EBMUD

BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT

375 - 11th Street, Oakland, CA 94607 Office of the Secretary: (510) 287-0440

Notice of Time Change

PLANNING COMMITTEE MEETING

9:00 a.m.
Tuesday, February 10, 2015

Notice is hereby given that on Tuesday, February 10, 2015 the Planning Committee Meeting of the Board of Directors has been rescheduled from 9:15 a.m. to 9:00 a.m. The meeting will be held in the Training Resource Center of the Administration Building, 375 - 11th Street, Oakland, California.

Dated: February 5, 2015

Lynelle M. Lewis
Secretary of the District

W:\Notices\Notices 2015\021015_planning_time_change.doc

EBMUD

BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT

375 – 11th Street, Oakland, CA 94607 Office of the Secretary: (510) 287-0440

AGENDA

Planning Committee
Tuesday, February 10, 2015
9:00 a.m.
Training Resource Center

(Committee Members: Directors McIntosh {Chair}, Linney and Young)

ROLL CALL:

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

DETERMINATION AND DISCUSSION:

1.	Leland Reservoir Replacement Project Update	(X. Irias)
2.	Provision of Water Service Within and Outside of the Service Area	(X. Irias)
3.	Consent Decree Implementation Update	(Horenstein)
4.	2014 Mokelumne Fall-Run Chinook Salmon Returns	(Sykes)
5.	2014 California Groundwater Legislation	(Sykes)

ADJOURNMENT:

Disability Notice

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

Document Availability

Materials related to an item on this Agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours.

W:\Agendas\Agendas 2015\2015_Committees\021015_planning_agenda.doc

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 5, 2015

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager ARC

FROM: Xavier J. Irias, Director of Engineering and Construction XJI

SUBJECT: Leland Reservoir Replacement Project Update

INTRODUCTION

The existing 19.5-million gallon (MG) open-cut Leland Reservoir, which is located in Lafayette, will be replaced with two 8.0 MG concrete tanks in the existing open-cut basin. The project was identified in the 2006 Water Treatment and Transmission Improvement Program (WTTIP) Environmental Impact Report (EIR), and the 2012 Reservoir Infrastructure Rehabilitation Plan ranked Leland Reservoir as a high priority for replacement. This memo provides an update on the project. Staff will provide a presentation to the Planning Committee on February 10, 2015.

DISCUSSION

Background

Leland Reservoir, constructed in 1955, is located at 1050 Leland Drive in the City of Lafayette; see Figure 1. The reservoir is a critical facility that provides daily operational storage to most of the Leland Pressure Zone (PZ) and water for the Lafayette Water Treatment Plant, which does not have sufficient storage on site. The Leland PZ is a large pressure zone approximately seven miles across from north to south. It encompasses the southwest part of the City of Pleasant Hill, the majority of the City of Walnut Creek and to the south part of unincorporated Contra Costa County. The pressure zone includes approximately 12,000 services and is largely residential, but it includes commercial and retail areas and a hospital.

Leland Reservoir is at the end of its useful life, and its replacement is a high priority due to the deteriorated condition of the pre-cast concrete roof. Reservoir concerns also include rainwater ponding on the roof, mature trees growing in the earthen embankment, and obsolete mechanical and electrical equipment. Also, the reservoir operates at a lower capacity than designed, due to restrictions imposed by California Division of Safety of Dams (DSOD).

Leland Reservoir Replacement Project

The replacement of Leland Reservoir was analyzed at the program level in the 2006 EBMUD WTTIP EIR. The EIR analyzed demolition of the existing Leland Reservoir, construction of a new 9.0 MG tank in the existing Leland Reservoir basin, and construction of a 9.0 MG tank on a new site east of I-680 and south of Rudgear Road in the City of Walnut Creek (Rudgear Reservoir). Subsequent to the 2006 EIR, the Rudgear Reservoir was screened out as a Leland Pressure Zone storage alternative due to its very high property acquisition and construction costs and because hydraulic analyses determined that Leland Reservoir could be removed from service during construction of the new tanks using other existing and planned facilities.

Under the preferred project, Leland Reservoir will be demolished, and the required storage will be replaced at the existing Leland Reservoir site. Based on the 2040 Demand Study projections, the required storage is 16.0 MG. To improve access for future repair and maintenance and to accommodate construction, relocation of the transmission pipeline within the basin is included in the project. An alternative to relocate the pipeline outside of the basin to Windsor Drive, Condit Road, and Leland Drive will also be analyzed.

Four site designs were developed and compared to rehabilitation and long-range operation of the existing Leland Reservoir. All alternatives include two 8.0MG prestressed concrete tanks within the existing basin. The primary difference between the alternatives is how the large amount of excavated soil will be handled on the site and the extent it would be offhauled or backfilled around the new tanks. The preferred site design is the least costly and has the shortest estimated construction duration. The facility is contained within the existing basin, which simplifies security and access and minimizes visual impacts.

Staff met with City of Lafayette staff at the site to introduce the project and solicit input early in the planning process. The Leland Reservoir sits on the saddle of a hill with distant, filtered views from a few nearby residences. The EIR for this project will include community outreach.

The project cost is estimated at $31 million: $29 million for the Leland Reservoir Replacement Project and $2 million for the relocation of the transmission pipeline.

NEXT STEPS

Development of an EIR is the next major step in project development. Scheduled milestone dates are as follows:

Select Consultant	April 2015
Award EIR Consultant Contract	May 2015
Mail Notice of Preparation	July 2015
Publish Draft EIR	January 2016
Board Approval of EIR and Project	June 2016

