

# 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 MEETINGS Tuesday, April 13, 2021 \*\*Virtual\*\*

Notice is hereby given that due to COVID-19 and in accordance with the most recent Alameda County Health Order, 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 webinar and 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: April 8, 2021

Rischa S. Cole

Secretary of the District

Rocha S. Cole

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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, April 13, 2021 11:00 a.m.

\*\*Virtual\*\*

# **Location**

Due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted by webinar and 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.

Board members will participate by webinar or teleconference

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

# **ROLL CALL:**

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

# ANNOUNCEMENT OF CLOSED SESSION AGENDA:

- 1. Existing litigation pursuant to Government Code section 54956.9(a):
  - a. Sidney E. Wanetick, M.D. v. East Bay Municipal Utility District, et al. Contra Costa County Superior Court, Case No. C20-00420
  - b. American Federation of State, County and Municipal Employees, Local 444 v. East Bay Municipal Utility District
     Public Employment Relations Board, Case No. SF-CE-1829-M
- 2. Conference with Labor Negotiators Clifford C. Chan, General Manager; David A. Briggs, Director of Operations & Maintenance; Niger M. Edwards, Manager of Employee Relations; and Lisa A. Sorani, Manager of Employee Services, pursuant to Government Code Section 54957.6 regarding COVID-19 response: Employee Organizations International Union of Operating Engineers, Local 39; American Federation of State, County and Municipal Employees, Locals 444 and 2019; and International Federation of Professional & Technical Engineers, Local 21.

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# **ANNOUNCEMENT OF CLOSED SESSION AGENDA:** (Continued)

3. Conference with Labor Negotiators Gregory Ramirez and Jeff Bailey from the Industrial Employers Distributors Association; Clifford C. Chan, General Manager; and Niger M. Edwards, Manager of Employee Relations, pursuant to Government Code Section 54957.6: Employee Organizations International Union of Operating Engineers, Local 39; American Federation of State, County and Municipal Employees, Locals 444 and 2019; and International Federation of Professional & Technical Engineers, Local 21.

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

# **REGULAR BUSINESS MEETING**

1:15 p.m. \*\**Virtual*\*\*

# **Location**

Due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted by webinar and 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.

Board members will participate by webinar or teleconference

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

# **ROLL CALL:**

# **BOARD OF DIRECTORS:**

• Pledge of Allegiance

# ANNOUNCEMENTS FROM CLOSED SESSION:

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

# **CONSENT CALENDAR:** (Single motion and vote approving 7 recommendations.)

- 1. Approve the Special and Regular Meeting Minutes of March 23, 2021 and the Special Meeting Minutes of March 29, 2021.
- 2. File correspondence with the Board.

# **CONSENT CALENDAR:** (Continued)

- 3. Award a contract to the lowest responsive/responsible bidder, McGuire and Hester, in an amount not to exceed \$1,218,000 for construction of the San Ramon Pumping Plant Drainage Improvements project under Specification 2161.
- 4. Award a contract to the lowest responsive/responsible bidder, Garney Pacific, Inc., in an amount not to exceed \$5,480,080 for construction of the Main Wastewater Treatment Plant Secondary Reactors Rehabilitation Phase 1 project under Specification SD-415.
- 5. Authorize an agreement beginning on or after April 13, 2021 with S.R. Bray, LLC, dba Power Plus for three years with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$2,120,040 for rental of portable generators including delivery services.
- 6. Authorize direct award contracts with VWR International, LLC and Fisher Scientific Company, LLC for supplying chemicals and supplies for the District's Laboratory for three years, beginning on or after April 13, 2021 with one option to renew for an additional two-year period, in an aggregate amount, after the addition of taxes, including option years, not to exceed \$1,250,000.
- 7. Take actions related to the Gilman Interchange Recycled Water Pipeline Project.
  - 7a. Find that the Board considered the environmental effects of the Gilman Interchange Recycled Water Pipeline Project as analyzed in the June 2019 Interstate 80/Gilman Street Interchange Improvement Project Initial Study Negative Declaration/ Environmental Assessment with Finding of No Significant Impact.
  - 7b. Approve the Gilman Interchange Recycled Water Pipeline Project.
  - 7c. Authorize a utility agreement with Alameda County Transportation Commission (Alameda CTC) in an amount not to exceed \$1,760,015 for installation of the District's recycled water pipeline as part of Alameda CTC's Interstate 80/Gilman Street Interchange Improvement Project.

# **DETERMINATION AND DISCUSSION:**

- 8. Legislative Update:
  - Receive Legislative Report No. 04-21 and consider positions on the following bills: AB 622 (Friedman) Washing Machines: Microfiber Filtration; AB 697 (Chau) Forest Resources: National Forest Lands: Good Neighbor Authority Fund: Ecological Restoration and Fire Resiliency Projects; AB 1110 (R. Rivas) Zero-Emission Vehicles: California Clean Fleet Accelerator Program: Climate Catalyst Revolving Loan Fund Program; AB 1200 (Ting) Plant-Based Food Packaging: Cookware: Hazardous Chemicals; AB 1570 (Committee on Natural Resources) Public Resources: Omnibus Bill; SB 1 (Atkins) Coastal Resources: Sea Level Rise; SB 260 (Wiener) Climate Corporate Accountability Act; SB 372 (Leyva) Medium- and Heavy-Duty Fleet Purchasing Assistance Program: Zero-Emission Vehicles; and SB 804 (Glazer) California Conservation Corps: Forestry Training Center; 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

# **<u>DETERMINATION AND DISCUSSION</u>**: (Continued)

- 9. Take actions related to the Central Reservoir Replacement Project (Project). (Resolution)
  - 9a. Certify the Final Environmental Impact Report for the Project.
  - 9b. Make findings in accordance with the California Environmental Quality Act (CEQA) including a Statement of Overriding Considerations.
  - 9c. Adopt the Mitigation Monitoring and Reporting Plan (MMRP) in accordance with CEQA.
  - 9d. Adopt the Practices and Procedures Monitoring and Reporting Plan.
  - 9e. Approve the Project.
  - 9f. Authorize the General Manager or the General Manager's designee to negotiate and execute a lease with Redwood Day School (School) for School construction and operation of a new one-way private driveway along the northern end of the Central Reservoir property, consistent with the requirements of Mitigation Measure TRA-1 in the MMRP, in a form approved by General Counsel.
- 10. Authorize an increase to the agreement previously authorized under Board Motion No. 136-16 with Wells Fargo Bank, N.A. in the amount of \$1,300,000 to a total amount not to exceed \$2,650,000, to exercise optional services of the agreement, specifically lockbox services for mailed-in payment processing.
- 11. Adopt a resolution condemning all manifestations and expressions of racism, xenophobia, discrimination, scapegoating, and intolerance against the Asian American Pacific Islander community. (Resolution)
- 12. General Manager's Report:
  - Water Supply Update
  - Coronavirus Update
  - Racial Equity and Justice Project and Diversity, Equity, and Inclusion Strategic Plan Update
  - Monthly Report March 2021

# **REPORTS AND DIRECTOR COMMENTS:**

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

Regular Meeting of April 13, 2021 Page 5 of 6

# **ADJOURNMENT:**

# The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, April 27, 2021.

# **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 11<sup>th</sup> Street, Oakland, California, during normal business hours, and can be viewed on our website at <a href="https://www.ebmud.com">www.ebmud.com</a>.

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# **BOARD CALENDAR**

The dates and times of future meetings are subject to change.

Date	Meeting	Time/Location	Topics
Tuesday, April 13	Planning Committee	8:30 a.m. Virtual 9:15 a.m. Virtual	Closed Session  2020 Mokelumne Fall-run Chinook Salmon and Steelhead Returns  Annual Recreation Report – 2020  Central Reservoir Replacement Project Update and Final Environmental Impact Report  San Pablo Reservoir Monterey Pine Management Plan
	Legislative/Human Resources Committee	10:15 a.m. Virtual	Legislative Update
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul><li> Closed Session</li><li> Regular Meeting</li></ul>
Tuesday, April 27	Sustainability/Energy Committee	TBD Virtual	
	Finance/Administration Committee	TBD Virtual	
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul><li>Closed Session</li><li>Regular Meeting</li></ul>
Tuesday, May 11	Planning Committee	TBD Virtual	
	Legislative/Human Resources Committee	TBD Virtual	
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul><li> Closed Session</li><li> Regular Meeting</li></ul>
	Legislative/Human Resources C Planning Y	ittee Members atterson {Chair}, Coleman, I coleman {Chair}, McIntosh, M coung {Chair}, McIntosh, M (Coung {Chair}, McIntosh, M	Patterson

Sustainability/Energy Young {Chair}, Katz, Mellon



# Closed Session and Regular Business Meetings Tuesday, April 13, 2021 11:00 a.m. and 1:15 p.m.

EBMUD public Board meetings will be conducted via Zoom. *Please note that Board meetings are recorded, live-streamed, and posted on the District's website.* 

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

### Online

https://ebmud.zoom.us/j/97065086667?pwd=eUdZSGh5SG82akZiRDF2UDg2b0IyUT09

Webinar ID: 970 6508 6667

Passcode: 238500

By Phone

Telephone: 1 669 900 6833 Webinar ID: 970 6508 6667

Passcode: 238500

International numbers available: <a href="https://ebmud.zoom.us/u/adMXn1VnPp">https://ebmud.zoom.us/u/adMXn1VnPp</a>

# **Providing public comment**

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

If you wish to provide public comment please:

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

To *observe* the public portion of the 11:00 a.m. Closed Session Meeting and the entirety of the 1:15 p.m. Regular Business Meeting, please visit: <a href="https://www.ebmud.com/about-us/board-directors/board-meetings/">https://www.ebmud.com/about-us/board-directors/board-meetings/</a>



Secretary's Office

### **MINUTES**

Tuesday, March 23, 2021
East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California
\*Virtual\*

# **Special Meeting**

President Doug A. Linney called to order the Special Meeting of the Board of Directors at 9:01 a.m. He announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not 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. The Board met in workshop session to receive an update on the proposed Fiscal Year 2022 (FY22) and Fiscal Year 2023 biennial budget, rates, operating and capital priorities, and staffing; the proposed FY22 System Capacity Charge and FY22 Wastewater Capacity Fee; and follow-up information from the January 26, 2021 Budget Workshop #1.

# **ROLL CALL**

Directors John A. Coleman, Andy Katz, Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. All Directors participated remotely.

Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Director of Finance Sophia D. Skoda, Director of Operations and Maintenance David A. Briggs, Special Assistant to the General Manager Kelly A. Zito, Assistant to the General Manager Janetta M. Johnson, and Secretary of the District Rischa S. Cole.

# **PUBLIC COMMENT**

- Addressing the Board were the following: 1) Melanie Light, Chair, Orinda Firewise Council commented on dying Monterey Pine trees at San Pablo Reservoir and on EBMUD land in Orinda and inquired about District plans to mitigate wildfire in the Orinda area; 2) Ken Light, Via Farallon/La Cuesta Firewise Council commented on EBMUD partnering with Orinda neighborhoods to prevent wildfire; and 3) Rachel Duclos, Executive Board member, Orinda Firewise Council, commented on wildfire protection near Sleepy Hollow Elementary School in Orinda and urged the District to remove dying Monterey Pine trees from EBMUD land in Orinda.

Director Marguerite Young commented she had heard from dozens of Orinda residents regarding the trees on EBMUD land and said this matter will be calendared for an upcoming Planning Committee meeting. General Manager Clifford C. Chan commented on District funding for tree removal, the average number of trees removed annually from District land and said staff will provide an update to the community on April 14 on District efforts to address this matter.

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# **DISCUSSION**

- Filed with the Board was a presentation entitled, "FY22 & FY23 Budget Workshop #2," dated March 23, 2021.

General Manager Clifford C. Chan introduced the workshop agenda and announced the District would celebrate its 100<sup>th</sup> anniversary on May 22, 2023. He provided an historical overview of the water companies that existed in the Bay Area before the formation of EBMUD in 1923; key activities that took place during the construction of Pardee Dam; and pointed out that the District is still using and maintaining infrastructure that is over 100 years old. He highlighted the history of the District's Wastewater Treatment Plant which was built in 1951; reviewed various methods used to maintain the District's systems; and said staff has plans for infrastructure, water supply, water quality and finances to ensure the District remains sustainable and resilient.

Director of Finance Sophia D. Skoda highlighted the District's FY22/23 biennial budget priorities which are to continue investments in and maintenance of aging infrastructure while planning for long-term financial stability; the budget themes; and the need for the District's budget approach to be cautious, realistic, and flexible. She summarized information presented during Budget Workshop #1 held on January 26 and presented an overview of the proposed FY22/23 biennial budget, which totals \$2.25 billion; the District's Capital Improvement Program (CIP) drivers and priorities which will continue to focus on infrastructure renewal versus expansion and support sustainability and resilience goals; and the five-year CIP cash flows. In preparing the FY22-26 CIP, staff reviewed the previous CIP and reprioritized some projects for sustainability. The proposed Water System five-year CIP anticipates \$2 billion in spending but defers some work, specifically in FY25-26. She reviewed the major Water System projects that were deferred and explained how the current CIP was reduced by \$300 million versus the previous CIP. The proposed Wastewater System five-year CIP anticipates \$243 million in spending; however, no key work needed to be deferred. Ms. Skoda reported on recommended staffing for FY22/23 noting additional changes are proposed but that the total number of authorized full-time employees will remain unchanged.

General Manager Clifford C. Chan stated one of the priorities in this budget cycle is the District's work on diversity, equity and inclusion. He discussed the proposed organization, staffing levels and functions of the newly formed Office of Diversity, Equity and Development. A Special Assistant to the General Manager will manage the office and report to the General Manager. This office will support the District's commitment to diversity by emphasizing our Value of Stewardship through the promotion of local economic development and equity through employment, procurement, and contracts that reflect the diversity of the communities we serve. Mr. Chan reported the District is also seeking to increase diversity in its Ranger classification and included funding in the proposed FY22/23 budget to add two part-time Ranger interns to work at District locations in Amador and Calaveras counties.

Special Assistant to the General Manager Kelly A. Zito presented information on the District's customer engagement efforts which include expanded online educational resources; planned updates to the District's K-12 curriculum; an upcoming virtual speaker series launching in late summer 2021; and a community engagement project being developed through the diversity, equity and inclusion Strategic Plan efforts to increase outreach to underserved communities. Staff will combine elements of these various efforts to develop a Citizens Academy to further educate the public about the District. Ms. Zito highlighted some of the community, service, and educational organizations

Special Meeting Minutes of March 23, 2021 Page 3 of 5

supported by the District and discussed proposed plans and activities for the District's centennial in 2023. The centennial events will celebrate the District's partnership with the East Bay community through activities, tools and outreach that are sustainable, engaging and inclusive. She reviewed proposed themes for community activities and said staff is reviewing centennial events from other agencies for ideas and inspiration.

In responses to questions raised during the January 26 Budget workshop, Director of Operations and Maintenance David A. Briggs reviewed funding in the proposed FY22/23 budget for eleven operations and maintenance positions that are currently vacant and unfunded, and a pilot for concrete and saw cutting work. The District plans to partner with local community job placement agencies to recruit for two temporary Grounds Maintenance Specialist positions. If approved, funding these positions is projected to reduce spending for fully maintained and operated (FM&O) contracted services by \$1.975 million. Mr. Briggs summarized FY20 FM&O contracting activities; dollars spent in the top five FM&O categories; and the nexus between FM&O contracting and the District's Contract Equity Program spend distribution between local businesses, small businesses, and ethnic minorities/white women. He reviewed three-year total dollars contributed to the community through contracts with local businesses, small businesses, and ethnic minorities/white women noting these dollars represent approximately 25-30 percent of overall District awards for each of these categories.

Director of Finance Sophia D. Skoda reviewed key financial planning assumptions for the FY22/23 proposed rates and charges including projected water consumption; a reduction in System Capacity Charge revenue; reduced interest rate earnings; reduced borrowing rates; CIP deferrals; reduced wastewater Resource Recovery and Power Generation Station energy revenue; and reduced wastewater capacity fee revenue. She highlighted actual versus projected water sales from 2002 through 2026; updated rate targets; and actions by other agencies regarding their rates in light of the COVID-19 pandemic. In developing the FY22/23 rates structure, staff took into consideration the approximately \$2.3 million the District receives per year for providing billing services for sewer service charges for the cities of Berkeley, Oakland and Emeryville. The District has been working with the cities to implement a Customer Assistance Program discount on their sewer service charges. Ms. Skoda reported Oakland is implementing the first phase of their discount on their sewer service charges; Berkeley and Emeryville have not yet committed to a Customer Assistance Program discount for their sewer service charges. If the District declines to renew the billing services contracts with the cities in 2023, the loss of revenue would equate to approximately 0.3 percent on the rates.

