be more than 20 percent of the metered water consumption shall qualify for an Estimation Permit. Other Dischargers who can demonstrate a significant diversion may request a permit, which shall be subject to approval by the Director.

16. Title IV, Section 2 is amended to read as follows:

Section 2 – Application

Dischargers seeking a Wastewater Discharge Permit shall complete and file with the Director a District application form, accompanied by any applicable District fees. New Dischargers shall file applications 60 days prior to commencement of Discharges, unless such time is extended for good cause. The application may require the following information:

- (a) name, site address, and mailing address (if different than site address) of business;
- (b) estimated Wastewater Strength;
- (c) estimated concentration of each constituent for which a Local Limit has been established as stated in Title II Section 3 as applicable, and any other constituents that could result in Prohibited Discharges as described in Title II Section 2.
- (d) environmental control permits held by or for the facility;
- (e) estimated Wastewater flow, average and peak Wastewater Discharge flow for each Sewer Lateral;
- (f) locations of Sewer Laterals, sampling points, and pretreatment facilities;
- (g) description of activity, facilities, and plant process on the Premises, including raw materials, processes and types of materials which are or could be Discharged;

- (h) total product produced, by type;
- (i) number and type of employees;
- (j) days and hours of operation and days and hours of Discharge;
- (k) slug control plan which outlines Discharge practices (including non-routine batch Discharges), describes stored chemicals, and contains procedures both to notify the District immediately of Slug Discharges and to prevent adverse impacts from any accidental spill; and
- (l) any other information the Director shall deem necessary to evaluate the permit application.

The Director shall evaluate the application in light of this Ordinance's stated purposes and approve, conditionally approve, or deny the application as appropriate under the circumstances. Any Discharger aggrieved by the Director's decision to deny an application may appeal that decision by utilizing the procedures described in Title VI, Section 2(e) of this Ordinance.

17. Title IV, Section 3 is amended to read as follows:

Section 3 – Terms and Conditions of Permit

(a) Terms. All Wastewater Discharge Permits shall require the permittee to comply with all provisions of this Ordinance and all rates and charges established by the District. A Wastewater Discharge Permit may contain terms, conditions or other provisions that are more stringent than the requirements of this Ordinance. A Discharger must comply with all Wastewater Discharge Permit terms and conditions, and failure to do so is a violation of this Ordinance. A permit issued to a Significant Industrial User shall be valid for a specified time period, not to exceed five years or the maximum time allowed by law. The Director may renew a permit issued to a Significant Industrial User for any period not to exceed five years or the maximum time allowed by law. The period of validity for all other permits shall be as determined by the Director, and may include permits with no expiration date, provided that the Director may revise or terminate any permit at any time in the manner provided by this Ordinance. Permit renewal applications shall be submitted to the District at least 60 days before the permit expires. A permit issued to a Significant Industrial User shall require the permittee to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge.

(b) Conditions. Wastewater Discharge Permits may contain any or all of the following conditions:

- (1) Effluent limits, including Categorical Pretreatment Standards and Local Limits.
- (2) Limits on rate and time of Discharge or requirements for flow regulation and equalization.
- (3) Requirements for inspection and sampling facilities, including District access to such facilities.
- (4) Monitoring program which may include: Sampling locations; frequency and method of sampling; number, types and standard of tests; and establishing a reporting schedule. The Discharger assigned a monitoring program in conformance with this Ordinance shall pay all applicable District charges.
- (5) Submission of technical reports or Discharge reports, including, but not limited to, reports described in Title V, Section 2 of this Ordinance, or any report required by 40 CFR 403.12.
- (6) Maintenance of records relating to Wastewater Discharges, as specified by the Director, and affording District access thereto.
- (7) A statement of applicable penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule.
- (8) Requirements for the development and implementation of Pollution prevention plans to reduce the amount of pollutants Discharged to the District's treatment plant.
- (9) Notification requirements including immediate notification of any changes that affect the potential for a Slug Discharge.
- (10) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine Discharges.
- (11) Installation of technology, as specified by the Director.
- (12) Requirements to implement Best Management Practices.

(13) Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance or the terms and conditions of the Wastewater Discharge Permit.

18. Title IV, Section 4 is amended to read as follows:

Section 4 – Change of Permit Terms and Conditions

Once issued, the Director may change the terms and conditions of a Wastewater Discharge Permit, including changing the limits on Wastewater constituents, from time to time as circumstances may require. The District shall allow a Discharger reasonable time to comply with any District required changes in the permit except that a change that affects billing shall immediately affect calculation of the Wastewater disposal charge.

19. Title IV, Section 5 is amended to read as follows:

Section 5 – Transfer of Permit

A Wastewater Discharge Permit shall not be assigned or transferred without prior notice to and approval from the Director.

20. Title IV, Section 6 is amended to read as follows:

Section 6 – Termination and Modification for Violations

The Director may terminate or modify any Wastewater Discharge Permit for violation of the terms and conditions of the permit or the provisions of this Ordinance. Any Person aggrieved by the Director's decision to terminate or modify a Wastewater Discharge Permit based on such violations may appeal that decision using the procedures described in Title VI, Section (2)(f). A Discharger whose permit has been terminated based on such violations, and who desires to resume Discharging, shall apply for a new permit within 30 days of issuance of the notice of termination.

21. Title V, Section 1 is amended to read as follows:

Section 1 – Authority of Director

The Director is charged with responsibility for District's Wastewater control program and the administration and enforcement of the provisions of this Ordinance.

22. Title V, Section 2 is amended to read as follows:

Section 2 – Wastewater Source Control Requirements

In order to effectively administer and enforce the provisions of these regulations, the Director may require any Discharger to comply with any or all the following requirements:

(a) Discharge Reports. The Director may require Discharge reports, including but not limited to questionnaires, technical reports, sampling reports, and test analyses, and periodic reports of Wastewater Discharge. When a report filed by a Person pursuant to this Section is not adequate in the judgment of the Director, the Director may require such Person to supply such additional information as the Director deems necessary. The Discharge report may include, but not be limited to, nature of the process, volume and rates of Wastewater flow, elements, constituents, and characteristics of the Wastewater, together with any information required in an application for Wastewater Discharge Permit.

(b) Baseline Monitoring Report. Each Categorical Industrial User shall submit a baseline monitoring report (BMR). The requirements for a BMR, as described in 40 CFR 403.12(b) are hereby incorporated into this Ordinance. A BMR, if required, shall be reviewed by an authorized representative of the User, and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet the Pretreatment Standards and Requirements.

(c) Periodic Report of Continued Compliance.

(1) Each Categorical Industrial User, other than a Non-Significant Categorical Industrial User or Middle Tier Categorical Industrial User, shall submit to the District twice per year a report describing the nature and concentration of the pollutants which are regulated by the Categorical Pretreatment Standards and Local Limits applicable to the CIU. The User's report must be based on sampling and analysis performed during the six-month reporting period and in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. At the District's discretion, this sampling and analysis may be performed by the District. If a Categorical Pretreatment Standard requires compliance with a Best Management Practice or Pollution prevention alternative, the User must submit all documentation necessary for the District to determine the User's compliance status. The report shall include the average and maximum daily flows. The District may determine during which months the CIU shall submit these reports.

(2) Each Middle Tier Categorical Industrial User must submit to the District once per year a report describing the nature and concentration of the pollutants which are

regulated by the Categorical Pretreatment Standards and Local Limits applicable to the CIU. The User's report must be based on sampling and analysis performed during the six-month reporting period and in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. At the District's discretion, this sampling and analysis may be performed by the District. If a Categorical Pretreatment Standard requires compliance with a Best Management Practice or Pollution prevention alternative, the User must submit all documentation necessary for the District to determine the User's compliance status. The report shall include the average and maximum daily flows. The User must immediately notify the District of any changes at its facility causing it to no longer meet all conditions required for the District to designate it as a Middle Tier Categorical Industrial User and, upon giving such notification, must immediately begin submitting the report described twice per year until further notice from the District.

(3) Each Significant Industrial User other than a Categorical Industrial User must submit to the District twice per year a report describing the nature and concentration of the pollutants which are regulated by this Ordinance. The report shall include the average and maximum daily flows. The District may determine during which months the Significant Industrial User shall submit these reports. If a Local Limit requires compliance with a Best Management Practice or Pollution prevention alternative, the User must submit all documentation necessary for the District to determine the User's compliance status. The User's report must be based on sampling and analysis performed during the six-month reporting period and in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. At the District's discretion, this sampling and analysis may be performed by the District.

(4) Each Non-Significant Categorical Industrial User must submit to the District annually a certification statement stating that the facility never Discharged more than 100 gallons of total categorical Wastewater on any given day during the reporting period.

(5) Zero Dischargers must submit an annual certification statement to the District stating no Discharge of Process Wastewater occurred during the reporting period.

(d) Compliance Schedule for the Installation of Technology. The District may require a Discharger to develop a compliance schedule for the installation of technology to meet applicable Pretreatment Standards or Requirements. Requiring a compliance schedule for the installation of technology is not conditioned on a determination that a violation of the Discharger's Wastewater Discharge Permit or this Ordinance has occurred. The compliance schedule for installation of technology shall require a Discharger to submit periodic progress reports.

(e) Report on Compliance with Categorical Deadline. Each Categorical Industrial User shall submit a report within 90 days after the final date for compliance, or upon commencement of Discharge, whichever comes later, which contains flow and pollutant measurements, a certification of whether Pretreatment Standards are being met consistently, and if not, a description of needed additional operations and maintenance or pretreatment. The report on compliance with categorical deadline, if required, shall be reviewed by an authorized representative of the User, and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet the Pretreatment Standards and Requirements.

(f) Notice of Violation/Resampling Report. If sampling by a User indicates a violation of the User's Wastewater Discharge Permit, this Ordinance, or a Pretreatment Standard or Requirement, the User shall notify the District within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days of becoming aware of the violation, unless the District samples the User between the time of the initial sampling and the time when the User receives the results of this sampling. Within five (5) days of detecting such violation, the User shall, unless waived by the District, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property, nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.

(g) Slug Control Plan. The District may require a plan which outlines Discharge practices, including non-routine batch Discharges, describes stored chemicals, and contains procedures both to notify the District immediately of Slug Discharges and to prevent adverse impacts from any accidental spill.

(h) Notice of Potential Problems. Each Industrial User shall notify the District immediately of all Discharges that could cause problems to its Wastewater treatment facility, including any slug loadings, as defined by 40 CFR 403.5(b), by the Industrial User.

(i) Notification of Changed Conditions. Each Industrial User shall promptly notify the District in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p), and immediate notification of any changes that affect the potential for a Slug Discharge.

(j) Notification of Hazardous Waste Discharge.

(1) All Industrial Users discharging any substance which, if otherwise disposed of, would be a hazardous or acutely hazardous waste under 40 CFR 261, must comply with the reporting requirements of 40 CFR 403.12(p)(1) and (3) unless exempted under the provisions of 40 CFR 403.12(p)(2).

(2) In the case of any notification made under Section (1) above, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. The District may accept a copy of a hazardous waste reduction or minimization plan otherwise required by law, as compliance with this requirement.

(k) Monitoring Programs. The Director may require of Dischargers such technical or monitoring programs, including the submission of periodic reports, as the Director deems necessary, provided that the burden, including costs, of such programs and reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained therefrom. The Discharger shall pay the applicable District charge for the monitoring program, in addition to the Wastewater disposal charge and other charges established by the District. The monitoring program may require the Discharger to conduct a sampling and analysis program of a frequency and type specified by the Director or as required by the General Pretreatment Regulations to demonstrate compliance with prescribed Wastewater Discharge limits. The Discharger may:

(1) Conduct their own sampling and analysis program provided the Discharger demonstrates to the Director that they have the necessary qualifications and facilities to perform the work; or

(2) Engage a private consulting firm or laboratory, certified under the Environmental Laboratory Accreditation Program.

(3) The Director may authorize a waiver where a pollutant is neither present nor expected to be present in the Discharge as specified in 40 CFR 403.12(e)(2).

(l) Additional Monitoring Report. If a Significant Industrial User monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using approved sampling and analytical methods, the results of this monitoring shall be reported to the District.

(m) Inspection Facilities. The Director may require any non-residential Discharger to construct, at their own expense, a sampling facility or inspection maintenance hole together with

necessary related measuring and sampling equipment, in accordance with construction standards and specifications of the Public Agency owning the Community Sewer. The sampling facility or inspection maintenance hole shall be constructed on the Sewer Lateral of the Discharger and within the public right of way at a location approved by the District and the Public Agency owning the Community Sewer, provided that the Director may permit the installation of such facilities on the Premises of the Discharger at a location which will permit District access to the facility at all times. Construction shall be completed within 60 days of written notification from the Director, unless such time is extended by the Director for good cause. The Director may require the Discharger to install such sampling facilities or inspection maintenance holes on each side sewer.

(n) Pretreatment. Pretreatment systems or devices may be required by the Director to treat Wastewater prior to Discharge to the Community Sewer when it is necessary to restrict or prevent the Discharge to the Community Sewer of Wastewater having constituents in violation of the prohibitions or exceeding the limits established by this Ordinance, or to distribute Wastewater Discharges over a period of time. All pretreatment systems or devices shall be approved by the Director but such approval shall not relieve a Discharger of the responsibility for taking all steps necessary to comply with Wastewater limitations established by the District. All required pretreatment equipment shall be installed and operated at the Discharger's expense. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District.

(o) Protection From Accidental or Slug Discharge. Each Discharger shall provide protection from accidental or Slug Discharge of prohibited materials or other Wastes regulated by this Ordinance. Such facilities shall be provided and maintained at the Discharger's expense. These facilities shall be approved by the Director but such approval shall not relieve the Discharger from the responsibility of modifying the facilities to provide the protection necessary to meet the requirements of this Section.

(p) Representative Data. All data submitted in reports or applications shall be representative of conditions during the reporting period.

(q) The Director may require the submission of any other reports not specified in this Section, as deemed necessary by the District to determine a User's compliance status with local, state and federal limits or requirements.

23. Title V, Section 3 is amended to read as follows:

Section 3 – Signature Requirement

(a) All reports and permit applications received or required under these regulations, including BMR, reports on compliance with Categorical Pretreatment Standard deadlines (90-day compliance reports), and periodic reports on continued compliance, shall be signed:

(1) by a responsible corporate officer, if the User submitting the reports is a corporation. For purposes of this paragraph, a responsible corporate officer means:

(A) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(B) the manager of one or more manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures and the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty to

(i) make major capital investment recommendations;

(ii) initiate and direct other comprehensive measures to assure long-term compliance with environmental laws and regulations; and

(iii) ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements.

(2) by a general partner or proprietor if the User submitting the reports is a partnership or sole proprietorship, respectively; or

(3) by a duly authorized representative of the individual designated in paragraph (1) or (2) of this Section if:

(A) The authorization is made in writing by the individual designated in paragraph (1) or (2);

(B) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(C) The written authorization is submitted to the District.

(4) If an authorization under paragraph (a)(3) of this Section is no longer valid because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (a)(3) of this Section must be submitted to the District prior to or together with any reports to be signed by an authorized representative.

(b) Reports and applications must include the following certification statement:

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 properly 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 is, 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.

24. Title V, Section 4 is amended to read as follows:

Section 4 – Retention of Records

All records, including but not limited to all information resulting from any monitoring activities, Discharge reports, permits, self-monitoring data, pretreatment system process control logs, documentation of compliance with BMP requirements, and relevant correspondence (whether or not required by these regulations) must be maintained by the User for a period of not less than three years. Monitoring records shall be included for all samples as specified in 40 CFR 403.12(o)(1). All such records shall be made available for inspection and copying by a duly authorized representative of the District or any other governmental entity having jurisdiction. The retention period may be extended in the case of unresolved litigation or at any time at the direction of the District, the State or EPA.

25. Title V, Section 5 is amended to read as follows:

Section 5 – Analytical and Sampling Methodology and Procedures

(a) The method and procedures utilized for all analyses which are reported under the requirements of these regulations shall be as specified by the provisions of 40 CFR Part 136.

(b) The methods and procedures utilized for all sampling performed and/or reported under the requirements of this regulation shall be as specified by the provisions of 40 CFR Part 136.

(c) If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

26. Title V, Section 7 is amended to read as follows:

Section 7 – Confidential Information

All information and data obtained from a Discharger in connection with Federal Pretreatment Standards or Local Limits shall be available to the public or other governmental agencies without restriction. Dischargers may request that information provided to the District in a report, permit application, questionnaire, or in the course of an inspection be treated as confidential. In all such cases, confidential information shall be made available to governmental agencies including the EPA, the State, and the District for use in pending or potential judicial review or enforcement proceedings involving the Discharger providing the information, and may be disclosed to the public where required by the California Public Records Act or other applicable law, in which case the Discharger shall be solely responsible for taking any action necessary to prevent the release of such information. Wastewater constituents and characteristics will not be recognized as confidential information.

27. Title V, Section 8 is amended to read as follows:

Section 8 – District Inspection

The District may inspect the facilities of any Discharger to ascertain whether the provisions of this Ordinance are being met and the Wastewater Discharge limits are being complied with. Dischargers shall allow the District or its representatives ready access at all reasonable times to all parts of the Premises for the purposes of inspection or sampling or in the performance of any of their duties. Where a Discharger has security measures which would require proper identification and clearance before entry into their Premises, the User shall make arrangements with their security personnel so that, upon presentation of proper identification, District personnel will be permitted to enter without delay for the purposes of performing their specific responsibilities. Such inspection shall be made with the consent of the owner or possessor of such facilities. If the District has been refused access to any part of a Discharger's facility, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of the routine inspection and sampling program of the District, then

the Director may seek issuance of an inspection warrant or a search warrant, duly issued pursuant to the procedures set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure; provided, however, that in the event of an emergency affecting the public health or safety such inspection may be made without consent or the issuance of a warrant. To verify the Wastewater flows, characteristics, constituents, and strengths reported by Dischargers, or to determine compliance with this Ordinance, inspection, measurement, and sampling may be conducted from time to time by the District. The District shall have the right to install, maintain, and operate necessary sampling and measuring equipment on the Premises of Discharger.

28. Title V, Section 9 is amended to read as follows:

Section 9 – New Connections

Dischargers will be assigned a Business Classification Code and informed of the applicable prohibitions, limits or conditions, and the applicable rates and charges, governing Wastewater disposal service at the time of application for water service from East Bay Municipal Utility District. All nonresidential Dischargers seeking a new Sewer Lateral connection to a Community Sewer and any new Discharger requiring information prior to applying for water service should contact the Director. The Director will inform the Discharger of the regulations governing Wastewater disposal service and the applicability of requirements for inspection, sampling, or pretreatment facilities.

29. Title VI is amended to read as follows:

The Director may adopt procedures and rules for the implementation and administration of this Ordinance, including an enforcement response plan. The Director shall enforce the provisions of this Ordinance, including requirements established or permits issued hereunder, as provided herein.

Section 1 – Notices of Violation

When the Director finds that a Discharger has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit, a General Permit, an Order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that Discharger a written notice of violation. Within five days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director. Submission of such a plan in no way relieves the Discharger of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of the

Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

Section 2 – Director’s Orders

(a) Requiring Discharger to Submit Schedule of Remedial or Preventive Measures.

When the Director finds that a Discharge of Wastewater is taking place or threatening to take place that violates or will violate prohibitions or limits prescribed by this Ordinance or Wastewater source control requirements or the provisions of a Wastewater Discharge Permit, the Director may require the Discharger to submit for approval of the Director, with such modifications as the Director deems necessary, a detailed time schedule of specific actions the Discharger shall take in order to correct or prevent a violation of requirements.

(b) Issuance of Cease and Desist Orders. When the Director finds that a Discharge of Wastewater is taking place or threatening to take place in violation of prohibitions or limits of this Ordinance or Wastewater source control requirements or the provisions of a Wastewater Discharge Permit, the Director may issue an Order to cease and desist and direct that those Persons not complying with such prohibitions, limits, requirements, or provisions (1) comply forthwith, (2) comply in accordance with a time schedule set by the Director, or (3) in the event of a threatened violation, take appropriate remedial or preventative action.

(c) Cost Recovery. When the Discharge of Wastewater causes an obstruction, damage, or other impairment to Wastewater Disposal Facilities, the Director may recover costs from the Discharger to correct the problem caused by the Discharger.

(d) Termination of Service. The District may terminate a Wastewater Discharge Permit, Wastewater disposal service, or water service to any Premises if a violation of any provision of this Ordinance pertaining to control of Wastewater is found to exist or if a Discharge of Wastewater causes or threatens to cause a condition of Contamination, Pollution, or Nuisance, as defined in this Ordinance. This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment, or for any other reason.

(e) Appeal Procedures for Director’s Orders.

(1) Any Wastewater Discharge Permit holder, Wastewater Discharge Permit applicant, or Discharger aggrieved by an Order issued pursuant to this Section, or a decision that this Ordinance otherwise specifies is subject to Title VI, Section 1(f), may seek relief by filing a written appeal in accordance with this Section.

(2) An appeal must be filed no later than 15 days from the date notice of the decision was given.

(3) The appellant must submit a written statement with the appeal, signed under penalty of perjury, and containing (i) a description of the Order, or portion of the Order, that is the subject of the appeal, (ii) a description of the specific relief requested, (iii) a detailed statement of facts which the appellant believes entitles the appellant to the relief requested, and (iv) copies of all supporting documentation or other written evidence the appellant wishes the District to consider. The District may require an appeal to be submitted on a District form.

(4) The Director shall designate a District officer or employee with supervisory or managerial authority who will consider the appeal and decide whether to grant relief. The Director's designee may request additional information and the appellant shall provide such requested information within fifteen (15) business days or such other time period authorized in writing by the Director's designee. The evidence before the Director's designee shall consist of the written statement and documentation provided by the appellant in support of the appeal, relevant information in the District's files pertaining to the matter, and any other relevant evidence which, in the judgment of the Director's designee, should be considered. The Director's designee shall consider the available evidence in light of this Ordinance's stated purposes and the public's interest in the fair, equitable, and consistent implementation of this Ordinance.

(5) The Director's designee may decide the matter within 15 business days from the receipt of the complete appeal, except if the Director's designee requests additional information the matter may be decided within 15 business days from the deadline to provide such additional information. If the Director's designee does not decide the matter within the above-stated time period, the appeal shall be deemed denied on the first day following that time period. Notice of any decision will be mailed to the Person requesting relief.

