



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Location Change

**REGULAR CLOSED SESSION
and
REGULAR BUSINESS MEETING
Tuesday, May 12, 2020
Teleconference**

Notice is hereby given that due to COVID-19 and in accordance with Alameda County Health Order 20-10 (issued April 29, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, the Regular Closed Session Meeting scheduled for 11:00 a.m., and the Regular Business Meeting scheduled for 1:15 p.m., **will be conducted via teleconference only**. In compliance with said orders, a physical location will not be provided for these meetings. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Dated: May 7, 2020

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

Rischa S. Cole
Secretary of the District

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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

AGENDA

REGULAR CLOSED SESSION

Tuesday, May 12, 2020

11:00 a.m.

Location

Due to COVID-19 and in accordance with Alameda County Health Order 20-10 (issued April 29, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted via teleconference only.** In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson and President Marguerite Young will participate via teleconference

Public Participation

***Dial 855-369-0450 to participate via telephone;
Enter participant pin 49-281-364 # when prompted***

To listen to the live audio stream of the public portion of the meeting, *but not provide public comment*, visit <https://www.ebmud.com/about-us/board-directors/board-meetings/>

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. *If you participate via telephone and wish to speak on an item that is **not on the agenda**, you will be asked to:*

- State your name, affiliation if applicable, and topic
- The Secretary will compile a list of those who wish to make public comment and will call each speaker in the order received
- The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded
- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *Timothy Alford, et al. v. East Bay Municipal Utility District, et al.*
Contra Costa County Superior Court, Case No. MSC16-01348
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
 - a. Town of Moraga
Claim No. 2017-L-290
 - b. William Strauss and Suzanne Strauss
Claim No. 2018-L-076
 - c. One matter.
3. Threat to public services or facilities pursuant to Government Code section 54957:
Conference with Clifford C. Chan, Director of Operations and Maintenance; and Laura A. Acosta, Manager of Human Resources.
4. Personnel exception pursuant to Government Code section 54957 to consider selection for the position of General Manager.

(The Board will discuss Closed Session agenda items via teleconference.)

REGULAR BUSINESS MEETING

1:15 p.m.

Location

Due to COVID-19 and in accordance with Alameda County Health Order 20-10 (issued April 29, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted via teleconference only.** In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson and President Marguerite Young will participate via teleconference

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<https://www.ebmud.com/about-us/board-directors/board-meetings/>**

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

PRESENTATION:

- National Association of Clean Water Agencies' award for educating the public through the Main Wastewater Treatment Plant Tour Program

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. *If you participate via telephone and wish to speak on an item that is **not on the agenda**, you will be asked to:*

- State your name, affiliation if applicable, and topic
- The Secretary will compile a list of those who wish to make public comment and will call each speaker in the order received
- The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded
- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers
- Comments **on agenda items** will follow the same process and will be heard when the item is up for consideration.

CONSENT CALENDAR: (Single motion and vote approving 7 recommendations, including 1 resolution.)

1. Approve the Regular Meeting Minutes of April 28, 2020.
2. File correspondence with the Board.
3. Award a contract to the lowest effective responsive/responsible bidder, Caggiano General Engineering, Inc., in the amount of \$520,000 for construction of the Camanche Water Transmission Pipeline Project Phase 2 under Specification 2154.
4. Direct award a contract to Lotek Wireless in an amount not to exceed \$710,000 for acoustic telemetry equipment for Mokelumne River fisheries monitoring studies, and two years of tags ending December 31, 2023.
5. Approve actions related to the Pardee Chemical Plant Chemical Feed Shafts Project.
 - 5.1. Authorize an agreement on or after May 12, 2020 with CPM Associates, Inc., in an amount not to exceed \$819,456 for construction inspection services for the Pardee Chemical Plant Chemical Feed Shafts Project.
 - 5.2. Award a contract to the lowest responsive/responsible bidder, Force Drilling, LLC, in the amount of \$4,198,808 for construction of Pardee Chemical Plant Chemical Feed Shafts under Specification 2158.

CONSENT CALENDAR: (Continued)

6. Authorize an amendment to the agreement awarded under Board Motion No. 009-19 with Consolidated CM, Inc., to increase the amount by \$610,350 to a total amount not to exceed \$1,600,398 for construction management support services for the Administration Building Heating, Ventilation, and Air Conditioning Systems Upgrade project.
7. Adopt the Bay Area Integrated Regional Water Management Plan updated in 2019. (Resolution)

DETERMINATION AND DISCUSSION

8. Legislative Update:
 - Receive Legislative Report No. 03-20 and consider positions on the following bill: SB 1386 (Moorlach) Local Government: Assessments, Fees, and Charges: Water; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19)
 - Update on Legislative Issues of Interest to EBMUD
9. File a report and set a Public Hearing for the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for Fiscal Year (FY) 2021.
 - 9.1. File the Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees not Subject to Proposition 218, and Regulations for FY21.
 - 9.2. Set a Public Hearing on Tuesday, June 9, 2020 during the Board's regular meeting to consider the Report and Recommendation.
10. Approve actions related to the Mokelumne Aqueduct System Routine Maintenance Project (Project). (Resolution)
 - 10a. Adopt the Final Mitigated Negative Declaration (MND) for the Project
 - 10b. Make findings in accordance with the California Environmental Quality Act (CEQA)
 - 10c. Adopt the Mitigation Monitoring and Reporting Plan in accordance with CEQA
 - 10d. Adopt the Practices and Procedures Monitoring and Reporting Plan
 - 10e. Approve the Project
11. General Manager's Report:
 - Coronavirus Update
 - Monthly Report – April 2020

REPORTS AND DIRECTOR COMMENTS:

12. Committee Reports:
 - Sustainability/Energy
 - Finance/Administration
 - Planning
 - Legislative/Human Resources
13. Other Items for Future Consideration.
14. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, May 26, 2020.

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

Date	Meeting	Time/Location	Topics
Tuesday, May 12	Planning Committee Linney {Chair}, McIntosh, Mellon	8:45 a.m. <i>Teleconference</i>	<ul style="list-style-type: none"> • Fiscal Year 2019-2020 K-12 Education Program Update • Wastewater Treatment Plant Tour Program Update • Advanced Metering Infrastructure Water-Energy Nexus Study Update • Mokelumne Aqueduct System Routine Maintenance Project Update and Final Mitigated Negative Declaration • Railroad Property Easement Acquisition – Initiation of Eminent Domain Proceedings
	Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson	10:00 a.m. <i>Teleconference</i>	<ul style="list-style-type: none"> • Legislative Update • Administrative Support at the Service Centers
	Board of Directors	11:00 a.m. 1:15 p.m. <i>Teleconference</i>	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Saturday, May 16	Board of Directors	9:30 a.m.	<ul style="list-style-type: none"> • Special Closed Session
Monday, May 25	Memorial Day		<i>District Offices Closed</i>
Tuesday, May 26	Finance/Administration Committee Patterson {Chair}, Coleman, Katz	TBD Training Resource Center	
	Financial Stability/Strategic Plan/Mid-Cycle Budget Workshop	TBD Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting

MINUTES

Tuesday, April 28, 2020

**East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California
Teleconference**

Regular Closed Session Meeting

President Marguerite Young called to order the Regular Closed Session Meeting of the Board of Directors at 11:09 a.m. She announced that due to COVID-19 and in accordance with Alameda County Health Order 20-04 (issued March 31, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted via teleconference only. In compliance with said orders, a physical location is not being provided for this meeting.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, and William B. Patterson, and President Marguerite Young were present at roll call (all via teleconference).

Staff participants included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Attorney Jonathan D. Salmon (Item 1), Attorney Anna P. Gunderson (Item 1), Attorney Lourdes Matthew (Item 2), Director of Operations and Maintenance Clifford C. Chan (Items 1 and 2), Director of Wastewater Eileen M. White (Items 1 and 2), Director of Finance Sophia D. Skoda (Item 2), Manager of Human Resources Laura A. Acosta (Items 2 and 3), and Manager of Recruitment and Classification Richard Jung (Item 3).

PUBLIC COMMENT

The following persons addressed the Board: Eric Larsen, President, AFSCME Local 444, commented on a joint letter submitted to the Board from the District's four unions and premium pay for janitors.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Young announced the closed session agenda. The Board convened for discussion (via teleconference).

Regular Business Meeting

President Young called to order the Regular Business Meeting of the Board of Directors at 1:34 p.m. She announced that due to COVID-19 and in accordance with Alameda County Health Order 20-04 (issued March 31, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted via teleconference only. In compliance with said orders, a physical location is not being provided for this meeting.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, and William B. Patterson, and President Marguerite Young were present at roll call (all via teleconference).

Staff participants included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, and Secretary of the District Rischa S. Cole.

BOARD OF DIRECTORS

President Young led the Pledge of Allegiance.

PRESENTATION

General Manager Alexander R. Coate announced the District received the American Society of Civil Engineers Region 9 Wastewater Treatment Project of the Year Award for the South Interceptor Third Street Phase 2 Rehabilitation Project. This \$12 million construction project which was successfully completed 14 months ahead of schedule, rehabilitated 4,700 feet of the 105-inch diameter South Interceptor, as well as five corroded manhole structures, and addressed a critical piece of the District's infrastructure. Mr. Coate announced the following team members for their role in the project's overall success: John Corriea, Wastewater Shift Supervisor; Eric Fukuda, Wastewater Shift Supervisor; Ben Glickstein, Community Affairs Representative II; Erik Jorgenson, Senior Construction Inspector; John Kyser, Senior Civil Engineer; Kingsley Kuang, Associate Civil Engineer; Gary Lin, Associate Civil Engineer; Rebecca Overacre, Associate Civil Engineer; and Gary Warren, Senior Civil Engineer. The Board applauded staff for their work.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

The following persons addressed the Board: 1) Eric Larsen, President, AFSCME Local 444, commended Director of Wastewater Eileen White for her work with educational institutes and key stakeholders on analyzing untreated sewage for COVID-19 and suggested additional studies on potential hazards to wastewater treatment plant workers treating sewage containing COVID-19; and 2) Joey D. Smith, President, AFSCME Local 2019 commended Director of Wastewater Eileen White on her KQED interview earlier in the day and commented today is Workers Memorial Day and read an excerpt from an AFL-CIO article regarding the history of the event.

President Young announced today's meeting would be adjourned in recognition of Workers Memorial Day.

CONSENT CALENDAR

- Item 14 was removed from the Consent Calendar for discussion.

- Motion by Director Coleman, seconded by Director McIntosh, to approve the recommended actions for Items 1-13 on the Consent Calendar, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

1. **Motion No. 065-20** – Approved the Special Closed Session Meeting Minutes of April 7, 2020 and the Regular Meeting Minutes of April 14, 2020.
2. The following correspondence was filed with the Board: **1)** Presentation entitled, “2020 Water Supply Availability & Deficiency Report,” dated April 28, 2020; **2)** Presentation entitled, “Extension of Commercial Paper Standby Letter of Credit,” dated April 28, 2020; **3)** Presentation entitled, “Amendment to EBMUD Retirement System Ordinance (No. 40) – Section 5(d) Second Reading,” dated April 28, 2020; **4)** Presentation entitled, “Coronavirus Update,” dated April 28, 2020; and **5)** Speakers’ Bureau and Outreach Record CY20, dated April 27, 2020.
- 3.1. **Motion No. 066-20** – Awarded a contract to the lowest responsive/responsible bidder, Garney Pacific, Inc., in the amount of \$4,512,000 for construction of the Main Wastewater Treatment Plant Hypochlorite Piping Replacement Phase 2 and Liquid Oxygen Storage Tanks Improvements Project under Specification SD-390.
- 3.2. **Motion No. 067-20** – Awarded a contract to the lowest responsive/responsible bidder, Garney Pacific, Inc., in the amount of \$842,000 for construction of the Main Wastewater Treatment Plant Grit Dewatering Equipment Replacement Phase 2A under Specification SD-417.
- 3.3. **Motion No. 068-20** – Authorized an agreement beginning on or after April 28, 2020 with Black & Veatch Corporation in an amount not to exceed \$1,390,835 for condition assessment, design services, and engineering services during construction for the Main Wastewater Treatment Plant Power Generation Station Reliability Improvements Phase 3 Project.
- 4.1. **Motion No. 069-20** – Authorized an agreement beginning on or after April 28, 2020 with Echologics, LLC, for leak detection equipment and services for a period of five years in an amount not to exceed \$3,498,000.
- 4.2. **Motion No. 070-20** – Awarded a contract to Fluid Conservation Systems in an amount not to exceed \$132,000 beginning on or after April 28, 2020 for the purchase of leak detection equipment.
5. **Motion No. 071-20** – Authorized a direct award contract to Pyungwha Pipe Industries in an amount, after the addition of taxes, not to exceed \$925,000 for supplying Polyvinyl Chloride pipe for the District’s pipeline replacement projects to upgrade aging distribution system pipes beginning on or after April 28, 2020.
6. **Motion No. 072-20** – Authorized an agreement beginning on or after May 1, 2020 with Optimatics, LLC, in an amount not to exceed \$645,000 for Optimizer and OptiCritical, a pipeline criticality analysis software package, until December 31, 2026.

7. **Motion No. 073-20** – Authorized an agreement beginning on or after April 28, 2020 with Sherwood Design Engineers in an amount not to exceed \$1,689,806 for engineering design services for the Recreation Area Water and Wastewater Collection System Improvements Project.
- 8.1. **Motion No. 074-20** – Authorized an agreement beginning on or after April 28, 2020 with Xylem Water Solutions USA, Inc., in an amount not to exceed \$121,720 for equipment design and engineering support services for the ultraviolet disinfection system to be included in the Orinda Water Treatment Plant Disinfection Improvements Project.
- 8.2. **Motion No. 075-20** – Authorized an amendment to the agreement awarded under Board Motion No. 019-18 with Carollo Engineers, Inc., to increase the amount by \$2,098,929 to a total amount not to exceed \$10,278,113 for additional design services and California Environmental Quality Act analysis for the Orinda Water Treatment Plant Disinfection Improvements Project.
9. **Motion No. 076-20** – Authorized an amendment to the contract awarded under Board Motion No. 097-15 with Alliant Insurance Services, Inc., to increase the amount by \$108,000 annually for three years with an option to extend for two additional one-year periods to a total amount not to exceed \$1,080,000 for providing group benefits brokerage and consulting services.
10. **Motion No. 077-20** – Corrected an administrative error under Board Motion No. 181-19 to change the authorized total amount from not to exceed \$6,400,000 to not to exceed \$5,400,000 for the rental of Fully Maintained and Operated asphaltic cement/concrete saw-cutting services with the following vendors: Bay Line Cutting & Coring, Inc.; Cal-West Concrete Cutting, Inc.; Concrete Demo Works, Inc.; Fine Line Sawing and Drilling, Inc.; and Penhall Company.
11. **Motion No. 078-20** – Approved the March 2020 Monthly Investment Transactions Report.
12. **Motion No. 079-20** – Authorized the Office of General Counsel to continue employment of the law firm of Barg, Coffin, Lewis & Trapp, LLP, for specialized legal services related to environmental issues and regulatory compliance in an additional amount not to exceed \$125,000.
13. **Resolution No. 35174-20** – Adopting Revised Policy 4.07, Investment Policy, and Renewing Existing Delegation of Authority for the Management of Investments on Behalf of East Bay Municipal Utility District and Its Joint Powers Authorities to the Director of Finance, as the Treasurer of the District.
14. **Remove the suspension on Wells Fargo & Company enacted on October 25, 2016 for certain financial and investment activities.**

Director Linney pulled Item 14 to request additional information on the recommendation to remove the District's suspension on Wells Fargo and on the State Treasurer's decision to lift the State's suspension. Treasury Manager Robert L. Hannay explained the rationale for the staff recommendation and discussed the State Treasurer's actions. There was Board

discussion regarding the staff recommendation. The Board requested that staff explore ways to apprise the District's financial service providers of the District's values and principles. Directors Linney and Mellon said they would be casting a "No" vote on Item 14.

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended action for Item 14, carried (5-2) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Patterson, and Young); NOES (Linney and Mellon); ABSTAIN (None); ABSENT (None).

Resolution No. 35175-20 – Authorizing Removal of Suspension on Wells Fargo & Company for Certain Financial and Investment Activities.

DETERMINATION AND DISCUSSION

15. **File the Water Supply Availability and Deficiency Report in conformance with District Policy 9.03 – Water Supply Availability and Deficiency; and declare the District's water supply is sufficient for meeting customer demands in 2020.**

Engineering Manager Lena L. Tam presented the Water Supply Availability and Deficiency Report which evaluates the adequacy of the current year's (2020) water supply. For 2020, the end of September total system storage is projected to be 610 thousand acre-feet, resulting in the District's water supply being sufficient to meet customer demands and all required downstream obligations. The 2020 assessment also concludes that projected runoff (405 thousand acre-feet) and water storage require designating "Dry" water year type flows in the lower Mokelumne River under the District's Joint Settlement Agreement (JSA). The "Dry" condition will determine the requirements for the releases from Camanche Reservoir and the flow expected below Woodbridge Dam during April 1, 2020 through September 30, 2020, in accordance with the JSA year-type flow schedule. Based on current 2020 runoff projections for the remainder of the year, Woodbridge Irrigation District will receive its full base supply of 60,000 acre-feet (AF); Jackson Valley Irrigation District will receive its maximum entitlement of 3,850 AF, but direct diversion may not be available in all months; and North San Joaquin Water Conservation District, a junior water right holder, will not receive any water. She highlighted the District's Drought Management Program Guidelines, total water production since 2014, and said based on current projections and dry year conditions, there will be no surplus water available for use by the Demonstration Recharge Extraction and Aquifer Management or Bayside Groundwater Projects. The Board raised no questions.

- Motion by Director Linney, seconded by Director Patterson, to approve the recommended actions for Item 15, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 080-20 – Filed the Water Supply Availability and Deficiency Report in conformance with District Policy 9.03 – Water Supply Availability and Deficiency; and declared the District's water supply is sufficient for meeting customer demands in 2020.

16. **Authorize execution of legal documents associated with extending the Standby Letter of Credit and Reimbursement Agreement and Related Fee Agreement with Sumitomo Mitsui Banking Corporation for the Commercial Paper Notes (Water Series), Tax-Exempt Subseries A-1, until May 6, 2024 at a fee of 0.30 percent (30 basis points) per annum.**

Principal Management Analyst Travis J. George presented an overview of the Water System's commercial paper liquidity facilities and Sumitomo Mitsui Banking Corporation's (SMBC) offer to extend the District's Standby Letter of Credit and Reimbursement Agreement and Related Fee Agreement for the Commercial Paper Notes (Water Series), Tax-Exempt Subseries A-1. The current agreement on the outstanding amount of \$175.8 million is set to expire December 1, 2020. SMBC has offered to extend the Standby Letter of Credit and Reimbursement Agreement until May 6, 2024 and lower its annual fee (based upon the maintenance of the District's current credit rating) from 0.315 percent (31.5 basis points) to 0.30 percent (30 basis points). The extension would decrease the fees the District pays by \$26,400 per year. District staff and the District's municipal advisor analyzed the offer and determined it is as good as or better than what other banks can offer in the current market. Finance/Administration Committee Chair Patterson reported the Committee met earlier and supported the staff recommendation. The Board raised no questions.

- Motion by Director Linney, seconded by Director Patterson, to approve the recommended actions for Item 16, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35176-20 – Authorizing the Execution of a First Amendment to Standby Letter of Credit and Reimbursement Agreement and Related Fee Agreement and Other Matters in Connection Therewith.

17. **Conduct a second and final reading, and vote on an ordinance to amend the EBMUD Employees' Retirement System Ordinance (Retirement Ordinance) to update Section 5(d) of the Retirement Ordinance to allow a General Manager, who is not a member at the time of appointment, to become a member of the Retirement System.**

Manager of Employee Services Lisa A. Sorani reported this is the second reading of the ordinance to update Section 5(d) of the Retirement Ordinance. The first reading of the ordinance was conducted at the Regular meeting on April 14, 2020. Section 5(d) of the Retirement Ordinance excludes an appointee to the General Manager position, who is not a member at the time of appointment, from becoming a member of the Retirement System. The ordinance, if amended, would allow an appointee to the General Manager position, who was not previously a member of the Retirement System, to become a member upon appointment and be eligible to receive pension benefits provided by the Retirement Ordinance. Pursuant to Government Code Section 7507, any changes to a pension plan must be actuarially evaluated to determine the impact of the change on the fund. The Retirement System's actuary provided a report on the impact of the proposed amendment which determined the proposed amendment would not exceed 0.5% of the fund's future annual costs. Additionally, the report found that costs would also be incurred if an internal candidate is selected. If approved, the ordinance amendments would take effect 30 days after the revised ordinance's passage, and the Municipal Utility District Act requires the amendments be published once a week for two successive weeks in a newspaper of general circulation published in the District.

- Addressing the Board was Eric Larsen, President, AFSCME Local 444, who commented he didn't fully understand the actuarial impact and asked how much the amendment could cost the pension plan. Director of Finance Sophia D. Skoda responded to Mr. Larsen's questions.
- Motion by Director Patterson, seconded by Director Linney, to approve the recommended action for Item 17, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Ordinance No. 371-20 – An Ordinance Amending Section 5(d), "Membership in Retirement System," of Ordinance No. 40, Which is the Employees' Retirement System Ordinance.

18. General Manager's Report.

Director of Operations and Maintenance Clifford C. Chan presented an update on the District's response to the Coronavirus Disease (COVID-19). He reported on how the District is assisting customers with maintaining water service and statistics on payment plans, late fees, customer payments and the Customer Assistance Program. He said it is still too early to gauge the COVID-19 impact on individual customer class water consumption. Based on April 17 orders from Alameda and Contra Costa counties, all staff is required to wear face coverings (with some exceptions) and the District has been providing the coverings. He reviewed the District's safety guidelines, COVID-19 testing for District water and wastewater operators by the City of Oakland, and next steps in preparing and rolling out the District's Reconstitution Plan. The Board thanked staff for their work and efforts.

REPORTS AND DIRECTOR COMMENTS

19. Committee Reports.

- Filed with the Board were the April 14, 2020 Planning and Legislative/Human Resources Committee Meeting Minutes.
- Sustainability/Energy Committee Chair Doug Linney reported the Committee met earlier in the day (via teleconference) and received updates on the following: Renewable Energy; Integrated Pest Management Program; and Electric Vehicle Charging Stations.
- Finance/Administration Committee Chair William B. Patterson reported the Committee met earlier in the day (via teleconference) and received updates on the following: Energy Policy; Investment Policy Annual Review; Extend Standby Letter of Credit and Reimbursement Agreement for Commercial Paper Notes (Water Series) Tax-exempt Subseries A-1; Remove Suspension on Wells Fargo for Certain Financial and Investment Activities; Fiscal Impacts of COVID-19; Monthly Investment Transactions Report; and Quarterly Financial Reports.

20. Other Items for Future Consideration.

None.

21. Director Comments.

- Director Coleman reported participating in the following events (via teleconference): meeting with two Acalanes High School students regarding water and environmental issues on April 16; EBMUD General Manager Recruitment meetings on April 17 and April 20; and an UMRWA Board meeting on April 24.
- Director Mellon commented on the recent passing of Chabot-Las Positas Community College District Trustee Marshall Mitzman and requested a letter of condolence be sent to Mr. Mitzman's family.
- Director Patterson reported participating in the following events (via teleconference): FRWA Board meeting on April 9 and UMRWA Board meeting on April 24.
- Directors Katz, Linney, McIntosh and President Young had no report.

ADJOURNMENT

President Young announced the Board would adjourn today's meeting in honor of Dublin San Ramon Services District Director Madelyne "Maddi" Misheloff, who passed away on April 11, and in recognition of Workers Memorial Day.

President Young adjourned the meeting at 2:42 p.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: May 12, 2020

Marguerite Young, President of the Board



AGENDA NO.

3.

MEETING DATE

May 12, 2020

TITLE CAMANCHE WATER TRANSMISSION PIPELINE PROJECT PHASE 2☒ MOTION ☐ RESOLUTION ☐ ORDINANCE**RECOMMENDED ACTION**

Award a contract to the lowest effective responsive/responsible bidder, Caggiano General Engineering, Inc., in the amount of \$520,000 for construction of the Camanche Water Transmission Pipeline Project Phase 2 under Specification 2154.

SUMMARY

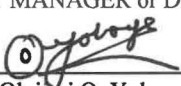
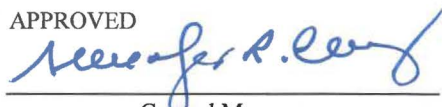
Work includes furnishing and installing 3,700 feet of 10-inch high density polyethylene (HDPE) pipe, connecting to the existing Phase 1 10-inch HDPE pipeline, and performing related required work at the Camanche Reservoir site, located in Amador County. See attached location map.

DISCUSSION

The Camanche Water Transmission Pipeline Project will convey treated water from the Camanche South Shore Water Treatment Plant (WTP) to the Camanche North Shore distribution system and allow the decommissioning of the North Shore WTP. In March 2016, the Camanche Transmission Pipeline Project Phase 1 was completed connecting the Mokelumne Aqueducts to a new Camanche South Shore WTP. A 10-inch HDPE pipeline was installed across the reservoir to eventually tie into the Camanche North Shore distribution system. The Phase 1 construction window was limited due to seasonal permit restrictions from various regulatory agencies, coupled with a later-than-expected award of the contract. Because of this, the full project scope was not completed, leaving approximately 3,700 feet of 10-inch HDPE pipeline (Phase 2) not installed. When completed, the Phase 2 pipeline will allow the Camanche South Shore WTP to supply water to the North Shore Recreation Areas. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

BID RESULTS

Bid documents were issued to 21 resource organizations and 27 prospective bidders. Five bids were received, ranging from \$503,820 to \$1,030,931. The bid summary is attached. The engineer's estimate for this work is \$522,247.

Funds Available: FY20-21; CIP #1000797; Page 117		Budget Code: WSC\570\7999\2013224
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Olujimi O. Yoloye	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

The District promotes small business and disabled veteran business (SB/DVB) by granting a seven percent bid discount (up to \$150,000) to bids submitted by SB/DVB enterprises. Caggiano General Engineering, Inc., a confirmed small business, is the lowest effective responsive and responsible bidder with a SB/DVB bid discount of \$35,267.40 applied to their bid of \$520,000.

The lowest effective responsive/responsible bidder, Caggiano General Engineering, Inc., is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. Caggiano General Engineering, Inc. and its listed subcontractors are properly registered with the State DIR. In the past five years, Caggiano General Engineering, Inc. has not filed a Government Code Claim against the District, and has not initiated any litigation against the District.

SUSTAINABILITY

Economic

This item is included in the FY20-21 budget for the Camanche Water Treatment Plant Improvement Project. Approximately 70 percent of the total cost of the Camanche Transmission Pipeline project is funded by a Proposition 84 grant secured through the Upper Mokelumne River Watershed Authority.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

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 Industrial Relations of the State of California.

Local 444 was notified of the contract on July 22, 2019. Local 444 did not raise any specific issues related to this contract.

Environmental

The Board approved under Resolution No. 33264-01 a Mitigated Negative Declaration (MND) for the Camanche Water Treatment Plant Replacement Project. An Addendum to the MND was approved in April 2014. The Addendum determined no new impacts since 2001 and that the project mitigation measures were still appropriate.

ALTERNATIVES

Do not perform the work. This alternative is not recommended because this project will improve water quality at the North Shore Recreation Area by providing water from the Camanche South Shore WTP. Additionally, the pipeline is included as part of the State Proposition 84 grant project and not performing the work could result in a loss of grant funds.

Camanche Water Transmission Pipeline Project Phase 2

May 12, 2020

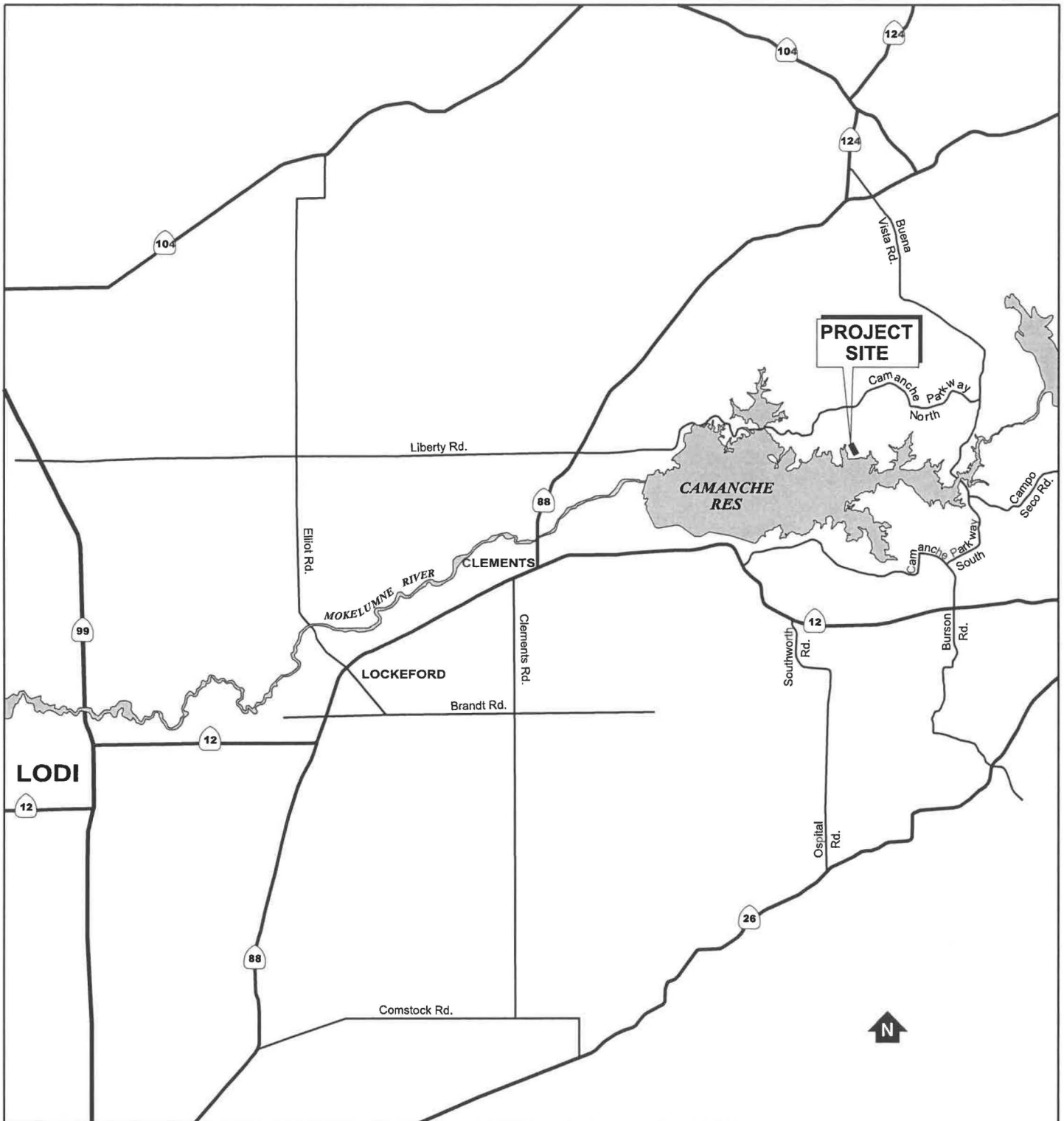
Page 3

Perform work by District forces. The alternative is not recommended because District forces are committed to other higher priority projects and will not be able to support this work.

Attachments: Location Map
Bid Summary
P-035 – Contract Equity Program Summary
P-061 – Affirmative Action Summary

I:\Sec\2020 Board Related Items\051220 Board Agenda Items\E&C Camanche Water Transmission Pipeline Project-Phase 2.doc

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PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

**CAMANCHE WATER
TRANSMISSION PIPELINE
PHASE 2**

SPECIFICATION 2154

EAST BAY MUNICIPAL UTILITY DISTRICT
SPECIFICATION 2154
CAMANCHE WATER TRANSMISSION PIPELINE - PHASE 2
Bids Opened April 15, 2020

	BIDDER	TOTAL AMOUNT BID
1.	Ford Construction Company, Inc. 300 W. Pine St Lodi, CA 95240 (209) 333-1116	\$503,820
2.	Caggiano General Engineering, Inc. (SBE/DVBE) 3941 Park Dr. Ste. 20-347 El Dorado Hills, CA 95762 (916) 501-0611	\$520,000 / \$484,732.60*
3.	DPI, Inc. 5942 Las Positas Rd. Livermore, CA 94551 (925) 800-3100	\$526,581
4.	Sierra Mountain Construction, Inc. 13919 Mono Wy. Sonora, CA 95370 (209) 928-1900	\$890,000
5.	Mountain Cascade, Inc. 555 Exchange Ct. Livermore, CA 94550 (925) 373-8370	\$1,030,931

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: \$522,247



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.: 2154 Camanche Transmission Pipeline Phase 2				DATE: April 28, 2020							
CONTRACTOR: Caggiano General Engineering, Inc. El Dorado Hills, CA 95762				Small Business							
				PERCENTAGE OF CONTRACT DOLLARS							
				Availability Group	Contracting Objectives	Participation					
BID/PROPOSER'S PRICE: \$520,000	FIRM'S OWNERSHIP		White Men		25%	89.8%					
	Ethnicity	Gender	White Women		9%	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: Caggiano General Engineering, Inc.	\$378,000	White	X		72.7%						
SUBS: GR Trucking, LLC	\$25,000	White	X		4.8%						
Penhall Company	\$4,000	White	X		0.8%						
Iconix Waterworks	\$53,000	Foreign			---						10.2%
Gold & Sons Ready Mix	\$35,000	White	X		6.7%						
George Reed, Inc.	\$15,000	White	X		2.9%						
Granite Construction	\$10,000	White	X		1.9%						
TOTAL	\$520,000				89.8%	0.0%	0.0%	0.0%	0.0%	0.0%	10.2%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
	White Men	White Women	Ethnic Minorities	Total Employees							
No. of Employees:	0	1	5	6							
Percent of Total Employees:	0.0%	16.7%	83.3%								
MSA Labor Market %:	36.1%	32.3%	31.6%								
MSA Labor Market Location:	Sacramento										
COMMENTS											
Contract Equity Participation - 100% White Men participation.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				YES				<i>Beverly Johnson</i> <i>CWS</i>			



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Camanche Transmission Pipeline Phase 2		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.: 2154		DATE: 4/28/2020	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	0	5	0	0	5	83.3%
Caggiano General Engineering, Inc. Salvatore Caggiano 2353 Dartmouth Place El Dorado Hills, CA 95762 916-501-0611		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	5	0	0	5	100.0%
		Bay Area	0	0	0	0	0	0.0%
		AA Plan on File:	NA		Date of last contract with District: 2/3/2016			
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide: 6		Bay Area: 0	
S	WM	Company Wide	INFORMATION NOT PROVIDED					
GR Trucking, LLC Danny Krpata 12584 White Rock Road Rancho Cordova, CA 95742 916-985-2700		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:						
S	WM	Company Wide	INFORMATION NOT PROVIDED					
Penhall Company Bhavana Prasad 8416 Specialty Circle Sacramento, CA 95828 916-386-1589		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:						
S	Foreign	Company Wide	INFORMATION NOT PROVIDED					
Iconix Waterworks Nancy Wunschel 4522 Parker Avenue, Suite 700 McClellan, CA 530-748-6811 530-748-6811		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:						
S	WM: LBE	Company Wide	INFORMATION NOT PROVIDED					
Gold & Sons Ready Mix P.O. Box 3 Ione, CA 95640 209-274-0150		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:						
S	WM: LBE	Company Wide	INFORMATION NOT PROVIDED					
George Reed, Inc. 3421 Jackson Valley Road Ione, CA 95642 209-334-0790		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:						

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: Camanche Transmission Pipeline Phase 2		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.: 2154		DATE: 4/28/2020	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							
Granite Construction April Scott 4291 Bradshaw Road Sacramento, CA 95827 916-855-4491		Manager/Prof	INFORMATION NOT PROVIDED						
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
P	WW: LBE	Company Wide							
Ford Construction Company, Inc. Christine Nelson 300 W. Pine Street Lodi, CA 95240 209-333-1116		Manager/Prof	INFORMATION NOT PROVIDED						
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
P	EMM: H	Company Wide	5	32	1	0	38	33.0%	48.4%
Sierra Mountain Construction, Inc. Virginia Aguiar 13919 Mono Way Sonora, CA 95370 209-928-1900		Manager/Prof	0	6	0	0	6	24.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	5	23	1	0	29	37.2%	
		Semi/Unskilled	0	3	0	0	3	25.0%	
		Bay Area	0	0	0	0	0	0.0%	
		Co. Wide MSA:	California		# Employees-Co. Wide:		115	Bay Area:	0
P	WM: LBE	Company Wide	0	18	0	0	18	56.3%	48.4%
DPI, Inc. John DeFreitas 5942 Las Positas Road Livermore, CA 94551 925-800-3100		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	18	0	0	18	66.7%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	
		Co. Wide MSA:	California		# Employees-Co. Wide:		32	Bay Area:	0
P	WM: LBE	Company Wide	4	134	3	4	145	51.2%	39.9%
Mountain Cascade, Inc. Desiree Arslanian 555 Exchange Court Livermore, CA 94550 925-373-8370		Manager/Prof	0	3	1	0	4	12.1%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	2	0	0	2	16.7%	
		Semi/Unskilled	4	129	2	4	139	58.6%	
		Bay Area	4	134	3	4	145	51.2%	
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		283	Bay Area:	283

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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AGENDA NO.
MEETING DATE

4.
May 12, 2020

TITLE ACOUSTIC TELEMETRY EQUIPMENT FOR MOKELUMNE FISHERIES STUDIES

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Direct award a contract to Lotek Wireless in an amount not to exceed \$710,000 for acoustic telemetry equipment for Mokelumne River fisheries monitoring studies, and two years of tags ending December 31, 2023.

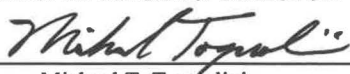

SUMMARY

The District is part of a consortium of agencies and researchers conducting acoustic telemetry studies on fish in the Sacramento-San Joaquin Delta. The proposed contract would fund the purchase of 28 receivers deployed throughout the Delta to collaborate with other agencies' receiver locations to maximize data collection and reliability. The collaborative receiver array consists of 313 receivers from multiple agencies, and extends from Battle Creek on the Sacramento River, and from south of the Merced River in the San Joaquin River, through the Delta and to the Golden Gate Bridge. The District receiver locations will add Mokelumne and interior Delta migration routes not otherwise covered. It will also fund the annual purchase of transmitters to support ongoing studies, and implement new studies as needed.

DISCUSSION

The District has used VEMCO brand telemetry equipment from 2007-2017 to conduct research that supports the District's compliance with regulatory requirements. The recently formed Interagency Acoustic Telemetry Advisory Group (ITAG) has advanced the collaborative nature of data collection in the Delta, and has determined technology that can read Juvenile Salmon Acoustic Telemetry System (JSATS) tags is the most reliable, and can tag the smallest fish. In order to capitalize on shared receiver arrays and benefit from more data collection ability, the District would need to move to this newer technology. This technology collaboration allows for assessment of management actions that ultimately benefit the District, particularly as it relates to water rights and water availability. In order for data collection to begin in the spring of 2021, the District would secure and deploy equipment to connect to the larger system array in 2020.

Acoustic technology is used, in part, for identifying migratory pathways and timing of salmon, steelhead and striped bass within the Mokelumne River, Sacramento-San Joaquin Delta and San Francisco Bay. As

Funds Available: FY20/21		Budget Code: 483-4077-5216 / CIP J2005643	
DEPARTMENT SUBMITTING Water and Natural Resources	DEPARTMENT MANAGER or DIRECTOR  Michael T. Tognolini		APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

the technology has advanced and the ITAG collaboration matured, moving to a fully compatible system is an important step in gaining valuable information on Mokelumne River Fisheries, which supports the District's position in various Delta forums. Information from past studies was published and used to optimize hatchery practices, manage predator species, and evaluate environmental and operational conditions to improve conditions and survival for Mokelumne River salmon, such as pulse flows and/or Delta Cross Channel closures. Future data collection is needed to assess the impacts of various proposed Delta operations scenarios -- such as Delta Conveyance, and Water Quality Control Plan Updates -- and may be used to inform District testimony in State Water Resources Control Board Hearings. This contract advances the Water Quality and Environmental Protection Strategic Plan goal to sustain and enhance the successful salmonid fishery on the Lower Mokelumne River through adaptive management of variable flows, temperature optimization, and collaborative efforts with lower Mokelumne stakeholders.

VENDOR SELECTION

This is a direct award because the ITAG consortium has determined JSATS tags are the best option for use on small migratory fish. JSATS are capable of tagging the smallest-size fish when compared to other technology choices. As a result, JSATS are used by seven different agencies conducting acoustic telemetry research in California. Technology capable of reading JSATS is necessary to collaborate in the ITAG. Use of a different source would significantly reduce the data collection capability for Mokelumne River studies. Lotek Wireless provides the appropriate technology at reasonable cost to fully collaborate with the ITAG and maximize data collection and sharing among members.

SUSTAINABILITY

Economic

This item is included in the FY20/21 operating budget and the Fisheries and Wildlife Projects and Mokelumne Hatchery.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

Environmental

Use of acoustic telemetry for fish tracking is covered under EBMUD's existing environmental permits for conducting fisheries investigations in the Mokelumne River and Delta, and no additional coverage is required. The use of Lotek Wireless acoustic tags will benefit Mokelumne River fish studies and allow the District to collaborate with state and federal agencies and maximize the value of fish data collection in the Sacramento-San Joaquin Delta.

ALTERNATIVES

Select a different acoustic telemetry system. This alternative is not recommended as other compatible systems have been previously evaluated and found to be much more expensive. Other non-compatible systems would not integrate with the JSATS technology used by the coordinated system currently funded and operable in the Bay-Delta area.

Do not conduct assessments of migratory pathways and timing. This alternative is not recommended as it would jeopardize current collaborative efforts with state and federal operators focusing on improving conditions within the delta for Mokelumne River salmon and steelhead populations. It would not allow the collection of critical data to assess various potential Delta operations, including Delta Conveyance. Acoustic telemetry is the best technology available to track the movement of juvenile salmon through the Delta.

Attachments

P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary

I:\SEC\2020 Board Related Items\051220 Board Agenda Items\WNR – Fish Telemetry Update.docx

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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 Acoustic Telemetry Equipment for Mokelumne Fisheries Studies - Three-Year Contract		DATE: April 23, 2020													
CONTRACTOR: Lotek Wireless Newmarket, ON Canada L3Y 7B5		PERCENTAGE OF CONTRACT DOLLARS <table border="1"> <tr> <td>Availability Group</td> <td>Contracting Objectives</td> <td>Participation</td> </tr> <tr> <td>White Men</td> <td>25%</td> <td>0.0%</td> </tr> <tr> <td>White Women</td> <td>2%</td> <td>0.0%</td> </tr> <tr> <td>Ethnic Minorities</td> <td>25%</td> <td>0.0%</td> </tr> </table>		Availability Group	Contracting Objectives	Participation	White Men	25%	0.0%	White Women	2%	0.0%	Ethnic Minorities	25%	0.0%
Availability Group	Contracting Objectives	Participation													
White Men	25%	0.0%													
White Women	2%	0.0%													
Ethnic Minorities	25%	0.0%													
BID/PROPOSER'S PRICE: \$710,000 *	FIRM'S OWNERSHIP Ethnicity: Foreign Gender: -														
CONTRACT EQUITY PARTICIPATION															
COMPANY NAME PRIME: Lotek Wireless	ESTIMATED AMOUNT \$710,000	ETHNICITY Foreign	CONTRACTING PARTICIPATION												
			GENDER M W		White-Men 0.0%	White-Women 0.0%	Ethnic Minorities 0.0%	Unclassified 0.0%	Publicly Held Corp. 0.0%	Gov't/Non Profit 0.0%	Foreign 100.0%				
TOTAL		\$710,000	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%					
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)															
		White Men	White Women	Ethnic Minorities	Total Employees										
No. of Employees:		INFORMATION NOT PROVIDED													
Percent of Total Employees:															
MSA Labor Market %:															
MSA Labor Market Location:															
COMMENTS															
Contract Equity Participation - Zero Contract Equity participation since firm is Foreign-owned. *Start up year is \$340,000, then annually \$185,000 each year after.															
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended							
NA				NA				Beverly Johnson							



AGENDA NO.
MEETING DATE

5.1.
May 12, 2020

**TITLE PARDEE CHEMICAL PLANT CHEMICAL FEED SHAFTS PROJECT -
CONSTRUCTION INSPECTION SERVICES**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an agreement on or after May 12, 2020 with CPM Associates, Inc. (CPM) in an amount not to exceed \$819,456 for construction inspection services for the Pardee Chemical Plant Chemical Feed Shafts Project. In awarding this agreement, the Board of Directors finds that this work cannot be satisfactorily performed under civil service.

SUMMARY

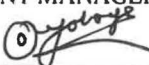

CPM will augment District staff to provide inspection of the drilling, casing, and related activities for the Pardee Chemical Plant Chemical Feed Shafts Project. Inspection coverage is needed during a 24-hour/seven-day work schedule for a four-month period.

DISCUSSION

The Project includes drilling two 22- to 24-inch diameter shafts, approximately 260 feet deep to intercept and penetrate the existing Pardee Tunnel, installing two 16-inch diameter stainless steel casings with grouted-in internal casing pipes that extend into the Tunnel, installing stainless steel internal feed lines, performing electrical and temporary site improvements and related work. The chemical feed shafts support corrosion control in the raw water aqueducts and will help preserve and extend the lifespan of the aqueducts' concrete- and mortar-lining. The construction duration is expected to be approximately 12 months from June 2020 to June 2021. This agreement will provide for a consultant to augment District staff performing field inspection of the drilling and casing installation, witnessing and monitoring activities, and preparing reports to document the work.

CONSULTANT SELECTION

A request for proposals was sent to 32 construction management and inspection firms listed on the District-wide engineering consultant roster. One proposal was received from CPM. CPM was selected because of their extensive construction inspection experience with drilling operation and related work.

Funds Available: FY20-21; CIP #2003494; Page 26		Budget Code: 570/7999/5231/2012863
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Olujimi O. Yolo	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

SUSTAINABILITY

Economic

Funding for this item is included in the FY20 budget for the Mokelumne Aqueducts No. 2 and 3 Relining Project. The chemical feed shafts support corrosion control in the raw water aqueducts and will reduce relining costs to the District over time and help preserve concrete- and mortar-lined assets.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

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

Locals 2019 and 21 were notified of this agreement on March 2, 2020 and did not raise any specific issues related to this agreement.

Environmental

A California Environmental Quality Act Notice of Exemption was filed with Calaveras County on November 1, 2019. The project will replace the two existing deep shafts which are at the end of their useful life and will increase efficiency for injecting chemicals into the Pardee Tunnel.

ALTERNATIVES

Do not authorize the agreement. This alternative is not recommended because construction inspection services are needed to monitor potential impacts to the Pardee Tunnel.

Perform the work with District forces. This alternative is not recommended as the project schedule requires 24-hour/seven-day inspection coverage which is best addressed by consultant staff that can be released when the peak workload is over.

Attachments

P-035 – Contract Equity Program Summary
P-061 – Affirmative Action Summary



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 Construction Inspection Services for the Pardee Chemical Plant Chemical Feed Shaft Project				DATE: April 28, 2020							
CONTRACTOR: CPM Associates, Inc. San Francisco, CA 94103				PERCENTAGE OF CONTRACT DOLLARS							
Small Business				Availability Group	Contracting Objectives	Participation					
BID/PROPOSER'S PRICE: \$819,456	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: CPM Associates, Inc.	\$483,263	White	X		59.0%						
SUBS: Kleinfelder, Inc.	\$336,193	White	X		41.0%						
TOTAL		\$819,456			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	5	25	52							
Percent of Total Employees:	42.3%	9.6%	48.1%								
MSA Labor Market %:	32.3%	27.8%	39.9%								
MSA Labor Market Location:	9 Bay Area Counties										
COMMENTS											
Contract Equity Participation - 100.0% White Men participation.											
Workforce Profile & Statement of Nondiscrimination Submitted		Good Faith Outreach Efforts Requirement Satisfied		Award Approval Recommended							
NA		YES		Beverly Johnson JJ							



AGENDA NO.

5.2.

MEETING DATE

May 12, 2020

TITLE **PARDEE CHEMICAL PLANT CHEMICAL FEED SHAFTS**☒ MOTION ☐ RESOLUTION ☐ ORDINANCE**RECOMMENDED ACTION**

Award a contract to the lowest responsive/responsible bidder, Force Drilling LLC, in the amount of \$4,198,808 for construction of Pardee Chemical Plant Chemical Feed Shafts under Specification 2158.

SUMMARY

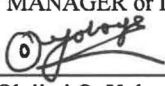
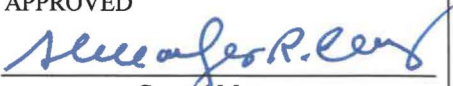
Work includes drilling two shafts to intercept and penetrate the existing Pardee Tunnel, installing stainless steel casings with grouted-in internal casing pipes that extend into the Tunnel, installing stainless steel internal feed lines, performing electrical and temporary site improvements and performing required related work in northwestern Calaveras County.

DISCUSSION

Before entering the District's treatment plants and transmission system, water from Pardee Reservoir is transported over 90 miles through the Pardee Tunnel and Mokelumne Aqueducts. The low-alkalinity water from the reservoir contributes to the degradation of cement-mortar lining in the aqueducts. To improve corrosion control, a project is underway to replace the existing Pardee Chemical Plant with a new lime slaker and carbonic acid facility to inject additional lime and carbonic acid into the Pardee Tunnel to reduce the corrosivity of the raw water by increasing its alkalinity.

The new lime slaker facility will allow calcium oxide, which is also known as quicklime, to be converted into a calcium hydroxide slurry that can be injected into Pardee Tunnel to reduce the corrosivity of the District's raw water. This new facility, and the two chemical shafts under this project, will replace the District's existing Pardee Chemical Plant, which currently doses hydrated lime at much lower rates. Quicklime is a better alternative to hydrated lime at high feed rates because it is more economical and requires less storage space, handling, and freight. The two chemical feed shafts under this contract represent the first phase in the District's project to replace its Pardee Chemical Plant, and will provide the conduit for future injection of lime and carbonic acid.

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

Funds Available: FY20-21; CIP # 2003494; Page 26		Budget Code: WSC/557/7999/5561/ 2012863
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Olujimi O. Yolo	APPROVED  General Manager

BID RESULTS

Bid documents were issued to 21 resource organizations and 23 prospective bidders. Three bids were received, ranging from \$4,198,808 to \$5,699,372. The bid summary is attached. The engineer's estimate for this work is \$3,831,650.

On April 24, 2020, Sierra Mountain Construction, Inc. (SMCI) protested the low bid submitted by Force Drilling LLC (FDL). SMCI asserted that FDL did not meet the experience requirements specified in the contract documents. The District reviewed and investigated the points raised in the protest and determined that FDL's bid meets the specified experience requirements in the contract documents and SMCI's protest was therefore denied. SMCI's bid protest letter received on April 24, 2020 and the District's response dated May 1, 2020 are attached.

SMCI filed an appeal dated May 5, 2020. Staff determined that the points raised in their appeal provided no basis for revising staff's original decision to recommend award to FDL. The District continues to deem the lowest bidder, FDL to be responsive/responsible. It has informed SMCI of this in a written response to SMCI's appeal. A copy of SMCI's appeal letter and the District's response, dated May 7, 2020 are attached.

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

SUSTAINABILITY

Economic

Funding for this item is available in the FY20 budget for the Mokelumne Aqueducts No. 2 and 3 Relining Project. The chemical feed shafts support corrosion control in the raw water aqueducts, will reduce relining costs to the District over time and will help preserve concrete- and mortar-lined assets.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

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 Industrial Relations of the State of California.

Local 444 was notified of this work on December 5, 2019 and did not raise any specific issues related to this contract.

Environmental

A California Environmental Quality Act Notice of Exemption was filed with Calaveras County on November 1, 2019. The project will replace the two existing deep shafts which are at the end of its useful life and will increase efficiency for injecting chemicals into the Pardee Tunnel.

ALTERNATIVES

Do not authorize the contract. This alternative is not recommended as maintaining the integrity of the Mokelumne Aqueducts and mortar-lined distribution system, critical parts of the District's pipeline infrastructure, is essential.

Perform the work with District forces. This alternative is not recommended as the District does not have the expertise, equipment, or resources to support the scope of this work.