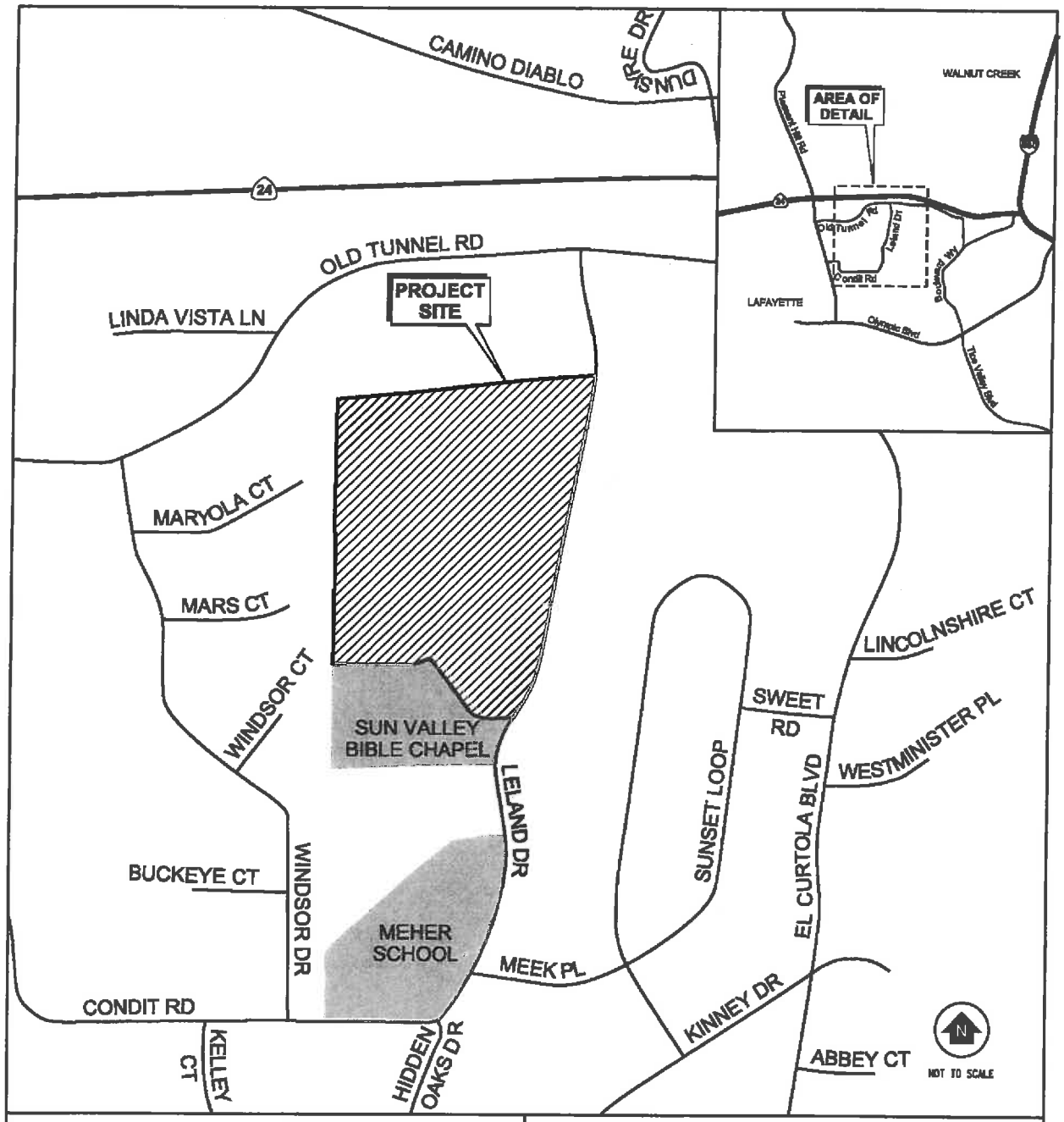
Detailed design is anticipated to start in 2018, and construction is planned to begin in 2020 and be completed by 2022.

ARC:WRK:JLM:dks

I:\SEC\2015 Board Related Items\Committees 2015\021015 Planning Ctte\E&C Leland Reservoir Replacement Project Update.docx

Attachment: Figure 1 – Leland Reservoir Replacement Project Location Map

Leland Reservoir Replacement Project Location Map



PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

LELAND RESERVOIR REPLACEMENT

FIGURE 1

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 5, 2015

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager ARC

FROM: Xavier J. Irias, Director of Engineering and Construction XJI

SUBJECT: Provision of Water Service Within and Outside of the Service Area

INTRODUCTION

The current drought has prompted several inquiries regarding the conditions under which EBMUD policies permit new service connections not currently within the District's service territory, as well as the conditions governing use of hydrant meters. This memo provides information on the relevant policies governing new service connections, as well as regulations governing use of hydrant meters. Staff will provide a presentation to the Planning Committee on February 10, 2015.

DISCUSSION

New Service Connections

New service connections, and potential annexations of territory, are governed by several policies: 3.01, 3.05, 3.07 and 3.08 (all attached). The conditions of service depend on which of the following situations describes the proposed new service connection:

1. Inside EBMUD's current service area
2. Outside the service area but within EBMUD's Ultimate Service Boundary (USB)
3. Outside the USB but within the Urban Limit Line (ULL)
4. Outside the ULL

The District's long range future water supply needs identified in the 2010 Urban Water Master Plan include properties located within the District's USB and ULL (area map attached).

Case 1: New service within current service area

Policy 3.07 recognizes EBMUD's responsibility to serve new customers within our current service area, provided we can do so without exceeding 15 percent rationing to existing customers.

New service is subject to various terms and conditions including the payment of costs necessary to extend our water system as needed. For services in remote areas, those costs can be substantial and in some cases have exceeded what the applicant is willing to pay for water service.

Case 2: Service outside the service area, within the USB

A proposed new service outside our current service area, in addition to the terms for service within the service area, requires annexation, i.e., an expansion of our service area. Policy 3.01 describes the conditions for annexations; for proposed annexations within the USB, the major conditions are:

- The territory proposed for annexation should include any parcels required to make a "logical boundary."
- The annexation should be economically sound and meet an immediate need for service, and water service shall be both necessary and technically feasible.
- The Alameda County Local Agency Formation Commission must approve the annexation.
- The State Water Resources Control Board must approve the change in our service area.
- The United States Bureau of Reclamation must approve the inclusion of the area into EBMUD's Central Valley Project Contractor Service Area.

Assuming the various conditions were met, Policy 3.01 states that the Board would generally not oppose annexation.

Case 3: Service outside the USB and within the ULL

Policy 3.01 states that the Board will generally oppose annexations outside the USB unless one of two conditions is met:

1. The requested annexation is a small boundary adjustment with various conditions met.
2. The annexation is to mitigate health risks, as established by the appropriate agency, associated with existing water supplies.

Should either of these conditions be met, then the Board would not oppose the annexation – although the annexation would still need to meet all of the conditions described for Cases 1 and 2 above.

Case 4: Service outside the ULL

Policy 3.08 describes how proposed connections outside the ULL are handled. Generally, if more than 200 dwelling units are proposed, an advisory election is required. Otherwise, the Board is to oppose the annexation and discuss whether to call an advisory election.

Following the advisory election, if required, all of the conditions for Cases 1, 2 and 3 must also be met.

A chart summarizing the requirements for each case scenario is shown below:

Condition of Property Requesting Water Service				Action and Approval Required
Within EBMUD's Current Service Area	**Outside of EBMUD's Current Service Area**	**Outside of EBMUD's Ultimate Service Boundary**	**Outside of Contra Costa County Urban Limit Line**	
X	**X**	**X**	**X**	Application for water service through EBMUD
	X	**X**	**X**	United States Bureau of Reclamation approval for inclusion in compliance with Article 35 of the Central Valley Project water supply contract
	X	**X**	**X**	Local Agency Formation Commission approval for annexation
	X	**X**	**X**	State Water Resources Control Board approval for water service outside of the Ultimate Service Boundary
			X	Advisory election for annexation per Policy 3.08 (may require)

Regulations Governing Use of Hydrant Meters

Aside from formal requests for new service connections, the current drought has also resulted in inquiries from property and/or business owners seeking to use hydrant meters to obtain water for use outside the service area. As part of the District's drought response efforts, staff audited existing hydrant meter permits and identified cases where a hydrant meter was used to fill a water truck and ferry the water to other locations outside the service area. In response, staff confiscated five hydrant meters that were used in violation of our regulations. The District's

response to these inquiries have been consistent with Policies 3.05 and 3.07 which strictly prohibits the extension of water to areas outside the District USB and its responsibility to customers of water service responsibility.

Following some controversy concerning hydrant meter use in 2002, Section 7 of EBMUD's Regulations Governing Water Service (attached) was revised to clarify explicitly that the meters must not be used to supply water outside the service area. Additional restrictions include a prohibition on domestic consumption or permanent use.