The proposed rates for FY22/23, which are based on water sales assumptions of 144 million gallons per day (MGD) for FY22 and 146 MGD for FY23, are 4 percent for the Water and Wastewater Systems, respectively for each fiscal year. Ms. Skoda discussed the proposed water and wastewater rate increase impacts to monthly single-family residential bills; proposed wastewater rate increase impacts to non-residential customer bills; rate increase impacts from the District's Wet Weather Facilities Charge which is collected on the property tax bill; and a comparison of the District's average water and wastewater bills compare to other agencies. In response to requests for expanded outreach on the District's budget and rates setting process, staff has been hosting webinars and presenting at various virtual community meetings. The Board received a copy of the draft Proposition 218 Notice on March 11 for review. If the Board provides no additional edits, as required by law, the final Proposition 218 Notice will be mailed in April and will include

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information on two virtual information sessions scheduled for May 6 to allow those who receive the notice to provide comments on the proposed budget and rates.

Next, Ms. Skoda highlighted proposed revisions to capacity charges, recreation fees, installation charges, and other one-time fees and charges that are not subject to Proposition 218, as well as revisions to the System Capacity Charge (SCC) rates for single-family, multi-family and nonresidential customers. Based on recommendations from the 2020 SCC Study, staff estimates the proposed revisions to the SCC will reduce the current SCC by approximately 30 percent and cause a corresponding reduction in SCC revenues collected depending on the development pattern. The District's previous projection for FY22 SCC revenue was \$40 million. If the District implements the proposed SCC changes, the projected FY22 SCC revenues would be approximately \$25 million, which includes a projection of a slowdown in building activity. The 2020 SCC Study also recommends a new category for multi-family residential units smaller than 500 square feet, with an SCC 20 percent lower than a standard size multi-family residential unit. The Wastewater Capacity Fees for multi-family residential units has been updated for FY22 and incorporates the SCC recommendations for the multi-family residential customer. She reviewed the District's proposed SCC as compared to other agencies' SCC rates; SCC program modifications currently under review; SCC alternatives reviewed in the 2020 SCC Study for developments that provide community benefits; and provided an update on the District's plan to incorporate flow restrictors into the payment collection process as an alternative to water service shutoffs. After the Proposition 218 Notice is mailed in April, the District will conduct a public hearing on June 8, 2021 for the Board to consider adopting the budget and rates and charges. If approved, the budget and the Water and Wastewater Systems' rates will be effective on bills issued on or after July 1, 2021 for FY22 and on bills issued on or after July 1, 2022 for FY23.

- Addressing the Board was Eric Larsen, President, AFSCME Local 444 who commended staff on the long-term planning for rates and expressed concerns regarding the District's continued use of FM&O contract services and barriers to entry for underrepresented members of our community. He commented AFSCME Local 444 supports the budget and rate increases proposed by staff.

Board members lauded staff for presenting rates that are lower than projected in previous years. They provided comment on the information presented and expressed overall support for the proposed biennial budget, the proposed rate increases for the Water and Wastewater Systems, proposed plans for the District's centennial, and the reporting structure for the newly formed Office of Diversity, Equity and Development. Ms. Skoda, Mr. Briggs, and General Manager Chan responded to Board comments and questions posed throughout the presentation regarding previous use of Special Employment Program positions and the potential to repurpose the program; whether the proposed staffing changes include an additional crew for the Pipeline Rebuild Program; clarification on the information in presentation slide 20 (Water System Major Projects Deferred); the proposed plans for the District's centennial; the need to recognize lands when planning centennial activities; contracting activities that may exceed limits posed by the Municipal Utility District Act; and support for the expanded customer engagement efforts and education program.

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The Board requested the following:

- Additional details on the evolution and use of the Special Employment Program positions
- An evaluation of how investments in small businesses in the community (related to District work) translate into jobs in the local community
- Consider an alternative name for the District's proposed Citizens Academy
- Consider elements of the Dublin San Ramon Services District's Citizen Academy when developing the District's academy
- Increase customer engagement in West Contra Costa County
- An additional update on planned activities for the District's centennial
- A breakdown of FM&O costs between ethnic minorities and white women (based on information in presentation slide 46)
- A five-year trend analysis for the Contract Equity Program categories in presentation slide 46
- Continue to identify ways to enhance the Contract Equity Program
- Explanation of current Pipeline Rebuild Program goal milestones
- An update on a recent Public Employment Relations Board charge

# **ADJOURNMENT**

President Linney adjourned the Special Meeting at 11:17 a.m.		
SUBMITTED BY:		
Rischa S. Cole, Secretary of the District		
APPROVED: April 13, 2021		
Doug A. Linney, President of the Board		



Draft Prepared By

Secretary of the District

# **MINUTES**

Tuesday, March 23, 2021

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

# **Regular Closed Session Meeting**

President Doug A. Linney called to order the Regular Closed Session Meeting of the Board of Directors at 11:20 a.m. He announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not 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.

# ROLL CALL

Directors John A. Coleman, Andy Katz, Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. All Directors participated remotely.

Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer\*, Attorney Derek T. McDonald (Item 1a), Workers Compensation Manager and Risk Specialist Penny Terry (Item 1a), Attorney Rachel R. Jones (Item 2), Attorney Anna P. Gunderson (Item 2), Director of Operations and Maintenance Olujimi O. Yoloye (Item 2), Director of Water and Natural Resources Michael T. Tognolini (Item 2), Manager of Water Conservation Alice E. Towey (Item 2), Engineering Manager David J. Rehnstrom (Item 2), Assistant General Counsel Lourdes Matthew (Item 3), Manager of Human Resources Laura A. Acosta (Items 3 and 4), Manager of Employee Relations Niger M. Edwards (Item 3), Industrial Employers Distributors Association representatives Gregory Ramirez and Jeff Bailey (Item 3), and Manager of Recruitment and Classification Richard G. Jung (Item 5).

\*General Counsel Spencer did not participate in discussions for Items 4 and 5.

# **PUBLIC COMMENT**

- Addressing the Board was Ivette Rivera, EBMUD Gardener Foreman who commented on a recent settlement agreement with the District and the Stand Together Against Non-Disclosure (STAND) Act signed by former California Governor Jerry Brown.

# ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Linney announced the closed session agenda and the Board convened for discussion (remotely).

# **Regular Business Meeting**

At 1:05 p.m. General Manager Clifford C. Chan informed Secretary Cole that due to an extended Closed Session Meeting, the Regular Business Meeting would start at 1:30 p.m. President Linney called to order the Regular Business Meeting of the Board of Directors at 1:31 p.m. He announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not 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.

# **ROLL CALL**

Directors John A. Coleman, Andy Katz, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Doug A. Linney were present at roll call. Director Marguerite Young joined the meeting at 1:36 p.m. All Directors participated remotely. Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, and Secretary of the District Rischa S. Cole.

# **BOARD OF DIRECTORS**

President Linney led the Pledge of Allegiance.

# ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

# **PUBLIC COMMENT**

- Addressing the Board were the following: 1) Suzanne Fox commented on dying Monterey Pine trees at San Pablo Reservoir; 2) Ivette Rivera, EBMUD Gardener Foreman commented on a recent settlement agreement with the District and the Stand Together Against Non-Disclosure (STAND) Act signed by former California Governor Jerry Brown. Ms. Rivera commented she would be submitting a Public Records Act Request to the District for all employment settlement agreements that were entered into by EBMUD between January 2019 to March 15, 2021; 3) Kristen Font, EBMUD employee commented on an incident pertaining to her intermittent work schedule and flexible options for working mothers at the District; 4) Mat Fogarty commented on the District's hiking permit system, the system's potential to exclude poor people from hiking, and the enforcement and cost of citations for hiking without a permit; 5) LaTanya Hawkins, Program Director for the Construction Resource Center commented her organization sent a letter of appreciation to the Board for the District's continued support and invited the Board to their virtual Project Management Certificate Ceremony at 8:00 p.m. where EBMUD Contract Equity Administrator Beverly Johnson would be a guest speaker; and 6) Charles Porges commented on hiking permits and dying Monterey Pine trees at San Pablo Reservoir.

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The Board asked for information on intermittent positions at the District and on the East Bay trail permit process. At the request of President Linney, General Manager Clifford C. Chan responded to the comments regarding the dying Monterey Pine trees at San Pablo Reservoir and said staff would be providing an update on this item at an upcoming Planning Committee meeting and at a meeting with the community on April 14.

# **CONSENT CALENDAR**

- Motion by Director McIntosh, seconded by Director Coleman, to approve the recommended actions for Items 1-9 on the Consent Calendar carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).
- 1. **Motion No. 051-21** Approved the Regular Meeting Minutes of March 9, 2021.
- 2. The following correspondence was filed with the Board: 1) Presentation entitled, "Water Supply Update," dated March 23, 2021; 2) Presentation entitled, "Coronavirus Update," dated March 23, 2021; 3) Speakers' Bureau and Outreach Record CY21, dated March 19, 2021; 4) Letter dated March 17, 2021 to the EBMUD Board of Directors from LaTanya L. Hawkins, Program Director for the Construction Resource Center; and 5) Email dated March 22, 2021 to Director Marguerite Young from Charles Porges regarding wildfire risk reduction.
- 3. **Motion No. 052-21** Awarded a contract to the lowest responsive/responsible bidder, Ferguson Enterprises LLC dba Ferguson Waterworks, for supplying fusion bonded epoxy pipe, beginning on or after March 23, 2021 for a total cost, after the addition of taxes, not to exceed \$1,148,985 under Request for Quotation No. 2104.
- 4.1. **Motion No. 053-21** Awarded a contract to the lowest responsive/responsible bidder, Integra Construction Services, Inc., in an amount not to exceed \$2,380,000 for construction of the Main Wastewater Treatment Plant Dechlorination Facility Improvements Phase 2B project under Specification SD-290A.
- 4.2. **Motion No. 054-21** Awarded a contract to the lowest responsive/responsible bidder, NMI Industrial Holdings, Inc., in an amount not to exceed \$1,241,494 for construction of the Main Wastewater Treatment Plant Secondary Clarifier Mechanical Repairs Phase 2 project under Specification SD-430.
- 5.1. **Motion No. 055-21** Authorized an agreement beginning on or after March 23, 2021, with Panorama Environmental, Inc., in an amount not to exceed \$1,921,527 for preparation of an Environmental Impact Report for the Sobrante Water Treatment Plant Reliability Improvements Project pursuant to the California Environmental Quality Act.
- 5.2. **Motion No. 056-21** Authorized an agreement beginning on or after March 23, 2021 with Woodard & Curran, Inc., in an amount not to exceed \$2,408,091 for preparation of an Environmental Impact Report for the Walnut Creek Water Treatment Plant Pretreatment Project pursuant to the California Environmental Quality Act.

Regular Meeting Minutes of March 23, 2021 Page 4 of 6

- 6. **Motion No. 057-21** Authorized an amendment to the agreement previously authorized under the General Manager's authority with Enterprise Holdings, Inc. to increase the agreement amount by \$150,000 to a total amount not to exceed \$230,000 and extend the agreement term to August 31, 2021 for long-term vehicle rental.
- 7. **Motion No. 058-21** Corrected an administrative error under Board Motion No. 065-19 to authorize a one-year option to extend the agreement term with Scott Johnston, Inc., for providing software engineering and development services for the District's Laboratory Information Management System.
- 8. **Motion No. 059-21** Approved the February 2021 Monthly Investment Transactions Report.
- 9. **Resolution No. 35217-21** Authorizing and Approving East Bay Municipal Utility District's Application to Modify the Contractor's Service Area Described in Its Central Valley Project Contract with the United States Bureau of Reclamation to Include the Magee Ranch and Meineke Trust Annexations Approved by the Contra Costa County Local Agency Formation Commission.

# **DETERMINATION AND DISCUSSION**

10. General Manager's Report.

# Water Supply Update

Director of Operations and Maintenance David A. Briggs presented an update on the District's and the state's water supplies. All information provided was as of March 16. He reviewed gross water production; East Bay and Mokelumne precipitation; snow depth at Caples Lake; and state water supply projections. The District's total system storage was 551,560 acre-feet or 91% of average and 72% of capacity. Mr. Briggs reported that today, the U.S. Bureau of Reclamation announced that due to worsening hydrology, it may not have water available for agricultural users; however, allocations for municipal and industrial contractors, including the District remain unchanged at 55 percent of current contractual value. He also reported the California State Water Project reduced its allocations from 10 percent to 5 percent. He reviewed data comparing this year's upcountry precipitation to previous dry years since 1961 and discussed projected hydrology for upcountry through June and the District's projected total system and carryover storage for 2021.

Director of Water and Natural Resources Michael T. Tognolini provided a brief overview of lessons learned from the 2014-2016 drought. The District's Central Valley Project (CVP) allocations were not reliable, especially in the second year of the drought and water transfer costs increased significantly due to limited supplies. Based on this experience, staff recommends that the District consider taking more CVP supplies earlier in future droughts. Mr. Tognolini reviewed 2021 water supply considerations and the potential for the District to purchase 10 thousand acrefeet (TAF) of transfer water from Placer County Water Agency if needed. Because the District's monthly Freeport capacity is 8.5 TAF, if the District decides to take its 73 TAF of CVP allocation earlier than scheduled, the water will need to be diverted through Freeport between June 2021 and February 2022. He discussed the District's water supply plan if dry conditions continue and said staff will provide another water supply update and more detailed water supply alternatives and costs at the April 13 Board meeting. At the April 27 Board meeting, staff will present the Water

Regular Meeting Minutes of March 23, 2021 Page 5 of 6

Supply Availability and Deficiency Report, and if dry conditions continue, ask the Board to consider the possibility of demand reductions and supplemental supply actions. In response to a question from the Board, Mr. Tognolini said the current 10 percent voluntary rationing level is based on 2013 demand levels. This is an item the

current 10 percent voluntary rationing level is based on 2013 demand levels. This is an item the Board will also be asked to consider at the April 27 Board meeting. He also responded to questions regarding a potential correlation between conditions in Australia and conditions in the Mokelumne because of jet streams; discussions with the CVP, Yuba County and others on potential water transfers; agreements with other local reservoir owners for assistance during a drought; and potential funding from Contra Costa Water District for CVP supplies or water transfers. Mr. Briggs and General Manager Chan responded to questions regarding the projections in the graph on presentation slide 10; the hydrology in the District's watershed; and whether the Freeport surcharge will be implemented if the District decides to use the facility. Director Katz commented if the Board has to consider using Freeport in the next few months, he would like more information on snow depth and concentration prior to making a decision.

# Coronavirus Update

Director of Operations and Maintenance David A. Briggs reported District counties remain in the Red Tier on the state's positivity matrix and that if health metrics continue to improve, Alameda County may reach the Orange Tier by next week. No significant impacts on District operations and no significant changes to safety protocols are expected because of tier status. He highlighted the number of positive COVID-19 cases at the District to date and the latest data on state vaccinations. Utility and disaster service workers were added to the state's Phase 1B vaccination schedule on March 11 and the District provided this information to employees on March 12. The District is continuing to provide educational information to employees and encouraging them to get vaccinated. The Safe Return to Workplace Plan is still being updated and management continues to communicate to employees that all safety protocols need to remain in place. He said staff vaccination levels will affect future District safety protocols. The Safe Return to Workplace Plan focuses on building occupancy levels, providing public access and transitioning to a longterm work from home plan after June 18. The plan for the Board is also being developed. He provided follow up information as requested during the March 9 Board meeting regarding face covering compliance at District recreation sites. Mr. Briggs responded to questions on the number of staff currently in quarantine and General Chan advised the Board would be updated on the Safe Return to Workplace Plan for staff and Board members at the April 27 Board meeting.

- Director Marguerite Young left the meeting at 2:27 p.m.

General Manager Clifford C. Chan reported staff discovered fossilized trees and other fossilized remains at Camanche Reservoir in July 2020. Staff engaged paleontologists, including a paleontologist from Chico State who assessed the fossils and found they dated back to the Neogene period about five to 10 million years ago. Staff will provide an update on the site and the findings at the April 27 Board meeting and the District will issue a press release on the findings. Mr. Chan also announced that in light of the recent acts of violence against Asian Americans across the country, staff will be presenting a resolution to the Board for consideration at its April 13 meeting condemning violence and anti-Asian hate and in support of the Asian American Pacific Islander community. Management will work with members of the District's Asian Pacific Employees Association, Black Employee Network, union leaders and other staff to draft the resolution. Director Patterson voiced support for the proposed resolution and said during the

Regular Meeting Minutes of March 23, 2021 Page 6 of 6

> Finance/Administration Committee meeting held earlier in the day, a moment of silence was observed for those who lost their lives in the shootings that occurred in Atlanta, Georgia on March 16 and Boulder, Colorado on March 22.

# REPORTS AND DIRECTOR COMMENTS

#### 11. **Committee Reports.**

- Filed with the Board were Minutes for the March 9, 2021 Planning Committee and Legislative/Human Resources Committee meetings.
- Finance/Administration Committee Chair William B. Patterson reported the Committee met earlier in the day (remotely) and received updates on February 2021 Monthly Investment Transactions Report and Electronic Bill Presentment and Payment and Payment Processing.

#### 12. Other Items for Future Consideration.

None.

#### 13. **Director Comments.**

- Director Coleman reported attending the ACWA Washington D.C. Federal Affairs Program #1 (remotely) on March 17 and the ACWA Washington D.C. Leadership Program #2 (remotely) on March 19. He reported on plans to attend the ACWA Washington D.C. Leadership Program #3 (remotely) on March 31 and interviews for the EBMUD General Counsel recruitment (remotely) on April 10.
- ort.