(6) Within 30 calendar days after the date of mailing of written notice of any decision granting or denying relief under Subsection (5) of this Section, or within 30 days after the date the appeal is deemed denied, the Person aggrieved by the Order that was the subject of the appeal may submit to the Director a written request for reconsideration. The request for reconsideration must set forth in detail the facts and rationale supporting the request under penalty of perjury. The Director shall either personally consider the request for reconsideration, designate another senior manager or officer of the District to consider the request for reconsideration, or designate an independent hearing officer to consider the request for reconsideration as the circumstances may require.

(7) The Director may act on the request for reconsideration with or without an oral hearing in any manner the Director deems reasonable under the circumstances, except where the Order at issue has the effect of terminating Wastewater service, terminating water service, or revoking the appellant's Wastewater Discharge Permit, in which case an oral hearing shall be held at the appellant's request. Any request for a hearing shall accompany the written request for reconsideration described in Subsection (6). Failure to submit a request for a hearing in conjunction with the written request for reconsideration shall be deemed a waiver of the right to a hearing.

(8) The Director, or the other designated officer if applicable, shall thereafter issue a final written determination concerning the request for reconsideration. The Director may consider the written appeal made pursuant to Subsection (3); the decision rendered by their designee pursuant to Subsections (4) and (5); the appeal submitted pursuant to Subsection (6); evidence and argument offered at hearing, if held; relevant information in the District's files pertaining to the matter, and any other relevant evidence which, in the judgment of the Director, should be considered, including any additional information requested by the Director. The Director's decision shall become final and binding at the time the Director acts on the request for reconsideration, except to the extent the action is the subject of an administrative complaint for penalties as provided in Section 3 of this Title. Notice of the Director's action will be mailed to the appellant within 5 business days after the action.

(9) Unless the Director orders otherwise, any appealed Order or action shall remain in effect and binding upon the appellant while the appeal, including any reconsideration thereof, remains pending.

(10) Any Person aggrieved by an Order issued pursuant to this Section, or a decision that this Ordinance otherwise specifies is subject to Title VI, Section 2(e), and who wishes to appeal or challenge the Order or decision, or receive other relief from a requirement thereof, must seek review by utilizing all procedures available under this Section, and the failure to do so shall be deemed a failure of the Person subject to the Order to exhaust administrative remedies.

Section 3 – Director's Enforcement Remedies and Penalties

(a) Civil Liability Penalties. Civil liability may be imposed by the Director, a hearing officer designated by the District, or the Board in the manner provided in this Section as follows:

(1) In an amount which does not exceed one thousand dollars (\$1,000) for each day for knowingly or willfully failing or refusing to furnish technical or monitoring reports.

(2) In an amount which does not exceed five thousand dollars (\$5,000) for each day of intentionally or negligently discharging hazardous waste, as defined in Section 25117 of the Health and Safety Code, knowingly falsifying any information provided in any furnished technical or monitoring report.

(3) In an amount which does not exceed ten dollars (\$10) per gallon for Discharges in violation of any of the District's cease and desist or other Orders, or prohibitions issued, reissued, or adopted by the District.

(b) Issuance of Complaints.

(1) The Director may issue a complaint to any Person on whom civil liability may be imposed pursuant to this Ordinance. The complaint shall allege the act or failure to act that constitutes a violation of law, the provision of law authorizing civil liability to be imposed pursuant to this Ordinance, and the proposed civil liability.

(2) The complaint shall be served by personal notice or certified mail on the Person subject to the District's Discharge and reporting requirements, and shall inform the party served that a hearing shall be conducted before a hearing officer appointed by the Director, at a specified date and time, no later than 60 calendar days after the party has been served.

(3) The Person who has been issued a complaint may waive the right to a hearing in writing no later than 10 calendar days following service of notice thereof, in which case the District shall not conduct a hearing and the Person will be deemed to have waived any further right of appeal or hearing and of all subsequent administrative remedies provided in this Title. If the right to a hearing is not timely waived and the Person fails to appear at such hearing, the District shall not conduct the hearing, and the Person failing to appear will be deemed to have waived their right to a hearing and any further right of appeal and of all subsequent administrative remedies provided in this Title. If the right to a hearing is timely waived, or if a party fails to appear at the hearing, the Director may issue a final Order imposing civil liability in the amount proposed in the complaint and serve such final Order by personal notice or certified mail. Under these circumstances the Director's Order shall become effective and final upon issuance thereof and not subject to further review or appeal or any subsequent administrative remedies provided in this Title, and payment shall be made no later than 30 calendar days following the date of issuance.

(c) Proceeding Before Hearing Officer.

(1) The hearing officer shall be designated by the District. If after the hearing the hearing officer finds that the Person has violated reporting or Discharge requirements, the hearing officer may assess a fine against that Person. In determining the amount of the fine, the hearing officer shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the Discharger.

(2) The hearing officer shall serve the written decision or Order by personal notice or certified mail. Unless appealed as set forth in this Section, the hearing officer's decision or Order setting administrative civil liability shall become effective and final upon issuance thereof, and payment shall be made no later than 30 calendar days from the date the party is served notice of the hearing officer's decision or Order.

(d) Appeal to Board.

(1) Any party dissatisfied with the hearing officer's decision or Order following a complaint issued under Subsection (b) of this Section may appeal that decision or Order to the Board by filing a written appeal setting forth each ground on which the appeal is based. The appeal shall be filed with the Secretary of the District no later than 30 calendar days from the date of personal service or certified mailing of the hearing officer's decision or Order. The failure to timely file an appeal with the Secretary of the District is jurisdictional and shall be deemed a failure to exhaust administrative remedies.

(2) The Board may grant or deny review of the hearing officer's decision or Order upon receipt of a timely appeal.

(3) If the Board denies review of the hearing officer's decision or Order, the hearing officer's decision or Order shall immediately become effective and final. Unless the hearing officer's decision or Order is appealed as set forth in this paragraph, payment shall be made no later than 30 calendar days from the date the party is served notice of the decision by the Board to deny review. Upon denial of review by the Board, any party dissatisfied with the hearing officer's decision or Order may obtain review of the hearing officer's decision or Order in the superior court by filing in the court a petition for writ of mandate in accordance with Subsection (d)(6) of this Section.

(4) If the Board grants review of the hearing officer's decision or Order, the Board has discretion to do any of the following:

(A) Adopt the hearing officer's decision or Order in its entirety;

(B) Reduce or otherwise mitigate the penalty imposed by the hearing officer's decision or Order and adopt the balance of the proposed decision or Order;

(C) Make technical or other minor changes to the hearing officer's decision or Order (limited to clarifying or similar changes not affecting the factual or legal basis of the hearing officer's decision) and adopt it in its modified form;

(D) Reject the hearing officer's decision or Order and refer the case back to the hearing officer to take further evidence and prepare a revised proposed decision; or

(E) Reject the hearing officer's decision or Order and decide the case itself on the record, with or without taking additional evidence and after affording the parties an opportunity to provide written or oral argument before the Board. If the Board chooses to decide the case itself on the record and finds, after reviewing the record before the hearing officer and any additional evidence and argument accepted, that the Person has violated reporting or Discharge requirements, the Board may assess a fine against that Person. In determining the amount of the fine, the Board shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the Discharger.

(5) The Board shall serve notice of any Order or decision made under Section 3(d) of this Title by personal notice or certified mail. An Order issued by the Board setting administrative civil liability shall become effective and final upon issuance thereof, and payment shall be made no later than 30 calendar days from the date the party is served notice of the Order or decision.

(6) The decision shall be deemed final on the date of mailing by certified mail or personal delivery of the decision by the Board. Judicial review of any decision subject to the provisions of this Section may be had only if the petition for writ of mandate is filed within 90 days after the decision becomes final, in accordance with California Code of Civil Procedure Section 1094.6.

Section 4 – Criminal Penalties

(a) Any Person who intentionally Discharges Wastewater in any manner, in violation of any Order issued by the Director, which results in Contamination, Pollution, or a Nuisance, as defined in this Ordinance, is guilty of a misdemeanor and may be subject to criminal penalties of not more than \$1,000 per day for each such violation, including, but not limited to, any violation of Pretreatment Standards or Requirements.

(b) Any Person who knowingly makes any false statement or representation in any record, report, plan, or other document filed with the District, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the District, shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) or by imprisonment in the county jail for not more than six months, or by both.

Section 5 – Civil Enforcement Remedies and Penalties

The District may pursue any of the alternative civil remedies herein against any Discharger who violates the provisions of this Ordinance.

(a) Civil Enforcement Penalties.

(1) Any Person who fails to comply with any Order issued by the District, including Orders related to Pretreatment Standards or Requirements, shall be subject to a civil penalty not to exceed ten thousand dollars (\$10,000) for each day in which the Discharge, violation, or refusal occurs.

(2) Any Person who intentionally or negligently violates any Order issued by the District for violation of rules regulating or prohibiting Discharge of Wastewater which causes or threatens to cause a condition of Contamination, Pollution or Nuisance, as defined in this article, may be liable civilly in a sum not to exceed twenty-five thousand dollars (\$25,000) for each day in which the violation occurs. The attorney of the District, upon request of the Board of Directors of the District, shall petition the Superior Court to impose, assess, and recover such sums.

(b) Injunction. Whenever a Discharge of Wastewater is in violation of the provisions of this Ordinance, including but not limited to violation of a Pretreatment Standard or Requirement, or otherwise causes or threatens to cause a condition of Contamination, Pollution, or Nuisance, or whenever non-Discharge violations occur including failure to submit a required report or failure to allow the District's inspectors access to an industrial facility, the District may petition the Superior

Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining the continuance of such violations.

30. Title VII, Section 1 is amended to read as follows:

Section 1 – Purpose

The Resource Recovery Program was established under the authority of the Municipal Utility District Act to utilize excess capacity at the District's Main Wastewater Treatment Plant by accepting materials transported by truck, rail, or other means at designated receiving stations. The provisions of this Title apply to the Discharge of hauled or trucked Waste at designated receiving stations, and do not apply to or regulate Discharges to Community Sewers.

31. Title VII, Section 2 is amended to read as follows:

Section 2 – Regulation of Discharges

Permitted materials may be Discharged into designated receiving stations at District Wastewater facilities provided that such material has been deemed acceptable by the District under Resource Recovery acceptance procedures and has been permitted by the District. Under no circumstances may any Person discharge hazardous waste, as defined under State and Federal regulations, into the designated receiving stations. It is entirely within the District's discretion to accept or reject any material, permittee, generator, or hauler. The District maintains full discretion on the issuance, terms and conditions, and revocation of permits.

No Person shall Discharge materials through the Resource Recovery Program without first obtaining a Material Acceptance Permit as described in Section 3 of this Title. The District in its discretion may accept Wastes or Wastewater that exceed a Local Limit via the Resource Recovery Program if approved by the District in advance. The District may accept Waste or Wastewater with pH less than 5.5 at designated receiving stations specifically designed to accommodate low pH Waste.

Material determined by the District to be subject to Categorical Pretreatment Standards will be required to meet all applicable rules and the Waste generator will be classified as a Categorical Industrial User.

32. Title VII, Section 3 is amended to read as follows:

Section 3 – Permit Requirements

All participants in the Resource Recovery Program shall secure a Material Acceptance Permit. The permitting process may include collection of information about the Waste stream and generator; collection of information from the Waste generator, if not the permittee, by District; collection and analysis of samples by generator, permittee, or District; and an evaluation of potential impacts including worker health and safety, plant process impacts, and regulatory impacts to air, liquid and solid Waste permits. Persons seeking a Material Acceptance Permit shall complete and file a District application form accompanied by the applicable District permit fee. The application requires information on Waste characterization including, but not limited to, origin of the Waste, estimated Waste quantity, Waste characteristics including pH, organic analysis, and analysis for other potential pollutants including metals. The application also includes certification of insurance. All permitting decisions shall rest with the Director.

All Material Acceptance Permits shall be subject to all provisions of this Title and all applicable rates and charges established by the District. Material Acceptance Permit conditions may contain any and all of the following: Limits on Waste characteristics, rate, volume, number of loads, time, and location of Discharge; Monitoring and audit program which may include random and unannounced inspections and sampling; Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance and/or terms and conditions of the permit. Dischargers are prohibited from discharging materials except as expressly provided in the Material Acceptance Permit.

33. Title VII, Section 4 is amended to read as follows:

Section 4 – Administration and Enforcement

The Director is charged with responsibility for District's Wastewater control program and the administration and enforcement of the provisions of this Ordinance. In order to effectively administer and enforce the provisions of these regulations, the Director may require any Material Acceptance Permit holder to comply with any or all of the requirements described in Title V Administration, Section 2.

The Director may adopt procedures and rules for the implementation and administration of this Title. The Director shall enforce the provisions of this Title, including requirements established or Material Acceptance Permits issued hereunder as provided herein.

(a) Requiring Permittee to Submit Schedule of Remedial or Preventive Measures. When the Director finds that a Resource Recovery Program participant has violated or will violate prohibitions or limits prescribed by this Ordinance, Wastewater source control requirements, or the provisions of a Material Acceptance Permit, the Director may require the Resource Recovery Program participant to submit for approval of the Director, with such modifications as the Director deems necessary, a detailed time schedule of specific actions the Resource Recovery Program participant shall take in order to correct or prevent a violation of requirements.

(b) Discharge Without a Permit. No Person shall Discharge any substance into a District facility under the Resource Recovery Program without a Material Acceptance Permit.

(c) Violation of Permit Terms and Conditions. When the Director finds that a Discharge of materials is taking place or about to take place in violation of prohibitions or limits of this Ordinance or a Material Acceptance Permit, the Director may direct those Persons not complying with such prohibitions, limits, requirements, or provisions to

(1) comply forthwith,

(2) comply in accordance with a time schedule set by the Director, or

(3) in the event of a threatened violation, take appropriate remedial or preventative action. Discharges in violation of a permit may be fined an amount not to exceed \$10/gallon in addition to direct and indirect costs associated with the Discharge.

(d) Cost Recovery. When the Discharge under the Resource Recovery Program causes an obstruction, damage, or other impairment to Wastewater Disposal Facilities, the Director may recover costs from the Resource Recovery Program participant to correct the problem caused by the Resource Recovery Program participant.

(e) Termination of Material Acceptance Permit. The District may terminate a Material Acceptance Permit at will. Grounds for termination of a Material Acceptance Permit include, but are not limited to, discharging material that deviates from the material described in the Material Acceptance Permit, a violation of this Ordinance pertaining to control of Wastewater, or a Discharge of materials that causes or threatens to cause a condition of Contamination, Pollution, or Nuisance, as defined in this Ordinance. This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment, or for any other reason.

(f) Civil Liability Penalties. Resource Recovery Program participants may be subject to civil liability as described in Title VI Section 3.

(g) Criminal Penalties. Resource Recovery Program participants may be subject to criminal liability as described in Title VI Section 4.

(h) Civil Enforcement Remedies and Penalties. The District may pursue any of the alternative civil remedies described in Title VI Section 5 against any Resource Recovery Program participant who violates the provisions of this Ordinance.

34. Title VII is amended to read as follows:

Title VII – Severability

If any provision of this Ordinance, or the application thereof to any Person or circumstance, is held invalid, the remainder of the Ordinance, or the application of such provision to other Persons or circumstances, shall not be affected thereby.

SECTION 3

The General Manager, the Director of Wastewater, and their designees are hereby authorized to publicly distribute the attached document entitled "Consolidated Wastewater Control Ordinance" (hereinafter, the "Consolidated Ordinance"). The Board of Directors finds and declares the following: (i) the Consolidated Ordinance's sole intended purpose is to restate within a single document for the convenience of the public the text of Ordinance No. 355-11 as subsequently amended by Ordinance No. 358-13 and this Ordinance; (ii) the Consolidated Ordinance, as a reference document prepared solely for public convenience, is not part of this Ordinance and is not intended to have any legal effect separate or apart from Ordinance No. 358-11 as subsequently amended by Ordinance No. 358-13 and this Ordinance; and (iii) to the extent the Consolidated Ordinance, or any portion of it, may be inconsistent with or conflict with Ordinance No. 355-11 as subsequently amended by Ordinance No. 358-13 and this Ordinance, it is the express intention of the Board of Directors that full legal effect be given to the provisions of Ordinance No. 355-11 as subsequently amended by Ordinance No. 358-13 and this Ordinance, and not to the Consolidated Ordinance nor any portion thereof.

SECTION 4

Except as expressly set forth in this Ordinance, all provisions of Ordinance No. 355-11 as previously amended by Ordinance No. 358-13 shall remain in full force and effect.

SECTION 5

If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SECTION 6

This Ordinance shall become effective on September 13, 2024.

President

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly introduced at a regular meeting of the Board of Directors of East Bay Municipal Utility District held on July 9, 2024 at the offices of said District, 375 – 11th Street, Oakland, California, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors held at the same place on August 13, 2024 at which time the same was finally adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

{00098012}

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CONSOLIDATED WASTEWATER CONTROL ORDINANCE

Effective September 13, 2024

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TITLE I – GENERAL

SECTION 1

SHORT TITLE

This Ordinance shall be known as the “WASTEWATER CONTROL ORDINANCE”.

(Ord. No. 355-11, 7-12-2011)

SECTION 2

PURPOSE

Special District No. 1 of the EAST BAY MUNICIPAL UTILITY DISTRICT was formed and exists under the provisions of the Municipal Utility District Act (Public Utilities Code of the State of California, Division 6) for Wastewater disposal service within its boundaries. Wastewater Disposal Facilities have been constructed for the interception, treatment, and disposal of Wastewater and industrial Wastes originating within its boundaries. The purpose of this Ordinance is to regulate the interception of Wastewater and industrial Wastes and to control Wastewater to provide the maximum public benefit of the Wastewater Disposal Facilities of the District. The regulations shall include provisions for source control in order to monitor and control quantity, quality, and flow of Wastewater and industrial Waste. The regulations shall require charges for use of Wastewater Disposal Facilities of the District which are designed to achieve an equitable recovery of the capital and operating costs of such facilities. The regulations shall include provisions for enforcement and penalties for violations.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)



SECTION 3

DEFINITIONS

For the purposes of this Ordinance, unless the context specifically indicates otherwise, the meaning of terms used shall be as follows:

(a) Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Title II, Section 2 of this Ordinance. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or Waste disposal, or drainage from raw materials storage.

(b) Board. The Board of Directors of the District.

(c) Business Classification Code. A classification of Dischargers that is determined by the District based upon the principal activity conducted upon, or use of, a parcel of real property or portion thereof. Business Classification Codes are based on the Standard Industrial Classification Manual published by the United States Office of Management and Budget in 1987.

(d) Bypass. The intentional diversion of wastestreams from any portion of a Discharger's treatment facility.

(e) Categorical Industrial User (CIU). A Discharger subject to a Categorical Pretreatment Standard.

(f) Categorical Pretreatment Standards. The regulations containing pollutant Discharge limits that apply to specific categories of Industrial Users, codified in Title 40 of the CFR, Chapter I, Subchapter N, Part 405 *et seq.*

(g) CFR. Code of Federal Regulations.

(h) Chemical Oxygen Demand. Chemical Oxygen Demand is the measure of the oxygen-consuming capacity of inorganic and organic matter present in Wastewater.

(i) Community Sewer. A sewer system owned and operated by a Public Agency within the boundaries of the District which is connected to a District Interceptor and receives Wastewater from the Sewer Lateral of a Discharger.



(j) Contamination. An impairment of the quality of the waters of the state by Waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of Wastewater, whether or not waters of the state are affected.

(k) Director. Director of the Wastewater Department of the East Bay Municipal Utility District, or their designated representative.

(l) Discharger. Any Person who Discharges, permits the Discharge of, or causes the Discharge of Wastewater to a Community Sewer system or District facilities.

(m) District. Special District No. 1 of the East Bay Municipal Utility District.

(n) EPA. The United States Environmental Protection Agency.

(o) Federal Act, Clean Water Act, or Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 U.S.C. § 1251 et seq.).

(p) General Manager. The General Manager of the East Bay Municipal Utility District.

(q) General Permits. Wastewater Discharge Permits for a group of Industrial Users that

- (1) have the same or substantially similar types of operations,
- (2) Discharge the same types of Wastes,
- (3) require the same effluent limitations,
- (4) require the same or similar monitoring, and
- (5) in the opinion of the District are more appropriately controlled under a general control mechanism than under individual control mechanisms.

(r) General Pretreatment Regulations. Any regulations promulgated by EPA in accordance with Sections 307(b) and (c), and 402(b)(8) of the Act (33 U.S.C. § 1317) for the implementation, administration and enforcement of Pretreatment Standards, including the



regulations codified at 40 CFR Part 403.

(s) Indirect Discharge or Discharge. The introduction of Wastewater into a Community Sewer or District facilities.

(t) Industrial User (IU). A source of any Industrial Wastewater from any non-domestic source regulated under Section 307(b), (c) or (d) of the Clean Water Act.

(u) Industrial Wastewater. Includes any nondomestic liquid or semisolid Wastes from any producing, manufacturing, or processing operation of whatever nature.

(v) Interceptor. An intercepting sewer owned and operated by the District that conveys Wastewater from the Community Sewer to the POTW.

(w) Interference. A Discharge which, alone or in conjunction with Discharges from other sources, both:

(1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) therefore is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of Sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(x) Local Limits. Discharge limits and BMPs developed and enforced by the District to implement the general and specific Discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b), as set forth in Title II, Section 3(a) of this Ordinance.

(y) Material Acceptance Permit (MAP). Permit issued by the District under the Resource Recovery Program authorizing the Discharge of hauled Waste of a specific nature, as defined in the permit, at designated receiving stations of the POTW.



(z) Middle Tier Categorical Industrial User. A Categorical Industrial User may be designated by the District as a Middle Tier CIU upon a finding by the Director that it complies with all of the following:

(1) Its Discharge of categorical Wastewater does not exceed any of the following:

(A) 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gpd, whichever is smaller;

(B) 0.01 percent of the design dry weather organic treatment capacity of the POTW;

(C) 0.01 percent of the maximum allowable headworks loading for any pollutant listed in the Local Limits;

(2) It has not been in Significant Noncompliance at any time in the past two years; and

(3) It does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing its reporting requirement would result in data that is not representative of conditions occurring during the reporting period.

(aa) National Pretreatment Standard, Pretreatment Standard, or Standard. Any regulation containing pollutant Discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive Discharge limits established pursuant to 40 CFR 403.5.

(bb) New Source.

(1) A New Source is any building, structure, facility, or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards which will be applicable to such source if such standards are thereafter promulgated, provided that:

(A) The building, structure, facility or installation is constructed at a site at which no other source is located; or



(B) The building, structure, facility or installation totally replaces the process or production equipment that causes the Discharge of pollutants at an existing source; or

(C) The production or Wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (bb)(1)(B) or (bb)(1)(C) of this Section, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source has “commenced” if the owner or operator has:

(A) Begun, or caused to begin as part of a continuous onsite construction program:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.