XJI:xi

I:\SEC\2015 Board Related Items\Committees 2015\021015 Planning Ctte\E&C Water Service Within and Outside of the Service Area.docx

Attachments

EBMUD

Policy 3.01

EFFECTIVE 27 OCT 09

SUPERSEDES 09 OCT 07

ANNEXATIONS

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Consider annexing territory, when requested by owners of the property or public agencies having jurisdiction.

Conditions

Annexations are subject to the following conditions:

- The territory shall be within EBMUD's Ultimate Service Boundary.
- Generally, there should be an immediate need for water service on part or all of the territory being annexed.
- The territory proposed for annexation should include any parcels required to make a logical boundary.
- The annexation should facilitate the operation of the utility and be of advantage to the community.
- The annexation should be economically sound and water service technically feasible.
- The annexation satisfies Policy 3.08 – Advisory Election for Annexations Outside the Contra Costa County Urban Limit Line, if applicable.
- Territory within the boundaries of the East Bay Watershed Master Plan, but lying outside the boundary of the Briones Hills Agricultural Preservation Area (BHAPA) must:
  - Have adequate facilities for removal of sewage from the watershed; and
  - Be under agreement or permanent deed restriction with EBMUD to protect the quality of source water under the influence of the territory.
- Territory shall be outside the boundary of the BHAPA as adopted by Contra Costa County and signatory cities, except where:
  - The territory is in EBMUD or other public agency ownership and will remain in public ownership; and
  - EBMUD obtains agreements or permanent deed restrictions from the public agency owner that provide for protection of the quality of source water under the influence of the territory.

  EBMUD policy shall be to express opposition to annexation of privately held parcels within the BHAPA boundary.
- If the proposed annexation extends beyond the Contractor Service Area of EBMUD's Central Valley Project (CVP) water supply contract, EBMUD shall request the United States Bureau of Reclamation (USBR) to include the

proposed annexation in the Contractor Service Area in compliance with Article 35 of the CVP water supply contract. EBMUD shall also request the responsible Local Agency Formation Commission to condition water service to the annexed territory until receipt of USBR's formal approval of the inclusion.

Territory Outside of Ultimate Service Boundary

Opposition shall be expressed to all proposed annexations outside of the Ultimate Service Boundary unless:

a) The requested annexation is a small boundary adjustment found by EBMUD to be in its best interests based on the following conditions:

(1) The property and dwelling units are the smaller part of a larger development project located primarily within the Ultimate Service Boundary;

(2) The development project is desired and approved by the city or county land use planning agency with jurisdiction, and the land use planning and environmental documentation recognizes EBMUD as the logical provider of water service;

(3) Annexation of the property to EBMUD represents the most practical and feasible method of obtaining water service;

(4) The cumulative number of dwelling units outside the Ultimate Service Boundary added as a result of such small boundary adjustments shall not exceed 100 in any two-year period;

(5) The project proponent has agreed to cooperate with EBMUD in adding the territory to EBMUD's permitted place of use and has agreed to compensate EBMUD for costs incurred; and

(6) EBMUD Policy 3.05 – Considerations for Extension of Water Beyond the Ultimate Service Boundary, and Policy 9.03 – Water Supply Availability and Deficiency, are satisfied with regard to the effects of extension of water beyond the Ultimate Service Boundary; or

b) The requested annexation is to mitigate health risks, as established by the appropriate agency, associated with existing water supplies.

Authority

Resolution No. 20996, June 8, 1962
Amended by Board Motion No. 91-012, February 14, 1991
Amended by Resolution No. 33116-98, August 11, 1998
Amended by Resolution No. 33365-03, July 8, 2003
Amended by Resolution No. 33634-07, October 9, 2007
Amended by Resolution No. 33732-09, October 27, 2009

References

Policy 3.05 – Considerations for Extension of Water Beyond the Ultimate Service Boundary
Policy 3.08 – Advisory Election for Annexations Outside the Contra Costa County Urban Limit Line
Policy 9.03 – Water Supply Availability and Deficiency

EBMUD

Policy 3.05

EFFECTIVE 14 NOV 06

SUPERSEDES 13 FEB 01

CONSIDERATIONS FOR EXTENSION OF WATER BEYOND THE ULTIMATE SERVICE BOUNDARY

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT THAT:

The District will not extend water to areas outside the present Ultimate Service Boundary (USB) of the District, if such extension would result in:

1. A reduction in the quantity of water available to District customers to satisfy existing or projected levels of demand; or

2. A reduction in the quality of water available to District customers from the District's present water sources; or

3. An increase in costs of service for District customers.

The USB defines the territory within which the District has planned to provide water service. The phrase "District customers" as used in this policy shall mean (i) existing water service customers of the District and (ii) future customers, located within the present USB, but not now receiving water service.

This policy shall not apply to proposed annexations of property to the District's service area within the USB and such annexations shall continue to be evaluated on a case-by-case basis.

Authority

Board Motion, adopted on March 8, 1983
Amended by Resolution No. 33236-01, February 13, 2001
Amended by Resolution No. 33564-06, November 14, 2006

EBMUD

Policy 3.07

EFFECTIVE 12 AUG 14

SUPERSEDES 24 APR 12

RESPONSIBILITY TO SERVE WATER CUSTOMERS

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Ensure that during times of water shortage, available water supplies are appropriately allocated to water customers.

Discussion

It is expected that water available for supplying EBMUD's customers will vary over time depending on the following factors: diversions by Mokelumne River users with senior water rights, requirements for instream flows to protect fish and wildlife in the Mokelumne River, the Sacramento-San Joaquin River Delta, and the San Francisco Bay, as well as development of future supplemental supplies.

Water agencies are responsible for planning to meet the needs of their customers through periods of drought with minimal disruption by minimizing the need for extreme rationing within their service area.

Water Service Responsibility

EBMUD recognizes that when there is a water shortage or projected water shortage, EBMUD's responsibility to serve its customers and service area is prioritized as follows:

- First, to serve its existing customers within its existing service area while meeting the goal of limiting customer rationing to 15 percent per Board Policy 9.03.
- Second, to serve expected new customers within its existing service area, but only if this does not unacceptably impair EBMUD's ability to serve its existing customers without exceeding 15 percent rationing.
- Third, to consider serving new customers outside of its existing service area, but only if this does not impair EBMUD's ability to serve existing and expected new customers within its service area.

In accordance with California Government Code, Section 65589.7, when new service connections are restricted by EBMUD's Board of Directors, priority shall be given to applicants for water service to proposed developments within EBMUD's existing service area that include housing units affordable to lower income households, subject to income limits specified in the California Code of Regulations and pursuant to administrative procedures adopted by the General Manager. Applicants granted such priority shall comply with EBMUD's Regulations Governing Water Service and pay all requisite fees.

EBMUD shall not deny or condition the approval of an application for services to, or reduce the amount of services applied for by, a proposed development that includes housing units affordable to lower income households unless the Board of Directors makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the following:

- EBMUD is operating under a declared water shortage emergency condition under California Water Code, Section 350, et seq.