- Directors Katz, McIntosh, Mellon, Patterson, and Young and President Linney had no repo
<u>ADJOURNMENT</u>
President Linney adjourned the meeting at 2:45 p.m.
SUBMITTED BY:
Rischa S. Cole, Secretary of the District
APPROVED: April 13, 2021
Doug A. Linney President of the Board

Draft Prepared By
Office of the Secretary

# **MINUTES**

**Monday, March 29, 2021** 

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

# **Special Closed Session Meeting**

President Doug A. Linney called to order the Special Meeting of the Board of Directors at 4:05 p.m. He announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not 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. The Board met for a special closed session meeting to discuss two matters with significant exposure to litigation pursuant to Government Code section 54956.9(d)(2).

# **ROLL CALL**

Directors John A. Coleman, Andy Katz, Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. All Directors participated remotely.

Staff present included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, and Secretary of the District Rischa S. Cole.

# **PUBLIC COMMENT**

There was no public comment.

# ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Linney announced the Board will meet in closed session to discuss two matters with significant exposure to litigation pursuant to Government Code section 54956.9(d)(2). The Board convened (remotely) for discussion.

The Board completed its special closed session meeting and convened in open session at 5:16 p.m. President Linney announced there were no announcements required from the special closed session meeting and said the Board will adjourn until its next regularly scheduled meeting on April 13, 2021.

Special Closed Session Meeting Minutes of March 29, 2021 Page 2

# **ADJOURNMENT**

President Linney adjourned the Special Meeting at 5:17 p.m.
SUBMITTED BY:
Rischa S. Cole, Secretary of the District
APPROVED: April 13, 2021

Doug A. Linney, President of the Board



AGENDA NO.	3.
MEETING DATE	April 13, 2021

# TITLE SAN RAMON PUMPING PLANT DRAINAGE IMPROVEMENTS

<b>TYPE</b>	⊠Construction	☐General Services	☐Materials & Supplies	☐Professional Services
	□CEQA	□Grants	☐Water Supply Assessment	□OTHER
ACTION	⊠MOTION	□RESOLUTION	□ORDINANCE	

# RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder, McGuire and Hester, in an amount not to exceed \$1,218,000 for construction of the San Ramon Pumping Plant Drainage Improvements project under Specification 2161.

# **SUMMARY**

Work consists of drainage improvements including waterproofing of the exterior walls of the pumping plant, repair of the pumping plant concrete slab, and other related civil, structural, mechanical, and electrical work to eliminate water intrusion and corrosion and improve electrical safety at the San Ramon Pumping Plant in Danville.

### DISCUSSION

The San Ramon Pumping Plant is a buried pumping plant constructed in 1964. There is continuous water intrusion into the pumping plant that worsens during the wet weather season. The wet environment results in corrosion damage to the pumping plant's mechanical piping and equipment and presents a safety hazard as electrical equipment is located inside the pumping plant structure. This project will address these corrosion and safety issues, improve water service reliability, and increase the remaining useful life of this facility. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

# **BID RESULTS**

Bid documents were posted on the District's website and issued to 21 resource organizations and 44 prospective bidders. Nine bids were received, ranging from \$1,218,000 to \$1,790,000. The bid summary is attached. The engineer's estimate for this work is \$1,723,742. Several of the bids were lower than the engineer's estimate due to a competitive bidding environment.

Funds Available: FY21, CIP #001252; Page 35	Budget Coding: 570/7999/5561/2009760:25	Contract Equity Forms?   ☐ Yes ☐ No
Originating Department	Department Director or Manager	Approved
Engineering and Construction	Olujimi O. Yoloye	Clipped Ou
Attachment(s): Location Map; Bid Summary; P-035; P-06	1	

San Ramon Pumping Plant Drainage Improvements April 13, 2021 Page 2

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

### **SUSTAINABILITY**

# **Economic**

Funding for this work is available in the FY21 adopted capital budget for the Pumping Plant Rehabilitation Project.

# **Social**

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

Local 444 was notified of this contract on October 22, 2020 and did not raise any specific issues related to this contract.

# **Environmental**

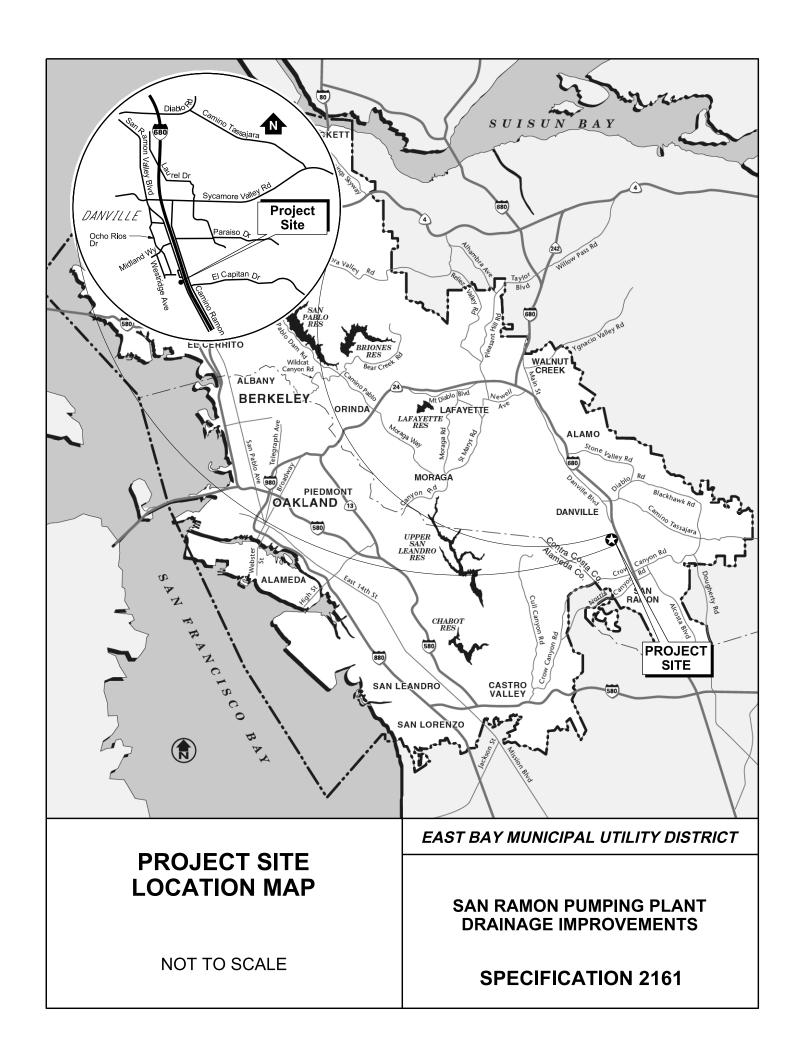
A California Environmental Quality Act Notice of Exemption was filed with the Contra Costa County Clerk on September 15, 2020.

### **ALTERNATIVES**

<u>Do not perform the work</u>. This alternative is not recommended because this work is required to eliminate water intrusion and corrosion damage, and improve safety for employees and equipment at San Ramon Pumping Plant.

<u>Perform the work with District forces</u>. This alternative is not recommended because District forces are fully committed to other capital and maintenance work and cannot support the project in the required timeframe.

I:\Sec\2021 Board Related Items\041321 Board Agenda Items\E&C - San Ramon Pumping Plant Improvements.docx



# EAST BAYMUNICIPAL UTILITY DISTRICT

# **SPECIFICATION 2161**

# SAN RAMON PUMPING PLANT DRAINAGE IMPROVEMENTS

# Bids Opened March 17, 2021

	BIDDER	TOTAL AMOUNT BID
1.	McGuire and Hester 2810 W. Harbor Bay Pkwy. Alameda, CA 94502 (510)632-7676	\$1,218,000
2.	Marinship Development Interest, LLC (SBE/DVBE) 1485 Bayshore Blvd., Ste. 200 MB 135 San Francisco, CA 94124 (415)716-3965	\$1,376,000 / \$1,290,740*
3.	Mountain Cascade, Inc. 555 Exchange Ct. Livermore, CA 94550 (925)373-8370	\$1,398,515
4.	JMB Construction Inc 132 S Maple Ave. San Francisco, CA 94080 (650)267-5300	\$1,413500
5.	Con-Quest Contractors, Inc. (SBE/DVBE) 290 Toland St. San Francisco, CA 94124 (415)206-0524	\$1,521,000 / \$1,435,740*
6.	Ranger Pipelines, Inc. 1790 Yosemite Ave. San Francisco, CA 94124 (415)822-3900	\$1,590,000
7.	Integra Construction Services, Inc. (SBE/DVBE) 4133 Mohr Ave., Ste. D Pleasanton, CA 9466 (925)596-5032	\$1,592,000 / \$1,506,740*
8.	Valentine Corporation 111 Pelican Wy. San Rafael, CA 94901 (415)453-3732	\$1,698,369
9.	Saboo Inc. (SBE/DVBE) 415 Beatrice Ct. #H Brentwood, CA 94513 (626)260 -2849	\$1,790,000 / \$1,704,740*

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

Engineer's Estimate: \$1,723,742

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



SPECIFICATION NO.: 2161

# **CONTRACT EQUITY PROGRAM SUMMARY (P-035)**

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

March 30, 2021 San Ramon Pumping Plant Drainage Improvements PERCENTAGE OF CONTRACT DOLLARS CONTRACTOR: Local Business McGuire and Hester **Availability Group Contracting Objectives Participation** Alameda, CA 94502 FIRM'S OWNERSHIP 98.4% White Men 25% **BID/PROPOSER'S** PRICE: 0.0% **Ethnicity** Gender White Women 9% \$1.218.000 \* White **Ethnic Minorities** 25% 1.6% Men **CONTRACT EQUITY PARTICIPATION GENDER** CONTRACTING PARTICIPATION **ESTIMATED COMPANY NAME ETHNICITY** Gov't/Non **AMOUNT** White-White-Ethnic Publicly W Unclassified Foreign М Men Women Minorities Held Corp Profit PRIME: McGuire and Hester \$1,046,240 White 85.9% Х SUBS: SD Electric \$50,600 White Χ 4.2% Watertight Restoration, Inc. \$101,160 White 8.3% Х \$20,000 S & S Trucking Hispanic Х 1.6% **TOTAL** \$1,218,000 98.4% 0.0% 1.6% 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: 138 8 272 **Percent of Total Employees:** 33.0% 1.9% 65.1% 418 MSA Labor Market %: 28.0% 23.6% 48.4% **MSA Labor Market Location:** California COMMENTS Contract Equity Participation - 98.4% White Men participation and 1.6% Ethnic Minority participation. \*Total not to exceed: \$1,218,000 **Good Faith Outreach Efforts Workforce Profile & Statement of Nondiscrimination Award Approval Submitted Requirement Satisfied** Recommended

YES

NA



# **AFFIRMATIVE ACTION SUMMARY (P-061)**

(Completed by District)

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

Title:		Ethnic Minority Percentages From U.S. Census Data								
San Ramon Pumping Plant Drainage Improvements					В	Н	A/PI	AI/AN	TOTAL	
improvements		Natio	onal	10.5	10.7	3.7	0.7	27.3		
_			DATE:	9 Bay Area	Counties	5.5	16.2	14.2	0.4	39.9
Spec	. No.:	2161	3/30/2021	Alameda/Co	C Counties	10.7	15.6	15.4	0.5	46.2
R=Red	cmmd			I		<u>II</u>	l	I	1	
P=Prii S=Sul		Composition of Ownership		, , , , , , , , , , , , , , , , , , ,	Number of E	thnic Mino	rity Employ	rees	1	
	any Name hone Num	e, Owner/Contact Person, Address, aber		В	Н	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP		WM: LBE	Company Wide	5	243	8	3	259	62.0%	48.4%
McGuir	re and H	ester	Manager/Prof	0	21	1	0	22	23.9%	
Bruce I	Dasekin	g	Technical/Sales	0	0	0	0	0	0.0%	
2810 H	larbor Ba	ay Parkway	Clerical/Skilled	1	67	3	2	73	51.0%	
Alamed	da, CA 9	4502	Semi/Unskilled	4	155	4	1	164	89.6%	
			Bay Area	5	206	7	2	220	68.1%	39.9%
Area C	ode & P	hone Number	AA Plan on File:	NA		Date of last	contract with	District:	NA	
			Co. Wide MSA:	California		# Employee	s-Co. Wide:	418	Bay Area:	323
s		WM: LBE	Company Wide						•	
SD Ele	ctric		Manager/Prof	1						
02 2.0			Technical/Sales	-						
1852 V	V 11th S	treet, #327	Clerical/Skilled	INFOMRATION NOT PROVIDED						
Tracv.	CA 9537	76	Semi/Unskilled							
,			Bay Area	1						
200 83	2-0870		Co. Wide MSA:	-						
	T -0670	WM: SBE	<del> </del>			1 4			04.00/	00.00/
S	nest Dee		Company Wide	0	7	1	0	8	24.2%	39.9%
		toration, Inc.	Manager/Prof	0	1	1	0	2	40.0%	
Leonard Grace		Technical/Sales Clerical/Skilled	0	6	0	0	6	0.0% 35.3%		
· · · · · · · · · · · · · · · · · · ·		Semi/Unskilled	0	0	0	0	0	0.0%		
Janin	aricisco,	CA 94120								00.00/
			Bay Area	0	7	1	0	8	24.2%	39.9%
	4-1940		Co. Wide MSA:	9 Bay Area C	ounties	# Employee	s-Co. Wide:	33	Bay Area:	33
S		EMM: H - L/SBE	Company Wide							
S&S	Trucking		Manager/Prof							
			Technical/Sales	_						
	land Wa	•	Clerical/Skilled	INFOMRATION NOT PROVIDED						
Oaklan	id, CA 9	4621	Semi/Unskilled							
			Bay Area							
510-38	3-3556		Co. Wide MSA:							
	•		ĺ							
				İ						
Р		EMM: B - SBE	Company Wide	8	19	0	0	27	90.0%	51.1%
Marins	hip Deve	elopment Interest LLC	Manager/Prof	1	3	0	0	4	80.0%	
· · · · · · · · · · · · · · · · · · ·		Technical/Sales	0	0	0	0	0	0.0%		
		Clerical/Skilled	3	3	0	0	6	75.0%		
		CA 94124	Semi/Unskilled	4	13	0	0	17	100.0%	
	,		Bay Area	8	19	0	0	27	90.0%	39.9%
<b>∆</b> 15₋71	6-3965		Co. Wide MSA:	San Francisc			s-Co. Wide:	30	Bay Area:	30
4 13-7 1 \//M-\/					U	# Limployee	.s-Co. Wide.	JU	bay Alea:	30

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and Al/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:			Ethnic Minority Percentages From U.S. Census Data						
_	San Ramon Pumping Plant Drainage				В	Н	A/PI	AI/AN	TOTAL
'	mprovements		Natio	onal	10.5	10.7	3.7	0.7	27.3
		DATE:	9 Bay Area	Counties	5.5	16.2	14.2	0.4	39.9
Spec.	No.: 2161	3/30/2021	Alameda/Co		10.7	15.6	15.4	0.5	46.2
R=Recm P=Prime		0,00,202	<u> </u>	Number of E	II				
S=Sub			1	I	1	1		1 1	
	ny Name, Owner/Contact Person, Address, one Number		В	Н	A/PI	AI/AN	TOTAL	PERCENT	MSA %
Р	WM: LBE	Company Wide	4	134	3	4	145	51.2%	53.9%
Mountain	n Cascade, Inc.	Manager/Prof	0	3	1	0	4	12.1%	
Desiree A	Arslanian	Technical/Sales	0	0	0	0	0	0.0%	
555 Exch	nange Court	Clerical/Skilled	0	2	0	0	2	16.7%	
Livermor	e, CA 94550	Semi/Unskilled	4	129	2	4	139	58.6%	
		Bay Area	4	134	3	4	145	51.2%	39.9%
925-373-	-8370	Co. Wide MSA:	Alameda	l	# Employee	s-Co. Wide:	283	Bay Area:	283
Р	WW	Company Wide	2	37	1	0	40	54.1%	47.9%
	nstruction	Manager/Prof	0	1	0	0	1	6.3%	17.570
Margaret		Technical/Sales	0	0	0	0	0	0.0%	
_	th Maple Avenue	Clerical/Skilled	0	6	0	0	6	27.3%	
South San Francisco, CA 94080		Semi/Unskilled	2	30	1	0	33	91.7%	
Coun Co		Bay Area	2	37	1	0	40	54.1%	39.9%
050 007 5000				31					
650-267-		Co. Wide MSA:	San Mateo	1	1	s-Co. Wide:	74	Bay Area:	74
Р	WM: SBE	Company Wide	0	29	1	0	30	69.8%	39.9%
	est Contractors, Inc.	Manager/Prof	0	1	1	0	2	18.2%	
Alexander Loukianoff		Technical/Sales	0	0	0	0	0	0.0%	
290 Toland Street		Clerical/Skilled	0	3	0	0	3	42.9%	
San Fran	ncisco, CA 94124	Semi/Unskilled	0	25	0	0	25	100.0%	
		Bay Area	0	29	1	0	30	69.8%	39.9%
415-206-	-0524	Co. Wide MSA:	9 Bay Area C	ounties	# Employee	s-Co. Wide:	43	Bay Area:	43
Р	WM	Company Wide	5	66	7	0	78	60.9%	39.9%
Ranger F	Pipelines Incorporated	Manager/Prof	0	1	0	0	1	7.1%	
Mary Shea-Hunt		Technical/Sales	0	0	2	0	2	18.2%	
1790 Yosemite Avenue		Clerical/Skilled	2	62	3	0	67	176.3%	
San Fran	ncisco, CA 94124	Semi/Unskilled	3	3	2	0	8	12.3%	
		Bay Area	5	66	7	0	78	60.9%	39.9%
415-822-	-3700	Co. Wide MSA:	9 Bay Area C	ounties	# Employee	s-Co. Wide:	128	Bay Area:	128
Р	WM: L/SBE	Company Wide	1	2	1	0	4	44.4%	53.9%
Integra C	Construction Services, Inc.	Manager/Prof	1	1	1	0	3	50.0%	
•	er Glammona	Technical/Sales	0	0	0	0	0	0.0%	
4133 Mohr Avenue, Suite D		Clerical/Skilled	0	1	0	0	1	33.3%	
· · · · · · · · · · · · · · · · · · ·		Semi/Unskilled	0	0	0	0	0	0.0%	
·		Bay Area	1	2	1	0	4	44.4%	39.9%
925-596-	-5032	Co. Wide MSA:	Alameda	_		s-Co. Wide:	9	Bay Area:	9
P	WM	Company Wide	0	4	0	0	4	18.2%	48.4%
Valentine	e Corporation	Manager/Prof	0	2	0	0	2	15.4%	2
Robert V	•	Technical/Sales	0	0	0	0	0	0.0%	
111 Pelic		Clerical/Skilled	0	2	0	0	2	22.2%	
	ael, CA 94901	Semi/Unskilled	0	0	0	0	0	0.0%	
	•	Bay Area	0	0	0	0	0	0.0%	39.9%
A15 A52	3737	_							
415-453-	-3/32	Co. Wide MSA:	California			s-Co. Wide:	22	Bay Area:	0

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and Al/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.