(cc) Non-Significant Categorical Industrial User (NSCIU). A Categorical Industrial User may be designated by the District as a Non-Significant Categorical Industrial User, subject to annual reevaluation by the District, upon a finding by the Director that it meets the following criteria:

(1) Never Discharges more than 100 gallons per day of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the applicable Categorical Pretreatment Standard);

(2) Has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

(3) Annually submits the certification statement required in 40 CFR 403.12(q); and

(4) Never Discharges any untreated concentrated Wastewater.

(dd) Nuisance. A Discharge of Wastewater in violation of District regulations or Orders, or which is or could be harmful to or unreasonably affect the Wastewater Disposal Facilities of the District, or which impairs or unreasonably affects the operation and maintenance of such facilities, or which violates quantity, quality, or flow standards adopted by the District, and all Wastewater Discharges which unreasonably affect the quality of the District's treatment plant effluent in such a manner that Receiving Water Quality Requirements established by law cannot be met by the District.

(ee) Order. For purposes of this Ordinance, an Order is either:

(1) A mechanism to control the contribution to the POTW by each Discharger or Resource Recovery Program participant to ensure compliance with applicable Pretreatment Standards and other Wastewater Discharge requirements.

(2) An Order issued under Title VI of this Ordinance for purposes of enforcement.

(ff) Ordinance. This Wastewater Control Ordinance, as amended.

(gg) Pass Through. A Discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a Discharge or



Discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(hh) Person. Any individual, partnership, firm, association, corporation, or Public Agency, including the State of California and the United States of America.

(ii) Pollution. An alteration of the quality of the waters of the state by Waste to a degree which unreasonably affects (1) such waters for beneficial use or (2) facilities which serve such beneficial uses.

(jj) Premises. A parcel of real property, or portion thereof, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using, and paying for Wastewater disposal service. In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided, number and location of Sewer Laterals, and whether the unit is being used for a single activity and, if not, what is the principal activity for Wastewater disposal services, and whether the unit is divided by a public or a private street, but in any case the District determination shall be final.

(kk) Pretreatment Requirement or Requirement. Any substantive or procedural pretreatment requirement other than a National Pretreatment Standard.

(ll) Process Wastewater. Any water which, during manufacturing or processing, comes into direct contact with, or results from the production or use of any raw material, intermediate product, finished product, byproduct, or Waste product.

(mm) Public Agency. A city or a sanitary district or other public entity located within the boundaries of the District.

(nn) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Clean Water Act, which is owned by the District. This definition includes any District-owned devices and systems used in the storage, treatment, recycling and reclamation of municipal Sewage or industrial Wastes of a liquid nature. It also includes District-owned sewers, pipes, pump stations, and other facilities that convey Wastewater to that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal Sewage and industrial Waste. Where indicated by context, "POTW" may also refer to the District itself.

(oo) Receiving Water Quality Requirements. Requirements for the District's



treatment plant effluent established by law or by State or Federal regulatory agencies for the protection of receiving water quality. “Requirements” shall include effluent limitations, and Waste Discharge standards, requirements, limitations, or prohibitions which may be established or adopted from time to time by State or Federal laws or regulatory agencies.

(pp) Representative Data. Data obtained through analysis of Representative Samples using approved analytical methods and procedures.

(qq) Representative Sample. Samples of Discharges that are obtained using approved sampling methods, that are representative of the quantity and quality of the Discharge, and the conditions occurring during the time the Discharge was sampled or measured.

(rr) Severe Property Damage. Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.

(ss) Sewage. The water-borne Wastes derived from human habitation and use of buildings for residential, business, commercial, institutional, and industrial purposes.

(tt) Sewer Lateral. The sewer pipe that conveys Wastewater from a Discharger at a residence, commercial, industrial, or institutional building, or other structure, to a Community Sewer.

(uu) Significant Industrial User.

(1) A Categorical Industrial User other than a Non-Significant Categorical Industrial User; or

(2) A User that:

(A) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown Wastewater);

(B) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or



(C) Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(3) Upon a finding that a User meeting the criteria in Subsection (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the District may at any time, on its own initiative or in response to a petition received from a User, determine that such User should not be considered a Significant Industrial User.

(vv) Significant Noncompliance. A Significant Industrial User (or any IU which violates paragraphs 3, 4, or 8 below) is in Significant Noncompliance with applicable Pretreatment Requirements if any violation meets one or more of the following criteria:

(1) Chronic violations of Wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period are equal to or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).

(3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the District determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public).

(4) Any Discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a Discharge.

(5) Failure to meet, within 90 days after the due date, a compliance schedule milestone contained in a local control mechanism or enforcement Order for starting construction, completing construction or attaining final compliance.



(6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance.

(8) Any other violation or group of violations which the District determines will adversely affect the operation or implementation of the local pretreatment program.

(ww) Slug Load or Slug Discharge. Any Discharge at a flow rate or concentration, which could cause a violation of the prohibited Discharge standards in Title II, Section 2 of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch Discharge which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the District's regulations, Local Limits or permit conditions.

(xx) Suspended Solids. The concentration of nonfilterable residue dried at 103° to 105°C on a filter in conformance with the District's approved method.

(yy) User. Same meaning as “Discharger” and is used interchangeably with that term.

(zz) Unmetered Water. Water that is not supplied by East Bay Municipal Utility District through an East Bay Municipal Utility District meter, including but not limited to stormwater, drainage water, groundwater, or Bay water.

(aaa) Waste. Includes Sewage and any and all other Waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature.

(bbb) Wastewater. All Sewage, Industrial Wastewater, and other Wastes and waters, whether treated or untreated, Discharged for treatment in Wastewater Disposal Facilities of the District.

(ccc) Wastewater Capacity Fee. A charge to each new customer, or existing customer who increases their demand for capacity for Wastewater treatment measured by flow and strength, which reasonably reflects the District cost for providing Wastewater treatment capacity.



(ddd) Wastewater Discharge Permit. A written document that contains general and specific requirements governing onsite management, pretreatment, and Discharge of Wastewater to the Community Sewer. A Wastewater Discharge Permit is issued by the Director and grants revocable permission to Discharge Wastewater to the Community Sewer.

(eee) Wastewater Disposal Facilities. Intercepting sewers, Wastewater treatment works, pumping plants, outfall sewers, and other facilities and appurtenances constructed, operated, and maintained by a special district created for Wastewater disposal purposes. As used in this Ordinance, unless the context specifically indicates otherwise, “District Facilities” shall mean Wastewater Disposal Facilities of the District.

(fff) Wastewater Strength. A measurement of the concentration of the constituents in Wastewater requiring treatment, including Suspended Solids and organic loading (measured as Chemical Oxygen Demand).

(ggg) Zero Discharger. Persons engaged in an industrial process that poses a risk of Discharge, as determined by the Director, and who the Director has further determined should be subjected to permit requirements, but who are not permitted to Discharge to the Community Sewer.

(Ord. No. 355-11, 7-12-2011; Ord. No. 358-13 § 2, 7-23-2013; Ord. No. 377-24 § 2, 08-13-2024)



SECTION 4

CONNECTION TO INTERCEPTOR

The District will not permit direct connections of or accept direct contributions of Wastewater from sewers other than Community Sewers. Before any connection of a Community Sewer is made to an Interceptor, an application signed by the Public Agency owning the Community Sewer to be connected shall be filed with the District. The application shall be in a form approved and supplied by the District, and shall contain such information and data as may be required from time to time by the District. The connecting of Community Sewers will be performed by the Public Agency at its expense in accordance with District requirements and subject to approval and inspection by the District.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 5

STORMWATER, DRAINAGE, GROUNDWATER, AND BAY WATER PROHIBITION

(a) The District's Wastewater Disposal Facilities are not intended to dispose of waters that are acceptable for Discharge to storm sewers or to receiving waters of the State. No User shall Discharge stormwater, drainage, groundwater, or Bay water to the Community Sewer unless expressly authorized by the Director. In the event of the Discharge of such waters from a Community Sewer into an Interceptor, the District may determine the amount of such Discharge and charge the owner of the Community Sewer the cost to the District of disposing and treating such water.

(b) The Director may approve the Discharge of stormwater, drainage, groundwater, or Bay water into the District's Wastewater Disposal Facilities on such terms and conditions as the Director may require. No such Discharge will be approved unless the Director finds that:

- (1) sufficient capacity exists to convey and treat the additional flows;
- and
- (2) the Discharge will not adversely affect the POTW or its ability to comply with all applicable legal requirements.

(Ord. No. 355-11, 7-12-2011; Ord. No. 358-13 § 2, 7-23-2013; Ord. No. 377-24 § 2, 08-13-2024)



SECTION 6

UNUSUAL CONDITIONS

Notwithstanding any provision of this Ordinance to the contrary, the District and any Discharger or Public Agency may enter into an agreement where unusual conditions compel special terms and conditions and charges for the interception, treatment, and disposal of the Wastewater by the District. However, this Section does not authorize the waiver of Federal or State standards or requirements.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)



TITLE II – REGULATION OF THE WASTEWATER DISCHARGES

SECTION 1

PERMISSIBLE DISCHARGES

Wastewater may be Discharged into Community Sewers for interception, treatment, and disposal by the District provided that such Wastewater does not contain substances prohibited by this Ordinance or exceed limitations of Wastewater concentration as set forth in this Ordinance; and provided further that the Discharger pays all District Wastewater disposal charges and is in compliance with all terms of this Ordinance, including permit provisions if applicable.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 2

PROHIBITED DISCHARGES

(a) General Prohibition. No Person shall Discharge Wastewater into a Community Sewer which will result in Contamination, Pollution, or a Nuisance.

(b) Prohibited Effects. No Person shall Discharge Wastewater into a Community Sewer if it contains substances or has characteristics which, either alone or by interaction with other Wastewaters, cause or threaten to cause:

- (1) Damage to District facilities.
- (2) Interference with or impairment of the operation or maintenance of District facilities.
- (3) Obstruction of flow in sewers or Interceptors caused by solid or viscous materials.
- (4) Danger to life or safety of any Person.
- (5) Interference with, or overloading of, treatment or disposal processes.



(6) Flammable or explosive conditions at or near District facilities.

(7) Wastewater or any other by-products of the treatment process to be unsuitable for reclamation and reuse, or interfere with any processes for reclamation or reuse.

(8) Noxious or malodorous gases or odors at or near District facilities.

(9) Discoloration or any other condition in the quality of the District's treatment plant effluent in such a manner that Receiving Water Quality Requirements established by law cannot be met by the District.

(10) Conditions at or near District facilities which violate any statute or any rule, regulation, or ordinance of any Public Agency or State or Federal regulatory body, including the general prohibitions contained in Federal General Pretreatment Regulations.

(11) The presence of toxic gases, fumes, or vapors in quantities injurious to the health and safety of District personnel.

(12) Pass Through of the District's treatment plant, causing a violation of any requirement of the District's NPDES permit.

(c) Prohibited Substances. No Person shall Discharge the following to a Community Sewer:

(1) Wastewater which creates a fire or explosion hazard including, but not limited to, Discharges with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.

(2) Garbage, except ground food scraps from residential and commercial Premises where food is prepared and consumed.

(3) Wastewater which is subject to a Wastewater Discharge Permit except in compliance with such permit.

(d) Prohibited Locations. No Person shall Discharge any Waste or Wastewater directly into a maintenance hole or other opening in a Community Sewer other than through Sewer Laterals approved by the Public Agency owning the system; provided that a Public



Agency may Discharge Wastewater directly into its system for sewer construction or maintenance and the Director may grant permission for direct Discharges to the Community Sewer, upon written application, at locations approved by the Public Agency and with payment of applicable Wastewater disposal charges to the District. No Person shall Discharge any Waste, Wastewater, or any other material directly into District facilities, including Interceptor maintenance holes, unless authorized by the Director.

(e) Prohibition on Use of Dilution. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no User shall increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a Pretreatment Standard, Requirement or Discharge limitation. The District may impose mass limitations on the Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

(f) Prohibition on Slug Discharges. No User shall Discharge any pollutant, including oxygen-demanding pollutants, at a flow rate and/or pollutant concentration which causes or threatens to cause Interference with the Wastewater treatment process. For the purposes of this Section, any Discharge at a flow rate or concentration which could cause a violation of the prohibited Discharge standards or limitations in Title II, Sections 2 and 3 of this ordinance shall be deemed a Slug Discharge.

(g) Bypass Prohibited.

(1) Bypass of pretreatment equipment and/or Discharge points is prohibited and the District may take enforcement action against any User for Bypass unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or Severe Property Damage;

(ii) there were no feasible alternatives to the Bypass, as described in 40 CFR 403.17(d) and the Industrial User submits the notifications required in 40 CFR 403.17(c).

(2) The District may approve an anticipated Bypass, after considering its adverse effects, if the District determines that it will meet the conditions specified in part (g)(1) of this prohibition.



(h) Discharge of Petroleum or Mineral Oil Causing Pass Through or Interference Prohibited. Notwithstanding the provisions of Section 3(a), no User may Discharge petroleum oil, non-biodegradable cutting oil or other products of mineral origin in any amount that causes Interference or Pass Through.

(i) Discharge of Trucked or Hauled Wastes Prohibited. No User shall Discharge any trucked or otherwise hauled Wastes to the Community Sewer or to any District facilities unless a Material Acceptance Permit has been issued by the District.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 3

LIMITATIONS ON DISCHARGES

(a) Local Limits. No Person shall Discharge Wastewater from a Sewer Lateral into a Community Sewer if the concentration of any of the following constituents in the Wastewater exceeds the following limitations:



Arsenic	2	mg/L
Cadmium	1	mg/L
Chromium (total)	2	mg/L
Copper	5	mg/L
Cyanide	5	mg/L
Iron	100	mg/L
Lead	2	mg/L
Mercury	0.05	mg/L
Nickel	5	mg/L
Oil and Grease (animal/vegetable)	300	mg/L
Oil and Grease (mineral)	100	mg/L
pH	not less than 5.5	S.U.
Phenolic compounds	100	mg/L
Silver	1	mg/L
Temperature	150 ⁽¹⁾	°F
Total Toxic Organics (TTOs) ⁽²⁾	2.1	mg/L
Zinc	5	mg/L

(1) 150°F (65.5°C), or any thermal discharge which as a result of temperature and/or volume causes the influent of the wastewater treatment plant to exceed 104°F (40°C).

(2) TTO is the summation of compounds defined as “TTO” in 40 CFR 413.02(i), excluding 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) - “dioxin”

(b) Additional Wastewater Concentration Limits. Wastewater concentration limits for constituents not listed in Section 3(a) may be established in a Wastewater Discharge Permit based on available treatment technology, existing Wastewater conditions in the District's facilities or other factors as determined by the Director. The Director may



also establish Wastewater concentration limits in the Wastewater Discharge Permits at locations within a Premises whenever non-process Wastewater may dilute the Wastewater discharging from Sewer Laterals.

(c) Best Management Practices. The District may require BMPs as an alternative to numeric limits that are developed to protect the POTW, water quality, and Sewage sludge.

(d) Quantity and Rate of Flow Limits. No Person shall Discharge Wastewater into a Community Sewer in quantities or at rates of flow which may have an adverse or harmful effect on or overload District facilities or cause excessive or additional District treatment costs. The Director may establish mass Discharge limits in Wastewater Discharge Permits to control the quantity and rate of flow of Wastewater Discharges.

(e) Radioactive Limits. No Person shall Discharge or cause to be Discharged any radioactive Wastewater into a Community Sewer except when the Person is authorized to use radioactive material by the Nuclear Regulatory Commission or other governmental agency empowered to regulate the use of radioactive materials and when the Wastewater is Discharged in strict conformity with current Nuclear Regulatory Commission regulations and recommendations for safe, disposal and in compliance with all rules and regulations of State and local regulatory agencies.

(f) Deny or Condition New or Increased Contributions. The Director may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the District's Wastewater treatment facility by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the District to violate its NPDES permit.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 4

FEDERAL PRETREATMENT STANDARDS

The General Pretreatment Regulations and Categorical Pretreatment Standards are hereby incorporated into this Ordinance and, if more stringent than limitations imposed under the Ordinance for Dischargers, shall supersede the limitations imposed under this Ordinance. The Director shall notify all affected Dischargers of the applicable standards and other requirements. Effluent limitations promulgated under the authority of the Clean



Water Act shall apply in any instance where they are more stringent than those in this Ordinance.

(Ord. No. 355-11, 7-12-2011; Ord. No. 358-13 § 2, 7-23-2013; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 5

DISTRICT PRETREATMENT PROGRAM

The Director shall implement a pretreatment program in accordance with General Pretreatment Regulations adopted by EPA and in accordance with this Ordinance.

(Ord. No. 355-11, 7-12-2011)



TITLE III – DISCHARGER CLASSIFICATION AND CALCULATION OF WASTEWATER DISPOSAL CHARGES

SECTION 1

CLASSIFICATION

All Dischargers shall be classified for Wastewater disposal purposes in accordance with the principal activity conducted upon the Premises, or in accordance with the use of the Premises, for purposes of Wastewater treatment, as determined by the District in case multiple tenants or activities are on the Premises. The purpose of classification is to facilitate the regulation of Wastewater Dischargers based on quality, quantity and flow, to provide an effective means of industrial Waste source control, and to establish a system of Wastewater disposal service charges, which will insure an equitable recovery of District capital and operating costs.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 2

CALCULATION OF WASTEWATER DISPOSAL CHARGE

All Dischargers shall pay a use charge for District Wastewater disposal services. The charges will reflect the quantity, quality, and flow of the Dischargers' Wastewater and will be based on District capital and operating costs to intercept and treat Wastewater. All Dischargers shall also pay all other charges, fees, tolls, rentals or taxes as from time to time established or adopted by the District. Flat charges, unit charges and classification charges shall be established from time to time and set forth in a schedule of rates and charges. Unit charges will be established for each element of Wastewater Strength which incurs District costs of interception, treatment and disposal. The total Wastewater disposal charge for each Discharger shall be calculated as set forth herein:

(a) Dischargers from Residential Premises with Four or Less Dwelling Units. Dischargers from residential Premises with four or less dwelling units shall pay a total Wastewater disposal charge, regardless of the source of water, which shall be the sum of a uniform flat monthly charge per dwelling unit for Wastewater Strength and the unit charge



for volume multiplied by the volume of water used, subject to a maximum volume established by the District from time to time and set forth in a schedule of rates and charges.

(b) Dischargers from Residential Premises with Five or More Dwelling Units and Dischargers from Nonresidential Premises including Permitted Dischargers. Dischargers of Wastewater from residential Premises with five or more dwelling units, and Dischargers from nonresidential Premises, including Dischargers who have obtained a Wastewater Discharge Permit, will be assigned a Business Classification Code depending on the principal activity conducted on the Premises or the use of the Premises for purposes of Wastewater treatment, as determined by the District in case multiple tenants or activities are on the Premises. All Dischargers conducting the same principal activity will receive the same Business Classification Code. The Director shall determine the typical Wastewater Strength for each Business Classification Code, and each Discharger within that classification will be assumed, for Wastewater disposal charge purposes, to have the same typical Wastewater Strength. The Director shall also subclassify within each Business Classification Code those Dischargers who Discharge primarily segregated domestic Wastes or Wastes from sanitary conveniences. A classification charge shall be established by the District for each Business Classification Code and subclassification, which will be based on unit charges for the elements of Wastewater Strength, as applied to the typical Wastewater Strength of the particular classification. The Wastewater disposal charge applied to a Discharger in this class will be calculated by multiplying the classification charge by the volume of water used by the Discharger.

(c) Permitted Dischargers with Unique Strength. Dischargers whose average Wastewater Strength cannot be established on a business classification basis, or whose Wastewater Strength exceeds the normal range of Wastewater Strength for the Business Classification Code to which the Discharger is assigned, shall be required to obtain a permit and shall pay a Wastewater disposal charge calculated as the sum of the products of the following: The unit charge for each element of Wastewater Strength multiplied by the average concentration of each element set forth in the permit multiplied by the volume of water used; and the unit charge for volume multiplied by the volume of water used as determined herein. The Wastewater disposal charge for these permitted Dischargers, including both Wastewater Strength and water use, shall be calculated by an apportionment by the Director of strength and use to each Sewer Lateral at the Discharger's Premises. Dischargers requiring permits solely for flow estimation shall pay a Wastewater disposal charge calculated by multiplying the classification charge by the volume of water determined by the estimation. In addition to a Wastewater disposal charge, the permitted Discharger shall pay all applicable District permit charges. All Dischargers required to obtain a permit shall pay a Wastewater disposal charge in accordance with their Business Classification Code until



a permit is issued.

(d) Capacity fee. A Wastewater Capacity Fee shall be paid as established from time to time by the District and which reflects the reasonable costs of providing Wastewater treatment capacity. The Wastewater Capacity Fee shall be payable prior to the time a new Discharger commences a use of the Community Sewer. The District will calculate the Wastewater Capacity Fee based on the best available estimated information for the proposed Discharger, based on the flow, strength, and other pertinent design information at the time the new Discharger applies for the District's service. Once the new Discharger is fully established, within 24 months from commencement of Discharge, the District may review the actual flow and/or strength to verify the estimated demand for Wastewater treatment capacity. If the review indicates that the actual measured flow or strength of the Discharge is greater than the initially estimated information, the District will collect an additional Wastewater Capacity Fee. The Wastewater Capacity Fee was made effective September 11, 1984 and the Wastewater Capacity Fee shall apply to all Dischargers who increased demand for Wastewater treatment capacity on or after July 1, 1984.

An existing Discharger shall pay a capacity fee when the District determines that the Discharger has increased their demand for Wastewater treatment capacity. An increased demand for Wastewater treatment capacity may also be reviewed when an existing Discharger significantly increases their Wastewater treatment capacity demand or changes the nature of their operation. An increased demand for Wastewater treatment capacity can occur even if estimating parameters (e.g., square footage, fixtures) for the Discharger may not have changed.

(Ord. No. 355-11, 7-12-2011; Ord. No. 358-13 § 2, 7-23-2013; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 3

DETERMINATION OF WATER USED

The applicable volume of water upon which Wastewater disposal charges shall be based will be determined as follows:

(a) Water Discharged to Community Sewer. For Premises where no portion of the water received from any source is consumed in the principal activity of the Discharger or



is removed from the Premises by means other than Community Sewers, the Wastewater disposal charge shall be applied against the total amount of water, from all sources,

discharged to the Community Sewer. The amount of East Bay Municipal Utility District water received will be determined by registration on an East Bay Municipal Utility District meter. The amount of water used from other sources will be determined by means of a meter installed at the expense of the Discharger and approved by the District or by an estimate prepared by the District, after the Discharger obtains a permit in accordance with this Ordinance. The Discharger shall report to the District the sources of all water used at their Premises other than that supplied by the East Bay Municipal Utility District and shall notify the District of any changes in such sources.