Attachments

Location Map

Bid Summary

Contract Equity Program Summary (P-035)

Affirmative Action Summary (P-061)

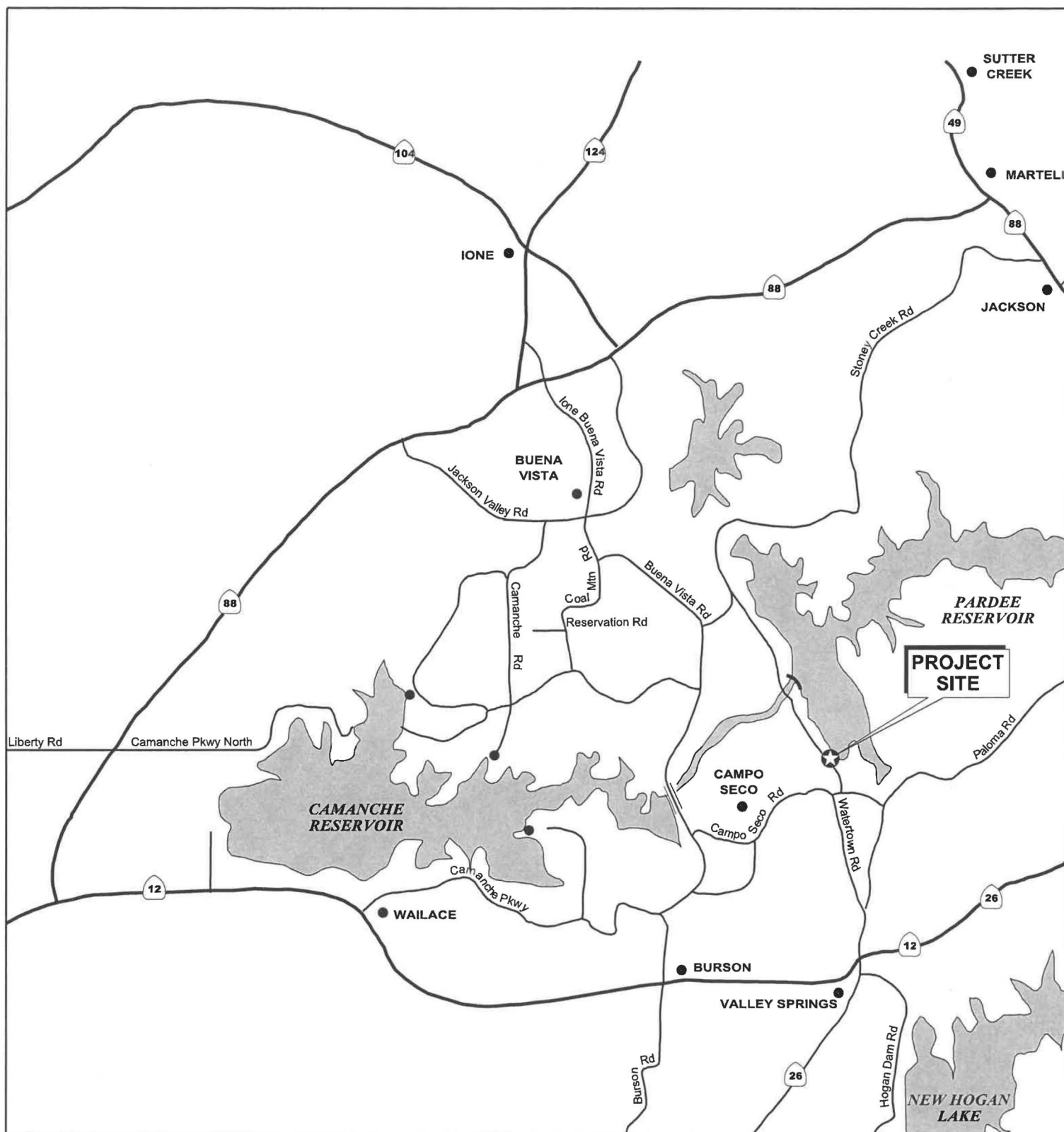
Sierra Mountain Construction, Inc.'s bid protest letter received on 04/24/2020

District's response letter to Sierra Mountain Construction Inc.'s protest dated 05/01/2020

Sierra Mountain Construction, Inc.'s bid protest appeal letter dated 05/05/2020

District's response letter to Sierra Mountain Construction Inc.'s protest appeal dated 05/07/2020

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PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

**PARDEE CHEMICAL PLANT
CHEMICAL FEED SHAFTS**

SPECIFICATION 2158

EAST BAY MUNICIPAL UTILITY DISTRICT
SPECIFICATION 2158
PARDEE CHEMICAL PLANT CHEMICAL FEED SHAFTS
Bids Opened April 15, 2020

	BIDDER	TOTAL AMOUNT BID
1.	Force Drilling LLC 130 Meadow Ridge Rd. Mt. Morris, PA 15349 (304) 291- 0175	\$4,198,808
2.	Sierra Mountain Construction, Inc. 13919 Mono Wy. Sonora, CA 95370 (209) 928-1900	\$4,935,000
3.	Mountain Cascade, Inc. 555 Exchange Ct. Livermore, CA 94550 (025) 373-8370	\$5,699,372

Engineer's Estimate: \$3,831,650



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.: 2158 Pardee Chemical Plant Chemical Feed Shafts						DATE: April 28, 2020					
CONTRACTOR: Force Drilling LLC Mt. Morris, PA 15349					PERCENTAGE OF CONTRACT DOLLARS						
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		99.4%		
		Ethnicity	Gender		White Women		9%		0.0%		
\$4,198,808		White	Men		Ethnic Minorities		25%		0.6%		
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:											
Force Drilling LLC	\$3,760,349	White	X		89.6%						
SUBS:											
Gold Electric, Inc.	\$90,000	White	X		2.1%						
Joe Cover & Sons	\$15,000	White	X		0.4%						
Gold & Sons Trucking	\$20,000	White	X		0.5%						
Dean's Certified Welding, Inc.	\$150,000	White	X		3.6%						
Crescent Diving & Contracting, Inc.	\$98,000	White	X		2.3%						
Stockton Fence & Material Company	\$32,859	White	X		0.8%						
Bradley Tanks Inc.	\$25,000	Asian		X			0.6%				
Freedlun Hydroseeding Inc.	\$7,600	White	X		0.2%						
TOTAL		\$4,198,808			99.4%	0.0%	0.6%	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:		0		0		22		22			
Percent of Total Employees:		0.0%		0.0%		100.0%					
MSA Labor Market %:		51.8%		43.3%		4.9%					
MSA Labor Market Location:		West Virginia									
COMMENTS											
Contract Equity Participation - 99.4% White Men participation and 0.6 % Ethnic Minority Participation.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				YES				<i>Beverly Johnson CWS</i>			



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Pardee Chemical Plant Chemical Feed Shafts		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.: 2158		DATE: 4/28/2020	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	0	18	0	0	18	81.8%
Force Drilling LLC		Manager/Prof	0	3	0	0	3	100.0%
Chris Willis		Technical/Sales	0	0	0	0	0	0.0%
130 Meadow Ridge Road		Clerical/Skilled	1	4	0	1	6	100.0%
Mt. Morris, PA 15349		Semi/Unskilled	1	11	0	0	12	92.3%
304-291-0175		Bay Area	0	0	0	0	0	0.0%
		AA Plan on File: NA	Date of last contract with District: NA					
		Co. Wide MSA: Sacramento	# Employees-Co. Wide: 22				Bay Area: 0	
S	WM	Company Wide	0	1	0	0	1	5.9%
Gold Electric Inc.		Manager/Prof	0	0	0	0	0	0.0%
James R. Heryford		Technical/Sales	0	0	0	0	0	0.0%
821 Murphy's Creek Road, A-2		Clerical/Skilled	0	1	0	1	2	14.3%
Murphys, CA 95247		Semi/Unskilled	0	0	0	0	0	0.0%
209-728-3371		Bay Area	0	0	0	0	0	0.0%
		Co. Wide MSA: Stockton-Lodi	# Employees-Co. Wide: 17				Bay Area: 0	
S	WM	Company Wide	INFORMATION NOT PROVIDED					
Joe Cover & Sons		Manager/Prof						
Reuben Cover		Technical/Sales						
19211 Cherokee Road		Clerical/Skilled						
Tuolumne, CA 95379		Semi/Unskilled						
209-928-3062		Bay Area						
		Co. Wide MSA:						
S	WM: SBE	Company Wide	INFORMATION NOT PROVIDED					
Gold & Sons Trucking		Manager/Prof						
Ryan Gold		Technical/Sales						
P.O. Box 2		Clerical/Skilled						
Ione, CA 95640		Semi/Unskilled						
209-418-5208		Bay Area						
		Co. Wide MSA:						
S	WM	Company Wide	0	4	1	0	5	13.2%
Dean's Certified Welding, Inc.		Manager/Prof	0	0	0	0	0	0.0%
Bill Naddi		Technical/Sales	0	0	0	0	0	0.0%
27645 Commerce Center Drive		Clerical/Skilled	0	4	1	0	5	14.7%
Temecula, CA 92590		Semi/Unskilled	0	0	0	0	0	0.0%
951-676-0242		Bay Area	0	0	0	0	0	0.0%
		Co. Wide MSA: Riverside-San Bernadino	# Employees-Co. Wide: 38				Bay Area: 0	
S	WM	Company Wide	INFORMATION NOT PROVIDED					
Crescent Diving & Contracting, Inc.		Manager/Prof						
Ron Null		Technical/Sales						
135 Main Street		Clerical/Skilled						
Crescent Mills, CA 95934		Semi/Unskilled						
530-816-0019		Bay Area						
		Co. Wide MSA:						

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: Pardee Chemical Plant Chemical Feed Shafts		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.: 2158		DATE: 4/28/2020	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: L/SBE	Company Wide							
Stockton Fence & Material Company Jill Faith P.O. Box 8314 Stockton, CA 95208 916-855-4491		Manager/Prof	INFORMATION NOT PROVIDED						
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	EMW: A/PI	Company Wide							
Bradley Tanks Inc. Brien Beaman 402 Hartz Avenue, Building C Danville, CA 94526 925-786-2029		Manager/Prof	INFORMATION NOT PROVIDED						
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WM: SBE	Company Wide							
Freedlun Hydroseeding Inc. Terri Alsporo 518 Baywood Court Vacaville, CA 95688 707-446-8101		Manager/Prof	INFORMATION NOT PROVIDED						
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
P	EMM: H	Company Wide	5	32	1	0	38	33.0%	48.4%
Sierra Mountain Construction, Inc. Virginia Aguiar 13919 Mono Way Sonora, CA 95370 209-928-1900		Manager/Prof	0	6	0	0	6	24.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	5	23	1	0	29	37.2%	
		Semi/Unskilled	0	3	0	0	3	25.0%	
		Bay Area	0	0	0	0	0	0.0%	
		Co. Wide MSA:	California		# Employees-Co. Wide:		115	Bay Area:	0
P	WM: LBE	Company Wide	4	134	3	4	145	51.2%	39.9%
Mountain Cascade, Inc. Desiree Arslanian 555 Exchange Court Livermore, CA 94550 925-373-8370		Manager/Prof	0	3	1	0	4	12.1%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	2	0	0	2	16.7%	
		Semi/Unskilled	4	129	2	4	139	58.6%	
		Bay Area	4	134	3	4	145	51.2%	
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		283	Bay Area:	283

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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13919 Mono Way · Sonora, CA 95370
Phone: 209-928-1900 - Fax: 800-507-5295

By Express Mail, Hand Delivery, and Email

Director of Engineering and Construction
East Bay Municipal Utility District
P.O. Box 24055
Oakland, CA 94623-1055

and

Specifications and Engineering Support Section (MS #503)
East Bay Municipal Utility District
375 11th Street
Oakland, CA 94607

RE: Pardee Chemical Plant Chemical Feed Shafts, Specification 2158
Protest of Sierra Mountain Construction, Inc. of Bid Proposal of
Force Drilling, LLC

Dear Sir or Madam:

This letter constitutes a formal written protest by Sierra Mountain Construction, Inc. ("Sierra Mountain") of the bid proposal submitted by Force Drilling, LLC ("FDL"). As discussed below, FDL lacks the experience that the East Bay Municipal Utility District's specifications require.

1. Name, Address, and Telephone Number of Protester

Sierra Mountain Construction, Inc.
13919 Mono Way · Sonora, CA 95370
Phone: 209-928-1900 - Fax: 800-507-5295

2. Statement Regarding Basis of Protest

A. FDL's Bid Is Nonresponsive

Specification 045-13.01 requires that the "contractor or designated subcontractor that will perform the Vertical Shaft Drilling Work under Specification shall demonstrate Vertical Shaft Drilling experience in the last ten (10) years that meets ALL of the following criteria:

- Construction of Vertical Shaft of at least 12-inches in diameter

- Construction of Vertical Shaft using directional drilling method
- Construction of Vertical Shaft using blind bore technique
- Construction of Vertical Shaft to depth 150 feet or deeper
- Construction of Vertical Shaft to vertical tolerance of 0.5%

Specification 045-13.01 requires that “each of the listed projects shall have been directly performed by the Contractor or Subcontractor that will perform the Vertical Shaft Drilling Work under Spec 2158 ... **Failure to include this information or failure to demonstrate the required minimum experience will cause the Bid to be deemed non-responsive.**” (Emphasis in original).

FDL listed several projects in its Qualifications and References. However, as to each project, FDL qualified its bid proposal by stating that the work had been performed by other contractors, not by FDL. FDL has attempted to take credit for work performed by North American Drillers, Coastal Drilling East, LLC, and Brayman Construction.

FDL’s bid is therefore nonresponsive because FDL lacks the experienced required by the specifications and because it has qualified its bid by listing projects that were not directly performed by FDL. FDL’s bid proposal violates the express requirement that “each of the listed projects shall have been directly performed” by the bidder or the subcontractor that will be performing the Vertical Shaft Drilling Work.

A bid is responsive only “if it promises to do what the bidding instructions demand.” *Taylor Bus Serv. v. San Diego Bd. of Educ.*, 195 Cal. App. 3d 1331, 1341 (1987). Here, Specification 045-13.01 was clear that the work listed on the experience questionnaire must have been “directly performed by the Contractor or Subcontractor that will perform the Vertical Shaft Drilling Work ... **Failure to include this information or failure to demonstrate the required minimum experience will cause the Bid to be deemed non-responsive.**”

Case law confirms that a bid is nonresponsive if it fails to comply with bidding requirements concerning experience.

In *E.W. Tompkins Co. v. State Univ. of N.Y.*, 61 A.D.3d 1248, 1250-1251 (2009), the Court upheld a decision “to reject petitioner’s bid as nonresponsive” where the bidder had failed to list three recent projects that met the criteria of the bidding documents. The Court based its decision on the fact that although the instructions to bidders required that the bidder establish in its bid that it had performed three similar projects that involved “replacement of large diameter piping (24|mK) over significant distances,” the bidder “did not include any information indicating that 24-inch diameter piping had, in fact, been installed.”

In *J. Caldarera & Co. v. St. James Parish Hosp. Serv. Dist.*, 28 So. 3d 1112, 1115 (2009), writ denied, 29 So. 3d 1262 (La. 2010), the “Construction Experience” section of the bid asked for “the name, location, owner, date of award of the contract, construction contract amount, and name of the owner’s contact person/reference for each new hospital or health care

facility the bidder constructed.” The bidder failed to provide all of the information. The trial and appellate courts upheld the agency’s decision to reject the bid as nonresponsive.

In *P & C Giampilis Constr. Corp. v. Diamond*, 210 A.D.2d 64, 65-66 (N.Y. App. 1994), the Court ruled that the awarding agency:

had a rational basis for rejecting the petitioner’s bids. The bids were non-responsive to the specific requirements set forth in the bid documents (mandating that bidders must, within the prior five years, have successfully completed in timely fashion at least two roofing projects similar in scope and type to the work required under the contracts bid upon, which projects must have been completed and been in service for a minimum of two full years prior to the bid opening and requiring specific prior experience by the corporate petitioner itself, the bidder corporation).

(Emphasis supplied).

Significantly, like FDL, the petitioner in *Diamond* had attempted to argue that it had met the experience requirements of bidding documents because its officers had performed similar work at another company. The Appellate Division rejected the argument that the agency was required to “consider the experience of Messrs. Peter and Chris Giampilis in a companion corporation in satisfying the experience requirements (according to petitioner, the companion corporation had been in business since 1969 and had successfully completed at least 30 roofing projects.” *Id.*, 210 A.D.2d at 65.

FDL in its proposal did not do what the District’s specifications demanded, which was to provide information in its bid that demonstrated that FDL, and not some other company, had completed three projects that met carefully drafted criteria. FDL’s bid is by definition nonresponsive.

B. The District Is Prohibited from Waiving Or Modifying Experience Requirements After The Fact

By statute, any material changes to the bidding requirements had to be made at least 72 hours before bids were opened and by written notice to all bidders. Pub. Contract Code § 4104.5.

Given the restrictions that Public Contract Code Section 4104.5 imposes on making changes to bidding requirements, the District has no discretion to waive bidding requirements after bids are opened. “[W]here a statute or ordinance clearly defines the specific duties or course of conduct that a governing body must take, that course of conduct becomes mandatory and eliminates any element of discretion.” *Great Western Savings & Loan Ass’n v. Los Angeles*, 31 Cal. App. 3d 403, 1413 (1973).

In *Eel River Disposal & Resource Recovery, Inc.*, 221 Cal. App. 4th 209, 238 (2013), the Court of Appeal addressed a situation very similar to the one here. In *Eel River*, as in this matter, the bidding requirements addressed the qualifications that the bidders had to possess. In

awarding a contract, the governing body for the agency had emphasized that the company that received the contract was a local employer. Effectively, the governing body had changed the qualifications for a successful bid. The Court of Appeal determined that award of the contract was illegal, ruling that a contract must be “set aside where specifications are changed after the bidding has been closed.” See *Valley Crest Landscape, Inc. v. Davis*, 41 Cal. App. 4th 1432 (1996)

Waiving the requirements of the specifications to allow FDL’s bid to be considered would introduce an improper and unfair element of subjectivity into the bid process. *City of Inglewood-LA County Civic Center v. Superior Court*, 7 Cal. 3d 861, 867 (1972). To fail to enforce the District’s bidding requirements uniformly would be arbitrary, capricious, and grounds for setting aside an award of the project. *Id.*

In addition, waiving or changing requirements after the opening of bids would provide a competitive advantage to FDL over not only the companies that actually submitted bids, but also contractors that could have submitted a bid if they had not been required to meet the experience requirements of the Instructions to Bidders. Given the competitive advantage that FDL has obtained, the irregularities in FDL’s bid cannot be waived. *Valley Crest Landscape, Inc. v. Davis*, 41 Cal. App. 4th 1432 (1996).

C. FDL Cannot Change Its Bid To Add Qualifying Project Information After Bids Are Opened

Once FDL submitted its bid, it was prohibited from changing the information it had included, such as its listing of previous projects. *Valley Crest Landscape, Inc. v. Davis*, 41 Cal. App. 4th 1432 (1996) (contractor could not correct information in its subcontractor list).

Allowing a bidder to change its bid documents would improperly and illegally confer a competitive advantage. A contractor whose bid was not responsive could wait until after bids were opened, and then learn how other contractors had priced the work, before deciding whether to submit additional information to remedy deficiencies in its bid. No other bidder had the opportunity, after bids were opened, to decide whether to keep or withdraw its bid.

California law for this reason has long prohibited any changes to bid proposals after the opening of bids. *Valley Crest Landscape, supra*; *Greer v. Hitchcock*, 271 Cal. App. 2d 334 (1969) (agency cannot allow bidder to correct mistake in bid after bids are opened); *Palo and Dodini v. City of Oakland*, 79 Cal. App. 2d 739, 750 (1947).

D. FDL Is Not a Responsible Contractor

A bidder is responsible only if it has “demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract.” Pub. Contract Code § 1103; *City of Inglewood-LA County Civic Center v. Superior Court*, 7 Cal. 3d 861, 867 (1972).

Based on the mandatory criteria of the specifications, FDL lacks the experience to perform Specification 2158.

Conclusion

For the reasons set forth above, we respectfully request that District sustain Sierra Mountain's protest and reject the bid submitted by FDL. The contract for Specification 2158 should be awarded to Sierra Mountain, which submitted the lowest responsive bid from a responsible contractor.

Thank you for your careful attention to this protest. If for any reason this protest is not sustained, we request that a hearing be held at which the issues we have raised can be addressed and evidence can be submitted. Please feel free to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, consisting of stylized, overlapping loops and a horizontal stroke at the end.

SIERRA MOUNTAIN CONSTRUCTION, INC.

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VIA EMAIL AND USPS

May 1, 2020

Sara Davis, Administrator of Preconstruction Services
Sierra Mountain Construction, Inc.
13919 Mono Way
Sonora, CA 95370

Subject: Specification 2158 – Pardee Chemical Plant Chemical Feed Shafts
Bid protest by Sierra Mountain Construction, Inc.

Dear Ms. Davis:

We have reviewed the points raised in Sierra Mountain Construction, Inc's (SMC) bid protest letter received on April 24, 2020, and following investigation, have determined that there is no basis for deeming Force Drilling, LLC's (FDL) bid non-responsive or non-responsible.

Specifically, you raised four points with respect to the apparent low bid submitted by FDL: 1) you believe FDL did not list a minimum of three qualified projects on the Supplementary Bidder's Qualifications and References (SBQR) and thus FDL's bid is non-responsive; 2) you believe that the District is prohibited from waiving or modifying experience requirements after the fact; 3) you believe that FDL cannot change its bid to add qualifying project information after bids are opened and; 4) you believe that FDL is not a responsible contractor.

Our findings and conclusions in response to these points are as follows:

1. FDL has indicated and provided verification that FDL is owned by and is a subsidiary of Shaft Drillers International LLC (SDI). FDL also indicates that both North American Drillers LLC (NAD) and Coastal Drilling East LLC (CDE) are owned by SDI and all entities are inextricably associated through common ownership and affiliation, sharing employees, facilities, equipment, profit/losses, and experience and thus is considered as one entity.

FDL's SBQR listed six reference projects and five of them were performed by either NAD or CDE under SDI and, therefore, are qualifying projects. We have verified that each of these five projects meet all five criteria listed on the SBQR. Furthermore, FDL has indicated that proposed personnel to perform the Specification 2158 directionally drilled

May 1, 2020

Page 2

blind bore work will be the same as personnel who performed the work in that five reference projects listed in their completed SBQR form. As such, FDL has demonstrated that it has provided a minimum of three reference projects completed and accepted within the last ten (10) years, with each meeting all five of the required criteria outlined in the SBQR form, and has not been found to be non-responsive on this basis.

2. As discussed above, FDL meets the requirements stated in the SBQR form. The District is not waiving or modifying experience requirements for this project after the fact.
3. FDL's Supplemental Bidder's Qualifications form states that FDL's personnel performed the work to be performed under Specification 2518, under a different business name. FDL has not provided any indication that it is changing or adding qualifying project information after bids are opened.
4. The District has not found any evidence to indicate that FDL is not a responsible contractor.

Based on these findings, Sierra Mountain Construction, Inc's bid protest is hereby denied. Should you wish to file an appeal of our determination, you have five work days from receipt of this letter to set forth your grounds for appeal in accordance with Article 26 of the Instructions to Bidders.

Sincerely,

A handwritten signature in black ink, appearing to read "Olujimi O. Yoloye", with a stylized flourish at the end.

Olujimi O. Yoloye
Director of Engineering and Construction

OOY:JKT:mhl



13919 Mono Way · Sonora, CA 95370
Phone: 415-896-2859 - Fax: 800-507-5295

By Express Mail

Ms. Lesa R. McIntosh
Mr. John A. Coleman
Ms. Marguerite Young
Mr. Andy Katz
Mr. Doug Linney
Mr. William B. Patterson
Mr. Frank Mellon
Members of the Board of Directors
East Bay Municipal District
c/o Secretary of the District
P.O. Box 24055
Oakland, California

RE: Pardee Chemical Plant Chemical Feed Shafts, Specification 2158
Protest of Sierra Mountain Construction, Inc. of Bid Proposal of
Force Drilling, LLC

Appeal

Dear Board Members:

This is an appeal from a May 1, 2020 decision by Olujimi O. Yolooye, Director of Engineering, and Construction, concerning the protest by Sierra Mountain Construction, Inc. ("Sierra Mountain") of the bid proposal submitted by Force Drilling, LLC ("FDL").

A copy of Sierra Mountain's protest is enclosed. The grounds for the appeal are:

1. FDL's proposal on its face was nonresponsive.

Specification 045-13.01 requires that "each of the listed projects shall have been **directly performed** by the Contractor or Subcontractor that will perform the Vertical Shaft Drilling Work under Spec 2158 ... **Failure to include this information or failure to demonstrate the required minimum experience will cause the Bid to be deemed non-responsive.**" (Underlining added; bold emphasis in original).

The specifications do not allow bidders to demonstrate experience using projects performed by affiliated or parent companies. To the contrary, the specifications require that the projects have "been directly performed" by the bidder or its subcontractor.

In *P & C Giampilis Constr. Corp. v. Diamond*, 210 A.D.2d 64, 65-66 (N.Y. App. 1994), the Court ruled that the petitioner's:

bids were non-responsive to the specific requirements set forth in the bid documents (mandating that bidders must, within the prior five years, have successfully completed in timely fashion at least two roofing projects similar in scope and type to the work required under the contracts bid upon, which projects must have been completed and been in service for a minimum of two full years prior to the bid opening and requiring specific prior experience by the corporate petitioner itself, the bidder corporation).

(Emphasis supplied).

Like FDL, the petitioner in *Diamond* had attempted to argue that it had met the experience requirements of bidding documents because its officers had performed similar work for another company. The Appellate Division rejected the argument that the agency was required to “consider the experience of Messrs. Peter and Chris Giampilis in a companion corporation in satisfying the experience requirements (according to petitioner, the companion corporation had been in business since 1969 and had successfully completed at least 30 roofing projects).” *Id.*, 210 A.D.2d at 65.

2. The District does not have discretion to alter experience qualifications after bids are opened.

By statute, material changes to the bidding requirements had to be made at least 72 hours before bids were opened and by written notice to all bidders. Pub. Contract Code § 4104.5.

Given the restrictions that Public Contract Code Section 4104.5 imposes on making changes to bidding requirements, the District has no discretion to waive bidding requirements after bids are opened. “[W]here a statute or ordinance clearly defines the specific duties or course of conduct that a governing body must take, that course of conduct becomes mandatory and eliminates any element of discretion.” *Great Western Savings & Loan Ass’n v. Los Angeles*, 31 Cal. App. 3d 403, 1413 (1973).

In *Eel River Disposal & Resource Recovery, Inc.*, 221 Cal. App. 4th 209, 238 (2013), the Court of Appeal addressed a situation very similar to the one here. In *Eel River*, as here, the bidding requirements addressed the qualifications that the bidders had to possess. In awarding a contract, the governing body for the agency had emphasized that the company that received the contract was a local employer. Effectively, the governing body had changed the qualifications for a successful bid.

The Court of Appeal determined that award of the contract was illegal, ruling that a contract must be “set aside where specifications are changed after the bidding has been closed.” See *Valley Crest Landscape, Inc. v. Davis*, 41 Cal. App. 4th 1432 (1996) (emphasis

Board of Directors
East Bay Municipal Utility District
May 5, 2020

supplied).

Waiving the requirements of the specifications to allow FDL's bid to be considered would introduce an improper and unfair element of subjectivity into the bid process. *City of Inglewood-LA County Civic Center v. Superior Court*, 7 Cal. 3d 861, 867 (1972). To fail to enforce the District's bidding requirements uniformly would be arbitrary, capricious, and grounds for setting aside an award of the project. *Id.*

3. The irregularities in FDL's bid cannot be waived.

Altering experience requirements after the opening of bids provided a competitive advantage to FDL over not only the companies that actually submitted bids, but also contractors that could have submitted a bid if they had not been required to meet the specific experience requirements of the Instructions to Bidders. The irregularities in FDL's bid cannot be waived. *DeSilva Gates Construction, LP v. Department of Transportation*, 242 Cal. App. 4th 1409, 1423 (2015); *Valley Crest Landscape, Inc. v. Davis*, 41 Cal. App. 4th 1432 (1996).

4. An award to FDL would be illegal and void.

An award to FDL would be illegal and void because FDL's bid was nonresponsive. *See Miller v. McKinnon*, 20 Cal. 2d 83 (1942); *Greer v. Hitchcock*, 271 Cal. App. 2d 334 (1969). It would violate the Board's fiduciary duties to allow payments to be made on a void contract, and the Board would have a duty to seek disgorgement of any payments made to FDL. *See id.*

Conclusion

For the reasons set forth above, we respectfully request that the Board sustain Sierra Mountain's appeal and reject the bid submitted by FDL. The contract for Specification 2158 should be awarded to Sierra Mountain, which submitted the lowest responsive bid from a responsible contractor.

Thank you for your careful attention to this protest. If for any reason this protest is not sustained, we request that a hearing be held at which the issues we have raised can be addressed and evidence can be submitted. Sierra Mountain reserves its rights and remedies.

Very truly yours,

A handwritten signature in blue ink, consisting of a stylized 'S' followed by a horizontal line and a loop.

SIERRA MOUNTAIN CONSTRUCTION, INC.

Enclosure (Protest)

Board of Directors
East Bay Municipal Utility District
May 5, 2020

cc: Olujimi O. Yoloeye
jimi.yoloeye@ebmud.com



OLUJIMI O. YOLOYE
DIRECTOR OF ENGINEERING AND CONSTRUCTION
(510) 287-1687
jimi.yoloye@ebmud.com

VIA EMAIL AND USPS

May 7, 2020

Sara Davis, Administrator of Preconstruction Services
Sierra Mountain Construction, Inc.
13919 Mono Way
Sonora, CA 95370

Subject: Specification 2158 – Pardee Chemical Plant Chemical Feed Shafts
Response to Appeal to Board of Directors

Dear Ms. Davis:

This letter responds to Sierra Mountain Construction, Inc.'s (SCMI) written appeal to the East Bay Municipal Utility District's (District) Board of Directors (Board) dated May 5, 2020. It supplements my letter to you of May 1, 2020. We have reviewed the points raised in your appeal and maintain our position that there is no basis for finding the Force Drilling LLC (FDL) bid nonresponsive/nonresponsible. Staff will therefore be recommending to the Board that the Specification 2158 – Pardee Chemical Plant Chemical Feed Shafts contract be awarded to FDL.

Your appeal raises three primary contentions – FDL's bid was nonresponsive, the District altered bid requirements after bid opening, and the District cannot waive FDL's bid irregularities. All three contentions are unsupported by both the facts and the law.

The Specification 2158 Supplemental Bidder's Qualifications and References form (SBQR) requires the contractor to list a minimum of three projects that show the contractor has prerequisite experience. FDL has listed five qualifying projects, stating for each that FDL's personnel performed the work under a different subsidiary of its parent company, Shaft Drillers International LLC (SDI). The District has verified that each of these five projects meet all five criteria listed on the SBQR. The District has also verified that FDL is owned by and is a subsidiary of SDI, as are both North American Drillers LLC and Coastal Drilling East LLC. The District is satisfied with FDL's assertion that all entities are inextricably associated through common ownership and affiliation, sharing employees, facilities, equipment, profit/losses, and experience, and that FDL's personnel have "directly performed" the prerequisite work. The District has therefore found that FDL has met the requirements of the SBQR and that FDL's bid does not contain irregularities.

Your bid protest does not dispute the facts related to FDL's subsidiary status or work history. Rather, it essentially argues that FDL was required to list work performed only under the FDL subsidiary name. The District is unaware of any law supporting this assertion. Nor does *P & C Giampilis Construction Corporation v. Diamond* support your argument. In *P & C Giampilis*, the rejected low bidder claimed that the agency was required to award the contract to it because its employees had prerequisite work experience through a companion corporation. The case does not state whether this information was offered at the time of bid. (See *P & C Giampilis Constr. Corp. v. Diamond* (App. Div. 1st Dept. 1994) 210 A.D.2d 64, 65.) The court rejected the low bidder's argument, finding that the agency had no duty to waive technical defects in a bid or to "pierce the corporate veil" and verify the affiliate status of the bidder's employees. It thus found that there was a rational basis for the agency's rejection of the bid. (See *id.* at 66.)

P & C Giampilis held that an agency is not required to waive technical defects or verify the qualifications of a low bidder, but it did not hold an agency is precluded from doing so. Indeed, it is well settled that "a bid which substantially conforms to a call for bids may, though it is not strictly responsive, be accepted if the variance cannot have affected the amount of the bid or given a bidder an advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential." (*Bay Cities Paving & Grading, Inc. v. City of San Leandro* (2014) 223 Cal. App. 4th 1181, 1188.) An agency may investigate facts in determining a bid's responsiveness. (See, e.g., *MCM Constr., Inc. v. City & Cty. of S.F.* (1988) 66 Cal. App. 4th 359, 366 [City accepted testimonial evidence that missing bid page was prepared before bid deadline and had not been changed].) Here, the District's specifications required the District to do so. (See Specification 2158, Instructions to Bidders, Article 26.A, p. 00 21 13 – 12.)

FDL's SBQR states that its forces performed the prerequisite work under another entity name. The District does not contend that this constitutes a "defect" or irregularity in the bid submission. However, to the extent it may be found to be a defect, it is not one that affects FDL's bid price or gives FDL any unfair advantage in this bid process. FDL could not, for example, have withdrawn its bid. (See *Valley Crest Landscape, Inc. v. City Council* (1996) 41 Cal.App.4th 1432, 1442.) As such, any alleged defect in FDL's bid may be waived.

The District's process for evaluating bid responsiveness here has not constituted an alteration of bid requirements. The complicated case of *Eel River Disposal & Resource Recovery, Inc. v. County of Humboldt* has no factual bearing at all. There, the county specified in its Request for Proposals (RFP) the specific criteria to be used in evaluating bids. It then changed those criteria after the bids were submitted, in direct contradiction of the RFP's statement that any changes to the criteria must be made prior to bid opening. Moreover, it changed the criteria in a manner that disadvantaged all bidders but one. (See *Eel River Disposal & Resource Recovery, Inc. v. County of Humboldt* (2013) 221 Cal.App.4th 209, 237-38.) No such change in bid requirements has taken place here.

SPECIFICATION 2158 – Pardee Chemical Plant Chemical Feed Shafts

May 7, 2020

Page 3

Based on the above, it is staff's intent to recommend to the Board award of the Specification 2158 – Pardee Chemical Plant Chemical Feed Shafts contract to FDL. You may appear at the May 12, 2020 Board meeting to contest this recommendation. Instructions for appearing at the meeting remotely are included on the agenda for the Board meeting, which may be found on the District's website at www.ebmud.com.

Sincerely,

A handwritten signature in black ink, appearing to read "O. Yolo", with a stylized circular mark to the left.

Olujimi O. Yolo
Director of Engineering and Construction

OOY:JKT:mhl

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AGENDA NO.
MEETING DATE

6.
May 12, 2020

**TITLE AMEND AGREEMENT FOR ADMINISTRATION BUILDING HVAC SYSTEMS
UPGRADE PROJECT CONSTRUCTION MANAGEMENT SUPPORT SERVICES**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an amendment to the agreement awarded under Board Motion No. 009-19 with Consolidated CM, Inc. (CCM) to increase the amount by \$610,350 to a total amount not to exceed \$1,600,398 for construction management support services for the Administration Building Heating, Ventilation, and Air Conditioning (HVAC) Systems Upgrade project. In amending this agreement, the Board of Directors finds that this work cannot be satisfactorily performed under civil service.

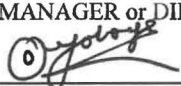

SUMMARY

In January 2019, the Board authorized an agreement with CCM for \$990,048 for construction management support of the Administration Building HVAC Systems Upgrade project. The District has determined additional effort is needed from CCM to complete this project. The additional effort is needed to support a shorter project duration proposed by the contractor which will result in fewer impacts to the District's operations at the Administration Building.

DISCUSSION

The Administration Building HVAC Systems Upgrade project will improve the HVAC system at the Administration Building. The scope includes replacing aging central plant equipment including boilers, chillers, and cooling towers with modern air handling equipment. Additionally, the project will upgrade the uninterruptible power supply equipment, server racks and chimneys, and data center fire protection equipment, retrofit 330 variable air volume terminal boxes with direct digital controls, and integrate the new system into the existing building management control system.

During construction of the project, the District identified additional work needed to complete the project. The increased effort is needed to support the construction contractor's accelerated completion schedule including additional night and weekend work. This project supports the District's Water Quality and Environmental Protection and Long-Term Infrastructure Investment Strategic Plan goals.

Funds Available: FY20/21 CIP#003033; Page 3		Budget Code: WSC\576\7999\5231\2010966
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Olujimi O. Yolo	APPROVED  General Manager

CONSULTANT SELECTION

The original project-specific request for proposals was sent to 12 firms, including minority-owned firms, and posted on the District's website. Three proposals were received. CCM was selected based on their qualifications and ability to provide the necessary expertise and to blend with District staff.

SUSTAINABILITY

Economic

Funding for this item is available in the FY20/21 budget for the Administration Building Modifications Project. The project will substantially lower the District's operations and maintenance costs for the Administration Building.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

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

Locals 2019 and 21 were notified of this agreement on August 1, 2018. Local 21 did not raise any issues. Local 2019 issues were addressed at meetings on August 22, 2018 and October 3, 2018 and resolved. Local 2019 was updated on the increased effort required at a meeting on May 5, 2020.

Environmental

A California Environmental Quality Act Notice of Exemption was filed with the Alameda County Clerk on December 13, 2016 for this project. The project will reduce the energy use of the HVAC equipment at the Administration Building by approximately 50 percent, with a corresponding reduction in the District's indirect greenhouse gas emissions.

ALTERNATIVES

Select another consultant to perform the work. This alternative is not recommended because CCM proposed the most qualified team and the best approach to perform the work, and retaining them will provide important continuity to the project.

Perform the work with District forces. This alternative is not recommended as District staff is not available to cover peak workload periods, nights, and weekends, without adversely impacting other construction projects.

Do not perform the work. This alternative is not recommended as the Administration Building HVAC Systems Upgrade project is ongoing, time sensitive and complex and has a high risk of disrupting other District activities at the Administration Building. The project requires comprehensive construction management and inspection at all times.

Attachments

P-035 – Contract Equity Program Summary
P-061 – Affirmative Action Summary

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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 Administration Building HVAC System Upgrade - Construction Management Support Services						DATE: April 28, 2020					
CONTRACTOR: Consolidated CM, Inc. Oakland, CA 94612				Small / Local Business		PERCENTAGE OF CONTRACT DOLLARS					
				Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE: \$610,350 *		FIRM'S OWNERSHIP		White Men		25%		3.3%			
		Ethnicity	Gender	White Women		6%		0.0%			
		Asian	Women	Ethnic Minorities		25%		96.7%			
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: Consolidated CM, Inc.	\$590,350	Asian		X			96.7%				
SUBS: Consolidated Engineer Lab	\$20,000	White	X		3.3%						
TOTAL		\$610,350				3.3%	0.0%	96.7%	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:		16		5		8		29			
Percent of Total Employees:		55.2%		17.2%		27.6%					
MSA Labor Market %:		28.0%		23.6%		48.4%					
MSA Labor Market Location:		California									
COMMENTS											
Contract Equity Participation - 3.3% White Men participation and 96.7% Ethnic Minority participation.											
*Total contract amount: \$1,600,398 = \$990,048 (Original) + \$610,350 (Amendment)											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA				<i>Beverly Johnson</i>			



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Administration Building HVAC System Upgrade - Construction Management Support Services			Ethnic Minority Percentages From U.S. Census Data							
				B	H	A/PI	AI/AN	TOTAL		
			National							
Professional Services Agreement - Amendment DATE: 4/28/2020			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=Recmmnd 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	EMW: A/PI - L/SBE		Company Wide	2	3	3	0	8	27.6%	48.4%
Consolidated CM, Inc. Lang Scoble 180 Grand Avenue, Suite 1520 Oakland, CA 94612 510-208-1720 ext. 104			Manager/Prof	1	0	3	0	4	16.7%	
			Technical/Sales	1	2	0	0	3	100.0%	
			Clerical/Skilled	0	1	0	0	1	50.0%	
			Semi/Unskilled	0	0	0	0	0	0.0%	
			Bay Area	2	2	3	0	7	31.8%	39.9%
AA Plan on File: NA			Date of last contract with District: 1/8/2019							
Co. Wide MSA: California			# Employees-Co. Wide: 29 Bay Area: 22							
S	WM: LBE		Company Wide	INFORMATION NOT PROVIDED						
Consolidated Engineering Lab Marty Meier 2001 Crow Canyon Road, Suite 100 San Ramon, CA 94583 925-314-7100			Manager/Prof							
			Technical/Sales							
			Clerical/Skilled							
			Semi/Unskilled							
Bay Area			Co. Wide MSA:							
P	WM: LBE		Company Wide	36	82	102	2	222	22.7%	27.3%
Carollo Engineers, Inc. Angela Keezer 2700 Ygnacio Valley Road, Suite 300 Walnut Creek, CA 94598 602-474-4236			Manager/Prof	28	57	90	1	176	22.0%	
			Technical/Sales	6	12	11	1	30	32.3%	
			Clerical/Skilled	2	13	1	0	16	19.5%	
			Semi/Unskilled	0	0	0	0	0	0.0%	
Bay Area			3	5	21	0	29	25.7%	39.9%	
Co. Wide MSA: Total USA			# Employees-Co. Wide: 976 Bay Area: 113							
P	EMM: A/PI - SBE		Company Wide	0	6	13	0	19	43.2%	39.9%
Cooper Puga Management, Inc. Ismael G. Puga 65 McCoppin Street San Francisco, CA 94103 415-543-6515 ext. 202			Manager/Prof	0	4	8	0	12	33.3%	
			Technical/Sales	0	0	0	0	0	0.0%	
			Clerical/Skilled	0	2	5	0	7	87.5%	
			Semi/Unskilled	0	0	0	0	0	0.0%	
Bay Area			0	6	13	0	0	0.0%	39.9%	
Co. Wide MSA: 9 Bay Area Counties			# Employees-Co. Wide: 44 Bay Area: 44							

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)



AGENDA NO.
MEETING DATE

7.
May 12, 2020

TITLE BAY AREA INTEGRATED REGIONAL WATER MANAGEMNT PLAN

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Adopt the Bay Area Integrated Regional Water Management Plan (IRWMP) updated in 2019.



SUMMARY

The IRWMP for the San Francisco Bay Area is a multi-stakeholder, nine-county effort to develop a regional water resources management plan to cover water supply and quality, wastewater and stormwater management, water recycling, flood protection, habitat restoration, and watershed improvement. Proposition 84, approved by voters in 2006, contains \$1 billion for integrated regional water management, of which \$138 million is devoted exclusively to the Bay Area region. Proposition 50, approved in 2002, and Proposition 1, approved in 2014, also contain funding for this program. Adoption of the recently updated IRWMP would support this regional collaborative effort and qualify the District to receive state grant funds for projects identified in the plan.

DISCUSSION

The Integrated Regional Water Management (IRWM) Program was created in 2002 to foster regional collaboration and implement effective water management solutions. To date, California has 48 IRWM regions which have been divided into 12 funding areas. Under Proposition 1, each area receives an allocation of grant funding. To be eligible for this funding, each region must meet several requirements, including drafting and adopting an IRWM Plan that meets state guidelines.

The IRWMP is a nine-county effort to coordinate and improve the water supply reliability, protect water quality, manage flood protection, maintain public health standards, protect habitat and watershed resources, and enhance the overall health of San Francisco Bay. Initially prepared in 2006, this 2019 plan updates the 2012 plan to conform to the Department of Water Resources (DWR) requirements outlined in the 2016 IRWM plan guidelines. Once approved by the state, the 2019 IRWMP will allow the Bay Area to access Proposition 1 funding from DWR.

Funds Available: FY		Budget Code:
DEPARTMENT SUBMITTING Water and Natural Resources	DEPARTMENT MANAGER or DIRECTOR  Michael T. Tognolini	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

To address the new requirements, the partner agencies updated the IRWMP, including:

- Climate change vulnerabilities and management strategies in the Bay Area;
- Specific processes and strategies to engage and include underrepresented populations, such as disadvantaged and Tribal communities, in regional planning and work performed under the Disadvantaged Communities and Tribal Involvement Program (DACTIP);
- Regional groundwater contaminants and management plans; and
- Other minor changes to conform to 2016 IRWM Guidelines.

The IRWMP update was finalized and unanimously approved at the October 28, 2019 Bay Area IRWM Coordinating Committee meeting. DWR reviewed and approved the IRWMP in March 2020. To be eligible to receive funds under Proposition 1, each Coordinating Committee member agency, including the District, must adopt the IRWMP. Once all necessary agencies have adopted the plan, the funding allocated for Round 1 of Proposition 1 implementation funding can be awarded to selected projects. The 2020 recommended projects include funding of approximately \$4.2 million for a regional conservation project focused on education and technological improvements with the District serving as the lead local project sponsor.

SUSTAINABILITY

Economic

No additional funding is associated with the Board's adoption of the Bay Area IRWMP. The cost of the District's participation in IRWMP is included in the operating budget. Successful grant applications based on the IRWMP could offset some costs associated with selected District projects.

Social

The Bay Area IRWMP is highly focused on objectives that support values important to local communities, the Bay region, and the environment. Participants include organizations focused on social justice issues.

Environmental

No environmental review is required for a resolution adopting the IRWMP. A wide variety of stakeholders have participated in the IRWMP taskforce meetings, including a number of non-governmental organization representatives. Any approved projects would comply with the California Environmental Quality Act.

ALTERNATIVE

Do not adopt the Bay Area IRWMP. This alternative is not recommended as it will reduce the availability of grant funding and emphasis on working through beneficial collaborative partnerships.

RESOLUTION NO. _____

ADOPTING THE 2019 SAN FRANCISCO BAY AREA INTEGRATED
REGIONAL WATER MANAGEMENT PLAN UPDATE

Introduced by Director

; Seconded by Director

WHEREAS, the State electorate approved multiple statewide bond measures since 2000, including Propositions 1, 50, and 84, to fund water and natural resource projects and programs, including the Integrated Regional Water Management (IRWM) Program; and

WHEREAS, the benefits of integrated planning for water resources management activities include increased efficiency or effectiveness, enhanced collaboration across agencies and stakeholders, and improved responsiveness to regional needs and priorities; and

WHEREAS, the Bay Area agencies, including East Bay Municipal Utility District (EBMUD), that received funding in previous grant rounds adopted the San Francisco Bay Area Integrated Regional Water Management Plan (Bay Area IRWM Plan) in 2006 before such funds were received; and

WHEREAS, a grant was received to update the Bay Area IRWM Plan, that updated Plan having been completed in the fall of 2013 and submitted to the Department of Water Resources (DWR) in January 2014; and

WHEREAS, the DWR 2016 IRWM Plan guidelines required updates to the Plan related to updating code citations, addition of details to groundwater constituents, and climate change impacts; and

WHEREAS, the draft 2019 Bay Area IRWM Plan Update was circulated for review to Bay Area IRWM stakeholders prior to the September 2019 Bay Area IRWM Coordinating Committee meeting and comments were addressed and incorporated into the final draft approved by the Coordinating Committee in October 2019; and

WHEREAS, the Bay Area IRWM Plan Update before the EBMUD Board of Directors for consideration incorporates changes required under the DWR 2016 IRWM Plan guidelines and stakeholder comments received during review period; and

WHEREAS, adoption of the Bay Area IRWM Plan Update does not entail a direct commitment of resources, and implementation of each project will be the responsibility of the proponent and any applicable project partners, and there is no joint commitment or responsibility by the Bay Area IRWM Plan Update participants to implement any or all of the projects; and

WHEREAS, the Bay Area IRWM Plan Update is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15262 and 15306 because the IRWM Plan Update consists of basic data collection that would not result in the disturbance of any environmental resource and involves planning studies for possible actions that the participating agencies have not yet approved; and

WHEREAS, the Bay Area IRWM Plan Update is meant to be complementary to participating agencies' individual plans and programs and does not supersede such plans and programs, and adoption of the IRWM Plan Update does not prohibit or effect in any way a participating agencies' planning efforts separate from the Bay Area IRWM Plan;

NOW, THEREFORE, BE IT RESOLVED that the EBMUD Board of Directors does hereby adopt the 2019 Bay Area IRWM Plan Update. In taking this action, the EBMUD Board of Directors acknowledges that the resultant 2019 Bay Area IRWM Plan identifies several EBMUD projects as high priority projects worthy of grant funding. EBMUD agrees with this priority and shares the interests of the other stakeholders in the success of the Bay Area IRWM Plan.

ADOPTED this 12th day of May, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

{00048726;3}

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 7, 2020

MEMO TO: Board of Directors

FROM: Alexander R. Coate, General Manager *ARC*

SUBJECT: Legislative Report No. 03-20

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on May 12, 2020.

RECOMMENDED ACTION

Approve a support position on SB 1386 (Moorlach) Local government: assessments, fees, and charges: water; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19).

STATE LEGISLATION

RECOMMENDED POSITION

SB 1386 (Moorlach)	LOCAL GOVERNMENT: ASSESSMENTS, FEES, AND CHARGES: WATER	SUPPORT
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SB 1386 (Moorlach), as amended on April 1, 2020, would make clarifications to the Proposition 218 Omnibus Implementation Act (Act) to confirm the authority of cities and water agencies to use property-related service charges for funding water services related to fire protection. The Act provides statutory legal guidance on the implementation of Proposition's 218 constitutional provisions.

Fire hydrants and associated infrastructure owned and maintained by a public water supplier, and the water served through them for fire protection, have generally been understood to be part of the property-related water services water suppliers provide to their customers. This is because fire hydrants and the water served through them are designed to serve properties, instead of the general public.

Recently, a number of public water suppliers have received letters challenging the costs associated with the operation and maintenance of fire hydrants and the cost for the water through the hydrants. The letters assert that these costs should not be related to the property-related water service, and are in fact a charge for a general governmental service and not a valid property-related charge. In February, 81 cities and water agencies, including EBMUD, were sued to

challenge the long-standing method of funding water service used in firefighting through property-related water service charges. The lawsuits allege that including these costs in water rates is prohibited by Article XIII D of the California Constitution (Proposition 218).

In November 1996, California voters approved Proposition 218, which amended the California Constitution by adding Article XIII C and Article XIII D. Article XIII D placed substantive limitations on the use of the revenue collected from property-related fees and on the amount of the fee that may be imposed on each parcel. Additionally, it established procedural requirements for imposing new, or increasing existing, property-related fees. The California Supreme Court has determined that water and wastewater service fees are property-related fees.

SB 1386 would specify that a property-related water service fee or charge by a local agency may include the costs to construct, maintain, repair, or replace public hydrants attached to a water system, and the cost of water, including the associated infrastructure, dispensed through those public hydrants. The bill would confirm the authority of public agencies to use property-related service charges for funding water services related to fire protection and is consistent with the decision in *Glendale Coalition for Better Gov't v. City of Glendale* (2018), 2nd District Court of Appeal (Unpublished). This decision states that fire hydrants used to protect properties from fire and the costs associated with them are property-related services and not general governmental services available to the public in substantially the same manner as property owners.

SB 1386's clarification of existing law would benefit public water agencies by helping to protect agencies, including EBMUD, from litigation regarding property-related service charges for funding water services related to fire protection. SB 1386 would not result in additional costs for EBMUD but may result in lower future costs through avoided litigation and would also ensure that EBMUD has a viable way to fund the significant costs associated with providing water service for fire protection.

EBMUD has not taken positions on similar legislation in the past as there is no recent history of similar legislation to clarify that property-related service charges may include funding water services related to fire protection.

An official support/opposition list for SB 1386 is not currently available.

STATE AND FEDERAL GOVERNMENT ACTIONS RELATED TO THE CORONAVIRUS DISEASE 2019 (COVID-19)

INFORMATION

An overview of key state and federal actions taken in response to the COVID-19 pandemic since the April 14, 2020 legislative report to the Board is provided below.

State Government Actions

Executive Orders

To date, Governor Newsom has issued a total of 38 Executive Orders related to the COVID-19 emergency. Subsequent to the writing of the April 14, 2020 legislative report, 14 additional executive orders have been issued. Information on those executive orders of direct interest to EBMUD is provided below.

April 22, 2020; Executive Order N-54-20; Omnibus

This order was issued to provide extensions relating to DMV-related operations including identification cards, vehicle permits, vehicle registrations; assist recycling centers; and, to suspend for 60 days state requirements for the use of reusable grocery bags, though local jurisdictions with ordinances governing the use of single-use carryout bags prior to January 1, 2015 may remain in place. In addition, of particular interest to EBMUD, the executive order included CEQA-related provisions including:

- Suspending for 60 days the requirement that specified CEQA-related notices be submitted to county clerks for physical posting.
- The suspension for physical posting of specified notices only applies if agencies make the specified notices and materials available to the public in lieu of physical posting by posting the notices on the agency's website, submitting the specified materials to the State Clearinghouse CEQAnet Web Portal, and engage in outreach to any individuals and entities known to be parties interested in the project.
- Suspending the timelines for required tribal consultation for projects that may impact tribal resources.

Staff is considering these provisions in the context of EBMUD operations.

May 4, 2020; Executive Order N-60-20; Stay-at-Home County Variations

This order was issued to direct the State Public Health Officer to establish criteria and procedures to determine whether and how, in light of local conditions, local jurisdictions may implement public health measures, such as stay-at-home orders, that are less restrictive than the statewide measures. In order for a local jurisdiction to implement less restrictive measures the jurisdiction would need to certify that "public health will not be menaced" by the proposed less restrictive local health measures. Local jurisdictions may continue to establish and implement measures that are more restrictive than, or that are in addition to, statewide directives.