Ramon Pumping Plant Dovements  2161  Composition of Ownership  e, Owner/Contact Person, Address, mber  EMW: A/PI - L/SBE  ar  Court, Suite 11  A 94513	DATE: 3/30/2021  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	9 Bay Area Alameda/C		B   10.5   5.5   10.7     thnic Minor   A/PI   1   0   0   0   2   # Employee	0 0 0 0 0 0	A/PI 3.7 14.2 15.4 rees  TOTAL 14 1 8 1 4 13	AI/AN  0.7  0.4  0.5  PERCENT  87.5%  33.3%  100.0%  100.0%  4.0%  Bay Area:	TOTAL 27.3 39.9 46.2  MSA % 48.4% 39.9% 323
2161  Composition of Ownership  e, Owner/Contact Person, Address, mber  EMW: A/PI - L/SBE	3/30/2021  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	9 Bay Area Alameda/C	C Counties  Number of Et  H  13  0  8  1  4	5.5 10.7 thnic Minor	16.2 15.6 ity Employ Al/AN 0 0 0 0 0	14.2 15.4 rees TOTAL 14 1 8 1 4 13	0.4 0.5 PERCENT  87.5%  33.3%  100.0%  100.0%  4.0%	39.9 46.2 MSA % 48.4%
Composition of Ownership  e, Owner/Contact Person, Address, mber  EMW: A/PI - L/SBE	3/30/2021  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	B 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	C Counties  Number of Et  H  13  0  8  1  4	10.7  thnic Minor  A/PI  1  1  0  0  0  2	15.6  Al/AN  0  0  0  0  0  0  0	15.4 rees  TOTAL  14 1 8 1 4 13	0.5  PERCENT  87.5%  33.3%  100.0%  100.0%  4.0%	46.2 MSA % 48.4%
Composition of Ownership  e, Owner/Contact Person, Address, mber  EMW: A/PI - L/SBE	3/30/2021  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	B 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	H 13 0 8 1 4	A/PI  1  1 0 0 0 2	Al/AN  0  0  0  0  0  0  0  0	14 1 8 1 4 13	PERCENT  87.5%  33.3%  100.0%  100.0%  100.0%  4.0%	MSA % 48.4%
e, Owner/Contact Person, Address, mber  EMW: A/PI - L/SBE  or  Court, Suite 11	Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	B 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	H 13 0 8 11 4	1 1 0 0 0 2	0 0 0 0 0 0	14 1 1 8 1 4 13	87.5% 33.3% 100.0% 100.0% 100.0% 4.0%	48.4%
e, Owner/Contact Person, Address, mber  EMW: A/PI - L/SBE  or  Court, Suite 11	Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	B 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	H 13 0 8 11 4	1 1 0 0 0 2	0 0 0 0 0 0	14 1 1 8 1 4 13	87.5% 33.3% 100.0% 100.0% 100.0% 4.0%	48.4%
EMW: A/PI - L/SBE  or  Court, Suite 11	Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	0 0 0 0 0 0	13 0 8 1 4	1 1 0 0 0 0	0 0 0 0 0	14 1 8 1 4 13	87.5% 33.3% 100.0% 100.0% 100.0% 4.0%	48.4%
ır Court, Suite 11	Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	0 0 0 0 0	0 8 1 4	1 0 0 0	0 0 0 0	1 8 1 4 13	33.3% 100.0% 100.0% 100.0% 4.0%	39.9%
Court, Suite 11	Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	0 0 0	8 1 4	0 0 0 2	0 0 0	8 1 4 13	100.0% 100.0% 100.0% 4.0%	
Court, Suite 11	Clerical/Skilled Semi/Unskilled Bay Area	0 0	1 4	0 0 2	0 0 0	1 4 13	100.0% 100.0% 4.0%	
	Semi/Unskilled Bay Area	0	4	0 2	0	4 13	100.0% 4.0%	
A 94513	Bay Area	0		2	0	13	4.0%	
	_		11				ļ.	
	_	California		# Employee	s-Co. Wide:	16	Bay Area:	323
							.,	
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							<del>                                     </del>	
							$\vdash$	
		I	1					

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



AGENDA NO.	4.
<b>MEETING DATE</b>	April 13, 2021

# TITLE MAIN WASTEWATER TREATMENT PLANT SECONDARY REACTORS REHABILITATION PHASE 1

<u>TYPE</u>	⊠Construction	☐General Services	☐Materials & Supplies	☐Professional Services
	□CEQA	□Grants	□Water Supply Assessment	□OTHER
<b>ACTION</b>	⊠MOTION	□RESOLUTION	□ORDINANCE	

# RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder, Garney Pacific, Inc., in an amount not to exceed \$5,480,080 for construction of the Main Wastewater Treatment Plant Secondary Reactors Rehabilitation Phase 1 project under Specification SD-415.

### **SUMMARY**

This contract includes concrete resurfacing and recoating of two concrete secondary reactors; replacement and relining of the settled sewage, sludge, and treated wastewater piping; construction of a platform around an odor control unit; and demolition of an abandoned chlorine unloading station. Resurfacing and coating the concrete reactors will extend their useful life, and replacing and relining process piping is needed to ensure staff safety and treatment process reliability.

# **DISCUSSION**

There are eight 190-foot-long and 30-foot-deep concrete secondary reactors that are part of the secondary treatment system. In 2009, the District completed an inspection of Secondary Reactor No. 4 due to concerns of potential oxygen leaks through the top deck and the age of the structures. Exposed concrete aggregate and failed linings were observed inside the reactor. In 2012, thickness testing and combined visual and closed-circuit television inspections of the reactor influent and sludge piping determined that the existing lining had surpassed its useful life. This project will resurface and recoat the interiors of Secondary Reactor Nos. 7 and 8 and replace and reline associated piping over the 2021 and 2022 dry weather seasons. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal for meeting operational and reliability goals by effectively maintaining infrastructure.

Funds Available: FY21, CIP#000969; Page 81	Budget Coding: 927/7999/2014549/5561	Contract Equity Forms?				
Originating Department	Department Director or Manager	Approved				
Wastewater	Eileen M. White	Clipped On General Manager				
Attachment(s): Bid Summary, P-035, P-061						

Main Wastewater Treatment Plant Secondary Reactors Rehabilitation Phase 1 April 13, 2021 Page 2

### **BID RESULTS**

Bid documents were posted on the District's website and issued to 23 resource organizations and 28 prospective bidders. Four bids were received, ranging from \$5,480,080 to \$6,962,429. The bid summary is attached. The engineer's estimate for this work is \$7,100,000. The engineer's estimate was high because it accounted for high bids received for other projects during the pandemic.

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

### **SUSTAINABILITY**

# **Economic**

Funding for this work is available in the FY21 adopted capital budget for the Secondary Project.

# **Social**

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

Local 444 was notified of this contract on November 25, 2020. Local 444 issues were addressed at a meeting on January 7, 2021 and resolved.

### **Environmental**

A California Environmental Quality Act Notice of Exemption was filed with the Alameda County Clerk on September 30, 2020.

# **ALTERNATIVES**

<u>Do not perform the work</u>. This alternative is not recommended because this work will ensure process reliability and continued operation of the secondary treatment process and avoid permit violations.

**Reject all bids and rebid the work.** This alternative is not recommended because rebidding the work would create significant delays and increase project costs.

<u>Perform the work with District forces</u>. This alternative is not recommended because the District does not have the equipment or staff to perform this type of major capital improvement work.

I:\Sec\2021 Board Related Items\041321 Board Agenda Items\WW - MWWTP Secondary Reactors Rehabilitation Ph1.docx

# EAST BAY MUNICIPAL UTILITY DISTRICT

# SPECIAL DISTRICT NO. 1

# SPECIFICATION SD-415 MWWTP SECONDARY REACTORS REHABILITATION PHASE 1

# March 10, 2021

# **BID SUMMARY**

BIDDER		TOTAL BID	
1.	Garney Pacific, Inc.*	\$5,480,080	
2.	C. Overaa & Co.	\$6,207,000	
3.	NTK Construction, Inc.	\$6,696,000	
4.	Abhe & Svoboda, Inc.	\$6,962,429	

# \* Apparent Low Bidder

Number of Proposals sent to Contractor	28
Number of Proposals sent to Resource Orgs	23
Number of Proposals sent to MBEs	3
Number of Proposals sent to WBEs	0
Number of Proposals sent to SBs	1
Number of bids received	4

Engineer's Estimate: \$7,100,000





SPECIFICATION NO.: SD-415

## **CONTRACT EQUITY PROGRAM SUMMARY (P-035)**

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

CONTRACTOR:						PERC	ENTAGE	OF CONTE	RACT DO	LLARS	
Garney Pacific, Inc. Tracy, CA 95376		Local Bu	sines	S	Av	ailability G	Group	Contracting	Objectives	Partici	oation
BID/PROPOSER'S	FIRM	'S OWNERS	HIP			White Me	en	25%	6	97.7	7%
PRICE:	Ethn	icity	Ger	der	V	Vhite Won	nen	9%	0	2.3% 0.0%	
\$5,480,080 *	Wh	nite	M	en	Et	hnic Mino	rities	25%	<b>%</b>		
		CONTRA	CT E	QUIT	Y PAR	ΓΙCΙΡΑΤ	ION				
	ESTIMATED		GEN	DER			CONTRA	ACTING PARTI	CIPATION		
COMPANY NAME	AMOUNT	ETHNICITY	М	W	White- Men	White- Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreig
PRIME:											
Garney Pacific, Inc.	\$2,321,540	White	Х		42.4%						
SUBS:											
W.C. Maloney, Inc.	\$48,000	White	Х		0.9%						
Pullman SST, Inc.	\$190,028	White	Х		3.5%						
National Coating & Lining Co.	\$2,155,568	White	Х		39.3%						
Blocka Construction, Inc.	\$125,000	White		Х		2.3%					
Southwest Valve, LLC	\$289,126	White	Х		5.3%						
Jifco, Inc.	\$225,022	White	Х		4.1%						
Capital Flow	\$30,000	White	Х		0.5%						
Tri Star Metals	\$73,400	White	Х		1.3%						
Envirotrol	\$22,396	White	Х		0.4%						
TOTAL		\$5,480,080			97.7%	2.3%	0.0%	0.0%	0.0%	0.0%	0.0%
	CONTRAC	CTOR'S WO	RKF	ORC	E PRO	FILE (Fr	om P-025	Form)			
		White Me	en	١	White Wo	men	Ethnic	Minorities	Tota	al Employe	es
No. of E	mployees:	38			3			49			
Percent of Total E	imployees:	42.2%			3.3%		54	1.4%		90	
MSA Labor	Market %:	32.3%			27.8%	6	39	9.9%			
MSA Labor Marke	t Location:					9 Bay	y Area Co	unties			
			C	MC	<b>MENTS</b>						
Contract Equity Participation	- 97.7% Whit	e Men parti	cipati	on ar	nd 2.3%	White V	Vomen pa	articipation.			
*Total not to exceed: \$5,480	,080,										
Workforce Profile & Stateme		rimination	(		Faith Ou quireme				Award Ap		



(Completed by District)

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

Title:				Ethnic Min	ority Perce	ntages Fro	m U.S. Cer	nsus Data		
	n Wastewater Treatment Pla ctors Rehabilitation Phase 1	-			В	Н	A/PI	AI/AN	TOTAL	
ixea	Ctors Renabilitation Filase	l	Natio	onal	10.5	10.7	3.7	0.7	27.3	
		DATE:	9 Bay Area	Counties	5.5	16.2	14.2	0.4	39.9	
Spec. No.	: SD-415	3/22/2021	Alameda/Co	C Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership		ľ	Number of E	thnic Minor	rity Employ	rees			
	me, Owner/Contact Person, Address, umber		В	н	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	WM: LBE	Company Wide	1	43	2	1	47	52.2%	39.9	
Garney Pacif	ic, Inc.	Manager/Prof	0	1	0	0	1	5.9%		
Rachael Colli	ins	Technical/Sales	0	0	0	0	0	0.0%		
324 11th Stre	eet, Suite E2	Clerical/Skilled	0	4	1	0	5	50.0%		
Tracy, CA 95		Semi/Unskilled	1	38	1	1	41	65.1%		
• •	, 0, 1000.0		1	43	2	1	47	52.2%	39.9	
925-800-184	0	AA Plan on File:		10				NA	00.0	
223-000-1040		Co. Wide MSA:	Pay Area Counties  Date of last contract with Dis # Employees-Co. Wide:					Bay Area:	90	
	WM: LBE		o Day Alea Ci	ounines	" Linployee	o oo. wide.	90	Day Alea.	90	
S		Company Wide	-							
W.C. Malone	ey, inc.	Manager/Prof	-							
Rob Kay	200	Technical/Sales	-							
P.O. Box 303		Clerical/Skilled	INFORMATION NOT PROVIDED							
Stockton, CA	3 95213	Semi/Unskilled	-							
		Bay Area								
209-942-112	9	Co. Wide MSA:								
s	WW: SBE	Company Wide	63	162	13	0	238	47.7%	27.3	
Pullman SST	, Inc.	Manager/Prof	6	1	7	0	14	26.4%		
Kelly Whitson	n	Technical/Sales	1	0	0	0	1	33.3%		
6400 Goodye	ear Road	Clerical/Skilled	56	158	6	0	220	50.5%		
Benicia, CA 9	94510	Semi/Unskilled	0	3	0	0	3	42.9%		
		Bay Area	0	0	0	0	0	0.0%	39.9	
410-850-700	0	Co. Wide MSA:	Total USA		# Employee	s-Co. Wide:	499	Bay Area:	0	
s	WM: SBE	Company Wide	3	41	0	0	44	63.8%	48.3	
	ting & Lining Co.	Manager/Prof		0			0		40.0	
Janey Pleasa	-		0	0	0	0	0	0.0%		
26713 Madis		Technical/Sales Clerical/Skilled	0	4	0	0	4	28.6%		
Zo <i>r</i> is iviadis Murietta, CA		Semi/Unskilled	3	37	0	0	40	78.4%		
a.iotta, OA	V-VVL		1	0	0	0	1	50.0%	39.9	
,			1 1			ı U		JU.U 70	J9.9`	
DE4 474 000	0	Bay Area			-	- 0- 14/14		D .	•	
951-471-338		Co. Wide MSA:	Riverside-Sar		-	s-Co. Wide:	69	Bay Area:	2	
S	8 <b>WM</b>	Co. Wide MSA:			-	s-Co. Wide:	69	Bay Area:	2	
<b>s</b> Capital Flow		Co. Wide MSA:  Company Wide  Manager/Prof			-	s-Co. Wide:	69	Bay Area:	2	
Capital Flow Ryan Coffin	WM	Co. Wide MSA: Company Wide Manager/Prof Technical/Sales		n Bernadino	# Employee			Bay Area:	2	
Capital Flow Ryan Coffin 7640 Wilbur	<b>WM</b> Way., #2	Co. Wide MSA:  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled		n Bernadino	-			Bay Area:	2	
Capital Flow Ryan Coffin 7640 Wilbur	<b>WM</b> Way., #2	Co. Wide MSA: Company Wide Manager/Prof Technical/Sales		n Bernadino	# Employee			Bay Area:	2	
S	<b>WM</b> Way., #2	Co. Wide MSA:  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled		n Bernadino	# Employee			Bay Area:	2	
Capital Flow Ryan Coffin 7640 Wilbur	<b>WM</b> Way., #2 CA 95828	Co. Wide MSA: Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled		n Bernadino	# Employee			Bay Area:	2	
Capital Flow Ryan Coffin 7640 Wilbur Sacramento, 916-233-252	<b>WM</b> Way., #2 CA 95828	Co. Wide MSA: Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area		n Bernadino	# Employee			Bay Area: 31.7%		
Capital Flow Ryan Coffin 7640 Wilbur Sacramento,	WM Way., #2 CA 95828 5 WW: LBE	Co. Wide MSA: Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	Riverside-Sai	n Bernadino	#Employee	ON NOT P	ROVIDED			
Capital Flow Ryan Coffin 7640 Wilbur Sacramento, 916-233-252	WM  Way., #2  CA 95828  5  WW: LBE  truction, Inc.	Co. Wide MSA: Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA: Company Wide	Riverside-San	n Bernadino	#Employee	ON NOT P	ROVIDED	31.7%		
Capital Flow Ryan Coffin 7640 Wilbur Gacramento, 916-233-252 Blocka Consi	WM Way., #2 CA 95828   WW: LBE truction, Inc. Blocka	Co. Wide MSA: Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA: Company Wide Manager/Prof	Riverside-Sai	n Bernadino	#Employee	ON NOT P	ROVIDED  19 0	31.7% 0.0%		
Capital Flow Ryan Coffin 7640 Wilbur Gacramento, 916-233-252 S Blocka Consi Patricia Jean 445 Boulder	WM Way., #2 CA 95828  5 WW: LBE truction, Inc. Blocka Court	Co. Wide MSA: Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA: Company Wide Manager/Prof Technical/Sales	Riverside-Sai	n Bernadino  13  0 2	#Employee NFORMATI  3 0 1	0 0 0	19 0 0	31.7% 0.0% 30.0%		
Capital Flow Ryan Coffin 7640 Wilbur Sacramento, 916-233-252	WM Way., #2 CA 95828  5 WW: LBE truction, Inc. Blocka Court	Co. Wide MSA: Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA: Company Wide Manager/Prof Technical/Sales Clerical/Skilled	Riverside-Sail	13 0 2	#Employee NFORMATI  3 0 1 2	0 0 0 0	19 0 0	31.7% 0.0% 30.0% 34.9%	48.4	