(b) Water Not Discharged to Community Sewer. For Premises where a portion of the water received from any source does not flow into Community Sewers, because of the principal activity of the Discharger or removal by other means, the charge for Wastewater disposal service will be applied against the volume of water discharging from such Premises into Community Sewers. Written notification and proof of the diversion of water must be provided by the Discharger if they are to avoid application of the Wastewater disposal charge against the total amount of water used from all sources. They may be required to install a meter, of a type and at a location approved by the District and at their own expense, to determine the quantity of water flowing into Community Sewers. However, where it is impractical to install meters and where a significant amount of the metered water consumption is not being Discharged to a Community Sewer, then the charge for Wastewater disposal service may be based upon an estimate prepared by the District, after the Discharger obtains a permit in accordance with this Ordinance.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)



TITLE IV – WASTEWATER DISCHARGE PERMITS

SECTION 1

PERMIT REQUIREMENT

All Dischargers whose Wastewater requires special regulation or contains industrial Wastes requiring source control shall secure a Wastewater Discharge Permit. No such Discharger shall connect, Discharge, cause, allow or permit any Discharge to the Community Sewer, either directly or indirectly, except in accordance with a Wastewater Discharge Permit issued by the Director.

(a) Mandatory Permits. All Dischargers in the following categories must obtain a Wastewater Discharge Permit in accordance with this Title.

- (1) Significant Industrial Users, as defined in Title I.
- (2) Industrial Users not otherwise specified in this Section who are determined by the Director to warrant a control mechanism for purposes of preventing Pass Through or Interference, to protect the water quality of the San Francisco Bay, to protect worker health or safety, to facilitate sludge management or disposal, or to protect against damage to the POTW, which may include Non-Significant Categorical Industrial Users, as defined in Title I, and Zero Dischargers.
- (3) Dischargers determined by the Director to require a permit to establish Wastewater disposal charges based on flow and Wastewater Strength. These may include:
 - (i) Dischargers whose average Wastewater Strength cannot be established on a business classification basis,
 - (ii) Dischargers whose Wastewater Strength exceeds the normal range of Wastewater Strength for the Business Classification Code to which the Discharger is assigned.
 - (iii) Dischargers disposing of Unmetered Water, to whom the District may issue the following types of permits:



- A. Limited-Term Permits. Permits for Users who request a permit for temporary Discharges of Unmetered Water during a specified term;
- B. Groundwater Permits. Permits for Users who request a permit to Discharge groundwater on an ongoing basis; or
- C. Industrial User Permits. Permits for any other User that requests a permit to Discharge Unmetered Water.

(b) Estimation Permits. Estimation Permits may be issued to a Discharger which demonstrates a significant amount of the Discharger's metered water consumption is not being Discharged to a Community Sewer. For the purposes of this Ordinance, any diversion from the Community Sewer shown to be more than 20 percent of the metered water consumption shall qualify for an Estimation Permit. Other Dischargers who can demonstrate a significant diversion may request a permit, which shall be subject to approval by the Director.

(Ord. No. 355-11, 7-12-2011; Ord. No. 358-13 § 2, 7-23-2013; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 2

APPLICATION

Dischargers seeking a Wastewater Discharge Permit shall complete and file with the Director a District application form, accompanied by any applicable District fees. New Dischargers shall file applications 60 days prior to commencement of Discharges, unless such time is extended for good cause. The application may require the following information:

- (a) name, site address, and mailing address (if different than site address) of business;
- (b) estimated Wastewater Strength;
- (c) estimated concentration of each constituent for which a Local Limit has been established as stated in Title II Section 3 as applicable, and any other constituents that could result in Prohibited Discharges as described in Title II Section 2.
- (d) environmental control permits held by or for the facility;



- (e) estimated Wastewater flow, average and peak Wastewater Discharge flow for each Sewer Lateral;
- (f) locations of Sewer Laterals, sampling points, and pretreatment facilities;
- (g) description of activity, facilities, and plant process on the Premises, including raw materials, processes and types of materials which are or could be Discharged;
- (h) total product produced, by type;
- (i) number and type of employees;
- (j) days and hours of operation and days and hours of Discharge;
- (k) slug control plan which outlines Discharge practices (including non-routine batch Discharges), describes stored chemicals, and contains procedures both to notify the District immediately of Slug Discharges and to prevent adverse impacts from any accidental spill; and
- (l) any other information the Director shall deem necessary to evaluate the permit application.

The Director shall evaluate the application in light of this Ordinance's stated purposes and approve, conditionally approve, or deny the application as appropriate under the circumstances. Any Discharger aggrieved by the Director's decision to deny an application may appeal that decision by utilizing the procedures described in Title VI, Section 2(e) of this Ordinance.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 3

TERMS AND CONDITIONS OF PERMIT

(a) Terms. All Wastewater Discharge Permits shall require the permittee to comply with all provisions of this Ordinance and all rates and charges established by the District. A Wastewater Discharge Permit may contain terms, conditions or other provisions that are more stringent than the requirements of this Ordinance. A Discharger must comply with all Wastewater Discharge Permit terms and conditions, and failure to do so is a



violation of this Ordinance. A permit issued to a Significant Industrial User shall be valid for a specified time period, not to exceed five years or the maximum time allowed by law. The Director may renew a permit issued to a Significant Industrial User for any period not to exceed five years or the maximum time allowed by law. The period of validity for all other permits shall be as determined by the Director, and may include permits with no expiration date, provided that the Director may revise or terminate any permit at any time in the manner provided by this Ordinance. Permit renewal applications shall be submitted to the District at least 60 days before the permit expires. A permit issued to a Significant Industrial User shall require the permittee to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge.

(b) Conditions. Wastewater Discharge Permits may contain any or all of the following conditions:

- (1) Effluent limits, including Categorical Pretreatment Standards and Local Limits.
- (2) Limits on rate and time of Discharge or requirements for flow regulation and equalization.
- (3) Requirements for inspection and sampling facilities, including District access to such facilities.
- (4) Monitoring program which may include: Sampling locations; frequency and method of sampling; number, types and standard of tests; and establishing a reporting schedule. The Discharger assigned a monitoring program in conformance with this Ordinance shall pay all applicable District charges.
- (5) Submission of technical reports or Discharge reports, including, but not limited to, reports described in Title V, Section 2 of this Ordinance, or any report required by 40 CFR 403.12.
- (6) Maintenance of records relating to Wastewater Discharges, as specified by the Director, and affording District access thereto.
- (7) A statement of applicable penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule.
- (8) Requirements for the development and implementation of Pollution



prevention plans to reduce the amount of pollutants Discharged to the District's treatment plant.

(9) Notification requirements including immediate notification of any changes that affect the potential for a Slug Discharge.

(10) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine Discharges.

(11) Installation of technology, as specified by the Director.

(12) Requirements to implement Best Management Practices.

(13) Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance or the terms and conditions of the Wastewater Discharge Permit.

(Ord. No. 355-11, 7-12-2011; Ord. No. 358-13 § 2, 7-23-2013; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 4

CHANGE OF PERMIT TERMS AND CONDITIONS

Once issued, the Director may change the terms and conditions of a Wastewater Discharge Permit, including changing the limits on Wastewater constituents, from time to time as circumstances may require. The District shall allow a Discharger reasonable time to comply with any District required changes in the permit except that a change that affects billing shall immediately affect calculation of the Wastewater disposal charge.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)



SECTION 5

TRANSFER OF PERMIT

A Wastewater Discharge Permit shall not be assigned or transferred without prior notice to and approval from the Director.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 6

TERMINATION AND MODIFICATION FOR VIOLATIONS

The Director may terminate or modify any Wastewater Discharge Permit for violation of the terms and conditions of the permit or the provisions of this Ordinance. Any Person aggrieved by the Director's decision to terminate or modify a Wastewater Discharge Permit based on such violations may appeal that decision using the procedures described in Title VI, Section (2)(f). A Discharger whose permit has been terminated based on such violations, and who desires to resume Discharging, shall apply for a new permit within 30 days of issuance of the notice of termination.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)



TITLE V – ADMINISTRATION

SECTION 1

AUTHORITY OF DIRECTOR

The Director is charged with responsibility for District's Wastewater control program and the administration and enforcement of the provisions of this Ordinance.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 2

WASTEWATER SOURCE CONTROL REQUIREMENTS

In order to effectively administer and enforce the provisions of these regulations, the Director may require any Discharger to comply with any or all the following requirements:

(a) Discharge Reports. The Director may require Discharge reports, including but not limited to questionnaires, technical reports, sampling reports, and test analyses, and periodic reports of Wastewater Discharge. When a report filed by a Person pursuant to this Section is not adequate in the judgment of the Director, the Director may require such Person to supply such additional information as the Director deems necessary. The Discharge report may include, but not be limited to, nature of the process, volume and rates of Wastewater flow, elements, constituents, and characteristics of the Wastewater, together with any information required in an application for Wastewater Discharge Permit.

(b) Baseline Monitoring Report. Each Categorical Industrial User shall submit a baseline monitoring report (BMR). The requirements for a BMR, as described in 40 CFR 403.12(b) are hereby incorporated into this Ordinance. A BMR, if required, shall be reviewed by an authorized representative of the User, and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required for the User to meet the Pretreatment Standards and Requirements.

(c) Periodic Report of Continued Compliance.



(1) Each Categorical Industrial User, other than a Non-Significant Categorical Industrial User or Middle Tier Categorical Industrial User, shall submit to the District twice per year a report describing the nature and concentration of the pollutants which are regulated by the Categorical Pretreatment Standards and Local Limits applicable to the CIU. The User's report must be based on sampling and analysis performed during the six-month reporting period and in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. At the District's discretion, this sampling and analysis may be performed by the District. If a Categorical Pretreatment Standard requires compliance with a Best Management Practice or Pollution prevention alternative, the User must submit all documentation necessary for the District to determine the User's compliance status. The report shall include the average and maximum daily flows. The District may determine during which months the CIU shall submit these reports.

(2) Each Middle Tier Categorical Industrial User must submit to the District once per year a report describing the nature and concentration of the pollutants which are regulated by the Categorical Pretreatment Standards and Local Limits applicable to the CIU. The User's report must be based on sampling and analysis performed during the six-month reporting period and in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. At the District's discretion, this sampling and analysis may be performed by the District. If a Categorical Pretreatment Standard requires compliance with a Best Management Practice or Pollution prevention alternative, the User must submit all documentation necessary for the District to determine the User's compliance status. The report shall include the average and maximum daily flows. The User must immediately notify the District of any changes at its facility causing it to no longer meet all conditions required for the District to designate it as a Middle Tier Categorical Industrial User and, upon giving such notification, must immediately begin submitting the report described twice per year until further notice from the District.

(3) Each Significant Industrial User other than a Categorical Industrial User must submit to the District twice per year a report describing the nature and concentration of the pollutants which are regulated by this Ordinance. The report shall include the average and maximum daily flows. The District may determine during which months the Significant Industrial User shall submit these reports. If a Local Limit requires compliance with a Best Management Practice or Pollution prevention alternative, the User must submit all documentation necessary for the District to determine the User's compliance status. The User's report must be based



on sampling and analysis performed during the six-month reporting period and in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. At the District's discretion, this sampling and analysis may be performed by the District.

(4) Each Non-Significant Categorical Industrial User must submit to the District annually a certification statement stating that the facility never Discharged more than 100 gallons of total categorical Wastewater on any given day during the reporting period.

(5) Zero Dischargers must submit an annual certification statement to the District stating no Discharge of Process Wastewater occurred during the reporting period.

(d) Compliance Schedule for the Installation of Technology. The District may require a Discharger to develop a compliance schedule for the installation of technology to meet applicable Pretreatment Standards or Requirements. Requiring a compliance schedule for the installation of technology is not conditioned on a determination that a violation of the Discharger's Wastewater Discharge Permit or this Ordinance has occurred. The compliance schedule for installation of technology shall require a Discharger to submit periodic progress reports.

(e) Report on Compliance with Categorical Deadline. Each Categorical Industrial User shall submit a report within 90 days after the final date for compliance, or upon commencement of Discharge, whichever comes later, which contains flow and pollutant measurements, a certification of whether Pretreatment Standards are being met consistently, and if not, a description of needed additional operations and maintenance or pretreatment. The report on compliance with categorical deadline, if required, shall be reviewed by an authorized representative of the User, and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the User to meet the Pretreatment Standards and Requirements.

(f) Notice of Violation/Resampling Report. If sampling by a User indicates a violation of the User's Wastewater Discharge Permit, this Ordinance, or a Pretreatment Standard or Requirement, the User shall notify the District within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days of becoming aware of the violation, unless the District samples the User between the time of the initial sampling and the time



when the User receives the results of this sampling. Within five (5) days of detecting such violation, the User shall, unless waived by the District, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property, nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

(g) Slug Control Plan. The District may require a plan which outlines Discharge practices, including non-routine batch Discharges, describes stored chemicals, and contains procedures both to notify the District immediately of Slug Discharges and to prevent adverse impacts from any accidental spill.

(h) Notice of Potential Problems. Each Industrial User shall notify the District immediately of all Discharges that could cause problems to its Wastewater treatment facility, including any slug loadings, as defined by 40 CFR 403.5(b), by the Industrial User.

(i) Notification of Changed Conditions. Each Industrial User shall promptly notify the District in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p), and immediate notification of any changes that affect the potential for a Slug Discharge.

(j) Notification of Hazardous Waste Discharge.

(1) All Industrial Users discharging any substance which, if otherwise disposed of, would be a hazardous or acutely hazardous waste under 40 CFR 261, must comply with the reporting requirements of 40 CFR 403.12(p)(1) and (3) unless exempted under the provisions of 40 CFR 403.12(p)(2).

(2) In the case of any notification made under Section (1) above, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. The District may accept a copy of a hazardous waste reduction or minimization plan otherwise required by law, as compliance with this requirement.



(k) Monitoring Programs. The Director may require of Dischargers such technical or monitoring programs, including the submission of periodic reports, as the Director deems necessary, provided that the burden, including costs, of such programs and reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained therefrom. The Discharger shall pay the applicable District charge for the monitoring program, in addition to the Wastewater disposal charge and other charges established by the District. The monitoring program may require the Discharger to conduct a sampling and analysis program of a frequency and type specified by the Director or as required by the General Pretreatment Regulations to demonstrate compliance with prescribed Wastewater Discharge limits. The Discharger may:

(1) Conduct their own sampling and analysis program provided the Discharger demonstrates to the Director that they have the necessary qualifications and facilities to perform the work; or

(2) Engage a private consulting firm or laboratory, certified under the Environmental Laboratory Accreditation Program.

(3) The Director may authorize a waiver where a pollutant is neither present nor expected to be present in the Discharge as specified in 40 CFR 403.12(e)(2).

(l) Additional Monitoring Report. If a Significant Industrial User monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using approved sampling and analytical methods, the results of this monitoring shall be reported to the District.

(m) Inspection Facilities. The Director may require any non-residential Discharger to construct, at their own expense, a sampling facility or inspection maintenance hole together with necessary related measuring and sampling equipment, in accordance with construction standards and specifications of the Public Agency owning the Community Sewer. The sampling facility or inspection maintenance hole shall be constructed on the Sewer Lateral of the Discharger and within the public right of way at a location approved by the District and the Public Agency owning the Community Sewer, provided that the Director may permit the installation of such facilities on the Premises of the Discharger at a location which will permit District access to the facility at all times. Construction shall be completed within 60 days of written notification from the Director, unless such time is extended by the Director for good cause. The Director may require the Discharger to install such sampling facilities or inspection maintenance holes on each side sewer.



(n) Pretreatment. Pretreatment systems or devices may be required by the Director to treat Wastewater prior to Discharge to the Community Sewer when it is necessary to restrict or prevent the Discharge to the Community Sewer of Wastewater having constituents in violation of the prohibitions or exceeding the limits established by this Ordinance, or to distribute Wastewater Discharges over a period of time. All pretreatment systems or devices shall be approved by the Director but such approval shall not relieve a Discharger of the responsibility for taking all steps necessary to comply with Wastewater limitations established by the District. All required pretreatment equipment shall be installed and operated at the Discharger's expense. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District.

(o) Protection From Accidental or Slug Discharge. Each Discharger shall provide protection from accidental or Slug Discharge of prohibited materials or other Wastes regulated by this Ordinance. Such facilities shall be provided and maintained at the Discharger's expense. These facilities shall be approved by the Director but such approval shall not relieve the Discharger from the responsibility of modifying the facilities to provide the protection necessary to meet the requirements of this Section.

(p) Representative Data. All data submitted in reports or applications shall be representative of conditions during the reporting period.

(q) The Director may require the submission of any other reports not specified in this Section, as deemed necessary by the District to determine a User's compliance status with local, state and federal limits or requirements.

(Ord. No. 355-11, 7-12-2011; Ord. No. 358-13 § 2, 7-23-2013; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 3

SIGNATURE REQUIREMENT

(a) All reports and permit applications received or required under these regulations, including BMR, reports on compliance with Categorical Pretreatment Standard deadlines (90-day compliance reports), and periodic reports on continued compliance, shall be signed:



(1) by a responsible corporate officer, if the User submitting the reports is a corporation. For purposes of this paragraph, a responsible corporate officer means:

(A) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(B) the manager of one or more manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures and the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty to

(i) make major capital investment recommendations;

(ii) initiate and direct other comprehensive measures to assure long-term compliance with environmental laws and regulations; and

(iii) ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements.

(2) by a general partner or proprietor if the User submitting the reports is a partnership or sole proprietorship, respectively; or

(3) by a duly authorized representative of the individual designated in paragraph (1) or (2) of this Section if:

(A) The authorization is made in writing by the individual designated in paragraph (1) or (2);

(B) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and



(C) The written authorization is submitted to the District.

(4) If an authorization under paragraph (a)(3) of this Section is no longer

valid because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (a)(3) of this Section must be submitted to the District prior to or together with any reports to be signed by an authorized representative.

(b) Reports and applications must include the following certification statement:

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 properly 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 is, 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.

(Ord. No. 355-11, 7-12-2011; Ord. No. 358-13 § 2, 7-23-2013; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 4

RETENTION OF RECORDS

All records, including but not limited to all information resulting from any monitoring activities, Discharge reports, permits, self-monitoring data, pretreatment system process control logs, documentation of compliance with BMP requirements, and relevant correspondence (whether or not required by these regulations) must be maintained by the User for a period of not less than three years. Monitoring records shall be included for all samples as specified in 40 CFR 403.12(o)(1). All such records shall be made available for inspection and copying by a duly authorized representative of the District or any other governmental entity having jurisdiction. The retention period may be extended in the case of unresolved litigation or at any time at the direction of the District, the State or EPA.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)



SECTION 5

ANALYTICAL AND SAMPLING METHODOLOGY AND PROCEDURES

(a) The method and procedures utilized for all analyses which are reported under the requirements of these regulations shall be as specified by the provisions of 40 CFR Part 136.

(b) The methods and procedures utilized for all sampling performed and/or reported under the requirements of this regulation shall be as specified by the provisions of 40 CFR Part 136.

(c) If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 6

PUBLIC NOTIFICATION OF DISCHARGERS FOUND TO BE IN SIGNIFICANT NONCOMPLIANCE

At least once per year, the District will publish the identities of any Dischargers found to be in Significant Noncompliance. The publication shall occur in a newspaper of general circulation that provides meaningful public notice within the service area of the District.

(Ord. No. 355-11, 7-12-2011; Ord. No. 358-13 § 2, 7-23-2013)

SECTION 7

CONFIDENTIAL INFORMATION

All information and data obtained from a Discharger in connection with Federal Pretreatment Standards or Local Limits shall be available to the public or other governmental agencies without restriction. Dischargers may request that information provided to the



District in a report, permit application, questionnaire, or in the course of an inspection be treated as confidential. In all such cases, confidential information shall be made available to governmental agencies including the EPA, the State, and the District for use in pending or potential judicial review or enforcement proceedings involving the Discharger providing the information, and may be disclosed to the public where required by the California Public Records Act or other applicable law, in which case the Discharger shall be solely responsible for taking any action necessary to prevent the release of such information. Wastewater constituents and characteristics will not be recognized as confidential information.

(Ord. No. 355-11, 7-12-2011; Ord. No. 358-13 § 2, 7-23-2013; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 8

DISTRICT INSPECTION

The District may inspect the facilities of any Discharger to ascertain whether the provisions of this Ordinance are being met and the Wastewater Discharge limits are being complied with. Dischargers shall allow the District or its representatives ready access at all reasonable times to all parts of the Premises for the purposes of inspection or sampling or in the performance of any of their duties. Where a Discharger has security measures which would require proper identification and clearance before entry into their Premises, the User shall make arrangements with their security personnel so that, upon presentation of proper identification, District personnel will be permitted to enter without delay for the purposes of performing their specific responsibilities. Such inspection shall be made with the consent of the owner or possessor of such facilities. If the District has been refused access to any part of a Discharger's facility, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of the routine inspection and sampling program of the District, then the Director may seek issuance of an inspection warrant or a search warrant, duly issued pursuant to the procedures set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure; provided, however, that in the event of an emergency affecting the public health or safety such inspection may be made without consent or the issuance of a warrant. To verify the Wastewater flows, characteristics, constituents, and strengths reported by Dischargers, or to determine compliance with this Ordinance, inspection, measurement, and sampling may be conducted from time to time by the District. The District shall have the right to install, maintain, and operate necessary sampling and measuring equipment on the Premises of Discharger.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)



SECTION 9

NEW CONNECTIONS

Dischargers will be assigned a Business Classification Code and informed of the applicable prohibitions, limits or conditions, and the applicable rates and charges, governing Wastewater disposal service at the time of application for water service from East Bay Municipal Utility District. All nonresidential Dischargers seeking a new Sewer Lateral connection to a Community Sewer and any new Discharger requiring information prior to applying for water service should contact the Director. The Director will inform the Discharger of the regulations governing Wastewater disposal service and the applicability of requirements for inspection, sampling, or pretreatment facilities.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)



TITLE VI – ENFORCEMENT AND PENALTIES

The Director may adopt procedures and rules for the implementation and administration of this Ordinance, including an enforcement response plan. The Director shall enforce the provisions of this Ordinance, including requirements established or permits issued hereunder, as provided herein.