May 6, 2020; Executive Order N-62-20; Workers' Compensation Benefits

This order creates a time-limited rebuttable presumption for accessing workers' compensation benefits applicable to Californians who work outside of their homes during the stay-at-home order. Workers must meet certain conditions to be eligible, and eligibility only applies from March 19, 2020, through 60 days after the issuance date of the May 6, 2020 Executive Order.

Legislative Actions

The State Assembly returned from recess on May 4, 2020 and resumed a modified schedule of policy committee hearings. At this time, the State Senate is expected to return from recess on May 11, 2020 and resume a modified schedule of policy committee hearings. Both houses have revised the process for considering policy bills and are sharply reducing the number of bills that will be considered. The process for public engagement is being modified to mitigate COVID-19 concerns with additional changes likely over the coming months to reflect current conditions, the preferences of each house, and lessons learned.

In addition, budget hearings started last month when legislative budget subcommittees for each house convened three hearings to review the state's response to the COVID-19 pandemic to date and the associated spending. The discussions to date have included the expenditure of funds previously appropriated by the legislature, federal funding received to date, anticipated federal funding, and projections of additional COVID-19 related spending over the coming months.

The Senate has also formed a Special Committee on Pandemic Emergency Response that is tasked with reviewing the effectiveness of actions to date and what could be improved. The committee is expected to hold hearings in the coming weeks.

Federal Government Actions

The fourth COVID-19 relief bill, H.R. 266 (McCollum), was signed into law by President Trump on April 24, 2020. H.R. 266, the Paycheck Protection Program and Health Care Enhancement Act, provides interim relief funding to support small businesses, hospitals, and enhance COVID-19 testing. This is in addition to the previously enacted COVID-19 relief bills, which include H.R. 6074 (Lowey), H.R. 6201 (Lowey), and H.R. 748 (Courtney). In total, these four bills have authorized approximately \$3.6 trillion in fiscal support. Congress continues to discuss additional economic stimulus and relief, including potential relief for local government, ratepayer assistance, and funding for infrastructure, although timing and scope remain uncertain.

Staff has been actively engaged in communicating requests to Congress for federal COVID-19 assistance specific to public water and wastewater agencies that are special districts. These requests ask Congress to:

- 1) Create a second Coronavirus Relief Fund to provide funding for special districts that provide drinking water and wastewater treatment services;
- 2) Remove the explicit prohibition for governmental employers, like public water agencies, from receiving payroll tax credit for both the required paid sick leave and the required paid family leave, similar to what was already granted to the private sector in H.R. 6201;
- 3) Include substantive ratepayer assistance specifically for drinking water and wastewater treatment services; and
- 4) Provide funding for any enhanced benefits for essential frontline workers and include public water and wastewater utility workers as eligible essential frontline workers.

In addition, staff has assembled and is leading a coalition of water agencies that serve over half of California's population to advance these requests for the next phase of coronavirus economic and health response legislation. The coalition is comprised of the Alameda County Water District, Contra Costa Water District, Metropolitan Water District of Southern California, San Diego County Water Authority, Santa Clara Valley Water District, and EBMUD. Combined, these agencies provide over 25 million Californians with drinking water. Staff is also working with key associations to secure their support of and advocacy for these requests.

At this time Congress is considering at least one additional relief package and is expected to consider a stimulus effort related to infrastructure at a later date.

NEXT STEPS

Staff is actively pursuing funding eligibility for EBMUD under federal COVID-19 relief packages and is engaged in discussions regarding future federal stimulus efforts. Staff will continue to monitor state and federal government actions in response to COVID-19 and engage as warranted. Staff will continue to provide updates to the Board, as appropriate.

ARC:MD:JW/DM

Attachment

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AMENDED IN SENATE APRIL 1, 2020

SENATE BILL

No. 1386

Introduced by Senator Moorlach

February 21, 2020

~~An act to amend Section 56000 of the Government Code, relating to local government.~~ *An act to amend Section 53750 of, and to add Section 53750.5 to, the Government Code, relating to local government finance.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1386, as amended, Moorlach. ~~Local government.~~ *Local government: assessments, fees, and charges: water.*

The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency, including requiring that the local agency provide public notice and a majority protest procedure in the case of assessments and submit property-related fees and charges for approval by property owners subject to the fee or charge or the electorate residing in the affected area following a public hearing.

Existing law, known as the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with these requirements and, among other things, authorizes an agency providing water, wastewater, sewer, or refuse collection services to adopt a schedule of fees or charges authorizing automatic adjustments that pass through increases in wholesale charges for water, sewage treatment, or wastewater treatment or adjustments for inflation under certain circumstances. Existing law defines, among other terms, the term "water" for these purposes to mean any system of public improvements intended to provide for the production, storage, supply, treatment, or distribution of water from any source.

This bill would specify that “water” for purposes of the Proposition 218 Omnibus Implementation Act also includes the public fixtures, appliances, and appurtenances connected to an above-described system of public improvements intended to provide for the production, storage, supply, treatment, or distribution of water from any source. The bill would specify that a property-related water service fee or charge by a local agency may include the costs to construct, maintain, repair, or replace public hydrants attached to a water system, and the cost of water dispensed through public hydrants, to the extent those fees or charges are consistent with the California Constitution.

~~Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified.~~

~~This bill would make a nonsubstantive change to the provision naming the act.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53750 of the Government Code is
2 amended to read:
3 53750. For purposes of Article XIII C and Article XIII D of
4 the California Constitution and this article, the following words
5 have the following meanings, and shall be read and interpreted in
6 light of the findings and declarations contained in Section 53751:
7 (a) “Agency” means any local government as defined in
8 subdivision (b) of Section 1 of Article XIII C of the California
9 Constitution.
10 (b) “Assessment” means any levy or charge by an agency upon
11 real property that is based upon the special benefit conferred upon
12 the real property by a public improvement or service, that is
13 imposed to pay the capital cost of the public improvement, the
14 maintenance and operation expenses of the public improvement,
15 or the cost of the service being provided. “Assessment” includes,
16 but is not limited to, “special assessment,” “benefit assessment,”
17 “maintenance assessment,” and “special assessment tax.”

1 (c) "District" means an area that is determined by an agency to
2 contain all of the parcels that will receive a special benefit from a
3 proposed public improvement or service.

4 (d) "Drainage system" means any system of public
5 improvements that is intended to provide for erosion control, for
6 landslide abatement, or for other types of water drainage.

7 (e) "Extended," when applied to an existing tax or fee or charge,
8 means a decision by an agency to extend the stated effective period
9 for the tax or fee or charge, including, but not limited to,
10 amendment or removal of a sunset provision or expiration date.

11 (f) "Flood control" means any system of public improvements
12 that is intended to protect property from overflow by water.

13 (g) "Identified parcel" means a parcel of real property that an
14 agency has identified as having a special benefit conferred upon
15 it and upon which a proposed assessment is to be imposed, or a
16 parcel of real property upon which a proposed property-related
17 fee or charge is proposed to be imposed.

18 (h) (1) "Increased," when applied to a tax, assessment, or
19 property-related fee or charge, means a decision by an agency that
20 does either of the following:

21 (A) Increases any applicable rate used to calculate the tax,
22 assessment, fee, or charge.

23 (B) Revises the methodology by which the tax, assessment, fee,
24 or charge is calculated, if that revision results in an increased
25 amount being levied on any person or parcel.

26 (2) A tax, fee, or charge is not deemed to be "increased" by an
27 agency action that does either or both of the following:

28 (A) Adjusts the amount of a tax, fee, or charge in accordance
29 with a schedule of adjustments, including a clearly defined formula
30 for inflation adjustment that was adopted by the agency prior to
31 November 6, 1996.

32 (B) Implements or collects a previously approved tax, fee, or
33 charge, so long as the rate is not increased beyond the level
34 previously approved by the agency, and the methodology
35 previously approved by the agency is not revised so as to result in
36 an increase in the amount being levied on any person or parcel.

37 (3) A tax, assessment, fee, or charge is not deemed to be
38 "increased" in the case in which the actual payments from a person
39 or property are higher than would have resulted when the agency
40 approved the tax, assessment, fee, or charge, if those higher

1 payments are attributable to events other than an increased rate or
2 revised methodology, such as a change in the density, intensity,
3 or nature of the use of land.

4 (i) "Notice by mail" means any notice required by Article XIII C
5 or XIII D of the California Constitution that is accomplished
6 through a mailing, postage prepaid, deposited in the United States
7 Postal Service and is deemed given when so deposited. Notice by
8 mail may be included in any other mailing to the record owner
9 that otherwise complies with Article XIII C or XIII D of the
10 California Constitution and this article, including, but not limited
11 to, the mailing of a bill for the collection of an assessment or a
12 property-related fee or charge.

13 (j) "Record owner" means the owner of a parcel whose name
14 and address appears on the last equalized secured property tax
15 assessment roll, or in the case of any public entity, the State of
16 California, or the United States, means the representative of that
17 public entity at the address of that entity known to the agency.

18 (k) "Sewer" includes systems, all real estate, fixtures, and
19 personal property owned, controlled, operated, or managed in
20 connection with or to facilitate sewage collection, treatment, or
21 disposition for sanitary or drainage purposes, including lateral and
22 connecting sewers, interceptors, trunk and outfall lines, sanitary
23 sewage treatment or disposal plants or works, drains, conduits,
24 outlets for surface or storm waters, and any and all other works,
25 property, or structures necessary or convenient for the collection
26 or disposal of sewage, industrial waste, or surface or storm waters.
27 "Sewer system" shall not include a sewer system that merely
28 collects sewage on the property of a single owner.

29 (l) "Registered professional engineer" means an engineer
30 registered pursuant to the Professional Engineers Act (Chapter 7
31 (commencing with Section 6700) of Division 3 of the Business
32 and Professions Code).

33 (m) "Vector control" means any system of public improvements
34 or services that is intended to provide for the surveillance,
35 prevention, abatement, and control of vectors as defined in
36 subdivision (k) of Section 2002 of the Health and Safety Code and
37 a pest as defined in Section 5006 of the Food and Agricultural
38 Code.

39 (n) "Water" means any system of public ~~improvements~~
40 *improvements, and the public fixtures, appliances, and*

1 *appurtenances connected to that system, intended to provide for*
2 *the production, storage, supply, treatment, or distribution of water*
3 *from any source.*

4 *SEC. 2. Section 53750.5 is added to the Government Code, to*
5 *read:*

6 *53750.5. (a) The Legislature finds and declares all of the*
7 *following:*

8 *(1) The provision of fire service is a different and distinct*
9 *category of service from the water service made available by a*
10 *water service provider, which aids the fire service provider in*
11 *providing fire service.*

12 *(2) Hydrants owned by water service providers are a public*
13 *fixture, appliance, or appurtenance connected to a water system*
14 *for the purpose of providing an immediately available water service*
15 *and are often used by a water service provider for water system*
16 *maintenance.*

17 *(3) Hydrants are generally designed, installed, and used to*
18 *provide an immediately available supply of water to extinguish*
19 *fires that threaten structures and other improvements on property*
20 *served by the water service provider, and are not for the purpose*
21 *of extinguishing wildfires or fires that threaten personal property,*
22 *vacant lands, or structures without water service.*

23 *(4) Hydrants generally are not available to the public at large*
24 *in substantially the same manner as they are to property owners.*

25 *(5) The fact that water from a hydrant could be used for a*
26 *purpose other than property protection in an emergency does not*
27 *make either the hydrant or the water dispensed from the hydrant*
28 *available to the public at large in substantially the same manner*
29 *as to property owners.*

30 *(6) The water dispensed through a public hydrant owned by a*
31 *water service provider is a property-related water service provided*
32 *to all property owners, as an incident of property ownership,*
33 *because the water is immediately available to be used to extinguish*
34 *a direct threat to structures and other improvements on property*
35 *and concurrently benefits all parcels, which are threatened with*
36 *damage or destruction by the fire not being extinguished.*

37 *(7) There are water service costs associated with maintaining,*
38 *repairing, and replacing hydrants and costs associated with the*
39 *water dispensed through hydrants to protect real property.*

1 **(b)** *To the extent consistent with the requirements of Section 6*
2 *of Article XIII D of the California Constitution, fees or charges*
3 *for property-related water service may include the costs to*
4 *construct, maintain, repair, or replace public hydrants attached*
5 *to a water system, and the cost of water dispensed through public*
6 *hydrants. The fee or charge may be fixed and collected consistent*
7 *with Section 53069.9 of the Government Code, or consistent with*
8 *any other method consistent with Section 6 of Article XIII D of the*
9 *California Constitution.*

10 **(c)** *This section is declaratory of existing law.*

11 ~~SECTION 1. Section 56000 of the Government Code is~~
12 ~~amended to read:~~

13 ~~56000. This division shall be known, and may be cited, as the~~
14 ~~Cortese-Knox-Hertzberg Local Government Reorganization Act~~
15 ~~of 2000.~~



AGENDA NO.
MEETING DATE

9.1. - 9.2.
May 12, 2020

**TITLE REPORT AND RECOMMENDATION OF THE GENERAL MANAGER FOR
REVISIONS TO THE WATER AND WASTEWATER SYSTEM SCHEDULE OF
RATES AND CHARGES, CAPACITY CHARGES, AND OTHER FEES NOT
SUBJECT TO PROPOSITION 218, AND REGULATIONS FOR FISCAL YEAR 2021**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

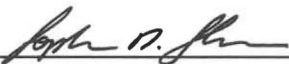

- 1) File the Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year (FY) 2021.
- 2) Set a Public Hearing on Tuesday, June 9, 2020, during the Board's regular meeting to consider the Report and Recommendation.

A public hearing has been scheduled for Tuesday, June 9, 2020 during the Board's regular meeting to consider the Report and Recommendation of the General Manager, and to comply with Municipal Utility District Act requirements. The proposed revisions to the FY21 rates, charges, fees and regulations are not subject to Proposition 218 requirements. Where applicable, the proposed rates/charges/fees are in full compliance with Proposition 26 and California Government Code section 66013.

SUMMARY

In 2001, the District began implementation of a two-year budgeting and rate setting process. Every two years as part of this biennial budget process, the Board considers and adopts both the budget and rates and charges for two consecutive fiscal years. As part of the biennial budget process, the General Manager files a report and recommendation on the proposed rate adjustments and detailed budget documents with the Board in May. Biennial budget workshops are usually held in April, and a public hearing is typically held in June prior to the start of the fiscal year on July 1.

For the 2019 biennial budget process, the District's public hearing on the proposed revisions to the FY20 and FY21 rates was held on June 11, 2019, and the District adopted the FY20 and FY21 rates and charges in full compliance with Proposition 218. FY21 rate increases of 6.25 percent for the Water System and 4.0

Funds Available: FY		Budget Code:	
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR		APPROVED
Finance	 Sophia D. Skoda		 General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

percent for the Wastewater System that were adopted on June 11, 2019 would go into effect on July 1, 2020 without a Board decision otherwise.

In addition to the rates that are adopted as part of the biennial process, some rates such as installation fees are updated and approved as part of a mid-cycle update. For FY21, staff is proposing to update the Wastewater Capacity Fees, installation charges and several other fees and charges. None of these charges are subject to the requirements of Proposition 218. However, these fees and charges are governed by other laws, such as Proposition 26 and Government Code section 66013, and are in full compliance with these laws, as applicable.

The District is currently completing a study by an independent financial consultant of the Water System Capacity Charge (SCC), and will be presenting the results of that study and recommended revisions to the Board later in FY21. Therefore, no change is presently recommended for the current SCC for FY21.

Attached, please find the Report and Recommendation of the General Manager for revisions to the rates and charges and other fees and regulations that includes the following revisions for FY21:

Water System

- Schedule B – Account Establishment Charge
- Schedule C – Charges for Special Services
- Schedule D – Water Service Installation Charges
- Schedule E – Private Fire Service Installation Charges
- Schedule F – Public Fire Hydrant Installation Charges
- Schedule G – Water Main Extension Charges
- Public Records Act Fee Schedule
- Real Property Use Application Fees
- Recreation Use Fees

Wastewater System

- Schedule D – Wastewater Department Other Fees
- Schedule G – Wastewater Department Capacity Fees

Water System Regulations

- Section 6 – Public Fire Hydrants
- Section 7 – Service Through Public Fire Hydrants
- Section 17 – Change In Use and/or Size of Service
- Section 30 – Nonpotable Water Service
- Section 31 – Water Efficiency Requirements

FY21 Report and Recommendation of the General Manager
May 12, 2020
Page 3

The proposed changes will be reviewed as a part of the Strategic Plan Update and Mid-Cycle Budget workshop scheduled for May 26, 2020. Adoption of the FY21 proposed rates and charges and other fees and regulations is also scheduled for the Board's consideration at its meeting on June 9, 2020.

Attachment

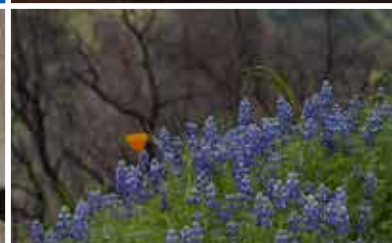
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Report and Recommendation of the General Manager

*Revisions to the Water and Wastewater
System Schedule of Rates and Charges,
Capacity Charges, and Other Fees
Not Subject to Proposition 218, and
Regulations for Fiscal Year 2021*



Photos on cover:

Examples of EBMUD's vast operations such as water storage, treatment and distribution, wastewater treatment plant energy, fire suppression programs, and staff that provide service around the clock supporting watershed management, water sampling/testing, pipeline maintenance/repairs, and customer service.

Report and Recommendation of the General Manager

***Revisions to the Water and Wastewater System
Schedule of Rates and Charges, Capacity
Charges, and Other Fees Not Subject to
Proposition 218, and Regulations for
Fiscal Year 2021***

*Submitted to the Board of Directors
by Alexander R. Coate, General Manager
May 12, 2020*

East Bay Municipal Utility District

East Bay Municipal Utility District

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- Public Records Act Fee Schedule
- Real Property Use Application Fees
- Recreation Use Fees for 2020 and 2021
- Regulations Section 6 – Public Fire Hydrants
- Regulations Section 7 – Service Through Public Fire Hydrants
- Regulations Section 17 – Change In Use And/Or Size of Service
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- Regulations Section 31 – Water Efficiency Requirements

FY21 Wastewater System

- Schedule D – Wastewater Department Other Fees
- Schedule G – Wastewater Department Capacity Fees

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 7, 2020

MEMO TO: Board of Directors

FROM: Alexander R. Coate, General Manager *ARC*

SUBJECT: Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year (FY) 2021

In 2001, the District began implementation of a two-year budgeting and rate setting process. Every two years as part of this biennial budget process, the Board considers and adopts both the budget, and rates and charges for two consecutive fiscal years. As part of the biennial budget process, the General Manager files a report and recommendation on the proposed rate adjustments and detailed budget documents with the Board in May of each odd-numbered calendar year. Biennial budget workshops are usually held in April of that year, and a public hearing is typically held in June prior to the start of the fiscal year on July 1.

The biennial budget process includes proposed revisions to rates and charges for the District's ongoing water and wastewater services. These charges are for property-related services and are subject to Proposition 218 which imposes numerous substantive and procedural requirements for the rates adoption process of property-related charges. Such requirements include providing customers and property owners a notice of the proposed changes to the rates, and the time and place of the public hearing in which the proposed rates will be considered by the District.

For the 2019 biennial budget process, the District's public hearing on the proposed revisions to the FY20 and FY21 rates was held on June 11, 2019, and the District adopted the FY20 and FY21 rates and charges in full compliance with Proposition 218. FY21 rate increases of 6.25 percent for the Water System and 4.0 percent for the Wastewater System that were adopted on June 11, 2019 would go into effect on July 1, 2020 without a Board decision otherwise.

In addition to the rates that are adopted by the District as part of the biennial budget process in odd-numbered years, some rates including system capacity fees are updated and approved as part of a mid-cycle budget update in even-numbered calendar years. As part of this mid-cycle budget process, staff is proposing to update the FY21 Wastewater Capacity Fee and several other fees and charges. None of these charges are subject to the requirements of Proposition 218. However, these fees and charges are governed by other laws, such as Proposition 26 and Government Code section 66013, and are in full compliance with these laws.

The District is currently completing a study by an independent financial consultant of the Water System Capacity Charge (SCC), and will be presenting the results of that study and recommended revisions to the Board later in FY21. Therefore, no change is recommended for the current SCC for FY21.

This Report contains the FY21 proposed rate changes to the Wastewater Capacity Fees and other fees that were not part of the biennial budget and rate approval in 2019. The following is a summary of the proposed changes.

Water System

- Implement proposed changes to Schedule B – Account Establishment Charge and Schedule C – Charges for Special Services. The changes increase each charge in these schedules to reflect current costs.
- Implement proposed changes to Schedule D – Water Service Installation Charges, Schedule E – Private Fire Service Installation Charges, Schedule F – Public Fire Hydrant Installation Charges, and Schedule G – Water Main Extension Charges. The changes increase each charge in these schedules to reflect current costs and the third year of a three year phased-in increase approved by the Board in 2018.
- Update the Real Property Use Application Fees, Recreation Use Fees and Public Records Act Fee Schedules to reflect current costs, including increases in fees charged to the District for various services.
- Modify Water Service Regulations Section 6 – Public Fire Hydrants to update and clarify District service regulations.
- Modify Water Service Regulations Section 7 – Service Through Public Fire Hydrants to update and clarify District service regulations.
- Modify Water Service Regulations Section 17 – Change in Use and/or Size of Service to update and clarify District service regulations.
- Modify Water Service Regulations Section 30 – Nonpotable Water Service to update and clarify District service regulations.
- Modify Water Service Regulations Section 31 – Water Efficiency Requirements to update and clarify District service regulations.

Wastewater System

- Modify Schedule D – Other Fees to add three new Private Sewer Lateral Compliance Fees for Specific Appointment Time, Home Owners Association Administrative, and Compliance Agreement.
- Modify Schedule G - Wastewater Capacity Fees (WCF) to, update the wastewater system assets and cost components used in the calculations.

A Board workshop on the changes to the rates and charges and review of the mid-cycle budget will be held on May 26, 2020. A public hearing on the recommendations contained in this report will be scheduled for June 9, 2020 and the Board will consider adoption of the recommendations at the June 9 Board meeting.

With the exception of Recreation Use Fees for 2021, which is recommended to go into effect on January 1, 2021, the proposed changes to the Water Service Regulations and the water and wastewater system rates, charges, and fees are all recommended to be effective as of July 1, 2020.

ARC:SDS:RL:rl

**1. Water System Rates,
Charges & Fees**

Chapter 1 – Water System Rates, Charges and Fees

INTRODUCTION

The District periodically reviews the rates and charges in the Schedules of Water System Charges to ensure the fees and charges reflect the District's cost of service. This report recommends revisions to District charges and fees that are in addition to the FY21 changes to Water and Wastewater System rates, fees, and charges previously adopted as part of the FY20-FY21 Biennial Report and Recommendation of the General Manager. These rates are not subject to the requirements of Proposition 218. However, they are subject to Proposition 26 and in full compliance with its requirements. Proposition 26 governs local government rates and charges, and provides that any levy, charge, or exaction of any kind that is imposed by a local government is a "tax" requiring voter approval, unless it fits within its seven stated exceptions. If a rate/charge does not fall within an exception to Proposition 26's tax definition, then it will be deemed a tax that is subject to voter approval.

Copies of the fees and charges recommended for revisions are shown in Chapter 4 of this report.

RECOMMENDED REVISIONS TO WATER SYSTEM CHARGES

Water Fees, Charges and Service Regulations Not Subject to Proposition 218:

- Implement proposed changes to Water System Schedule B – Account Establishment Charge and Schedule C – Charges for Special Services. The changes would increase each charge in these schedules to reflect current costs.
- Implement proposed changes to Schedule D – Water Service Installation Charges, Schedule E – Private Fire Service Installation Charges, Schedule F – Public Fire Hydrant Installation Charges, and Schedule G – Water Main Extension Charges. The changes would increase each charge in these schedules to reflect current costs and the third year of a three year phased-in increase approved by the Board in 2018.
- Update specified components of the Real Property Use Application Fees, Recreation Use Fees, and Public Records Act Fee Schedules to reflect current costs.
- Modify Water Service Regulations Section 6 – Public Fire Hydrants, Section 7 – Service Through Public Fire Hydrants, Section 17 – Change in Use And/Or Size of Service, Section 30 – Nonpotable Water Service, and Section 31 – Water Efficiency Requirements to update and clarify District Water Service Regulations.

DISCUSSION

This report recommends revisions to District water system fees and charges that are not subject to the requirements of Proposition 218. However, they are subject to Proposition 26 and in full compliance with its requirements. Proposition 26 governs local government rates and charges, and provides that any levy, charge, or exaction of any kind that is imposed by a local government is a "tax" requiring voter approval, unless it fits within its seven stated exceptions. If a rate/charge does

not fall within an exception to Proposition 26's tax definition, then it will be deemed a tax that is subject to voter approval.

The District periodically reviews the fees and charges in the schedules of Water System Charges to ensure that the fees and charges are consistent with legal requirements and reflect updated costs. Copies of the recommended revisions to the fee schedules are provided in Chapter 4 of this report. For FY21, the following schedules of fees and charges are recommended to be updated to reflect the District's increased costs, including those related to salaries and benefits:

- Schedule B – Account Establishment Charge
- Schedule C – Charges for Special Services
- Schedule D – Water Service Installation Charges
- Schedule E – Private Fire Service Installation Charges
- Schedule F – Public Fire Hydrant Installation Charges
- Schedule G – Water Main Extension Charges
- Public Records Act Fee Schedule
- Real Property Use Application Fees
- Recreation Use Fees

Schedule B – Account Establishment Charge

The Account Establishment Charge recovers the District's costs for establishing a new customer account or transferring the account of a customer who moves from one address to another within the District's service area. Based on the analysis of the District's current labor cost to set up a new customer account or to transfer an account for a customer moving from one address to another, the Account Establishment Charge is proposed to increase from \$57 to \$60 in FY21. Customers who use the EBMUD website and use the online process to set up a new account generate lower labor costs than those who call the District for the same service. Accordingly, the Account Establishment Charge is lower for customers who set up an account online, reflecting the District's labor cost savings. In FY21, the Account Establishment Charge for online customers is proposed to increase from \$41 to \$44 to reflect the District's updated labor costs.

Schedule C – Charges for Special Services

Schedule C contains the charges for special customer services such as the meter testing program, backflow prevention program, lien program, public hydrant meters, and service interruptions. After a detailed review of the District's costs to provide each of these services, the following recommended changes are proposed for FY21.

Meter Testing Charges

The District is responsible for the maintenance and replacement of all water meters, and recovers those costs through the monthly Water Service Charge. When the District suspects or determines a water meter is not functioning properly, the District tests and/or replaces the malfunctioning meter. When a meter is tested at the sole request of the customer, the District bills the customer a Meter Testing Charge based on the size of the meter to recover the cost of performing this work. If the meter is found to be over-registering water consumption, the Meter Testing Charge is refunded. For

FY21, the Meter Testing Charges are proposed to increase between 4.5 percent and 4.8 percent depending on meter size to reflecting the District's current costs for providing this service.

Service Trip Charge

Service Trip Charges recoup the cost of sending a Field Services Representative or other District staff to a service for payment extension, service interruption and restoration, and other similar account related visits. The Service Trip Charge for service trips completed during District business hours is proposed to increase from \$49 to \$50 in FY21 to reflect the District's updated labor costs. The Service Trip Charge for services trips after District business hours is typically higher to reflect overtime and is proposed to increase from \$67 to \$71 for FY21.

Service Interruption Charges

When a customer's bills remain unpaid after the District has exhausted every step in its prolonged and extensive process of working with the customer to collect the unpaid bills, including offering enrollment in the Customer Assistance Program to qualifying low income customers, and/or establishing and maintaining payment arrangements, the District discontinues water service to the customer. To begin the water service discontinuation process, field services staff visits the service address to notify the customer of the shutoff unless a payment is made within seven business days of the mailed 48 hour notice¹. This field visit triggers a Service Interruption Charge which is proposed to increase in FY21 from \$49 to \$50 to reflect District costs. If the customer pays the outstanding water charges including the Service Interruption Charge or make arrangements for a payment plan within three days, their water service will not be shut off. If no payment or payment plan is made within three days, the water service is shut off at the meter. After the customer pays the delinquent charges owed to the District, another Service Interruption Charge of \$50 for service restoration is assessed to restore the service. If the customer requests service be restored after normal business hours, a higher after-hours Service Interruption Charge is assessed instead of the normal Service Interruption Charge to reflect the District's increased costs for providing this service after hours. The after-hours Service Interruption Charge is proposed to increase from \$67 to \$71 for FY21 to reflect current labor costs. If it is determined that the customer tampered with the water meter after the District has shut off water service, an S-Lock will be placed over the meter at an additional charge. The S-Lock charge is proposed to increase from \$62 to \$64 for FY21. If the customer is determined to have tampered with the S-Lock, the meter will be plugged at a proposed FY21 Plug Service Interruption Charge of \$436, an increase from the current charge of \$422 to reflect updated labor charges².

¹ Effective March 12, 2020, the District has suspended water service discontinuations due to non-payment in response to COVID-19. The District's action was prompted by the need for clean water to help fight the spread of COVID-19 and the well-being of our community during this crisis. Subsequently, the Governor issued an Executive Order on April 2, 2020 halting water service discontinuations due to non-payment while the state is responding to COVID-19. The District will resume water service discontinuations due to non-payment in accordance with its policies after this public health threat has been cleared by local public health agencies and the Governor's April 2, 2020 Executive Order has been rescinded.

² In addition to these charges, customers engaging in repeated acts of meter tampering could be subject to potential penalties for water theft in accordance with the District's Water Theft Penalty Ordinance.

Lien Program Fees

The Lien Program Fees have been amended to reflect the District's staff costs and the fees charged to the District by Alameda and Contra Costa Counties to record and remove the liens. The changes to the lien fees proposed for FY21 will range from increase of \$8 to \$44 depending on the specific fee.

Returned Payment Charge

The Returned Payment Charge is proposed to increase from \$26 to \$28 in FY21 to reflect the District's updated labor costs to process returned payments.

Prohibited Water Use Charge and Flow-Restrictor Installation Charges

If the District suspects that a customer is using water in a wasteful manner, District staff contacts the customer and investigates the customer's water use. If it is determined that the customer is violating the District's Water Service Regulations that establish Water Use Restrictions (Section 29), a Prohibited Water Use Charge will be charged to recover the cost of monitoring the customer's ongoing water use. The Prohibited Water Use Charge for FY21 is proposed to be \$50, an increase from the current charge of \$49 to reflect updated costs. If the customer continues to violate the Water Service Regulations Section 29, a flow restrictor may be installed at the customer's expense. The cost of installing the flow restrictor has been updated for FY21 to reflect current costs, increasing the Flow-Restrictor Installation Charge from \$122 to \$127 for small meters under 1-1/2 inches and from \$262 to \$273 for 1-1/2 and 2-inch meters.

Backflow Device Annual Certification and Violation Charges

To ensure that the water system is not compromised by contaminants, pollutants or plumbing hazards, the District requires a backflow prevention device on some water service connections. A Backflow Device Annual Certification Charge is assessed to cover the administrative costs related to inspection and verification, and is proposed to be \$59 for FY21 to reflect the District's updated costs, an increase from the current rate of \$57. In addition, there is a charge for labor to complete any necessary surveys and inspections which is proposed to increase from \$131 to \$135 per hour. The District maintains a list of certified private companies that can perform the required backflow test. For a company to be included on the list of certified backflow testers, the District charges a Certified Tester Listing Charge. The Certified Tester Listing Charge for FY21 is proposed to be \$166, an increase from the current charge of \$159. If it is determined that a customer has violated the District's backflow prevention requirements, the District charges a Backflow Device Violation Charge, which is proposed to increase from \$506 to \$527 in FY21, to recover the District's costs to shut off the water service and restore the service once the District verifies that the backflow requirements have been met.

Intervening Water Service Agreement Fee

The District has a program that automatically transfers a property's water service account to the landlord when a tenant who is the EBMUD account holder terminates service. This program allows for water service to continue uninterrupted while the property is vacant without the landlord having to open a new account and pay an Account Establishment Charge for that property. There is a one-time processing fee for the Intervening Water Service Agreement, to recover the administrative

costs to set up the agreement. For FY21, the Processing Fee for Intervening Water Service Agreement is proposed to increase from \$59 to \$62 to reflect updated labor costs.

Public Hydrant Meter Account Establishment and Site Visit Charges

The hydrant meter program provides customers with a 3-inch hydrant meter that can be hooked up to a public fire hydrant to meter water use when temporary water service has been approved by the District. The Public Hydrant Meter Account Establishment and Renewal Charge to establish and annually renew the hydrant meter account is proposed to increase in FY21 from \$118 to \$123. The hydrant meter program requires customers to enter into an agreement through which customers agree to regularly self-report meter readings and periodically exchange their meters. When a customer does not follow terms of the agreement, a Public Hydrant Meter Account Site Visit Charge is charged to recover the cost of investigation and site visits by a Field Services Representative or other District staff to recover the meter. For FY21, the Public Hydrant Meter Account Site Visit Charge is proposed to increase to \$247 from the current charge of \$235 to reflect the District's updated labor costs.

Schedule D – Water Service Installation Charges

Schedule D contains the installation charges for lateral and meter installations for standard services. As part of our comprehensive review of water fees and charges in 2018, the District analyzed the details of the cost analysis for each individual installation charge and updated the labor, equipment, materials, and overhead required for each installation. The current labor and benefit rates, equipment charges, and materials and handling costs were used in the analysis. The 2018 update found that the labor hours required to perform the installations has increased significantly from the prior analysis due to an increased effort for best management practices (BMPs), traffic control, and local permit requirements. In addition, the previous charges did not include cost of supervisory staff that manages the installation work.

Because of the large increases calculated in the 2018 update, the Board approved a three-year phased-in installation charge increase, beginning in FY19. The shortfall in revenue collected from the phase-in of the increases to the installation charges is funded from higher than budgeted property tax revenue received by the District in recent years as a result of increased building activity and property values. By phasing in these large increases to the installation charges, the District will avoid the financial shock to applicants for new services that could negatively impact the increase in new construction and growth in water accounts. The recent growth in water accounts will provide more financial stability to the District in the future and will benefit all ratepayers. Service installation charges for the third year of the three-year phase-in for FY21 are shown in the proposed Schedule D – Water Service Installation Charges (see Chapter 4) of this report. The proposed FY21 installation charges reflect updated costs for labor, materials, and equipment for 2020.

Schedule E – Private Fire Service Installation Charges

Schedule E contains the installation charges for private fire services that supply capacity for private fire sprinkler systems. As part of our comprehensive review of water fees and charges in 2018, the District analyzed the details of the cost analysis for Private Fire Service Installation Charges and updated the labor, equipment, materials, and overhead required for each installation.

Because of the large increases calculated in the 2018 update, the Board approved a three-year phased-in installation charge increase, beginning in FY19. The shortfall in revenue collected from the phase-in of the increases to the installation charges is funded from higher than budgeted property tax revenue received by the District in recent years as a result of increased building activity and property values. The proposed Private Fire Service Installation Charges for the third year of the three-year phase-in for FY21 are shown in the proposed Schedule E – Private Fire Service Installations Charge (see Chapter 4) of this report. The proposed FY21 installation charges reflect the District's updated costs for labor, equipment, materials, and overhead.

Schedule F – Public Fire Hydrant Installation Charges

Schedule F contains the installation charges for public fire hydrants. The Public Fire Hydrant Installation Charge is almost exclusively paid by developers as a requirement for new development areas or for projects in redevelopment areas. As part of our comprehensive review of water fees and charges in 2018, the District analyzed the details of the cost analysis for public fire hydrant installation charges and updated the labor, equipment, materials, and overhead required for each installation.

Because of the large increases calculated in the 2018 update, the Board approved a three-year phased-in installation charge increase, beginning in FY19. The shortfall in revenue collected from the phase-in of the increases to the installation charges is funded from higher than budgeted property tax revenue received by the District in recent years as a result of increased building activity and property values. The proposed Public Fire Hydrant Installation Charges for the third year of the three-year phase-in for FY21 are shown in the proposed Schedule F – Public Fire Hydrant Installations Charges (see Chapter 4) of this report. The proposed FY21 installation charges reflect the District's updated costs for labor, equipment, materials, and overhead.

Schedule G – Water Main Extension Charges

Schedule G contains the installation charges for water main extensions for both District installed and applicant installed main extensions. The District performs all the work for all water main extensions up to 1,000 feet. For main extensions greater than 1,000 feet, the District performs the engineering and design, survey and inspection work, and the applicant is responsible for installation of the pipeline. As part of our comprehensive review of water fees and charges in 2018, the District analyzed the details of the cost of recent main extensions.

Because of the large increases calculated in the update, the Board approved a three-year phased-in installation charge increase, beginning in FY19. The shortfall in revenue collected from the phase-in of the increases to the Water Main Extension Charges is funded from higher than budgeted property tax revenue received by the District in recent years as a result of increased building activity and property values. Water Main Extension Charges for the third year of the three-year phase-in for FY20 are shown in the proposed Schedule D – Water Service Installation Charges (see Chapter 4) of this report. The proposed FY21 charges reflect the District's updated costs for labor, equipment, materials, and overhead.

Public Records Act Fee Schedule

The recommended revisions to the Public Records Act Fee Schedule cover the costs of duplication of District records in accordance with the Public Records Act. The recommended changes to the

fee schedule include updating the cost of duplication and programming labor charges to reflect updated direct labor costs for the job classifications involved in providing the records. The labor costs for providing existing paper and electronic records are proposed to increase from \$0.59 per minute to \$0.61 per minute, and for records on tape, CDs, or DVDs from \$0.59 per minute to \$0.61 per minute. Additionally, the labor costs associated with providing records that do not already exist is proposed to increase from \$1.11 per minute to \$1.16 per minute. The fee to purchase the rules and regulations publication has been removed because that information is now available on the District's website. The publication *Water Conserving Plants and Landscape of the Bay Area* is no longer available, so it has been removed from the schedule. The publication *Plants and Landscapes for Summer Dry Climates of the San Francisco Bay Region* is still available.

Real Property Use Application Fees

The District may allow for use of its property by other public agencies or private entities after evaluating if the proposed use adversely impacts District operations, is compatible with District land management policies and practices, and if there are measurable benefits to the District. The Real Property Use Application Fees schedule recovers the District's costs of evaluating the applications based on the type of use being requested. For FY21, all Real Property Use Application Fees are proposed to be increased to reflect the District's current costs, including the following:

- Unsolicited Title Fee is proposed to increase from \$13,000 to \$13,700
- Other types of Easement Fees is proposed to increase from \$6,100 to \$6,400
- Other types of Quitclaim is proposed to increase from \$2,500 to \$2,600
- Telecommunication Lease Fee is proposed to increase from \$3,800 to \$4,000
- Property Entry and Rights of Entry Permits is proposed to increase from \$330 to \$350
- Temporary Construction Easement/Encroachment Permits on open land with no District facilities will increase from \$660 to \$700, and with District facilities is proposed to increase from \$2,400 to \$2,500
- Long Term Encroachment Permit fee of \$22,000 is proposed to increase to \$23,200.

Recreation Use Fees

The District operates four upcountry recreation areas (Camanche Hills Hunting Preserve, Camanche, Mokelumne River Day Use, and Pardee) and two local watershed recreation areas (Lafayette and San Pablo). These recreation areas provide access to the District's watershed to the general public while maintaining the integrity of the water supply. For those who choose to visit the recreation areas, the District has established a schedule of fees that generate revenue to recover the District's costs related to the operation of the recreation areas. The District uses several concessionaires to assist with the upcountry and the San Pablo recreation areas; Lafayette recreation area is operated by District forces. The District also permits public access to extensive trail networks in the East Bay and Mokelumne watersheds. The schedule of Recreation Use Fees is proposed to and approved by the Board of Directors as part of the biennial rate setting process. Discounts are available to seniors, distinguished veterans, active and retired military personnel, and disabled visitors on select recreation use fees, consistent with long-standing Board policy objectives.

The Camanche Regional Park Advisory Board (CRPAB) was established by EBMUD's Board of Directors with Resolution 31778 in December 1986 to review and advise the District and the local counties on matters including operations, rules and fees at Camanche Recreation Area. The

CRPAB replaced the former JPA Park Board, and is comprised of two county board appointed representatives each from Amador, Calaveras and San Joaquin Counties. The CRPAB meets in March, July and November of each year, and typically reviews and advises on the proposed two-year package of recreation rates and charges at the November and March meetings preceding EBMUD's biennial rates and charges process.

Camanche Recreation Area

There are two proposed increases for calendar year 2020 and 2021 rates and charges that are intended to correct an inadvertent omission from the Recreation Use Fees adopted by the Board last year. More specifically, the Lakeside premium campsite fees were erroneously omitted and need to be updated to reflect the District's current costs. The offseason Friday through Sunday night fee is proposed to increase from \$19.50 per night to \$24.50 per night for 2020 and 2021, and the second car parking fee is proposed to increase from \$15.50 to \$16.00 per night in 2020 and to \$17.00 in 2021.

Lafayette Recreation Area

Some extraneous wording on the parking fee was removed from the fee schedule.

Water Service Regulations

Sections 6, 7, 17, 30 and 31 of Regulations Governing Water Service require changes to clarify and update the District requirements for water service.

Section 6 – Public Fire Hydrants

The changes to Section 6 are intended to clarify the purpose and function of public fire hydrants and their use.

Section 7 – Service Through Public Fire Hydrants

The proposed changes to Section 7 are based on discussions with local fire agencies and the District's experience managing temporary services through our fire hydrants. The modifications are focused on protecting the health and safety of customers as well as protecting the integrity of the water distribution system.

Section 17 – Change in Use And/Or Size of Service

The proposed changes will amend Section 17 to ensure that customers with increased water use pay their fair share of the System Capacity Charges (SCC). As proposed, Section 17 would require customers to file a water service application whenever they add new water using features or equipment to a premises that would result in additional water use. The District would determine if the changes in water use require an increase in meter and/or lateral size and if the change in water use would require payment of an SCC. Under the proposed changes, the District would treat premises with a change in use as a request for a new service and subject to District review and approval.

Projects where the change in use resulted in additional water use, an SCC will be assessed in accordance with requirements contained in Section G Credit for Existing Services of Schedule J – System Capacity Charge of the District’s Schedule of Rates and Charges.

Section 30 – Nonpotable Water Service

Changes are proposed for Section 30 primarily to clarify the process for determining when nonpotable water service is feasible for existing customers and the District and customer responsibilities for retrofit work for existing customers. In the event that an existing customer fails to complete the agreed upon retrofit work, the proposed changes to the Regulation authorize the District to install a flow restrictor on the potable water to restrict the use of potable water for uses which nonpotable water service has been determined to be feasible, to refer the issue to the State Water Resources Control Board for a determination of wasteful use of potable water when nonpotable water is available, and to pursue legal enforcement to require the completion of the retrofit work. Additional clarification of the process and requirements for new applicants who are required by the District to use nonpotable water service are also included in the proposed revisions.

Section 31 – Water Efficiency Requirements

This regulation has been revised to reference current codes including the California Green Building Standards Code (CalGreen), and to clarify District procedures and review process.

2. Wastewater System Rates, Charges & Fees

Chapter 2 – Wastewater System Rates, Charges and Fees

INTRODUCTION

The District periodically reviews the rates and charges in the Schedule of Wastewater System Charges to ensure the fees and charges reflect the District's cost of service. This report recommends revisions to District charges and fees that are in addition to the FY21 changes to Wastewater System rates, fees, and charges previously adopted as part of the FY20-FY21 Biennial Report and Recommendation of the General Manager. These rates are not subject to the requirements of Proposition 218. However, they are subject to Proposition 26 and in full compliance with its requirements. Proposition 26 governs local government rates and charges, and provides that any levy, charge, or exaction of any kind that is imposed by a local government is a "tax" requiring voter approval, unless it fits within its seven stated exceptions. If a rate/charge does not fall within an exception to Proposition 26's tax definition, then it will be deemed a tax that is subject to voter approval.

RECOMMENDATIONS

Wastewater Fees and Charges Not Subject to Proposition 218:

- Create new Private Sewer Lateral Compliance Fees for Specific Appointment Time, Home Owners Association (HOA) Oversight, and Compliance Agreement for FY21 as shown in Schedule D – Wastewater Department Other Fees (see Chapter 4).

DISCUSSION

Private Sewer Lateral Compliance Fees

The District has been operating under a Consent Decree with the EPA, State Water Resources Control Board (SWRCB), the RWQCB and the District's satellite collection system agencies since September 2014. As part of the Consent Decree, the District is required to implement a Regional Private Sewer Lateral (PSL) Ordinance. The ordinance requires property owners to obtain a compliance certificate from the District when they hit one of three triggers: transferring title to property (e.g., buying/selling a home), performing remodeling or construction work valued at greater than \$100,000, or increasing or decreasing water meter size. The District has been implementing this program since August 2011, having been under a prior regulatory order.

Three new PSL Compliance Fees are proposed for FY21:

Specific Appointment Time

This proposed fee is being added to allow property owners to schedule appointments at a specific time for their convenience. The fee will be \$280, which includes the District's costs associated with the special scheduling and the additional time for the inspector to be available.

HOA Oversight

This proposed fee is being added to recover the District's administrative costs associated with issuing compliance certificates to homeowners' associations. The fee will be \$300, which includes the cost of scheduling special appointments, additional data entry, and tracking.

Compliance Agreement

This proposed fee is being added to recover the District's administrative costs associated with negotiating a Compliance Agreement with property owners that require additional time to comply with the Regional PSL Ordinance. The fee will be \$190, which includes the costs associated with preparing, managing, and tracking the agreement.

3. Wastewater Capacity Fees

Chapter 3 – Wastewater Capacity Fees

INTRODUCTION

The Wastewater Capacity Fee (WCF) was implemented in 1987 to recover costs of providing wastewater treatment capacity for new or expanded system use. The WCF is based on a “buy-in” or an equity approach, whereby new users buy-in to a wastewater system that has adequate capacity to serve both existing demands and new growth. The wastewater system capacity is expressed in terms of wastewater flow volume (flow) and strength factors including Chemical Oxygen Demand (COD) and Total Suspended Solids (TSS).

The WCF applies to all dischargers who increase wastewater volume or strength. For example, an additional capacity fee may be required to be paid if a property is developed and connects to the wastewater system, changes use or is redeveloped and increases the volume or strength of the wastewater it discharges, or a flow review has been completed by the District that demonstrates that the volume and/or strength of the wastewater discharged from a non-residential property has significantly increased or is greater than anticipated at the time a WCF was first paid.

The WCF is calculated based on the anticipated flow contributions multiplied by the wastewater strength measured or assigned for each classification of customer and the unit capacity rates for flow and strength factors. For non-residential customers, the District may conduct a review of the actual flow and strength within 24 months of the business being fully established and discharging, to verify the estimated demand for wastewater capacity. The review may result in additional capacity fees if the actual flow and strength exceeds the original estimate.

These rates are not subject to the requirements of California Constitution article XIII D, section 6 (i.e., Proposition 218). However, they are subject to California Constitution article XIII C, section 1(e) (i.e., Proposition 26), and California Government Code section 66013, and are in full compliance with their requirements.

RECOMMENDATIONS

- Adopt Schedule G for the Wastewater Department Capacity Fees based on the update of the 2019 WCF study for FY21.

If adopted, the changes and updates recommended for the WCF will be effective on July 1, 2020.

DISCUSSION

In 2018, the District hired an independent financial rate consultant to conduct two comprehensive wastewater studies, a cost of service (COS) study of wastewater treatment service and a capacity fee study on the WCF. These studies resulted in recommendations to update the District’s wastewater treatment service charges and the WCF to reflect current costs. The equity buy-in methodology was used in determining the updated WCF. This methodology is appropriate in instances where there is excess capacity available to serve new connections, as is the case with the District.

The concept of the equity buy-in methodology is that new connections to the system pay the same amount as existing connections have already contributed to the system. The total system value is then calculated and divided by the current loadings at treatment plant to determine unit rates for flow (\$ per hundred cubic feet (CCF)), COD (\$ per pound (lbs)), and TSS (\$ per lbs). Additionally, the consultant evaluated several approaches for streamlining the process of determining non-residential WCFs. The approach that was selected is similar to the Water System Capacity Charge (SCC) process for new customers.

For FY21 staff has updated the WCF calculations to reflect construction cost escalations. These calculations are shown in Tables 1 through 4. Table 1 shows the proposed unit capacity rates for FY19. The entire list of proposed capacity fees for FY19 is contained in Schedule G – Wastewater Department Capacity Fees in Chapter 4.

Table 1 – Proposed FY21 Unit Wastewater Capacity Fee Rates

Unit Capacity Rate	Current	FY21	% Incr
Annual Flow - CCF	\$13.85	\$14.12	2.0%
Annual COD - lbs	\$ 1.45	\$ 1.48	2.0%
Annual TSS - lbs	\$ 6.66	\$ 6.79	2.0%

Residential Wastewater Capacity Fee

The WCF is assessed on a per dwelling unit basis for all residential connections including single family residential, 2 to 4 dwelling units multi-family residential, and 5 dwelling units and greater multi-family residential. The proposed FY21 WCF is calculated using the District's baseline residential indoor water use of 84 CCF per year and COD loadings of 374 lbs per year and TSS loadings of 157 lbs per year, and reflects the findings and recommendations of the recent wastewater COS study on wastewater treatment service. The proposed residential WCF for FY20 is \$2,810 per dwelling unit, an increase of 2.2 percent over the current fee of \$2,750.

Table 2 – Proposed FY21 WCF for Residential

	Current	FY21	% Incr
Residential WCF per dwelling unit	\$2,750	\$2,810	2.2%

Non-Residential Wastewater Capacity Fee

The WCF uses a process similar to the Water System Capacity Charge (SCC) where non-residential applicants using meter sizes up to 1-1/2 inches is assessed a capacity fee based on the meter size. For the WCF, in addition to the meter size, the WCF is based on a strength category of low, medium, or high as assigned by the District. For applicants using meters sized greater than 1-1/2 inches, staff completes an analysis of the estimated annual wastewater flow for the proposed facilities and operations, which is similar to the process for the water system SCC.

The weighted average strengths by category and the flow by meter size are used to calculate the WCF for non-residential applicants using meter sizes up to 1-1/2 inches (see Table 3). The WCF is be calculated on a individualized basis for non-residential applicants with meter sizes greater than 1-1/2 inches using the WCF rates shown in Table 4.

Table 3 – Proposed FY21 WCF for Non-Residential up to 1-1/2 Inch Meter Size

Meter Size	Low Strength		Medium Strength		High Strength	
	Current	FY21	Current	FY21	Current	FY21
5/8 inch	\$4,090	\$4,170	\$8,280	\$8,440	\$16,210	\$16,530
3/4 & 1 inch	10,760	10,980	21,750	22,180	42,610	43,460
1-1/2 inch	20,960	21,380	42,390	43,230	83,020	84,660

Table 4 – Proposed FY21 WCF Rates for Non-Residential greater than 1-1/2 Inch Meter Size

WCF Rate \$ per annual CCF					
Low Strength		Medium Strength		High Strength	
Current	FY21	Current	FY21	Current	FY21
\$31.01	\$31.63	\$62.70	\$63.94	\$122.81	\$125.24

WCF Credit for Replacing or Expanding Service

Per the District's policy, customers will receive a credit based on the WCF previously paid for service at the property. For properties on which no WCF was previously paid, customers will be granted a credit for the existing use on the property over the past ten years. For FY21, the schedule has been edited to clarify that no WCF credit will be given for standby meters, private fire service meters, or in the case of a combination standard and fire service meter, the portion of the meter oversized for the private fire protection system. Changes were also made to clarify how the credit for existing meters that previously paid the WCF for service at the property is calculated based on flow and strength.

4. Schedule of Rates, Charges & Fees

Chapter 4 – Schedules of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations

FY21

Water System

Schedule B – Account Establishment Charge

Schedule C – Charges for Special Services

Schedule D – Water Service Installation Charges

Schedule E – Private Fire Service Installation Charges

Schedule F – Public Fire Hydrant Installation Charges

Schedule G – Water Main Extension Charges

Public Records Act Fee Schedule

Real Property Use Application Fees

Recreation Use Fees for 2020 and 2021

Regulations Section 6 – Public Fire Hydrants

Regulations Section 7 – Service Through Public Fire Hydrants

Regulations Section 17 – Change In Use And/Or Size of Service

Regulations Section 30 – Nonpotable Water Service

Regulations Section 31 – Water Efficiency Requirements

Wastewater System

Schedule D – Wastewater Department Other Fees

Schedule G – Wastewater Department Capacity Fees

Schedule B

Account Establishment Charge



SCHEDULE B – ACCOUNT ESTABLISHMENT CHARGE

EFFECTIVE ~~07/01/19~~ 07/01/20

The charge for establishing a new account or the transfer of an account for a customer moving from one address to another within the District's service area is \$~~57.00~~ 60.00 with the following exceptions:

- Customers in the Customer Assistance Program shall be charged \$~~28.00~~ 30.00.
- Landlords requiring temporary water service for a period not to exceed 60 days shall be charged \$~~28.00~~ 30.00, with the balance of the ~~a~~Account ~~e~~Establishment ~~e~~Charge billed for water service that exceeds 60 days.
- There will be no transfer fee to change the name of an account when the responsible party is a landlord who has signed an intervening water service agreement.
- There will be no transfer fee to change the name of an account when the same person or entity is to remain responsible.
- Customers may use the EBMUD website and use the online process to electronically set up a new account or transfer an existing account from one address to another when they move. Upon completion of the on-line account establishment system, the ~~The~~ charge for electronically establishing a new account or ~~the electronically transferring of an existing account moving from one address to another on EBMUD's website over the Internet~~ for a single family residence customer is \$~~41.00~~ 44.00.