(Completed by District)

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

Title:				Ethnic Min	ority Perce	ntages Fro	m U.S. Cer	nsus Data	
	Wastewater Treatment Pla tors Rehabilitation Phase 1	•			В	Н	A/PI	AI/AN	TOTAL
Neac	tors Renabilitation Fliase	l	Natio	onal	10.5	10.7	3.7	0.7	27.3
		DATE:	9 Bay Area	Counties	5.5	16.2	14.2	0.4	39.9
Spec. No.:	SD-415	3/22/2021	Alameda/C	C Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmd		0,22,202			1				
P=Prime S=Sub	Composition of Ownership			Number of E	thnic Mino	rity Employ	rees	,	
Company Nam and Phone Nu	ne, Owner/Contact Person, Address, imber		В	н	A/PI	AI/AN	TOTAL	PERCENT	MSA %
S	WM: SBE	Company Wide	0	0	0	0	0	0.0%	53.3%
Southwest Va	lve, LLC	Manager/Prof	0	0	0	0	0	0.0%	
Cathi Burrell		Technical/Sales	0	0	0	0	0	0.0%	
402 W Bedford Avenue, #111		Clerical/Skilled	0	0	0	0	0	0.0%	
Fresno, CA 93	3711	Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
559-261-2703		Co. Wide MSA:	Fresno		# Employee	s-Co. Wide:	6	Bay Area:	0
S	WM: SBE	Company Wide	0	47	5	0	52	83.9%	53.9%
Jifco, Inc.		Manager/Prof	0	7	2	0	9	56.3%	
Jay Forni, Jr.		Technical/Sales	0	1	0	0	1	33.3%	
571 Exchange	e Court	Clerical/Skilled	0	32	3	0	35	97.2%	
Livermore, CA		Semi/Unskilled	0	7	0	0	7	100.0%	
, -		Bay Area	0	47	5	0	52	83.9%	39.9%
925-449-4665		Co. Wide MSA:	Alameda			s-Co. Wide:		Bay Area:	62
s	WM: SBE	Company Wide	, uamoua		,,p.o.			Bay 7 ii oa.	
	WWW. JDL		-						
Capital Flow		Manager/Prof	-						
Ryan Coffin 7640 Wilbur V	Vov	Technical/Sales Clerical/Skilled	-		INFORMAT		DOV/IDED		
Sacramento, (	•	Semi/Unskilled	-		INFORMATI	ION NOT P	KOVIDED		
Sacramento, C	CA 93626		-						
		Bay Area	-						
916-601-5954		Co. Wide MSA:							
s	WM: SBE	Company Wide							
Tri Star Metals	s	Manager/Prof							
Aaron Moynih	an	Technical/Sales							
8749 Pedrick		Clerical/Skilled			INFORMAT	ION NOT P	ROVIDED		
Dixon, CA 956	620	Semi/Unskilled							
		Bay Area							
707-678-1140		Co. Wide MSA:	1						
s	WM: SBE	Company Wide							
Envirotrol		Manager/Prof	1						
Jeff Frey		Technical/Sales	1						
15431 Murieta	a SO Pkwy.	Clerical/Skilled	1		INFORMAT	ION NOT P	ROVIDED		
Rancho Murie	•	Semi/Unskilled	1						
		Bay Area	1						
916-939-7924		Co. Wide MSA:	1						
0.0 000-7024		SS. THIS WOAL							
		i							
						<u> </u>	I		



(Completed by District)

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

Title:				Ethnic Min	ority Perce	ntages Fro	m U.S. Cer	nsus Data	
	Main Wastewater Treatment Pla Reactors Rehabilitation Phase				В	Н	A/PI	AI/AN	TOTAL
	Reactors Renabilitation Phase	!	Nati	onal	10.5	10.7	3.7	0.7	27.3
_		DATE:	9 Bay Area	Counties	5.5	16.2	14.2	0.4	39.9
Spec	. No.: SD-415	3/22/2021	Alameda/C		10.7	15.6	15.4	0.5	46.2
R=Rec	mmd	0/22/2021			Ш				
P=Prin S=Sub			ļ	Number of E	thnic Mino	rity Employ	rees		
Compa	any Name, Owner/Contact Person, Address, none Number		В	н	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	WM: LBE	Company Wide	21	177	14	3	215	54.7%	39.9%
C. Ove	raa & Co.	Manager/Prof	0	20	1	0	21	75.0%	
Maggie	White	Technical/Sales	2	30	4	0	36	75.0%	
200 Pa		Clerical/Skilled	12	92	7	3	114	52.5%	
Richmo	nd, CA 94801	Semi/Unskilled	7	35	2	0	44	44.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
510-23	1_0026	Co. Wide MSA:	9 Bay Area C			es-Co. Wide:	393	Bay Area:	0
310-23	1-0320	Co. Wide MSA.	5 Bay Alea C	Juilles	# Limployee	S-CO. Wide.	393	Day Alea.	
P	WM: SBE	Company Wide	2	43	7	0	52	100.0%	39.9%
NTK C	onstruction, Inc.	Manager/Prof	0	13	6	0	19	100.0%	
Tin Tra	n	Technical/Sales	0	0	0	0	0	0.0%	
501 Ce	sar Chavez Street, Suite 115	Clerical/Skilled	0	0	0	0	0	0.0%	
San Fra	ancisco, CA 94124	Semi/Unskilled	2	30	1	0	33	100.0%	
		Bay Area	2	43	7	0	52	100.0%	39.9%
415-64	3-1900	Co. Wide MSA:			52	Bay Area:	52		
		-	,		'			<u> </u>	
P	WM	Company Wide	2	15	6	8	31	32.0%	27.3%
Abhe &	Svoboda, Inc.	Manager/Prof	0	4	3	0	7	20.6%	
Tom St		Technical/Sales	0	0	0	0	0	0.0%	
880 Ta	vern Road	Clerical/Skilled	2	9	2	7	20	38.5%	
	CA 91901	Semi/Unskilled	0	2	1	1	4	44.4%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
952-44 <sup>-</sup>	7-6025	Co. Wide MSA:	Total USA			es-Co. Wide:	34	Bay Area:	
					, ,			., 54.	
						<u> </u>			
	/hita Mala W/W=Whita Waman EM=Ethnia Mir	I	1						



AGENDA NO.	5.
<b>MEETING DATE</b>	April 13, 2021

#### TITLE PORTABLE GENERATOR RENTAL

<b>TYPE</b>	□Construction	⊠General Services	□Materials & Supplies	□Professional Services
	□CEQA	□Grants	□Water Supply Assessment	□OTHER
<b>ACTION</b>	⊠MOTION	□RESOLUTION	□ORDINANCE	

#### RECOMMENDED ACTION

Authorize an agreement beginning on or after April 13, 2021 with S.R. Bray LLC, dba Power Plus (Power Plus) for three years with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$2,120,040 for rental of portable generators including delivery services.

#### **SUMMARY**

This agreement will provide up to 31 portable generators of varying sizes to supplement District-owned equipment. Collectively, the portable generators provide backup power for pumping plants located throughout the District's service area. The portable generators will be preemptively deployed by the vendor and operated by District staff to prepare for PG&E's Public Safety Power Shutoff (PSPS) each wildfire season.

#### DISCUSSION

PG&E continues to plan to preemptively shut off portions of its electrical grid to minimize the risk of wildfires during the summer and fall. Loss of PG&E power for an extended period will adversely affect the District's ability to maintain adequate water storage and pressure. To mitigate the impact to operations, the District will deploy portable generators and generator-pump units at critical pumping plants during the wildfire season. Deployment of portable equipment will ensure power is available for operations during a PSPS event and will minimize customer impacts.

The multi-year agreement with Power Plus allows the District to rent and deploy portable generators at critical pumping plants with fixed pricing for four months each year, August 1 through November 30. Staff also plans to purchase five portable generators to increase general reliability at critical sites and offset future rental costs. The need to purchase additional portable generators will be evaluated after the 2021 PSPS season and the results of the initial purchase of five units are complete. The number and length of the 2021 PSPS events will establish a trend, providing planning data for future portable equipment requirements. Feedback from the proposal and purchase process will help refine the portable generator specifications, ensuring the best possible pricing and equipment purchased.

Funds Available: FY21	Budget Coding: 776/1015308/5374	Contract Equity Forms?   ☐ Yes ☐ No
Originating Department	Department Director or Manager	Approved
Operations and Maintenance	David A. Briggs	Clipped On Gelderal Manager
Attachment(s): P-35; P-61		

Portable Generator Rental April 13, 2021 Page 2

This information will be used to inform the appropriate budget levels during the fiscal year 2024-2025 budget development process. This agreement supports the District's Water Quality and Environmental Protection and Customer and Community Services Strategic Plan goals.

#### SERVICE PROVIDER SELECTION

A request for proposals was posted on the District's website and sent to four potential vendors. Three vendors submitted proposals. Power Plus was selected based on the lowest overall 4-month rental costs and the vendor's knowledge and experience providing rental units to the District during the 2019 and 2020 PSPS events.

#### **SUSTAINABILITY**

#### **Economic**

The FY21 adopted operating budget includes funding for the first year of this multi-year agreement. Funding for the additional years will be considered as part of the associated budget development process.

The estimated annual amount is \$424,008. The vendor did not submit any annual escalation costs.

#### **Environmental**

Generator use will be minimized to reduce diesel emissions. Generators using cleaner-burning alternative fuel (propane, natural gas, or solar power) are not practical or commercially available currently.

#### **ALTERNATIVES**

<u>Do not rent generators.</u> This alternative is not recommended because the District does not have enough portable equipment to maintain operations in the event of an extensive PG&E PSPS event.

**Reject and re-bid the service.** This alternative is not recommended because the District engaged in a fair and competitive solicitation process. Power Plus meets all District requirements and proposed reasonable rental fees for the equipment.



# CONTRACT EQUITY PROGRAM SUMMARY (P-035) This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

General Services Ad	ıreement							DATE:			
Portable Generator One-Year Renewa	Rental - Th	ree-Year Co	ontrac	t with	12				Febr	ruary 3, 2	021
CONTRACTOR:	· · · · · ·					PERC	ENTAGE	OF CONTE	RACT DO	LLARS	
S.R. Bray LLC dba Power Plus Anaheim, CA 92807					Ava	ailability G	Group	Contracting	Objectives	Participation	
BID/PROPOSER'S	FIRM	'S OWNERS	HIP			White Me	n	25%	6	100.0%	
PRICE:	Ethn	icity	Gender		White Women		6%		0.0%		
\$2,120,040 *	Wi			en		hnic Mino		25%		0.0%	
	T.	CONTRA			Y PAR	TICIPAT	ION				
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GEN M	DER W	White- Men	White- Women	Ethnic Minorities	ACTING PARTI	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:									· ioid coip.		
S.R. Bray LLC dba Power Plus	\$2,120,040	White	X		100.0%						
SUBS:											
None		\$2,420,040			100.09/	0.00	0.09/	0.09/	0.09/	0.09/	0.00
TOTAL		\$2,120,040			100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	CONTRAC	CTOR'S WO				•		•	Total	15	
		White Me	en	<u>'</u>	White Wo	inen		Minorities	Lota	al Employe	ees
No. of E	mployees:	159			41			257	1		
Percent of Total E	mployees:	34.8%	)		9.0%	)	56	6.2%	457		
MSA Labor	Market %:	39.0%	)		33.79	6	27	7.3%			
MSA Labor Market	Location:						Total USA	4			
Contract Equity Participation - *Total not to exceed: \$2,120,		e Men partic			MENTS						
Workforce Profile & Stateme Submitt		rimination	(		Faith Ou quireme				Award Ap Recomme		
NA					N	A		Book	233		



(Completed by District)

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

Title:	_			Ethnic Minority Percentages From U.S. Census Data								
		e Generator Rental - T				В	Н	A/PI	AI/AN	TOTAL		
	Contra	ct with 2 One-Year Ren	ewai Options	Natio	onal	10.5	10.7	3.7	0.7	27.3		
			DATE:	9 Bay Area	Counties	5.5	16.2	14.2	0.4	39.9		
Gene	ral Servi	ices Agreement	2/3/2021	Alameda/Co	C Counties	10.7	15.6	15.4	0.5	46.2		
	cmmd me S=Sub	Composition of Ownership	2,0,202	ı	Number of E	u thnic Minor	rity Employ	ees				
	Company Name, Owner/Contact Person, Address, and Phone Number			В	Н	A/PI	AI/AN	TOTAL	PERCENT	MSA %		
RP		WM	Company Wide	54	216	15	2	287	62.8%	27.39		
 S.R. B	rav LLC db	oa Power Plus	Manager/Prof	6	14	2	0	22	36.7%			
Joe Perez		Technical/Sales	9	47	3	2	61	42.4%				
5500 E. La Palma Avenue			Clerical/Skilled	38	121	10	0	169	81.6%			
Anaheim, CA 92807		Semi/Unskilled	1	34	0	0	35	76.1%				
-iiaiic	iii, OA 920	00 <i>1</i>		0	5	2	0	7	70.1%	39.09		
744 70	- 7-F-4		AA Plan on File:	NA O	5		contract with			39.01		
/14-/0	5-7551			-					NA			
			Co. Wide MSA:	Total USA		# Employee	s-Co. Wide:	457	Bay Area:	10		
	1											
•		PHC	Company Wide									
Herc R	entals Inc.		Manager/Prof									
			Technical/Sales									
27500	Riverview	Center Blvd.	Clerical/Skilled			NFORMATI	ON NOT P	ROVIDED				
Bonita	Springs, F	L 34134	Semi/Unskilled									
			Bay Area	7								
800-65		į										
	4-6659		Co. Wide MSA:	-								
	4-6659		_	_		1						
	4-6659		_	-								
	4-6659		_									
	4-6659		_									
	4-6659		_									
	4-6659		_									
	4-6659		_									
	4-6659		Co. Wide MSA:									
		PHC	Co. Wide MSA:	932	2,159	207	98	3,396	20.7%	27.3		
		PHC lorth America), Inc.	Co. Wide MSA:	932	191	61	98	349	12.7%	27.3		
Jnited			Co. Wide MSA:							27.3		
Jnited Cristina	Rentals (Na Madry		Co. Wide MSA:  Company Wide  Manager/Prof	84	191	61	13	349	12.7%	27.3		
Jnited Cristina 100 Fir	Rentals (Na Madry	orth America), Inc.	Co. Wide MSA:  Company Wide  Manager/Prof Technical/Sales	84 148	191 414	61 31	13 26	349 619	12.7% 15.0%	27.3		
Cristina 100 Fir	Rentals (Na Madry st Stamfor	orth America), Inc.	Co. Wide MSA:  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled	84 148 322	191 414 793	61 31 73	13 26 38	349 619 1,226	12.7% 15.0% 22.5%			
United Oristina 100 Fin Stamfo	Rentals (Na Madry st Stamfor	orth America), Inc.	Co. Wide MSA:  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled	84 148 322 378	191 414 793 761	61 31 73 42	13 26 38 21 0	349 619 1,226 1,202	12.7% 15.0% 22.5% 29.3%			
United Cristina 100 Fin Stamfo	Rentals (Na Madry st Stamford, CT 069	orth America), Inc.	Co. Wide MSA:  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	84 148 322 378 0	191 414 793 761	61 31 73 42 0	13 26 38 21 0	349 619 1,226 1,202 0	12.7% 15.0% 22.5% 29.3% 0.0%	39.9		
United Cristina 100 Fin Stamfo	Rentals (Na Madry st Stamford, CT 069	orth America), Inc.	Co. Wide MSA:  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	84 148 322 378 0	191 414 793 761	61 31 73 42 0	13 26 38 21 0	349 619 1,226 1,202 0	12.7% 15.0% 22.5% 29.3% 0.0%	39.9		
United Oristina 100 Fin Stamfo	Rentals (Na Madry st Stamford, CT 069	orth America), Inc.	Co. Wide MSA:  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	84 148 322 378 0	191 414 793 761	61 31 73 42 0	13 26 38 21 0	349 619 1,226 1,202 0	12.7% 15.0% 22.5% 29.3% 0.0%	39.9		
United Cristina 100 Fin Stamfo	Rentals (Na Madry st Stamford, CT 069	lorth America), Inc. d Place, Suite 700	Co. Wide MSA:  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	84 148 322 378 0	191 414 793 761	61 31 73 42 0	13 26 38 21 0	349 619 1,226 1,202 0	12.7% 15.0% 22.5% 29.3% 0.0%	39.9		
United Oristina 100 Fin Stamfo	Rentals (Na Madry st Stamford, CT 069	lorth America), Inc. d Place, Suite 700	Co. Wide MSA:  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	84 148 322 378 0	191 414 793 761	61 31 73 42 0	13 26 38 21 0	349 619 1,226 1,202 0	12.7% 15.0% 22.5% 29.3% 0.0%	39.9		
United Cristina 100 Fin Stamfo	Rentals (Na Madry st Stamford, CT 069	lorth America), Inc. d Place, Suite 700	Co. Wide MSA:  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	84 148 322 378 0	191 414 793 761	61 31 73 42 0	13 26 38 21 0	349 619 1,226 1,202 0	12.7% 15.0% 22.5% 29.3% 0.0%	27.3° 39.9° 33		