SECTION 1

NOTICES OF VIOLATION

When the Director finds that a Discharger has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit, a General Permit, an Order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that Discharger a written notice of violation. Within five days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director. Submission of such a plan in no way relieves the Discharger of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

SECTION 2

DIRECTOR'S ORDERS

(a) Requiring Discharger to Submit Schedule of Remedial or Preventive Measures. When the Director finds that a Discharge of Wastewater is taking place or threatening to take place that violates or will violate prohibitions or limits prescribed by this Ordinance or Wastewater source control requirements or the provisions of a Wastewater Discharge Permit, the Director may require the Discharger to submit for approval of the Director, with such modifications as the Director deems necessary, a detailed time schedule of specific actions the Discharger shall take in order to correct or prevent a violation of requirements.

(b) Issuance of Cease and Desist Orders. When the Director finds that a Discharge of Wastewater is taking place or threatening to take place in violation of



prohibitions or limits of this Ordinance or Wastewater source control requirements or the provisions of a Wastewater Discharge Permit, the Director may issue an Order to cease and desist and direct that those Persons not complying with such prohibitions, limits, requirements, or provisions (1) comply forthwith, (2) comply in accordance with a time schedule set by the Director, or (3) in the event of a threatened violation, take appropriate remedial or preventative action.

(c) Cost Recovery. When the Discharge of Wastewater causes an obstruction, damage, or other impairment to Wastewater Disposal Facilities, the Director may recover costs from the Discharger to correct the problem caused by the Discharger.

(d) Termination of Service. The District may terminate a Wastewater Discharge Permit, Wastewater disposal service, or water service to any Premises if a violation of any provision of this Ordinance pertaining to control of Wastewater is found to exist or if a Discharge of Wastewater causes or threatens to cause a condition of Contamination, Pollution, or Nuisance, as defined in this Ordinance. This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment, or for any other reason.

(e) Appeal Procedures for Director's Orders.

(1) Any Wastewater Discharge Permit holder, Wastewater Discharge Permit applicant, or Discharger aggrieved by an Order issued pursuant to this Section, or a decision that this Ordinance otherwise specifies is subject to Title VI, Section 2(e), may seek relief by filing a written appeal in accordance with this Section.

(2) An appeal must be filed no later than 15 business days from the date notice of the decision was given.

(3) The appellant must submit a written statement with the appeal, signed under penalty of perjury, and containing (i) a description of the Order, or portion of the Order, that is the subject of the appeal, (ii) a description of the specific relief requested, (iii) a detailed statement of facts which the appellant believes entitles the appellant to the relief requested, and (iv) copies of all supporting documentation or other written evidence the appellant wishes the District to consider. The District may require an appeal to be submitted on a District form.



(4) The Director shall designate a District officer or employee with supervisory or managerial authority who will consider the appeal and decide whether to grant relief. The Director's designee may request additional information

and the appellant shall provide such requested information within 15 business days or such other time period authorized in writing by the Director's designee. The evidence before the Director's designee shall consist of the written statement and documentation provided by the appellant in support of the appeal, relevant information in the District's files pertaining to the matter, and any other relevant evidence which, in the judgment of the Director's designee, should be considered. The Director's designee shall consider the available evidence in light of this Ordinance's stated purposes and the public's interest in the fair, equitable, and consistent implementation of this Ordinance.

(5) The Director's designee may decide the matter within 15 business days from the receipt of the complete appeal, except if the Director's designee requests additional information the matter may be decided within 15 business days from the deadline to provide such additional information. If the Director's designee does not decide the matter within the above-stated time period, the appeal shall be deemed denied on the first day following that time period. Notice of any decision will be mailed to the Person requesting relief.

(6) Within 30 calendar days after the date of mailing of written notice of any decision granting or denying relief under Subsection (5) of this Section, or within 30 calendar days after the date the appeal is deemed denied, the Person aggrieved by the Order that was the subject of the appeal may submit to the Director a written request for reconsideration. The request for reconsideration must set forth in detail the facts and rationale supporting the request under penalty of perjury. The Director shall either personally consider the request for reconsideration, designate another senior manager or officer of the District to consider the request for reconsideration, or designate an independent hearing officer to consider the request for reconsideration as the circumstances may require.

(7) The Director may act on the request for reconsideration with or without an oral hearing in any manner the Director deems reasonable under the circumstances, except where the Order at issue has the effect of terminating Wastewater service, terminating water service, or revoking the appellant's Wastewater Discharge Permit, in which case an oral hearing shall be held at the appellant's request. Any request for a hearing shall accompany the written request



for reconsideration described in Subsection (6). Failure to submit a request for a hearing in conjunction with the written request for reconsideration shall be deemed a waiver of the right to a hearing.

(8) The Director, or the other designated officer if applicable, shall thereafter issue a final written determination concerning the request for reconsideration. The Director may consider the written appeal made pursuant to Subsection (3); the decision rendered by their designee pursuant to Subsections (4) and (5); the request for reconsideration submitted pursuant to Subsection (6); evidence and argument offered at hearing, if held; relevant information in the District's files pertaining to the matter, and any other relevant evidence which, in the judgment of the Director, should be considered, including any additional information requested by the Director. The Director's decision shall become final and binding at the time the Director acts on the request for reconsideration, except to the extent the action is the subject of an administrative complaint for penalties as provided in Section 3 of this Title. Notice of the Director's action will be mailed to the appellant within 5 business days after the action.

(9) Unless the Director orders otherwise, any appealed Order or action shall remain in effect and binding upon the appellant while the appeal, including any reconsideration thereof, remains pending.

(10) Any Person aggrieved by an Order issued pursuant to this Section, or a decision that this Ordinance otherwise specifies is subject to Title VI, Section 2(e), and who wishes to appeal or challenge the Order or decision, or receive other relief from a requirement thereof, must seek review by utilizing all procedures available under this Section, and the failure to do so shall be deemed a failure of the Person subject to the Order to exhaust administrative remedies.

(Ord. No. 355-11, 7-12-2011; Ord. No. 358-13 § 2, 7-23-2013; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 3

DIRECTOR'S ENFORCEMENT REMEDIES AND PENALTIES

(a) Civil Liability Penalties. Civil liability may be imposed by the Director, a hearing officer designated by the District, or the Board in the manner provided in this Section as follows:



(1) In an amount which does not exceed one thousand dollars (\$1,000) for each day for knowingly or willfully failing or refusing to furnish technical or monitoring reports.

(2) In an amount which does not exceed five thousand dollars (\$5,000) for each day of intentionally or negligently discharging hazardous waste, as defined in Section 25117 of the Health and Safety Code, knowingly falsifying any information provided in any furnished technical or monitoring report.

(3) In an amount which does not exceed ten dollars (\$10) per gallon for Discharges in violation of any of the District's cease and desist or other Orders, or prohibitions issued, reissued, or adopted by the District.

(b) Issuance of Complaints.

(1) The Director may issue a complaint to any Person on whom civil liability may be imposed pursuant to this Ordinance. The complaint shall allege the act or failure to act that constitutes a violation of law, the provision of law authorizing civil liability to be imposed pursuant to this Ordinance, and the proposed civil liability.

(2) The complaint shall be served by personal notice or certified mail on the Person subject to the District's Discharge and reporting requirements, and shall inform the party served that a hearing shall be conducted before a hearing officer appointed by the Director, at a specified date and time, no later than 60 calendar days after the party has been served.

(3) The Person who has been issued a complaint may waive the right to a hearing in writing no later than 10 calendar days following service of notice thereof, in which case the District shall not conduct a hearing and the Person will be deemed to have waived any further right of appeal or hearing and of all subsequent administrative remedies provided in this Title. If the right to a hearing is not timely waived and the Person fails to appear at such hearing, the District shall not conduct the hearing, and the Person failing to appear will be deemed to have waived their right to a hearing and any further right of appeal and of all subsequent administrative remedies provided in this Title. If the right to a hearing is timely waived, or if a party fails to appear at the hearing, the Director may issue a final Order imposing civil liability in the amount proposed in the complaint and serve such final Order by personal notice or certified mail. Under these circumstances the



Director's Order shall become effective and final upon issuance thereof and not subject to further review or appeal or any subsequent administrative remedies provided in this Title, and payment shall be made no later than 30 calendar days following the date of issuance.

(c) Proceeding Before Hearing Officer.

(1) The hearing officer shall be designated by the District. If after the hearing the hearing officer finds that the Person has violated reporting or Discharge requirements, the hearing officer may assess a fine against that Person. In determining the amount of the fine, the hearing officer shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the Discharger.

(2) The hearing officer shall serve the written decision or Order by personal notice or certified mail. Unless appealed as set forth in this Section, the hearing officer's decision or Order setting administrative civil liability shall become effective and final upon issuance thereof, and payment shall be made no later than 30 calendar days from the date the party is served notice of the hearing officer's decision or Order.

(d) Appeal to Board.

(1) Any party dissatisfied with the hearing officer's decision or Order following a complaint issued under Subsection (b) of this Section may appeal that decision or Order to the Board by filing a written appeal setting forth each ground on which the appeal is based. The appeal shall be filed with the Secretary of the District no later than 30 calendar days from the date of personal service or certified mailing of the hearing officer's decision or Order. The failure to timely file an appeal with the Secretary of the District is jurisdictional and shall be deemed a failure to exhaust administrative remedies.

(2) The Board may grant or deny review of the hearing officer's decision or Order upon receipt of a timely appeal.

(3) If the Board denies review of the hearing officer's decision or Order, the hearing officer's decision or Order shall immediately become effective and



final. Unless the hearing officer's decision or Order is appealed as set forth in this paragraph, payment shall be made no later than 30 calendar days from the date the party is served notice of the decision by the Board to deny review. Upon denial of review by the Board, any party dissatisfied with the hearing officer's decision or Order may obtain review of the hearing officer's decision or Order in the superior court by filing in the court a petition for writ of mandate in accordance with Subsection (d)(6) of this Section.

(4) If the Board grants review of the hearing officer's decision or Order, the Board has discretion to do any of the following:

(A) Adopt the hearing officer's decision or Order in its entirety;

(B) Reduce or otherwise mitigate the penalty imposed by the hearing officer's decision or Order and adopt the balance of the proposed decision or Order;

(C) Make technical or other minor changes to the hearing officer's decision or Order (limited to clarifying or similar changes not affecting the factual or legal basis of the hearing officer's decision) and adopt it in its modified form;

(D) Reject the hearing officer's decision or Order and refer the case back to the hearing officer to take further evidence and prepare a revised proposed decision; or

(E) Reject the hearing officer's decision or Order and decide the case itself on the record, with or without taking additional evidence and after affording the parties an opportunity to provide written or oral argument before the Board. If the Board chooses to decide the case itself on the record and finds, after reviewing the record before the hearing officer and any additional evidence and argument accepted, that the Person has violated reporting or Discharge requirements, the Board may assess a fine against that Person. In determining the amount of the fine, the Board shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the Discharger.



(5) The Board shall serve notice of any Order or decision made under Section 3(d) of this Title by personal notice or certified mail. An Order issued by the Board setting administrative civil liability shall become effective and final upon issuance thereof, and payment shall be made no later than 30 calendar days from the date the party is served notice of the Order or decision.

(6) The decision shall be deemed final on the date of mailing by certified mail or personal delivery of the decision by the Board. Judicial review of any decision subject to the provisions of this Section may be had only if the petition for writ of mandate is filed within 90 days after the decision becomes final, in accordance with California Code of Civil Procedure Section 1094.6.

(Ord. No. 355-11, 7-12-2011; Ord. No. 358-13 § 2, 7-23-2013; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 4

CRIMINAL PENALTIES

(a) Any Person who intentionally Discharges Wastewater in any manner, in violation of any Order issued by the Director, which results in Contamination, Pollution, or a Nuisance, as defined in this Ordinance, is guilty of a misdemeanor and may be subject to criminal penalties of not more than \$1,000 per day for each such violation, including, but not limited to, any violation of Pretreatment Standards or Requirements.

(b) Any Person who knowingly makes any false statement or representation in any record, report, plan, or other document filed with the District, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the District, shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) or by imprisonment in the county jail for not more than six months, or by both.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 5

CIVIL ENFORCEMENT REMEDIES AND PENALTIES

The District may pursue any of the alternative civil remedies herein against any Discharger who violates the provisions of this Ordinance.



(a) Civil Enforcement Penalties.

(1) Any Person who fails to comply with any Order issued by the District, including Orders related to Pretreatment Standards or Requirements, shall be subject to a civil penalty not to exceed ten thousand dollars (\$10,000) for each day in which the Discharge, violation, or refusal occurs.

(2) Any Person who intentionally or negligently violates any Order issued by the District for violation of rules regulating or prohibiting Discharge of Wastewater which causes or threatens to cause a condition of Contamination, Pollution or Nuisance, as defined in this article, may be liable civilly in a sum not to exceed twenty-five thousand dollars (\$25,000) for each day in which the violation occurs. The attorney of the District, upon request of the Board of Directors of the District, shall petition the Superior Court to impose, assess, and recover such sums.

(b) Injunction. Whenever a Discharge of Wastewater is in violation of the provisions of this Ordinance, including but not limited to violation of a Pretreatment Standard or Requirement, or otherwise causes or threatens to cause a condition of Contamination, Pollution, or Nuisance, or whenever non-Discharge violations occur including failure to submit a required report or failure to allow the District's inspectors access to an industrial facility, the District may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining the continuance of such violations.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)



TITLE VII – RESOURCE RECOVERY PROGRAM

SECTION 1

PURPOSE

The Resource Recovery Program was established under the authority of the Municipal Utility District Act to utilize excess capacity at the District's Main Wastewater Treatment Plant by accepting materials transported by truck, rail, or other means at designated receiving stations. The provisions of this Title apply to the Discharge of hauled or trucked Waste at designated receiving stations, and do not apply to or regulate Discharges to Community Sewers.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 2

REGULATION OF DISCHARGES

Permitted materials may be Discharged into designated receiving stations at District Wastewater facilities provided that such material has been deemed acceptable by the District under Resource Recovery acceptance procedures and has been permitted by the District. Under no circumstances may any Person discharge hazardous waste, as defined under State and Federal regulations, into the designated receiving stations. It is entirely within the District's discretion to accept or reject any material, permittee, generator, or hauler. The District maintains full discretion on the issuance, terms and conditions, and revocation of permits.

No Person shall Discharge materials through the Resource Recovery Program without first obtaining a Material Acceptance Permit as described in Section 3 of this Title. The District in its discretion may accept Wastes or Wastewater that exceed a Local Limit via the Resource Recovery Program if approved by the District in advance. The District may accept Waste or Wastewater with pH less than 5.5 at designated receiving stations specifically designed to accommodate low pH Waste.

Material determined by the District to be subject to Categorical Pretreatment Standards will be required to meet all applicable rules and the Waste generator will be



classified as a Categorical Industrial User.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 3

PERMIT REQUIREMENTS

All participants in the Resource Recovery Program shall secure a Material Acceptance Permit. The permitting process may include collection of information about the Waste stream and generator; collection of information from the Waste generator, if not the permittee, by District; collection and analysis of samples by generator, permittee, or District; and an evaluation of potential impacts including worker health and safety, plant process impacts, and regulatory impacts to air, liquid and solid Waste permits. Persons seeking a Material Acceptance Permit shall complete and file a District application form accompanied by the applicable District permit fee. The application requires information on Waste characterization including, but not limited to, origin of the Waste, estimated Waste quantity, Waste characteristics including pH, organic analysis, and analysis for other potential pollutants including metals. The application also includes certification of insurance. All permitting decisions shall rest with the Director.

All Material Acceptance Permits shall be subject to all provisions of this Title and all applicable rates and charges established by the District. Material Acceptance Permit conditions may contain any and all of the following: Limits on Waste characteristics, rate, volume, number of loads, time, and location of Discharge; Monitoring and audit program which may include random and unannounced inspections and sampling; Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance and/or terms and conditions of the permit. Dischargers are prohibited from discharging materials except as expressly provided in the Material Acceptance Permit.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)

SECTION 4

ADMINISTRATION AND ENFORCEMENT

The Director is charged with responsibility for District's Wastewater control program and the administration and enforcement of the provisions of this Ordinance. In order to effectively administer and enforce the provisions of these regulations, the Director



may require any Material Acceptance Permit holder to comply with any or all of the requirements described in Title V Administration, Section 2.

The Director may adopt procedures and rules for the implementation and administration of this Title. The Director shall enforce the provisions of this Title, including requirements established or Material Acceptance Permits issued hereunder as provided herein.

(a) Requiring Permittee to Submit Schedule of Remedial or Preventive Measures. When the Director finds that a Resource Recovery Program participant has violated or will violate prohibitions or limits prescribed by this Ordinance, Wastewater source control requirements, or the provisions of a Material Acceptance Permit, the Director may require the Resource Recovery Program participant to submit for approval of the Director, with such modifications as the Director deems necessary, a detailed time schedule of specific actions the Resource Recovery Program participant shall take in order to correct or prevent a violation of requirements.

(b) Discharge Without a Permit. No Person shall Discharge any substance into a District facility under the Resource Recovery Program without a Material Acceptance Permit.

(c) Violation of Permit Terms and Conditions. When the Director finds that a Discharge of materials is taking place or about to take place in violation of prohibitions or limits of this Ordinance or a Material Acceptance Permit, the Director may direct those Persons not complying with such prohibitions, limits, requirements, or provisions to

(1) comply forthwith,

(2) comply in accordance with a time schedule set by the Director, or

(3) in the event of a threatened violation, take appropriate remedial or preventative action. Discharges in violation of a permit may be fined an amount not to exceed \$10/gallon in addition to direct and indirect costs associated with the Discharge.

(d) Cost Recovery. When the Discharge under the Resource Recovery Program causes an obstruction, damage, or other impairment to Wastewater Disposal Facilities, the Director may recover costs from the Resource Recovery Program participant to correct the problem caused by the Resource Recovery Program participant.



(e) Termination of Material Acceptance Permit. The District may terminate a Material Acceptance Permit at will. Grounds for termination of a Material Acceptance Permit include, but are not limited to, discharging material that deviates from the material described in the Material Acceptance Permit, a violation of this Ordinance pertaining to control of Wastewater, or a Discharge of materials that causes or threatens to cause a condition of Contamination, Pollution, or Nuisance, as defined in this Ordinance. This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment, or for any other reason.

(f) Civil Liability Penalties. Resource Recovery Program participants may be subject to civil liability as described in Title VI, Section 3.

(g) Criminal Penalties. Resource Recovery Program participants may be subject to criminal liability as described in Title VI, Section 4.

(h) Civil Enforcement Remedies and Penalties. The District may pursue any of the alternative civil remedies described in Title VI Section 5 against any Resource Recovery Program participant who violates the provisions of this Ordinance.

(Ord. No. 355-11, 7-12-2011; Ord. No. 377-24 § 2, 08-13-2024)



TITLE VIII - SEVERABILITY

If any provision of this Ordinance, or the application thereof to any Person or circumstance, is held invalid, the remainder of the Ordinance, or the application of such provision to other Persons or circumstances, shall not be affected thereby.

(Ord. No. 355-11, 7-12-2011; Ord. No. 358-13 § 2, 7-23-2013; Ord. No. 377-24 § 2, 08-13-2024)

TITLE IX- EFFECTIVE DATE

This Ordinance shall become effective on September 13, 2024.

(Ord. No. 355-11, 7-12-2011; Ord. No. 358-13 § 2, 7-23-2013; Ord. No. 377-24 § 2, 08-13-2024)



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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 13, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Amit K. Mutsuddy, Director of Wastewater 

SUBJECT: Update on Nutrient Watershed Permit

SUMMARY

On July 10, 2024, the San Francisco Regional Water Quality Control Board (RWQCB) adopted the third Nutrient Watershed Permit which requires significant reductions of nutrient levels in treated wastewater from 40 Bay Area wastewater facilities within the next ten years. The draft version of this permit, also known as Tentative Order (TO), was issued on April 5, 2024. This memo provides a summary of the adopted rules, the District's comments on the TO, the RWQCB response to the comments, and planned next steps for complying with the adopted permit conditions. This item will be presented at the August 13, 2024 Board meeting.

DISCUSSIONNutrients in San Francisco Bay

San Francisco Bay has been historically resilient to nutrients due to strong tidal exchanges, turbidity, and abundant filter-feeding clams. However, in recent years significant harmful algal blooms (HAB) indicate that the Bay's resiliency is changing. In August 2022, a HAB spread throughout San Francisco Bay which caused a massive fish kill and led to an increased focus on understanding the science to predict and reduce future HABs.

The RWQCB has regulated nutrient discharges from 40 wastewater treatment plants that discharge treated wastewater into the Bay via one combined Nutrient Watershed Permit since 2014. The permit is reissued every five years. The first Nutrient Watershed Permit (2014-2019) focused on effluent monitoring, contributing towards a science program (\$880,000 per year), conducting a regional optimization and upgrade study with cost estimates, and analysis of loading trends via a group annual report. The second Nutrient Watershed Permit (2019-2024) required higher levels of funding for the science program (\$2.2 million per year), influent and effluent monitoring, group annual reporting, and conducting a regional study for load reduction opportunities via recycled water and nature-based solutions.

Since 2014, the District and other dischargers have been funding the science program and collaborating with the Nutrient Science Program led by the San Francisco Estuary Institute to understand nutrient interaction with the Bay ecosystem. The science is evolving and requires continued research and data monitoring. Most stakeholders, including scientists, regulators, environmental groups, and dischargers acknowledge that the science surrounding HAB prediction in the Bay is not fully understood, but the severe fish kill that occurred from the HAB in August 2022 drove the RWQCB to take action now rather than wait for the science to be fully understood.

New Permit Requirements

The third Nutrient Watershed Permit (2024-2029) contains significant requirements that will impact the District. The most impactful change is the adoption of a final effluent limit for nutrients beginning around October 1, 2034. The District's final effluent limit is 3,300 kg/day of total inorganic nitrogen (TIN) as a seasonal average for discharges between May 1 and September 30 each year. This limit reflects a reduction of approximately 65 percent of TIN from past discharges prior to the biological nutrient reduction (BNR) pilot project work described below. Prior to the BNR pilot project, nutrient seasonal discharge from the Main Wastewater Treatment Plant (MWWTP) averaged 9,170 kg/day. The watershed permit also contains a ten-year compliance schedule to meet final effluent limits and detailed annual reporting requirements to demonstrate how each agency will achieve the required nutrient reductions including capital project status, process changes, and other methods chosen to reduce discharges.

District Comments and RWQCB Response to Comments on the Tentative Order

The District acknowledges that nutrients play a role in HABs and that actions to prevent fish kill incidents attributed to HABs in the Bay are needed. However, the path proposed by the RWQCB is overly restrictive, costly, and based on evolving science. The District provided a comment letter to the RWQCB on May 8, 2024.

The RWQCB posted responses to all comments on its website on June 26. A summary of the responses to District comments is below.