Schedule C

Charges for Special Services



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE ~~07/01/19~~ 07/01/20

A. METER TESTING

Charges for meter testing will be in accordance with the following schedule:

<u>SIZE OF METER</u>	<u>TESTING CHARGES</u>
5/8", 3/4", and 1"	\$65.00 <u>\$68.00</u>
1-1/2" and 2"	\$65.00 <u>\$68.00</u> On Site \$145.00 <u>\$152.00</u> Pull/Test
3" and larger	\$291.00 <u>\$304.00</u> On Site Actual Cost Pull and Test

B. SERVICE INTERRUPTION

The charge for shutting off water service due to non-payment of a water bill is ~~\$49.00~~ \$50.00

The charge for restoring service after payment has been received during regular office hours is ~~\$49.00~~ \$50.00

The charge for restoring service between 5 p.m. and 8 a.m. or on Saturday, Sunday or on a holiday is ~~\$67.00~~ \$71.00

An additional charge to lock or plug the meter due to non-payment or unauthorized water use is

S-Lock	\$62.00 <u>\$64.00</u>
Plug	\$422.00 <u>\$436.00</u>

A service ~~trip interruption~~ charge of ~~\$49.00~~ \$50.00 ~~shall be paid~~ may be charged in the event of the following occurrences in the field: 1) payment extension; and 2) any additional field stops to shut off service beyond the initial service interruption, including EBMUD locking the meter if the customer self-restores water service prior to making payment. (See Section M.)

C. RETURNED PAYMENT CHARGE

A charge of ~~\$26.00~~ \$28.00 shall be paid for each check or electronic transaction received as payment to the District that is returned unpaid from a financial institution.

D. PROCESSING FEES FOR DELINQUENT CHARGE COLLECTION THROUGH LIENS AND PROPERTY TAX BILLS ON MULTI-FAMILY RESIDENTIAL ACCOUNTS

For multi-family residential accounts, the District may place liens on parcels with unpaid charges and collect unpaid amounts on parcels' property tax bills. Multi-family residential accounts are any residential accounts where a water meter serves two or more dwelling units.



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE ~~07/01/19~~ 07/01/20

1. Lien Filing Fee

\$~~141~~159 per lien (in Alameda County)

\$~~117~~135 per lien (in Contra Costa County)
2. Lien Removal Fee

\$~~103~~142 (in Alameda County) and
\$~~94~~138 (in Contra Costa County) for first
lien removed

\$~~54~~59 (in Alameda County) and \$~~42~~55 (in
Contra Costa County) for each additional
lien removed at the same time
3. Property Tax Transfer Fee Unpaid
Charges with Liens Recorded

\$~~42~~21 ~~plus county auditor's fee (1.7
percent of collected amount for (in~~
Alameda County)

~~\$30 (in Contra Costa County); \$3 per
parcel for Contra Costa County)~~

E. PROHIBITED WATER USE CHARGE

A charge of \$~~49.00~~50.00 shall be paid to cover the monitoring costs incurred by the District if, after written notification, excessive or prohibited water use is not curtailed.

F. FLOW-RESTRICTOR INSTALLATION

The charge for District installation of a flow-restricting device on any service that continues excessive water use, after written notification, will be in accordance with the following schedule:

1. On services two-inches and smaller –

5/8" and 3/4"	\$ 122.00 <u>127.00</u>
1"	\$ 122.00 <u>127.00</u>
1-1/2"	\$ 262.00 <u>273.00</u>
2"	\$ 262.00 <u>273.00</u>

2. All others –

The charges for installing flow-restricting devices on water services, other than those in the above schedule, shall be the actual cost of installing the device, as determined by the District, including engineering, equipment, material, labor and related overhead expenses.



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE ~~07/01/19~~ 07/01/20

G. NOTICE OF PROHIBITED WATER USE AND FLOW-RESTRICTOR CHARGES

For the purposes of Sections E and F above, written notification shall:

1. Specify the date by which excessive or prohibited water use must be curtailed to avoid further enforcement action; and
2. Be sent by certified mail (return receipt requested) or by other written means which would be sufficient for obtaining personal service in a legal proceeding.

H. RESCINDED 12/10/96

I. BACKFLOW DEVICE ANNUAL CERTIFICATION CHARGE

Where it is probable that a pollutant, contaminant, system or plumbing hazard may be created by a water user, or where the water system is unstable and cross-connections may be installed or reinstalled, an approved backflow prevention device of the proper type is required for all premises except for conforming single-family premises at the customer's expense. See Section 26 of the District's Regulations Governing Water Service.

1. The charge for administering the Backflow Program Certification for all specified accounts (annually)

~~\$57.00~~ \$59.00
2. The charge for District staff to conduct a *Change of Responsible Party* or *Change of Use Survey* or to respond to a commercial customer's request for a backflow/cross connection survey, an initial or follow-up backflow inspection

~~\$131.00~~ \$135.00/hr.
3. The charge for backflow testers to be placed on the District's list of certified testers

~~\$159.00~~ \$166.00

J. BACKFLOW DEVICE VIOLATION

For those customers where the service has been terminated for failure to meet the District's Backflow Program requirements, a charge will be made to cover the District's costs pursuant to the termination and restoration of service ~~\$506.00~~ \$527.00

K. LATE PAYMENT PENALTY AND INTEREST

For those customers with outstanding overdue balances exceeding \$10 at billing, a charge equivalent to 1.5 percent of the overdue balance (minimum charge \$1) will be made to recover foregone interest on District money, and the District's costs to process overdue accounts. Customers in the Customer Assistance Program shall be exempt from the late payment penalty and interest.



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE ~~07/01/19~~ 07/01/20

L. PROCESSING FEE FOR INTERVENING WATER SERVICE AGREEMENT

The charge for the District to process an intervening water service agreement for a participating landlord in the District's automated landlord sign-on service is ~~\$59.00~~ \$62.00

Requests to modify intervening water service agreement property account information must be submitted in writing and can be dropped off, mailed or faxed to a District business office.

The charge for each written request to modify the original intervening water service agreement by adding to or deleting property account information from the original agreement is ~~\$59.00~~ \$62.00

M. SERVICE TRIP CHARGE

The charge for District staff to perform special services for customers is ~~\$49.00~~ \$50.00

The charge ~~shall~~ may be applied for, but is not limited to the following:

1. Issuance of water service discontinuation notices and/or Payment extension in the field;
2. Additional field stops beyond the initial service interruption to shut off service due to non-payment, including a field stop to lock the meter if the customer self-restores water service prior to making payment;
3. Follow-up site visits to customers who have not complied after the District's notification to correct an obstructed meter condition or to remove unauthorized devices or equipment attached to District property in the meter box; and
4. Field inspections conducted at the customer's request.

N. PUBLIC HYDRANT METER ACCOUNT ESTABLISHMENT CHARGES

Customers can request a 3-inch hydrant meter that can be hooked up to a public fire hydrant to measure water use at a property site. Customers are required to: 1) provide hydrant meter readings every two months, within two weeks of the meter read due date; 2) return hydrant meter equipment within one month following a meter use period; and 3) renew the hydrant meter permit and exchange the hydrant meter equipment within 11 months from the date of issuance, if continued use is desired.

The charge to establish water service for a hydrant meter is ~~\$118.00~~ \$123.00

The charge to renew a hydrant meter account at the end of a 12-month period is ~~\$118.00~~ \$123.00

If a field stop is required to establish a new account, a ~~\$235~~ \$247 site visit charge shall be paid in addition to the ~~\$118~~ \$123 account establishment charge. (See Section O.)

O. PUBLIC HYDRANT METER ACCOUNT SITE VISIT CHARGE

The charge for a Field Services Representative to conduct a hydrant meter site visit to perform special services for customers is ~~\$235.00~~ \$247.00



SCHEDULE C – CHARGES FOR SPECIAL SERVICES

EFFECTIVE ~~07/01/19~~ 07/01/20

The charge shall be applied for, but is not limited to the following:

1. Reading hydrant meters for which the two-month reading was not submitted by the customer;
2. Retrieving hydrant meter equipment from a customer site;
3. Delivering hydrant meter equipment to a customer; and
4. Establishing or renewing a hydrant meter account in the field.

Schedule D

Water Service Installation Charges



SCHEDULE D – WATER SERVICE INSTALLATION CHARGES

EFFECTIVE ~~07/01/19~~ 07/01/20

Requests for the installation of a water service or changes to a water service must comply with all applicable District Regulations Governing Water Service.

A. INSTALLING A SERVICE

The charge for installing a water service (meter, lateral and appurtenances), including other than a private fire service requiring a meter that is smaller than 4 inches., will be in accordance with the following schedule. The charge for installing a private fire service meter that is 4 inches or larger is set forth in Schedule E, "Private Fire Service Installation Charges."

1. METERS SMALLER THAN FOUR INCHES ~~AND SMALLER~~

a. Regular Services (1 meter per lateral)

<u>LATERAL AND</u> SIZE <u>METER SIZE</u>	INSTALLED IN PAVED CONDITIONS	INSTALLED IN UNPAVED CONDITIONS
1" <u>and smaller</u> Lateral with 1" and under meter	\$8,140 <u>\$9,100</u>	\$3,594 <u>\$4,831</u>
1-1/2" Lateral with 1- 1/2" and under meter	12,247 <u>14,611</u>	6,958 <u>8,651</u>
2" Lateral with 2" and under meter	12,247 <u>14,611</u>	6,958 <u>8,651</u>
3" ¹ Lateral with 3" and under meter	31,534 <u>33,514</u>	23,922 <u>23,223</u>
4" ¹ Lateral with 4" and under meter	31,534 <u>33,514</u>	23,922 <u>23,223</u>

Cost to install services with 6" laterals and larger will be calculated on an actual cost basis.



SCHEDULE D – WATER SERVICE INSTALLATION CHARGES

EFFECTIVE ~~07/01/19~~ 07/01/20

b. Branch Services (2 or more meters per lateral)

METER SIZE	# OF METERS	INSTALLED IN PAVED CONDITIONS	INSTALLED IN UNPAVED CONDITIONS
5/8" Meters	2	\$8,559 <u>9,481</u>	\$4,598 <u>5,212</u>
	3	12,170 <u>14,599</u>	7,054 <u>8,640</u>
	4	12,526 <u>14,981</u>	7,400 <u>9,021</u>
	5	13,189 <u>15,362</u>	7,851 <u>9,402</u>
	6	13,544 <u>15,743</u>	8,196 <u>9,783</u>
	7	13,900 <u>16,124</u>	8,541 <u>10,165</u>
	8	14,255 <u>16,505</u>	8,886 <u>10,546</u>
1" Meters	2	11,916 <u>14,218</u>	6,783 <u>8,259</u>
	3	12,309 <u>14,599</u>	7,045 <u>8,640</u>
	4	12,701 <u>14,981</u>	7,426 <u>9,021</u>

¹Requires steel pipes

c. Adjustment for Applicant Assisted Service Installations

Applicants requesting installation of at least 15 service laterals may choose to provide their own trenching and backfilling and be eligible to receive a refund of up to ~~\$532~~ 521 per service lateral installed provided that the applicant:

- (i) pays the appropriate charges for each service as specified in sections (a) or (b) above.
- (ii) clears the construction site of obstructing materials and equipment.
- (iii) excavates a minimum of 15 service laterals ahead of District crews.
- (iv) hauls sand and select backfill to the construction site for use by District crews in supporting the service lateral and for applicant backfilling of trenches.
- (v) backfills and compacts the trenches after District crews have installed and properly secured the service lateral.
- (vi) reimburses the District for (1) unproductive crew standby due to applicant's failure to prepare the site or excavate trenches in advance; (2) District costs to repair damage done by applicant's trenching operation.

2. ALL OTHERS

The charge for installing all water services other than those specified in Section (A)(1) of in the above this s Schedule shall be the actual cost of installing the service, as determined by the District, including engineering, equipment, material, labor and related overhead expenses. The charge for installing private fire service requiring a meter that is 4 inches or larger is stated in Schedule E



SCHEDULE D – WATER SERVICE INSTALLATION CHARGES

EFFECTIVE ~~07/01/19~~ 07/01/20

B. COST OF INCREASING METER SIZE (Up to available capacity on existing lateral)

<u>1" and smaller Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
	\$1,001 <u>1,117</u>
<u>1-1/2" Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
Up to 1-1/2"	\$1,001 <u>1,117</u>
<u>2" Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
Up to 2"	\$1,207 <u>1,200</u>
<u>4" Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
Up to 2"	\$1,207 <u>1,200</u>
<u>4" Tap and Lateral</u>	(Additional charge of \$600 if concrete replacement required)
Up to 4"	\$6,453 <u>6,295</u>

C. COST OF REDUCING METER SIZE (Additional charge of \$600 if concrete replacement required)

1", 1-1/2" and 2" Laterals	to smaller meter	\$946 <u>1,111</u>
3" and 4" Laterals	to smaller meter	\$2,816 <u>3,062</u>

D. RELOCATING AN EXISTING SERVICE

1. To relocate an existing service perpendicular to the curb line or a distance not exceeding five feet parallel to the curb line, a charge will be ~~\$2,342~~ 2,430.
2. To transfer service or to relocate an existing service a distance exceeding five feet parallel to the curb line, a charge will be made in accordance with Section A – Installing a Service plus the cost of eliminating old service connection.

E. RESETTling OR REPLACING A METER

There will be a charge equivalent to 5.0 percent of the water service installation charge for resetting a meter on an existing service connection.

There will be a charge equivalent to 5.0 percent of the water service installation charge for replacing a meter when applicants lose or damage meters when constructing new developments.



SCHEDULE D – WATER SERVICE INSTALLATION CHARGES

EFFECTIVE ~~07/01/19~~ 07/01/20

F. CONVERSION OF INDIVIDUAL SERVICE TO BRANCH SERVICE AND CONVERSION OF BRANCH SERVICE TO INDIVIDUAL SERVICE

(Multi-metering, when feasible)

Branch Conversion ~~\$2,745~~ \$2,216 for two meter conversion, ~~\$397~~ \$381 for each additional meter
(Additional charge of \$600 if concrete replacement is required)

G. SERVICE ELIMINATIONS

3/4" to 2" ~~\$2,053~~ \$2,293 (Additional charge of \$600 if concrete replacement required)

3" to 12" ~~\$3,980~~ \$3,904 (Additional charge of \$600 if concrete replacement required)

H. INSTALLATION OR OTHER WORK UNDER UNUSUAL CONDITIONS

The above charges apply to installation charges for water services four inches and smaller except where there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street utility congestions, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including added testing and inspection, changes due to project revisions, property rights evaluation, site conditions or contaminated soil, and any construction by District forces to complete the installation. In such cases, the charge will be based on the District's actual cost of all engineering, material, equipment, labor and related overhead expenses incidental to the installation.

Schedule E

Private Fire Service Installation Charges



SCHEDULE E – PRIVATE FIRE SERVICE INSTALLATION CHARGES

EFFECTIVE ~~07/01/19~~ 07/01/20

Requests for the installation of a private fire service must comply with all applicable District Regulations Governing Water Service.

A. INSTALLING A PRIVATE FIRE SERVICE

The charge for installing a private fire service (fire service meter, lateral, and other appurtenances necessary to support a property's fire sprinkler system) will be in accordance with the following schedule:

<u>METER</u> SIZE	INSTALLED IN PAVED CONDITIONS	INSTALLED IN UNPAVED CONDITIONS
4"	\$ 25,242 <u>27,934</u>	\$ 17,649 <u>17,643</u>
6"	26,506 <u>28,739</u>	18,907 <u>18,448</u>
8"	29,344 <u>28,739</u>	18,907 <u>18,448</u>

The typical private fire service installation will require a meter that is 4" or larger. Cost to install a meter smaller than 4"2" and smaller is shown in Schedule D – Water Service Installation Charges, Section A.1 – Installing a Service, Meters Smaller Than Four Inches ~~and Smaller~~.

Cost to install a meter 10" and larger will be ~~calculated~~ determined by the District based on an actual cost basis.

B. INSTALLATION UNDER UNUSUAL CONDITIONS

The above charges apply to all installation charges for private fire services except when there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street utility congestion, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including added testing and inspection, changes due to project revisions, property rights evaluation, site conditions or contaminated soil, and any construction by District forces to complete the installation. In such cases, the charge will be based on the District's actual cost of all engineering, material, equipment, labor and related overhead expenses incidental to the installation.

Schedule F

Public Fire Hydrant Installation Charges



SCHEDULE F – PUBLIC FIRE HYDRANT INSTALLATION CHARGES

EFFECTIVE ~~07/01/19~~ 07/01/20

Requests for the installation, removal or relocation of a fire hydrant must comply with all applicable District Regulations Governing Water Service.

The following charges will be made for the installation, removal or relocation of a fire hydrant.

A. HYDRANT INSTALLATION BY THE DISTRICT

The charge for installation of a fire hydrant by the District on an existing main or on/with new mains is \$~~24,030~~ 28,551 in pavement and \$~~13,879~~ 18,260 in dirt.

For hydrants installed by applicant on/with new mains installed by the Applicant see Section B below.

B. HYDRANT INSTALLATIONS BY APPLICANT ON APPLICANT-INSTALLED MAIN EXTENSIONS

1. Basic charge for materials and handling for 6-inch fire hydrant \$~~3,918~~ 3,849
2. Material charge for services laterals \$~~22~~ 21 per foot

NOTE: Applicants will not be permitted to install a fire hydrant on an existing main.

C. HYDRANT REMOVAL

1. The charge to remove a hydrant located in concrete sidewalk \$~~3,980~~ 3,904
2. The charge to remove a hydrant located in dirt \$~~2,457~~ 2,410

D. RELOCATION OF A FIRE HYDRANT

The charge for the relocation of a hydrant will be the charge for the hydrant removal (Section C) plus the charge for the installation of a new hydrant (Section A).

E. SETBACK/OFFSET OF A FIRE HYDRANT

Where the relocation of a fire hydrant does not require a new connection to the main, the charge is \$~~9,303~~ 9,460. There is an additional charge of \$600 for concrete replacement.

F. REPLACEMENT OF A HYDRANT BODY

To replace an existing hydrant with a MODEL-64 hydrant body or equivalent on a wet barrel, above ground shutoff type hydrant, the replacement charge is \$~~1,834~~ 1,792

G. INSTALLATION UNDER UNUSUAL CONDITIONS

The above charges apply to all installation charges for fire hydrant installations except when there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street utility congestion, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including added testing and inspection, changes due to project revisions,



SCHEDULE F – PUBLIC FIRE HYDRANT INSTALLATION CHARGES

EFFECTIVE ~~07/01/19~~ 07/01/20

property rights evaluation, site conditions or contaminated soil, and any construction by District forces to complete the installation. In such cases, the charge will be based on the District's actual cost of all engineering, material, equipment, labor and related expenses incidental to the installation.

Schedule G

Water Main Extension Charges



SCHEDULE G – WATER MAIN EXTENSION CHARGES

EFFECTIVE ~~07/01/19~~ 07/01/20

Requests for the installation of a water main extension must comply with all applicable District Regulations Governing Water Service.

A. DISTRICT-INSTALLED MAINS

The charge for District-installed main extensions up to 1,000 feet shall be based on the standard charges as specified below.

1. Charge for engineering, inspection, pipeline materials and appurtenances, and installation of the required mains by the District in dirt streets and in paved streets, excluding fire hydrants and water service connections (which are covered by Schedules D, E, and F) consists of:

- a. Basic installation charge of ~~\$4,107~~ \$4,170
plus,

Linear foot charge, for combined length of main extension ~~and fire hydrant lateral~~ of 0 to 1,000 feet:

In dirt streets

2-inch PVC pipe	\$174.00 <u>208.00</u>	per foot
2-inch Copper pipe	203.00 <u>243.00</u>	per foot
6-inch/8-inch PVC or HDPE pipe	272.00 <u>329.00</u>	per foot
6-inch/8-inch Steel pipe	315.00 <u>376.00</u>	per foot
12-inch HDPE pipe	370.00 <u>462.00</u>	per foot
12-inch Steel pipe	416.00 <u>509.00</u>	per foot

In paved streets

2-inch PVC pipe	\$286.00 <u>342.00</u>	per foot
2-inch Copper pipe	314.00 <u>375.00</u>	per foot
6-inch/8-inch PVC or HDPE pipe	380.00 <u>452.00</u>	per foot
6-inch/8-inch Steel pipe	421.00 <u>499.00</u>	per foot
12-inch HDPE pipe	477.00 <u>587.00</u>	per foot
12-inch Steel pipe	523.00 <u>634.00</u>	per foot

- b. The above charges apply to all District-installed mains except when there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street utility congestion, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including hydraulic analysis, property rights evaluation, site conditions or contaminated soil. In such cases, the additional charge will be based on the District's actual cost of all engineering, material, equipment, labor and related overhead expenses incidental to the installation.



SCHEDULE G – WATER MAIN EXTENSION CHARGES

EFFECTIVE ~~07/01/19~~ 07/01/20

B. APPLICANT-INSTALLED MAINS

The charge for Applicant-installed main extensions over 1,000 feet shall be based on the following standard charges:

1. Charge for engineering, inspection, and certain pipeline materials, designated below for the installation of the required water mains by the applicant, excluding fire hydrants and water service connections (which are covered by Schedules D, E, and F) consists of:
 - a. Basic installation charge of ~~\$4,107~~ \$4,170 plus

Linear foot charge of:

6-inch/8-inch diameter pipe	\$49.00 <u>\$58.00</u>
per foot	
12-inch diameter pipe	\$57.00 <u>\$69.00</u>
per foot	
16-inch and larger diameter pipe	See B, 3 below
 - b. The charge to the applicant for District-supplied pipe and fittings (which include valves, valve pot covers, blowoffs, and minor appurtenances as identified by District-furnished drawings and specifications) will be the District's cost for these materials including tax and shipping.
 - c. The above charges apply to all Applicant-installed mains except when there are unusual or special conditions, for example but not limited to traffic control, permit conditions, underground street congestion, and streets with multi-layered surface types, which, in the opinion of the District, would result in the need for additional services and materials, including added testing and inspection, changes due to project revisions, property rights evaluation, site conditions or contaminated soil, and any construction by District forces to complete the installation. In such cases, the additional charge will be based on the District's actual cost of all engineering, material, equipment, labor and related overhead expenses incidental to the installation.

In all cases the District will supply valves, valve pot covers, blowoffs, and minor appurtenances as identified by District-furnished drawings and specifications.
2. Credits (where applicable) when pipe to be installed by the applicant is required by the District to be larger than the pipe size needed to serve the applicant or when applicant installs District improvements in conjunction with applicant-installed main extensions will be based on a District engineering cost estimate.
3. Charges for Pipe Greater than 12-Inches

Charges for Applicant-installed mains greater than 12-inches will be based on a District engineering cost estimate.

Public Records Act Fee Schedule



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE ~~07/01/19~~ 07/01/20

INTRODUCTION

The following fee schedule has been established by the District to cover the costs for duplicating District documents, drawings, maps, recordings, and other records, as required by the Public Records Act.

The District offers access to its records upon receipt of a request that reasonably describes an identifiable record. Any questions or requests concerning District documents should be addressed to the Secretary of the District, East Bay Municipal Utility District, P.O. Box 24055, Oakland, California 94623-1055, or by calling (510) 287-0404.

CHARGES

Pursuant to the Public Records Act, the District may recover the “direct cost of duplication” for disclosable public records, unless a different charge is provided by statute. The direct cost of duplication generally covers two types of expenses – materials & equipment costs and labor costs.

- Materials & Equipment costs generally include the capital cost of the equipment, the maintenance contract, paper supplies, and other necessary expenses that must be incurred in order to make the equipment operational.
- Labor costs ordinarily include the pro rata salary of the clerical or technical employee operating the equipment.

The total cost for providing copies is a combination of materials, labor for actual duplication time, equipment usage, and postage, if applicable. The direct cost of duplication may vary depending on the size and type of media requested and the kind of reproduction equipment required.

Photocopies of non-District materials are charged at the same rate as District documents.

Prices quoted in this fee schedule are subject to change. An estimate of cost will be provided upon request.

Any records sent outside for duplication will be billed the actual cost of duplication by the outside vendor.

PAYMENT

For requests estimated to cost over \$100 in duplication fees, a deposit in the amount of the estimated fee will be required before duplication.

For all requests, payment in advance is required before release of records. Acceptable methods of payment include cash or check (payable to East Bay Municipal Utility District).



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE ~~07/01/19~~ 07/01/20

INSPECTION/DELIVERY/PICK UP

The requestor is entitled to inspect records and/or obtain copies of records during normal business hours (8:00 a.m. to 4:30 p.m., Monday through Friday).

If the requestor wishes records to be delivered, copies will be sent first class mail unless the requestor makes other arrangements for pick up or delivery with the Secretary's Office. Postage will be charged for copies mailed to the requestor.

Federal Express service is available if the requestor supplies a Federal Express account number.

LEGAL COMPLIANCE OBLIGATIONS

Responsibility for adherence to copyright law rests with the individual requesting copies.

CATEGORIES

This fee schedule covers the following categories of document types or formats:

- I. Paper Based Records
 - A. General Business Documents & Engineering Drawings
 - B. Printed Maps
 - C. Bid Documents for Publicly Bid Projects
- II. Electronically Stored or Generated Records
 - A. Records that already exist
 - B. Records that do not already exist
 - C. Compact Disks (CDs)
 - D. Digital Versatile Disks (DVDs)

Fees for document types/requests not covered herein will be provided upon request.



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE ~~07/01/19~~ 07/01/20

I. PAPER BASED RECORDS

A. GENERAL BUSINESS DOCUMENTS & ENGINEERING DRAWINGS

The fees charged for reproducing general business documents and engineering drawings, and printed maps photocopied onto regular paper in the sizes indicated below are based on the actual cost of duplication by [the](#) District.

Fee = Labor Cost (\$~~0.59~~0.61 per minute duplicating time)
+ Materials & Equipment Cost (e.g., cost per sheet or media)
+ Postage (if applicable)

- **Labor Costs:** Labor costs for duplication time is charge at the rate of \$~~0.59~~0.61 per minute. Labor costs are based on the labor rate of a clerical employee and is charged only for the actual time spent on duplication.
- **Materials & Equipment:** The duplicating cost per sheet or media type is based on the actual cost of materials and equipment needed to reproduce documents. As detailed below, fees will vary depending on the type and size of documents and the method used for duplication.

1) Regular copies

8-1/2 x 11	\$0.09/page
11 x 17	0.17/page

2) Color copies

Requests for color copies may be sent to an outside vendor and charged back to the requestor.

3) Facsimile copies within the continental U.S.

8-1/2 x 11	\$0.50/page
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PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE ~~07/01/19~~ 07/01/20

4) Engineering drawings

Size	Bond	Vellum
8-1/2 x 11	\$0.09	N/A
11 x 17	0.17	N/A
17 width	0.33	N/A
22 width	0.66	\$1.77
28 x 38	0.96	N/A

For sizes larger than those indicated in this chart, Engineering Records will determine the cost.

Drawings having a width greater than 36 inches cannot be reproduced on District equipment and must be sent out for commercial copying. These charges will be billed to the requestor.

B. PRINTED MAPS

The fees in this section apply to the duplication of existing hard copy B-maps. The fee listed is the cost per map for duplication by the District's print shop. All other pre-printed map sizes require special formatting and the cost for duplication by an outside vendor will be determined upon request.

B-maps 250' scale (11 x 17) includes Map View prints	\$0.99/map
Map Book Covers	\$38.64/cover

C. BID DOCUMENTS FOR PUBLICLY BID PROJECTS

Copies of plans and specifications for publicly bid construction projects are available through the District's Specifications, Cost Estimating, and Engineering Standard Records (ESR) Section at a per set cost established as each project is issued for bid. The fee will be based on the cost for duplication at the District's print shop or an outside copy service and postage, if applicable.

Pre-paid documents will be sent first class mail unless the requestor makes other arrangements for document pickup or delivery with the Specification's Clerk. Federal Express service is available if the requestor supplies a Federal Express account number.

Contract documents are also available for viewing and downloading from EBMUD's public website: www.ebmud.com via the "Business Center" link.



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE ~~07/01/19~~ 07/01/20

Copies of CD-ROM versions of contract documents in Adobe Acrobat format are available free of charge from the Specifications Clerk at 510-287-1040.

Copies of historic contract documents can be provided in accordance with the provisions of item 1: General Business Documents.

II. ELECTRONICALLY STORED OR GENERATED DATA

The fees in this section apply to records stored electronically.

In general, there are two types of electronic records: (a) records that already exist on the system and merely require printing; and (b) records that do not currently exist and require data compilation, extraction, or programming to produce. A different fee rate applies to each of these types of records.

A. RECORDS THAT ALREADY EXIST

When a requestor seeks a record that already exists on the system (i.e., a record merely needs to be retrieved and printed, and does not require data compilation, extraction, or programming to produce), the following fee applies:

Fee = Labor Cost (\$~~0.59~~ 0.61 per minute duplicating time)
+ Materials & Equipment Cost
+ Postage (if applicable)

Materials & Equipment costs vary with the types/formats of records requested as specified below:

1) Digital copies – PDF Files of B-maps

Cost of Media	
CD	\$3.05
DVD	6.35
Electronic Transfer	N/C



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE ~~07/01/19~~ 07/01/20

2) Maps on Demand

Size	Bond	Vellum*	Bond Color
8-1/2 x 11	\$0.10	\$0.19	\$0.38
11 x 17	0.19	0.36	0.73
17 x 22	0.33	0.60	2.05
22 x 34	0.49	0.84	3.38
28 x 38	0.66	1.10	5.02

*These costs reflect color plots produced only from existing files.

3) Other Electronic Records

Description	Charge per Unit
8-1/2 x 11 (PC Printer)	\$0.09/page
CD	3.05 each
DVD	6.35 each

B. RECORDS THAT DO NOT ALREADY EXIST

When a requestor seeks records that do not currently exist on the system and require data compilation, extraction, or programming to produce, the requestor shall pay the cost to construct a new record, and the cost of programming and computer services necessary to produce a copy of the record. However, the District is under no obligation to provide records that do not already exist. Accordingly, the applicable fee is:

Fee = Labor Cost (\$~~1.11~~ 1.16 per minute production time)
+ Materials & Equipment Cost (rates specified in Section II.A)
+ Postage (if applicable)

Labor cost is based on the "average technical labor" rate and is charged only for the actual time spent producing the record.

This fee also applies when the request requires producing a record outside of the regularly scheduled interval.

NOTE – we no longer use cassette tapes.

[Recordings of regular meetings of the Board of Directors are available on www.ebmud.com.](http://www.ebmud.com) Copies of archived recordings of regular meetings of the Board of Directors are available upon request and can be provided on compact disc or digital versatile disc.



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE ~~07/01/19~~ 07/01/20

C. COMPACT DISCS (CDs)

Fee = Labor Cost (\$~~0.59~~0.61 per minute duplicating time)
Cost per disc (CD-R Disc, Write-Once, 700 MB, 80 Minute, 52X = \$3.05/disc)
+ Postage (if applicable)

D. DIGITAL VERSATILE DISCS (DVDs)

Fee = Labor Cost (\$~~0.59~~0.61 per minute duplicating time)
Cost per disc (DVD+R, 16X, Single Sided, 4.7 GB/120 Minutes = \$6.35~~5~~/disc)
+ Postage (if applicable)



PUBLIC RECORDS ACT FEE SCHEDULE

EFFECTIVE ~~07/01/19~~ 07/01/20

DISTRICT PUBLICATION FEES

Fee = Cost of publication (see below)
+ Sales tax
+ Postage (if applicable)

Municipal Utility District Act \$5.15

~~Rules and Regulations
(Customer Service Book) \$8.12~~

~~Water Conserving Plants and Landscape for the Bay Area
(Water Conservation Section)
1 – 4 copies (EBMUD pickup) \$12.00
1 – 4 copies (mailed) \$15.00
5 or more copies \$11.00~~

Its Name Was MUD \$18.00

Plants and Landscapes for Summer Dry Climates of the San Francisco Bay Region

Hardcover \$49.95 each
~~District customers and employees~~
If shipped within the District service area \$29.95 each
Wholesalers up to 60% discount
Vendors up to 50% discount

Real Property Use Application Fees



REAL PROPERTY USE APPLICATION FEES

EFFECTIVE ~~07/01/19~~ 07/01/20

TYPE OF USE	APPLICATION FEE
Fee Title (<i>Outright purchase of District property</i>) Properties for Sale Unsolicited	\$2,200.00 <u>2,300.00</u> 13,000.00 <u>13,700.00</u>
Easement (<i>Rights for permanent use of District property, such as access, utilities, etc.</i>) Utility Type Other	2,200.00 <u>2,300.00</u> 6,400.00 <u>6,400.00</u>
Quitclaim (<i>Removal of District's right, title and interest to property</i>) Pipe Abandonment Other	1,400.00 <u>1,200.00</u> 2,500.00 <u>2,600.00</u>
Revocable License (<i>Permission to use District property for periods exceeding one year, subject to revocation. For such uses as utility road crossings of aqueduct properties</i>)	1,800.00 <u>1,900.00</u>
Lease (<i>The right to occupy and use District land for a specified time period</i>)	2,200.00 <u>2,300.00</u>
Telecommunication Lease (<i>Long-term lease for PCS, cellular and/or radio uses</i>)	3,800.00 <u>4,000.00</u>
Information-Only (<i>Request for information requiring research of District records. Information-only applicants will be charged a fee only if the estimated research time exceeds one hour</i>)	140.00 <u>150.00</u> /hr
Processing and Review of Watershed Land Use Proposals (<i>Request for District to perform a formal evaluation of watershed land use proposal</i>)	140.00 <u>150.00</u> /hr (plus all other District costs)
Property Entry Permits, Rights of Entry Permits (<i>Permission for temporary access onto District</i>)	330.00 <u>350.00</u>
Limited Land Use Permit (<i>Allows landscaping, gardening or other minor surface use of District property, subject to annual renewal</i>)	120.00 <u>130.00</u>
Temporary Construction Easement/Encroachment Permit (<i>Permission for temporary access onto District</i>) Open Land, No District Facilities With District Facilities	660.00 <u>700.00</u> 2,400.00 <u>2,500.00</u>
Survey Costs if needed (<i>Application use fees listed above do not include survey costs if needed</i>)	150.00 <u>160.00</u> /hr



REAL PROPERTY USE APPLICATION FEES

EFFECTIVE ~~07/01/19~~ 07/01/20

TYPE OF USE (Continued)	APPLICATION FEE
Long Term Encroachment Permit	\$22,000.00 <u>23,200.00</u>

Recreation Use Fees

Calendar Year 2020



RECREATION USE FEES FOR 2020

January – December 2020¹

EFFECTIVE ~~01/01/20~~ 07/01/20

The following fees apply to use of the District's recreation facilities at Camanche Hills Hunting Preserve, Camanche Reservoir, Lafayette Reservoir, Pardee Reservoir, San Pablo Reservoir and on the District's Watershed Trail System.

All other (not included in this schedule) charges and fees for merchandise and services provided to the public in connection with the public uses of the recreation areas and facilities thereat shall be determined by the concessionaire or the District and shall be reasonable and consistent with charges for similar merchandise and services at similar locations.

General Discount Program – Discounts from fees listed may be offered in order to attract new customers and/or improve revenues. General discounts will be applied for specified time frames and apply fairly and uniformly. General discounts must be approved by the Director of Water and Natural Resources Department in advance.

District employees, retirees and immediate family receive free vehicle entry and boat launch, and a camping discount equal to the car entry fee (limit one per day).

Volunteer Discount Program – Free one-year Trail Use Permit and 50% discount on vehicle entry/parking and boat launch for those who contribute an annual minimum of 20 hours of volunteer work while participating in a District Volunteer Program.

Distinguished Veteran Discount Program – Holders of the California State Parks Distinguished Veteran Pass receive free day use and boat launch at all District recreation areas.

Fishing Access Permits are required for persons 16 years of age or older. Up to four children 15 years and under and accompanied by a person who possesses a valid CA fishing license and daily fishing access permit, may fish under that fishing access permit subject to the daily possession limit of the permit holder. Every accompanied child, over the allowed number of four, must have individual fishing access permits. Each child not accompanied by a fishing access permit holding adult must obtain his/her own fishing access permit.

No Fishing Access Permit is required on the two annual California Department of Fish and Wildlife Free Fishing Days.

¹Fee years are by calendar year for all locations except the Camanche Hills Hunting Preserve where fees are implemented earlier for the hunting year October 1 - September 30.



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

CAMANCHE HILLS HUNTING PRESERVE	<u>USE FEE</u>
PRESERVE LICENSE (QUANTITY PRICE BREAK)	
PRESERVE LICENSE:	
Initiation Fee (Family)	\$3,495.00
Initiation Fee (Corporate)	3,495.00
Annual Maintenance (Family)	300.00
Annual Maintenance (Corporate)	600.00
LICENSED GUIDE GOOSE HUNT (PER PERSON/HUNT)	200.00
BIRD PROCESSING: (PRICE PER EACH)	
Pheasant	4.00
Chukar	4.00
20-bird card (pheasant and chukar) for 20	70.00
Duck	4.50
Goose	10.00
Smoking (all birds)	6.00
DOG RENTAL	
Half Day	75.00
Full Day	140.00
Special Hunt	140.00
SPORTING CLAYS	
Full Round Course (100 targets)	40.00
Half Round Course (50 targets)	22.00
25 targets (5-Stand/Grouse bunker)	9.00
5 targets (Skeet/trap)	6.00
ARCHERY RANGE AND COURSE	
7 Station 3-D Target Course Per person	10.00
FISHING ACCESS TO RABBIT CREEK ARM OF CAMANCHE LAKE AND FARM PONDS LOCATED ON CHHP RECREATIONAL AREA	
Public Fishing Access	10.00
CHHP Members Access	5.00
FISHING ACCESS TO RABBIT CREEK ARM OF CAMANCHE LAKE	
Public Fishing Access: Bow for Carp	10.00



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

CAMANCHE HILLS HUNTING PRESERVE
(continued)

USE FEE

RV Parking Area

Nightly	\$6.00
Clubhouse Rental (daily)	500.00
Kitchen Rental (daily)	500.00
Grounds (daily)	500.00

Camanche Hills Hunting Preserve
Discounts, Special Programs and Limitations

Pricing for planted bird hunting will be reviewed and approved by the Director of Water and Natural Resources.

Free bird hunting and sporting clays shooting is offered to the communications media, based on the availability of birds and sporting clays course.

Free use of the facilities is offered to non-profit hunting organizations for family, disabled and junior hunting functions.

A target shooting (sporting clay, trap, 5-stand and bunkers) discount of 15% is offered to Senior, Disabled, and active or retired military visitors.

A target shooting discount of 50% is offered to Distinguished Veteran Pass holders.

A driven pheasant shoot discount of 15% is offered to Senior, Disabled, active or retired military, and Distinguished Veteran Pass holders.

An RV parking discount of 50% is offered to Senior, Disabled and Distinguished Veteran Pass holders.

Daily field trial events are permitted on a limited basis. Fees range from \$0 for qualified non-profit organizations to a maximum of \$200.00.

EBMUD employees and retirees, concession employees and Tri-County (Amador, Calaveras and San Joaquin) Public Safety Personnel receive a 20% discount on food purchases and a 10% discount on sporting clays.

Discounts and incentives are separate and cannot be combined for a larger discount or incentive.



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

**CAMANCHE RESERVOIR – NORTH SHORE AND
SOUTH SHORE RECREATION AREAS**

USE FEE

VEHICLE ENTRY/PARKING

CAR/MOTORCYCLE/SMALL VAN

Daily	\$14.50
Daily, after 3:00pm weekdays except Memorial Day, Independence Day, and Labor Day	11.50
Daily (Off-season)	10.00
Nightly (non-camping)	14.50
Annual (12 consecutive months)	195.00
Combined Car/Boat Daily	17.50
Combined Car and Boat 5 Use Card (Off-season)	67.50
Combined Car and Boat 5 Use Card, after 3:00 p.m. weekdays	42.50
Annual Marina Overnight/Day Use (12 consecutive months)	240.00

**VEHICLE ENTRY/PARKING LARGE VANS AND
BUSES**

Large Vans – 10-20 Passengers	22.00
Buses – 21+ Passengers	42.00

DOG

Daily (Fee charged each day in park)	5.75
Annual (12 consecutive months concurrent with Annual Parking Pass)	45.00

BOAT LAUNCH

Daily (Fee charged each day in park)	12.50
Daily (Off-season) (Fee charged each day in park)	9.50
Night (Fee charged each day in park)	12.50
Annual (12 consecutive months)	170.00
Senior/Disabled/Former POW/Disabled Veteran Annual (12 consecutive months)	85.00

BOAT MOORING (Buoy)

Nightly	16.00
Weekly	90.00
Monthly: under 30 feet	285.00
30 feet & larger	340.00
Annual (12 consecutive months): under 30 feet	1,675.00
30 feet & larger	2,225.00



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

**CAMANCHE RESERVOIR – NORTH SHORE AND
SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

BOAT SLIP OPEN (Excluding park entry)

Daily	\$33.00
Weekly	160.00
Monthly	375.00
Annual (12 consecutive months)	1,750.00
8 Months	1,450.00
Key Security Deposit	10.00

BOAT SLIP COVERED – 24' Length Maximum

Daily	48.00
Weekly	200.00
Monthly	550.00
Annual (12 consecutive months)	2,200.00
Key Security Deposit	50.00

**BOAT SLIP COVERED – (over 24' Length
Excluding park entry)**

Daily	50.00
Weekly	260.00
Monthly	650.00
Annual (12 consecutive months)	2,750.00
Key Security Deposit	50.00

**RV/TRAILER/BOAT STORAGE (Excluding park
entry)**

Weekly	60.00
Monthly	140.00
12 Months, consecutive	800.00
Monthly – 30' Length Maximum (Concurrent with Mooring/Slip Rental)	65.00
Monthly – Over 30' (Concurrent with Mooring/Slip Rental)	95.00
Annual – 30' Length Maximum (Concurrent with Mooring/Slip Rental) (12 consecutive months)	340.00
Annual – Over 30' (Concurrent with Mooring/Slip Rental) (12 consecutive months)	470.00
Annual – concurrent with Mobile Home Space rent (12 consecutive months)	425.00
Annual – concurrent with Mobile Home Space rent (<28', 1 boat only, dry #3) (12 consecutive months)	175.00



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

**CAMANCHE RESERVOIR – NORTH SHORE AND
SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

FISHING ACCESS PERMIT

Daily	\$7.00
Annual	145.00

CAMPSITE (w/vehicle parking)

Nightly	35.50
Nightly (Off-season)	24.00
Second Car Parking	16.00
Weekly	173.50
Second Car Weekly	80.00
14 nights	332.00
5 Use Card (Off-season)	92.50
Camping Reservation Fee	11.75

LAKESIDE PREMIUM CAMPSITES

Nightly	42.50
Nightly (Off-season – Friday thru Sunday nights)	49.50 24.50
Midweek (Monday thru Thursday night)	10.00
Second Car Parking	45.50 16.00
Weekly	203.50
Second Car Weekly	85.00
14 nights	377.00
5 Use Card (Off-season)	92.50

CAMPSITES WITH TENT STRUCTURES

8 person nightly	85.50
16 person nightly	151.00
8 person weekly	428.50
16 person weekly	662.00

**CAMPSITE (WALK-IN/BICYCLE PARKING – 8
PERSON/BIKE MAX)**

Nightly	25.50
Weekly	138.50
14 nights	262.00



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

**CAMANCHE RESERVOIR – NORTH SHORE AND
SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

GROUP CAMP (Nightly)

12-Person Limit	\$116.00
16-Person Limit	141.00
24-Person Limit	166.50
32-Person Limit	222.00
64-Person Limit	404.00
72-Person Limit	455.00

GROUP CAMP (Nightly, off-season)

12-Person Limit	61.00
16-Person Limit	66.00
24-Person Limit	71.50
32-Person Limit	77.00
64-Person Limit	154.00
72-Person Limit	190.00

**EQUESTRIAN – TURKEY HILL – 2 HORSES PER
SINGLE SITE – “NO OFF-SEASON DISCOUNTS”**

General Assembly Area	95.00
Turkey Hill Single	60.50
Turkey Hill Double	121.00
Turkey Hill Triple	141.50
Turkey Hill Quad	192.00
Entire Turkey Hill (includes assembly area)	690.00

RV SITE

Nightly	54.50
Weekly	313.50
Monthly	610.00
Season (6-Month Max)	1,915.00
6 night off-season use card (Off-Season)	198.00
Premium Sites (Peak Season)	60.50
Premium Sites Weekly (Peak Season)	343.50

TOWING

Camanche Recreation Area per hour	130.00
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MISCELLANEOUS

Camanche Recreation Area Lake Tours	14.00
Holding Tank Pumping	105.00



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

**CAMANCHE RESERVOIR – NORTH SHORE AND
SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

BOAT/VESSEL DECONTAMINATION

Vessel decontamination (up to 30')	\$35.00
Vessels over 30' in length	35.00 + 5.00 for each 5' over 30'
Ballast tanks decontamination	10.00
Tank, bilge, live well decontamination only	25.00
PWC storage area decontamination only	25.00
Kayaks and Canoes decontamination	25.00

COTTAGE/MOTEL GENERAL

Camanche Recreation Area – Security Deposit	200.00
Additional Guest Charge (to maximum occupancy)	15.00

COTTAGE (4-Person Base)

May – Sept: Night	185.50
Week	863.50
Oct – April: Night	120.50
Week	583.50
Month	1,560.00

COTTAGE (6-Person Base)

May – Sept: Night	235.50
Week	1,003.50
Oct – April: Night	155.50
Week	753.50
Month	1,335.00

MOTEL (TWIN)

May – Sept: Night	85.50
Week	428.50
Oct – April: Night	65.50
Week	328.50
Month	585.00

**RESORT RENTAL (4 BEDROOM, 14 PERSON
MAX)**

May – Sept: Night	400.50
Week	1,803.50
Oct – April: Night	200.50
Week	853.50



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

**CAMANCHE RESERVOIR – NORTH SHORE AND
SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

MOBILE HOME (MONTHLY)

3 bedroom

929.77 +
HUD FMR²

MOBILE HOME SPACES (MONTHLY)

North Shore 1A

511.07* +
HUD FMR²

North Shore 1B

537.79* +
HUD FMR²

North Shore 2

618.02* +
HUD FMR²

South Shore

540.79* +
HUD FMR²

*Mobile homes registered through Amador County receive a \$2.50 credit on their monthly rent to reflect their payment of fire-related fees.

**OTHER MOBILE HOME FEES (Per Space –
Monthly)**

Guest Fee

\$75.00

Late Rent/Returned Check Fee

50.00

FACILITY RENTAL

Lakeside Hall Daily (hall only)

750.00

Lakeside Hall Daily (kitchen & service ware
included)

1,050.00

Lakeside Hall Cleaning and Equipment Deposit

1,000.00

Camanche Clubhouse Rental (North Shore)

160.00

Camanche Clubhouse Rental (South Shore)

110.00

²HUD FMR is the Housing and Urban Development Fair Market Rents Index which is published by HUD each October. The mobile home rental space rate will be adjusted annually based on the percent change in the HUD FMR index for 2-bedroom homes averaged for Amador and Calaveras Counties.



RECREATION USE FEES FOR 2020

January – December 2020

EFFECTIVE ~~01/01/20~~ 07/01/20

Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations

Concessionaire Employees receive free entrance to and use of rental boats during off-hours, a 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled receive 50% discount on annual entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Active, reserve, retired, and veteran military personnel receive 20% discount on day use entry, boat rentals, (excluding rental of the party barge), camping and short-term (14-day) RV sites and lodging. Military identification required. Discount may not be combined with other offers.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Mobilehome Park Tenants receive 50% off non-holiday weekday boat rentals and additional 25% off for qualifying Senior/Disabled/Former POW/Disabled Veteran tenants; special additional incentives for non-holiday Tuesday boat rentals; a 40% discount on off-season monthly open slip, covered slip and mooring buoy fees; and a 10% discount on regularly priced marina/store items not including fishing access permits, fishing license, prepared food/beverage, gasoline and propane.

Groups of four or less individuals meeting the criteria for disabled discounts shall be eligible to rent the 6-person ADA cottages at Camanche for the 4-person cottage rate.

Turkey Hill Equestrian Campground single site customers renting larger spaces due to single sites being occupied shall be charged the lesser prorated rate.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Short-term visitor passes may be issued for periods up to one-hour.



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations (continued)

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle. Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately. Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset.

Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period. The seasonal charges noted for each recreation area shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.

Check out time for all RV sites is 1:00 p.m.

Peak Season is May 1 – September 30. Off-season is October 1 – April 30.

Premium Campsite or Premium RV site is a site that due to enhanced amenities, waterfront access or other special features is rented at a higher rate than a standard site.

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods of up to one-hour.



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

LAFAYETTE RECREATION AREA

USE FEE

**ENTRY AND PARKING –
CAR/MOTORCYCLE/SMALL VAN**

Daily	\$7.00
Annual (new or renewal)	120.00*
Annual (new or renewal) 2 years	240.00*
Replacement hang-tag	25.00**
Parking Meters 1/2 hour (may be increased up to a maximum rate of \$0.75 per 1/2 hour prior to CY13)	0.75
Senior/Disabled	
Season (new or renewal)	80.00*
Season (new or renewal) 2 years	160.00*
*Effective 7/1/19	
**Replacement limited to 1 hang-tag per year	

**ENTRY AND PARKING –
LARGE VANS AND BUSES**

Large Vans – 10-20 Passengers	18.00
Buses – 21+ Passengers	33.00

DOG (no charge)

COMMERCIAL USES (in addition to the base fee noted below, the Director of Water and Natural Resources may set an additional fee to recover the District's direct costs plus overhead)

Commercial Use	
Small (up to 10 people)	100.00
Medium (from 11 to 50 people)	500.00
Large (from 51 to 150 people)	1,000.00

BOAT LAUNCH

Daily	4.00
Annual	50.00
Boat Inspection Fee	6.00

FISHING ACCESS

Daily	5.00
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GROUP PICNIC

Small Site (Weekend/Holiday)	200.00
Small Site (Weekday/Non-Holiday)	100.00
Large Site (Weekend/Holiday)	350.00
Large Site (Weekday/Non-Holiday)	175.00
Special Events Fee	500.00 + \$1/participant



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

Lafayette Reservoir – Discounts, Special Programs, Limitations

District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Senior/Disabled receive 50% discount on boat launch fees and on non-holiday weekday boat rentals. Senior rates are for individuals with a drivers' license showing age 62 or older.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

PARDEE RECREATION AREA

USE FEE

**VEHICLE ENTRY AND PARKING –
CAR/MOTORCYCLE/SMALL VAN**

Daily/Nightly (Non-Camping)	\$10.00
Season	118.00
Combined Car/Boat Daily	16.00

**VEHICLE ENTRY AND PARKING –
LARGE VANS AND BUSES**

Large Vans – 10-20 Passengers	22.00
Buses – 21+ Passengers	38.00

DOG

Daily (Fee charged each day in park)	5.00
Season (Concurrent with Season Parking Pass)	45.00

STANDARD BOAT LAUNCH

Daily (Fee charged each day in park)	10.00
Season	110.00

**CARTOP BOAT LAUNCH (Float Tube, Kayak,
Canoe, Scull)**

Daily	5.00
Season	44.00

BOAT SLIP (excluding park entry)

Daily	10.00
Weekly	50.00
Monthly	120.00
Season	690.00
Season (concurrent with season RV)	640.00

FISHING ACCESS

Daily	7.00
Annual	200.00

MISCELLANEOUS

RV/Campsite Reservation Fee	10.00
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STANDARD CAMPSITE (w/vehicle parking)

Nightly	25.00
Second Car Parking	10.00
Weekly	150.00
Second Car Parking	60.00



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

PARDEE RECREATION AREA (continued)	<u>USE FEE</u>
PREMIUM CAMPSITE (w/vehicle parking)	
Nightly	\$30.00
Weekly	180.00
CAMPSITE (walk-in/bicycle parking) (8 person/8 bike maximum)	
Nightly	23.00
Weekly	138.00
DOUBLE CAMPSITE (16 people/2 vehicles)	
Nightly	50.00
Third or Fourth Vehicle	10.00
RV SITE	
Nightly	40.00
Weekly	240.00
Monthly	520.00
Season	3,591.00
Season – Premium Site	3,705.00
RV/TRAILER/BOAT STORAGE (excluding park entry)	
Weekly	30.00
Monthly	70.00
Season	510.00
Season – concurrent with season RV site	445.00
12-Month Consecutive	670.00
TOWING	80.00
RESERVABLE SITE/FACILITY (charges in addition to above fees)	
Small (25 or less people)	70.00
Medium (26-100 people)	100.00
Large (101-150 people)	150.00
Over 150 people	265.00
Café/Pool Day Use Area (refundable deposit)	60.00



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

PARDEE RESERVOIR – DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS

Concessionaire Employees receive free entrance to and use of rental boats during off-season hours, a 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled receive 50% discount on annual entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Active, reserve, retired, and veteran military personnel receive 20% discount on day use entry, boat rentals, (excluding Deluxe Pontoon), and dry camping (excluding RV hook-up sites). Military identification required. Discount may not be combined with other offers.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle.

Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately.

Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset. Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period.

Each of the nightly charges shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

PARDEE RESERVOIR – DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS (continued)

Premium Campsite or Premium RV site is a site that due to enhanced amenities, waterfront access or other special features is rented at a higher rate than a standard site.

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods up to one hour.



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

SAN PABLO RECREATION AREA

USE FEE

**ENTRY AND PARKING –
CAR/MOTORCYCLE/SMALL VAN**

Daily	\$7.00
Daily (Special Events)	5.00
Season	120.00

**ENTRY AND PARKING –
LARGE VANS AND BUSES**

Large Vans – 10-20 Passengers	22.00
Buses – 21+ Passengers	40.00

DOG	3.00
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COMMERCIAL USES (in addition to the base fee noted below, the Director of Water and Natural Resources may set an additional fee to recover the District's direct costs plus overhead)

Small (up to 10 people)	120.00
Medium (from 11 to 50 people)	600.00
Large (from 51 to 150 people)	1,200.00

STANDARD BOAT LAUNCH

Daily	8.00
Season (Entry & Boat Launch)	170.00
Boat Inspection Fee	6.00

**CARTOP BOAT LAUNCH (Float Tube, Kayak,
Canoe, Scull)**

Daily	4.00
Season (Entry and Cartop Launch)	124.00

FISHING ACCESS

Daily	6.00
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GROUP PICNIC

Large Sites (Oaks) daily	300.00
Large Sites (Pines) daily	200.00

GAZEBO	90.00
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TOWING	50.00
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RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

SAN PABLO RECREATION AREA (continued)

USE FEE

VISITOR CENTER & DECK RENTAL

Weekday Evening Visitor Center & Deck (minimum charge for up to 3 hours)	\$250.00
Extra hours	70.00
Weekend Evening Visitor Center & Deck (minimum charge for up to 5 hours)	400.00
Extra hours	70.00
Evening Event Cleaning and Damage Deposit	
Events ending before 7:00 p.m.	150.00
Events ending after 7:00 p.m.	350.00

WEEKDAY VISITOR CENTER & DECK

(8:00 a.m. - 4:00 p.m.)	200.00
2 consecutive days	350.00
3 consecutive days	500.00
Daytime Event Cleaning and Damage Deposit	125.00



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

SAN PABLO RESERVOIR – Discounts, Special Programs, Limitations

Concessionaire Employees receive free entrance to and use of rental boats during off-season hours, a 20% discount on food and merchandise. The discount is limited to one free vehicle entry and one free boat rental per employee per day. To qualify, a concession employee must work a minimum of 20 hours per week, Sunday through Saturday.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Each of the daily charges, including the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from the time the park opens until it closes each day.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry fees.

Senior/Disabled receive 50% discount on seasonal and 3-month entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Unless determined otherwise, the recreation season is mid-February through November (dates selected by concessionaire with District approval).



RECREATION USE FEES FOR 2020
January – December 2020
EFFECTIVE ~~01/01/20~~ 07/01/20

WATERSHED TRAIL SYSTEM

USE FEE

WATERSHED TRAILS

Daily Permit	\$3.00
Annual Permit	10.00
Three-Year Permit	20.00
Five-Year Permit	30.00

Recreation Use Fees

Calendar Year 2021



RECREATION USE FEES FOR 2021
January – December 2021¹
EFFECTIVE 01/01/21

The following fees apply to use of the District's recreation facilities at Camanche Hills Hunting Preserve, Camanche Reservoir, Lafayette Reservoir, Pardee Reservoir, San Pablo Reservoir and on the District's Watershed Trail System.

All other (not included in this schedule) charges and fees for merchandise and services provided to the public in connection with the public uses of the recreation areas and facilities thereat shall be determined by the concessionaire or the District and shall be reasonable and consistent with charges for similar merchandise and services at similar locations.

General Discount Program – Discounts from fees listed may be offered in order to attract new customers and/or improve revenues. General discounts will be applied for specified time frames and apply fairly and uniformly. General discounts must be approved by the Director of Water and Natural Resources Department in advance.

District employees, retirees and immediate family receive free vehicle entry and boat launch, and a camping discount equal to the car entry fee (limit one per day).

Volunteer Discount Program – Free one-year Trail Use Permit and 50% discount on vehicle entry/parking and boat launch for those who contribute an annual minimum of 20 hours of volunteer work while participating in a District Volunteer Program.

Distinguished Veteran Discount Program – Holders of the California State Parks Distinguished Veteran Pass receive free day use and boat launch at all District recreation areas.

Fishing Access Permits are required for persons 16 years of age or older. Up to four children 15 years and under and accompanied by a person who possesses a valid CA fishing license and daily fishing access permit, may fish under that fishing access permit subject to the daily possession limit of the permit holder. Every accompanied child, over the allowed number of four, must have individual fishing access permits. Each child not accompanied by a fishing access permit holding adult must obtain his/her own fishing access permit.

No Fishing Access Permit is required on the two annual California Department of Fish and Wildlife Free Fishing Days.

¹Fee years are by calendar year for all locations except the Camanche Hills Hunting Preserve where fees are implemented earlier for the hunting year October 1 - September 30.



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

CAMANCHE HILLS HUNTING PRESERVE	<u>USE FEE</u>
PRESERVE LICENSE (QUANTITY PRICE BREAK)	
PRESERVE LICENSE:	
Initiation Fee (Family)	\$3,495.00
Initiation Fee (Corporate)	3,495.00
Annual Maintenance (Family)	300.00
Annual Maintenance (Corporate)	600.00
LICENSED GUIDE GOOSE HUNT (PER PERSON/HUNT)	200.00
BIRD PROCESSING: (PRICE PER EACH)	
Pheasant	4.00
Chukar	4.00
20-bird card (pheasant and chukar) for 20	70.00
Duck	4.50
Goose	10.00
Smoking (all birds)	6.00
DOG RENTAL	
Half Day	75.00
Full Day	140.00
Special Hunt	140.00
SPORTING CLAYS	
Full Round Course (100 targets)	40.00
Half Round Course (50 targets)	22.00
25 targets (5-Stand/Grouse bunker)	9.00
5 targets (Skeet/trap)	6.00
ARCHERY RANGE AND COURSE	
7 Station 3-D Target Course Per person	10.00
FISHING ACCESS TO RABBIT CREEK ARM OF CAMANCHE LAKE AND FARM PONDS LOCATED ON CHHP RECREATIONAL AREA	
Public Fishing Access	10.00
CHHP Members Access	5.00
FISHING ACCESS TO RABBIT CREEK ARM OF CAMANCHE LAKE	
Public Fishing Access: Bow for Carp	10.00



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

CAMANCHE HILLS HUNTING PRESERVE
(continued)

USE FEE

RV Parking Area

Nightly	\$6.00
Clubhouse Rental (daily)	500.00
Kitchen Rental (daily)	500.00
Grounds (daily)	500.00

Camanche Hills Hunting Preserve
Discounts, Special Programs and Limitations

Pricing for planted bird hunting will be reviewed and approved by the Director of Water and Natural Resources.

Free bird hunting and sporting clays shooting is offered to the communications media, based on the availability of birds and sporting clays course.

Free use of the facilities is offered to non-profit hunting organizations for family, disabled and junior hunting functions.

A target shooting (sporting clay, trap, 5-stand and bunkers) discount of 15% is offered to Senior, Disabled, and active or retired military visitors.

A target shooting discount of 50% is offered to Distinguished Veteran Pass holders.

A driven pheasant shoot discount of 15% is offered to Senior, Disabled, active or retired military, and Distinguished Veteran Pass holders.

An RV parking discount of 50% is offered to Senior, Disabled and Distinguished Veteran Pass holders.

Daily field trial events are permitted on a limited basis. Fees range from \$0 for qualified non-profit organizations to a maximum of \$200.00.

EBMUD employees and retirees, concession employees and Tri-County (Amador, Calaveras and San Joaquin) Public Safety Personnel receive a 20% discount on food purchases and a 10% discount on sporting clays.

Discounts and incentives are separate and cannot be combined for a larger discount or incentive.



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

**CAMANCHE RESERVOIR – NORTH SHORE AND
SOUTH SHORE RECREATION AREAS**

USE FEE

VEHICLE ENTRY/PARKING

CAR/MOTORCYCLE/SMALL VAN

Daily	\$15.00
Daily, after 3:00pm weekdays except Memorial Day, Independence Day, and Labor Day	12.00
Daily (Off-season)	10.50
Nightly (non-camping)	15.00
Annual (12 consecutive months)	205.00
Combined Car/Boat Daily	17.50
Combined Car and Boat 5 Use Card (Off-season)	67.50
Combined Car and Boat 5 Use Card, after 3:00 p.m. weekdays	42.50
Annual Marina Overnight/Day Use (12 consecutive months)	240.00

**VEHICLE ENTRY/PARKING LARGE VANS AND
BUSES**

Large Vans – 10-20 Passengers	23.00
Buses – 21+ Passengers	44.00

DOG

Daily (Fee charged each day in park)	6.00
Annual (12 consecutive months concurrent with Annual Parking Pass)	50.00

BOAT LAUNCH

Daily (Fee charged each day in park)	13.00
Daily (Off-season) (Fee charged each day in park)	10.00
Night (Fee charged each day in park)	13.00
Annual (12 consecutive months)	175.00
Senior/Disabled/Former POW/Disabled Veteran Annual (12 consecutive months)	87.00

BOAT MOORING (Buoy)

Nightly	16.00
Weekly	90.00
Monthly: under 30 feet	285.00
30 feet & larger	340.00
Annual (12 consecutive months): under 30 feet	N/A
30 feet & larger	2,400.00



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

**CAMANCHE RESERVOIR – NORTH SHORE AND
SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

BOAT SLIP OPEN (Excluding park entry)

Daily	\$36.00
Weekly	170.00
Monthly	400.00
Annual (12 consecutive months)	1,775.00
8 Months	1,475.00
Key Security Deposit	10.00

BOAT SLIP COVERED – 24' Length Maximum

Daily	51.00
Weekly	210.00
Monthly	575.00
Annual (12 consecutive months)	2,300.00
Key Security Deposit	50.00

**BOAT SLIP COVERED – (over 24' Length
Excluding park entry)**

Daily	50.00
Weekly	275.00
Monthly	675.00
Annual (12 consecutive months)	2,900.00
Key Security Deposit	50.00

**RV/TRAILER/BOAT STORAGE (Excluding park
entry)**

Weekly	65.00
Monthly	150.00
12 Months, consecutive	825.00
Monthly – 30' Length Maximum (Concurrent with Mooring/Slip Rental)	70.00
Monthly – Over 30' (Concurrent with Mooring/Slip Rental)	100.00
Annual – 30' Length Maximum (Concurrent with Mooring/Slip Rental) (12 consecutive months)	350.00
Annual – Over 30' (Concurrent with Mooring/Slip Rental) (12 consecutive months)	480.00
Annual – concurrent with Mobile Home Space rent (12 consecutive months)	425.00
Annual – concurrent with Mobile Home Space rent (<28', 1 boat only, dry #3) (12 consecutive months)	175.00



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

**CAMANCHE RESERVOIR – NORTH SHORE AND
SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

FISHING ACCESS PERMIT

Daily	\$7.25
Annual	150.00

CAMPSITE (w/vehicle parking)

Nightly	37.50
Nightly (Off-season)	24.00
Second Car Parking	17.00
Weekly	178.50
Second Car Weekly	85.00
14 nights	357.00
5 Use Card (Off-season)	97.00
Camping Reservation Fee	12.00

LAKESIDE PREMIUM CAMPSITES

Nightly	45.50
Nightly (Off-season – Friday thru Sunday nights)	20.50 <u>24.50</u>
Midweek (Monday thru Thursday night)	10.50
Second Car Parking	16.00 <u>17.00</u>
Weekly	213.50
Second Car Weekly	90.00
14 nights	382.00
5 Use Card (Off-season)	102.50

CAMPSITES WITH TENT STRUCTURES

8 person nightly	85.50
16 person nightly	151.00
8 person weekly	428.50
16 person weekly	662.00

**CAMPSITE (WALK-IN/BICYCLE PARKING – 8
PERSON/BIKE MAX)**

Nightly	25.50
Weekly	138.50
14 nights	262.00



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

**CAMANCHE RESERVOIR – NORTH SHORE AND
SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

GROUP CAMP (Nightly)

12-Person Limit	\$121.00
16-Person Limit	146.00
24-Person Limit	171.50
32-Person Limit	227.00
64-Person Limit	429.00
72-Person Limit	480.00

GROUP CAMP (Nightly, off-season)

12-Person Limit	66.00
16-Person Limit	71.00
24-Person Limit	76.50
32-Person Limit	82.00
64-Person Limit	159.00
72-Person Limit	205.00

**EQUESTRIAN – TURKEY HILL – 2 HORSES PER
SINGLE SITE – “NO OFF-SEASON DISCOUNTS”**

General Assembly Area	100.00
Turkey Hill Single	65.50
Turkey Hill Double	126.00
Turkey Hill Triple	151.50
Turkey Hill Quad	202.00
Entire Turkey Hill (includes assembly area)	730.00

RV SITE

Nightly	56.50
Weekly	323.50
Monthly	635.00
Season (6-Month Max)	1,965.00
6 night off-season use card (Off-Season)	203.00
Premium Sites (Peak Season)	63.50
Premium Sites Weekly (Peak Season)	353.50

TOWING

Camanche Recreation Area per hour	135.00
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MISCELLANEOUS

Camanche Recreation Area Lake Tours	14.00
Holding Tank Pumping	110.00



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

**CAMANCHE RESERVOIR – NORTH SHORE AND
SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

BOAT/VESSEL DECONTAMINATION

Vessel decontamination (up to 30')	\$35.00
Vessels over 30' in length	35.00 + 5.00 for each 5' over 30'
Ballast tanks decontamination	10.00
Tank, bilge, live well decontamination only	25.00
PWC storage area decontamination only	25.00
Kayaks and Canoes decontamination	25.00

COTTAGE/MOTEL GENERAL

Camanche Recreation Area – Security Deposit	200.00
Additional Guest Charge (to maximum occupancy)	15.00

COTTAGE (4-Person Base)

May – Sept: Night	190.50
Week	903.50
Oct – April: Night	125.50
Week	628.50
Month	1,710.00

COTTAGE (6-Person Base)

May – Sept: Night	245.50
Week	1,053.50
Oct – April: Night	160.50
Week	778.50
Month	1,360.00

MOTEL (TWIN)

May – Sept: Night	90.50
Week	453.50
Oct – April: Night	70.50
Week	353.50
Month	610.00

**RESORT RENTAL (4 BEDROOM, 14 PERSON
MAX)**

May – Sept: Night	425.50
Week	1,853.50
Oct – April: Night	225.50
Week	903.50



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

**CAMANCHE RESERVOIR – NORTH SHORE AND
SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

MOBILE HOME (MONTHLY)

3 bedroom

929.77 +
HUD FMR²

MOBILE HOME SPACES (MONTHLY)

North Shore 1A

511.07* +
HUD FMR²

North Shore 1B

537.79* +
HUD FMR²

North Shore 2

618.02* +
HUD FMR²

South Shore

540.79* +
HUD FMR²

*Mobile homes registered through Amador County receive a \$2.50 credit on their monthly rent to reflect their payment of fire-related fees.

**OTHER MOBILE HOME FEES (Per Space –
Monthly)**

Guest Fee

\$75.00

Late Rent/Returned Check Fee

50.00

FACILITY RENTAL

Lakeside Hall Daily (hall only)

775.00

Lakeside Hall Daily (kitchen & service ware
included)

1,100.00

Lakeside Hall Cleaning and Equipment Deposit

1,000.00

Camanche Clubhouse Rental (North Shore)

175.00

Camanche Clubhouse Rental (South Shore)

120.00

²HUD FMR is the Housing and Urban Development Fair Market Rents Index which is published by HUD each October. The mobile home rental space rate will be adjusted annually based on the percent change in the HUD FMR index for 2-bedroom homes averaged for Amador and Calaveras Counties.



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations

Concessionaire Employees receive free entrance to and use of rental boats during off-hours, a 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled receive 50% discount on annual entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Active, reserve, retired, and veteran military personnel receive 20% discount on day use entry, boat rentals, (excluding rental of the party barge), camping and short-term (14-day) RV sites and lodging. Military identification required. Discount may not be combined with other offers.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Mobilehome Park Tenants receive 50% off non-holiday weekday boat rentals and additional 25% off for qualifying Senior/Disabled/Former POW/Disabled Veteran tenants; special additional incentives for non-holiday Tuesday boat rentals; a 40% discount on off-season monthly open slip, covered slip and mooring buoy fees; and a 10% discount on regularly priced marina/store items not including fishing access permits, fishing license, prepared food/beverage, gasoline and propane.

Groups of four or less individuals meeting the criteria for disabled discounts shall be eligible to rent the 6-person ADA cottages at Camanche for the 4-person cottage rate.

Turkey Hill Equestrian Campground single site customers renting larger spaces due to single sites being occupied shall be charged the lesser prorated rate.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Short-term visitor passes may be issued for periods up to one-hour.



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations (continued)

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle. Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately. Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset.

Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period. The seasonal charges noted for each recreation area shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.

Check out time for all RV sites is 1:00 p.m.

Peak Season is May 1 – September 30. Off-season is October 1 – April 30.

Premium Campsite or Premium RV site is a site that due to enhanced amenities, waterfront access or other special features is rented at a higher rate than a standard site.

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods of up to one-hour.



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

LAFAYETTE RECREATION AREA

USE FEE

**ENTRY AND PARKING –
CAR/MOTORCYCLE/SMALL VAN**

Daily	\$7.00
Annual (new or renewal)	120.00*
Annual (new or renewal) 2 years	240.00*
Replacement hang-tag	25.00**
Parking Meters 1/2 hour (may be increased up to a maximum rate of \$0.75 per 1/2 hour prior to CY13)	0.75
Senior/Disabled	
Season (new or renewal)	80.00*
Season (new or renewal) 2 years	160.00*
*Effective 7/1/19	
**Replacement limited to 1 hang-tag per year	

**ENTRY AND PARKING –
LARGE VANS AND BUSES**

Large Vans – 10-20 Passengers	18.00
Buses – 21+ Passengers	33.00

DOG (no charge)

COMMERCIAL USES (in addition to the base fee noted below, the Director of Water and Natural Resources may set an additional fee to recover the District's direct costs plus overhead)

Commercial Use	
Small (up to 10 people)	100.00
Medium (from 11 to 50 people)	500.00
Large (from 51 to 150 people)	1,000.00

BOAT LAUNCH

Daily	4.00
Annual	50.00
Boat Inspection Fee	6.00

FISHING ACCESS

Daily	5.00
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GROUP PICNIC

Small Site (Weekend/Holiday)	200.00
Small Site (Weekday/Non-Holiday)	100.00
Large Site (Weekend/Holiday)	350.00
Large Site (Weekday/Non-Holiday)	175.00
Special Events Fee	500.00 + \$1/participant



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

Lafayette Reservoir – Discounts, Special Programs, Limitations

District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Senior/Disabled receive 50% discount on boat launch fees and on non-holiday weekday boat rentals. Senior rates are for individuals with a drivers' license showing age 62 or older.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

PARDEE RECREATION AREA

USE FEE

**VEHICLE ENTRY AND PARKING –
CAR/MOTORCYCLE/SMALL VAN**

Daily/Nightly (Non-Camping)	\$10.00
Season	118.00
Combined Car/Boat Daily	16.00

**VEHICLE ENTRY AND PARKING –
LARGE VANS AND BUSES**

Large Vans – 10-20 Passengers	22.00
Buses – 21+ Passengers	38.00

DOG

Daily (Fee charged each day in park)	5.00
Season (Concurrent with Season Parking Pass)	50.00

STANDARD BOAT LAUNCH

Daily (Fee charged each day in park)	10.00
Season	110.00

**CARTOP BOAT LAUNCH (Float Tube, Kayak,
Canoe, Scull)**

Daily	5.00
Season	44.00

BOAT SLIP (excluding park entry)

Daily	10.00
Weekly	50.00
Monthly	120.00
Season	690.00
Season (concurrent with season RV)	640.00

FISHING ACCESS

Daily	7.25
Annual	200.00

MISCELLANEOUS

RV/Campsite Reservation Fee	10.00
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STANDARD CAMPSITE (w/vehicle parking)

Nightly	25.00
Second Car Parking	10.00
Weekly	150.00
Second Car Parking	60.00



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

PARDEE RECREATION AREA (continued)	<u>USE FEE</u>
PREMIUM CAMPSITE (w/vehicle parking)	
Nightly	\$30.00
Weekly	180.00
CAMPSITE (walk-in/bicycle parking) (8 person/8 bike maximum)	
Nightly	23.00
Weekly	138.00
DOUBLE CAMPSITE (16 people/2 vehicles)	
Nightly	50.00
Third or Fourth Vehicle	10.00
RV SITE	
Nightly	40.00
Weekly	240.00
Monthly	520.00
Season	4,095.00
Season – Premium Site	4,225.00
RV/TRAILER/BOAT STORAGE (excluding park entry)	
Weekly	30.00
Monthly	70.00
Season	510.00
Season – concurrent with season RV site	445.00
12-Month Consecutive	670.00
TOWING	80.00
RESERVABLE SITE/FACILITY (charges in addition to above fees)	
Small (25 or less people)	70.00
Medium (26-100 people)	100.00
Large (101-150 people)	150.00
Over 150 people	265.00
Café/Pool Day Use Area (refundable deposit)	60.00



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

PARDEE RESERVOIR – DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS

Concessionaire Employees receive free entrance to and use of rental boats during off-season hours, a 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled receive 50% discount on annual entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Active, reserve, retired, and veteran military personnel receive 20% discount on day use entry, boat rentals, (excluding Deluxe Pontoon), and dry camping (excluding RV hook-up sites). Military identification required. Discount may not be combined with other offers.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle.

Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately.

Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset. Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period.

Each of the nightly charges shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

PARDEE RESERVOIR – DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS (continued)

Premium Campsite or Premium RV site is a site that due to enhanced amenities, waterfront access or other special features is rented at a higher rate than a standard site.

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods up to one hour.



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

SAN PABLO RECREATION AREA

USE FEE

**ENTRY AND PARKING –
CAR/MOTORCYCLE/SMALL VAN**

Daily	\$7.00
Daily (Special Events)	5.00
Season	120.00

**ENTRY AND PARKING –
LARGE VANS AND BUSES**

Large Vans – 10-20 Passengers	22.00
Buses – 21+ Passengers	40.00

DOG	3.00
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**COMMERCIAL USES (in addition to the base fee
noted below, the Director of Water and Natural
Resources may set an additional fee to recover
the District's direct costs plus overhead)**

Small (up to 10 people)	120.00
Medium (from 11 to 50 people)	600.00
Large (from 51 to 150 people)	1,200.00

STANDARD BOAT LAUNCH

Daily	8.00
Season (Entry & Boat Launch)	170.00
Boat Inspection Fee	6.00

**CARTOP BOAT LAUNCH (Float Tube, Kayak,
Canoe, Scull)**

Daily	4.00
Season (Entry and Cartop Launch)	124.00

FISHING ACCESS

Daily	6.00
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GROUP PICNIC

Large Sites (Oaks) daily	300.00
Large Sites (Pines) daily	200.00

GAZEBO	90.00
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TOWING	50.00
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RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

SAN PABLO RECREATION AREA (continued)

USE FEE

VISITOR CENTER & DECK RENTAL

Weekday Evening Visitor Center & Deck (minimum charge for up to 3 hours)	\$250.00
Extra hours	70.00
Weekend Evening Visitor Center & Deck (minimum charge for up to 5 hours)	400.00
Extra hours	70.00
Evening Event Cleaning and Damage Deposit	
Events ending before 7:00 p.m.	150.00
Events ending after 7:00 p.m.	350.00

WEEKDAY VISITOR CENTER & DECK

(8:00 a.m. - 4:00 p.m.)	200.00
2 consecutive days	350.00
3 consecutive days	500.00
Daytime Event Cleaning and Damage Deposit	125.00



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

SAN PABLO RESERVOIR – Discounts, Special Programs, Limitations

Concessionaire Employees receive free entrance to and use of rental boats during off-season hours, a 20% discount on food and merchandise. The discount is limited to one free vehicle entry and one free boat rental per employee per day. To qualify, a concession employee must work a minimum of 20 hours per week, Sunday through Saturday.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Each of the daily charges, including the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from the time the park opens until it closes each day.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry fees.

Senior/Disabled receive 50% discount on seasonal and 3-month entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Unless determined otherwise, the recreation season is mid-February through November (dates selected by concessionaire with District approval).



RECREATION USE FEES FOR 2021
January – December 2021
EFFECTIVE 01/01/21

WATERSHED TRAIL SYSTEM

USE FEE

WATERSHED TRAILS

Daily Permit	\$3.00
Annual Permit	10.00
Three-Year Permit	20.00
Five-Year Permit	30.00

Section 6

Public Fire Hydrants



SECTION 6

PUBLIC FIRE HYDRANTS

The primary purpose and function of a public fire hydrant is fire suppression. The District also uses public fire hydrants for water system operation and maintenance.

A fire hydrant will be installed, relocated, or removed when the following requirements have been met:

1. A written application for the installation, relocation, or removal has been received by the District;
2. The hydrant site has been approved by the responsible ~~public~~ local fire ~~agency~~ jurisdiction; and
3. The charge for the hydrant installation, relocation, or removal, as set forth in the Schedule of Rates and Charges, has been paid in advance by the customer.

Fire hydrants installed under the preceding provisions shall belong to the District. The District shall bear the expense of performing hydrant maintenance resulting from normal wear and tear when such conditions are reported by the responsible local fire jurisdiction ~~agency~~ or when otherwise brought to the attention of the District.

~~Fire hydrants shall be installed, relocated or removed when the applicable conditions stated above have been met and the installation or change has been approved by the responsible public agency and the District.~~

Section 7

Service Through Public Fire Hydrants



SECTION 7

SERVICE THROUGH PUBLIC FIRE HYDRANTS

No person other than authorized employees or agents of EBMUD or a fire agency (city, county or special fire district) shall open or operate any public fire hydrant or attach any device, hose, tubing, or pipe to a public fire hydrant for any purpose, without first obtaining an approved hydrant meter permit or written agreement with the District. 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 for temporary use 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, any use determined to be wasteful or unreasonable as determined by the State of California, or where access to the hydrant for fire ~~flow protection~~ suppression is impeded.

Hydrant permits will automatically 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 District's Regulations Governing wWater ~~sS~~ervice ~~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



SECTION 7

SERVICE THROUGH PUBLIC FIRE HYDRANTS
(continued)

will be charged the applicable service charge for one full month in addition to the charge for water consumed.

Hydrant meters must be connected directly to the fire hydrant with no intermediate hoses, tubing, or piping. Hydrant meters shall be disconnected from the hydrant when not in use. Only District approved spanners (wrenches) and hydrant meters ~~will~~shall 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 this Section or any of its Regulations Governing Water Service.~~these regulations~~.

Section 17

Change In Use And/Or Size of Service



SECTION 17

CHANGE IN ~~USE AND/OR~~ SIZE OF SERVICE

An installation charge and resulting increase of the System Capacity Charge, as provided in the Schedule of Rates and Charges will be required when a customer applies for a change in use, increase in size, or change in location of an existing service connection.

Changes in the use of a service or increased usage on an existing service for a premises and corresponding System Capacity Charge are subject to the following provisions:

~~Changes in the size of a standard service or replacement of a meter requested by the owner of the premises or required by the District will be made subject to the following provisions:~~

A. INCREASE OR CHANGE IN USE:

If new water using features or equipment (e.g. cooling towers, additions to existing structures, industrial processes, buildings, etc.) are added to a premises or the use of water using features or equipment on a premises increases or changes, the customer must submit a water service application along with supporting water use data for the District to conduct a water service assessment. The District shall review the application make the following determinations:

1. Whether a new meter is required to accommodate increased water use;
2. The amount of any associated System Capacity Charge resulting from the increase and/or change in use, regardless of the size of the meter.

When the water service assessment determines a change has occurred, the District may require an increase in meter size, lateral(s), or water main(s) is necessary to provide adequate water service to the premises. If the District determines that changes in meter size, lateral(s), or water main(s) are necessary to provide adequate water service to the premises, the customer shall pay any resulting charges as set forth in the Schedule of Rates and Charges. Where an existing meter larger than 1.5-inches sufficiently meets the demand of an increase and/or change in use, the District will determine the increase in the estimated annual average water usage for the premises, and will require payment of an additional System Capacity Charge for the increased usage as provided in the Schedule of Rates and Charges. For an increase or change in water use caused by the creation of an accessory dwelling unit on a premises, connection fees and capacity charges will be applied consistent with the requirements of Government Code section 65852.2.

Failure to report an increase and/or change in water use may result in District investigation to determine compliance with these Regulations. If the District determines that changes in the meter size, lateral(s), or water main(s) are necessary to provide adequate water service to the premises, but the customer refuses to initiate a water service application and/or pay resulting charges set forth in the Schedule of Rates and Charges, the District will take



SECTION 17

CHANGE IN USE AND/OR SIZE OF SERVICE
(continued)

further actions to address noncompliance with these Regulations which may include installation of a flow restriction device and/or discontinuation of service.

A.B. REQUESTED REDUCTION IN SIZE OF SERVICE

A requested change to a smaller size service must be approved by the District and will be made ~~without charge to the applicant~~ after the applicant has paid the installation charges as set forth in the Schedule of Rates and Charges. No System Capacity Charges will be assessed for reduction in size of service. The owner shall not be entitled to a refund of any portion of a System Capacity Charge paid for the original larger meter.

B.C. REQUESTED INCREASE IN SIZE OF SERVICE

A requested increase in the size of a service must be approved by the District and will be made by the District after the applicant has paid the installation charges and the resulting increase in the System Capacity Charge set forth in the Schedule of Rates and Charges. The increase in the System Capacity Charge resulting from an increase in the size of a service equal to the difference between ~~the installation and~~ the System Capacity Charges of applicable to the new service size ~~and the existing service size~~ as set forth in the Schedule of Rates and Charges.

C.D. REQUESTED REPLACEMENT OR RELOCATION OF SERVICE LARGER THAN 1½ INCHES

A requested relocation of any meter larger than 1½ inches or replacement of any meter larger than 1½ inches with a meter of equivalent size must be approved by the District and will be made by the District after the applicant has paid the installation charges. If the meter relocation or replacement is in support of improvements to existing structures and/or new construction, the District will determine if the changes will result in an increase in the estimated annual average water usage for the premises, and will require payment of an additional System Capacity Charge for the increased usage as provided in the Schedule of Rates and Charges. The owner shall not be entitled to a refund of any portion of a System Capacity Charge paid for the original meter based on a resultant reduction in the water usage resulting from the changes.



SECTION 17

CHANGE IN USE AND/OR SIZE OF SERVICE
(continued)

~~If the customer's rate of consumption results in excessive wear of the meter or is such that the meter is unable to measure the flow of water accurately, the District may increase the size of the service and require payment of the appropriate installation, service charges, and System Capacity Charge as provided in the Schedule of Rates and Charges, or it may install a device to limit the use of water to the rated capacity of the meter. For services larger than 1½ inches, where the customer's annual average water use increases as a result from a change in use and/or expansion of an existing use, the District will require payment of the appropriate System Capacity Charge for the additional water demand as provided in the Schedule of Rates and Charges.~~

A change in size of service which involves a change in location will only be approved by the District subject to the provisions of Section 18 and payment of the applicable relocation cost.

An installation charge, as provided in the Schedule of Rates and Charges, will be required when a customer applies for a change in type, increase in size, or change in location of an existing service connection

Section 30

Nonpotable Water Service



SECTION 30

NONPOTABLE WATER SERVICE

In furtherance of District Policy No. 9.05, these regulations identify the types of water uses for which nonpotable water is appropriate; the factors considered in determining the feasibility of nonpotable water service; and the procedure for notifying to applicants and customers that nonpotable water use is required.

DEFINITIONS

Feasible. For purposes of this section, nonpotable water service shall be feasible if the District at its sole discretion determines that:

- Nonpotable water may be furnished for the intended use at a reasonable cost to the customer and District.
- Nonpotable water is of adequate quality for the intended use.
- The use of nonpotable water is consistent with all applicable federal, state and local laws and regulations.
- The use of nonpotable water will not be detrimental to the public health and will not adversely affect plant life, fish and wildlife.

Dual Plumbing. For purposes of this section, “dual plumbing” shall mean the installation of separate facilities for the distribution of potable and nonpotable water service. These facilities may include distribution piping from the water service main or water supply source to the water service meter, as well as facilities on the customer’s side of the water service meter.

Nondomestic Uses. For purposes of this section, “nondomestic uses” shall mean all uses of water, except for drinking, culinary purposes, and the processing of products intended for direct human consumption. Nondomestic uses include irrigation of food crops intended for human consumption, which is an allowable recycled water use with appropriate treatment to meet water quality standards.

Nonpotable Water. For purposes of this section, “nonpotable water” shall mean all reclaimed, recycled, reused, or untreated water supplies that meet the conditions set forth in California Water Code Section 13550 and are determined by the District to be suitable for nondomestic ~~purposes~~ uses and feasible for the particular intended use.

Retrofit. For purposes of this section, “retrofit” shall mean the conversion or modification of existing water service facilities such that they are suitable for nonpotable water service.

Water Reuse Zones. For purposes of this section, “water reuse zone” shall mean District-designated zones within the District’s service area where nonpotable water service has been determined to be reasonably available.



SECTION 30

NONPOTABLE WATER SERVICE (continued)

TYPES OF NONPOTABLE WATER USE

Use of nonpotable water may be required for nondomestic uses, which include but are not limited to: irrigation of cemeteries, golf courses, playing fields, parks and residential and nonresidential landscaped areas; commercial and industrial process uses; toilet and urinal flushing in nonresidential buildings.

DETERMINATION OF FEASIBILITY OF NONPOTABLE WATER SERVICE

The District will identify existing customers within Water Reuse Zones and determine the feasibility of providing nonpotable water service to these customers. The District will also review applications for new services to determine the feasibility of providing nonpotable water service to these applicants. The District, at its sole discretion, will determine the economic, environmental, and institutional feasibility of providing nonpotable water service to existing customers and new service applications. If nonpotable water service is determined by the District to be feasible, written notification of the required use of nonpotable water shall be provided to the customer or applicant. Such notification may include information regarding District water service procedures, a description of the District's nonpotable water project, a date by which the customer site must be ready to accept nonpotable water service and a description of any nonpotable water facilities that must be constructed on the customer's site, including dual plumbing. Customers may be required to retrofit existing water service facilities to accommodate nonpotable water service and applicants for new water services may be required to pay for main extensions, install frontage and onsite piping, nonpotable infrastructure, and install dual plumbing, pursuant to terms and conditions specified by the District.

NONPOTABLE WATER USE PERMITS

Customers and applicants required to use nonpotable water shall submit a Nonpotable Water Service Application. Upon receipt, review and approval of the application, construction completion, and prior to start of service, the District will issue a nonpotable water use permit which, among other things, will specify the approved uses at customer sites and requirements for the customer's water distribution facilities and portions of the premises where nonpotable water will be applied.

Nonpotable water service will not commence until all fees are paid and the District verifies compliance with the permit requirements.

In special circumstances, as solely determined by the District, once the permit has been issued, a potable water supply may be provided until all requirements for nonpotable water delivery are complete. All potable water delivered will be billed at the prevailing potable water rates.



SECTION 30

NONPOTABLE WATER SERVICE (continued)

Provision of a potable water service until nonpotable water is available may be contingent upon the customer/applicant agreeing to any or all of the following:

- customer/applicant installation of water service facilities separate and distinct from the potable water service facilities for the purpose of facilitating conversion to a nonpotable water supply when available;
- additional retrofitting of water service facilities (potable and nonpotable) and construction of additional nonpotable water facilities (e.g., service laterals, metering conversion and appurtenances) as solely determined by District to be necessary to commence delivery of nonpotable water when available;
- agreement to pay the District's cost to perform additional retrofitting and construction if the customer/applicant does not perform the work within the time specified;
- installation of flow-restricting devices, at customer/applicant expense, to reduce the maximum flow rate in the event the District is unable to deliver a nonpotable water supply;
- customer/applicant construction of storage facilities to insure an adequate water flow for the site notwithstanding the installation of flow-restricting devices;
- agreement to indemnify the District with respect to any damage arising from the installation of flow-restricting devices or construction of storage facilities;
- removal of flow-restricting devices, without charge, and connection to the nonpotable water supply in the event that the District makes a nonpotable water supply available;
- any other conditions deemed necessary by the District.

The District will advise the customer/applicant of those conditions that shall apply to the delivery of a potable water supply until nonpotable water is available. Applicants for new service that are ~~issued a nonpotable water permit~~ approved and permitted shall pay the applicable Nonpotable System Capacity Charge, notwithstanding the delivery of a potable water supply until nonpotable water is available.

EXISTING CUSTOMER RETROFIT WORK:

1. INSTALLATION AND MAINTENANCE COSTS

Except as otherwise provided herein, when an existing customer is required by the District to convert to nonpotable water service, the District will pay the reasonable capital costs of retrofitting the water service facilities on the customer's side of the water service meter and will also provide for the nonpotable water service facilities necessary to deliver nonpotable water to the meter.

~~New applicants for water service and customers requesting installation of additional nonpotable water service facilities in order to serve new developments or expand capacity, or those customers requesting conversion to nonpotable service not required by the District, shall be responsible for the full cost of all facilities necessary to deliver nonpotable water~~



SECTION 30

NONPOTABLE WATER SERVICE (continued)

~~from the closest available nonpotable water facility to the premises. Costs shall include, but not be limited to, planning, design and installation of main extensions, service laterals,~~

Once nonpotable water service delivery commences, the customer shall be responsible for all costs of operating and maintaining the water service facilities on the customer's side of the water service meter(s), except where the District has determined that it would be in the best interests of the District to operate and maintain on-site treatment facilities. In the event a customer's water volume demand is increased significantly as a direct result of water quality considerations due solely to the conversion to nonpotable water service, the District may apply a volume conversion factor to the customer's account such that the conversion will not result in an increase to the customer's overall cost of water service. The volume conversion factor shall be applied prior to establishing nonpotable water service, upon request by, and after receipt of adequate documentation of the projected demand increase from, the customer.

2. DESIGN AND CONSTRUCTION ~~OF RETROFIT WORK~~

~~Customers~~ Existing customers required to convert to nonpotable water service may complete the required retrofit work or, as an alternative, allow the District to complete the retrofit work by the date indicated in the District notification. If the District determines prior to the start of construction that the retrofit of the customer's facilities is not feasible, the District shall be released from any obligation to perform or reimburse the cost of any retrofit work.

A- Retrofit Work By District

Where the District performs the design and construction of the retrofit work, the customer shall review the design and sign a Retrofit Agreement and provide access to the site as necessary for the District or its contractors to perform the design and construction work, including but not limited to inspections, testing retrofit items and performing required cross-connection and backflow prevention valve testing, where installation of backflow prevention devices is required by law or recommended by the District.

B- Retrofit Work By Customer

Prior to customer construction of the retrofit work, customers shall submit, for District review, a proposed schedule, cost estimate, and design for the retrofit construction work. The scope of work, cost estimates, and the proposed schedule are subject to District approval prior to commencement of work. Any retrofit elements required by state law shall be included in the retrofit design. Any changes to the proposed retrofit work must be submitted for District approval prior to construction. The customer shall prepare, or have prepared, the design work for the retrofit and complete the retrofit work and, in doing so, comply with all applicable federal, state, and local codes, laws, ordinances and regulations and obtain all necessary permits. The customer shall maintain compliance documents and furnish copies of said documents upon



SECTION 30

NONPOTABLE WATER SERVICE (continued)

District request. Customers shall install backflow prevention devices as required by law or recommended by the District. The District shall not be a party to any contract between the customer and a third-party consultant or contractor, and District shall have no responsibility thereunder, although the District shall be entitled to review the contracts. The customer shall agree to indemnify the District with respect to any claims arising from the design or construction of the retrofit work. The District shall be entitled to inspect the retrofit work to verify that the retrofit items are installed and functioning, and to perform required cross-connection and backflow prevention ~~valve testing~~ testing.

The customer or his or her representative and any construction contractor used to perform the retrofit work shall be present during the final inspection.

Upon completion of the retrofit design work and subject to District approval of design costs, prior to start of design work, the District will reimburse the design costs incurred by the customer.

Upon completion of construction, District inspection and approval of the work and the costs, the District will reimburse the construction costs incurred by the customer.

Once the retrofit is completed and the customer site is ready to accept nonpotable water as certified by the District, the customer will pay the nonpotable water rate per the current applicable rate schedule. If nonpotable water is unavailable when the retrofit is complete, the potable water rate shall be charged until nonpotable water is available for delivery to the site.

C- Failure to Complete Retrofit Work by Customer

Customers who do not complete the retrofit work to enable the delivery of nonpotable water by the District-specified date will not be in compliance with this regulation. ~~Such customers-In such cases, the District may be subject to pursue one or more potential remedies, including, but not limited to a financial penalty, as may be established by the District. Once the retrofit is completed the following:~~

- 1) The General Manager or the Manager of Customer and the customer site is ready Community Services Department may, after a written warning to accept nonpotable water, the customer will pay, authorize installation of a flow restrictor to prevent the nonpotable water rate. If nonpotable water is unavailable when the retrofit is complete, the use of potable water rate shall be charged until for uses for which nonpotable water service has been determined to be feasible by the District.
- 2) Referral to the State Water Resources Control Board for a determination regarding the availability of recycled water pursuant to Water Code section 13550 et seq;
- 3) Legal action to enforce this Section 30 and require completion of the retrofit work.



SECTION 30

NONPOTABLE WATER SERVICE (continued)

NEW CUSTOMER SERVICE APPLICATIONS

New applicants for water service required by the District to use nonpotable water for nondomestic uses, and customers requesting installation of additional nonpotable water service facilities in order to serve new developments or expand capacity, or those customers requesting conversion to nonpotable service not required by the District, shall be responsible for the full cost of all facilities and infrastructure necessary to deliver nonpotable water from the closest available nonpotable water facility to the premises and within. Costs shall include, but not be limited to, planning, design and installation of main extensions, service laterals, meters, irrigation infrastructure, dual plumbing, onsite treatment, backflow prevention, reservoirs or other forms of storage, pumping stations, backup potable water infrastructure, account fees, and all other applicable charges in accordance with the District's Water Service Schedule of Rates and Charges to customers.

The District may require the installation of major nonpotable water main extensions with excess capacity to meet future customer demands in certain service areas. The District will evaluate the need and feasibility for main extension excess capacity on a case by case basis. The applicant or customer (as appropriate) will only be charged for the size of the main required by District standards to serve the nonpotable water demand of the applicant/customer.

Extension of nonpotable water mains shall comply with Section 4 of EBMUD Regulations. Once nonpotable water service delivery commences, the customer shall be responsible for all costs of operating and maintaining the water service facilities on the customer's side of the water service meter(s) and complying with all reporting and inspection requirements per EBMUD and state regulations.

Section 31

Water Efficiency Requirements



SECTION 31

WATER EFFICIENCY REQUIREMENTS

These regulations identify the types of water efficiency requirements for water service and the procedure for notification to Applicants that water efficiency measures are required. Applicants shall be subject to the most current and most water-efficient requirements in effect on the date the District receives payment for new or upgraded service, whether specified by EBMUD or other local, state, or federal regulations ~~in effect on the date the District receives payment for new or upgraded service shall apply.~~

A. DETERMINATION OF FEASIBILITY OF WATER EFFICIENCY MEASURES

The District will review applications for new standard services and determine the applicability of, and compliance with, water-efficiency requirements. Applicants for increased or expanded service shall be required to meet the water-efficiency requirements for all new water service facilities and may be required to retrofit existing water service facilities or uses to comply with all requirements. Applicant shall maintain design documents and construction and installation records and furnish a copy of said documents and records to the District upon request. The District may inspect the installation of indoor and outdoor water efficiency measures to verify that the items are installed and performing to the required water efficiency levels. The Applicant or their representative may be present during any District inspection.

B. WATER EFFICIENCY REQUIREMENTS FOR NEW DEVELOPMENT OR EXPANDED SERVICE

Water service shall not be furnished to any Applicant for new or increased or expanded service, or for any change in customer classification (such as a change from industrial to commercial, residential to commercial, or the like) that includes new or retrofitted water using equipment, unless all the applicable water-efficiency measures hereinafter described in this Section 31 and required by applicable local, state and/or federal law have been reviewed and approved by the District. All the applicable and required water-efficiency measures shall be installed at Applicant's expense.

C. INDOOR WATER USE

- a. All Applicants shall comply with these regulations and those required by applicable local, state and/or federal law including the California Green Building Standards Code (CAL Green). ~~Installation of after-market flow restrictors does not satisfy CAL Green fixture flow rate requirements.~~
- b. Toilets shall be high-efficiency or dual flush models rated and ~~(third party)~~ tested at a maximum average flush volume of 1.28 gallons per flush (gpf), and be certified as passing a 350 gram or higher flush test as established by the U.S. Environmental Protection Agency WaterSense Specification or other District-accepted third party testing entity. Pressure-assisted type toilets shall be high-efficiency rated at a maximum 1.0 gpf. No flush or conversion devices of any other kind shall be accepted.



SECTION 31

WATER EFFICIENCY REQUIREMENTS
(continued)

- c. Wall mounted urinals shall have a maximum rated flow of 0.125 gpf or less, or be zero water consumption urinals.
- d. Floor mounted urinals shall have a maximum rated flow of 0.5 gpf or less.
- e. Single showerheads shall have a maximum flow rate of 1.8 gallons per minute (gpm) at 80 pounds of pressure per square inch (psi).
- f. Multiple showerheads serving a single shower enclosure shall have a combined flow rate of not more than 1.8 gpm at 80 psi or shall be designed to allow only a single showerhead to be operated at one time.
- g. Residential lavatory faucets shall have aerators or laminar flow control devices (i.e., orifices) with a maximum rated flow of 1.2 gallons per minute or less.
- h. Public lavatory faucets shall have aerators or laminar flow control devices with a maximum rated flow of 0.5 gallons per minute or less.
- i. Wash fountains shall have a maximum flow rate of not more than 1.8 gpm per ~~20-inches~~ of rim space wash station.
- j. Metering faucets shall not deliver more than 0.20 gallons per cycle.
- k. Kitchen faucets shall have aerators or laminar flow control devices (i.e., orifices) with a maximum rated flow of 1.8 gallons per minute or less with optional temporary flow of 2.2 gpm.
- l. Clothes washing machines shall be front loading horizontal axis or top loading models with a water factor rating of 4.5 or less. A water factor rating of 4.5 means a maximum average water use of 4.5 gallons per cubic foot of laundry.
- m. Residential dishwashers rated as standard size (i.e. 307 kWh/year) shall use less than or equal to 5.0 gallons/cycle. Dishwashers rated as compact size (i.e., 222 kWh/year) shall use less than or equal to 3.5 gallons/cycle.
- n. Cooling towers not utilizing recycled water shall be equipped with recirculating systems and operate at a minimum of five (5) cycles of concentration. Newly constructed cooling towers shall be operated with conductivity controllers, as well as make up and blowdown meters.



SECTION 31

WATER EFFICIENCY REQUIREMENTS (continued)

- o. Food steamers in all food service facilities shall be boiler-~~less~~ or self-contained models using ≤ 3.0 gallons per hour where applicable.
- p. Ice machines shall be air-cooled ~~and~~ use no more than 20 gallons of water per 100 pounds of ice and shall be equipped with a recirculating cooling unit or water-cooled on a closed loop system.
- q. Commercial refrigeration shall be air-cooled or if water-cooled, must have a closed looped system. No once through, single pass systems are permitted.
- r. Pre-Rinse dishwashing spray valves shall have a maximum rated flow of 1.~~28~~6 gpm or less.
- s. Food disposers shall modulate the use of water to no more than 1 gpm when the disposer is not in use and shall automatically shut off after no more than 10 minutes of inactivity. Disposers shall use no more than 8 gpm of water.
- t. Commercial dishwashers or ware washing equipment shall be currently labeled an EnergyStar rated water efficient model meeting the maximum water consumption limits as specified in the table below:

Machine Type	High Temp Requirements	Low Temp Requirements
Under Counter	≤ 0.86 GPR	≤ 1.19 GPR
Stationary Single Tank Door	≤ 0.89 GPR	≤ 1.18 GPR
Pot, Pan, and Utensil	≤ 0.58 GPSF	≤ 0.58 GPSF
Single Tank Conveyor	≤ 0.70 GPR <u>RP</u>	≤ 0.79 GPR
Multiple Tank Conveyor	≤ 0.54 GPR <u>RP</u>	≤ 0.54 GPR <u>RP</u>
Single Tank Flight Type	$\leq \text{GPH} \leq 2.975x + 55.00$	$\leq \text{GPH} \leq 2.975x + 55.00$
Multiple Tank Flight Type	$\leq \text{GPH} \leq 4.96x + 17.00$	$\leq \text{GPH} \leq 4.96x + 17.00$

*~~GPR~~RP (gallons per rack); GPSF (gallons per square foot); GPH (gallons per hour)

- u. Conveyor and in-bay vehicle wash facilities shall reuse a minimum of 60% of water from previous vehicle rinses in subsequent washes.
- v. Self-service vehicle wash facilities shall use spray nozzles with a flow rate of 3.0 gpm or less.
- w. Swimming pools and spas shall be covered when not in use, unless public health and safety concerns exist.



SECTION 31

**WATER EFFICIENCY REQUIREMENTS
(continued)**

D. OUTDOOR WATER USE

- a. All Applicants shall comply with all District water service regulations and those required by applicable local, state and/or federal law including the Model Water Efficient Landscape Ordinance (MWELO).
- b. Applicants shall submit, at a minimum, a scaled site plan that identifies the property address, parcel boundaries, building footprints, hardscape, softscape, meter location, and location of each hose bib. If an application for service is submitted without a detailed landscape plan for the entire premises, the District will estimate the new irrigable landscape area to determine the potential irrigation demand (default demand) for inclusion in the total domestic water demand calculation. Projects subject to MWELO shall also provide a compliant landscape documentation package as required by the ordinance.
- c. All premises with 500 square feet or more of new irrigable landscape area shall install a modular weather-based smart controller with rain or soil moisture sensor, an irrigation connection with a manual shutoff valve, a backflow prevention device, a pressure regulator where pressure exceeds the operating range of system components, and sleeves allowing irrigation to extend to all landscape areas.
- d. All non-residential premises with 500 square feet or more of new irrigable landscape shall also install a flow sensor with master shutoff valve.
- e. All residential premises with more than 5,000 square feet of new irrigable landscape area shall also install a flow sensor with master shutoff valve.
- f. As provided in Sections 1 and 3 of the Regulations, unless determined by the District that a District-dedicated irrigation meter is required, a private dedicated irrigation meter shall be required for residential premises with an irrigable landscape area of 5,000 square feet or more.
- g. As provided in Sections 1 and 3 of the Regulations, unless determined by the District that a District-dedicated irrigation meter is required, a private dedicated irrigation meter shall be required for non-residential premises with an irrigable landscape area of more than 1,000 square feet but less than 5,000 square feet.
- h. As provided in Sections 1 and 3 of the Regulations, a District dedicated irrigation meter shall be required for non-residential premises with an irrigable landscape area of 5,000 square feet or more.



SECTION 31

WATER EFFICIENCY REQUIREMENTS
(continued)

E. ~~PENALTIES/CONSEQUENCES~~ NONCOMPLIANCE

~~Failure of Applicant to conform to this Regulation and the water efficiency requirements stated herein may require the Applicant to resubmit a revised water service application and water efficiency plan at the Applicant's expense. The District may withhold water meter(s) and account activation until the District approves compliance with these requirements.~~

The District will review applications for new and expanded services for water efficiency features as described in this Section. If an application does not meet the water efficiency requirements, the District may require the Applicant to resubmit a revised water service application and water efficiency plan at the Applicant's expense. The District may withhold water meter(s) and account activation until the District determines the application complies with the requirements of this Section.-

Schedule D

**Wastewater Department
Other Fees**



SCHEDULE D – WASTEWATER DEPARTMENT OTHER FEES

EFFECTIVE ~~07/01/19~~07/01/20

TYPE	RATE
SF Bay Commercial Pollution Prevention Fee	\$5.48/month ¹
SF Bay Residential Pollution Prevention Fee	\$0.20/month per dwelling unit ²
Monitoring Fees	\$1,550
Violation Follow-Up Fees	
Stage 1	\$730
Stage 2	\$1,550 + Testing Fees ³
Stage 3	\$3,190 + Testing Fees ³
Private Sewer Lateral Compliance Fees	
Compliance Certificate ⁴	\$270
Time Extension Certificate	\$110
Inspection Reschedule	\$80
Extra Lateral or Additional Verification Test	\$70 per lateral
Off-Hours Verification	\$220 for 2.5 hours
Specific Appointment Time	\$280
HOA Oversight	\$300
PSL Violation Follow-Up – Initial Fee	\$380
PSL Violation Follow-Up – Monthly Fee	\$100
Compliance Agreement	\$190

¹SF Bay Commercial Pollution Prevention Fee applicable to all non-residential accounts.