- Sufficient water supply is not available to support the granting of all requests for new service, based upon a consideration of all factors provided by California Government Code, Section 66473.7.
- EBMUD does not have sufficient water treatment or distribution capacity to serve the needs of proposed development, as demonstrated by a written engineering analysis and report.
- EBMUD is subject to a compliance order by the Department of Public Health that prohibits new water connections.
- The applicant has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking water service from EBMUD, including, but not limited to, the requirements of local, state, or federal laws and regulations or payment of applicable fees or charges.

Authority

Resolution No. 32867-94, June 28, 1994
As amended by Resolution No. 33443-04, September 28, 2004
As amended by Resolution No. 33543-06, June 27, 2006
As amended by Resolution No. 33687-08, October 14, 2008
As amended by Resolution No. 33763-10, April 27, 2010.
As amended by Resolution No. 33871-12, April 24, 2012
As amended by Resolution No. 33993-14, August 12, 2014

Reference

California Government Code, Section 66473.7
California Government Code, Section 65589.7
California Code of Regulations, Title 25, Section 6932 [income limit for "lower income households"]
Procedure 109 – Water Mains: Water Service Estimates
Policy 7.05 – Sustainability
Policy 9.03 – Water Supply Availability and Deficiency
Policy 9.05 – Non-Potable Water

EBMUD

Policy 3.08

EFFECTIVE 14 SEP 10

SUPERSEDES 14 OCT 08

ADVISORY ELECTION FOR ANNEXATIONS OUTSIDE THE CONTRA COSTA COUNTY URBAN LIMIT LINE

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Call an advisory election if EBMUD is designated as the preferred water service provider by a local planning agency in its environmental documentation when the proposed development is located outside the Urban Limit Line adopted by Contra Costa County in 2000.

Purpose

The purpose of the election shall be to submit to the voters within the EBMUD service area the question of whether territory outside said Urban Limit Line should be annexed to EBMUD.

Events Triggering an Advisory Election

- EBMUD is identified by a local planning agency in its environmental documentation as the preferred provider to deliver potable water service to a residential development of 200 or more dwelling units located in territory beyond the Contra Costa County Urban Limit Line. In such cases, the matter shall be placed on the agenda for consideration by the Board of Directors at a regularly scheduled public meeting. If the Board of Directors determines not to oppose annexation of such territory to EBMUD, EBMUD shall call an advisory election on the question of whether such territory should be annexed to EBMUD. The advisory election shall occur prior to the time the Contra Costa County Local Agency Formation Commission is scheduled to consider annexation of the territory to EBMUD and, when possible, shall be consolidated with a general election.

- If a local agency designates EBMUD as the preferred provider for water service to a residential development in territory outside the Contra Costa County Urban Limit Line that is less than 200 dwelling units and is not covered by the provisions of Policy 3.01, then EBMUD shall oppose the annexation and the Board of Directors shall determine, at a regularly scheduled public meeting, whether to call an advisory election on the question of whether such territory should be annexed to EBMUD.

- This policy shall be applied consistent with and in furtherance of the provisions of Policy 3.01 – Annexations.

Authority

Resolution No. 33347-03, January 28, 2003
Amended by Resolution No. 33564-06, November 14, 2006
Amended by Resolution No. 33687-08, October 14, 2008
Amended by Resolution No. 33780-10, September 14, 2010

References

Policy 3.01	Annexations
Policy 3.05	Considerations for Extension of Water Beyond the Ultimate Service Boundary
Policy 3.07	Responsibility to Serve Water Customers
Policy 7.03	Emergency Preparedness/Business Continuity
Policy 7.09	Workplace Safety and Health

SECTION 7

SERVICE THROUGH PUBLIC FIRE HYDRANTS

Temporary service may be provided through a public fire hydrant if the District determines that the requested use satisfies the criteria set forth in this section and that the location of the service desired and the duration of use makes the installation of a standard or temporary construction service impractical.

No person shall operate or draw water from a public fire hydrant without a duly authorized revocable permit issued by the District. No permit shall be issued, and no services provided through a public fire hydrant shall be used, in any of the following circumstances:

- To supply water outside of the District service area.
- To supply water for domestic consumption or to supplement a domestic water supply.
- For any use other than the use(s) specified in the permit.
- For any period that extends beyond completion of the project for which the permit was issued or that extends beyond one year from the date of issuance of the permit, whichever occurs earlier.
- For any use that is not temporary.
- Where the location of the jobsite and the duration of use is suitable for installation of a standard or temporary construction service as determined by the District (e.g., industrial process uses at a fixed site).
- Any use where the hydrant meter will flow continuously or where access to the hydrant for fire flow protection is impeded.

Hydrant permits expire eleven months from the date of issuance and permittees are required to promptly return hydrant meters to the District upon expiration, provided however, that extended permits may be issued to public agencies for public purposes. Application for permit renewal may be made to the District if there is a continuing temporary need for the hydrant meter. All hydrant meter permits issued by the District are subject to the conditions in effect at the time of issuance or thereafter adopted as an amendment to the water service regulations. Hydrant meter permits are revocable and permits may be revoked immediately, without notice, due to nonpayment, tampering with the meter or backflow protection, or where the use violates any provision of this Section, or where access to the hydrant for routine or emergency fire protection purposes is impeded. Hydrant meter uses may also be suspended by the District during periods of water shortage. No hydrant meter permit, irrespective of its duration, shall be construed to constitute an irrevocable license to use or draw water through the hydrant meter or to connect to the EBMUD water system.

The charge for water service through a public fire hydrant will be as set forth in the Schedule of Rates and Charges except that when service is in effect for less than one month, the customer will be charged the applicable service charge for one full month in addition to the charge for water consumed.