- RWQCB staff agreed that the scientific efforts need to continue to better understand the effects of nutrients in San Francisco Bay but disagreed that the existing science is not sufficiently robust to support the nutrient load reduction levels. The RWQCB stated that the science is always evolving and carries a degree of uncertainty; however, actions are needed now to avoid the potential for large algal blooms.
- The request to use a best management practices (BMP) approach instead of numeric limits was declined citing limitations with the Clean Water Act and National Pollutant Discharge Elimination System (NPDES) regulations. An NPDES permit may only use BMPs to control pollutants if numeric effluent limits are infeasible; in this case, the RWQCB believes the scientific information is sufficient to derive numeric limits for TIN.

- The RWQCB confirmed that anti-backsliding does not apply to the final effluent limits because these limits do not become enforceable at the end of this permit term. Anti-backsliding will not apply for at least ten years until the compliance schedule has passed and final effluent limits are in place.
- The RWQCB acknowledged the need for simplification and streamlining of various reporting requirements and modified the permit documents.
- It was confirmed the District qualifies as an early actor, which means the RWQCB will consider available regulatory mechanisms to provide additional time to the District to comply with the final effluent limits, if necessary.

District Actions to Achieve Nutrient Reduction

Since 2020, the District has been conducting a BNR pilot to test different operating strategies for nutrient removal at the MWWTP. In 2023, the BNR pilot achieved up to 65 percent removal of nutrients in half of the plant being used for the pilot testing. This summer and in summer 2025, the pilot will expand to test the nutrient removal capacity for the entire MWWTP. Based on results achieved in 2023, this expansion and optimization of the BNR process is expected to reduce seasonal nutrient loads by about 65 percent. This work is expected to achieve most, if not all, of the required nutrient reductions in the TO. However, since this is a new and innovative process, back-up plans, including the design of alternate treatment systems, such as sidestream treatment or installation of additional reactor decks, will be planned to maintain dry weather capacity and future growth.

The cost for the District to comply with the proposed effluent limits are still being estimated. The results of the next two years of BNR pilot testing will better identify the additional work that will be needed. Improvements are likely to cost in the tens of millions but could be hundreds of millions if the addition of two reactor decks are needed.

NEXT STEPS

The District will expand the BNR pilot to test the MWWTP's full nutrient removal capacity. Concurrently, engineering evaluations will be conducted to identify capital improvements to optimize the existing secondary treatment system and analyze alternatives should additional processes be necessary to achieve the proposed final effluent limits. The District will continue to support regional efforts to better understand the interactivity of nutrient levels and HABs.

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 13, 2024

MEMO TO: Board of Directors

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

SUBJECT: Monthly Report – July 2024

HIGHLIGHTS

In July, Cal/OSHA issued a Notice of No Violation after an inspection was conducted at a pipeline replacement jobsite in Albany. The inspection occurred as the result of an electrical shock incident that occurred on May 1, 2024 that injured a District employee which required reporting to Cal/OSHA. Cal/OSHA did not find any safety violations related to District safety practices and programs. The District is modifying its work practices to reduce the likelihood of future incidents.

On July 3, the District was added to the Fire Risk Reduction Community List. This is a special distinction because there are very few water agencies included on this list. Inclusion on the list requires a review of an agency's wildfire management and response plans, participation in local and regional wildfire mitigation planning and fire fuel management, and recognition that it meets Cal Fire's standards relating/requiring. Agencies on the list receive priority grant funding from Cal Fire.

WATER SUPPLY

On July 10 and 24, staff attended the U.S. Bureau of Reclamation's public negotiation sessions for the Long-term Warren Act Contract with Placer County Water Agency (PCWA). Additional negotiations are scheduled in August to support EBMUD's proposed long-term water transfer project with PCWA.

On July 17, staff met with the San Francisco chapter of Save the Bay to provide information on the District's Recycled Water Strategic Plan Update. Staff provided an overview of EBMUD's water supplies, existing recycled water program, and the evaluations being considered in the Recycled Water Strategic Plan Update.

On July 24, staff participated in the Mokelumne Integrated Conjunctive Use Program (MICUP) Operations Working Group meeting in Stockton. The group discussed MICUP operations that would involve potential use of facilities owned by EBMUD and Woodbridge Irrigation District (WID) and the operations agreements that will need to be developed. The group consists of EBMUD, North San Joaquin Water Conservation District, San Joaquin County,

and WID.

Precipitation. The East Bay precipitation for July and season-to-date was 0.01 inches (33 percent of average). The Mokelumne precipitation for July and season-to-date was 0.27 inches (113 percent of average).

Water Releases

Camanche Reservoir. The average rate of Camanche release for July was 333 cfs (254 cfs generation, 63 cfs sluice, and 16 cfs through the hatchery), and the average flow below Woodbridge Dam was 40 cfs, both in accordance with the Joint Settlement Agreement "Below Normal" water year criteria.

East Bay Reservoirs. There were no East Bay reservoir releases in July.

Water Storage

Mokelumne reservoirs storage is 115 percent of average. As of July 31, 2024, Pardee was at 565.8 feet or 101 percent of average, and Camanche was at 229.9 feet or 123 percent of average. Combined Pardee and Camanche reservoir storage was 576,000 acre-feet compared to 572,000 acre-feet last year.

East Bay reservoirs storage is 104 percent of average. As of July 31, 2024, Upper San Leandro was at 457.7 feet or 120 percent of average, San Pablo was at 299.5 feet or 91 percent of average, and Briones was at 571.8 feet or 104 percent of average. Total terminal reservoir storage was 132,000 acre-feet compared to 136,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft for July 2024 was 168 MGD. Walnut Creek, Moraga and Briones Raw Water Pumping Plants remained out of service for the month.

Water Production. Average rate of gross water production for July:

	July 2024	July 2023	July 2020	Average of FY 2005-2007
East of Hills	70 MGD	63 MGD	73 MGD	99 MGD
West of Hills	127 MGD	123 MGD	137 MGD	187 MGD
Total	197 MGD	186 MGD	210 MGD	286 MGD
Max Day Production	209 MGD (7/22/2024)	201 MGD (7/24/2023)	222 MGD (7/15/2020)	

Note: Data are all from preliminary daily operational reports and are subject to revision

WATER QUALITY AND ENVIRONMENTAL PROTECTION

In July, as part of the District's effort to renew its Federal Energy Regulatory Commission (FERC) license, a survey was sent to representatives from 40 interested local agencies and non-governmental organizations for early engagement meetings this fall. The meetings will be held upcountry and provide attendees an opportunity to learn about relicensing, provide initial feedback to the District, and share additional information. A separate meeting with tribal groups is being planned.

In July, staff completed a biological assessment for the Pardee Reservoir Turbidity Curtain Upgrade. Due to a severe windstorm event this past spring, the turbidity curtain installed in Pardee Reservoir experienced significant damage in the area around the intake tower. The biological assessment was required to upgrade the turbidity curtain anchors, as part of the U.S. Army Corps of Engineers 404 and CA 401 Water Quality Certification permitting process.

In July, seasonal salmonid field monitoring was conducted in the Mokelumne River. All juvenile trapping operations have been completed for the season due to declining trap captures and reduced flows below the Woodbridge Irrigation District dam. Through July 3, 2024, 76,172 naturally produced juvenile Chinook salmon were counted in the upstream trap and 21,965 were counted in the downstream traps (including weekend estimates). In addition to trap checks, rotary screw trap calibrations were conducted to help provide an estimate of the proportion of natural-origin juvenile Chinook salmon captured. As a result, the current production estimate of juvenile Chinook salmon at the upstream trap was 1,781,298 while the outmigration estimate of juvenile Chinook salmon at the downstream traps was 444,117. All data is preliminary and subject to quality control changes.

On July 3, the District received a draft Streambed Alteration Agreement from the California Department of Fish and Wildlife for the Orinda Water Treatment Plant Disinfection Project. This agreement covers grout work that could impact San Pablo Creek. The District is working to finalize the agreement. The terms are favorable with lower compensatory mitigation for the previous grout release incidents into the creek that occurred between September and December 2023 and allowances for purchase of mitigation credits.

On July 11, the District submitted the California Tiger Salamander (CTS) 2024 Spring Pond Survey Report. The wildlife survey report is required 45 days following the completion of a presence/absence survey for any authorized species under our U.S. Fish & Wildlife Service 10(a)(1)(A) Recovery Permit. Eighty-seven ponds on District property in Amador, Calaveras, and San Joaquin counties were surveyed. Seven ponds had CTS larvae present. A total of 49 larval CTS was counted.

On July 25, staff and the City of Hayward met with the California Department of Fish and Wildlife (CDFW) to discuss the draft workplan for the East Bay Plain Groundwater Dependent Ecosystem (GDE) and Biological Monitoring project. The draft work plan addresses data gaps in developing a baseline map of GDEs in the plan area by prioritizing data needs and suggesting data collection methods and their cost estimates. Comments from CDFW

will be incorporated into the workplan.

All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with the permit limits for the month of July. This is the 299th consecutive month that the MWWTP experienced no exceedances.

The District received no odor complaints from the public in July.

INFRASTRUCTURE INVESTMENT

In July, staff installed a new pipeline on Ridgewood Road in Alamo. This pipeline was a system improvement in preparation for the demolition of the Ridgewood Pumping Plant and Pressure Tank. The project installed approximately 1,875 feet of 6- and 8-inch earthquake resistant ductile iron pipe.

Design of the Main Wastewater Treatment Plant (MWWTP) Oxygen Plant Rehabilitation Project was completed under SD-428. This \$10 million construction project improves the reliability, maintainability, and operability of the MWWTP Oxygen Plant by replacing motors, valves, instruments, and controls, and integrating the new electrical controls into the distributed control system. The project will increase staff safety at the Oxygen Plant by replacing the fall protection system, installing a fire protection system, and adding seismic upgrades for electrical equipment. This project is expected to be completed in 2026.

Mains repaired in July totaled 86. The attached table lists the mains repaired by staff in July, sorted by city and street. The table indicates the source of the leaks in three categories: non-surfacing leaks discovered by leak detection technologies, breaks caused by contractors or other agencies, and all other main breaks. The associated map shows the location of the main repairs.

CUSTOMER AND COMMUNITY SERVICES

In July, staff met with the Oakland Ballers to continue discussions to finalize the design of the recycled water signs that will be used at Raimondi Park. The Oakland Ballers recommended the tag line “Homerun for recycled water.” The signs are expected to be installed in early August.

In July, staff presented at the American Society of Civil Engineers (ASCE) Utility Engineering & Surveying Institute Pipelines 2024 Conference in Calgary, Canada. The presentation highlighted collaborative efforts with U.C. Berkeley in designing and installing a distributed fiber optic sensing system. The system will monitor high-density polyethylene pipelines crossing the Hayward Fault and collect strain data for the Summit Pressure Zone (PZ) South Pipeline Replacement Phase 1 project, which replaced critical transmission pipelines for the Summit PZ and the inlet/outlet pipeline for Berryman South Reservoir. Approximately 50 people attended.

On July 2, staff met with PG&E to coordinate construction activities. The two agencies shared information on current and upcoming work.

On July 2, staff met with the City of Hayward to coordinate construction activities. The two agencies shared information on current and upcoming work.

On July 2, staff attended the Fairview Municipal Advisory Council meeting to learn more about community issues.

On July 3, staff met with the City of Oakland to coordinate construction activities. The two agencies shared information on current and upcoming work.

On July 4, staff participated in the 40th Annual Fourth of July Parade in Orinda. Staff accompanied Director Young, in a EBMUD fire engine-equipped vehicle. Approximately 5,000 people attended.

On July 8, staff attended the Castro Valley Municipal Advisory Council Land Use meeting to learn more about community issues.

On July 9, staff attended the Eden Municipal Advisory Council meeting to learn more about community issues.

On July 9, staff attended the Healthy Contra Costa's Health Equity Committee in Richmond.

On July 10, staff met with the Richmond Community Development Corporation. Staff provided information on the District's Customer Assistance Program and learned about the Corporation's community services.

On July 10, staff met with Alameda County Public Works and the Castro Valley Sanitation District to coordinate construction activities. The three agencies shared information on current and upcoming work.

On July 11, staff met with the City of Oakland for the monthly utility coordination meeting. The agencies shared information on current and upcoming work.

On July 11, staff met with the City of San Ramon to coordinate construction activities. The two agencies shared information on current and upcoming work.

On July 11, staff met with the City of Pinole to coordinate construction activities. The two agencies shared information on current and upcoming work.

On July 11, staff participated in the Lincoln Square Park Summer Night in Oakland Chinatown. Staff provided Customer Assistance Program applications and water conservation materials. Approximately 900 people attended.

On July 15, staff met with the City of Lafayette and its citizens advisory team to discuss the seismic retrofit of the Lafayette Reservoir outlet tower and conduit. Staff reviewed the previous efforts to maintain the original tower height, and the evaluations that demonstrate that tower shortening is the safest, most resilient and economically feasible way to address the seismic risk. Staff also responded to the City's additional questions. The City of Lafayette and its citizens advisory team are scheduled to meet with the California Division of Safety of Dams. Staff will be present at the meeting. Staff will continue to move forward with design and public outreach, with construction planned for 2025.

On July 15, staff attended the Castro Valley Municipal Advisory Council General Purpose meeting to learn more about community issues.

On July 15, staff conducted a tour of the Mokelumne River Fish Hatchery for the District's 2024 high school student interns. Topics discussed included salmonid hatchery productions, Mokelumne River fisheries management, habitat restoration, and reservoir operations. Approximately 30 people attended.

On July 16, staff presented at the Bay Area Clean Water Agencies' virtual Recycled Water Committee meeting. The presentation highlighted regulatory and legislative issues. Marin Water also provided an update on coordination with wastewater agencies on recycled water project. Approximately 25 people attended.

On July 16, staff presented at the Orinda City Council Meeting. The presentation highlighted the La Espinal Phase 1 Pipeline Replacement Project. Approximately 20 people attended.

On July 17, the District hosted the Emergency Communications Coordination, Tier 1 Water Quality meeting at its Administration Building. Representatives from state and county agencies gathered to discuss public outreach during a water quality emergency. Approximately 20 people attended.

On July 18, staff participated in the East Oakland Senior Center's Health & Information Resource Fair. Staff provided information on the Customer Assistance Program. Approximately 100 people attended.

On July 19, staff conducted a tour of the proposed New Central Area Service Center for the City of Oakland's Homelessness Division. Staff shared the scope of the project, and the City outlined their approach for relocating unhoused people to accommodate construction projects. The City will develop a census of current occupants and identify alternative housing options for them. Construction of the New Central Area Service Center is expected to begin in early 2026.

On July 20, staff participated in the Pleasant Hill Blues and Brews Festival. Staff provided information on water conservation, the watershed, and the Customer Assistance Program. The Water on Wheels Trailer was present. Approximately 5,000 people attended.

On July 21, staff participated in the Crockett Sugartown Festival. Staff provided information on water conservation, the watershed, and the Customer Assistance Program. The Water on Wheels Trailer was present. Approximately 10,000 people attended.

On July 23, staff participated in the Moraga Kids and Rigs event. Staff provided information on water conservation, the watershed, and the Customer Assistance Program. An EBMUD service truck was also showcased. Approximately 200 people attended.

On July 24, staff met with the City of Richmond to coordinate construction activities. The two agencies shared information on current and upcoming work.

On July 27, staff participated in the Euniece Law Community Assistance Fair in Oakland. Staff provided information on the Customer Assistance Program. Approximately 2,000 people attended.

Between July 27-28, staff participated in the Alameda Art and Wine Festival. Staff provided information on water conservation, rebates, pollution prevention, District careers, and the Customer Assistance Program. Approximately 5,000 people attended.

Media. A media advisory was issued on July 3 notifying the public about East Bay trail closures. Media coverage focused on a main break in Tara Hills San Pablo (KPIX5, KNTV11, KRON4, KTVU2, KGO7, KCBS radio, SF Gate, East Bay Times). A main break by the Berkeley Marina was covered (Berkeleyside and Berkeley Scanner.) EBMUD was included in an article about the California State Water Resources Control Board regulations regarding nitrogen in the Bay and efforts to reduce algae blooms (SF Chronicle). EBMUD was also included in coverage about the state's regulations about water use (SF Chronicle). EBMUD received the Innovator of the Year Award from Isle Utilities for leading the industry by example (Environmental Expert). In addition, the California Department of Water Resources highlighted EBMUD's habitat work and partnerships on the Mokelumne River (Department of Water Resources website and social media channels).

Social Media:

Social Platform	Popular Topic	Impression Generation	# Followers	Change Over Last Month
X	Red Flag Warning trail/BBQ closures	204	3,988	5
Facebook	Red Flag Warning trail/BBQ closures	13,598	2,183	72
Instagram	Good water makes good coffee	665	2,398	17
LinkedIn	Electrical engineer recruitment	2,301	10,185	101
Nextdoor	Red Flag Warning trail/BBQ closures	50,017		

Staff conducted public outreach to neighbors and interested parties on the following projects:

- Briones Reservoir Soil Off Haul 2024 (Orinda)
- Happy Valley Pumping Plant and Pipeline Replacement (Orinda)
- La Espinal Phase 1 (Orinda)
- Lafayette Reservoir Tower Retrofit (Lafayette)
- Moraga Country Club HOA (Moraga)
- Orinda Water Treatment Plant Disinfection Improvements (Orinda)
- Ridgewood Road Pipeline Replacement and Facility Demo (Alamo)
- Skyline Terrace Pumping Plant Electrical Upgrades (Danville)
- St. Mary's Pipeline Replacement (Lafayette)
- Tappan Terrace (Orinda)
- Walnut Creek Water Treatment Plant Pretreatment (Walnut Creek)

Contract Equity

Contract Equity staff participated in the following customer events and outreach activities:

- July 12 – Small Business Administration/Oakland African American Chamber's Inclusivity Project Small Business Workshop/Resource Fair – 60 attendees
- July 18 – Women's Business Enterprise Council Pacific's Board Meeting – 13 attendees
- July 18 – Oakland Latino Chamber of Commerce's Board Meeting – 10 attendees
- July 18 – Asian Business League/Gateway Leadership 's The Art of Networking Workshop – 12 attendees
- July 23 – Associated General Contractors of California's Small/Underutilized Business Forum – 35 attendees

Water Conservation

On July 18, staff conducted a Landscape Advisory Project Committee meeting at Orinda Watershed Headquarters in Orinda. This hybrid meeting covered water conservation program updates, review of lawn conversion payback calculator, and the Single-Family Lawn Conversion Rebate water savings evaluation study. Approximately 15 people attended.

WORKFORCE PLANNING AND DEVELOPMENT

Staff Rotation Program update. In July, two employees completed their six-month rotation assignment, and another three employees commenced their six-month rotations where they will broaden their experience and enhance their skills by working in a new work unit. These rotations will continue to provide staff with a better understanding of how their regular work assignments complement and connect with other District work groups.

In July, eight staff received training in Autodesk Revit, a state-of-the-art 3D Building Information Modeling (BIM) engineering design software. This professional development opportunity helped District engineers, facility designers, and drafters to design water infrastructure using a new system with features that improve collaboration with contractors and communication among the trades. Expanding the skills of staff equips them with innovative tools to efficiently meet the needs of the engineering and construction industry. This training supports the District's Workforce Planning and Development Strategic Plan goal.

On July 12, staff completed the recovery of all 56 acoustic telemetry receivers deployed throughout the Lower Mokelumne River as part of the 2024 Acoustic Telemetry Study. The recovered receivers store tagged juvenile salmon detections and the downloaded data are used to assess the outmigration survival of Chinook salmon smolts. This study is further designed to enable biologists and managers to identify actionable management alternatives that may increase survival and subsequent escapement of Mokelumne River Chinook salmon.

On July 17, twenty-five staff received training on the Habitat Conservation Plan (HCP). The HCP requires that all staff that work on the watershed receive HCP training when they are hired and have periodic refreshers on the HCP. The training includes discussion of the watershed maintenance activities covered by the HCP, the species covered by the HCP, the penalties for violations, and measures to avoid harm to seven threatened or endangered HCP species.

Staff participated in events/activities that support the District's long-term efforts to develop a diverse pipeline of candidates for future workforce needs and expand collaborative relationships with local partner organizations:

- **On July 23, staff presented to cohorts from the West Oakland Jobs & Resource Center.** Staff provided information on District career pathways, and application process, with an emphasis on Grounds Maintenance Specialist II. Approximately 25 people attended.
- **On July 24, staff participated in Laney College's virtual Artificial Intelligence (AI) Department Advisory Board Meeting.** Staff provided feedback on Laney College's newly formed AI department, curriculum, and activities.
- **On July 25, the District concluded its 2024 East Bay High School Summer Internship (HSSI) Program.** Twenty-six high school interns from Alameda and Contra Costa counties, with students from each EBMUD Ward, were celebrated by their mentors and peers for successful completion of the six-week internship program. The interns received hands-on experience in a variety of fields including administration, communications, engineering, and trades. Interns participated in weekly enrichment workshops, informational interviews with District staff, and in-person facility tours to expand their skills, knowledge, and understanding of the District and careers in the water and wastewater industry. The 2024 East Bay HSSI interns participated in an inaugural field trip to upcountry District facilities where they learned about fisheries and wildlife and the District's hydroelectric operations.

In the final week, interns presented their final projects to mentors, partners, peers, and staff. Each intern also wrote a formal letter to be delivered to their respective EBMUD Board Member.

The HSSI program is made possible through District partnership with Peralta Colleges Foundation and with support from a variety of community-based organizations such as Biotech Partners, Castro Valley Unified School District, College Track, Eden Area Regional Occupational Program, Contra Costa Office of Education, Hayward Unified School District, Oakland Unified School District, San Leandro Unified School District, San Lorenzo Unified School District, West Contra Costa Unified School District; and with the support and leadership of District mentors, guest speakers, subject matter experts, and program staff.

Tuition Reimbursement

	July 2024	FY 2025 Total
# of Employees	22	22
# of Classes	34	34
Total Reimbursed	\$32,151.35	\$32,151.35

Employment Information

	July 2024	FY 2025 Total
Retirements – Regular	12	12
Retirements – Vested	0	0
Hires/Rehires	23	23
Other Separations	9	9

FINANCIAL STABILITY

An amendment to the agreement with Trussell Technologies, Inc. originally authorized under the General Manager’s authority will be requested to increase the agreement amount by \$45,000 to a total amount not to exceed \$100,000 for tracer study of the North Richmond Water Recycling Plant (NRWRP) chlorine contact basin. The original agreement amount was \$55,000. The unique configuration of the chlorine contact basin at North Richmond Water Recycling Plant resulted in changes to the required scope of work to meet the tracer study contract objectives. Some of these changes include developing novel testing methods and explaining the test methods to the State Water Resources Control Board Division of Drinking Water, and include additional test runs and data processing requirements. The Board will be asked to consider approval at its August 27, 2024 meeting.