²SF Bay Residential Pollution Prevention Fee applicable to all residential accounts. Fee will be charge per dwelling unit up to five dwelling units.

³Violation follow-up fees do not include required testing. Testing fees will be charged in accordance with Schedule E Wastewater Department Testing Fees.

⁴Compliance Certificate Fee may be assessed for performance of a Verification Test that results in issuance of a new Compliance Certificate or annotation of an existing Compliance Certificate.

Schedule G

Wastewater Department Capacity Fees



SCHEDULE G – WASTEWATER DEPARTMENT CAPACITY FEES

EFFECTIVE ~~07/01/19~~ 07/01/20

A. Wastewater Capacity Fee for Non-Permit Applicants

For applicants who are not required to obtain a Wastewater Discharge Permit the Wastewater Capacity Fee (WCF) is based on the applicant's estimated annual wastewater discharge flow and strength.

1. **Residential WCF (dollars per dwelling unit)^{1, 2}** ~~\$2,750~~ 2,810

2. **Non-Residential WCF for meters 1-1/2 inches and smaller (dollars per connection)²**

For service connections with meters 1-1/2 inches and smaller, the District reserves the right to request specific water use information from the applicant to determine applicant's estimated annual wastewater discharge flow and strength. The District reserves the right to determine the appropriate meter size and wastewater strength category to meet the applicant's estimated annual wastewater discharge flow and strength and assess the WCF using this Section (A)(2). If the District determines that the applicant's estimated annual wastewater discharge flow exceeds 1,390 gallons per day (gpd) or that a meter larger than 1-1/2 inches is required to meet the applicant's needs, this Section (A)(2) no longer applies. For estimated annual wastewater discharge flows that exceed 1,390 gpd and meters larger than 1-1/2 inches, Section (A)(3) shall be used to determine the WCF based on the applicant's estimated annual wastewater discharge flow and strength category. The District's decision shall be final.

Strength Category	Meter Size		
	5/8 inch	3/4 & 1 inch	1-1/2 inch
Low	\$4,090 <u>4,170</u>	\$10,760 <u>10,980</u>	\$20,960 <u>21,380</u>
Medium	8,280 <u>8,440</u>	21,750 <u>22,180</u>	42,390 <u>43,230</u>
High	16,210 <u>16,530</u>	42,610 <u>43,460</u>	83,020 <u>84,660</u>

3. **Non-Residential (meter size over 1-1/2 inch)^{2, 3, 4}**

The WCF for service connections with meters larger than 1-1/2 inch shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the per CCF WCF charge to the annual wastewater discharge flow calculated by the District for the appropriate strength category for the service connection.

Strength Category	\$/Ccf/year
Low	\$31.01 <u>31.63</u>
Medium	62.70 <u>63.94</u>
High	122.81 <u>125.24</u>

In no instance will the WCF for a meter larger than 1-1/2 inches be less than the 1-1/2 inch price for a given strength category.



SCHEDULE G – WASTEWATER DEPARTMENT CAPACITY FEES

EFFECTIVE ~~07/01/19~~07/01/20

If the District has determined based on the water use information furnished that a meter larger than 1-1/2 inches is appropriate or if the estimated annual wastewater discharge exceeds 1,390 gpd, the WCF calculated from the District's estimate of annual wastewater discharge flow shall apply irrespective of the arrangement of the water metering or meter size at the premises.

Business Classification Code (BCC) Category: Low Strength

Code	Description
4500	Air Transportation
7542	Automobile Washing and Polishing
7215	Coin Operated Laundromats
3200	Earthenware Manufacturing
8060	Hospitals
7000	Hotels, Motels with Food Service
7300	Laboratories
3470	Metal Coating
3400	Metal Products Fabricating
3300	Primary Metals Manufacturing
8200	Schools
2820	Synthetic Material Manufacturing
	All Other Business Classification Codes (includes dischargers of only segregated domestic wastes from sanitary conveniences)

BCC Category: Medium Strength

Code	Description
2080	Beverage Manufacturing & Bottling
2840	Cleaning and Sanitation Products
7210	Commercial Laundries
2830	Drug Manufacturing
5812	Food Service Establishments
2030	Fruit and Vegetable Canning
2040	Grain Mills
2893	Ink and Pigment Manufacturing
2810	Inorganic Chemicals Manufacturing
2600	Pulp and Paper Products
2011	Slaughterhouses



SCHEDULE G – WASTEWATER DEPARTMENT CAPACITY FEES

EFFECTIVE ~~07/01/19~~ 07/01/20

BCC Category: High Strength

Code	Description
2050	Bakeries (including Pastries)
2020	Dairy Product Processing
3410	Drum and Barrel Manufacturing
7218	Industrial Laundries
3110	Leather Tanning and Finishing
2010	Meat Products
2850	Paint Manufacturing
2077	Rendering Tallow
2090	Specialty Foods Manufacturing
2060	Sugar Processing

B. WCF for Permit Applicants

For applicants who are required to obtain a Wastewater Discharge Permit, the Wastewater Capacity Fee (WCF) is based on the applicant's estimated annual wastewater discharge flow and strength concentrations listed on the applicant's discharge permit at the time of application.

Permit Accounts ^{2, 3, 4, 5}

Flow (\$/ccf/year)	\$13.85 14.12
Chemical Oxygen Demand (COD) (\$/lb/year)	1.45 1.48
Total Suspended Solids (TSS) (\$/lb/year)	6.66 6.79

¹Includes BCC 6513 Apartment Buildings, 6514 Multi-Family and 8800 Single Family.

²A credit may be provided for existing services. Where a new service will replace one or more existing or prior services to a premise ~~and at that WCF was previously paid a WCF~~, a credit will be applied to the new WCF ~~based on the WCF previously paid~~. For existing meters 1-1/2 inches and smaller, the value of the WCF credit will be determined using the flow and strength assumed in the original WCF and based on the current WCF schedule (for flow and strength), or based on the existing strength and meter size if the information from the original WCF is not available. For existing meters over 1-1/2 inches, the value of the WCF credit will be determined using the flow and strength assumed in the original WCF and updated using based on the current WCF schedule (for flow and strength). If the flow and strength information is not available from the original WCF, the strength and flow from the most recent 10 years of usage and strength will be used to determine the WCF credit, provided that this value is not less than the value indicated in the schedule for the 1-1/2 inch meter.

For premises on which no WCF was paid, customers will be granted a credit for the existing use. For existing meters 1-1/2 inches and smaller, the WCF credit will be calculated based on the current WCF schedule for the existing meter size and strength. For existing meters over 1-1/2 inches, the WCF credit will be calculated based on the most recent 10 years of usage and strength for the existing meter, provided that this value is not less than the value indicated in the



SCHEDULE G – WASTEWATER DEPARTMENT CAPACITY FEES

EFFECTIVE ~~07/01/19~~ 07/01/20

schedule for the 1-1/2 inch meter.

If the account is subject to an Estimation Permit, the usage credit will consider diversion. [The WCF credit cannot be applied to a standby meter, fire service meter, or in the case of a combination standard and fire service meter, the portion of the meter oversized for the private fire protection system.](#)

³Capacity Fee is based on the anticipated annual flow contributions and the average wastewater strength measured or assigned for each classification of customer. The District may review the actual flow and strength within 24 months, once the business is fully established to verify the estimated demand for wastewater capacity. The review may result in the assessment of additional capacity fees if the actual flow and strength exceeds the original estimate.

⁴For non-residential customers with projected treatment revenues equal to or greater than 0.1% of the total District treatment revenue, the calculated capacity fee will be reduced by a Rate Stabilization Factor of 25%. Projected treatment revenue will be based on permit conditions at the time of application or on average wastewater strength measured for each classification of customer if a permit is not required for discharge. Total District treatment revenue will be based on the budgeted fiscal year amount at the time of application.

⁵Total fee is a summation of the unit rates for flow, COD, and TSS applied to the permit conditions at the time of application.



AGENDA NO.
MEETING DATE

10a.-e.
May 12, 2020

**TITLE MOKELUMNE AQUEDUCT SYSTEM ROUTINE MAINTENANCE PROJECT -
ADOPT FINAL MITIGATED NEGATIVE DECLARATION AND PROJECT
APPROVAL**

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION



- Adopt the Final Mitigated Negative Declaration (MND) for the Mokelumne Aqueduct System Routine Maintenance Project (Project)
- Make findings in accordance with the California Environmental Quality Act (CEQA)
- Adopt the Mitigation Monitoring and Reporting Plan in accordance with CEQA
- Adopt the Practices and Procedures Monitoring and Reporting Plan
- Approve the Project

SUMMARY

The District routinely performs maintenance along the Mokelumne Aqueducts. Activities related to streambeds are monitored and permitted by the California Department of Fish and Wildlife (CDFW) through various Routine Maintenance Agreements (RMAs), which are renewed every five years. The District uses two RMAs for the Mokelumne Aqueducts corresponding with the two CDFW regions spanned by aqueduct alignment. The Project entailed an analysis of the District's maintenance practices along the aqueducts and preparation of a Mitigated Negative Declaration (MND) to support the renewal of each RMA. A presentation of this Project was provided to the Planning Committee on February 13, 2019 and May 12, 2020.

DISCUSSION

The District performs routine maintenance to protect and maintain operability of the Mokelumne Aqueducts. Common District activities include vegetation removal, road maintenance, culvert repair, and fence repair. Any work impacting a streambed requires a Streambed Alteration Agreement which is administered by CDFW through an RMA, pursuant to Fish and Game Code Section 1602. The aqueduct maintenance activities are within the jurisdiction of two CDFW regions and permitted by separate RMAs. Maintaining District assets and property while complying with applicable permits and CEQA supports the District's Long-Term Infrastructure Investment and Water Quality and Environmental Protection Strategic Plan goals.

Funds Available: FY20-21		Budget Code: Various/Various/5312
DEPARTMENT SUBMITTING Water Operations	DEPARTMENT MANAGER  David A. Briggs	APPROVED  General Manager

Environmental Review Process/Public Outreach

The MND for the Project was completed and circulated for a 31-day public comment period from December 13, 2019 to January 13, 2020. Postcards and notices were sent to approximately 42 agencies and tribes; notices were also posted on the District's website, filed with the County Clerks of Alameda, Contra Costa, Calaveras, and San Joaquin Counties, and published in the Oakland Tribune, Calaveras Enterprise, Contra Costa Times, Lodi News-Sentinel, and The Record (Stockton, California).

Seven comment letters encompassing approximately 21 individual comments were submitted during the MND public comment period. The comments focused on permitting, regulatory requirements, sediment and debris disposal, beaver dam removal, burrowing owl surveying protocol, special-status species occurrence reporting, and tribal cultural resources. The comment letters in their entirety, responses to the comments, and text edits added to the MND are included in Appendix E, "Response to Comments," of the Final MND. The responses to comments and text edits to the MND do not identify new significant impacts, but merely clarify information already presented in the MND.

Public Notice

A Notice of Availability (NOA) of the Final MND was mailed on May 1, 2020 to responsible or trustee agencies and posted in the District's Administration Building. The NOA was also sent to the commenting individuals notifying them of the Final MND and Board meeting to consider adoption of the Final MND. Copies of the Final MND were made available at District offices in Oakland and posted on the District's website. Notice of the Board of Directors meeting was also included in the NOA for the Final MND.

MND Analysis and Mitigation Measures

The MND determined Project-related maintenance activities could potentially generate environmental impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, tribal cultural resources, and wildfire. The MND analysis concluded that potential impacts exist for:

- Riparian habitat
- Wetland habitat
- Special-status and sensitive plant and wildlife species
- Previously undiscovered cultural resources
- Previously undiscovered paleontological resources
- Temporary construction noise associated with maintenance work
- Wildfire risk

Appropriate mitigation measures will be implemented to reduce those potentially significant impacts to less than significant. Key mitigation measures include:

- Annual and pre-maintenance training for maintenance staff
- Pre-maintenance surveys for special-status species, when conditions require
- Species-specific avoidance and minimization measures during maintenance

- Appropriate compensation for special-status species habitat impacts
- Riparian habitat restoration or compensation
- Wetland compensation through on- or off-site restoration, enhancement, and preservation, or the purchase of mitigation credits at an approved mitigation bank

A number of District standard practices and procedures, such as from the District's Environmental Compliance Manual, will also be incorporated into the Project. These standard practices are designed to address typical characteristics of District projects and reflect generally applicable District standard operating procedures.

Project Schedule

Routine Maintenance Agreement permit renewals with CDFW Regions 2 and 3 are pending the completion of CEQA. Routine maintenance activities along the Mokelumne Aqueduct system will resume after permits are re-issued by CDFW.

SUSTAINABILITY

Economic

Funding for the Project is included in the FY20-21 budget.

Social

District staff met multiple times with staff from CDFW Region 2 and Region 3 to collaborate on the renewal of each RMA. District staff notified and coordinated with Native American tribes with a traditional and cultural affiliation within the Project vicinity. Public agencies within the Project vicinity were notified of the release of the MND in December 2019 and public notices were published in local newspapers.

Environmental

The Final MND identified and evaluated the potential environmental impacts of the Project and included mitigation measures to lessen or eliminate adverse impacts to the environment. The implementation of mitigation measures pertaining to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, tribal cultural resources, and wildfire would reduce Project-related impacts to a less than significant level.

ALTERNATIVES

Do not adopt the Final MND or approve the Project. This alternative is not recommended as each Board action is required for the Project to proceed. The Final MND meets all CEQA requirements.

Do not proceed with the Project. This alternative is not recommended as the permitted activities are necessary to maintain District infrastructure.

RESOLUTION NO. _____

ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE MOKELUMNE
AQUEDUCT SYSTEM ROUTINE MAINTENANCE PROJECT, ADOPTING THE
MITIGATION MONITORING AND REPORTING PLAN AND PRACTICES
AND PROCEDURES MONITORING AND REPORTING PLAN,
AND APPROVING THE PROJECT

Introduced by Director

; Seconded by Director

WHEREAS, the East Bay Municipal Utility District (EBMUD) owns and operates a raw water conveyance system, comprised of an approximately 100-mile-long pipeline system that includes the Mokelumne Aqueducts, the Lafayette Aqueducts, the Moraga Aqueduct, the Briones Aqueduct, and the Upper San Leandro Aqueduct that supplies water from the Mokelumne River to the EBMUD service area within the East San Francisco Bay Area (East Bay); and

WHEREAS, the Mokelumne Aqueduct System Routine Maintenance Project (Project) involves the routine maintenance of aqueduct facilities at access road and aqueduct stream crossing locations that require California Fish and Game Code section 1602 Lake or Streambed Alteration Agreements (LSAAs) authorized by the California Department of Fish and Wildlife (CDFW); and

WHEREAS, EBMUD performs routine maintenance activities on the aqueduct facilities to maintain their functional and structural integrity; and

WHEREAS, the Project includes maintenance activities involving sediment and debris removal; vegetation management; maintenance and repair or replacement of culverts, road crossings, and other structures; and bank and levee repair and erosion protection at maintenance sites along the 100-mile aqueduct system alignment and adjacent waters within an existing 100-foot-wide EBMUD right-of-way; and

WHEREAS, EBMUD has incorporated into the Project requirements from its Environmental Compliance Manual, Climate Mitigation Action Plan and Climate Change Monitoring and Response Plans, and EBMUD Procedure 711, Hazardous Waste Removal (EBMUD Practices and Procedures), as set forth in Appendix B to the Mitigated Negative Declaration (MND) and described throughout the MND when applicable; and

WHEREAS, these EBMUD Practices and Procedures are standardized practices and procedures applicable to all EBMUD projects, are not tailored to address specific impacts of the Project, reflect generally applicable EBMUD standard operating procedures, and as such have been properly incorporated into the Project itself rather than being imposed as mitigation measures under the California Environmental Quality Act (CEQA); and

WHEREAS, nonetheless, to ensure their implementation and to streamline monitoring thereof, the EBMUD Practices and Procedures have been incorporated into a Practices and Procedures Monitoring and Reporting Plan for the Project; and

WHEREAS, in accordance with CEQA, EBMUD, as lead agency, prepared an Initial Study for the Project analyzing whether any potentially significant environmental impacts would result from the Project; and

WHEREAS, the Initial Study determined that with the implementation of mitigation measures, the Project would not result in any potentially significant environmental impacts; and

WHEREAS, on December 13, 2019, the Draft MND for the Project was completed by EBMUD as lead agency and circulated for review and comment, providing a 30-day comment period ending on January 13, 2020, in accordance with CEQA and applicable laws and regulations; and

WHEREAS, on December 13, 2019, EBMUD published a Notice of Intent (NOI) to adopt the MND; filed the NOI with the County Clerks of Alameda, Calaveras, Contra Costa, and San Joaquin Counties; published the NOI in the Oakland Tribune, Contra Costa Times, Calaveras Enterprise, Lodi News-Sentinel and The Record (Stockton, California); mailed the NOI through direct postcard to relevant federal, state, and local agencies and tribes whose jurisdiction or area of interest may overlap with or be adjacent to Project facilities; and submitted a Notice of Completion to the Governor's Office of Planning and Research, State Clearinghouse; and

WHEREAS, EBMUD also provided copies of the Draft MND for public review at the EBMUD administrative offices in Oakland and on EBMUD's website; and

WHEREAS, EBMUD received and responded to seven comment letters on the Draft MND, and subsequently modified portions of the MND to provide further clarity and to address concerns raised in the comments; and

WHEREAS, EBMUD prepared a Final MND, which includes responses to all comments on the MND and textual clarifications made to the MND in response to those comments; and

WHEREAS, EBMUD sent a Notice of Availability of the Final MND to all commenting public agencies, commenting residents, and affected local agencies on May 1, 2020 and posted the Final MND on its website; and

WHEREAS, EBMUD has prepared a detailed Mitigation Monitoring and Reporting Plan (MMRP) and Practices and a Procedures Monitoring and Reporting Plan, attached hereto as Exhibits B and C, respectively, and incorporated herein by this reference;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District does hereby find, determine and certify that:

1. The above recitals are incorporated as if set forth herein.
2. The Final MND has been presented to the Board of Directors along with all comments received. The Board of Directors reviewed and considered the information contained therein prior to approving the Project, and the Final MND reflects the Board of Director's independent judgment and analysis.

3. All proceedings of the environmental review process, including circulation of the MND and all required notices, have been conducted and completed in accordance with CEQA, the CEQA Guidelines, and all other applicable laws, regulations, and procedures.
4. The potential environmental impacts of the Project are fully disclosed in the Final MND, and the Final MND is adequate for use by EBMUD for approval and implementation of the Project.
5. The documents and materials constituting the record of the proceeding are located at EBMUD's administrative offices, 375 11th Street, Oakland, CA 94607. The custodian of these records is the Secretary of the District.
6. No substantial change in circumstances has occurred since preparation of the Final MND which would require substantial revisions to the Final MND or preparation of an Environmental Impact Report (EIR) due to the discovery or disclosure of new, significant impacts not covered in the Final MND or due to a determination that proposed mitigation measures would not reduce impacts to less-than-significant levels, and there is no requirement to recirculate the Final MND or prepare an EIR.
7. The Board of Directors makes the findings and determinations regarding the Project set forth in the findings, attached hereto as Exhibit A. Exhibit A is hereby incorporated into this Resolution by this reference.
8. The Board of Directors hereby approves, adopts, and imposes the MMRP, attached hereto as Exhibit B and incorporated herein by this reference. The mitigation measures set forth in the MMRP and adopted by the Board of Directors are hereby imposed as conditions of Project approval.
9. The Board of Directors hereby approves, adopts, and imposes the Practices and Procedures Monitoring and Reporting Plan, attached hereto as Exhibit C and incorporated herein by this reference. The EBMUD Practices and Procedures set forth in Exhibit C and adopted by the Board of Directors are hereby imposed as conditions of Project approval.

BE IT FURTHER RESOLVED that in accordance with CEQA, the Board of Directors determines that impacts identified in the MND as potentially significant will be reduced to a less than significant level because EBMUD has made or agreed to Project revisions and/or mitigation measures. EBMUD, acting as lead agency, has therefore determined that an MND is appropriate for this Project.

BE IT FURTHER RESOLVED that based on the whole record before it, including the MND and comments received, the Board of Directors finds that there is no substantial evidence that the Project will have a significant effect on the environment. Therefore, the MND is hereby adopted as having been completed in compliance with CEQA.

BE IT FURTHER RESOLVED that the Project as described in Exhibit A hereto, is hereby approved.

BE IT FURTHER RESOLVED that the General Manager is hereby directed to take such actions as shall be necessary to implement the Project as described in the Final MND, subject to compliance with all mitigation measures set forth in the MMRP attached hereto as Exhibit B and all EBMUD Practices and Procedures set forth in Exhibit C.

BE IT FURTHER RESOLVED that the Secretary of the District is hereby directed to post a Notice of Determination for the Project on EBMUD's public-facing website and to submit the Notice of Determination electronically to the State Clearinghouse CEQAnet Web Portal, in accordance with the law and the requirements of Governor Newsom's Executive Order N-54-20.

ADOPTED this 12th day of May, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

{00048534;5}

EXHIBIT A

EAST BAY MUNICIPAL UTILITY DISTRICT BOARD OF DIRECTORS' FINDINGS REGARDING THE MOKELUMNE AQUEDUCT SYSTEM ROUTINE MAINTENANCE PROJECT

1. Introduction

This is the findings document adopted by the East Bay Municipal Utility District (EBMUD) Board of Directors (Board) for the Mokelumne Aqueduct System Routine Maintenance Project (Project). As approved by the Board, the Project involves the routine maintenance of aqueduct facilities at access road and aqueduct stream crossing locations along EBMUD's approximately 100-mile-long aqueduct system that require Fish and Game Code section 1602 Lake or Streambed Alteration Agreements (LSAAs) authorized by the California Department of Fish and Wildlife (CDFW). The Project includes the following types of routine maintenance activities:

- Sediment and debris removal;
- Vegetation management;
- Maintenance and repair of culverts, road crossings, and other structures; and
- Bank and levee repair and erosion protection.

Sections 1.1 through 1.2 of this document describe the Project, its objectives, and the need to complete the Project.

Section 2, "Findings Regarding Independent Review and Judgment," contains the findings regarding the independent review and judgment of the Board.

Section 3, "Findings Regarding the Project," contains the findings regarding potential Project impacts.

Section 4, "Findings Related to Mitigated Negative Declaration (MND) Recirculation and Environmental Impact Report (EIR) Preparation," contains findings regarding whether MND recirculation or EIR preparation is necessary.

Section 5, "Findings Related to Project Approval," contains findings approving the Project.

1.1 Project Description

The Project approved by the Board is described in detail in chapter 2 of the Final MND, as modified by minor clarifying revisions contained in Appendix E to the Final MND, and summarized below. The Mokelumne Aqueducts originate at EBMUD's Pardee Reservoir in the Sierra Foothills and extend from the West Portal in Campo Seco for 82 miles through the Central Valley, along the Calaveras River and the Sacramento-San Joaquin River Delta, to the East Portal facility in the EBMUD service area in the East Bay. The Project area includes maintenance sites along the 82-mile aqueduct alignment and adjacent waters within the 100-foot-wide EBMUD right-of-way (ROW).

Once the Mokelumne Aqueducts reach the EBMUD service area, there are a number of East Bay aqueducts for conveying raw water to EBMUD's water treatment plants and terminal reservoirs, which span an additional 18 miles through the East Bay. The Project area also includes maintenance sites along these aqueducts, primarily at locations where the aqueducts have discharge structures at local creeks or drainage channels.

From east to west, the aqueduct system travels through the Counties of Calaveras, San Joaquin, Contra Costa, and Alameda. Approximately 31 miles of the Mokelumne Aqueducts are located in California Department of Fish and Wildlife (CDFW) Region 2 and 51 miles are located in CDFW Region 3. The 18 miles of the East Bay aqueducts are all located in CDFW Region 3.

The Project involves the routine maintenance of aqueduct facilities at access road and aqueduct stream crossing locations that require Fish and Game Code section 1602 Lake or Streambed Alteration Agreements (LSAAs) authorized by CDFW. Access roads are critical to repairs, maintenance, and operations of the aqueducts and maintenance activities provide for safe travel on the access roads at stream crossings, while ensuring natural flows for ditches, swales and other watercourses. Routine maintenance of the access road stream crossings is ongoing due to changing conditions resulting from weather events, deterioration of culverts and normal use. Routine maintenance work is also required due to deterioration of culvert ends, headwalls and/or weather conditions that could affect the integrity of the aqueduct pipelines. Routine maintenance activities occur every one to five years in the stream zones of the Project depending on location and maintenance needs.

EBMUD currently performs routine maintenance along portions of the Mokelumne Aqueduct System under two existing LSAAs, one with CDFW Region 2 (North Central Region) covering approximately 18 miles of the Mokelumne Aqueduct, and one with CDFW Region 3 (Bay Delta Region) covering approximately 42 miles of the Mokelumne Aqueduct, 7 miles of the Lafayette Aqueducts, and 6 miles of the Moraga Aqueduct. There is no existing LSAA covering routine maintenance activities in the remaining portion of the Mokelumne Aqueduct System. Work within that portion of the Mokelumne Aqueduct System is completed after obtaining approval from CDFW on an activity-by-activity basis.

EBMUD performs routine maintenance activities to maintain the functional and structural integrity of its facilities. Habitat and ground disturbance associated with maintenance activities is limited and small in scale.

EBMUD's routine maintenance includes the following categories of activities to maintain the functional and structural integrity of EBMUD-owned facilities:

- *Sediment and Debris Removal* - Removal of debris, sediment, vegetation, rubbish, downed trees, and other material that could obstruct the natural flow in channels;
- *Vegetation Management* - Control of weeds, grasses, emergent vegetation, and woody vegetation in channels and on adjacent banks;
- *Maintenance and Repair of Culverts, Road Crossings, and Other Structures* - Maintenance, repair and replacement of culverts and drainage and erosion control structures (e.g., gates, barricades, bridges, minor repainting with hand tools, minor

- geotechnical sampling); and
- *Bank and Levee Repair and Erosion Protection* - Erosion control repairs and bank stabilization.

EBMUD has incorporated into the Project certain standard practices and procedures from its Environmental Compliance Manual (including the engine idling procedure), Climate Mitigation Action Plan and Climate Change Monitoring and Response Plans, and EBMUD Procedure 711, Hazardous Waste Removal, which defines hazardous waste and establishes responsibilities for removal of hazardous wastes from EBMUD facilities (See Exhibit C to this resolution). These standard practices are designed to address typical characteristics of EBMUD projects and are not project-specific or tailored to the unique characteristics of the Project. These standard practices, which are applicable to all EBMUD projects, reflect generally applicable EBMUD standard operating procedures. The particular provisions of those standard specifications and practices that help minimize Project impacts are set forth and/or summarized in Exhibit C hereto and adopted by the Board to ensure their implementation.

1.2 Project Objectives

The Project's objective is to:

1. Maintain the functional and structural integrity of EBMUD's facilities at access road and aqueduct stream crossing locations; and
2. Ensure provision of supplied water to EBMUD's service area.

Access roads are critical to repairs, maintenance, and operations of the aqueducts and they provide for safe travel at stream crossings, while ensuring adequate drainage for ditches, swales and other watercourses. Routine maintenance of the access road stream crossings is ongoing due to changing conditions resulting from weather events, deterioration of culverts and normal use. Routine maintenance work is also required due to deterioration of culverts, headwalls and/or weather conditions that could affect the integrity of the aqueduct pipelines.

2. Findings Regarding Independent Review and Judgment

Each member of the EBMUD Board was provided access to a complete electronic copy of the MND, as well as a copy of the Mitigation Monitoring and Reporting Plan (MMRP) and Practices and Procedures Monitoring and Reporting Plan in May 2020 and of the Final MND (including responses to comments) on May 1, 2020.

The Board hereby finds that the Final MND reflects EBMUD's independent judgment, and that the Board has independently reviewed and analyzed the Final MND together with the comments received during the public review process and the MMRP and Practices and Procedures Monitoring and Reporting Plan prior to taking any final action with respect to the proposed Project.

3. Findings Regarding the Project

Having reviewed and considered the information contained in the Final MND, the comments on the MND, and the MMRP and Practices and Procedures Monitoring and Reporting Plan, the Board hereby adopts the following findings regarding Project impacts.

3.1 Findings Regarding Standard Specifications and Practices

EBMUD hereby finds that the requirements from its Environmental Compliance Manual (including the engine idling procedure), Climate Mitigation Action Plan and Climate Change Monitoring and Response Plans, and EBMUD Procedure 711, Hazardous Waste Removal, set forth in Exhibit C have been incorporated into the Project and are required to be implemented. As explained in the Final MND, inclusion of these Practices and Procedures in the Project results in reduced environmental impacts in several topic areas, including energy, greenhouse gas emissions, hazards and hazardous materials, and hydrology and water quality.

3.2 Findings Regarding Significant and Unavoidable Effects

The Board hereby finds, based on the whole record (including the MND and the comments received), that there is no substantial evidence that the Project will have a significant and unavoidable effect on the environment.

3.3 Findings Regarding Significant Effects Mitigated to Less Than Significant Levels

It has been determined that mitigation measures proposed in the Final MND, and as set forth in the MMRP, will avoid or mitigate the effects shown below to less than significant levels.

3.3.1 Biological Resources

3.3.1.1 Impact Biology a): Potential to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

Findings

During the Project's maintenance activities, special-status plant and animal species with a moderate to high potential to occur at the Project site have the potential to be impacted by construction activities, including vegetation removal, clearing, grubbing, grading, excavation, material storage, equipment movement, and vehicle travel. Implementation of Mitigation Measures BIO-1 through BIO-17, HAZ-1, HYD-1, and HYD-2 would reduce the potential impacts to less than significant levels.

Special-Status Plants

Five special-status plant species have potential to occur in freshwater marsh on the margins of sloughs and streams in or near some Project sites located within the Delta. Clearing, grubbing, ground-disturbance (e.g., grading), and the movement of equipment could directly damage or destroy special-status plant species at Project maintenance sites where special-status plant species (including CEQA-relevant, locally rare species) occur. Though potentially significant, the likelihood for direct impacts to special-status plant species is low as the footprint for routine maintenance activities is relatively small and often repeated in the same focused locations over time. Potential direct impacts to special-status plant species would only occur in situations where maintenance activities would occur in previously undisturbed native vegetation or vegetation that hasn't been disturbed for at least three years and where the locale is known to support rare plant species. In addition, special-status plant species could be indirectly impacted through the degradation of their habitats resulting from hydrologic alteration associated with grading, or the introduction of pathogens or invasive plant species via transferred soil or plant materials from a contaminated or infested site to a newly disturbed maintenance site. EBMUD would implement Mitigation Measures BIO-1 through BIO-4 to mitigate impacts on special-status plant species to a less than significant level.

Special-Status Invertebrates

Valley elderberry longhorn beetle (VELB) is federally threatened and has potential to occur at numerous Project sites within the Delta, Central Valley, and Sierra Nevada Foothills (eastern Contra Costa, San Joaquin, and western Calaveras counties) where elderberry (*Sambucus nigra* ssp. *caerulea*) shrubs with a basal stem diameter of one inch or greater are present. VELB could be directly impacted through clearing, grubbing, and ground-disturbance that physically crushes or injures individuals, or removes occupied elderberry shrubs that provide habitat for VELB. VELB could be indirectly impacted by activities that degrade the health of suitable elderberry shrubs, including erosion that undermines roots, soil placement near an elderberry shrub that substantially alters the local hydrology and water available to the shrub, generation of dust that settles on leaves of the host plant, and the introduction of invasive plants or diseases that respectively outcompete or infect elderberry shrubs. Mitigation Measures BIO-1, BIO-5, and BIO-6 would be implemented to reduce potential impacts on VELB and VELB habitat to less than significant levels.

Special-Status Amphibians

Four special-status amphibian species have potential to occur within Project maintenance sites, including California tiger salamander (*Ambystoma californiense*; CTS), foothill yellow-legged frog (*Rana boylei*; FYLF), California red-legged frog (*Rana draytonii*; CRLF), and western spadefoot (*Spea hammondi*; WSF). None of these species were observed during reconnaissance-level surveys, but all are known to occur in various areas/habitats within the Project area. Special-status amphibians could be directly affected by Project-related equipment placement, ground-disturbance, materials placement, or in-water work within occupied drainages or other water bodies that crushes burrows or aquatic habitat, or from the introduction of pollutants to aquatic habitat causing mortality or injury to individual frogs. Indirect effects to special-status

amphibians may include the exposure of soil that erodes and impacts water quality and breeding habitat quality within suitable drainages, introduction of pollutants to aquatic habitat leading to diminished water quality, substantial changes in the hydroperiod within such drainages, or the introduction of invasive plants that prevent movement, foraging, and breeding activities within drainages and/or surrounding non-aquatic habitat. Mitigation measures BIO-1, BIO-6, BIO-7 through BIO-10, HYD-1, HYD-2, and HAZ-1 would avoid and/or minimize any direct or indirect effects on these species to less-than-significant levels.

Special-Status Reptiles

There are six special-status reptile species that have potential to occur within the Project sites, which are silvery legless lizard (*Anniella pulchra*; SLL), California glossy snake (*Arizona elegans occidentalis*; CGS), western pond turtle (*Actinemys (=Emys) marmorata*; WPT), Alameda whipsnake (*Masticophis lateralis euryxanthus*; AWS), Coast horned lizard (*Phrynosoma blainvillii*; CHL), and giant garter snake (*Thamnophis gigas*; GGS). None of these species were observed during the reconnaissance-level surveys, but WPT and AWS are known to occur in habitats that occur in the Project area and the other species could occur in the Project area. Special-status reptile species could be directly affected by being crushed or injured through equipment placement, ground-disturbance, streambed work, or materials placement. WPT and GGS could be directly impacted through the introduction of pollutants into suitable aquatic habitat that results in immediate toxicity of individuals or direct mortality. Indirect effects on special-status reptiles may include compaction of soil that removes suitable habitat, the introduction of invasive plants that prevents the species' use of otherwise suitable habitat, removal of vegetation that reduces the abundance of prey, or (for WPT and GGS) reduced or polluted water quality from the introduction of pollutants. Mitigation Measures BIO-1, BIO-6, BIO-9, BIO-10, HYD-1, HYD-2, and HAZ-1 would minimize indirect and direct effects on special-status reptiles to less than significant levels.

Special-Status Birds

Special-status bird species with potential to occur on or near Project maintenance sites include Cooper's hawk (*Accipiter cooperii*), great blue heron (*Ardea alba*), northern harrier (*Circus hudsonius*), snowy egret (*Egretta thula*), white-tailed kite (*Elanus leucurus*), short-eared owl (*Asio flammeus*), yellow-breasted chat (*Icteria virens*), loggerhead shrike (*Lanius ludovicianus*), song sparrow (*Melospiza melodia*) (Modesto population), double-crested cormorant (*Phalacrocorax auratus*), black-crowned night heron (*Nycticorax nycticorax*), yellow warbler (*Setophaga petechia*), yellow-headed blackbird (*Xanthocephalus xanthocephalus*), tricolored blackbird (*Agelaius tricolor*), California black rail (*Laterallus jamaicensis cotinivulus*), burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsonii*), osprey (*Pandion haliaetus*), and bald eagle (*Haliaeetus leucocephalus*). None of these species were observed during the reconnaissance-level surveys, but are known to occur or could potentially occur in habitats within and adjacent to the Project sites. Special-status birds could be directly affected by impacts to their active nests, including destruction of eggs or occupied nests, direct mortality of young, and the abandonment of nests with eggs or young birds prior to fledging as a result of ground disturbance by heavy equipment or vegetation removal. Indirect effects to special-status species may include the loss or degradation of nests (i.e., reduced nest fitness) from Project-

related noise and vibration, and the loss or degradation of future nesting or foraging habitat or reduced prey abundance through vegetation removal, soil compaction, or the introduction of invasive plants. Special-status birds could be affected by Project-related noise and vibration, ground disturbance, vegetation removal, or experience deleterious effects stemming from reduced nest fitness loss. Mitigation Measures BIO-1, BIO-11, BIO-12, and BIO-13 would avoid and/or minimize potential impacts on these species to less than significant levels.

Other Nesting Birds

Avian species that are protected under the Migratory Bird Treaty Act (MBTA) have potential to nest within and/or near numerous Project sites throughout the aqueduct system, including Cooper's hawk, great blue heron, northern harrier, white-tailed kite, short-eared owl, yellow-breasted chat, loggerhead shrike, song sparrow (Modesto population), double-crested cormorant, yellow warbler, and yellow-headed blackbird. Suitable nesting habitat for various raptors, as well as other migratory bird species, is present on or near the Project sites. Disruption of nesting birds could occur as a result of increased human activity (e.g., due to the use of heavy equipment and human traffic) during the breeding season (approximately February 1st through August 31st). Bird species may use trees, shrubs, man-made structures or the ground for nesting habitat. Potential direct and indirect effects to other nesting birds and potential nesting habitat would be the same as those effects described under "Special-status Birds" above. Mitigation Measure BIO-11 would reduce impacts on other nesting birds to less than significant levels.

Special-Status Mammals

Special-status mammal species with potential to occur near and/or within portions of the aqueduct system alignment include five bats (pallid bat [*Antrozous pallidus*], Townsend's big-eared bat [*Corynorhinus townsendii*], silver-haired bat [*Lasionycteris notivangans*], western red bat [*Lasiurus blossevillii*] and hoary bat [*Lasiurus cinereus*]), San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*; SFDFWR), American badger (*Taxidea taxus*), and San Joaquin kit fox (*Vulpes macrotis mutica*); SJKF). Special-status mammal species could be directly affected through individual mortality or injury caused by heavy equipment, materials placement, vegetation removal, and ground disturbance; or through reduced roost, nest, or den disturbance from Project-related noise and vibration generated by heavy equipment. Special-status mammal species could be indirectly affected by the loss of suitable habitat stemming from soil compaction or the introduction of invasive plant species, habitat alteration or degradation that reduces prey abundance, or persistent pollutant bioaccumulation. Mitigation Measures BIO-1, BIO-6, BIO-14, BIO-15, and BIO-16 would reduce direct and indirect impacts on special-status mammals to less than significant levels.

Special-Status Fish Species

Seven special-status fish species with potential to occur within drainages crossed by the aqueduct system alignment, including green sturgeon (*Acipenser medirostris*) (Southern Distinct Population Segment [DPS]), Sacramento perch (*Archoplites interruptus*), Delta smelt (*Hypomesus transpacificus*), steelhead (*Oncorhynchus mykiss*) (Central Valley DPS and Central Cost DPS), Chinook salmon (*Oncorhynchus tshawytscha*) (Central Valley spring-run

Evolutionary Significant Unit [ESU] and Central Valley fall/late fall-run ESU), Sacramento splittail (*Pogonichthys macrolepidotus*), and longfin smelt (*Spirinchus thaleichthys*). These species have potential to occur within the Sacramento-San Joaquin River Delta region and associated tributaries. None of these species were observed during the reconnaissance-level surveys. Special-status fish species could be directly affected by Project-related noise and vibration and streambed work altering migration patterns, eliminating or degrading occupied habitat, stranding during dewatering activities, crushing individuals or eggs, or the introduction of pollutants resulting in individual mortality. Indirect effects to special-status fish species may include vegetation removal resulting in less shaded aquatic habitat and increased water temperatures, the introduction of pollutants or invasive plants into aquatic habitat that results in degradation water quality reducing habitat quality or prey abundance. Mitigation measures BIO-1, BIO-6, BIO-8 through BIO-10, BIO-17, HYD-1, HYD-2, and HAZ-1 would reduce direct and indirect impacts on special-status fish species to less than significant levels.

Facts in Support of Findings

Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-9, BIO-10, BIO-11, BIO-12, BIO-13, BIO-14, BIO-15, BIO-16, BIO-17, HAZ-1, HYD-1, and HYD-2 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure BIO-1 requires EBMUD to have a qualified biologist hold an annual training session for maintenance staff responsible for performing routing maintenance activities, and inspections by a biological monitor prior to performing maintenance activities, the potential for significant activity-related impacts on special-status species would be reduced to less than significant.

Because Mitigation Measure BIO-2 requires locating equipment and staging areas away from the top of bank and limiting vegetation disturbance, the potential for significant activity-related impacts on special-status plant species would be reduced to less than significant.

Because Mitigation Measure BIO-3 requires imported soils to be free of pathogens and weed seeds and similar in pH to native soils, the potential for significant activity-related impacts on special-status plant species would be reduced to less than significant.

Because Mitigation Measure BIO-4 requires EBMUD to conduct pre-activity special-status plant surveys at sites meeting the conditions as defined in the measure and implementing the defined approaches for avoidance and mitigation of special-status species occurring on the site if avoidance is infeasible, the potential for significant activity-related impacts on special-status plant species would be reduced to less than significant.

Because Mitigation Measures BIO-5 and BIO-6 require conducting pre-activity surveys for elderberry shrubs suitable for VELB, avoidance of impacts to elderberry shrubs, notification of the USFWS if any suitable elderberry shrubs are unavoidable, and providing compensatory mitigation for unavoidable impacts to special-status invertebrate, amphibian, reptile, mammal, and fish habitats, the impact on VELB would be less than significant.

Because Mitigation Measures BIO-7 through BIO-10 require EBMUD to contract a qualified biologist to perform special-status amphibian surveys of maintenance sites, minimize adverse water quality and habitat conditions, use appropriate erosion control material, and halting activities during rain events, potential impacts on special-status amphibian, reptile, and fish species would be less than significant.

Because Mitigation Measures BIO-11, BIO-12, and BIO-13 recommend performing maintenance work and tree removal outside of the nesting bird season, require pre-activity nesting bird surveys by a qualified biologist for work during the nesting bird season, prohibits activities within a 0.5 mile of a nesting Swainson's hawk without CDFW consultation, requires a pre-construction take avoidance survey for burrowing owls, and requires implementation of CDFW-approved monitoring and mitigation plans if western burrowing owls are onsite, potential impacts on special-status bird species and other nesting birds would be less than significant.

Because Mitigation Measures BIO-14, BIO-15, and BIO-16 require roosting bat surveys and avoidance (if found), pre-activity surveys by a qualified biologist for special-status mammal species (San Francisco dusky-footed woodrat, San Joaquin kit fox, and American badger), and implementation of avoidance and mitigation measures for these species, potential impacts on special-status mammal species would be less than significant.

Because Mitigation Measure BIO-17 requires EBMUD to perform daily checks of stranded aquatic life in areas subject to dewatering as the water level drops and the capture and movement of all stranded aquatic life in dewatered areas, potential impacts on special-status fish would be less than significant.

In addition, Mitigation Measures HYD-1, HYD-2, and HAZ-1 require EBMUD to stabilize exposed soils, isolate work areas within instream barriers, establish a Contingency Plan with procedures and countermeasures for accidental releases would further minimize potential impacts on special-status fish, amphibian, and reptile species.

3.3.1.2 Impact Biology b): Potential to have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

Findings

The majority of the aqueduct system alignment is generally disturbed and, as such, it supports primarily grassland and ruderal vegetation communities. Due to ongoing regular maintenance, only small patches of freshwater marsh, valley foothill riparian, and seasonal wetland occur on the peripheries of drainage crossings within the Project area, mostly within natural channels. These three vegetation communities are considered sensitive natural communities by CDFW. Other sensitive natural communities occur adjacent to and outside of the aqueduct system alignment, but routine vegetation maintenance of the alignment precludes these communities from occurring within the alignment. Project maintenance activities could potentially impact freshwater marsh, valley foothill riparian, and seasonal wetland habitats. Mitigation Measures

BIO-18 through BIO-22 would reduce the impact on sensitive habitats to a less than significant level. Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-8, BIO-9, BIO-10, HYD-1, HYD-2, and HAZ-1 would further minimize impacts.

Facts in Support of Findings

Mitigation Measures BIO-18 through BIO-22 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measures BIO-18 through BIO-22 require specific tree cutting requirements, tree replacement, revegetation of disturbed areas, monitoring of revegetated areas, and riprap placement restrictions, potential impacts related to sensitive natural communities would be reduced to less than significant.

In addition, Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-8, BIO-9, BIO-10, HYD-1, HYD-2, and HAZ-1 require EBMUD to perform annual staff training and monitoring, limit vegetation disturbance, require certain conditions for imported soils, establish dewatering and flow diversion requirements, implement proper containment of hazardous or toxic construction materials, contain concrete leachate, stabilize exposed soils, isolate work areas within instream barriers, and establish a Contingency Plan with procedures and countermeasures for accidental releases, which would further minimize potential impacts related to sensitive natural communities.

3.3.1.3 Impact Biology c): Potential to have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Findings

Federally-protected wetlands and waters of the U.S. occur within the aqueduct system alignment at many of the Project maintenance sites. Implementation of Project activities could impact perennial, intermittent, and ephemeral streams with natural, engineered-earthen, and concrete-lined channels. These features are generally waters of the U.S. and/or state. Most activities at Project sites would have a less than significant effect, as fill would not be added to waters of the U.S. and/or state. However, Project activities may result in a significant impact in situations where bank/levee repair is necessary to maintain EBMUD infrastructure and the ultimate addition of fill in the form of riprap or clean soil is necessary. When temporary and/or permanent impacts to an aquatic resource are anticipated, EBMUD may need to seek applicable regulatory permits through coordination with the U.S. Army Corps of Engineers and/or the Regional Water Quality Control Board. EBMUD would implement Mitigation Measure BIO-23, which requires permits and compensation for “loss” of waters of the U.S. and/or State. Implementation of Mitigation Measure BIO-23 would reduce impacts on waters of the U.S. and/or State to a less than significant level.

Facts in Support of Findings

Mitigation Measure BIO-23 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure BIO-23 requires appropriate permits from the U.S. Army Corps of Engineers and the Regional Water Quality Control Board and implementation of compensatory mitigation, the impact to waters of the U.S. and State would be less than significant.

In addition, Mitigation Measures BIO-8 requires EBMUD to limit maintenance activities to authorized work windows, install flow diversions to maintain water quality, and prohibit operating equipment in wetted portions of streams, which would further minimize potential impacts related to waters of the U.S. and State.

3.3.2 Cultural Resources

3.3.2.1 Impact Cultural Resources b) and c): Potential to cause a substantial adverse change in the significance of a unique archaeological resource as defined in Section 15064.5, or disturb any human remains, including those interred outside of formal cemeteries.

Findings

There are six previously recorded archaeological sites that occur within 200-feet of the Mokelumne Aqueduct system alignment and some that intersect with identified maintenance locations. A pedestrian archaeological survey was performed at these six recorded resource locations. Based on that survey, there are no substantial archaeological deposits associated with the previously recorded resource locations. However, archaeological remains may be buried with no surface manifestation. Should previously undiscovered archaeological resources be found, the Project activities would affect them in a way that would render them ineligible for listing in the CRHR, and/or affect their determination to be a unique archaeological resource or a Tribal Cultural Resource. This would be a significant impact. Implementation of Mitigation Measures CR-1, CR-2, CR-3, and CR-4 would reduce impacts to a less than significant level.

Facts in Support of Findings

Mitigation Measures CR-1 through CR-4 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measures CR-1 through CR-4 require cultural resources training for all EBMUD maintenance personnel, require the immediate cessation of maintenance activities if human remains are discovered and provide for the appropriate notifications and treatment, require a review of the GIS database of archaeological resources each year prior to ground-disturbing maintenance activities, and recover archaeological data if impacts on archaeological sites cannot be avoided, impacts would be reduced to a less than significant level.

3.3.3 Geology and Soils

3.3.3.1 Impact Geology and Soils b): Potential to result in substantial soil erosion or the loss of topsoil.

Findings

The Project would involve ground-disturbing activities including sediment and debris removal; vegetation management; maintenance and repair or replacement of culverts, road crossings, and other structures; and bank and levee repair and erosion control. These ground disturbing activities may result in increases risk of erosion and sedimentation due to sediment loading into the channel, sediment-laden water at work sites entering the channel, or disturbance of new areas during activities. Erosion or sediment loading into the channel also could occur if maintenance activities do not revegetate exposed soils or restore low-flow channels as closely as possible to their original location and form. EBMUD restores site grades and replants areas where sediment removal activities have occurred. In addition, implementation of Mitigation Measures BIO-18, BIO-19, and HYD-1 would reduce impact to a less than significant level.

Facts in Support of Findings

Mitigation Measures BIO-18, BIO-19, and HYD-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measures BIO-18, BIO-19, and HYD-1 limit vegetation disturbance to the minimum necessary, revegetate exposed and disturbed areas, and implement erosion control BMPs, impacts related to soil erosion and the loss of topsoil would be reduced to a less than significant level.

3.3.3.2 Impact Geology and Soils f): Potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Findings

The Project would involve ground-disturbing activities that could accidentally impact unknown paleontological resources. Unknown and accidental paleontological discoveries during maintenance-related activities have the potential to result in significant impacts on paleontological resources. Implementation of Mitigation Measure GEO-1 would reduce this impact to a less than significant level.

Facts in Support of Findings

Mitigation Measure GEO-1 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure GEO-1 requires the immediate suspension of maintenance activities should paleontological resources be discovered and provides for the protection, salvage,

treatment, and management of those resources, the Project would reduce impacts related to paleontological to a less than significant level.

3.3.4 Hazards and Hazardous Materials

3.3.4.1 Impact Hazards and Hazardous Materials a) and b): Potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

Findings

Proposed maintenance activities would be temporary in any one location, and generally would be confined to small areas at drainages, including culverts, road crossings, and other facilities, and areas proposed for sediment and debris removal, vegetation management, and bank stabilization. Maintenance activities would largely be conducted with hand-held tools (i.e., shovels, rakes, hand saws, etc.) or mechanical equipment (weed cutter, chainsaws, excavators, etc.), dependent upon the maintenance needs. Larger sediment and debris removal, bank stabilization repairs, and vegetation management activities may require the use of heavy equipment, such as excavators or bobcats.

Hazardous materials, including fuels and lubricants used in excavation and transportation equipment and vehicles, would be present during maintenance activities. Hazardous materials would be transported to and from the maintenance sites; however, they would be removed once maintenance activities are complete. Hazardous materials would not be stored permanently at any of the maintenance sites. Nonetheless, if hazardous materials were accidentally released during use or transport, a significant impact on humans or the environment could result. In addition, ground-disturbing maintenance activities and debris removal activities may encounter existing hazardous materials, such as discarded oil, batteries, and paint cans. Hazardous debris is often found in stream channels, particularly those next to roadways. If not removed from the streams in a proper manner, the hazardous materials would continue to degrade the quality of water and surrounding environment. Adherence to EBMUD Procedure 711 would ensure hazardous materials are properly removed, characterized, handled and disposed of. In addition, implementation of Mitigation Measures BIO-8 through BIO-10, Mitigation Measure HAZ-1, would reduce the potential hazards and hazardous materials impacts to a less than significant level.

Facts in Support of Findings

Mitigation Measures BIO-8 through BIO-10 and HAZ-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measures BIO-8 through BIO-10 and HAZ-1 minimize adverse water quality and habitat conditions, use appropriate erosion control material, halt activities during rain

events, and establish a Contingency Plan detailing procedures and countermeasures to be implemented when an accidental release of hazardous materials occurs to prevent the release from entering navigable waters, impacts would be reduced to a less than significant level.

In addition, adherence to EBMUD Procedure 711 included in Exhibit C, comprises standard EBMUD procedures for removing found hazardous waste from EBMUD facilities to ensure material is properly characterized, and handled and disposed.

3.3.4.2 Impact Hazards and Hazardous Materials c): Potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Findings

Several schools, such as University of the Pacific, Cleveland Elementary School, and Brookside School, are located within 0.25 mile of the aqueduct system alignment. Proposed maintenance activities may involve the use and transport of hazardous materials (fuel and lubricants) to and from maintenance sites. Fuels and lubricants are considered hazardous materials that may adversely affect children at schools if the materials are handled improperly or accidentally released or children are inadvertently exposed to hazardous emissions. Adherence to EBMUD Procedure 711 would ensure hazardous materials are properly removed, characterized, handled and disposed of. In addition, implementation of Mitigation Measure HAZ-1, would reduce the potential hazards and hazardous materials impacts to a less than significant level.

Facts in Support of Findings

Mitigation Measure HAZ-1 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure HAZ-1 requires preparation of a Spill Prevention Response Plan, , impacts associated with hazardous materials emissions or the use of hazardous materials within one-quarter mile of a school would be reduced to a less than significant level.