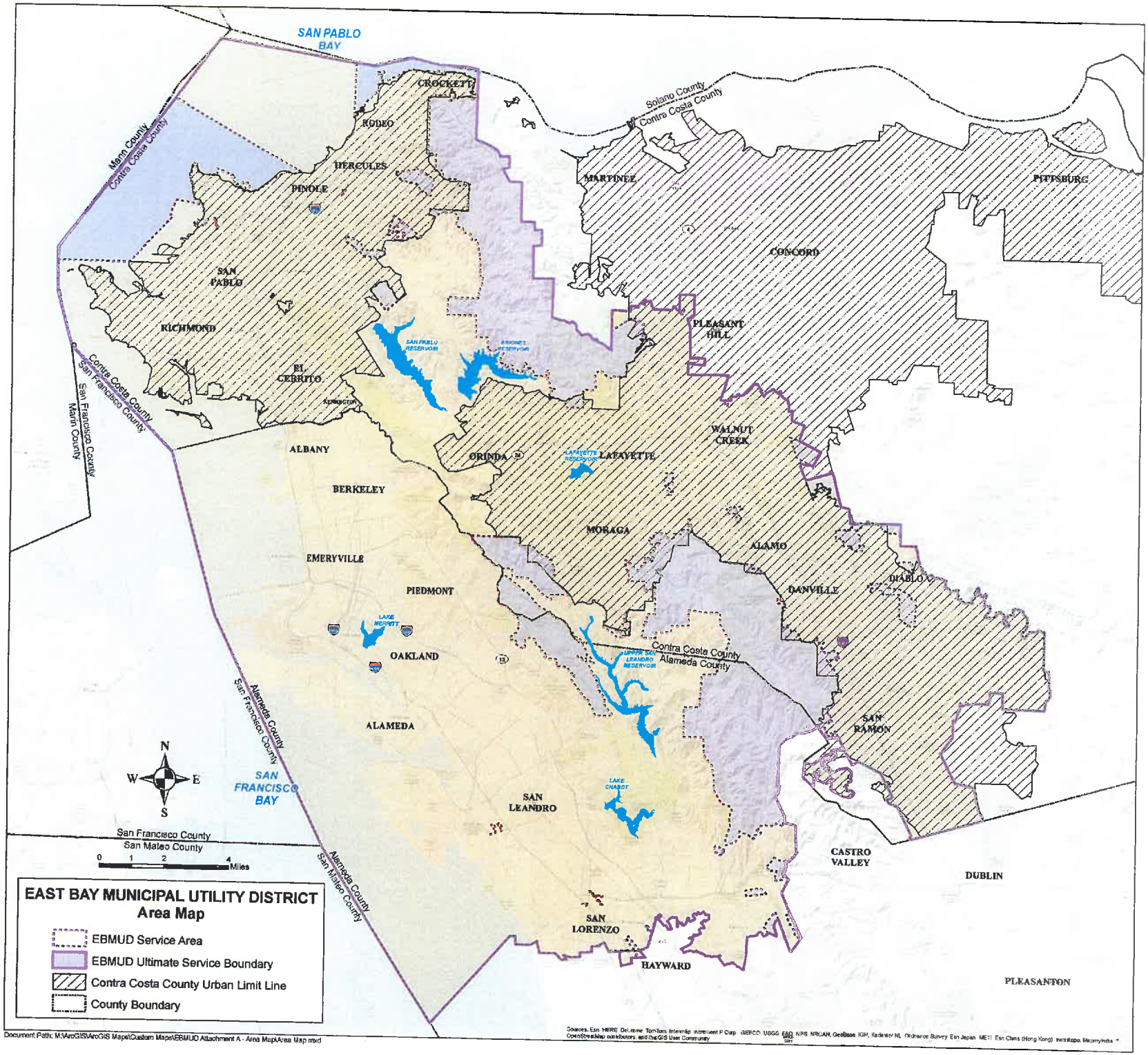
SECTION 7

SERVICE THROUGH PUBLIC FIRE HYDRANTS
(continued)

Only District approved spanners and meters will be used on public fire hydrants. The applicant will be responsible for any damage to District equipment or to other District customer facilities resulting from the improper operation of a public fire hydrant.

All of the conditions set forth herein shall apply to all hydrant meter permits including, but not limited to, permits issued prior to July 1, 2002; provided, however, that LAFCO approval of extra-territorial service is not required for permits issued prior to January 1, 1994.

The District may take whatever action is necessary and appropriate to recover a hydrant meter which is used in a manner that does not comport with these regulations.


SAN PABLO BAY
CROCKETT
RODEO
HERCULES
PINOLE
SAN PABLO
RICHMOND
EL CERRITO
KENSINGTON
ALBANY
BERKELEY
EMERYVILLE
PIEDMONT
OAKLAND
ALAMEDA
SAN LEANDRO
LAKE MERRITT
LAKE CHABOT
SAN PABLO RESERVOIR
BRIONES RESERVOIR
LAFAYETTE RESERVOIR
UPPER SAN LEANDRO RESERVOIR
ORINDA
LAFAYETTE
MORAGA
WALNUT CREEK
PLEASANT HILL
CONCORD
MARTINEZ
PITTSBURG
ALAMO
DANVILLE
DIABLO
SAN RAMON
CASTRO VALLEY
DUBLIN
PLEASANTON
HAYWARD
SAN LORENZO
SAN FRANCISCO BAY
Marin County
Contra Costa County
Solano County
Contra Costa County
San Francisco County
Marin County
Contra Costa County
San Francisco County
Alameda County
San Francisco County
Contra Costa County
Alameda County
Alameda County
San Mateo County
San Francisco County
San Mateo County
N
W
E
S
0 1 2 4 Miles
EAST BAY MUNICIPAL UTILITY DISTRICT
Area Map
EBMUD Service Area
EBMUD Ultimate Service Boundary
Contra Costa County Urban Limit Line
County Boundary
Document Path: M:\ArcGIS\ArcGIS Maps\Custom Maps\EBMUD Attachment A - Area Map\Area Map.mxd
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 5, 2015

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager

FROM: Bennett K. Horenstein, Director of Wastewater

SUBJECT: Consent Decree Implementation Update

SUMMARY

On September 22, 2014, the U.S. District Court approved a wet weather Consent Decree for the District and its seven satellite collection system agencies. The Consent Decree requires the District and the satellite agencies to implement projects and programs to eliminate discharges from the District's three wet weather facilities by 2036 through reduction of infiltration and inflow (I/I). Staff will provide an update on the status of the District's implementation of Consent Decree requirements at the February 10, 2015 Planning Committee meeting.

DISCUSSION

Key requirements of the District's Consent Decree include the following:

- Development of a Regional Technical Support Program to locate significant sources of infiltration and inflow in the regional wastewater collection system
- Construction and operation of two capital improvement projects
- Implementation of the Regional Private Sewer Lateral Ordinance

Regional Technical Support Program (RTSP)

Under the Consent Decree, the District is required to spend $2 million per year to locate significant sources of I/I in the satellite wastewater collection systems. Those I/I sources that the District identifies as high priority will then be eliminated by the responsible parties (satellite communities or private property owners). This new program is a key element to achieving the wet weather facility discharge reductions specified by the Consent Decree for check-in points in years 2022 and 2030, and final discharge elimination by 2036.

The District is required to submit an RTSP Plan to U.S. EPA and the Regional Water Quality Control Board for review and approval. The District will find sources of I/I using desktop data analysis and field investigation tools (sewer flow monitoring, closed-circuit television inspection, smoke testing, etc.). In summer 2014, the District convened a panel of national collection system experts who are assisting with development of the program and required plan. Field investigations began in December 2014. The suite of field and desktop analysis tools to locate and characterize sources of I/I will continue to evolve as more is learned about the regional wastewater collection system.

The participation of the satellite communities is essential for the RTSP to operate successfully as the District will rely upon maps, inspection records, and other data from the satellites to plan and implement RTSP investigations along with access to their sewer infrastructure for the District to conduct field investigations. The District will provide investigation results to the satellite communities, not only for elimination of high priority I/I sources, but also to assist with sewer system condition assessment and asset management.

The requirement to spend $2 million per fiscal year on the RTSP extends for the 22-year duration of the Consent Decree and provides a technical means to identifying I/I sources that may allow the District and satellite agencies to meet the flow reductions required at the check-ins and final deadline. During the early phases of this long-term program, investigatory approaches will be tested as staff evaluates their efficacy, cost, and applicability. Staff will continue to research other I/I identification programs throughout the country and rely upon experts that have performed similar work. As more data is gathered, staff will develop recommendations regarding preferred technologies and the equipment and labor that should be provided by the District.

Consent Decree Capital Improvement Projects

The Consent Decree requires the District to construct and operate two capital projects. The first is a capacity improvement along the District's North Interceptor to reduce wet weather facility discharges. The second is an Urban Runoff Diversion Project to collect and treat up to 500,000 gallons per day of dry weather urban runoff. The District has initiated design of both projects and is developing an agreement with the Alameda County Flood Control and Water Conservation District regarding operation of the diversion project, which will be located within a county stormwater pump station.