An additional amendment to the agreement with AECOM, originally authorized under Board Motion No. 056-18, with an amendment authorized under Board Motion No. 135-22, will be requested to increase the agreement amount by approximately \$1,100,000 to a total amount not to exceed approximately \$3,119,000 for the Design of the Tower and Conduit Retrofits at Lafayette Reservoir. The amendment is needed to complete the design of the project, for additional services related to environmental permitting, and engineering services during construction. These funds are also needed to cover the costs for analysis of additional

project alternatives and because of time and effort spent to evaluate and respond to proposals advanced by the City of Lafayette and its advisory committee. The Board will be asked to consider approval at its September 10, 2024 meeting.

On July 18, staff met with WateReuse California and the Water Board Division of Administrative Services - Fee Branch to discuss the proposed recycled water permit fees.

The purpose of the meeting was to discuss a proposed fee option that the Water Board intends to assess in Fiscal Year 2024-2025. The final stakeholder meeting will be held in August.

Capital Budget Transfers. In July 2024, there were three capital transfers for a total of \$8.8 million. There was one transfer that was greater than \$2.5 million. The transfer, in the Wastewater System, was for \$7.3 million, which was an addition to the Secondary Treatment Award (7000332) to accelerate the Clarifier – Phase 4 project. Due to recent equipment failures and updated condition assessments, the project schedule was accelerated to complete design in FY 2024 and begin construction in FY 2025. Because only design was anticipated to occur in FY 2025, the full construction amount was not appropriated in FY 2025, and therefore additional funds are required earlier than anticipated. The project will be advertised for bid August 16, 2024. Appropriations are available from the Nutrients Award (7000335) because nutrient projects have been deferred pending further assessments.

Through July 31, 2024, there have been three capital transfers in FY 2025, for a total of \$1.5 million in the Water system and \$7.3 million in the Wastewater system.

The estimated earned revenue from the Main Wastewater Treatment Plant Power Generation Station's surplus power sales for July is \$55,450. The District sold renewable power and related Renewable Energy Credits (RECs) to the Port of Oakland. The sale of RECs generated \$17,000 from the Port of Oakland. Earned revenue for FY 2025 to date is estimated at \$55,450 or 14 percent of the total FY 2025 budget of \$400,000.

The estimated earned revenue from Mokelumne power sales for July is \$1,428,000. The District sold renewable power and related Renewable Energy Credits (RECs) to Marin Clean Energy (MCE). Sales of RECs generated \$42,790 from MCE. Resource Adequacy capacity sales to NRG Business Marketing LLC and Ava Community Energy earned \$897,600 and \$9,130, respectively. Estimated earned revenue to date through July is \$1,428,000 or 14 percent of the FY 2025 budgeted revenue \$10,200,000. The forecasted revenue for FY 2025 is \$10,497,000.

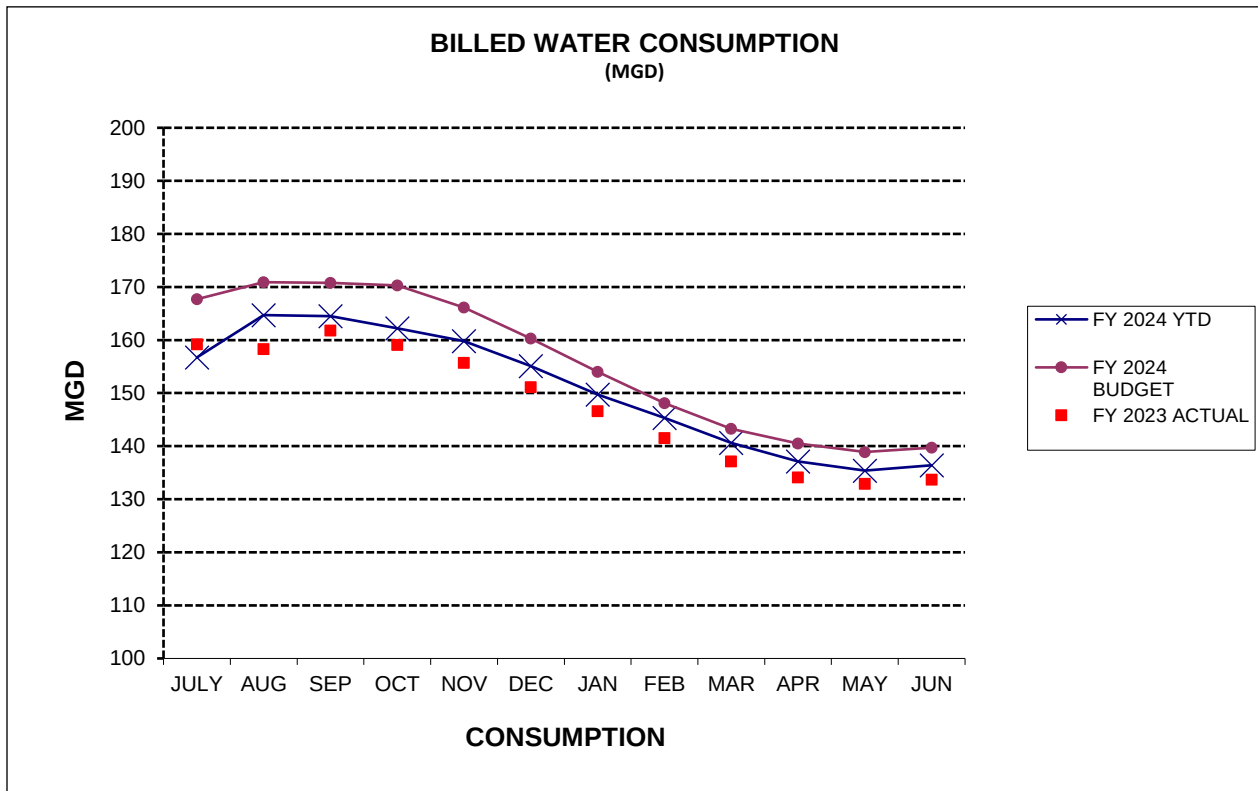
There were two material, supply, or construction contracts from \$80,001 to \$100,000 and five general and professional service agreements from \$30,001 up to \$80,000 approved by the General Manager in July 2024.

VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
Innofin Solutions	07/01/24	White Women	Professional consulting services to improve and optimize the Oracle Enterprise Performance Management Planning application.	N/A	N/A	\$44,920
NuSpective Solutions, Inc.	07/01/24	White Men	Amendment to increase previously awarded contract amount by \$54,060 and extend term to June 15, 2029 under Purchase Order No. 252-45183-AY to supply NGINX+ software and support for five years.	N/A	6/15/29	\$90,814
Black & Veatch Corporation	07/02/24	White Men	Amendment to increase previously authorized agreement amount by \$50,000 and extend term to December 31, 2024 under Purchase Order No. EBM231924 for detailed design of hydraulic oil system improvements at Pump Station H.	N/A	12/31/24	\$80,000
Irby Utilities	07/10/24	Foreign Company	Supply three revenue and protection transformers for Pardee Powerhouse.	N/A	N/A	\$88,176
City of Sacramento, City of West Sacramento, Placer County Water Agency, Sacramento County Water Agency, Woodland-Davis Clean Water Agency	07/17/24	Government Agency	Complete the periodic update to the Sacramento River Watershed Sanitary Survey.	N/A	N/A	\$75,000
Brain Squared Solutions, Inc.	07/25/24	White Women	Amendment to increase previously authorized agreement amount by \$22,581 under Purchase Order No. EBM214310 to provide career preparation workshops for District staff.	N/A	N/A	\$52,581
Town of Danville (Town)	07/25/24	Government Agency	Installation of 53 gate valve pots as part of the Town's El Pintado Drainage and Paving project, C-402 on streets, roads, or highways within Danville town limits.	N/A	N/A	\$39,644

Water Sales (Consumption)

The following consumption information is the average billed water consumption in millions of gallons per day (MGD) for FY 2024.¹ Budgeted average daily water consumption for FY 2024 was 139.7 MGD, with summer month consumption generally higher due to outdoor watering. The table below shows the average billed water consumption information by customer class with a comparison to FY 2023 data for the same period of time.

Fiscal End of Year Billed Water Consumption			
Usage Type	FY 2024 (MGD)	FY 2023 (MGD)	Year-over-Year (% change)
Residential	66.9	65.6	2.0%
Commercial	45.1	43.9	2.7%
Industrial	18.4	18.2	1.1%
Public Authority	6.0	6.0	0.0%
Total Billed Water Consumption	136.4	133.7	2.0%

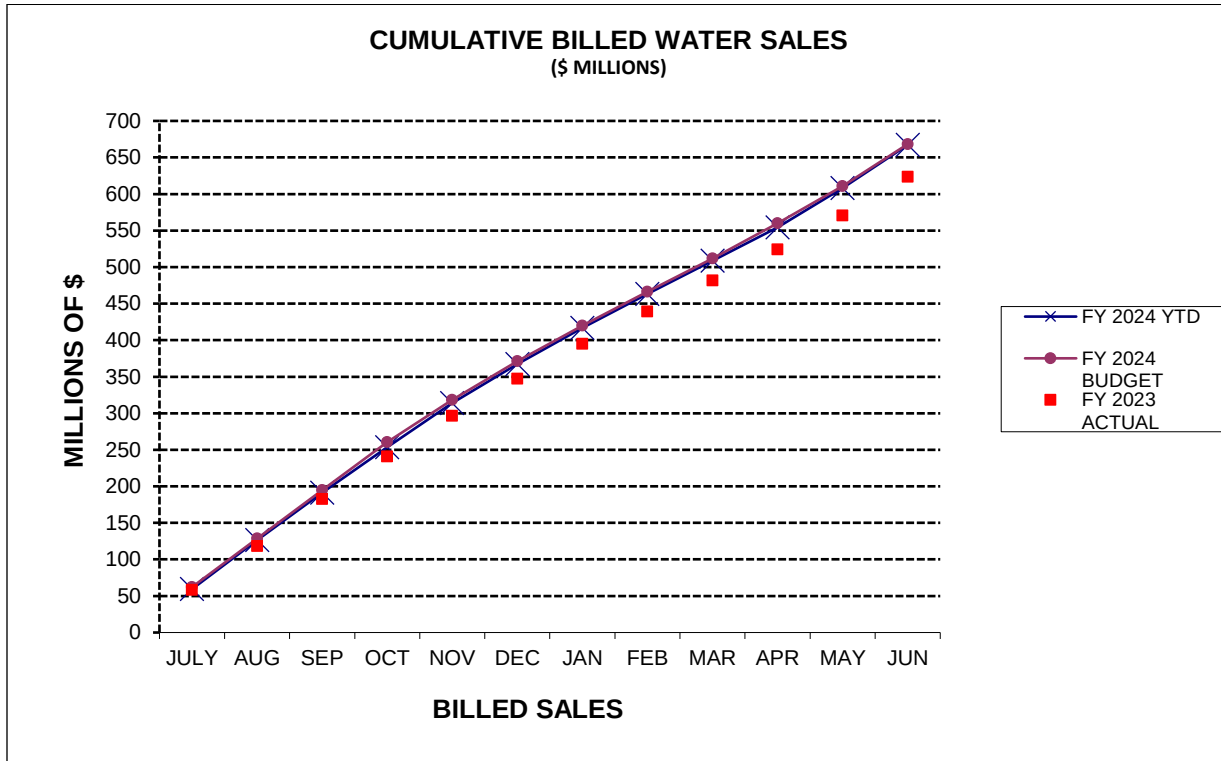


Source: Customer Information System

¹ Billed consumption is the amount of potable and non-potable water use for which EBMUD billed customers during the month and not actual customer usage within that month. During any month, roughly half of all EBMUD customers are billed for the prior two months of consumption. For example, a customer bill sent in early August would generally contain charges for water consumed in June and July.

Water Sales (Revenue)

Water revenues billed for FY 2024 were \$667.1 million or 7.0% more than the FY 2023 revenue of \$623.5 million.² This increase in water revenues is a result of an 8.5% rate increase (effective July 1 2023) and slightly higher consumption, partially offset by the removal of drought surcharges prior to the start of FY 2024. Total FY 2024 water revenues are \$1.2 million less (or 0.2% less) than the budgeted water revenue of \$668.3 million due to lower-than-projected consumption.



² Water sales includes potable and non-potable water sales. FY 2023 water sales shown in this report include drought revenue (\$20.2M through June 2023).

July 2024 MAIN BREAK REPAIRS										
City	Pr e	Street	Suf	Pipe Material	Pipe Diamet er	Year Installe d	Est Water Loss (Gal)	Identified On	Comple ted On	KPI Met?
ALAMEDA		FIR	AVE	ASBESTOS CEMENT	8	1966	7,200	7/29/2024	7/29/2024	Y
ALAMO		MIRANDA	AVE	ASBESTOS CEMENT	6	1953	90,000	7/21/2024	7/22/2024	Y
ALAMO		VIA LARGA		ASBESTOS CEMENT	6	1960	0	7/1/2024	7/1/2024	Y
ALBANY		SAN PABLO	AVE	CAST IRON	8	1937	9,000	7/28/2024	7/28/2024	Y
BERKELEY		4TH	ST	CAST IRON	6	1925	0	7/23/2024	7/25/2024	Y
BERKELEY		ALAMO	AVE	CAST IRON	4	1941	7,200	7/4/2024	7/4/2024	Y
BERKELEY		CALIFORNIA	ST	CAST IRON	4	1933	45,000	7/19/2024	7/19/2024	Y
BERKELEY		EUCLID	AVE	STEEL	8	1965	0	7/9/2024	7/17/2024	Y
BERKELEY		EUNICE	ST	CAST IRON	12	1926	900	7/5/2024	7/6/2024	Y
BERKELEY		FRONTAGE	RD	ASBESTOS CEMENT	12	1954	27,000	7/7/2024	7/9/2024	N
BERKELEY		HALCYON	CT	CAST IRON	4	1931	8,640	7/19/2024	7/24/2024	Y
BERKELEY		NEILSON	ST	CAST IRON	4	1949	0	7/17/2024	7/25/2024	Y
CASTRO VALLEY		CROW CANYON	RD	CAST IRON	12	1952	12,960	7/3/2024	7/11/2024	Y
CASTRO VALLEY		DOMINIC	DR	ASBESTOS CEMENT	6	1955	0	6/26/2024	7/8/2024	Y
CASTRO VALLEY		JOSEPH	DR	ASBESTOS CEMENT	8	1967	9,000	7/17/2024	7/17/2024	Y
CASTRO VALLEY		SEVEN HILLS	RD	CAST IRON	6	1954	8,640	7/10/2024	7/15/2024	Y
DANVILLE		HILFERD	WAY	STEEL	6	1960	4,500	7/8/2024	7/8/2024	Y
DIABLO		ALAMEDA DIABLO		STEEL	12	1960	43,200	7/11/2024	7/16/2024	Y
DIABLO		CABALLO RANCHERO	DR	STEEL	8	1960	23,040	6/17/2024	7/2/2024	Y
EL CERRITO		BONNIE	DR	ASBESTOS CEMENT	4	1948	23,040	6/24/2024	7/1/2024	Y
EL CERRITO		CLAYTON	AVE	CAST IRON	6	1945	10,080	6/26/2024	7/2/2024	Y
EL CERRITO		DEVONSHIRE	DR	CAST IRON	6	1927	9,000	7/4/2024	7/4/2024	Y
EL CERRITO		ELM	ST	CAST IRON	6	1948	27,000	7/14/2024	7/15/2024	Y
EL CERRITO		KING	DR	STEEL	16	1927	28,800	7/14/2024	7/17/2024	Y
EL CERRITO		KING	DR	STEEL	16	1927	7,200	7/19/2024	7/23/2024	Y
EL CERRITO		NORVELL	ST	CAST IRON	6	1949	0	7/2/2024	7/10/2024	Y
EL SOBRANTE		VALLEY VIEW	RD	CAST IRON	12	1948	0	7/10/2024	7/18/2024	Y

**KPI = turn around time to repair the leak*

July 2024 MAIN BREAK REPAIRS										
City	Pr e	Street	Suf	Pipe Material	Pipe Diamet er	Year Installe d	Est Water Loss (Gal)	Identified On	Comple ted On	KPI Met?
EMERYVILLE		45TH	ST	ASBESTOS CEMENT	6	1958	0	7/8/2024	7/11/2024	Y
HAYWARD		GINGER	AVE	CAST IRON	6	1951	10,080	6/26/2024	7/2/2024	Y
HERCULES		LAGOON	CIR	NON METALLIC / PLASTIC	8	1988	45,000	7/30/2024	7/31/2024	Y
LAFAYETTE		ANDREASEN	DR	ASBESTOS CEMENT	6	1948	20,160	7/25/2024	7/25/2024	Y
LAFAYETTE		BLACK HAWK	RD	CAST IRON	8	1958	7,200	7/31/2024	7/31/2024	Y
LAFAYETTE		HAPPY VALLEY	RD	CAST IRON	8	1956	14,400	7/8/2024	7/17/2024	Y
LAFAYETTE		RELIEZ VALLEY	RD	CAST IRON	4	1941	0	6/13/2024	7/2/2024	Y
LAFAYETTE	E	VIEW	DR	CAST IRON	4	1940	1,800	7/16/2024	7/17/2024	Y
OAKLAND		7TH	ST	CAST IRON	16	1917	12,960	7/3/2024	7/11/2024	Y
OAKLAND		11TH	AVE	CAST IRON	4	1928	18,000	7/27/2024	7/27/2024	Y
OAKLAND		15TH	ST	CAST IRON	4	1932	18,000	7/21/2024	7/22/2024	Y
OAKLAND		35TH	AVE	CAST IRON	6	1948	18,000	7/18/2024	7/18/2024	Y
OAKLAND		56TH	ST	CAST IRON	6	1909	900	7/31/2024	7/31/2024	Y
OAKLAND		64TH	AVE	CAST IRON	4	1912	7,200	7/5/2024	7/5/2024	Y
OAKLAND		82ND	AVE	CAST IRON	4	1911	11,520	7/22/2024	7/29/2024	Y
OAKLAND		ALBERT	ST	CAST IRON	4	1946	0	7/17/2024	7/30/2024	Y
OAKLAND		CAPWELL	DR	ASBESTOS CEMENT	8	1967	18,000	7/31/2024	7/31/2024	Y
OAKLAND		DEAKIN	ST	STEEL	2	1992	0	7/17/2024	7/25/2024	
OAKLAND		ELM	ST	CAST IRON	6	1938	11,520	6/30/2024	7/3/2024	
OAKLAND		HEGENBERGER	RD	CAST IRON	8	1947	2,250	7/7/2024	7/7/2024	
OAKLAND		HIGH	ST	CAST IRON	6	1924	36,000	7/5/2024	7/9/2024	
OAKLAND		INTERNATIONAL	BL	CAST IRON	6	1895	1,440	7/5/2024	7/5/2024	
OAKLAND		INTERNATIONAL	BL	CAST IRON	8	1938	18,000	7/22/2024	7/22/2024	
OAKLAND		JACK LONDON SQUARE		STEEL	12	1974	9,000	7/19/2024	7/20/2024	
OAKLAND		LINCOLN	AVE	CAST IRON	8	1955	43,200	7/5/2024	7/10/2024	
OAKLAND		MADISON	ST	CAST IRON	4	1932	9,000	7/22/2024	7/22/2024	
OAKLAND		MORSE	DR	CAST IRON	6	1934	17,280	7/12/2024	7/15/2024	