In addition, adherence to EBMUD Procedure 711 included in Exhibit C, comprises standard EBMUD procedures for removing found hazardous waste from EBMUD facilities to ensure material is properly characterized, and handled and disposed.

3.3.4.3 Impact Hazards and Hazardous Materials g): Potential to expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires.

Findings

The aqueduct system alignment traverses through both urban and rural areas. The California Department of Forestry and Fire Protection (Cal Fire) identifies fire hazard severity zones for

local and state responsibility areas. The fire hazard model considers wildland fuels, topography, weather, frequency of fires, and production of embers. The eastern portion of the aqueduct system alignment near Pardee Reservoir is within both high and very high fire hazard severity zones. Much of San Joaquin County (the central portion of the alignment) has not been zoned for fire hazard. The western portion of the aqueduct system alignment traverses through very high, high, and moderate fire hazard severity zones. Thus, wildland fire is a potential risk along the aqueduct system alignment. The use of maintenance equipment could pose a wildland fire risk in the Project area. The time of greatest fire risk would be during vegetation management activities when maintenance crews and equipment are close to vegetative fuels that could be highly flammable. Implementation of Mitigation Measure WILD-1 would reduce the potential exposure of people or structures to wildland fires to a less than significant level.

Facts in Support of Findings

Mitigation Measure WILD-1 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure WILD-1 requires adequate fire-fighting equipment, spark arrestors on internal combustion engines, removing combustible materials, and approving access for firefighting, impacts associated with exposing people or structures to wildland fires would be reduced to a less than significant level.

In addition, compliance with applicable federal, local, and state fire prevention regulations, including the California Fire Code, would further minimize potential impacts.

3.3.5 Hydrology and Water Quality

3.3.5.1 Impact Hydrology and Water Quality a): Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Findings

Proposed routine maintenance activities, including sediment and debris removal; maintenance or replacement of culverts, road crossings and other structures; vegetation management, and bank and levee stabilization and erosion control has the potential to violate water quality standards or degrade water quality. Proposed maintenance activities involve ground disturbing activities that could expose soils and increase the potential for soil erosion and transport of sediment downstream. Sediment releases may increase turbidity, which could cause an increase in water temperature and a corresponding decrease in dissolved oxygen levels. Though ground disturbing activities would be short-term and temporary, discharge of sediment to surface waters could adversely impact water quality, endanger aquatic life, and/or result in a violation of water quality standards. Bank stabilization activities may require dewatering of channels if water is present during maintenance activities, increased disturbance of streambed and banks, and increased turbidity in the water column and migration of sediment to areas downstream. Accidental releases either directly or indirectly into the stream channel of hazardous materials used in

excavation and transportation equipment could occur and significantly degrade sediment and water in and around the work site. Hazardous debris discarded in stream channels, if not removed from the streams in a proper manner, would continue to degrade the quality of water and surrounding environment. Adherence to EBMUD Procedure 711 would ensure hazardous materials are properly removed, characterized, handled and disposed of. In addition, implementation of Mitigation Measures HYD-1, HYD-2, BIO-8, BIO-9, BIO-10, and HAZ-1 would minimize the potential for proposed maintenance activities to substantially degrade surface water and groundwater quality or violate water quality standards or waste discharge requirements.

Facts in Support of Findings

Mitigation Measures HYD-1, HYD-2, BIO-8, BIO-9, BIO-10, and HAZ-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure HYD-1 and BIO-8 requires implementation of erosion control BMPs, impacts on water quality associated with erosion and sedimentation would be reduced to a less than significant level.

Because Mitigation Measure HYD-2 sets requirements to ensure sediment is not transported unnecessarily during dewatering activities, impacts on water quality related to dewatering would be reduced to a less than significant level.

Because Mitigation Measures BIO-8, BIO-9, BIO-10, and HAZ-1 establish dewatering and flow diversion requirements), require proper containment of hazardous or toxic construction materials and concrete leachate), and require preparation and implementation of a contingency plan for accidental releases of hazardous materials, impacts on surface and groundwater quality from accidental releases of hazardous materials would be reduced to a less than significant level.

EBMUD Procedure 711, included in Exhibit C, comprises of standard EBMUD procedures for removing found hazardous waste from EBMUD facilities to ensure material is properly characterized, and handled and disposed to avoid impacts to water quality.

3.3.5.2 Impact Hydrology and Water Quality c.i): Substantially alter the existing drainage pattern of the site area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site.

Findings

During ground disturbing activities, soil would be exposed, and there would be an increased potential for soil erosion and transport of sediment downstream. Proposed maintenance activities include sediment and debris removal, vegetation management, maintenance and repair or replacement of culverts, road crossings, and other structures, bank and levee repair and erosion protection, and related activities within existing drainage patterns in the Project area's channels and drainages. Without maintenance, sediment accumulation and erosion would increase and

degrade site conditions such that flooding could occur, particularly along access roads. Additionally, erosive forces could redirect runoff such that new drainage pathways could be created and cause further damage to access roads, EBMUD facilities, and water quality. Implementation of these routine maintenance activities would prevent runoff flows from causing erosion and siltation and would direct runoff to culverts and drainages to protect water quality. Implementation of Mitigation Measures HYD-1 and BIO-8 would reduce impacts related to erosion or siltation from altered drainage patterns to less than significant levels.

Facts in Support of Findings

Mitigation Measures HYD-1 and BIO-8 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measures HYD-1 and BIO-8 stabilize exposed soils and restrict equipment operations in wetted portions of streams and within 12-hours of predicted storm events, impacts on water quality associated with erosion and sedimentation would be reduced to a less than significant level.

3.3.6 Noise

3.3.6.1 Impact Noise a): Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Findings

The Project would involve the use of construction equipment and a corresponding generation of noise. Simultaneous operation of the Project's assumed two loudest pieces of equipment would generate noise levels above the FTA 90 dBA threshold at distances below 38 feet, which would be a potentially significant impact for receptors within these distances. Based on this analysis, maintenance-related noise impacts may exceed established thresholds in the cities of Oakland and Lafayette when such activities are in close proximity to sensitive residential receptors; however, maintenance-related noise impacts at individual sites along the aqueduct system alignment would be temporary and of a short duration (one to two days typically) on any nearby sensitive receptors. Estimated noise levels are also conservative and represent the noisiest potential combination of equipment operating in tandem, which would not be a frequent occurrence. Therefore, any exceedances would not be substantial. Implementation of Mitigation Measure NOI-1 would reduce impacts related to substantial temporary or permanent increases in ambient noise levels to less than significant levels.

Facts in Support of Findings

Mitigation Measure NOI-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure NOI-1 restricts working hours and requires implementation of noise-reducing practices to minimize disturbances to residential areas surrounding work sites, permanent or temporary impacts on ambient noise levels would be reduced to a less than significant level.

3.3.7 Tribal Cultural Resources

3.3.7.1 Impact Tribal Cultural Resources a.ii.): Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Findings

Although no Tribal Cultural Resources (TCRs) have been identified in the Project area, it is possible that Native American archaeological remains or Native American human remains that could be determined to be TCRs could be discovered during construction, as such resources are not always visible on the ground surface. Maintenance activities would be conducted throughout the year as required to maintain the functional and structural integrity of aqueduct system facilities. Maintenance site locations would vary from year to year. It is possible that additional TCRs, not currently known at the time of this IS/MND analysis, could be recorded in future years that would overlap with proposed maintenance locations in a given year. Review of EBMUDs Archaeological Resources GIS database, which is annually updated, would reveal potential overlaps with archaeological resources that might also be considered TCRs. Implementation of Mitigation Measures CR-1, CR-2, CR-3, and CR-4 would reduce impacts related to tribal cultural resources to less than significant levels.

Facts in Support of Findings

Mitigation Measures CR-1 through CR-4 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measures CR-1 and CR-2 halt maintenance work if archaeological or human remains were uncovered and ensure appropriate treatment by archaeological professionals, the County coroner, and Native American representatives as appropriate, tribal cultural resources impacts would be reduced to a less than significant level.

Because Mitigation Measures CR-3 and CR-4 require future archaeological survey of maintenance locations that previously have not been surveyed, appropriate CRHR evaluation or consultations with tribes with a traditional and cultural affiliation with the location, and treatment of any recovered archaeological resources, tribal cultural resources impacts would be reduced to a less than significant level.

3.3.8 Wildfire

3.3.8.1 Impact Wildfire b): Due to slope, prevailing winds, or other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire

Findings

Due to the aqueduct system alignment traversing through very high severity zones wildfire risks could be exacerbated due to the Project's maintenance activities. Routine maintenance activities could increase the risk of starting fires due to the increased presence of vehicles, equipment, and human activity in or adjacent to very high fire severity zones. In particular, heat or sparks from construction vehicles or equipment have the potential to ignite dry wildland fuels. Routine maintenance activities occurring next to or in wildland fuels pose a fire risk and could thereby expose EBMUD staff to wildfire pollutants. Additionally, activities occurring in or next to wildland fuels pose a fire risk that could result in the uncontrolled spread of wildfire. EBMUD is required to comply with all federal, local, and state fire-prevention regulations, including the California Fire Code. The California Fire Code includes wildfire protection requirements for wildland-urban interface areas. Chapter 49 of the California Fire Code discusses provisions for hazardous vegetation and fuel management, and defensible space. The California Fire Code also includes the minimum requirements for fire protection equipment, and access for firefighting for construction and demolition projects. Implementation of Mitigation Measure WILD-1 would reduce wildfire hazard risk impacts related to less than significant levels.

Facts in Support of Findings

Mitigation Measure WILD-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure WILD-1 requires adequate fire-fighting equipment onsite, equips engines with spark arrestors, and removes combustible materials from the maintenance site, wildfire risk impacts would be reduced to a less than significant level.

3.3.8.2 Impact Wildfire c): Require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

Findings

Vegetation management, including trimming, mowing, pruning, and removal of weeds, grasses, woody and herbaceous plants, fallen trees, trunks or limbs would occur within the EBMUD ROW at stream crossings. Vegetation management activities would be conducted by using hand tools and equipment and also by mechanical removal using heavier equipment. Vegetation management activities could temporarily exacerbate the fire risk by using equipment (e.g., excavator or Bobcat with mowing attachments) that could cause a fire in adjacent wildland fuels. Implementation of Mitigation Measure WILD-1 would reduce wildfire hazard risk impacts related to less than significant levels.

Facts in Support of Findings

Mitigation Measure WILD-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure WILD-1 requires adequate fire-fighting equipment onsite, and access for firefighting is maintained, wildfire risk impacts would be reduced to a less than significant level. In addition, EBMUD would comply with applicable federal, local, and state fire-prevention regulations, including the California Fire Code.

3.3.8.3 Impact Mandatory Findings of Significance a): Potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

Findings

Significant but mitigable impacts were identified for biological resources, cultural resources, and hydrology and water quality resources. With implementation mitigation measures identified in the IS/MND, the Project would not have the potential to substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. With implementation of the above-described mitigation measures, this impact would be less than significant with mitigation.

Facts in Support of Findings

Mitigation Measures BIO-1 through BIO-23, CR-1 through CR-4, HYD-1, HYD-2, and HAZ-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because impacts to habitat, wildlife, and plants would be mitigated per Mitigation Measures BIO-1 through BIO-23, HYD-1, HYD-2, and HAZ-1, and impacts to major periods of California history or prehistory would be mitigated per Mitigation Measures CR-1 through CR-4, impacts would be less than significant.

3.3.8.4 Impact Mandatory Findings of Significance b and c): Potential to have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). Potential to have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Findings

Impacts Avoided

The Project would have no impact on the following resources and would therefore not contribute to potential cumulative impacts on these resources:

- Agriculture and Forestry Resources
- Land Use and Planning
- Mineral resources
- Population and Housing
- Public Services
- Utilities and Service Systems

Cumulative impacts would also be avoided on aesthetics, air quality, energy, greenhouse gas emissions (GHG), recreation, and transportation. It is not anticipated that the cumulative projects would be located within the same view shed as the Project and, when visible maintenance activities would be of a short duration; therefore, no cumulative aesthetic impact would occur. The Project’s air quality emissions would not exceed thresholds for any criteria pollutant in the air districts where the Project occurs. The Project’s consumption of fossil fuels would be conducted in accordance with energy efficient practices and generally a similar level of energy use as existing maintenance activities. The Project’s GHG emissions would be limited in nature and duration, similar to those emitted during maintenance activities conducted in the existing condition, and less than the applicable thresholds. The Project’s impacts on recreational resources would be temporary and not significantly affect the availability of public trails or other recreational facilities. In summary, the Project’s contributions to cumulative impacts for these resource topics would be less than considerable.

Cumulative Impacts

Biological Resources

The Project would likely occur in similar habitats to some of the cumulative projects. While the majority of the potential cumulative projects are anticipated to occur within disturbed or developed areas and to not affect habitat areas, similar habitat impacts could occur to drainages and other waterbodies (e.g., wetlands and riparian habitat). EBMUD would mitigate biological resource impacts to a less-than-significant level through implementation of MM BIO-1 through MM BIO-23. The Project contribution to a potentially significant biological resource impact would be less than considerable with mitigation and thus less than significant.

Cultural Resources

Potential cumulative projects would not occur in the EBMUD ROW and therefore would not impact the same cultural resources. No known historical resources or archaeological deposits associated with previously recorded resources are located along the EBMUD ROW. Although there is a potential for maintenance work to uncover previously undiscovered cultural resources or for activities to impact resources that are not currently known at the time of this IS/MND analysis, implementation of MM CR-1 through MM CR-4 would reduce these impacts to less than significant.

Geology and Soils

Cumulative projects near the Aqueduct alignment may require grading and earth disturbance and would be subject to local and State laws, regulations, and ordinances regarding the proper construction of facilities to ensure public safety. The Project involves conducting routine maintenance activities at existing facilities and does not involve new construction of structures that would increase peoples' exposure to adverse effects associated with fault rupture, ground shaking, liquefaction, landslides, lateral spreading, subsidence, collapse, or expansive or unstable soils. The Project largely consists of above ground maintenance that would not require substantial excavation; however, unknown paleontological resources could be discovered during these ground disturbing activities. In the unlikely event of a discovery, implementation of MM GEO-1 would require work to be halted and appropriate mitigation to be implemented if an unknown paleontological resource is found. The Project contribution to a potentially significant geology and soils impact would be less than considerable with mitigation and thus less than significant.

Hazards and Hazardous Materials

Proposed maintenance activities would be of short duration in any one location, and generally would be confined to small areas. Implementation of MMs HAZ-1, BIO-8, BIO-9, BIO-10 would reduce impacts, and EBMUD Procedure 711 would ensure that hazardous materials are handled, used, transported, and disposed of properly. No known hazardous materials sites are located on the Project site. Potential cumulative projects would not occur in the EBMUD ROW. The Project contribution to a potentially significant hazards and hazardous materials impact would be less than considerable with mitigation and thus less than significant.

Hydrology and Water Quality

Cumulative projects near the Aqueduct alignment may require grading and earth disturbance. Cumulative projects that result in land disturbance of more than 1 acre would be required to prepare an SWPPP and comply with the statewide Construction General Permit. All maintenance-related activities would be of short duration and confined to small areas. Although these activities would occur along and within channels and creeks and could adversely affect water quality, implementation of MMs HYD-1, HYD-2, BIO-8, BIO-9, BIO-10, HAZ-1 would reduce impacts, and EBMUD Procedure 711 would ensure that hazardous materials are handled, used, transported, and disposed of properly. In addition, maintenance activities would protect water quality by ensuring that runoff is properly directed to culverts and drainages, thus preventing erosion, sedimentation, and flooding from occurring. The Project contribution to a potentially significant hydrology and water quality impact would be less than considerable with mitigation and thus less than significant.

Noise

Cumulative projects may generate construction noise similar to or greater than the Project near the EBMUD ROW. The Project would generate temporary construction noise associated with maintenance work; however, noise would be of short duration (one to two days typically) and would immediately cease once maintenance is complete. The scale of noise generation from maintenance activities would be less than that of a typical construction project and for the most part would not be close enough to sensitive receptors to exceed local noise standards. Further, implementation of MM NOI-1 would require maintenance work to comply with established hours allowed under the relevant jurisdictions' noise standards. The Project would not permanently increase noise levels along the alignment above the existing condition. The Project contribution to a potentially significant noise impact would be less than considerable with mitigation and thus less than significant.

Tribal Cultural Resources

Potential cumulative projects would not occur in the EBMUD ROW and therefore would not impact the same TCRs. No TCRs were identified to occur within the Project area; however, it is possible that TCRs could be discovered during ground disturbing activities. MMs CR-1 through CR-4 would reduce potential impacts to unknown TCRs or TCRs that have not yet been identified. Thus, the Project contribution to a potentially significant tribal cultural resources impact would be less than considerable with mitigation and less than significant.

Wildfire

The Project alignment traverses through very high severity zones for wildfire risk. It is unknown if potential cumulative projects could exacerbate wildfire risk, although it is unlikely given focus on wildfire prevention throughout California. Although maintenance activities would introduce maintenance equipment in these areas that could cause a fire, EBMUD would comply with the California Fire Code and implement MM WILD-1 to ensure the potential for and spread of a wildfire is reduced. In addition, maintenance work at any given location would be minor and short in duration. Thus, the Project contribution to a potentially significant wildfire impact would be less than considerable with mitigation and less than significant.

Facts in Support of Findings

Mitigation Measures BIO-1 through BIO-23, CR-1 through CR-4, GEO-1, HAZ-1, HYD-1, and HYD-2 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because EBMUD would implement Mitigation Measures BIO-1 through BIO-23, CR-1 through CR-4, GEO-1, HAZ-1, HYD-1, and HYD-2 which protect and avoid biological, cultural, and paleontological resources, and avoid or minimize potential hazardous or water quality-related impairments, the Project contribution to a potentially significant cumulative biological, cultural, and paleontological resources, hazards and hazardous materials, and hydrology and water quality impacts would be less than considerable with mitigation and thus less than significant. Implementation of the same mitigation measures would ensure that the effects on human beings would be less than significant.

4. Findings Related to MND Recirculation and EIR Preparation

CEQA Guidelines section 15073.5 requires an MND to be recirculated if substantial revisions are made to the document after the public is notified of the document's availability, but prior to its adoption. Pursuant to Section 15073.5(b), revisions to an MND are only considered to be "substantial revisions" if they identify a new, avoidable significant effect which can only be addressed by the addition of new mitigation measures or project revisions, or if they reflect a determination by the lead agency that the mitigation measures and project revisions proposed in the MND will not reduce the project's potential effects to less than significant levels, such that new mitigation measures or project revisions are necessary. The Board finds that the revisions to the MND made following circulation of the Draft MND for public review, and as reflected in the Final MND, do not constitute "substantial revisions," and therefore MND recirculation is not required. The MND revisions contained in the Final MND do not identify the need for new project revisions or mitigation measures to address potentially significant impacts, and the Final MND demonstrates that all Project impacts will be mitigated to less than significant levels. As demonstrated in Appendix E to the Final MND, revisions made since publication of the Draft MND merely reflect the addition of new information designed to clarify, amplify, and/or make insignificant modifications to the MND. As such, the Board finds that MND recirculation is not necessary.

Consistent with Section 15073.5(d) and as reflected by the Final MND, the Board further finds that based upon the whole record, there is no evidence that the project may cause significant environmental impacts that cannot be mitigated or avoided. As such, EBMUD is not required to prepare an EIR for the Project.

5. Findings Related to Project Approval

Based upon the whole record, the Board hereby finds and declares that the Project is approved.

EXHIBIT B

Mitigation Monitoring and Reporting Plan

California Environmental Quality Act Requirements

The California Environmental Quality Act (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of potentially significant environmental impacts associated with project development.

CEQA Guidelines section 15074(d) states:

When adopting a Mitigated Negative Declaration (MND), the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

CEQA Guidelines section 15097(a) states:

This section applies when a public agency has made the findings required under paragraph (1) of subdivision (a) of section 15091 relative to an Environmental Impact Report (EIR) or adopted an MND in conjunction with approving a project. In order to assure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.

Mitigation Monitoring and Reporting Plan Matrix

The following table lists all impacts identified in the Final MND as significant or potentially significant along with the proposed mitigation measures required to reduce impacts to less than significant levels.

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Exhibit B Mitigation Monitoring and Reporting Plan

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
Biological Resources					
a) Have a substantial adverse impact, either directly or through habitat modifications on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Dept. of Fish & Wildlife or U.S. Fish & Wildlife Service?	Mitigation Measure BIO-1 A qualified biologist shall hold an annual training session for maintenance staff responsible for performing routine maintenance activities. The training will include a description of special-status species and their habitats and protective measures to ensure that such species are not adversely impacted by routine maintenance activities (e.g., pre-activity surveys, installation of exclusion fencing when special-status species identified in an area). If special-status species are known or suspected to occur at the work site, a biologist or trained maintenance staff person shall be formally appointed as a biological monitor to ensure that appropriate protective measures are implemented. Each morning prior to commencement of project work, the biological monitor shall inspect the work site, including holes and depressions, to ensure that special-status species identified as potentially present are not within the project work area.	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
	Mitigation Measure BIO-2 Equipment and materials staging areas shall be located at least 30 feet from the top of bank, within paved or gravel areas, if feasible. Vegetation disturbance shall be limited to the immediate maintenance footprint and a single access pathway.	EBMUD	EBMUD	During maintenance activities	All project sites
	Mitigation Measure BIO-3 Soils imported to the maintenance work site for bank fill shall be similar in pH to native soils. Imported soils should be cleansed of pathogens and weed seeds prior to use through heating, solarization, or other appropriate methods.	EBMUD	EBMUD	During maintenance activities	All project sites
	Mitigation Measure BIO-4 If there is potential for rare plants to occur at a maintenance work site (i.e., the site supports either previously undisturbed native vegetation or vegetation disturbance has not occurred for at least three years in a location that is also suitable for rare plants known to occur in the region), a qualified botanist shall conduct pre-activity special-status plant surveys during the appropriate blooming period, prior to initiation of routine maintenance activities. Any observed sensitive plants species shall be mapped and flagged for avoidance where feasible. EBMUD shall notify CDFW or CNPS upon discovery of any sensitive plant species. If sensitive plant species are discovered, the following measures shall be implemented: <ul style="list-style-type: none"> • Sensitive plant species shall be avoided or minimized by limiting ground disturbance where 	EBMUD	EBMUD	Prior to and during maintenance activities	Areas with potential for rare plant occurrences as defined in the measure

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Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	<p>sensitive plants occur.</p> <ul style="list-style-type: none"> If plant species that are listed on the federal or California Endangered Species Lists or plants ranked with 1B.1 or 1B.2 CNPS ranking cannot be avoided, EBMUD will salvage the affected plants and transplant them to a similar habitat in the Project vicinity. The re-established population should achieve a 1:1 ratio (transplanted: re-established) after 2 years. If this performance criterion cannot be met, the appropriate agencies (e.g., USFWS, CDFW) will be consulted for additional options, such as payment of an in-lieu fee to the state CNPS program. If any additional sensitive plant species are discovered on-site that cannot be avoided, the appropriate agencies (e.g., USFWS, CDFW) shall be consulted by EBMUD to determine the appropriate species-specific mitigation measures. Species-specific mitigation may include repairing, rehabilitating, or restoring the impacted area; preserving in-situ populations on-site; or by providing off-site compensation. Off-site compensation may include the permanent protection of an off-site population through a conservation easement or the purchase of mitigation banking credits at a 2:1 ratio (mitigation: impacted population). 				
	<p>Mitigation Measure BIO-5</p> <p>Within ten days prior to commencement of maintenance work, the maintenance site shall be surveyed for the presence of elderberry bushes. Within the boundaries of the EBMUD's Safe Harbor Agreement (SHA) (SHA# 81420-2009-F-0106) with the USFWS, EBMUD shall work around identified elderberry bushes and all requirements set forth by the SHA agreement shall be followed. If an elderberry bush is discovered outside of the SHA boundaries, the US Fish and Wildlife Service Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (USFWS 2017) shall be followed. To protect any elderberry bush (naturally occurring or enhanced), no heavy equipment operations shall occur within 20 feet of the dripline of any elderberry bush. No equipment fueling shall occur within 165 feet of the elderberry bush.</p>	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
	<p>Mitigation Measure BIO-6</p> <p>EBMUD shall complete habitat assessments to determine the occupancy of habitat within and immediately adjacent to maintenance work sites by special-status species prior to the commencement of maintenance activity at the work site. Habitat assessments shall include a desktop review site vegetation characteristics and review of current extant occurrence records (CNDDB, USFWS Official Species Lists) followed by field review to determine if suitable habitat conditions exist.</p> <p>When habitat assessments confirm the presence or potential presence of special-status species, or that habitat for special-status species exist at a work site and such species are known to exist within</p>	EBMUD	EBMUD	Prior to, during and after maintenance activities	All project sites

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Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	<p>reasonable dispersal distance of the work area, a qualified biologist shall conduct a reconnaissance-level survey within 48 hours prior to the commencement of routine maintenance activities, including all areas where heavy equipment will be operated, such as adjacent upland access routes and staging areas. If special-status species are found, work shall be halted until the individual leaves the work area under its volition, or pending coordination with the appropriate agencies (i.e., CDFW, USFWS, NMFS) for State or federally listed species. Species that are not State or federally listed as endangered or threatened may be relocated by the qualified biologist if unable to leave on their own or found to be in danger. EBMUD shall not take or disturb any State or federally listed endangered or threatened species without applicable permission from the appropriate wildlife agency.</p> <p>When habitat assessments confirm the presence or potential presence of State or federally listed species and maintenance activities will impact occupied or potentially occupied habitat, and EBMUD determines those impacts cannot be avoided, EBMUD shall consult with a qualified biologist to identify appropriate mitigation actions to ensure that impacts to habitat are less than significant. EBMUD shall consider the following mitigation strategies for permanent and temporary impacts:</p> <ol style="list-style-type: none"> 1) habitat restoration, 2) habitat enhancement, 3) habitat preservation, and/or 4) mitigation credit purchase from an agency-approved bank with suitable credits and service area coverage of the impact location at a 2:1 ratio. <p>Habitat restoration, preservation and enhancement areas will require the development and implementation of a habitat management plan with the following success criteria to ensure the preserved and/or enhanced area is managed as suitable habitat for the target species in perpetuity.</p> <ul style="list-style-type: none"> • Conduct biological monitoring surveys to confirm suitable habitat conditions for the target species and document habitat performance metrics (e.g., vegetation presence, cover, and maturity) for a period of 10 years. • Perform routine eradication of invasive vegetation species to maintain the intended vegetation diversity and structural components consistent with the target species' habitat requirements. • Restrict deeds to maintain and manage the preserve for the target species in perpetuity, with the ability to grant the preserve to a habitat conservancy, public agency, or other local habitat management entity. 				

Exhibit B Mitigation Monitoring and Reporting Plan

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	<ul style="list-style-type: none"> • Preserve funding and maintenance reserves. • Compensatory habitat mitigation is inclusive of other applicable habitat restoration and revegetation. 				
	<p>Mitigation Measure BIO-7</p> <p>A qualified biologist shall check the maintenance site location for all life stages of special-status amphibians (e.g., California tiger salamander, California red-legged frog, foothill yellow-legged frog, or western spadefoot), 10 days or less prior to the start of the project. In addition, all field crew personnel shall visually check for special-status amphibians under parked vehicles, equipment, or staged materials prior to moving the vehicle, equipment, or materials. Project activities shall be halted if a significant rain event occurs. In the event of a significant rain event, the site shall be cleared of special-status amphibians by a qualified biologist before work activities can resume. If at any time special-status amphibians are detected, all work shall be suspended until the individual leaves the work area under its volition, or the USFWS and/or CDFW shall be notified and consulted with prior to commencing with the maintenance activity.</p>	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
	<p>Mitigation Measure BIO-8</p> <p>To minimize adverse impacts to special-status species and their habitats, work within streams with natural (earthen or rock-lined) bottoms and/or banks shall be conducted only between June 1 and October 15. Work within concrete-lined channels shall be conducted only between April 15 and October 15. No equipment shall be operated in wetted portions of the stream (including ponded, flowing, or wetland areas) at any time except as necessary to dewater the immediate maintenance work site (surface flows only) or divert water flow around the work site.</p> <p>Flow diversions shall be done in a manner that prevents pollution and/or siltation and that provides flows to downstream reaches. Flows to downstream reaches shall mimic natural flows necessary to support aquatic life. Said flows shall be of sufficient quality and quantity and appropriate temperature to support fish and other aquatic life both above and below the diversion structure. Normal flow shall be restored to the affected stream immediately upon completion of work at that location.</p> <p>Coffer dam and other water diversion designs shall be submitted to CDFW for approval prior to commencement of maintenance activities. Coffer dams shall be constructed with clean river gravel or sand bags, and may be sealed with sheet plastic. Sand bags and any sheet plastic shall be removed from the stream upon project completion. Clean river gravel may be left in the stream, but the coffer dams must be breached to return the stream flow to its natural channel. The water diversion shall be constructed with the least amount of disruption to the channel.</p> <p>In-channel maintenance activities shall not be initiated if maintenance work cannot be completed</p>	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites

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Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	<p>prior to the onset of a storm event predicted by 72-hour weather forecasts from the National Weather Service. All equipment shall be removed from the channel at least 12 hours before such an event occurs. If an unanticipated storm event occurs, EBMUD shall inspect active maintenance work sites for indications of bank erosion and/or channel sedimentation; if noticeable erosion or sedimentation has occurred, EBMUD shall implement appropriate erosion control best management practices (BMPs). Erosion control BMPs shall consist of wildlife-friendly plastic-free (including bio-degradable plastic) materials such as jute netting, coconut fiber blanket, or similar erosion control blanket.</p> <p>Non-living vegetation and debris not anchored to a bank or the channel bed by sediment may be removed at any time if necessary to prevent imminent flooding. Restorative maintenance activities such as revegetation above the mean high-water level may be completed outside of the specified work period if appropriate erosion control BMPs are implemented.</p>				
	<p>Mitigation Measure BIO-9</p> <p>Staging and storage areas for equipment, materials, fuels, lubricants and solvents shall be located outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located adjacent to the stream, shall be positioned over drip-pans. If necessary, vehicles shall be moved away from the stream prior to refueling and lubrication. Any equipment or vehicles driven and/or operated in proximity to the stream shall be checked and maintained daily to prevent the release of contaminants.</p> <p>Any hazardous or toxic materials that could be deleterious to aquatic life shall be contained in watertight containers or removed from the project site. Such materials include, but are not limited to, debris soil, silt, bark, rubbish, creosote treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, and oil or other petroleum products. These materials shall be prevented from contaminating the soil and/or entering state or federal waters, including wetlands.</p>	EBMUD	EBMUD	During maintenance activities	All project sites
	<p>Mitigation Measure BIO-10</p> <p>Water that has come in contact with uncured concrete shall not be allowed to enter the stream channel until the pH is between 6.5 and 8.0 pH units. Containment of leachate shall adhere to the following Best Management Practices:</p> <ul style="list-style-type: none"> • Concrete structures shall be allowed to cure (dry) for at least 28 days before coming into contact with channel flows. Flows contaminated with leachate shall be separated from the main stream flows via a diversion structure until the pH falls within the range specified above. • If the 28-day curing period is infeasible, EBMUD shall institute a minimum 7-day curing period and apply a sealant designed for use in aquatic environments, such as Deep Seal™ or 	EBMUD	EBMUD	During maintenance activities	Project sites involving new concrete installation

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Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	<p>Elasto Deck™. The sealant shall be allowed to cure for a minimum of 72 hours.</p> <ul style="list-style-type: none"> • Wash-down water from concrete delivery trucks, concrete pumping equipment, and other tools and equipment shall not be allowed to enter the stream channel and should be removed from the site for treatment following construction. No dry concrete shall be placed on the banks or in a location where it could be carried into the channel by wind or runoff. 				
	<p>Mitigation Measure BIO-11</p> <p>Maintenance work or tree removal shall be conducted between September 1 and January 31, outside of the nesting bird season, where feasible. However, if maintenance work or tree removal is scheduled to occur during the nesting bird season, between February 1 and August 31, a qualified biologist (as determined by a combination of academic training and professional experience in biological sciences and related resource management activities) shall conduct reconnaissance-level surveys for nesting birds no more than one week prior to routine maintenance activities. Surveys shall include upland access routes and equipment and materials staging areas in addition to each work site.</p> <p>If this survey finds evidence of nesting birds, work in the immediate area shall be postponed until September 1 and an avoidance buffer shall be implemented to avoid nest disturbance. The avoidance buffer is based on the nest location, topography, cover and species' tolerance to disturbance and is determined by a qualified biologist upon consultation with CDFW or USFWS. If an avoidance buffer is not achievable, a qualified biologist shall monitor the nest(s) to document that no take of the nest (nest failure) has occurred. Active nests cannot be taken or destroyed under the Migratory Bird Treaty Act and, for raptors, under the CDFW Code. If it is determined that construction activity is resulting in nest disturbance, work should cease immediately and CDFW should be contacted. If a lapse in project-related work of 5 days or longer occurs, another focused survey and if required, consultation with CDFW and USFWS, shall be required before project work can be reinitiated.</p> <p>If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the maintenance work period, no further action is required. Trees and shrubs within the footprint that are determined to be unoccupied by special-status birds or that are located outside the no-disturbance buffer for active nests may be removed. Nests initiated during work (while significant disturbance from maintenance activities persist) may be presumed to be unaffected, and only a minimal buffer would be necessary.</p> <p>In order to protect nesting birds and other breeding wildlife species, mowing, disking, and/or burning of levees shall only occur from July 1st through March 1st. If burrowing owls are observed or known to occur in the area, CDFW shall be contacted for appropriate protection measures.</p>	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites

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Exhibit B Mitigation Monitoring and Reporting Plan

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	Mitigation Measure BIO-12 Between February 15th and August 15th, project activities are prohibited within 0.5 miles of a nesting Swainson's hawk without consultation with CDFW under the California Endangered Species Act (CESA).	EBMUD	EBMUD	During maintenance activities	All project sites
	Mitigation Measure BIO-13 A qualified biologist shall conduct a pre-construction take avoidance survey for the burrowing owl prior to initiating maintenance-related ground disturbance activities in or near grassland habitats. In areas where owl presence is not found, construction may proceed without further mitigation. If western burrowing owl occupancy onsite is confirmed during pre-construction take avoidance surveys, EBMUD shall develop and implement a CDFW-approved Burrowing Owl Monitoring and Mitigation Plan in coordination with CDFW.	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites in or near grassland habitats
	Mitigation Measure BIO-14 Maintenance work shall be conducted between August 1 and February 28 to avoid the bat maternity period, where feasible. However, if maintenance work occurs between August 1 and February 28, a preconstruction survey for roosting bats shall be conducted by a qualified biologist within two weeks prior to construction to ensure that no roosting bats are disturbed during maintenance activities. If roosting surveys are inconclusive, indicate potential occupation by a special-status bat species, and/or identify a large day roosting population or maternity roost by any bat species within 200 feet of an active work area, a qualified biologist shall conduct focused day- and/or night-emergence surveys as appropriate. If active maternity roosts or day roosts are found in areas that would be removed or modified as part of maintenance work, activities shall commence before maternity colonies form (before March 1) or after young are flying (after July 31). Disturbance-free buffer zones (determined by a qualified biologist in coordination with CDFW) shall be observed during the maternity roost season (March 1 through July 31) for any active maternity colony identified during the surveys to protect maternity roosts. If a non-breeding bat roost is found in a structure anticipated for modification or removal, the individual(s) shall be safely evicted, under the direction of a qualified biologist in such a way that ensures individuals are not injured. If preconstruction surveys indicate that no roosting is present or potential roosting habitat is unoccupied during the construction period, no further action is required. Trees and shrubs within the construction footprint that have been determined to be unoccupied by roosting bats or that are	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites

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Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	located outside the no-disturbance buffer for active roosting sites may be removed. Roosting initiated during construction is presumed to be unaffected, and no buffer would be necessary.				
	<p>Mitigation Measure BIO-15</p> <p>EBMUD shall implement the following avoidance or minimization measures for the San Francisco dusky-footed woodrat:</p> <ul style="list-style-type: none"> • A preconstruction survey shall be performed by a qualified biologist within seven days prior to the start of ground-disturbing activities to identify the locations of active San Francisco dusky-footed woodrat nests within the Project boundary. Any woodrat nests detected would be mapped and flagged for avoidance by the qualified biologist. • If active nests are determined to be present, avoidance measures shall be implemented first. Because San Francisco dusky-footed woodrats are year-round residents, avoidance mitigation is limited to restricting Project activities to avoid direct impacts to San Francisco dusky-footed woodrats and their active nests to the extent feasible. A minimum ten-foot buffer should be maintained between Project construction activities and each nest to avoid disturbance. In some situations, a smaller buffer may be allowed if, in the opinion of a qualified biologist, removing the nest would be a greater impact than that anticipated as a result of Project activities. • If an unoccupied woodrat nest is found within the Project site and it cannot be avoided, the nest should be disassembled by hand by a qualified biologist. The nest materials should be relocated off site outside of the wildlife exclusion fencing to prevent rebuilding. • If occupied nests are found within the Project site, and a litter of young is found or suspected, the nest shall be left alone for two to three weeks before a recheck to verify that young are capable of independent survival before proceeding with nest dismantling. Dismantling shall be done by hand, allowing any animals to escape either along existing woodrat trails or toward other available habitat. • EBMUD shall notify CDFW of any nests, unoccupied or occupied, before they are dismantled. 	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
	<p>Mitigation Measure BIO-16</p> <p>If a possible San Joaquin kit fox or American badger den is found during implementation of pre-activity surveys, EBMUD shall implement the following avoidance or minimization measures for San Joaquin kit fox and American badger:</p> <ul style="list-style-type: none"> • Project activities shall not occur within 100 feet of a potential den (defined per 2011 USFWS Guidance as a subterranean hole within the species' range possessing sufficient entrance dimensions but evidence is insufficient to conclude that it is being used by a kit fox) during the 	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites

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Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	natal period (February 1 to September 30). • Project activities shall not occur within 200 feet of a known den (defined per 2011 USFWS Guidance as any natural den or built structure used by San Joaquin kit fox based on past data collected), or natal or pupping den (defined per 2011 USFWS Guidance as any den used, currently or previously, by kit foxes to rear pups typically with tracks, scat, and prey remains) during the natal period (February 1 to September 30).				
	Mitigation Measure BIO-17 In areas subject to dewatering, EBMUD shall check daily for stranded aquatic life as the water level drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the body of water closest to the work site.	EBMUD	EBMUD	During maintenance activities	Project sites that are dewatered
	Mitigation Measure HAZ-1 (see description below)				
	Mitigation Measure HYD-1 (see description below)				
	Mitigation Measure HYD-2 (see description below)				
b) Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Dept. of Fish & Wildlife or U.S. Fish & Wildlife Service?	Mitigation Measure BIO-18 Any trees which must be cut shall be cut at ground level, leaving the root mass in place to maintain bank stability. Any live native trees greater than 4 inches DBH removed shall be replaced at a 3:1 ratio, and exposed/disturbed areas shall be revegetated per MMs BIO-21, and BIO-22 below.	EBMUD	EBMUD	During maintenance activities	All project sites
	Mitigation Measure BIO-19 All exposed/ disturbed areas and access points within the stream zone left barren of vegetation following maintenance activities shall be revegetated with a blend of erosion control grass seeds using only native grass species. The seed mix shall be certified weed-free. Seeded areas shall be mulched. All other areas of disturbed soil which drain towards the stream channel shall be seeded with native erosion control grass seeds. Revegetation shall be completed immediately (within two weeks) after maintenance activities cease or before a significant rain event. Seeding placed after October 15 must be covered with broadcast straw, jute netting, coconut fiber blanket or similar erosion control blanket. Erosion control blankets with plastic monofilament or woven plastic strands, including biodegradable plastics, shall not be used.	EBMUD	EBMUD	After maintenance activities	All project sites
	Mitigation Measure BIO-20 To ensure a successful revegetation effort, all plants shall be monitored and maintained as	EBMUD	EBMUD	After maintenance activities	Project areas where revegetation occurs

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Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	<p>necessary for five years. The following success criteria shall apply:</p> <ul style="list-style-type: none"> • All plantings shall have a minimum of 80% survival at the end of 5 years. • Plants shall attain 70% cover after three years and 75% coverage after 5 years. • If the survival and/or cover requirements are not meeting these goals, EBMUD is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for five years after planting. <p>Revegetation monitoring shall be conducted annually for a period of five (5) years to determine whether these goals have been met, and an annual report shall be provided to CDFW regarding revegetation status.</p>				
	<p>Mitigation Measure BIO-21</p> <p>All live native trees greater than 4 inches DBH removed as a result of proposed maintenance activities shall be replaced at a 3:1 ratio (replacement trees : removed trees) to mitigate for permanent net loss of canopy cover. Replacement trees shall consist of 5-gallon saplings and shall be native species adapted to the lighting, soil and hydrological conditions at the replanting site. If replanting within the work area is infeasible due to slope steepness or other physical constraints, replacement trees may be planted at an alternate location along the stream corridor.</p>	EBMUD	EBMUD	During and after maintenance activities	All project sites
	<p>Mitigation Measure BIO-22</p> <p>When riprap is placed for bank slope protection on a previously vegetated bank, it shall not be grouted or mortared. Interstitial spaces between rocks shall be backfilled with clean native soils or imported fill and planted with trees, shrubs, or other vegetation to minimize habitat loss. If revegetation of the riprap is not feasible, EBMUD shall plant compensatory vegetation at an off-site location at a 3:1 ratio.</p> <p>Only rocks and boulders free of organic material and soil that could carry weeds or pathogens from other areas shall be used for the project. Riprap shall be properly keyed into the bank and be of sufficient size to remain in place and withstand the highest velocity of water anticipated within the stream channel.</p>	EBMUD	EBMUD	During maintenance activities	Project sites where rip-rap is used for bank slope protection
	Mitigation Measure HAZ-1 (see description below)				
	Mitigation Measure HYD-1 (see description below)				
	Mitigation Measure HYD-2 (see description below)				

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Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
c) Have a substantial adverse impact on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Mitigation Measure BIO-23 Prior to the implementation of any Project that shall result in a temporary or permanent "loss" of waters of the U.S. and/or State, EBMUD shall coordinate with and obtain permits from the U.S. Army Corps of Engineers and the Regional Water Quality Control Board as appropriate. Compensatory mitigation for the loss of waters of the U.S. and/or State shall occur at a minimum 1:1 ratio for permanent impacts. Compensatory mitigation options may include restoration, enhancement, and preservation on- or off-site, or the purchase of mitigation credits at an approved mitigation bank.	EBMUD	EBMUD	Prior to maintenance activities	All project sites
Cultural Resources					
b) Cause a substantial adverse change in the significance of a unique archaeological resource as defined in Section 15064.5?	Mitigation Measure CR-1 All EBMUD maintenance personnel shall attend a cultural resources training course. The training program will be completed in person or by watching a video conducted by a qualified archaeologist. The program will discuss cultural resources awareness within the project work limits, including the responsibilities of maintenance personnel, applicable mitigation measures, confidentiality, and notification requirements. Prior to accessing or performing maintenance work, all EBMUD personnel shall sign an attendance sheet by the qualified archaeologist verifying that they have attended the appropriate level of training; have read and understood the contents of the training; have read and understood the contents of the "Confidentiality of Information on Archaeological Resources"; and shall comply with all project environmental requirements. In the event that potential cultural resources are discovered at a maintenance site, all maintenance activities shall immediately cease at the location of discovery and within 100 feet of the discovery. EBMUD will retain a qualified archaeologist to inspect the findings within 24 hours of discovery. If it is determined that maintenance activities could damage a historical resource as defined by CEQA [or a historic property as defined by the National Historic Preservation Act of 1966, as amended], maintenance activities shall cease in an area determined by the archaeologist until a mitigation plan has been prepared, approved by EBMUD, and implemented to the satisfaction of the archaeologist (and Native American representative if the resource is prehistoric, who shall be identified by the Native American Heritage Commission [NAHC]). In consultation with EBMUD, the archaeologist (and Native American representative) will determine when construction can resume.	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
	Mitigation Measure CR-2 In the event that human remains are discovered, all maintenance activities shall immediately cease at the location of discovery and within 100 feet of the discovery. EBMUD will contact the County Coroner to determine whether or not the remains are Native American. If the remains are	EBMUD	EBMUD	During maintenance activities	All project sites

Mokelumne Aqueduct System Routine Maintenance Project

Exhibit B Mitigation Monitoring and Reporting Plan

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	determined to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC). The NAHC will then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to EBMUD for the appropriate means of treating the human remains and any associated funerary objects.				
	<p>Mitigation Measure CR-3</p> <p>Prior to initiating maintenance activities in a given year, EBMUD shall review the Archaeological Resources GIS database for all locations where ground-disturbing maintenance activities within previously undisturbed soils (excluding sediment removal areas in drainages) are anticipated. A qualified archaeologist shall conduct a review and assessment of those maintenance sites that overlap with newly recorded resources within the last year to determine the potential for affecting significant cultural resources. If a location identified for maintenance activities that require ground disturbance has not previously been surveyed for archaeological resources, a qualified archaeologist shall conduct a field review to determine if surficial evidence of a resource is present. Further archival record search and literature review (including a review of the Sacred Lands Inventory of the Native American Heritage Commission) shall be conducted, as appropriate.</p> <p>Identified cultural resources that may be impacted by a proposed maintenance activity shall be evaluated for eligibility for listing on the CRHR, or as a unique archaeological site or TCR, if they can't be avoided by maintenance activities. Cultural resources that are eligible for the CRHR are considered to be significant cultural resources, as are unique archaeological sites and TCRs. Cultural resources that are identified within Project areas subject to federal approval, permits, or funding shall also be evaluated for eligibility for listing on the NRHP. Cultural resources determined to be eligible for listing on the NRHP are automatically eligible for listing on the CRHR and are considered to be significant cultural resources.</p> <p>A cultural resources report summarizing the results of the assessment and indicating appropriate management actions for individual maintenance sites (e.g., no action, monitoring during construction, presence/absence testing for subsurface resources; data recovery, etc.) shall be developed. The management actions shall be implemented to avoid significant effects to cultural resources.</p>	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
	<p>Mitigation Measure CR-4</p> <p>Archaeological Data Recovery. If it is infeasible to avoid impacts on archaeological sites that have been determined to be eligible for listing on the CRHR or the NRHP, additional research including, but not necessarily limited to, archaeological excavation shall be conducted (California Code of Regulations [CCR] Section 15126.4 (b)(3)(C)). This work shall be conducted by a qualified archaeologist and shall include preparation of a research design; additional archival and historical</p>	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites

Mokelumne Aqueduct System Routine Maintenance Project

Exhibit B Mitigation Monitoring and Reporting Plan

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	research; archaeological excavation; analysis of artifacts, features, and other attributes of the resource; and preparation of a technical report documenting the methods and results of the investigation in accordance with the California Office of Historic Preservation Guidelines for Archaeological Research Design (1991). The purpose of this work is to recover a sufficient quantity of data to compensate for damage to or destruction of the resource. The procedures to be employed in this data recovery program shall be determined in consultation with responsible agencies and interested parties, as appropriate. Where necessary, EBMUD would seek Native American input and consultation.				
c) Disturb any human remains, including those interred outside of formal cemeteries?	Mitigation Measure CR-1 (see description above)				
	Mitigation Measure CR-2 (see description above)				
	Mitigation Measure CR-3 (see description above)				
	Mitigation Measure CR-4 (see description above)				
Geology and Soils					
b) Result in substantial soil erosion or the loss of topsoil?	Mitigation Measure HYD-1 (see description below)				
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<p>Mitigation Measure GEO-1</p> <p>If items of paleontological interest are accidentally discovered during maintenance, work shall be immediately suspended at, and within 100 feet of the discovery site. EBMUD will retain a qualified paleontologist to inspect the findings within 24 hours of discovery. The qualified paleontologist, in accordance with Society of Vertebrate Paleontology guidelines (2010), will assess the nature and importance of the find and recommend appropriate salvage, treatment, and future monitoring and management. If it is determined that maintenance activities could damage a paleontological resource as defined by the Society of Vertebrate Paleontology guidelines (Society of Vertebrate Paleontology 2010), maintenance activities shall cease in an area determined by the paleontologist until a salvage, treatment, and future monitoring and management plan has been prepared, approved by EBMUD, and implemented to the satisfaction of the paleontologist. In consultation with EBMUD, the paleontologist will determine when maintenance activity can resume.</p>	EBMUD	EBMUD	During maintenance activities	All project sites

Exhibit B Mitigation Monitoring and Reporting Plan

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
Hazards and Hazardous Materials					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Mitigation Measure HAZ-1 Prior to the start of maintenance activities, EBMUD shall establish a Contingency Plan detailing the procedures and countermeasures that will be implemented when an accidental release of hazardous materials occurs in order to prevent the release from entering navigable waters. The Contingency Plan shall include a list of the hazardous substances typically used for maintenance activities, including petroleum products, and countermeasures that shall be taken to prevent spills, monitor hazardous substances, and provide immediate response to spills. Spill response measures shall address notification of the appropriate agencies including phone numbers; spill-related worker, public health, and safety issues; spill control, and spill cleanup. All EBMUD maintenance staff shall be familiar with Contingency Plan procedures and countermeasures for preventing and controlling the spilling of known hazardous substances used on the jobsite or staging areas.	EBMUD	EBMUD	Prior to maintenance activities	All project sites
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	Mitigation Measure HAZ-1 (see description above)				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Mitigation Measure HAZ-1 (see description above)				
g) Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires?	Mitigation Measure WILD-1 (see description below)				

Mokelumne Aqueduct System Routine Maintenance Project

Exhibit B Mitigation Monitoring and Reporting Plan

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
Hydrology and Water Quality					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	Mitigation Measure HYD-1 All exposed soils within the work area shall be stabilized immediately following the completion of earthmoving activities to prevent erosion into the stream channel. Erosion control BMPs, such as silt fences, straw hay bales, gravel or rock-lined ditches, water check bars, and broadcasted straw will be used. Monofilament based erosion control blankets will not be used within the stream zone or riparian areas. Erosion control BMPs shall be monitored during and after each storm event for effectiveness. Modifications, repairs, and improvements to Erosion control BMPs shall be made as needed to protect water quality. Silt laden runoff will not be allowed to enter the stream or be directed to an area that may enter the stream at any point. All non-biodegradable silt barriers (e.g., plastic silt fencing, netting surrounding coil logs or rolls) shall be removed after areas have stabilized with erosion control vegetation (usually after the first growing season).	EBMUD	EBMUD	During maintenance activities	All project sites
	Mitigation Measure HYD-2 When work in streams with water is unavoidable, streamflow shall be diverted around the work area by construction of temporary instream fences or other barriers. The following measures shall be implemented to minimize impacts to water quality associated with dewatering activities: <ul style="list-style-type: none"> • The area to be dewatered shall encompass the minimum area necessary to perform the maintenance activity. • Construction of instream barriers shall begin in the upstream area and continue in a downstream direction, and the flow shall be diverted only when construction of instream barriers is complete. • Instream barriers shall be installed both upstream and downstream, not more than 100 feet from the extent of the work areas. • Streamflows shall be allowed to travel by gravity flow around or through the work site through pipes. • A qualified biologist shall be present to ensure that fish and other aquatic vertebrates are not stranded during construction and implementation of channel dewatering. • Downstream flows adequate to prevent fish or vertebrate stranding shall be maintained at all time during dewatering activities. • Diverted and stored water shall be protected from maintenance activity-related pollutants, such 			During maintenance activities	All in-stream work

Mokelumne Aqueduct System Routine Maintenance Project

Exhibit B Mitigation Monitoring and Reporting Plan

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	as soils, equipment lubricants, and fuels. • If necessary, discharged water shall pass over some form of energy dissipater to prevent erosion of the downstream channel. Silt bags will be attached to the end of discharge hoses and pipes to remove sediment from discharged water. • When maintenance is completed, the temporary instream barrier shall be removed as soon as possible but no later than 48 hours after work is completed. Impounded water shall be released at a reduced velocity to minimize erosion, turbidity, and harm to downstream habitat. • When diversion structures are removed, to the extent practicable, the ponded flows shall be directed into the low-flow channel within the work site to minimize downstream water quality impacts. • The area disturbed by installation of instream structures shall be restored at the completion of the maintenance activity.				
	Mitigation Measure BIO-8 (see description above)				
	Mitigation Measure BIO-9 (see description above)				
	Mitigation Measure BIO-10 (see description above)				
	Mitigation Measure HAZ-1 (see description above)				
c) Substantially alter the existing drainage pattern of the site area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) Result in substantial erosion or siltation on- or off-site;	Mitigation Measure HYD-1 (see description above)				
	Mitigation Measure BIO-8 (see description above)				
Noise					
a) Generation of a substantial temporary or permanent increase in ambient noise	Mitigation Measure NOI-1 EBMUD shall implement the following noise-reducing practices to minimize disturbances to	EBMUD	EBMUD	Prior to and during maintenance	All project sites

Mokelumne Aqueduct System Routine Maintenance Project

Exhibit B Mitigation Monitoring and Reporting Plan

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<p>residential areas surrounding work sites:</p> <ul style="list-style-type: none"> • Work or activity of any kind shall be limited to the hours from 8:00 a.m. to 5:00 p.m. Monday through Friday. Activities in residential areas shall not occur on Saturdays, Sundays, or EBMUD observed holidays except during emergencies, or with advance notification of surrounding residents. • Advanced notification about the estimated duration of the activity shall be provided at least one week prior to the start of maintenance adjacent properties within 40 feet of the proposed Project's sites where heavy equipment shall be used. • Powered equipment (vehicles, heavy equipment, and hand equipment such as chainsaws) shall be equipped with adequate mufflers. Best available noise control techniques (e.g., mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) shall be used for all equipment and trucks, as necessary. • Stationary noise sources (e.g. chippers, grinders, compressors) shall be located as far from sensitive receptors as possible. If they must be located near receptors, adequate muffling (with enclosures when feasible) shall be used. Enclosure opening or venting shall face away from sensitive receptors. • EBMUD shall use hydraulically or electrically powered equipment wherever feasible to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used (a muffler can lower noise levels from the exhaust by up to about ten dB). External jackets on the tools themselves shall be used, where feasible, which could achieve a reduction of five dB. 			activities	
Tribal Cultural Resources					
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred	Mitigation Measure CR-1 (see description above)				
	Mitigation Measure CR-2 (see description above)				
	Mitigation Measure CR-3 (see description above)				
	Mitigation Measure CR-4 (see description above)				

Mokelumne Aqueduct System Routine Maintenance Project

Exhibit B Mitigation Monitoring and Reporting Plan

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
<p>place, or object with cultural value to a California Native American tribe, and that is:</p> <p>ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>					
Wildfire					
<p>b) Due to slope, prevailing winds, or other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?</p>	<p>Mitigation Measure WILD-1</p> <p>The following measures shall be implemented to reduce the potential for and spread of a wildfire:</p> <ul style="list-style-type: none"> • All maintenance sites shall be supplied and maintained with adequate fire-fighting equipment capable of extinguishing incipient fires. • All earthmoving and portable equipment with internal combustion engines shall be equipped with a spark arrestor to reduce the potential for igniting a wildfire. Such equipment shall be maintained to ensure proper functioning of spark arrestor. • Combustible materials shall be removed from the maintenance site once maintenance is complete. • Approved access for firefighting shall be maintained during maintenance work. 	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites

Mokelumne Aqueduct System Routine Maintenance Project

Exhibit B Mitigation Monitoring and Reporting Plan

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power line or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	Mitigation Measure WILD-1 (see description above)				

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EXHIBIT C

EBMUD Practices and Procedures Monitoring and Reporting Plan

The following table lists all applicable requirements from the East Bay Municipal Utility District's (EBMUD) Environmental Compliance Manual (including the engine idling procedure), Climate Mitigation Action Plan and Climate Change Monitoring and Response Plans, and EBMUD Procedure 711, Hazardous Waste Removal that have been incorporated into the Project. These EBMUD Practices and Procedures are standardized practices and procedures applicable to all EBMUD projects, are not tailored to address specific impacts of the Project, reflect generally applicable EBMUD standard operating procedures, and as such have been properly incorporated into the project itself rather than being imposed as mitigation measures. Nonetheless, to ensure their implementation and to streamline monitoring thereof, the Board of Directors has formally adopted these EBMUD Practices and Procedures, imposed them as conditions of Project approval, and adopted this Practices and Procedures Monitoring and Reporting Plan.