AGENDA NO.	6.
<b>MEETING DATE</b>	April 13, 2021

#### TITLE PURCHASE OF MULTI-YEAR LABORATORY SUPPLIES AND CHEMICALS

	<b>TYPE</b>	□Construction	☐General Services		□Professional Services
		□CEQA	□Grants	☐Water Supply Assessment	□OTHER
<u> </u>					
	<u>ACTION</u>	⊠MOTION	□RESOLUTION	□ORDINANCE	

#### RECOMMENDED ACTION

Authorize direct award contracts with VWR International, LLC and Fisher Scientific Company, LLC for supplying chemicals and supplies for the District's Laboratory for three years, beginning on or after April 13, 2021 with one option to renew for an additional two-year period, in an aggregate amount, after the addition of taxes, including option years, not to exceed \$1,250,000.

#### **SUMMARY**

The District's Laboratory uses chemicals and supplies to perform analyses for the water and wastewater systems. These contracts are for the purchase of chemicals and supplies to support the Laboratory's testing and analytical operations. The District will buy materials on an as-needed basis and is not committed to purchase specific quantities of materials offered by the vendors.

#### **DISCUSSION**

The Laboratory supports water and wastewater system operations by performing a range of analyses in drinking water, wastewater, and solids for regulatory compliance, process control, hazardous waste characterization, and special projects. These contracts will allow the District to continue purchasing the required chemicals and supplies. These contracts support the District's Water Quality and Environmental Protection Strategic Plan goal by ensuring that regulatory compliance data is reported as required.

#### **VENDOR SELECTION**

Under California Public Contract Code Section 10298, agencies such as the District are allowed to purchase directly from state-authorized participating agreements without pursuing separate competitive bidding. The State of California Department of General Services participated in the competitive bid process coordinated by the State of Idaho and issued the participating agreements in Participating Addendum Nos. 7-16-99-26-01 and 7-16-99-26-02 to VWR International, LLC and Fisher Scientific Company, LLC, respectively. The formal competitive procurement practices and standards applied in this

Funds Available: FY21	Budget Coding: WWO/934/5233&5361	Contract Equity Forms?   ☑ Yes ☐ No
Originating Department	Department Director or Manager	Approved
Wastewater	Eileen M. White	Clippet Ou
Attachment(s): P-35; P-61		
Attachment(s): P-35; P-61		

Purchase of Multi-Year Laboratory Supplies and Chemicals April 13, 2021 Page 2

bid process meet the standards and requirements of the District and are in full compliance with all applicable laws.

#### **SUSTAINABILITY**

#### **Economic**

The FY21 adopted operating budget includes funding for the first year of these multi-year contracts. Funding for the additional years will be considered as part of the associated budget development process.

Using the State of California participating agreement procurement mechanism reduces the District's overall contract inception cost by avoiding the time and expense associated with District staff conducting a separate competitive bid process. It also provides better pricing and better contract terms (e.g., free next day delivery, on-line ordering and tracking, and payment terms).

#### **Environmental**

These contracts enable the District to meet or exceed regulatory requirements and maintain the District's high standard of environmental stewardship.

#### **ALTERNATIVES**

<u>Do not award these contracts</u>. This alternative is not recommended because without a reliable source of the needed chemicals and supplies the Laboratory would not be able to cost-effectively or efficiently perform the analyses required to support the District's water and wastewater systems' operations.

<u>Conduct a separate procurement.</u> This alternative is not recommended because the State of California already completed the competitive bidding process that resulted in the participating agreements used for these contracts. Conducting a separate procurement by the District will cost more, and the District may not get more favorable pricing and contract terms.

I:\Sec\2021 Board Related Items\041321 Board Agenda Items\WW - Purchase of Multi-year Laboratory Supplies and Chemicals.doc



# CONTRACT EQUITY PROGRAM SUMMARY (P-035) This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE  General Services Agreement							DATE:				
Portable Generator Rental - Three-Year Contract with One-Year Renewal Options								February 3,			021
CONTRACTOR:				PERCENTAGE OF CON		OF CONTE	NTRACT DOLLARS				
S.R. Bray LLC dba Power Plus Anaheim, CA 92807					Availability Group Co		Contracting Objectives		Participation		
BID/PROPOSER'S FIRM		'S OWNERSHIP		White Men		25%		100.0%			
DDICE:		nicity Gend		der	White Women		6%		0.0%		
\$2,120,040 *	1 1		Men		Ethnic Minorities		25%		0.0%		
	II	CONTRA			Y PAR	TICIPAT	ION				
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GEN M	DER W	White- Men	White- Women	Ethnic Minorities	ACTING PARTI	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:									ricia ccip.		
S.R. Bray LLC dba Power Plus	\$2,120,040	White	x		100.0%						
SUBS:											
	mployees:	\$2,120,040 CTOR'S WC White Mo	en		White Wo	men	Ethnic 2	Minorities 257	0.0% Tota	0.0%	0.0% ees
Percent of Total Employees:  MSA Labor Market %:		34.8%		9.0%		56.2% 27.3%		457			
MSA Labor Market Location:					Total USA						
COMMENTS											
*Total not to exceed: \$2,120,040											
Workforce Profile & Stateme Submitt		rimination	(		I Faith Outreach Efforts equirement Satisfied			Award Approval Recommended			
NA					N	NA Balan					



(Completed by District)

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

Title:					Ethnic Min	ority Percentages From U.S. Census Data				
	Portable Generator Rental - Three-Year Contract with 2 One-Year Renewal Options				В Н		A/PI AI/AN		TOTAL	
	Contra	ct with 2 One-Year Ren	ewal Options	Natio	onal	10.5	10.7	3.7	0.7	27.3
			DATE:	9 Bay Area	Counties	5.5	16.2	14.2	0.4	39.9
General Services Agreement		2/3/2021	Alameda/C	C Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub Composition of Ownership		2,0,202,	ı	Number of E	thnic Mino	rity Employ	rees			
	any Name, (	Owner/Contact Person, Address,		В	н	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP		WM	Company Wide	54	216	15	2	287	62.8%	27.39
S.R. B	rav LLC db	a Power Plus	Manager/Prof	6	14	2	0	22	36.7%	
Joe Pe			Technical/Sales	9	47	3	2	61	42.4%	
	. La Palma	a Avenue	Clerical/Skilled	38	121	10	0	169	81.6%	
	im, CA 928		Semi/Unskilled	1	34	0	0	35	76.1%	
-tilalici	IIII, OA 320	007		0	5	2	0	7	70.1%	39.09
744 70			AA Plan on File:	NA O	5					39.01
/ 14-/0	55-7551			-		Date of last contract with District:			NA	
			Co. Wide MSA:	Total USA		# Employee	es-Co. Wide:	457	Bay Area:	10
•		PHC	Company Wide							
Herc R	entals Inc.		Manager/Prof							
			T I I I/O . I	7						
27500 Riverview Center Blvd.			Technical/Sales							
27500	Riverview	Center Blvd.	Clerical/Skilled	-		INFORMAT	ION NOT P	ROVIDED		
	Riverview Springs, F			-	I	INFORMAT	ION NOT P	ROVIDED		
			Clerical/Skilled Semi/Unskilled	-	I	INFORMAT	ION NOT P	ROVIDED		
Bonita	Springs, F		Clerical/Skilled Semi/Unskilled Bay Area		I	INFORMAT	ION NOT P	ROVIDED		
Bonita			Clerical/Skilled Semi/Unskilled			INFORMAT	ION NOT P	ROVIDED		
Bonita	Springs, F		Clerical/Skilled Semi/Unskilled Bay Area			INFORMAT	ION NOT P	ROVIDED		
Bonita	Springs, F		Clerical/Skilled Semi/Unskilled Bay Area			INFORMAT	ION NOT P	ROVIDED		
Bonita	Springs, F		Clerical/Skilled Semi/Unskilled Bay Area			INFORMAT	ION NOT P	ROVIDED		
Bonita	Springs, F		Clerical/Skilled Semi/Unskilled Bay Area			INFORMAT	ION NOT P	ROVIDED		
Bonita	Springs, F		Clerical/Skilled Semi/Unskilled Bay Area			INFORMAT	ION NOT P	ROVIDED		
Bonita	Springs, F		Clerical/Skilled Semi/Unskilled Bay Area			INFORMAT	ION NOT P	ROVIDED		
3onita	Springs, F	L 34134	Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:							
300ita	Springs, F	L 34134 PHC	Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	932	2,159	NFORMAT	ION NOT P	ROVIDED  3,396	20.7%	27.3
Bonita 800-65	Springs, F	L 34134	Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	932					20.7%	27.3
3onita 300-65 Jnited	Springs, F	L 34134 PHC	Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:		2,159	207	98	3,396		27.3
300-65  Joited Cristina	Springs, F 64-6659 Rentals (Na Madry	L 34134 PHC	Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:  Company Wide Manager/Prof	84	2,159 191	207	98	3,396 349	12.7%	27.3
Bonita B00-65 United Cristina 100 Fir	Springs, F 64-6659 Rentals (Na Madry	PHC lorth America), Inc. d Place, Suite 700	Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:  Company Wide  Manager/Prof Technical/Sales	84 148	2,159 191 414	207 61 31	98 13 26	3,396 349 619	12.7% 15.0%	27.3
Julited Cristina 100 Fir	Springs, F 64-6659 Rentals (N a Madry	PHC lorth America), Inc. d Place, Suite 700	Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:  Company Wide  Manager/Prof Technical/Sales Clerical/Skilled	84 148 322	2,159 191 414 793	207 61 31 73	98 13 26 38	3,396 349 619 1,226	12.7% 15.0% 22.5%	
Junited Cristina 100 Fir	Springs, F 64-6659 Rentals (N a Madry	PHC lorth America), Inc. d Place, Suite 700	Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:  Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled	84 148 322 378	2,159 191 414 793 761	207 61 31 73 42 0	98 13 26 38 21	3,396 349 619 1,226 1,202	12.7% 15.0% 22.5% 29.3%	39.9
Junited Cristina 100 Fir	Rentals (Na Madry st Stamford, CT 069	PHC lorth America), Inc. d Place, Suite 700	Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:  Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	84 148 322 378 0	2,159 191 414 793 761	207 61 31 73 42 0	98 13 26 38 21 0	3,396 349 619 1,226 1,202 0	12.7% 15.0% 22.5% 29.3% 0.0%	39.9
Junited Cristina 100 Fir Stamfor	Rentals (Na Madry st Stamford, CT 069	PHC lorth America), Inc. d Place, Suite 700	Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:  Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	84 148 322 378 0	2,159 191 414 793 761	207 61 31 73 42 0	98 13 26 38 21 0	3,396 349 619 1,226 1,202 0	12.7% 15.0% 22.5% 29.3% 0.0%	39.9
Junited Cristina 100 Fir Stamfor	Rentals (Na Madry st Stamford, CT 069	PHC lorth America), Inc. d Place, Suite 700	Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:  Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	84 148 322 378 0	2,159 191 414 793 761	207 61 31 73 42 0	98 13 26 38 21 0	3,396 349 619 1,226 1,202 0	12.7% 15.0% 22.5% 29.3% 0.0%	39.9
P United Cristina 100 Fir Stamfor	Rentals (Na Madry st Stamford, CT 069	PHC lorth America), Inc. d Place, Suite 700	Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:  Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	84 148 322 378 0	2,159 191 414 793 761	207 61 31 73 42 0	98 13 26 38 21 0	3,396 349 619 1,226 1,202 0	12.7% 15.0% 22.5% 29.3% 0.0%	39.9
Junited Cristina 100 Fir Stamfor	Rentals (Na Madry st Stamford, CT 069	PHC lorth America), Inc. d Place, Suite 700	Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:  Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	84 148 322 378 0	2,159 191 414 793 761	207 61 31 73 42 0	98 13 26 38 21 0	3,396 349 619 1,226 1,202 0	12.7% 15.0% 22.5% 29.3% 0.0%	39.9 <sup>c</sup>
Junited Cristina 100 Fir Stamfor	Rentals (Na Madry st Stamford, CT 069	PHC lorth America), Inc. d Place, Suite 700	Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:  Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area	84 148 322 378 0	2,159 191 414 793 761	207 61 31 73 42 0	98 13 26 38 21 0	3,396 349 619 1,226 1,202 0	12.7% 15.0% 22.5% 29.3% 0.0%	27.3° 39.9° 33



AGENDA NO.	7a-c.		
<b>MEETING DATE</b>	April 13, 2021		

#### TITLE GILMAN INTERCHANGE RECYCLED WATER PIPELINE UTILITY AGREEMENT

<u>TYPE</u>	□Construction	☐General Services	☐Materials & Supplies	☐Professional Services
	⊠CEQA	□Grants	☐Water Supply Assessment	□OTHER
<u>ACTION</u>	⊠MOTION	□RESOLUTION	□ORDINANCE	

#### RECOMMENDED ACTION

Take the following actions related to the Gilman Interchange Recycled Water Pipeline Project:

- 1. Find that the Board considered the environmental effects of the Gilman Interchange Recycled Water Pipeline Project as analyzed in the June 2019 Interstate 80/Gilman Street Interchange Improvement Project Initial Study Negative Declaration/Environmental Assessment with Finding of No Significant Impact.
- 2. Approve the Gilman Interchange Recycled Water Pipeline Project.
- 3. Authorize a utility agreement with Alameda County Transportation Commission (Alameda CTC) in an amount not to exceed \$1,760,015 for installation of the District's recycled water pipeline as part of Alameda CTC's Interstate 80/Gilman Street Interchange Improvement Project.

#### **SUMMARY**

The Gilman Interchange Recycled Water Pipeline Project consists of installation of approximately 2,500 feet of 12-inch steel recycled water pipe at the Gilman Street interchange on- and off-ramps to Interstate 80 in Berkeley: 1,500 feet of the pipeline along Gilman Street and 1,000 feet along the Eastshore Highway (Frontage Road) from Gilman to Page Street. The utility agreement allows Alameda CTC and the District to work together to include installation of the District's recycled water pipeline as part of Alameda CTC's Interstate 80/Gilman Street Interchange Improvement Project. This segment of pipeline will connect to future pipelines to be installed that will eventually allow recycled water to be delivered to portions of Berkeley and Albany as part of the East Bayshore Recycled Water Project.

#### **DISCUSSION**

To realize significant savings in construction costs and coordinate construction activities to minimize impacts, the District is collaborating with Alameda CTC to install the recycled water pipeline when Alameda CTC constructs improvements at the Gilman Street interchange. Alameda CTC in collaboration with California Department of Transportation (Caltrans) is implementing the

Funds Available: FY21	Budget Coding: WSC-455-1004217-7999-5231	Contract Equity Forms? ☐ Yes ☒ No
Originating Department	Department Director or Manager	Approved
Water and Natural Resources	Michael T. Tognolini	Clipped Ou
Attachment(s): N/A		

Gilman Interchange Recycled Water Pipeline Utility Agreement April 13, 2021 Page 2

improvements at the interchange in two phases. Phase 1 includes pedestrian and bicycle overcrossings. Phase 2 includes the interchange and local street improvements, and installation of the District's recycled water pipeline. District staff will oversee construction management and support services related to the installation of the District's recycled water pipeline. Construction of the recycled water pipeline is planned to start in August 2021 and be completed by February 2022. This project contributes to the District's Strategic Plan Long-Term Water Supply goal.