**KPI = turn around time to repair the leak*

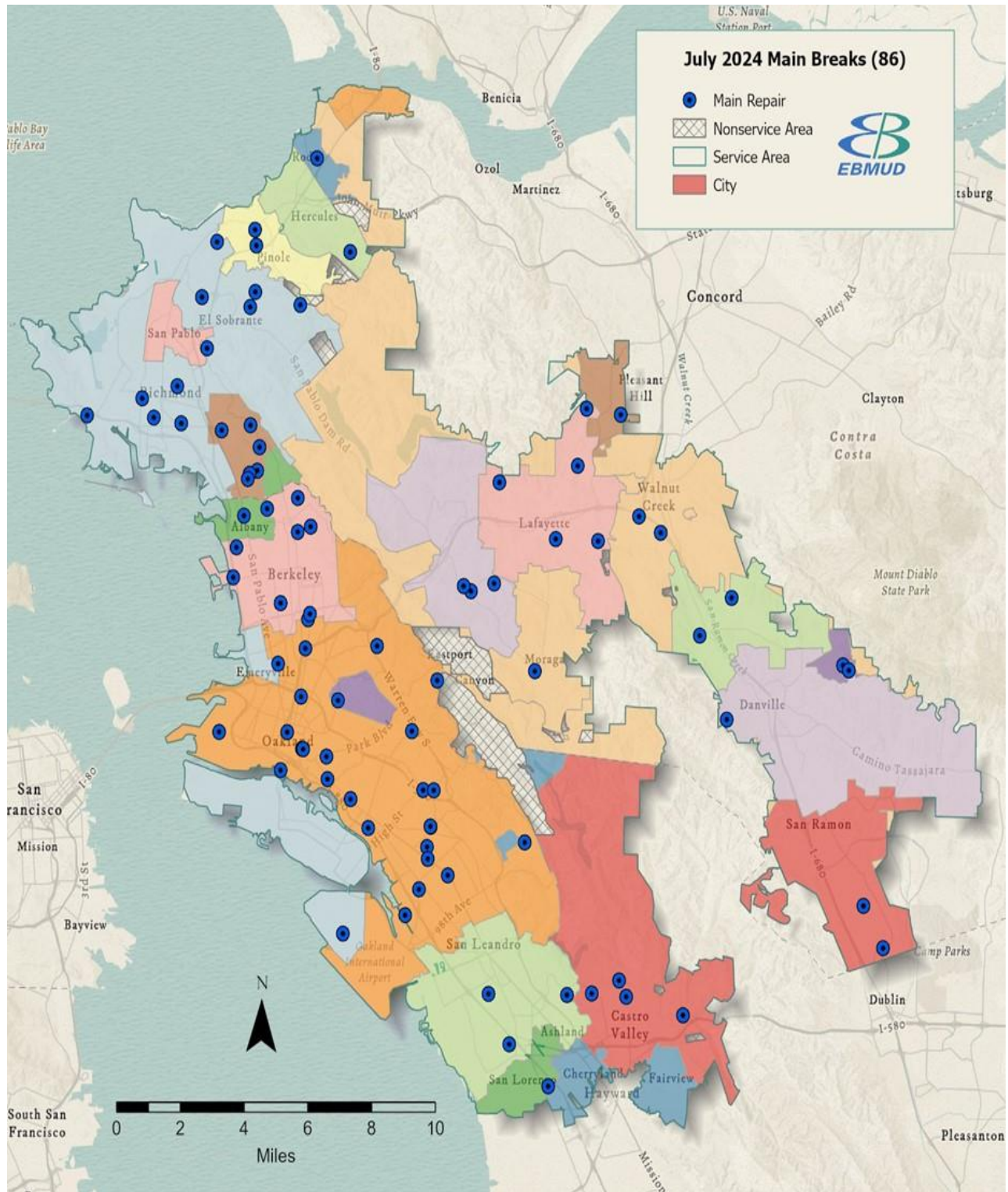
July 2024 MAIN BREAK REPAIRS										
City	Pr e	Street	Suf	Pipe Material	Pipe Diamet er	Year Installe d	Est Water Loss (Gal)	Identified On	Comple t ed On	KPI Met?
OAKLAND		MORSE	DR	CAST IRON	6	1934	0	7/22/2024	7/25/2024	
OAKLAND		PARK	BL	CAST IRON	6	1903	9,000	7/17/2024	7/17/2024	
OAKLAND		PINEWOOD	RD	CAST IRON	4	1949	17,280	7/14/2024	7/17/2024	
OAKLAND		SAN PABLO	AVE	CAST IRON	6	1925	18,000	7/21/2024	7/21/2024	
OAKLAND		SEQUOYAH	RD	CAST IRON	16	1944	8,640	6/26/2024	7/1/2024	
OAKLAND		SHIRLEY	DR	CAST IRON	4	1952	900	7/1/2024	7/1/2024	
ORINDA		BROOKSIDE	RD	CAST IRON	4	1937	9,000	7/25/2024	7/26/2024	
ORINDA		HALL	DR	CAST IRON	8	1949	1,440	7/9/2024	7/9/2024	
ORINDA		VALLEY	DR	CAST IRON	6	1945	7,200	7/6/2024	7/10/2024	
PIEDMONT		GRAND	AVE	CAST IRON	6	1938	18,000	7/22/2024	7/22/2024	
PINOLE		CANYON	DR	NON METALLIC / PLASTIC	6	1985	3,600	7/10/2024	7/10/2024	Y
PINOLE		MARLESTA	CT	ASBESTOS CEMENT	6	1968	50,400	7/3/2024	7/9/2024	Y
PLEASANT HILL		PLEASANT HILL	RD	CAST IRON	6	1941	11,520	7/9/2024	7/12/2024	Y
RICHMOND		11TH	ST	CAST IRON	6	1933	1,350	7/30/2024	7/30/2024	Y
RICHMOND	S	18TH	ST	CAST IRON	6	1940	50,400	7/2/2024	7/8/2024	Y
RICHMOND		30TH	ST	CAST IRON	6	1929	1,350	7/11/2024	7/11/2024	Y
RICHMOND	N	ARLINGTON	BL	CAST IRON	6	1939	1,800	7/23/2024	7/23/2024	Y
RICHMOND		BECK	ST	CAST IRON	4	1946	8,640	6/26/2024	7/1/2024	Y
RICHMOND		CONTRA COSTA	ST	CAST IRON	4	1936	9,000	7/13/2024	7/13/2024	Y
RICHMOND		FAIRMEDE	DR	ASBESTOS CEMENT	6	1955	45,000	7/30/2024	7/31/2024	Y
RICHMOND		HIDDEN SPRINGS	CT	ASBESTOS CEMENT	6	1979	0	7/9/2024	7/16/2024	Y
RICHMOND		SANTA RITA	RD	ASBESTOS CEMENT	12	1956	1,800	7/30/2024	7/30/2024	Y
RICHMOND		TARA HILLS	DR	CAST IRON	8	1952	45,000	7/7/2024	7/8/2024	Y
RODEO		7TH	ST	ASBESTOS CEMENT	8	1956	8,640	7/24/2024	7/29/2024	Y
SAN LEANDRO		ALVARADO	ST	CAST IRON	8	1948	36,000	7/21/2024	7/22/2024	Y
SAN LEANDRO		CAMBRIAN	DR	ASBESTOS CEMENT	6	1960	27,000	7/19/2024	7/19/2024	Y
SAN LEANDRO		SWENSON	ST	CAST IRON	4	1947	9,000	7/16/2024	7/16/2024	Y

**KPI = turn around time to repair the leak*

July 2024 MAIN BREAK REPAIRS										
City	Pr e	Street	Suf	Pipe Material	Pipe Diamet er	Year Installe d	Est Water Loss (Gal)	Identified On	Comple ted On	KPI Met?
SAN RAMON		ALCOSTA	BL	ASBESTOS CEMENT	8	1962	5,760	7/17/2024	7/18/2024	Y
SAN RAMON		MANGOS	DR	ASBESTOS CEMENT	8	1971	7,200	7/19/2024	7/19/2024	Y
WALNUT CREEK		ARLENE	DR	CAST IRON	6	1948	9,000	7/8/2024	7/9/2024	Y
WALNUT CREEK		DEL HAMBRE	CIR	CAST IRON	4	1941	9,000	7/8/2024	7/9/2024	Y
WALNUT CREEK		HOMESTEAD	AVE	ASBESTOS CEMENT	12	1957	11,520	7/19/2024	7/26/2024	Y
							1,194,750			

Non-surfacing leaks discovered by leak detection technologies	2
Breaks caused by contractors or other agencies	2
Other main breaks	82
Total water main repairs	86

**KPI = turn around time to repair the leak*



Customer Account Delinquency Information													
July 2024													
(Data collection began September 1, 2017 - CAP applications processed through Jul 31 24)													
CUSTOMER ASSIST. PROGRAM (CAP) ENROLLMENT	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24 ⁴⁷	Totals (since 9/1/2017)						
New CAP Participants	174	207	244	227	211	252	14,495						
CAP Renewals	243	267	279	285	236	216	15,319						
CAP Departures	323	540	425	447	414	434	21,011						
Total Active CAP Participants w/Active Accounts	9,365	9,265	9,474	9,592	9,674	9,965	-						
PAYMENT PLANS	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Totals (since 9/1/2017)						
Approved Payment Plans	1,881	1,867	1,927	1,830	1,730	1,831	233,748						
Payment Plans Established After Service Interruptions	-	-	-	-	-	-	1,320						
SERVICE INTERRUPTIONS - RESIDENTIAL	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Totals (since 9/1/2017)						
15-day Final Collection Notices	17,033	16,980	18,321	17,839	17,204	17,075	1,324,278						
48-hr Service Interruptions Notices ³	11,313	10,391	12,867	10,974	11,583	11,748	789,690						
Service Interruption Orders Created	*	*	*	*	*	5,118	87,807						
Service Interruptions Completed (Actual)	*	*	*	*	*	-	22,712						
CAP Enrolled Service Interruptions	*	*	*	*	*	-	802						
WATER THEFT	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Totals (since 9/1/2017)						
No. of Incidents	7	10	10	3	1	2	528						
No. of 2nd or 3rd Occurrences	-	-	-	-	-	-	41						
No. Water Theft Penalties Issued	-	-	-	-	-	-	228						
No. of Appeals Received	-	-	-	-	-	-	10						
No. of 1st Appeals Approved	-	-	-	-	-	-	5						
No. of 1st Appeals Denied	-	-	-	-	-	-	8						
Multi-Family Liens ¹	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Totals (since 9/1/2017)						
Liens Filed	98	-	58	259	-	-	6,757						
Released	44	-	23	22	35	178	5,722						
Transferred to Alameda Cty.	-	-	-	-	-	-	2,194						
Transferred to Contra Costa Cty.	-	-	-	-	-	-	400						
Total/Month	142	-	81	281	35	178	15,073						
BAD DEBT - WRITE OFFS ²	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Totals (since 9/1/2017)						
Total Referred to Collection Agency	\$ 314,164	\$ 356,030	\$ 379,355	\$ 512,874	\$ 259,360	TBD	18,258,519						
Write-Off % to Billed Revenue	0.59%	0.67%	0.72%	0.83%	TBD	TBD							
¹ Liens filed monthly represent delinquent accounts 4-6 months in arrears.													
² Jun 2024 collection agency totals will be updated in Jul 2024. Write-off revenue for May-Jun 2024 will be finalized when the final revenue reports are posted by Accounting.													
³ 48-hour notices were generated, but not mailed to customers since March 23, 2020. Customers are receiving payment reminders in-lieu of 48-hours notices.													
⁴⁷ Report dated 2024-08-02. CAP applications processed through 7/31/24. June 23 total referred amount updated. July 23 to be updated next month. May 2024 write-off percentage stat has been updated.													
<i>*Notes: - Effective March 12, 2020, the District suspended "Disconnects Due to Non-Payment" (DNP) to residential customers, withheld mailing 48-hr notices to customers, and began restoring service to all customers shut off as of January 2020. The DNP information will be omitted from this table until the District resumes DNP activities.</i>													
Water Theft													
Water Theft Type/City	Alameda	Alamo	Albany	Berkeley	Castro Valley	Crockett	Danville	El Cerrito	El Sobrante	Emeryville	Hayward	Hercules	Lafayette
Meter	5	1	2	19	4	3	1	2	3	1	8	6	1
Illegal Connection	0	1	0	1	0	0	0	0	0	0	0	0	0
Hydrant	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	5	2	2	20	4	3	1	2	3	1	8	6	1
Water Theft Type/City	Oakland	Orinda	Piedmont	Pinole	Richmond	Rodeo	San Lorenzo	San Leandro	San Pablo	San Ramon	Walnut Creek	Total as of 9/1/2017	
Meter	334	1	1	6	92	7	2	12	5	2	1	519	
Illegal Connection	4	1	0	0	0	1	0	0	0	0	1	9	
Hydrant	0	0	0	0	0	0	0	0	0	0	0	0	
Total	338	2	1	6	92	8	2	12	5	2	2	528	

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 8, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Janetta M. Johnson, Acting Secretary of the District 

SUBJECT: Sustainability Committee Minutes – June 25, 2024

Chair Doug A. Linney called to order the Sustainability Committee meeting at 9:33 a.m. Director Marguerite Young was present at roll call. Director Andy Katz arrived at 9:40 a.m. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Manager of Maintenance and Construction/Water Operations Crystal J. Yezman, Manager of Environmental Compliance Chandra R. Johannesson, and Acting Secretary of the District Janetta M. Johnson.

Public Comment. None.

Presentations/Documentation. 1) Presentation entitled, “Annual Integrated Pest Management Program Update” dated June 25, 2024; 2) Handout titled “2023 Pesticide Use Totals Attachment;” and 3) Email to Chandra Johannesson from Mary McAllister regarding Annual IPM Report to EBMUD Board dated June 25, 2024.

Annual Integrated Pest Management Program Update. General Manager Clifford C. Chan announced the attachment to the staff report was not included online and was available at their places. Manager of Environmental Compliance Chandra R. Johannesson reviewed the Integrated Pest Management (IPM) Program, IPM Program decision process, objective, pest management strategies, outreach, IPM application methods, pilot for glyphosate alternatives, and 2024 IPM Program activities. Ms. Johannesson and consultant Michael Blankinship (remote) addressed Committee questions about what is defined as a weed, not native versus non-native classification, what was the objective for using chemical application, toxic level of chemicals used, pilot locations within the East Bay, and trend on management strategies over the last five years. Ms. Johannesson also reviewed the missing attachment from the staff report and stated staff will revise the document for clarification and submit to the Board in an Information Memo. The Committee asked staff to consider a study combining Suppress EC with goat usage, share data with peer agencies, and to consider controlling weeds by outcompeting them with seeding, mowing, or grazing. General Manager Clifford C. Chan stated preliminary costs for pest management alternatives will be brought to the Committee in October 2024 to help inform the budget cycle which starts next year. It was moved by Director Young, seconded by Director Katz, and carried (3-0) by voice vote to accept the report.

Adjournment. Chair Linney adjourned the meeting at 10:14 a.m.

CCC/JMJ

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 8, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Janetta M. Johnson, Acting Secretary of the District 

SUBJECT: Finance/Administration Committee Minutes – June 25, 2024

Chair Andy Katz called to order the Finance/Administration Committee meeting at 10:31 a.m. in the Administration Building Boardroom. Directors April Chan and William B. Patterson were present at roll call. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Finance Sophia D. Skoda, Internal Auditor Supervisor Barry N. Gardin and Acting Secretary of the District Janetta M. Johnson.

Public Comment. None.

Presentations/Documentation. None.

Monthly Investment Transactions Report. Director of Finance Sophia D. Skoda reviewed the May 2024 report. Ms. Skoda noted there was a significant decrease in cash due to the payment of the larger of two bonds. The Committee raised no questions. This item will be submitted to the Board for consideration at its meeting in the afternoon. It was moved by Director Patterson, seconded by Director Chan, and carried (3-0) by voice vote to accept the report.

Revisions to District Policy 7.03 - Emergency Preparedness/Business Continuity. Internal Auditor Supervisor Barry N. Gardin presented the proposed revisions to Policy 7.03 - Emergency Preparedness/Business Continuity. The policy was revised to reduce the number of Board Standby Officers to a minimum of two, with the option of three Standby Officers. The policy language was also modified to be gender neutral. The Board will consider approving the revisions at its meeting in the afternoon. It was moved by Director Chan, seconded by Director Patterson, and carried (3-0) by voice vote to support the staff recommendation.

Adjournment. Chair Katz adjourned the meeting at 10:35 a.m.

CCC/JMJ

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 8, 2024

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Rischa S. Cole, Secretary of the District 

SUBJECT: Planning Committee Minutes – July 9, 2024

Chair Marguerite Young called to order the Planning Committee meeting at 9:00 a.m. in the Administration Building Boardroom. Directors April Chan and Doug A. Linney were present at roll call. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Manager of Maintenance and Construction/Water Operations Crystal J. Yezman, Construction and Maintenance Superintendent Gistand Williams, Jr., Senior Civil Engineer Dustin J. La Vallee, Associate Civil Engineer Roya Yazdani, and Secretary of the District Rischa S. Cole.

Public Comment. Addressing the Committee was Ivette Rivera who commented on documents she emailed to the Board and on the Pierce/Bland case and read excerpts from an article emailed to Committee members.

Presentations/Documentation. 1) Presentation entitled, “Pipeline Rebuild Program Update,” dated July 9, 2024; 2) Presentation entitled, “Cull Creek Regulator Construction and Campus, Keller, Gramercy, and Villareal Regulators Replacement Project Update,” dated July 9, 2024; and 3) email dated July 9, 2024 to Board of Directors from Ivette Rivera regarding Documents for 7/9/24 Board Meetings AND Committee Meetings with attachments.

Fiscal Year 2024 Pipeline Rebuild Program Update. Senior Civil Engineer Dustin J. La Vallee and Construction and Maintenance Superintendent Gistand Williams, Jr. provided the update. Mr. La Vallee highlighted the agenda and mission, noting the program was implemented 10 years ago to renew the District’s water distribution pipelines and achieve a sustainable replacement rate to reduce main breaks and water loss. He reviewed pipeline replacements and main breaks from Fiscal Year (FY) 2000 to FY 2024, future pipeline replacement goals for FY 2025 through FY 2030, main break density in 2023, and pipe installations between 2018 and 2022. In FY 2024, the District replaced approximately 25.3 miles of pipe, exceeding the goal of 22.5 miles. Projects were prioritized using a Likelihood of Failure (LOF) model, considering pipe leak data, age, and material, in coordination with District pipeline crews and service area cities and counties. Staff also worked with U.C. Berkeley and U.C. Davis on risk model migration analyses. Mr. Williams reported that during FY 2024, a 13th pipeline crew was hired to support large mainline projects and a pilot was conducted to direct haul trench soils. Enhanced outreach efforts with local community groups to highlight and attract diverse applicants for pipeline jobs resulted in staff engaging with over 1,500 individuals. Mr. La Vallee discussed collaboration with the Center for Smart Infrastructure (CSI); current research and innovation efforts; and assessing pipe conditions and migration between risk categories on the LOF model. FY 2025 plans include using new

materials and pipe installation methods; continuing direct hauling trench soils; piloting the use of native slurry backfill; flexible crew staffing based on project needs; collaborating with the CSI; and issuing a new request for proposals for ductile iron pipe. Mr. La Vallee and Mr. Williams responded to Committee questions and staff was asked for details on the volume of trench soils direct hauled during the pilot project; information on the soil broker assisting the District with trench soils management; 2022 and 2023 data on pipe migration between risk categories on the LOF model; findings from the research on the pipe degradation model; and researching Palantir Technologies Inc. tools that may assist the District with predicting which pipes need to be replaced. It was moved by Director Linney, seconded by Director Chan, and carried (3-0) by voice vote to accept the report.

Cull Creek Regulator Construction and Campus, Keller, Gramercy, and Villareal Regulators Replacement Project Update. Associate Civil Engineer Roya Yazdani presented the project which includes constructing a temporary Cull Creek rate control station (RCS) and permanent regulator, and upgrading the Campus, Keller, Gramercy, and Villareal regulators. These upgrades will improve distribution system operations and reliability, fire flow, redundancy, access and ventilation issues, as well as add drainage and replace corroded equipment. The temporary Cull Creek RCS and permanent regulator located in Castro Valley, will be required to support an outage during the upcoming Almond Reservoir Replacement Project. Following construction of Almond Reservoir, the Cull Creek RCS will be converted to a pressure regulator which will supply water to the Almond Pressure Zone from the Southern Loop Pipeline. Ms. Yazdani reviewed the goals and benefits of the Rate Control Station and Regulator Rehabilitation Program and projects planned through FY 2034. She discussed major work restrictions and challenges at the Cull Creek, Campus, Keller, Gramercy, and Villareal facilities; previously rehabilitated RCSs; and meetings with AFSCME Local 444 about contracting out for this project. The Board will be asked to consider approving the project's construction contract at its meeting this afternoon. Addressing the Committee was Eric Larsen, President, AFSCME Local 444, who said the union objects to contracting out its core work and asked to defer the project until it could be performed by District forces. There was considerable discussion by the Committee and General Manager Clifford C. Chan explained the criticalness of the project and recommended proceeding while continuing discussions with Local 444. After additional discussion, Mr. Larsen said the union was amenable to contracting out vault installation but said District forces should install the regulators. There was additional discussion and the Committee agreed to support the staff recommendation, but asked staff to continue discussions with the union, evaluate using District forces on future regulator projects, and to review how District construction crews are used compared to other agencies. It was moved by Director Linney, seconded by Director Chan, and carried (3-0) by voice vote to support the staff recommendation.

Adjournment. Chair Young adjourned the meeting at 10:06 a.m.

CCC:RSC

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 8, 2024

MEMO TO: Board of Directors

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

FROM: Rischa S. Cole, Secretary of the District *RC*

SUBJECT: Legislative/Human Resources Committee Minutes – July 9, 2024

Director Lesa R. McIntosh called to order the Legislative/Human Resources Committee meeting at 10:15 a.m. in the Administration Building Boardroom. Director Luz Gómez was present at roll call. Chair William B. Patterson arrived at 10:28 a.m. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Special Assistant to the General Manager Derry L. Moten, Manager of Employee and Organizational Development Chad R. Thigpen, Senior Human Resources Analyst Sylvia M. Johnson, and Secretary of the District Rischa S. Cole.

Public Comment. Addressing the Committee was Ivette Rivera who commented on her experience speaking under public comment during the 9:00 a.m. Planning Committee meeting.

Presentations/Documentation. 1) Presentation entitled, “Diversity, Equity, and Inclusion Strategic Plan Update,” dated July 9, 2024; 2) Email dated July 6, 2024 from Ivette Rivera to Board of Directors regarding Please include the email and the YouTube link below to the HR and Legislation Committee Members @ the 7/9/24 meeting; and 3) Article titled SF Gate – Pro-Development Board Ousts EBMUD Manager (with attachments).

Diversity, Equity, and Inclusion Strategic Plan (DEISP) Update. The DEISP is divided into five strategic pillars (Leadership Commitment, Workforce Diversity, Inclusive Culture, Supplier Diversity, and Social Responsibility), which guide plan implementation. Special Assistant to the General Manager Derry L. Moten, Senior Human Resources Analyst Sylvia M. Johnson, and Manager of Employee and Organizational Development Chad R. Thigpen provided updates. Mr. Moten reported three key documents inform workforce diversity efforts: the Strategic Plan, DEISP Strategic Pillar 2, and the Equal Employment Opportunity Program (EEOP) Report and four workforce planning strategies aim to accomplish the DEI vision. He reviewed five-year demographic trends, promotion rates, and three key insights that will guide Fiscal Year (FY) 2025 workforce planning strategies. Planned initiatives to enhance workforce diversity include greater outreach efforts and targeted campaigns to attract more people of color, women, veterans, and individual with disabilities (IWD); enhanced outreach and more information about District careers, hiring processes, and available resources for job seekers; and strengthening support for internal candidates in classifications with lower levels of career mobility. Ms. Johnson discussed workforce planning strategies 2 and 3. Under strategy 2, staff participated in pre-recruitment boot camps, a mock interview workshop, information sessions about upcoming recruitments, and specialized job fairs and expos targeted for minority, female, protected veterans, and IWDs, reaching approximately 6,700 job seekers. Under strategy 3, Limited-Term Community Employment Trainee program positions increased from 2 to 9; the post-secondary internship program was expanded to include 44 funded positions in FY 2024/2025; and the High School Summer Internship program was expanded to

include students from the Mokelumne area. Staff is also exploring options to implement the Department of Rehabilitation's Pathways to Success Program for IWDs. During FY 2023/2024, seven internship participants promoted to positions at the District. Mr. Thigpen discussed the employee mobility program developed under workforce planning strategy 4. Employees in classifications identified as having the lowest levels of mobility were invited to participate in surveys and focus group discussions. He reviewed key findings and career mobility resources available to staff. Next steps include continuing implementation of workforce and career development programming and the DEISP; presenting the Reporting Year 2023 EEOP Report for Board approval on August 13, 2024; and providing the next DEISP update to the Committee in September 2024. In response to Committee questions, staff explained non-binary data will be available after HRIS updates and described internship program advertising and the career coaching process for staff. The Committee thanked staff and asked for a presentation on the EEOP Report at the August 13, 2024 Legislative/Human Resources Committee meeting and exit survey data. Addressing the Committee was Ivette Rivera who commented on information she provided, data in the staff report, and the request to have the EEOP Report discussed at the August Legislative/Human Resources Committee meeting.

Adjournment. Director McIntosh adjourned the meeting at 10:54 a.m.

CCC/RSC