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Exhibit C EBMUD Practices and Procedures Monitoring and Reporting Plan

Impact Area	EBMUD Practices and Procedures ¹	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
Air Quality					
a) Conflict with or obstruct implementation of the applicable air quality plan? c) Expose sensitive receptors to substantial pollutant concentrations?	EBMUD Environmental Compliance Manual - Engine Idling Procedures All diesel fueled equipment having a gross vehicle weight rating (GVWR) greater than 10,000 pounds must restrict engine idling to 5 minutes or less at any location. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes as required by the California Airborne Toxics Control Measure (ATCM) Title 13, Section 2485 of California Code of Regulations. Clear signage shall be provided for construction workers at all access points.	EBMUD	EBMUD	During maintenance activities	All project sites
Energy					
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation? b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	EBMUD Environmental Compliance Manual - Engine Idling Procedures (details as previously listed)	EBMUD	EBMUD	During maintenance activities	All project sites
Greenhouse Gas Emissions					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	EBMUD Environmental Compliance Manual - Engine Idling Procedures (details as previously listed) EBMUD Climate Mitigation Action Plan and Climate Change Monitoring and	EBMUD	EBMUD	During maintenance activities	All project sites

¹ In EBMUD Standard Specifications, "District" = EBMUD.

Exhibit C EBMUD Practices and Procedures Monitoring and Reporting Plan

Impact Area	EBMUD Practices and Procedures ¹	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	Response Plans These plans ensure that EBMUD operations are consistent with the California Climate Change Scoping Plan.				
Hazards and Hazardous Materials					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment? c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would it create a significant hazard to the public or the environment?	EBMUD Procedure 711, Hazardous Waste Removal The purpose of this procedure is to define hazardous waste and establish responsibilities for removal of hazardous wastes from District facilities. Responsibilities are delineated as follows: The Unit Supervisor or Project Manager (or his/her designee) <ul style="list-style-type: none"> • Determines if the Waste is a Hazardous Waste, either with assistance from the Environmental Compliance Section (ECS) or based on knowledge. • Contacts ECS staff to coordinate Waste disposal, reuse, or recycling issues. • Provides all known information about the Waste asked for by the ECS. • Assists in the determination of the analyses to be performed by the District Laboratory or other certified laboratory based on his/her knowledge of the Waste. • Labels, stores, inspects, and maintains inventory records for the Waste in an appropriate manner as directed by ECS. 	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites

Mokelumne Aqueduct System Routine Maintenance Project

Exhibit C EBMUD Practices and Procedures Monitoring and Reporting Plan

Impact Area	EBMUD Practices and Procedures ¹	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	<ul style="list-style-type: none"> Ensures that Waste is available for transportation when notified by the ECS that Waste collection is scheduled. Helps the ECS coordinate interim storage of non-routine Hazardous Waste while it is being characterized for disposal. Reviews Hazardous Waste manifests prepared by haulers, to confirm the accuracy of information. Signs the Hazardous Waste manifest indicating approval if authorized and trained by ECS. Sends the signed Generator copy of the manifest to the ECS within seven (7) days of the off-haul date, unless previous agreement has been made with ECS and the hauler to send Generator copy directly to ECS. Provides the ECS with a budget unit number and a job number. <p>Environmental Compliance Section</p> <ul style="list-style-type: none"> Coordinates the appropriate steps to characterize the Waste. Determines, with the help of the requesting department, what analyses are needed to classify the Waste. Works with the District Laboratory and/or the Hazardous Waste contract hauler to analyze the Hazardous Waste or to assist in identifying other labs 				

Mokelumne Aqueduct System Routine Maintenance Project

Exhibit C EBMUD Practices and Procedures Monitoring and Reporting Plan

Impact Area	EBMUD Practices and Procedures ¹	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	<p>certified to perform the analysis.</p> <ul style="list-style-type: none"> Obtains Hazardous Waste acceptance documents (e.g., waste profile) from disposal facility and provides to generating department to be included with Hazardous Waste shipment, as needed. Identifies and approves disposal, reuse or recycling method and disposal, reuse, or recycling facility. Obtains and provides EPA generator identification number. Identifies and/or manages companies providing Hazardous Waste management services (for sampling, hauling, and disposal) depending on District departmental needs. Provides training and guidance to unit or project staff on Hazardous Waste handling and disposal requirements and Hazardous Waste manifest completion requirements. Reviews completed and signed Hazardous Waste manifests prior to submittal to Department of Toxic Substances Control. Tracks manifest in a database and generates reports and summaries as needed. Provides other information as needed. 				

Mokelumne Aqueduct System Routine Maintenance Project

Exhibit C EBMUD Practices and Procedures Monitoring and Reporting Plan

Impact Area	EBMUD Practices and Procedures ¹	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
Hydrology and Water Quality					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	EBMUD Procedure 711, Hazardous Waste Removal (details as previously listed)	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites

Mokelumne Aqueduct System Routine Maintenance Project

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ITEM 11

CORONAVIRUS UPDATE

WILL BE PROVIDED
AS AN ORAL REPORT

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 12, 2020

MEMO TO: Board of Directors

FROM: Alexander R. Coate, General Manager *ARC*

SUBJECT: Monthly Report – April 2020

HIGHLIGHT

In April, in response to the COVID-19 emergency, the District took numerous actions to protect public and employee safety. On April 1, all non-essential construction projects were paused. On April 2, the District notified the development community of its action to suspend installation of non-essential applicant projects per the March 31, 2020 updated shelter-in-place orders from the Alameda and Contra Costa Counties' Public Health Department Health Officers. On April 3, the East Bay watershed staging area parking lots and restrooms were closed to reduce crowding on trails. East Bay watershed trails remained open except for those associated with San Pablo and Lafayette Recreation Areas. Limited upcountry watershed trail access continues. Trail use permit requirements were waived through April. The District also began working with Stanford University, Massachusetts Institute of Technology, Harvard University, Brigham and Women's Hospital, University of South Carolina in partnership with the Centers for Disease Control and Prevention, and University of California at Berkeley providing weekly samples for analysis of coronavirus in wastewater to support public health goals. For employees, numerous actions articulated in daily communications to employees have been taken to reduce the potential for exposure to COVID-19 while still completing the essential work of the District.

WATER SUPPLY

East Bayshore recycled water customer retrofit update. On April 9, staff activated recycled water service for the City of Emeryville's 40th Street Median Project. The cross-connection testing for this site was deemed to be "essential" construction per the Alameda County Public Health Department's shelter-in-place order. The site is part of a grant funded low-income housing project. Recycled water was supplied to the street medians and streetscape along 40th Street between Hollis Street and Halleck Street.

San Ramon Valley recycled water customer retrofit update. In April, all construction work was suspended at Canyon Lakes Golf Course in compliance with the Contra Costa Health Services' shelter-in-place order. Approximately half of the trenching and installation of 4,000 feet of the main irrigation 8-inch pipeline was completed prior to the order. Delivery and installation of the main pump has been put on hold until the order is lifted.

In April, the District submitted a second comment letter to the State Water Resources Control Board (SWRCB) on the proposed Urban Water Conservation Reporting Regulations. On April 17, the SWRCB adopted the regulation, which addressed most of the District's issues with the provisional nature of consumption data. The regulation will take effect on October 1, 2020.

Precipitation. The East Bay precipitation for April was 1.30 inches (66 percent of average) and the season total is 11.10 inches (43 percent of average). The Mokelumne precipitation for April was 3.93 inches (95 percent of average) and the season total is 30.77 inches (68 percent of average).

Water Releases

Camanche Reservoir. The average rate of Camanche release for April was 318 cfs (276 cfs generation, 3 cfs sluice, and 39 cfs through the hatchery), and the average flow below Woodbridge Dam was 172 cfs, both in accordance with the Joint Settlement Agreement "Dry" criteria.

East Bay Reservoirs. There were no East Bay reservoir releases in April.

Water Storage

Mokelumne reservoirs storage is 98 percent of average. As of April 30, 2020, Pardee was at 558.3 feet or 97 percent of average, and Camanche was at 219.0 feet or 99 percent of average. Combined Pardee and Camanche reservoir storage was 486,000 acre-feet compared to 531,000 acre-feet last year.

East Bay reservoirs storage is 94 percent of average. As of April 30, 2020, USL was at 451.9 feet or 94 percent of average, San Pablo was at 305.4 feet or 92 percent of average, and Briones was at 570.4 feet or 96 percent of average. Total terminal reservoir storage was 131,000 acre-feet compared to 141,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft for April 2020 was 146 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 April:

	April 2020	April 2019	April 2013	Average of FY 2005-2007
East of Hills	39 MGD	35 MGD	53 MGD	42 MGD
West of Hills	109 MGD	114 MGD	128 MGD	136 MGD
Total	148 MGD	149 MGD	181 MGD	178 MGD
Max Day Production	180 MGD (4/27/2020)	183 MGD (4/29/2019)	220 MGD (4/29/2013)	

Note: Data are all from preliminary daily operational reports and are subject to revision

WATER QUALITY AND ENVIRONMENTAL PROTECTION

Main Wastewater Treatment Plant (MWWTP) digester gas flares update. On April 15, the Bay Area Air Quality Management District issued the District a Permit to Operate two high-capacity digester gas flares located at the MWWTP. The flares were installed in 2015 and 2017 but required follow-up research, testing, and updated permit conditions to operate due to the District's unique treatment loading, which is a mixture of trucked resource recovery wastes and municipal sewage sludges.

Cruise ship wastewater treatment update. On April 3, discharges ceased from the Grand Princess cruise ship, docked at the Port of Oakland, and the ship left San Francisco Bay. The District received approximately two million gallons of treated wastewater over a three-and-a-half week period, comprising a fraction of a percent of total flows to the Main Wastewater Treatment Plant during that time period.

San Leandro Creek water quality sampling update. In April, the District completed water quality sampling of the San Leandro Creek in support of the \$5 million California Department of Water Resources' Stormwater Grant for the Chabot Dam Seismic Upgrade Project. The laboratory results met the grant criteria for improved water quality below the reservoir. The three-year sampling program is complete.

In April, one industrial customer in the wastewater service area was issued a Notice of Violation (NOV) for exceeding the District's local limit for pH. The NOV was issued to a beverage manufacturing facility in Oakland that accidentally discharged their product to the sewer without pH adjustment. The industrial customer is required to submit a corrective action plan and pay fees to cover the District's re-inspection fee. Staff will continue to monitor the facility for ongoing compliance with pretreatment requirements. Due to the potential issue for the collection system the City of Oakland was notified of this discharge.

In April, the District submitted dam breach inundation maps to the Division of Safety of Dams (DSOD) for the Argyle #2, Leland, Maloney, Moraga, and North reservoirs. The maps are required by the California Code of Regulations and show the inundation area below each reservoir under an extremely unlikely hypothetical dam breach. The remaining required inundation maps for Pardee and Camanche reservoirs will be submitted by September 30, 2020.

In April, staff completed 14 biological assessments in preparation for the expiration of the Camanche/Pardee Watershed Routine Maintenance Agreement (RMA) in April 2020. Staff mapped culverts throughout the Mokelumne River watershed in compliance with the California Environmental Quality Act (CEQA) component of the RMA renewal process. Staff successfully submitted all permit requests ensuring regular maintenance will be completed through October 2020 while pursuing a new RMA and CEQA process.

On April 3, hazardous materials were illegally dumped on District watershed land. Approximately 15 containers of various unlabeled paints, solvents, and used oil were removed from watershed land off Grizzly Peak Road in Orinda.

On April 3, the District received a five-year scientific research permit from the National Marine Fisheries Service. The permit authorizes the District to annually take listed natural-origin steelhead while conducting the Lower Mokelumne River Fish Monitoring Program.

On April 10, staff completed topography surveys in the Mokelumne River Day Use Area for the Spawning Habitat Integrated Rehabilitation Approach. This data will be used to create a sediment gain/loss budget required to maintain the upper 1.3-kilometer spawning reach.

On April 27, staff met with Cal Fire and Moraga-Orinda Fire District to finalize details on a three-day prescribed burn starting April 29. The prescribed burn will be applied to four-acres located at the intersection of El Toyonal and Wildcat Canyon Roads and will reduce fuel within the North Orinda Shaded Fuel Break.

All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with the permit limits for the month of April. This is the 248th consecutive month that the MWWTP experienced no exceedances.

The District received one odor complaint from the public in April. Investigation of the complaint determined the source to be the influent pump station at the Main Wastewater Treatment Plant (MWWTP). Staff increased the chemical dosing for influent entering the MWWTP and the odors subsided.

INFRASTRUCTURE INVESTMENT

Country Club, Schapiro & Berryman North Pumping Plants Rehabilitation, and Road 24 No. 1 Pumping Plant Demolition Project update. On April 15, the Country Club Pumping Plant (Oakland) was rehabilitated and returned to service after a successful seven-day startup test. This is the final component of the \$5.44 million capital improvement project that also included the rehabilitation of Berryman North and Schapiro Pumping Plants.

On April 29, staff met with Phillips 66 Refinery (Phillips 66) to continue discussions regarding the Crockett Aqueduct Pipelines in Rodeo. Staff shared the District's terms and conditions to address the encroachments, agreement violations, and public health and safety hazard concerns to the existing 24-inch and 48-inch aqueducts located on District property traversing the Phillips 66 Refinery. Phillips 66 proposed improvements to address issues such as marking the water mains on their property and removing some minor encroachments. Staff provided additional recommendations and draft agreement terms to address the encroachment, maintenance, and access issues. Phillips 66 has requested time to clarify and follow-up on terms and conditions related to environmental issues. Staff will continue to meet with Phillips 66 to reach an agreement.

Staff completed the design of the Sobrante Water Treatment Plant (WTP) Control Systems Improvements Project under Specification 2134. This \$3.5 million project will modernize and standardize the control systems for the Sobrante WTP, and will significantly improve the reliability, cyber security, and upgradability of the plant's controls to match the Orinda and Walnut Creek WTPs. Construction is expected to be completed by February 2022.

Mains repaired in April totaled 18. The attached table lists the mains repaired by staff in April, 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 April, the District sponsored the Healthy Bay Challenge in support of a healthy San Francisco Bay. The Healthy Bay Challenge is a virtual race, which replaced the annual Bay Parade, where participants collect points for activities. The challenge is a friendly competition between sponsoring organizations and individuals from April 13 through May 31. The District's logo is displayed on the event website.

On April 1, staff participated on a virtual panel providing an overview of the coronavirus, transmission and operations planning, a webinar sponsored by the Water Environment Federation and the California Association of Sanitation Agencies. The panel focused on furthering better understanding about the virus by wastewater and water professionals. Staff provided information on the District's response to COVID-19 to ensure protection of wastewater workers and public health.

On April 7, staff presented virtually at the Water and Wastewater Chief Financial Officer Forum. The presentation highlighted the impacts of COVID-19 on the District.

On April 28, the District held a virtual public meeting for the Wildcat Pipeline Improvement Project in Berkeley. The project includes construction of 5,550 feet of 48-inch diameter water transmission pipeline. Construction is expected to occur between May 2020 and summer 2021. Staff provided information on road closures, night work to minimize traffic disruptions, alternate parking during road closures, and hotel accommodations for residents during night work. A detailed frequently-asked-questions document will be prepared and posted on the District's project website by May 5. Approximately 35 people attended.

Media. On April 7, staff issued a press release on updated efforts to respond to COVID-19, including changes in work processes, trails access, customer service and wastewater treatment; it ran in the Oakland Post.

Media coverage included impacts of coronavirus on operation of water treatment plants (Mercury News); suspending customer shutoffs (IndyBay); reasons to not flush wipes (99% Invisible podcast); wastewater treatment for the Grand Princess Cruise ship (KQED, KCBS, KTVU, KPIX); District essential workers (KCBS); status of recreation areas and trails (SF Chronicle); water supply (KPIX); and collaborative efforts with researchers and universities to test for COVID-19 in wastewater to provide more data to track the disease (KQED). In addition, received inquiries about the financial impacts on EBMUD and changes in water use patterns from KQED and the SF Chronicle.

Staff also conducted interviews for a dam safety story focused on Chabot Dam (KQED BayCurious podcast).

Social Media:

Social Platform	Popular Topic	Impression Generation	# Followers	Increase Over Last Month
Twitter	Wipes clog pipes with link to 99% Invisible podcast	6,507	3,100	59
Facebook	Thanks to water heroes	923	1,280	52
LinkedIn	Profile of senior chemist	23	5,227	87
Nextdoor	Wipes are a Hazard	Distribution to entire service area.		

Staff conducted public outreach to neighbors and interested parties on the following projects:

- Bayfair, Peralta, and South Pumping Plant Project (Oakland/San Leandro)
- Carisbrook Reservoir and Skyline Pumping Plant Replacement Project (Oakland)
- Lafayette Nordstrom Lane and Glen Road Pipeline Replacement Project (Lafayette)
- Orinda Water Treatment Plant Disinfection Improvements Project (Orinda)
- Panoramic Hill Improvements Project (Berkeley/Oakland)
- Westside Pumping Plant Replacement Project (Orinda)
- Wildcat Pipeline Improvement Project (Berkeley)

Contract Equity

Staff participated in the following business community events:

- April 8 – Construction Resource Center, *Industry Advisory Committee Meeting*, teleconference – 5 people attended
- April 14 – American Indian Chamber of Commerce, *Advisory Council Meeting*, teleconference – 23 people attended

Water Conservation

On April 2, staff presented virtually at the California Landscape Contractors Association's East Bay Chapter (CLCA) meeting. The presentation topics included the District's current water supply status, water rates, and general discussion of the various District rebate programs available to assist landscape contractors. Approximately 15 people attended.

WORKFORCE PLANNING AND DEVELOPMENT

Staff participated in events/activities that support the District's long-term efforts to develop a diverse pipeline of candidates for our future workforce needs and expand collaborative relationships with local partner organizations:

- **April 14 - staff was interviewed virtually by the Oakland Unified School District regarding the District's summer high school internship program.** Staff provided information on the District's benefits and application process for the program. The interview was streamed to approximately 40 students.
- **April 29 - staff participated virtually in Laney College's Civil Service Test-Prep/Pre-Apprenticeship class.** Staff participated on a careers panel and mock interview exercise. Approximately 20 people attended.

Tuition Reimbursement

	April 2020	FY20 Total
# of Employees	20	183
# of Classes	23	220
Total Reimbursed	\$12,413	\$162,639

Employment Information

	April 2020	FY20 Total
Retirements – Regular	7	65
Retirements – Vested	2	9
Hires/Rehires	2	203
Other Separations	1	62

FINANCIAL STABILITY

The construction contract with F.D. Thomas for the Main Wastewater Treatment Plant Oxygen Plant Recoating Project requires an additional increase in the change order contingency. An additional increase of \$130,000 is needed due to scheduling constraints and increased rehabilitation work that were not previously identified for the four liquid oxygen storage tanks. It is estimated that the change order contingency will need to be raised to \$470,000 or 85 percent of the original contract amount of \$531,000.

The estimated earned revenue from Mokelumne power sales for April is \$555,983. The District sold renewable power and related Renewable Energy Credits (REC) to Marin Clean Energy (MCE). Sales of RECs generated \$132,150 from MCE. Resource Adequacy capacity sales to 3Phases Renewables, Inc. and Shell earned \$139,100. Earned revenue through April is estimated at \$4.8 million or 96 percent of the FY20 budgeted \$5.0 million. Forecasted revenue for FY20 is \$5.7 million.

The estimated earned revenue from Power Generation Station's surplus power sales for April was \$58,558. The District sold renewable power and related Renewable Energy Credits (RECs) to the Port of Oakland. Sale of RECs generated \$13,128 from Port of Oakland. Earned revenue through April is estimated at \$736,235 or 74 percent of the FY20 budgeted \$1.0 million.

There was one material, supply or construction contract from \$80,001 to \$100,000 approved by the General Manager in April 2020. There were three general and professional service agreements from \$30,001 up to \$80,000 approved by the General Manager in April 2020.

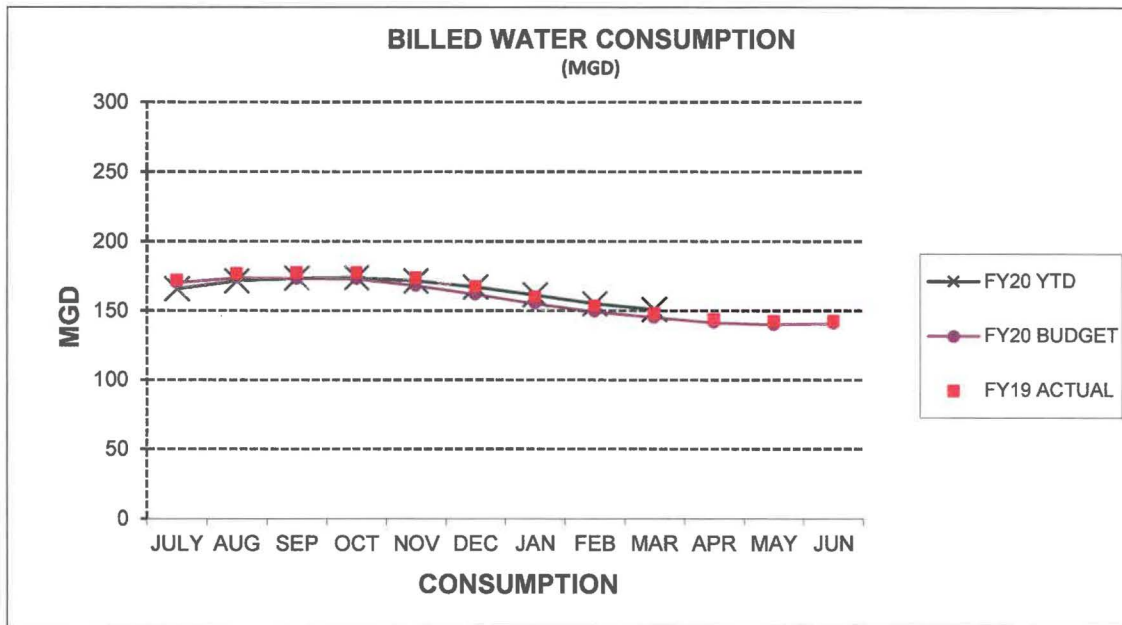
VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
GEI Consultants, Inc.	4/3/20	White Male Local Business	Perform dam breach modeling and analysis for Pardee and Camanche Dams and associated critical appurtenant structures	N/A	N/A	\$80,000
Larry Walker Associates, Inc.	4/3/20	White Female	Services to update the San Francisco Bay Dilution study	N/A	N/A	\$58,500
TG's Backflow Service	4/16/20	Hispanic Female Local Business Small Business	Services to test residential backflow devices for calendar year 2020		N/A	\$37,700
Atlas Copco Rental	4/24/20	Publicly Held Corporation	Rental of oil-free air compressor to promote mixing at Upper San Leandro (USL) Reservoir	N/A	Two months	\$99,900

Water Sales (Consumption)

The following consumption information is the average water consumption in million gallons per day (MGD) for the first nine months of FY20. Budgeted average daily water consumption for FY20 is 141 MGD, and consumption is generally higher in the first half of the fiscal year due to outdoor watering. The table below shows the average billed water consumption information by customer class with a comparison to FY19 for the same time period. FY20 water consumption to date is slightly higher compared to FY19 due to less precipitation in January and February.

Alameda and Contra Costa counties have been under a “shelter-in-place” emergency declaration since March 17, 2020. This emergency declaration has limited the activities of the businesses, industries, schools and public agencies within the service area and could have an impact on water consumption and revenue in the upcoming months. At this time it is not possible to accurately separate out effects of weather and “shelter-in-place” orders on March and April water use to date. Staff will continue to monitor water production for changing trends.

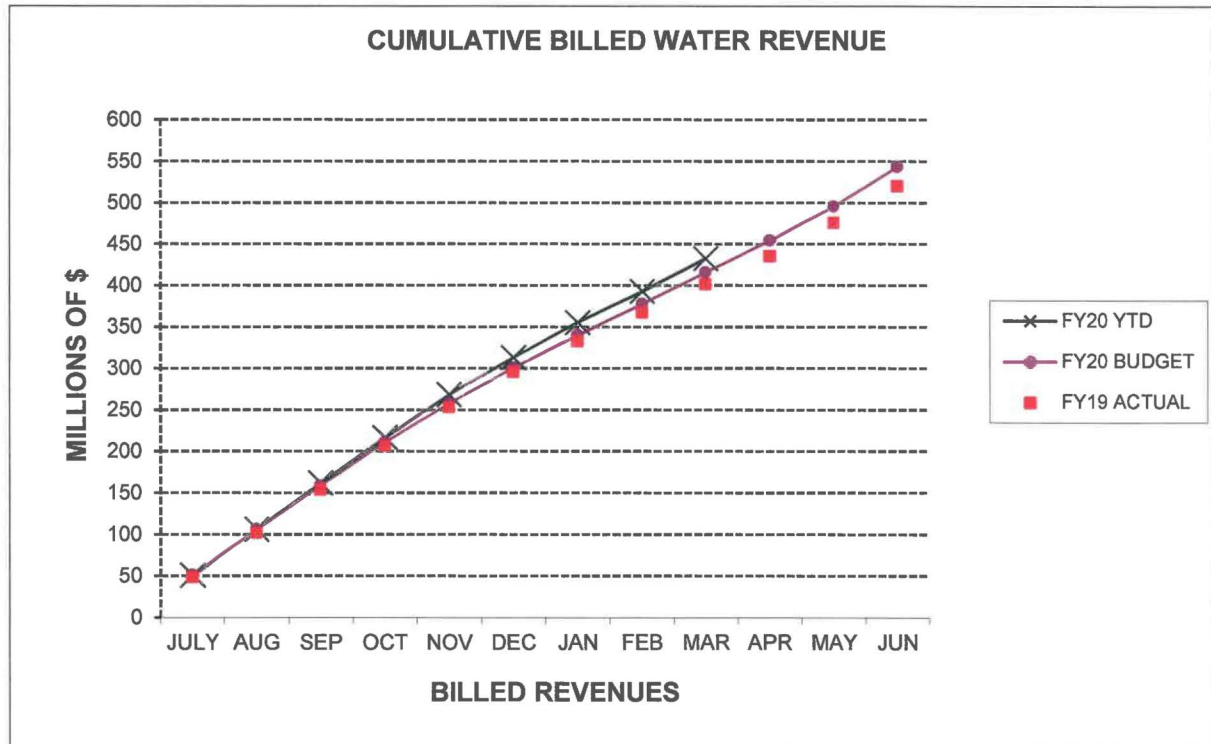
Fiscal Year-to-Date Billed Water Consumption			
Usage Type	FY20 (MGD)	FY19 (MGD)	Year-over-Year (% change)
Residential	78.2	76.1	2.8%
Commercial	49.4	48.5	1.9%
Industrial	16.0	16.9	-5.3%
Public Authority	7.2	6.6	9.1%
Total Billed Water Consumption	150.8	148.1	1.8%



Source: Customer Information System

Water Sales (Revenue)

Water revenue billed through March was \$432.6 million or 7.7% more than the FY19 revenue through March of \$401.7 million. Total FY20 water revenue through March was \$16.5 million, 4.0%, greater than the budgeted water revenue of \$416.1 million.

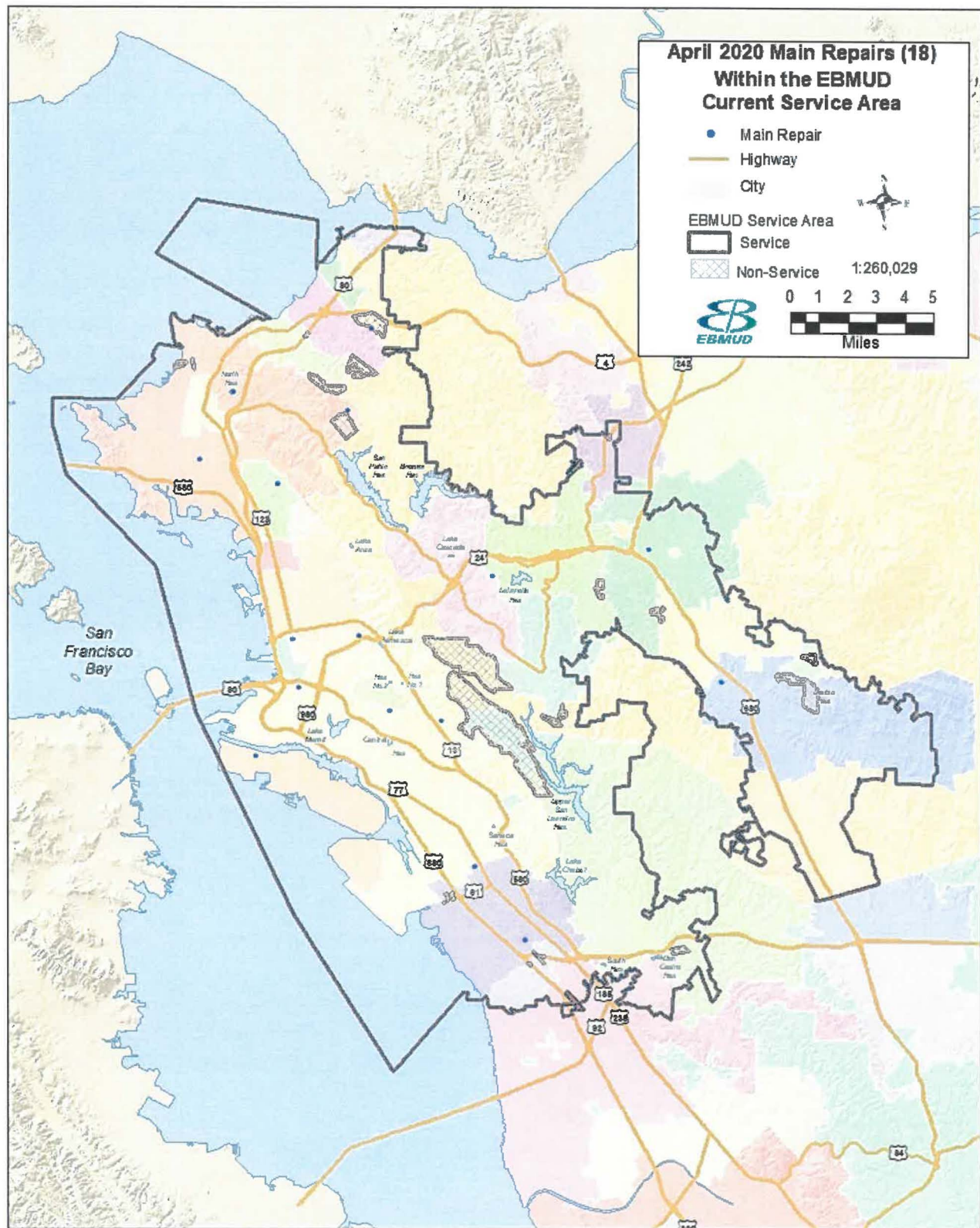


Source: Customer Information System

APRIL 2020 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ALAMEDA		MONARCH	ST	CAST IRON	6.00	1946	1,350	4/25/2020	4/25/2020	Y
DANVILLE		DANVILLE	BL	ASBESTOS CEMENT	10.00	Unknown	0	4/1/2020	4/8/2020	Y
EL CERRITO		DEVONSHIRE	DR	CAST IRON	6.00	1927	2,250	4/11/2020	4/11/2020	Y
EL CERRITO		DEVONSHIRE	DR	CAST IRON	6.00	1927	2,250	4/11/2020	4/11/2020	Y
HERCULES		HOLLYHOCK	CT	ASBESTOS CEMENT	6.00	1978	5,760	4/21/2020	4/24/2020	Y
LAFAYETTE		ACALANES	RD	STEEL	16.00	1949	900	4/2/2020	4/3/2020	Y
OAKLAND		32ND	ST	CAST IRON	4.00	Unknown	10,080	4/17/2020	4/23/2020	Y
OAKLAND		BUCKLEY	CT	CAST IRON	4.00	1955	11,520	3/26/2020	4/2/2020	Y
OAKLAND		CHABOT CREST		CAST IRON	6.00	1925	36,000	4/14/2020	4/14/2020	Y
OAKLAND		SAN LEANDRO	ST	CAST IRON	4.00	1948	0	4/16/2020	4/23/2020	Y
OAKLAND		SAN PABLO	AVE	CAST IRON	4.00	Unknown	7,200	4/16/2020	4/20/2020	Y
OAKLAND		SUNNYHILLS	RD	CAST IRON	2.00	1928	0	4/14/2020	4/21/2020	Y
RICHMOND		ALTA MIRA	DR	STEEL	12.00	1955	14,400	4/21/2020	4/30/2020	Y
RICHMOND		HACKNEY	CT	ASBESTOS CEMENT	6.00	1985	28,800	4/13/2020	4/16/2020	Y
RICHMOND		HAYES	ST	CAST IRON	6.00	1932	12,960	4/11/2020	4/13/2020	Y
SAN LEANDRO		BOWLING GREEN		CAST IRON	4.00	1941	0	4/14/2020	4/21/2020	Y
SAN LEANDRO		OLIVE	ST	CAST IRON	4.00	1947	20,160	4/2/2020	4/15/2020	N
WALNUT CREEK		MT DIABLO	BL	CAST IRON	8.00	1959	2,700	4/14/2020	4/14/2020	Y
Total							156,330			

Non-surfacing leaks discovered by leak detection technologies	1
Breaks caused by contractors or other agencies	0
Other main breaks	17
Total water main repairs	18

**KPI = turn around time to repair the leak*



Customer Account Delinquency Information											
April 2020											
(Data collection began September 1, 2017)											
CUSTOMER ASSIST. PROGRAM (CAP) ENROLLMENT	November	December	January	February	March	April	Totals				
New CAP Participants	149	133	157	214	191	304	4,957				
CAP Renewals	119	154	170	189	158	203	4,848				
CAP Departures	180	175	174	198	191	186	4,649				
Total Active CAP Participants w/Active Accounts	6,958	6,969	6,990	7,097	7,195	7,370					
PAYMENT PLANS	November	December	January	February	March	April	Totals				
Approved Payment Plans	4,951	5,136	5,476	4,555	4,207	1,501	157,406				
Payment Plans Established After Service Interruptions	33	72	79	13	1	-	1,320				
SERVICE INTERRUPTIONS - RESIDENTIAL	November	December	January	February	March	April ³	Totals				
15-day Final Collection Notices	13,802	18,563	13,603	13,945	16,744	14,693	500,766				
48-hr Service Interruptions Notices	8,035	9,383	7,946	7,754	7,627	9,351	265,111				
Service Interruption Orders Created	2,413	3,655	3,206	2,451	*	*	82,689				
Service Interruptions Completed (Actual)	574	1,104	1,155	436	*	*	22,712				
CAP Enrolled Service Interruptions	10	31	42	1	*	*	802				
WATER THEFT	November	December	January	February	March	April	Totals				
No. of Incidents	18	11	25	11	12	-	367				
No. of 2nd or 3rd Occurrences	2	1	3	1	3	-	41				
No. Water Theft Penalties Issued	8	7	15	6	6	-	227				
No. of Appeals Received	1	1	-	-	-	-	10				
No. of 1st Appeals Approved	1	-	-	-	-	-	5				
No. of 1st Appeals Denied	-	1	-	-	-	-	7				
Multi-Family Liens ¹	November	December	January	February	March	April	Totals				
Liens Filed	146	0	129	230	-	-	3,959				
Released	21	10	44	30	32	30	2,386				
Transferred to Alameda Cty.	-	-	-	-	-	-	1,356				
Transferred to Contra Costa Cty.	-	-	-	-	-	-	303				
Total/Month	167	10	173	260	32	30	8,004				
¹ Liens filed monthly represents delinquent accounts 4-6 months in arrears.											
BAD DEBT - WRITE OFFS	November	December	January	February	March	April	Totals				
Total Referred to Collection Agency	\$ 185,937	\$ 208,196	\$ 207,245	\$ 160,981	\$ 143,215	TBD ²	\$ 4,990,246				
Write-Off % to Billed Revenue	0.33%	0.40%	0.42%	0.36%	0.31%	TBD ²					
² Information not available until the 20th of the month is normally one month behind, CBA to July/August/September numbers in October 2019.											
³ 48-hr notices generated in April but not mailed to customer.											
⁴ 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 shutoff as of January 2020. The DNP information will be omitted from this table until the District resumes DNP activities.											
Water Theft Type/City	Alameda	Alamo	Albany	Berkeley	Castro Valley	Crockett	Danville	El Cerrito	El Sobrante	Hayward	Hercules
Meter	2	1	2	12	2	2	1	2	1	6	4
Illegal Connection	-	-	-	-	-	-	-	-	-	-	-
Hydrant	-	-	-	-	-	-	-	-	-	-	-
Total	2	1	2	12	2	2	1	2	1	6	4
Water Theft Type/City	Oakland	Piedmont	Pinole	Richmond	Rodeo	San Lorenzo	San Leandro	San Pablo	San Ramon	Total as of 9/1/2017	
Meter	237	1	5	69	7	1	5	3	2	365	
Illegal Connection	2	-	-	-	-	-	-	-	-	2	
Hydrant	-	-	-	-	-	-	-	-	-	0	
Total	239	1	5	69	7	1	5	3	2	367	

During the coronavirus pandemic, the Restoral for Service Interruptions for Non-Payment report and Water Service Discontinuation due to non-payment data will not be included in the Monthly Report until the District reenacts its water service discontinuation due to non-payment practices.

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 7, 2020

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *ARC*

FROM: Rischa S. Cole, Secretary of the District *RC*

SUBJECT: Sustainability/Energy Committee Minutes – April 28, 2020

Chair Doug Linney called to order the Sustainability/Energy Committee meeting at 8:48 a.m. He announced that in light of the COVID-19 pandemic, the meeting will be conducted pursuant to California Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act and allows Board members and the public to participate telephonically while Social Distancing Requirements are in effect. Directors Frank Mellon and Andy Katz were present at roll call. All Committee members participated via teleconference. EBMUD staff participants included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Operations and Maintenance Clifford C. Chan, Manager of Maintenance and Construction/Water Operations David A. Briggs, Manager of Maintenance and Construction/Water Operations Michael R. Ambrose, Manager of Environmental Compliance Chandra R. Johannesson, Senior Civil Engineer David V. Beyer, Special Assistant to the General Manager Kelly A. Zito, and Secretary of the District Rischa S. Cole.

Public Comment. None.

Renewable Energy Update. Senior Civil Engineer David V. Beyer presented an update on the District's renewal energy efforts. Since 2003, the District has developed ten photovoltaic (PV) projects that collectively provide about two percent of the District's total annual energy use. He reviewed the status of the five megawatt Duffel PV Renewable Energy project which is proposed to be installed on approximately 20 acres of District-owned watershed property within the City of Orinda. The project's estimated annual generation of 10,000 MWh would more than triple the District's current PV capacity and production. At its May 26 meeting, the Board will be asked to consider an agreement with SunPower to implement the project under a long-term Power Purchase Agreement (PPA). After the project's preliminary design is complete, the District will apply for a conditional use permit from the City of Orinda. If the permit is granted, staff will schedule various PG&E interconnection agreements for the Board's consideration in fall 2020. Construction is anticipated to begin in 2021. Next, he discussed other types of renewable energy generation projects and reported staff is presently exploring in-conduit hydropower generation in portions of the distribution system with available pressure. Mr. Beyer responded to Committee questions regarding the number of bids received for the Duffel project PPA, the number of bids that included quotes for PV tracker systems, and obtaining project permits and solar credits.

Integrated Pest Management (IPM) Program Update. Manager of Environmental Compliance Chandra R. Johannesson presented an overview of program enhancements made since February 2019. She described the District's program which addresses a broad range of pest control issues on watershed lands, along pipeline and aqueduct rights-of-ways, and at operating and administrative facilities. In 2019 she reported the District conducted annual training for

approximately 90 employees tasked with implementing the IPM program. Staff also participates in monthly workgroup meetings and is encouraged to obtain external training and certifications. She reviewed improvements made to better manage program records, internal and external communication methods, and findings from an audit of 11 District sites conducted by Blankinship and Associates. She discussed the product evaluation process developed to ensure new products are properly tested and approved prior to being adopted for District use, IPM methods used in 2019, and annual pesticide use trends. In 2020, in addition to updating the written IPM program guidelines, the District will continue incorporating recommendations from Blankinship and Associates' 2018 report on the District's IPM program. Ms. Johannesson responded to Committee questions on whether a list of chemicals used by the District is posted on www.ebmud.com; the District's use of glyphosate; pesticide use trends before 2016; and the most prevalent pests on District lands. The Committee requested a breakdown of District pesticide use including glyphosate based products.

Electric Vehicle Charging Stations. Manager of Maintenance and Construction/Water Operations Michael R. Ambrose presented information on the District's electric vehicle charging stations; vehicle technology trends; efforts to make the District's fleet more fuel efficient and reduce greenhouse gas emissions; staff's request for the District to install charging stations for employee use; and the results of a recent survey regarding potential employee interest in purchasing or leasing personal plug-in hybrid or all-electric vehicles. Mr. Ambrose reported on the number of hybrid and all-electric vehicles in the District's fleet and said as vehicles come up for replacement, staff will evaluate options for replacing them with more fuel-efficient models, including plug-in or all-electric vehicles. To support the increased number of electric vehicles, charging stations of varying levels have been installed at various District locations. Additional stations will be installed as needed as new electric vehicles are added to the District's fleet. He discussed the evolution of electric vehicles and their current travel range, noting that since most now provide 200-plus miles of range, providing charging stations for employees is not as necessary as it was in the past. However, to encourage more employees to switch to electric vehicles, the District is working with the credit union to implement low-interest loans for electric vehicle purchases; exploring preferential parking at District facilities for employees with all-electric vehicles; and employee access for emergency charging at all District locations if needed. Addressing the Committee was Eric Larsen, President, AFSCME Local 444, who commented on the decision to not install charging stations for employee use and encouraged the District to continue investigating this option. The Committee commented on the potential to obtain grants for charging stations; cost constraints to installing charging stations at remote District facilities; and encouraged staff to monitor the evolution of electric heavy-duty vehicles to catalog which types could potentially be adopted for use by the District. The Committee requested data on what the District has and may need in terms of electric heavy-duty equipment to encourage market transformation; information on cost/benefit of charging stations for employee use; and the number of light-duty vehicles that will need to be replaced in the next 2-3 years.

Adjournment. Chair Linney adjourned the meeting at 9:48 a.m.

ARC/RSC

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 7, 2020

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *ARC*

FROM: Rischa S. Cole, Secretary of the District *RC*

SUBJECT: Finance/Administration Committee Minutes – April 28, 2020

Chair William B. Patterson called to order the Finance/Administration Committee meeting at 9:58 a.m. He announced that in light of the COVID-19 pandemic, the meeting will be conducted pursuant to California Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act and allows Board members and the public to participate telephonically while Social Distancing Requirements are in effect. Directors John A. Coleman and Andy Katz were present at roll call. All Committee members participated via teleconference. Staff participants included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Finance Sophia D. Skoda, Director of Operations and Maintenance Clifford C. Chan, Director of Wastewater Eileen M. White, Principal Management Analyst Damien R. Charléty, Principal Management Analyst Travis J. George, Treasury Manager Robert L. Hannay, Senior Civil Engineer David V. Beyer, Senior Civil Engineer Matthew R. Hoeft, Special Assistant to the General Manager Kelly A. Zito, and Secretary of the District Rischa S. Cole.

Public Comment. None.

Energy Policy Update. Senior Civil Engineer Matthew R. Hoeft presented information on the District's proposed greenhouse gas emissions (GHG) goal and the schedule to update Policy 7.07 – Energy Policy. He noted the presentation includes feedback received by staff during presentations on proposed revisions to Policy 7.07 at the October 22, 2019 and January 28, 2020 Sustainability/Energy Committee meetings to include wastewater process emissions and further accelerate the District's GHG emissions goal. He reviewed the three GHG emissions categories calculated by the District; The Climate Registry's (TCR) Water-Energy Nexus (WEN) general reporting protocols which changed estimates of water and wastewater process-related GHG emissions; wastewater GHG sources; the effect of nutrients on current and future wastewater process-related GHG emissions; how the Wastewater Master Plan will be used to address GHG emissions; the District's emissions forecast through 2045; and challenges getting to zero wastewater emissions. The District uses a number of strategies to meet its GHG reduction goals and has implemented various activities to mitigate its wastewater process-related GHG emissions. However, as reported to the January 28, 2020 Sustainability/Energy Committee, the District will still need to purchase offsets or certificates to meet its GHG reduction goals. To meet TCR protocols standards, the District will need to purchase high quality offsets, which currently sell for \$15 to \$20 per metric ton (MT). This price is approximately ten times higher than the prices used in prior District cost estimates. Furthermore, the United Nations and International Monetary Fund estimates that carbon offset pricing will need to be closer to \$70 to \$80 per MT this decade to limit warming below 2 degrees Celsius. The three GHG goal options being presented for consideration are 1) the goal in the existing Policy 7.07; 2) the proposed 2040 goal of 100% reduction in direct and indirect emissions by 2040; and 3) the proposed 2030 goal of 100% reduction in direct and indirect emissions by 2030. Mr. Hoeft reviewed the cost to meet water and wastewater GHG goals under each goal option and the proposed schedule for finalizing and implementing a revised energy policy. The Committee discussed the

information presented and asked questions regarding how the baseline in the graphs on presentation slides 20-22 was calculated; potential economic impacts to Customer Assistance Program participants in the wastewater service area; and the three goals presented. The Committee requested additional information on the estimated impact of a wastewater rate increase on Customer Assistance Program participants and compounding rate impacts to remaining customers; and a reconciled emission reduction goal line based on recalculated historic emissions. Mr. Hoeft said this item is scheduled to be presented to the July 2020 Sustainability/Energy Committee and will include information from today's Committee discussion.

Investment Policy Annual Review. The Committee reported they had reviewed the staff report and had no questions regarding the proposed revisions to Policy 4.07 - Investment Policy. Principal Management Analyst Damien Charléty did not provide a presentation. It was moved by Director Coleman, seconded by Director Katz, and carried (3-0) by roll call vote to forward the staff recommendation to the Board for consideration.

Extend Standby Letter of Credit and Reimbursement Agreement for Commercial Paper Note (Water Series) Tax-exempt Subseries A-1. The Committee reported they had reviewed the staff report and had no questions regarding the staff recommendations in the report. Principal Management Analyst Travis J. George did not provide a presentation. It was moved by Director Coleman, seconded by Director Katz, and carried (3-0) by roll call vote to forward the staff recommendation to the Board for consideration.

Remove Suspension on Wells Fargo for Certain Financial and Investment Activities. Treasury Manager Robert L. Hannay highlighted the staff proposal for the Board to consider removing the District's suspension on Wells Fargo. To communicate concerns over fraudulent banking practices by Wells Fargo employees, on October 25, 2016, the Board voted to suspend the following financial and investment activities: 1) investments in all Wells Fargo securities; 2) use of Wells Fargo as a broker-dealer for purchasing investments; and 3) use of Wells Fargo as underwriter on negotiated sales of bonds. In September 2016, the California State Treasurer instituted a suspension similar to that enacted by the District. The State lifted its ban in February 2019 and in January 2020 announced that Wells Fargo had been selected as joint senior managing underwriter on a State Public Works Board lease revenue bond issue. Wells Fargo has continued to serve as a remarketing agent and liquidity provider for the District's Water Series 2008A variable rate demand bonds. Mr. Hannay said removing the suspension would allow Wells Fargo to compete for underwriting services, which can lower costs for the District. Lifting the suspension would also expand the District's investment options for its own portfolio by allowing the use of Wells Fargo as a broker-dealer. It was moved by Director Coleman, seconded by Director Katz, and carried (3-0) by roll call vote to forward the staff recommendation to the Board for consideration.

Fiscal Impacts of COVID-19. Director of Finance Sophia D. Skoda presented an update on anticipated fiscal impacts as a result of the COVID-19 pandemic. She noted that while it is too early to fully measure impacts with accuracy, staff is anticipating impacts will be greater in Fiscal Year 2021 (FY21) than in FY20. She reported on staff projections on the Water and Wastewater Systems' FY20 net performance before the shelter-in-place orders were implemented and said although those projections are now lower, they remain positive for both systems. She reviewed COVID-19's anticipated impact to service area development in FY20 and said in FY21, the impact on the regional economy will reduce Water System Capacity Charge and Wastewater Capacity Fee revenues. She discussed expected rate

revenue impacts, financial market impacts, District costs that may be reimbursable from the federal government, and District pursuit of other federal funding in the following areas: payroll tax credits; Coronavirus Relief Fund; essential frontline workers; and ratepayer assistance. Staff is actively monitoring fiscal impacts and will provide the Board with updated information and FY21 projections at the May 26 Mid-Cycle Budget Workshop. The Committee requested best and worst case scenarios on revenue, expenses, and rate impacts of COVID-19 at the May 26 workshop and an update on the status of FEMA and other federal funding and legislative efforts in this area.

Monthly Investment Transactions Report. Director of Finance Sophia D. Skoda reviewed the report for March 2020 which will be presented to the Board for consideration at its meeting in the afternoon. Ms. Skoda reported the District's investments are currently earning approximately 1.47 percent in interest, a slight decrease since February. The Committee raised no questions. It was moved by Director Coleman, seconded by Director Katz, and carried (3-0) by roll call vote to forward the report to the Board for consideration.

Quarterly Financial Reports. Director of Finance Sophia D. Skoda reported the quarterly reports were filed in compliance with government statutes. The information includes investment transactions along with quarterly payroll, disbursements and real estate summary reports for the Water and Wastewater Systems during the period January 1 through March 31, 2020. There were no property purchases during this period. The Committee raised no questions. It was moved by Director Coleman, seconded by Director Katz, and carried (3-0) by roll call vote to accept the reports.

Adjournment. Chair Patterson adjourned the meeting at 11:04 a.m.

ARC/RSC

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