Regional Private Sewer Lateral (PSL) Ordinance Activities

The Consent Decree required the District to make amendments to its Regional PSL Ordinance. Those amendments were adopted by the Board in October 2014 and included extending implementation of the Regional PSL Program to the cities of Alameda and Albany. Implementation of the program in these two cities began in January 2015. Since the program began more than three years ago, 13,914 compliance certificates have been issued (approximately 9% of the laterals in the wastewater service area). The compliance rate for 2014 met the newly established Key Performance Indicator of 90%. Staff has also begun preparing a Consent Decree-required PSL customer outreach program, required to be submitted in spring 2015.

NEXT STEPS

Staff will continue implementation of the Consent Decree and will keep the Board informed on progress, and any agreements requiring Board approval will be brought for consideration.

BKH:HGO:akg
I:\SEC\2015 Board Related Items\Committees 2015\021015 Planning Ctte\WW - Consent Decree Implementation Update.docx

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 5, 2015

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager

FROM: Richard G. Sykes, Director of Water and Natural Resources

SUBJECT: 2014 Mokelumne Fall-Run Chinook Salmon Returns

INTRODUCTION

The 2014 fall-run Chinook salmon returns to the Mokelumne River were an estimated 12,118 fish, including 3,302 fish that spawned in the river and 8,816 that were collected at the hatchery for egg production. The 2014 return is about 262 percent of the long-term average (4,627), the fourth consecutive year of over 12,000 fish returning, and the fifth largest return since 1940. One indicator EBMUD uses to assess the health of the Mokelumne fishery is the running 9-year average escapement, which represents three complete 3-year salmon life cycles. With the addition of the 2014 return that figure is 8,022 fish or 173 percent of the long-term average. This memo provides a brief review of the 2014 return and the key factors affecting salmon escapement to the Mokelumne River. A presentation on this information is scheduled for the February 10, 2015 Planning Committee meeting.

DISCUSSION

The extended drought was a key influence on fall-run Chinook salmon returns Central Valley-wide in 2014 with impacts to flows and water temperatures. Most river systems saw significant reductions when compared to long-term average returns. Salmon returns in the Central Valley are cyclical, typically declining in dry years and years of warmer ocean temperatures, and increasing in wet years and years of cooler ocean temperatures. However, there are many other important factors that influence escapement, particularly on the Mokelumne River, where salmon have to traverse the Delta and are impacted significantly by export pumps, Delta Cross Channel (DCC) operation and predation. Figure 1 shows salmon escapement to the Mokelumne since records began in 1940. Escapement values for 2014 are not yet available for the other river systems; however it is likely that the Mokelumne River will prove to be the exception in regards to the overall decline in salmon numbers experienced in the valley.

As the current drought continues, management actions will be focused on maximizing the benefits of limited water supplies allocated to in-river fisheries. Much of the focus this past summer was managing Pardee and Camanche reservoirs to maintain the required cold water pool

in Camanche for fall spawning releases. These efforts were so successful that not only did the District meet its requirements, but the Mokelumne River Fish Hatchery served as a temporary home for American River Hatchery trout due to the excessive temperatures at that hatchery. Although the drought has resulted in challenges, the 2014 Mokelumne escapement continued to be strong. A significant factor for this could be favorable ocean conditions throughout 2012 when 2011 fall-run salmon offspring first entered the ocean. Moreover, program changes implemented in 2009 and continued through 2014 have played a role in recovering and increasing the Mokelumne population more quickly than any other system in the Central Valley. Program changes included moving the release location of the hatchery fish to Jersey Point to balance increased survival and reduced straying, conducting fall pulse flows, working with our partners to close the DCC gates, and raising yearling fish. With all of these actions the goal is to maximize the number of salmon surviving and returning to the Mokelumne River.

Partnership members and stakeholders continue to find innovative ways of maximizing the benefits of limited water resources. The District received approval from the State Water Resources Control Board to reduce releases in March 2014, to save water for fall pulse flows in October and November 2014, which serve to attract adult salmon into the river. Additionally, the operation of the Freeport Project resulted in additional supplies for in-river releases due to the gainsharing provision in our Joint Settlement Agreement with the resource agencies. Since 2009 the strategy of releasing pulse flows has been extremely successful in boosting salmon returns to the river. For the second consecutive year Woodbridge Irrigation District (WID) operated its dam to provide releases timed to augment the District's six pulse flow events from Camanche Dam. WID conducted four additional pulse flow events in November without any Camanche pulse. All of these pulses resulted in large increases in daily passage of salmon by Woodbridge Dam. The "reoperation" of WID did not require any additional water release from District reservoirs and demonstrated the strong collaborative relationship that exists between our agencies.

The Mokelumne River Fish Hatchery Coordinating Team (HCT) has been meeting for approximately a year and is assessing the feasibility of implementing the recommendations of the Hatchery Scientific Review Group (HSRG). The HSRG was a federally directed initiative to evaluate and recommend improvements to assist in the recovery of Central Valley salmonids. Some of the recommendations in the HSRG could affect the Mokelumne Hatchery including:

- Elimination of trucking programs that release salmon off site;
- Until trucking programs are eliminated, 100 percent coded wire tag and 25 percent marking of all juvenile salmon hatchery production;
- Improve spawning protocols to increase genetic diversity; and
- Develop new hatchery monitoring and evaluation programs.

District biologists have been actively engaged with agency staff, advocacy groups and others in key forums, such as the HSRG Statewide Policy Team and Central Valley HCT, to help guide the process towards an outcome that will continue the successes of the last six years.

Staff highlights our fisheries program in regional and statewide forums, making presentations at the American Fishery Society Conference and other venues. Our successful program on the Mokelumne is widely viewed as one of the best in the state.

NEXT STEPS

The drought will continue to be at the forefront in regards to fishery management activities in the Mokelumne River. Staff, working with resource agencies, has developed a plan to maximize survival of naturally produced salmon on their spring migration from the Mokelumne River to the ocean. Depending upon river conditions, the District also plans to continue to experiment with barging hatchery produced juvenile fish down the river in lieu of trucking, and using radio telemetry to study outmigration progress of naturally produced fish. These efforts will continue in collaboration with the resource agencies, advocacy groups, research institutions and local stewardship community. EBMUD will continue its long-term, successful efforts to support the Mokelumne River fishery and will work with resource agencies and others to ensure that any Delta "fix" or Central Valley drought management actions are protective of the Mokelumne fishery. Staff will ensure that the hatchery continues to support a sustainable fishery in a manner that is compatible with the protection and recovery of listed salmonids in the Central Valley.