#### **SUSTAINABILITY**

#### **Economic**

Funding for this item is available in the FY21 adopted capital budget for the East Bayshore Recycled Water Project.

#### **Social**

On February 25, 2020, Local 444 was notified that construction for this project will be included as part of Alameda CTC's construction project. Specific issues were discussed on May 7, 2020, and Local 444 did not have any objections to the project.

Work for the pipeline installation 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.

#### **Environmental**

As the California Environmental Quality Act lead agency for the I-80/Gilman Interchange Project (Project), Caltrans prepared the Interstate 80/Gilman Street Interchange Improvement Project – Initial Study Negative Declaration/ Environmental Assessment with Finding of No Significant Impact (IS/ND). Installation of the District's recycled water pipeline in Eastshore Highway and Gilman Street was included in the Project analyzed in the IS/ND. A memo was mailed to the Board on April 1, 2021 that provided background information and a link to the IS/ND. Caltrans incorporated into the Project several standard Best Management Practices (BMPs) and Avoidance, Minimization, and/or Mitigation Measures (AMMs) intended to ensure the Project's environmental impacts will remain less-than-significant. On June 28, 2019, Caltrans adopted the IS/ND and approved the I-80/Gilman Interchange Project IS/ND which concluded that installation of the District's recycled water pipeline would cause less-than-significant environmental impacts. Alameda CTC will require its highway contractor to implement the standard BMPs and AMMs that were incorporated into the Project.

To install the recycled water pipeline, construction equipment will be used to remove existing pavement, excavate, and replace sub-grade soil. Installation of the pipeline could cause impacts related to temporary increases in traffic, parking, noise, soil disturbance, and unexpected short-term interruptions to utility services. Effective design treatments and construction procedures are incorporated to avoid impacts to existing utilities during construction and to ensure work is in accordance with the appropriate requirements and criteria. It is expected that the local community would not be adversely affected by temporary utility service interruptions during construction. Any short-term, limited-service interruptions of known utilities would be scheduled well in advance and appropriate notification provided to users.

Gilman Interchange Recycled Water Pipeline Utility Agreement April 13, 2021 Page 3

The Alameda CTC project website will be updated frequently with information about temporary trail closures and traffic detours. In addition, the standard BMPs and AMMs incorporated into the Project include restricting work hours; performing traffic controls; staging construction activities to maintain through traffic and avoid interference with emergency service providers; placing signs in advance of construction activities to notify users of temporary closures and detours; implementing a Stormwater Runoff Prevention and Monitoring Plan to ensure the stormwater runoff quality meets discharge requirements prior to leaving the site; winterizing the site prior to the wet weather period and putting in place a rain-stop-work plan to ensure no soil disturbance activities occur during rainy days thus preventing sediment from leaving the site; and measures to prevent disturbance of cultural resources in the vicinity of the Project.

If the Board approves the recommended actions, the Secretary of the District will file a Notice of Determination, in accordance with the law, with the County Clerk of Alameda County and with the State Clearinghouse.

#### **ALTERNATIVE**

<u>Delay or do not proceed with the work</u>. This alternative is not recommended as the schedule for the Gilman Interchange Recycled Water Pipeline is set by Alameda CTC in collaboration with Caltrans. The construction of the recycled water pipeline is scheduled for completion by February 2022. If the recycled water pipeline is not completed as part of this current project, it will be significantly more costly for the District to install the pipeline at a future date.

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#### EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 8, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager

FROM: Marlaigne Dumaine, Manager of Legislative Affairs

SUBJECT: Legislative Report No. 04-21

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 April 13, 2021.

#### **RECOMMENDED ACTION**

Approve positions on the following bills: 1) Support AB 622 (Friedman) Washing machines: microfiber filtration; 2) Support AB 697 (Chau) Forest resources: national forest lands: Good Neighbor Authority Fund: ecological restoration and fire resiliency projects; 3) Support AB 1110 (R. Rivas) Zero-emission vehicles: California Clean Fleet Accelerator Program: Climate Catalyst Revolving Loan Fund Program; 4) Support AB 1200 (Ting) Plant-based food packaging: cookware: hazardous chemicals; 5) Support AB 1570 (Committee on Natural Resources) Public resources: omnibus bill; 6) Support SB 1 (Atkins) Coastal resources: sea level rise; 7) Support in Concept SB 260 (Wiener) Climate Corporate Accountability Act; 8) Support SB 372 (Leyva) Medium- and heavy-duty fleet purchasing assistance program: zero-emission vehicles; 9) Support SB 804 (Glazer) California Conservation Corps: forestry training center; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19).

## STATE LEGISLATION

RECOMMENDED POSITION

AB 622 WASHING MACHINES: MICROFIBER SUPPORT

(Friedman) FILTRATION

Existing law, to protect public health and water quality, regulates a broad range of consumer products and processes, including water softeners, water treatment devices, and backflow prevention devices, among others.

AB 622 (Friedman), as introduced on February 12, 2021, is a pollution prevention measure that would require all new washing machines sold in California as of January 1, 2024, to contain a microfiber filtration system with a mesh size of 100 microns or smaller.

Plastic microfibers are small plastic fibers found in synthetic fabric, including clothing. During regular washing these plastic microfibers are shed from synthetic fabric. Plastic microfibers are extremely small and once washed down a drain make their way to wastewater treatment systems and may ultimately reach waterways and the ocean, contributing to the accumulation of plastic marine debris.

According to the author, washing machines are a primary point of entry by which plastic microfibers get into waterways. However, ultra-fine particle capture devices (filters) already exist to prevent plastic microfibers from being discharged into rivers, lakes, and oceans. These filters are affordable and capture 90 percent of plastic microfibers in lab and field trials.

AB 622's requirement that new washing machines have a microfiber filter is expected to help reduce the amount of plastic microfibers in the wastewater stream. By reducing the amount of plastic microfibers in the wastewater stream, the measure would help prevent pollution of water bodies that receive wastewater discharges, including the San Francisco Bay. Additional costs are not anticipated to accrue to EBMUD as a result of the bill and an indirect benefit is expected in terms of reducing pollution in water bodies.

EBMUD has previously supported plastic microfiber pollution prevention legislation. In 2019, EBMUD supported AB 2379 (Bloom) that would have required labeling of new clothing with synthetic material to inform consumers that the clothing sheds plastic microfibers when washed, which contributes to marine plastic pollution. Consumers choosing to wash clothing less often or have clothing dry cleaned due to the labeling would be expected to release fewer plastic microfibers in the wastewater stream. AB 2379 failed to advance out of the legislature.

An official support/opposition list for AB 622 is not currently available.

AB 697 FOREST RESOURCES: NATIONAL SUPPORT
(Chau) FOREST LANDS: GOOD NEIGHBOR
AUTHORITY FUND: ECOLOGICAL
RESTORATION AND FIRE RESILIENCY
PROJECTS

Federal law permits the U.S. Department of Agriculture's Forest Service (Forest Service) to enter into agreements with state forestry agencies to do critical management work to keep forests healthy and productive under the "Good Neighbor Authority" (GNA). In 2018, Congress expanded the authority to permit the Forest Service to also enter into agreements with counties, groups of counties and federally recognized Indian tribes, and to allow states to retain funds from timber sales allowed by the GNA.

Existing law also authorizes the Forest Service to use stewardship agreements to engage any non-federal partner when there is mutual interest and mutual benefit for a proposed project to be implemented on federal land. Although there are differences between GNA agreements and

stewardship agreements—such as eligible partners, maximum agreement duration, project goals and match requirements—both types of agreements strengthen coordination and collaboration to increase pace and scale of restoration across national forest land.

At the state level, existing law establishes the Good Neighbor Authority Fund (GNA Fund), administered by the California Department of Forestry and Fire Protection (CAL FIRE). These funds are available, upon appropriation by the legislature, for state departments or agencies to undertake forest health and fuels reduction projects on federal lands. The GNA Fund is the depository for revenues derived from the sale of forest products from federal lands, consistent with federal law. The GNA Fund was established by AB 92 (Committee on Budget, Statutes of 2020). AB 697 (Chau), as introduced February 16, 2021, is the next step in formalizing a GNA program in California.

According to the author, the objective of AB 697 is to "help the state plan, manage and implement forest restoration projects on Forest Service lands...that would accelerate the pace and scale of ecologically based forest management." The author notes that "the federal government owns and manages 57% of California's 33 million acres of forestland" and that "many major wildfires start on federal forestlands [and] then spread and damage communities throughout our state."

Specifically, the bill would require CAL FIRE to establish a program to conduct ecological restoration and fire resiliency projects on national forest lands and would make the planning and implementation of these projects eligible for GNA funding. Priority would be given to forest restoration and fuels reduction projects that are landscape scale, are focused on ecological restoration and based on the best available science, emphasize the use of prescribed fire, and include as important goals community fire protection and the protection of water infrastructure and other infrastructure. The bill allows CAL FIRE to contract with Native American tribes, local governments, forest collaboratives, resource conservation districts, and qualified non-governmental organizations for these projects.

AB 697 is expected to encourage better forest and ecosystem management in California, as well as greater attention to the importance of protection of watersheds and water infrastructure. Improved forest management on federal lands may lessen fire risk for both federal lands and proximate non-federal lands. At the local level, the vast majority of undeveloped lands within the Upper Mokelumne River watershed are managed by the Forest Service and the Bureau of Land Management. AB 697 may facilitate future projects on federal lands in the Mokelumne River watershed that are in addition to those undertaken as part of the 2016 master stewardship agreement between the Upper Mokelumne River Watershed Authority (UMRWA) and the Forest Service. Accordingly, AB 697 is expected to benefit EBMUD and UMRWA by providing an additional option for collaborative projects on federal lands. It is not anticipated that this bill will impose new costs or requirements on EBMUD or its UMRWA partners.

EBMUD has previously supported measures to facilitate forest health and fire prevention. In 2020, EBMUD supported SB 1348 (Stern) which would have expanded grants for forest health

and fire prevention efforts and made a number of other beneficial changes to state law and fire management. SB 1348 failed to advance out of the legislature.

The official list of support and opposition to AB 697 is shown below.

<u>Support</u> <u>Opposition</u>

Association of California Water Agencies
California Association of Resource
Conservation Districts
California Native Plant Society
Defenders of Wildlife
Sierra Business Council
The Nature Conservancy
The Watershed Research and Training
Center

None on file

**SUPPORT** 

AB 1110 ZERO-EMISSION VEHICLES:
(R. Rivas) CALIFORNIA CLEAN FLEET
ACCELERATOR PROGRAM:

CLIMATE CATALYST REVOLVING

LOAN FUND PROGRAM

Existing law, the Charge Ahead California Initiative, administered by the State Air Resources Board (CARB), includes goals of, among other things, placing in service at least 1,000,000 zero-emission and near zero-emission vehicles by January 1, 2023. Goals also include establishing a self-sustaining California market for zero-emission and near zero-emission vehicles in which these vehicles are a viable mainstream option for individual vehicle purchasers, businesses, and public fleets. In addition, the Climate Catalyst Revolving Loan Fund Act of 2020 established the Climate Catalyst Revolving Loan Fund Program to provide low-cost, low-interest financing to support eligible low carbon technology and infrastructure projects.

AB 1110 (R. Rivas), as amended on March 23, 2021, is intended to remove barriers public agencies face in transitioning to zero-emission vehicles. To accomplish this, AB 1110 would primarily do three things: 1) establish a Clean Vehicles Ombudsman within the Governor's Office of Business and Economic Development to provide technical assistance to public agencies, upon request, in procuring zero-emission fleet vehicles; 2) make zero-emission fleet vehicles available through a streamlined bulk purchase process by requiring the Department of General Services to develop a nonmandatory master service agreement with standard pricing for bulk purchases of zero-emission fleet vehicles; and 3) provide financial assistance for purchasing zero-emission vehicles by expressly providing that the acquisition of a zero-emission fleet vehicle through the master service agreement is eligible for financial assistance under the Climate Catalyst Revolving Loan Fund Program. Under AB 1110, zero-emission fleet vehicles

would include vehicles and off-road equipment such as forklifts and motorized construction or utility equipment, as well as electric bicycles.

According to the California Zero-Emission Vehicle Market Development Strategy, greenhouse gas emissions "are falling in California as a whole, led by our clean electricity sector, but transportation still accounts for nearly 50 percent of the total. Medium- and heavy-duty trucks are the largest source of vehicle pollution" even though they make up only two million of the 30 million registered vehicles in California. A "robust, competitive, and equitable zero-emission vehicle market is a critical and necessary answer to a series of stubborn problems, including but not limited to: greenhouse gas emissions, toxic air contaminants, and criteria pollutants from California's more than 30 million vehicles and corresponding fossil-fuel consumption."

On September 23, 2020, Governor Newsom issued Executive Order N-79-20 establishing the goal that 100 percent of in state sales of new passenger cars and light-duty trucks be zero-emission by 2035; medium- and heavy-duty vehicles in the state be zero-emission by 2045, where feasible; and off-road vehicles and equipment operations be zero-emission by 2035, where feasible.

According to the bill's author, public agencies and entities face multiple barriers to adopting zero-emission vehicles. These agencies and entities have limited resources to acquire zero-emission vehicles. AB 1110 is intended to help public agencies and entities navigate the process and gain access to technical assistance and financing to replace gas-powered fleets with zero-emission vehicles.

EBMUD's Policy 7.07 (Energy), includes the goal for EBMUD to eliminate indirect and direct greenhouse gas (ghg) emissions for the water system by 2030, and to eliminate indirect ghg emissions and reduce direct ghg emission by 50 percent compared to 2000 levels by 2040 for the wastewater system. This policy also states that EBMUD will "consider using alternative energy sources for operating vehicles and equipment" and invest in equipment, develop programs, and support industry efforts to increase overall vehicle fuel economy and efficiency. As part of EBMUD's goals to eliminate ghg emissions for the water system EBMUD is considering using alternative fuels and technology for operating vehicles and equipment. EBMUD has purchased zero-emission passenger vehicles when/where feasible. Currently, nearly 100 percent of the medium- and heavy-duty fleet has transitioned to renewable diesel and EBMUD is continually exploring options for procuring other zero-emission trucks and equipment.

In addition, EBMUD is the first water utility to join CALSTART, a nonprofit organization working with businesses and government agencies to develop clean, efficient transportation solutions. With the help of CALSTART, EBMUD hopes to identify medium- and heavy-duty vehicle technologies to further compliance with current and future regulations and meet EBMUD's ghg emission reduction goals. EBMUD also signed the Drive to Zero pledge, committing support to accelerate the growth of global zero-emission and near zero-emission technology will be commercially viable by 2025 and widely available by 2040 in

specific vehicle segments and regions. EBMUD is the first water utility to make this pledge, joining partners such as cities, regional and national governmental agencies, manufacturers, fleets, fuel/energy suppliers, and regulators including CARB and the Bay Area Air Quality Management District.

While it is unclear how the master service agreement provided for in the bill would interact with existing public contracting requirements regarding competitive bidding, the intent of AB 1110 to assist public agencies transition to zero-emission vehicles is consistent with EBMUD polices and its ghg emission reduction goals, including efforts to transition to cleaner vehicles. The bill would provide additional tools to assist public agencies transition to zero-emission vehicles and would not result in additional costs to EBMUD. Though public agencies, including EBMUD, may currently purchase vehicles under competitively awarded state contracts, AB 1110 could provide additional technical and financial assistance for public agencies, such as EBMUD, to acquire zero-emission vehicles.

While the issue of zero-emission vehicles is a relatively new topic of legislation, AB 1110 is consistent with EBMUD's Policy 7.07 (Energy), as mentioned above, and Policy 7.15 (Climate Action) which states that EBMUD will "consider the impacts of climate change and take appropriate action to understand, mitigate and adapt to those impacts through sustainable activities that manage long-term economic, environmental and human resource benefits."

An official support/opposition list for AB 1110 is not currently available.

# AB 1200 PLANT-BASED FOOD PACKAGING: SUPPORT COOKWARE: HAZARDOUS CHEMICALS

Existing law generally prohibits the manufacture, sale, or distribution of any toy or child-care article that contains phthalates exceeding a specified percentage, as well as any bottle or cup containing bisphenol A, above a specified detectable level, if the bottle or cup is designed or intended to be used by children 3 years of age or younger. In addition, existing law, beginning January 1, 2025, prohibits the manufacture, sale, or delivery of any cosmetic product containing any of several specified intentionally added ingredients, such as perfluoroalkyl and polyfluoroalkyl substances (PFAS), except under specified circumstances.

AB 1200 (Ting), as amended on March 29, 2021, is intended to reduce exposure to PFAS and other hazardous chemicals. AB 1200 would do two primary things: 1) ban food packaging containing PFAS; and 2) require chemical disclosures for cookware sold in California.