ARC:RGS:JS:dec

Attachment

I:\SEC\Board Related Items\02-10-15 Planning Cmte\WNR - 2014 Chinook Salmon Return.Docx

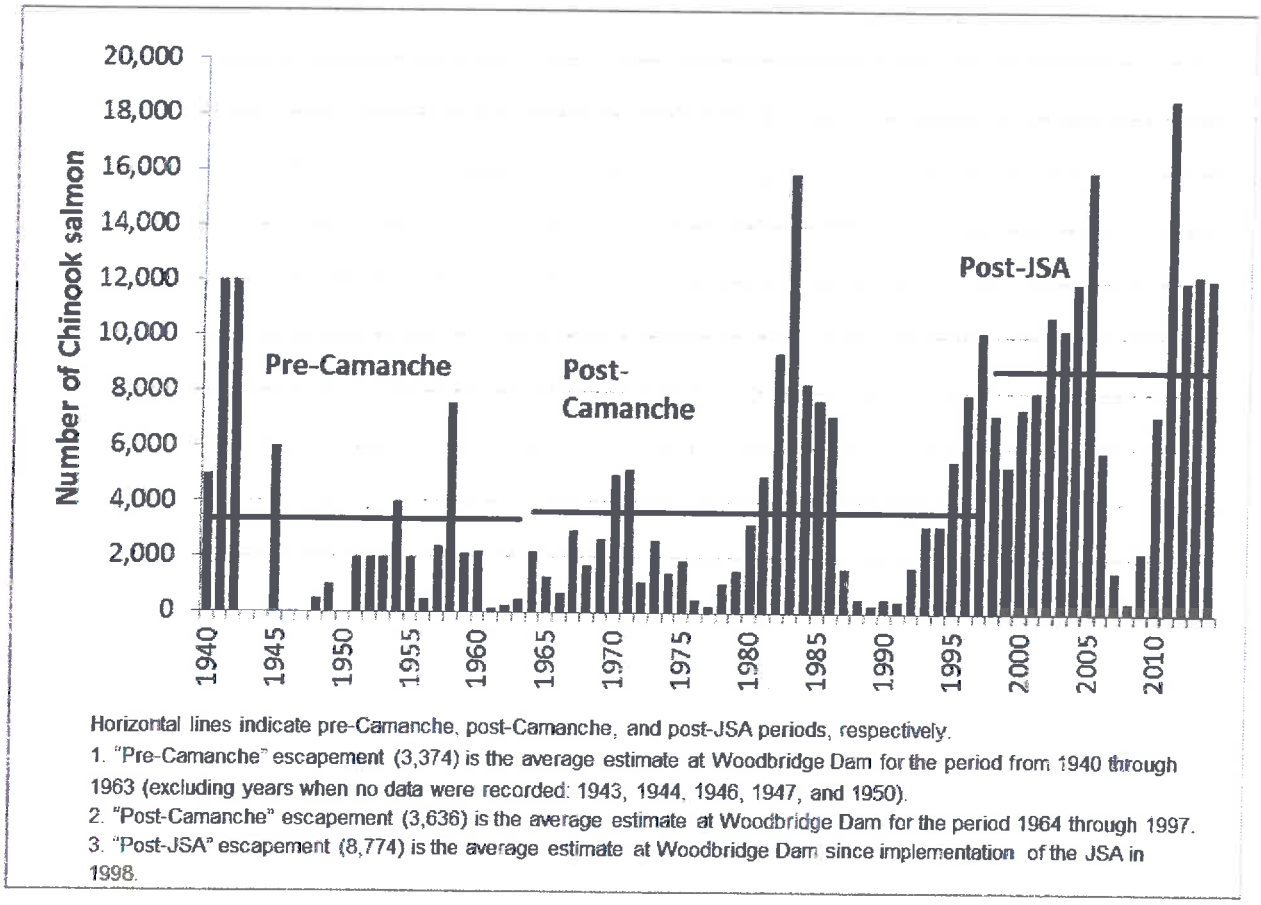


Figure 1. Annual Chinook salmon escapement totals to the lower Mokelumne River since 1940.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 5, 2015

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager

FROM: Richard G. Sykes, Director of Water and Natural Resources

SUBJECT: 2014 California Groundwater Legislation

INTRODUCTION

On September 16, 2014, Governor Edmund G. Brown signed three bills into law, AB 1739 (Dickenson), SB 1168 (Pavley) and SB 1319 (Pavley). Collectively, these bills are referred to as the Sustainable Groundwater Management Act (SGMA) of 2014. While the SGMA applies to all groundwater basins in California, it contains special requirements for basins that the Department of Water Resources (DWR) has designated as medium- or high-priority. EBMUD has a basin within the service area that is categorized as medium-priority and further has interest in supplemental supply opportunities within areas of the state where high-priority basins are found. Therefore, the legislation directly impacts the District. The SGMA has an associated implementation timeline. This memorandum presents a summary of the SGMA and its impacts on EBMUD. A presentation on SGMA will be provided to the Planning Committee at its February 10, 2015 meeting.

DISCUSSION

Groundwater Sustainability Agencies (GSAs) and Groundwater Sustainability Plans (Plans)

The SGMA recently passed by the California legislature fundamentally changes management of California's groundwater basins. The act permits the creation of groundwater sustainability agencies (GSAs) for all basins and requires the adoption of Groundwater Sustainability Plans (Plans) for basins designated as medium- or high-priority by DWR. GSAs may choose to perform the functions below. Under the SGMA, GSAs are authorized (but not required) to:

- Adopt rules, regulations, ordinances and resolutions;
- Conduct investigations of water rights;
- Require well registration;
- Require well owners/operators to measure and report extractions;
- Require reporting of diversions of surface water to storage;
- Acquire property and water rights;
- Reclaim water;
- Impose well spacing requirements;

- Regulate groundwater extraction, including limiting or prohibiting groundwater production;
- Impose fees and assessments; and
- Undertake enforcement actions for noncompliance.

Although GSAs may request that counties provide well construction applications for GSA review, counties maintain well permitting authority.

The SGMA requires that GSAs for all medium- and high-priority basins adopt a Plan, or provide an alternative to a Plan by January 31, 2022 (or by January 31, 2020 for basins subject to critical overdraft). Plans are required to ensure that a basin is sustainably managed to avoid undesirable results, which are defined as follows:

- Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply;
- Significant and unreasonable reduction of groundwater storage;
- Significant and unreasonable seawater intrusion;
- Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies;
- Significant and unreasonable land subsidence that substantially interferes with surface land uses; and
- Surface water depletions that have significant and unreasonable adverse impacts on beneficial uses of surface water.

Plans must include long-term goals, measurable objectives and interim milestones to achieve the basin's sustainability goal within twenty years of Plan implementation. These Plans are significantly more comprehensive than Groundwater Management Plans (GMPs), which were the previous tools used by agencies including EBMUD to address groundwater basin management.

The SGMA specifically exempts small private wells from monitoring provisions. However, a GSA may choose to impose other conditions and /or fees for these types of wells.

State Intervention

In addition to imposing a number of new requirements on local agencies related to groundwater management, the SGMA also provides for state intervention when local agencies are unwilling or unable to manage their groundwater basin(s). Specifically, the State Water Resources Control Board (SWRCB) is authorized to designate medium- and high-priority basins as "Probationary Basins" if:

- No local agency has been designated as the GSA by June of 2017; or
- The agency designated as the GSA fails to prepare and adopt a Plan by January 31, 2022 (or Jan. 31, 2020 if the basin is deemed in critical overdraft); or

- For critically overdrafted basins, if the Plan developed is deemed inadequate and groundwater extractions are resulting in a depletion of surface water and/or are at risk of long-term overdraft.

For probationary basins, the SGMA authorizes the SWRCB to remove groundwater authority from local agencies and to adopt and implement an interim plan that would bring the basin into balance and address basin objectives not being met.

The SGMA also has provisions that allow for the creation of memorandums of agreement, Joint Power Authorities, or other legal agreements should multiple agencies be interested in management of the basin and further be viewed as a suitable management entity.

Groundwater Basins in the EBMUD service area

Within the EBMUD service area, there is one medium-priority groundwater basin, the East Bay Plain Basin (EBPB), see Figure 2 (attached). In the 1990s the District did extensive studies of the EBPB to determine its potential as a supplemental water supply source during times of drought. Those studies concluded the following:

- The EBPB could be considered two subbasins (a northern and a southern subbasin), as they are not connected hydrologically (Figure 2 also depicts the subbasin divide);
- The southern subbasin held some potential as a supplemental supply source; and
- The northern subbasin had no potential as a municipal supply source.

Following the completion of The Bayside Groundwater Project Phase 1, EBMUD led a stakeholder driven effort to develop a GMP for the southern half of the EBPB. EBMUD's Board of Directors certified the GMP on March 26, 2013. The purpose of the GMP was to define management objectives for the basin and assure that it would continue to serve as a resource for EBMUD's customers in the years ahead.

In 2014, the District accepted groundwater elevation data collection and reporting responsibilities by agreeing to be the California Statewide Groundwater Elevation Monitoring (CASGEM) entity for the southern subbasin. The northern EBPB has no CASGEM monitoring entity. DWR, who administers the CASGEM program, does not formally recognize that the basin is divided into a northern and southern subbasin. They consider the EBPB as one basin as described in DWR Bulletin 118. Under the SGMA, there is a procedure that will be developed to allow entities to request basin subdivision and boundary changes.

Impacts to EBMUD of the Groundwater Legislation

In the East Bay Plain, EBMUD will face the following compliance issues for SGMA:

- EBMUD may request to become a GSA or risk state oversight of the groundwater basin and potential loss of state grant funds.
- If EBMUD becomes a GSA, it will need to greatly expand the technical scope of its South East Bay Plain GMP to address new SGMA requirements.

- EBMUD will need to consider new subbasin designations.
- EBMUD will need to engage stakesholders in the East Bay Plain and adjacent groundwater basins in the new GSP process.

Impacts outside of EBMUD's service area

EBMUD is partnering with San Joaquin County (SJC) on a groundwater demonstration project in the northeast portion of the County, which is designated as a high-priority basin. There is the potential that if SJC is unable to address SGMA requirements, it could impact the development of the demonstration project, and delay the operation of a permanent conjunctive use project. In addition, until such time as SJC is CASGEM compliant, it will likely be prevented from accessing state grant funding. On the other hand, SGMA may ultimately force a more extensive and consistent level of groundwater management in the basin, benefiting future groundwater banking opportunities.

NEXT STEPS

Implementation of the SGMA will take several years. The District will track SGMA implementation and evaluate compliance strategies in the next two years.

RGS:MTT:TBF:acr

Attachment

I:\SEC\2015 Board Related Items\Committees 2015\021015 Planning Ctte\2014 California Groundwater Legislation.docx

Figure 1

State Groundwater Management Act (SGMA) Implementation Timeline

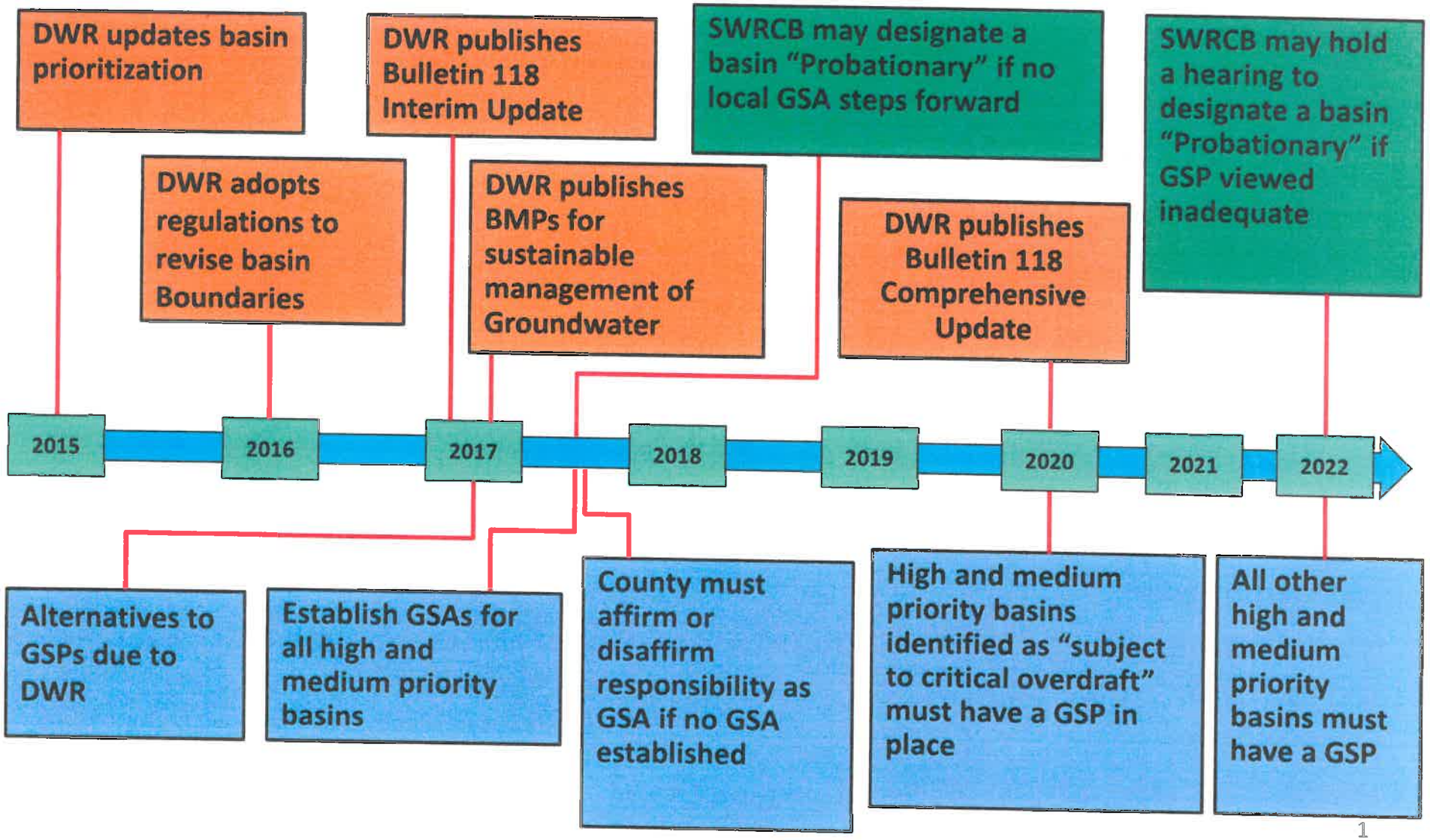


Figure 2

East Bay Plain Basin