Under AB 1200, beginning January 1, 2023, a person may not distribute, sell, or offer for sale plant-based food packaging that contains intentionally added PFAS and manufacturers must use the least toxic alternative when replacing PFAS in the packaging products. In addition, beginning January 1, 2024, a manufacturer of cookware that contains one or more intentionally added chemicals present on the Department of Toxic Substances and Control's (DTSC) list of candidate chemicals must include a statement on the product label regarding the presence of the

chemicals. A cookware manufacturer would also be prohibited from making a claim, either on the cookware package or on the cookware internet website that the cookware is free of any specific chemical if it is intentionally added and belongs to a chemical group or class identified on DTSC's list of candidate chemicals.

According to the Senate Committee on Environmental Quality, PFAS are a group of nearly 5,000 man-made chemicals including perfluorooctanoic acid (PFOA) and perfluorooctanesulfonate (PFOS). "Produced since the 1950s, PFAS chemicals, used in food packaging, stain- and water-repellent fabrics, nonstick products such as Teflon, and in fire-fighting foams, have been linked to cancers and other health issues."

According to the author's office, PFAS used in food packaging presents a unique risk to humans because it can migrate from the package into the food. With regard to cookware, many cookware label statements mislead buyers into believing the pots or pans that they are buying are made without hazardous chemicals. For instance, some labels make the claim that they are free from one specific PFAS chemical even though the cookware may contain other PFAS chemicals.

PFAS are increasingly a topic of public concern, including for water and wastewater agencies. EBMUD has an extensive water quality program, which includes sampling, testing, and treatment, to ensure that customers receive high-quality drinking water that meets or exceeds all state and federal regulatory requirements. EBMUD voluntarily monitors its drinking water for several PFAS chemicals including, PFOA and PFOS and has not detected significant concentrations of these substances to date.

With regard to wastewater, in July 2020, the State Water Resources Control Board (SWRCB) issued an investigative order that requires publicly owned treatment works (treatment plants) to monitor for a variety of PFAS compounds in influent, effluent, and biosolids. Treatment plants regulated by the San Francisco Bay Regional Water Quality Control Board, including EBMUD's Main Wastewater Treatment Plant, are conducting a separate PFAS monitoring study through the Regional Monitoring Program run by the San Francisco Estuary Institute (SFEI) and are not subject to the SWRCB order. EBMUD is participating in the SFEI study, which will utilize sampling from representative facilities, including EBMUD.

Since PFAS are ubiquitous in consumer and industrial products, and water and wastewater agencies have limited means to control the trace amounts of these chemicals that enter the environment from a variety of sources, a source control or pollution prevention approach may offer the best manner to address PFAS and protect public health.

AB 1200 takes a pollution prevention approach to address the proliferation of PFAS in the environment by taking a step to eliminate their use in plant-based food packaging, as well as requiring consumer notification about the presence of PFAS and other chemicals in cookware.

With regard to anticipated costs and benefits to EBMUD and its ratepayers, benefits are anticipated in terms of improved public health that would accrue from eliminating sources of,

and educating consumers about the presence of, PFAS. Additional costs are not anticipated to accrue as a result of AB 1200.

EBMUD has supported prior legislation to address PFAS pollution at its source. In 2020, EBMUD supported SB 1044 (Allen) to protect drinking water and reduce health risks to firefighters by banning the use of class B firefighting foam containing intentionally added PFAS and requiring notification of the presence of PFAS in the protective equipment of firefighters.

The official list of support and opposition to AB 1200 is shown below.

#### Support

Breast Cancer Prevention Partners (CO-SPONSOR)

Center for Environmental Health (CO-SPONSOR)

Clean Water Action (CO-SPONSOR) Environmental Working Group (CO-SPONSOR)

Natural Resources Defense Council (CO-SPONSOR)

Alliance of Nurses for Healthy

**Environments** 

American Academy of Pediatrics, California American College of Obstetricians and

Gynecologists District IX

Ban Single Use Plastic (SUP)

Black Women for Wellness Action Project

Breast Cancer Action Breast Cancer Over Time

California Alliance of Nurses for Healthy Environments

California Association of Sanitation

Agencies

California Compost Coalition

California Health Coalition Advocacy California Healthy Nail Salon Collaborative

California Product Stewardship Council

Californians Against Waste

**CALPIRG** 

Center for Community Action and

**Environmental Justice** 

Center for Oceanic Awareness, Research, and Education, the

Support continued

Center for Public Environmental Oversight

Clean Production Action

Compost Manufacturing Alliance Consumer Attorneys of California Consumer Federation of California

Courage California

Defend Our Health (formerly Environmental

Health Strategy Center)

Educate. Advocate.

Erin Brockovich Foundation

Facts: Families Advocating for Chemical &

**Toxins Safety** 

Families Advocating for Chemical and

**Toxics Safety** 

Friends Committee on Legislation of

California

Friends of The Earth U.S.

Heal the Bay

**Integrated Resource Management** 

Just Transition Alliance

Keep a Breast

Los Angeles County Sanitation Districts

Made Safe

Marin Sanitary Service Michael J Fox Foundation

National Stewardship Action Council Northern California Recycling Association

Pacoima Beautiful

Plastic Oceans International Plastic Pollution Coalition

Recology

Resource Recovery Coalition of California

#### Support continued

Rethink Disposable Safer States San Francisco Bay Physicians for Social Responsibility San Francisco Baykeeper Save Our Shores Science and Environmental Health Network Seventh Generation Advisors Sierra Club California The 5 Gyres Institute Upstream Wishtoyo Chumash Foundation Womens Voices for The Earth Woodland Coalition for Green Schools Worksafe Zero Waste USA

#### **Opposition**

American Chemistry Council
American Forest & Paper Association
California Chamber of Commerce
California Manufacturers & Technology
Association
Chemical Industry Council of California

AB 1570 PUBLIC RESOURCES: OMNIBUS BILL SUPPORT

(Committee on Natural Resources)

Existing law requires the California Department of Forestry and Fire Protection (CAL FIRE) to assist local governments in preventing future wildland fire and vegetation management problems by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within CAL FIRE's budgetary limitations.

AB 1570, an omnibus bill authored by the Assembly Natural Resources Committee, would make minor, non-controversial changes to several unrelated provisions contained in the Public Resources Code, including one of relevance to EBMUD. The bill clarifies, for purposes of the requirement in existing law that CAL FIRE make its wildland fire prevention and vegetation management expertise available, that the definition of "local governments" includes "cities, counties, and special districts." The bill also expands and modernizes the public resource benefits specified in existing law that may accrue from CAL FIRE's expertise in these areas.

AB 1570 acknowledges the role of special districts in this section of law, and may create opportunities for greater collaboration between CAL FIRE and special districts, including EBMUD. There is no anticipated cost to EBMUD or its ratepayers related to the bill's provisions.

EBMUD has previously supported measures to facilitate forest health and fire prevention. In 2020, EBMUD supported SB 1348 (Stern) which would have expanded grants for forest health

and fire prevention efforts and made a number of other beneficial changes to state law and fire management. SB 1348 failed to advance out of the legislature.

An official support/opposition list for AB 1570 is not currently available.

# SB 1 COASTAL RESOURCES: SEA LEVEL SUPPORT (Atkins) RISE

Existing law, the California Coastal Act of 1976, establishes the California Coastal Commission (Coastal Commission) and provides for planning and regulation of development in the coastal zone. Existing law also requires the Natural Resources Agency, in collaboration with the Ocean Protection Council (OPC), to create and post on an internet website a Planning for Sea-Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise. In addition, existing law establishes the Environmental Justice Small Grant Program under the jurisdiction of the Environmental Protection Agency, with the purpose to provide grants to eligible community groups that are located in areas adversely affected by environmental pollution and hazards and that are involved in work to address environmental justice issues.

SB 1 (Atkins), as amended on March 23, 2021, is intended to establish a comprehensive state sea level rise program to assess and mitigate sea level rise and to assist local governments and communities respond to the challenge of sea level rise.

SB 1 would do four main things: 1) direct the Coastal Commission to take into account sea level rise in its coastal planning, development, and mitigation efforts; 2) establish the California Sea Level Rise State and Regional Support Collaborative (Collaborative) within the OPC to support local, regional, and state agencies in identifying, assessing, planning for, and mitigation of sea level rise effects within the coastal zone; 3) authorize the Collaborative to spend up to \$100 million, upon appropriation by the legislature, for grants to local governments to update land use plans to take seal level rise into account and for investments to implement those plans; and 4) increase the annual funding available for the Environmental Justice Small Grant Program and authorize up to \$500,000 annually be used for grants to organizations working to address and mitigate the effects of sea level rise in disadvantaged communities impacted by sea level rise.

According to SB 1's findings, "California has 1,264 miles of coastline, and, if small bays and inlets are included, it has up to 3,000 miles of coastline located on the western seaboard of the United States, all of which is prone to the severe and pervasive effects of sea level rise." Sea level rise impacts will be significant and could occur as soon as within the next decade. "As with most impacts from climate change, the impacts of sea level rise are both environmental and economic, including losses to publicly owned infrastructure, such as airports, rail lines, streets and highways, pipelines, wastewater treatment plants, schools, hospitals, and other facilities."

EBMUD has proactively considered the impacts of climate change and has been evaluating actions to understand, mitigate, and adapt to the risks associated with climate change, including

sea level rise. Nearly all of EBMUD's wastewater facilities, including the Main Wastewater Treatment Plant (MWWTP), are within a short distance of the San Francisco Bay, increasing the likelihood of impacts as the climate changes and sea levels rise. While rising sea levels will likely result in increased wastewater effluent pumping and energy use, and inundation of coastal areas and facilities due to increased groundwater and sea level near the shoreline, a 30-year forecast indicates that the MWWTP is expected to avoid major inundation except during extreme (100-year) storm events. EBMUD is incorporating sea level rise adaptation into current construction and rehabilitation projects. In addition, EBMUD is collaborating with other public agencies in the vicinity to ensure that critical wastewater infrastructure remains resilient into the next century.

SB 1 is intended to establish new planning, assessment, funding, and mitigation tools for California to address and respond to sea level rise. This measure will support sea level rise adaptation and mitigation efforts, provide funding to help with planning for, and projects to protect against, sea level rise, and ultimately assist in protecting potentially vulnerable infrastructure, such as EBMUD's MWWTP. SB 1's approach is consistent with EBMUD's 2021 Climate Action Plan and Policy 7.05 (Sustainability and Resilience) and its efforts to consider and plan for the impacts of climate change.

Additional costs are not expected to accrue as a result of SB 1. Benefits are anticipated in terms of furthering sea level rise mitigation and possible funding opportunities for projects that would benefit the San Francisco Bay Area.

EBMUD has previously supported legislation intended to address sea level rise impacts. In 2014, EBMUD supported SB 1184 (Hancock) that would have required the San Francisco Bay Conservation and Development Commission to prepare a regional resilience strategy for adapting to rising sea levels in the San Francisco Bay in collaboration with state, regional, and local government agencies to help protect potentially vulnerable infrastructure and Bay Area residents from possible inundation and flooding due to sea level rise. AB 1184 failed to advance out of the legislature.

The official list of support and opposition to SB 1 is shown below.

<u>Support</u> <u>Opposition</u>

California Coastal Protection Network California Coastkeeper Alliance Surfrider Foundation The Nature Conservancy None listed

SB 260 CLIMATE CORPORATE (Wiener) ACCOUNTABILITY ACT

SUPPORT IN CONCEPT

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board (CARB) as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases (ghg). CARB is required to make available, and update at least annually, on its internet website the emissions of ghg, criteria pollutants, and toxic air contaminants for each facility that reports to CARB.

SB 260 (Wiener), as amended on April 5, 2021, is intended to address climate change impacts and assist the state in reducing ghg emissions by expanding ghg emission reporting and reduction target requirements to large companies.

SB 260 requires CARB, on or before January 1, 2023, to develop and adopt regulations requiring United States-based companies with annual revenues in excess of \$1 billion that do business in California to publicly disclose their ghg emissions, categorized as scope 1, 2, and 3 emissions from the prior calendar year. Scope 1 emissions are direct ghg emissions that stem from sources that a company owns or directly controls, including fuel combustion activities. Scope 2 emissions are indirect ghg emissions from electricity purchased and used. Scope 3 emissions are indirect emissions, other than Scope 2 emissions, from activities that stem from sources that a company does not own or directly control and may include, but are not limited to, emissions associated with the company's supply chain, business travel, employee commutes, procurement, waste, and water usage.

Under SB 260, the companies subject to the bill must begin reporting to CARB and publicly disclosing ghg emissions on an annual basis on or before January 1, 2024. In addition, on or before January 1, 2024, CARB must develop and adopt regulations requiring the companies subject to the bill to set and annually report to CARB science-based emissions targets based on emissions the companies have reported to CARB. The companies must then begin publicly disclosing the science-based emissions targets annually on or before January 1, 2025. The public disclosures of ghg emissions and emissions targets must be verified by an independent third-party auditor approved by CARB.

In 2005, then-Governor Schwarzenegger issued an executive order which set targets to reduce ghg emissions in the state to 1990 levels by 2020 and 80 percent below 1990 levels by 2050. AB 32 (Nunez), the California Global Warming Solutions Act of 2006, subsequently placed the 2020 goal into law. In 2015, then-Governor Brown issued an executive order establishing an interim statewide greenhouse gas emissions target to reduce emissions to 40 percent below 1990 levels by 2030 in order to "ensure California meets its targets of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050." In 2016, SB 32 (Pavley) subsequently placed the 2030 goal into law.

According to the author, "California has been at the forefront of climate policy in recent decades, establishing renewable energy requirements for electricity providers...and setting and achieving

ambitious emission reduction targets. These reductions were partially met, and continue to be bolstered by the emission reporting requirements as laid out in the California Global Warming Solutions Act. These requirements, however, only apply to electricity generators, industrial facilities, fuel suppliers, and other major emitters, missing many sources of corporate pollution. Without the same requirements for these corporate entities, California is left without the proper information needed to regulate, and eventually decrease these emissions. The first step in reigning in the corporate carbon emissions is expanding reporting requirements beyond what California currently has in place."

According to the bill's findings, the current approach for monitoring climate emissions from private corporate enterprises relies almost exclusively on voluntary reporting of greenhouse gas inventories, goals, commitments, and agreements. Mandating ghg "emissions data disclosure and science-based emissions targets for all United States-based companies with total annual revenues in excess of \$1 billion and that do business in California will also inform policymaking, empower the public and activate the private sector to drive corporate ghg emissions reductions, and is a critical next step the state must take to achieve its climate goals."

SB 260 attempts to address the complex issue of regulating ghg emissions from large companies, including indirect (Scope 3) emissions that are beyond a company's direct control. The bill is early in the legislative process and therefore may be subject to further consideration and refinement. Some examples include the areas below:

- While various organizations allow for voluntary reporting of Scope 3 emissions, it is unclear at this time whether there is one standardized way of accounting for Scope 3 emissions. Development of a standardized way of reporting these emissions may be required.
- It is also unclear if the corporations subject to SB 260 would utilize a standard method of accounting for ghg emissions associated with water usage or whether water agencies, such as EBMUD, would have to provide information to the companies regarding water usage and ghg emissions associated with the provision of water to the company.

With regard to benefits and costs, it is expected that SB 260 would indirectly benefit EBMUD ratepayers by increasing ghg emission reductions in the state. Given that the bill would impose new regulatory requirements on large corporations it is unclear at this time if the bill would impose additional cost burdens on EBMUD ratepayers through any increased costs the companies accrue being passed onto consumers.

Overall, the concept of SB 260 to reduce ghg emissions is commendable and consistent with EBMUD's 2021 Climate Action Plan; EBMUD's goal to eliminate indirect and direct ghg emissions for the water system by 2030, and to eliminate indirect ghg emissions and reduce direct ghg emission by 50 percent compared to 2000 levels by 2040 for the wastewater system; as well as EBMUD policies including EBMUD's Policy 7.15 (Climate Action), Policy 7.07 (Energy), and Policy 7.05 (Sustainability and Resilience), though there are areas of the bill that would benefit from further consideration. While this measure seeks to reduce ghg emissions for a

specific sector, namely large companies, the author may wish to consider this measure in a broader context that acknowledges the need for a comprehensive and holistic statewide approach that takes into account the interplay between all sectors to successfully meet ghg emission reduction goals.

EBMUD has previously taken positions on measures intended to address the impacts of climate change. In 2016, EBMUD supported SB 1425 (Pavley) to require the development of a voluntary registry for greenhouse gas emissions resulting from the water-energy nexus. SB 1425 was signed into law (Chapter 596 of 2016). In 2015, EBMUD supported SB 32 (Pavley) to place ghg emission reduction targets for 2030 in statute. SB 32 was signed into law (Chapter 249 of 2016).

An official support/opposition list for SB 260 is not currently available.

SB 372 MEDIUM- AND HEAVY-DUTY FLEET SUPPORT (Leyva) PURCHASING ASSISTANCE PROGRAM: ZERO-EMISSION VEHICLES

Existing law, the California Pollution Control Financing Authority Act, establishes the California Pollution Control Financing Authority (Authority), with specified powers and duties, and authorizes the Authority to approve financing for projects or pollution control facilities to prevent or reduce environmental pollution.

SB 372 (Leyva), as amended on March 4, 2021, is intended to help owners of medium- and heavy-duty vehicles purchase cleaner zero-emission alternatives. To accomplish this, the bill would require the Authority to establish a program to make financing tools and nonfinancial supports available to operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. The Authority must consult with various state agencies and stakeholders in the development and implementation of the program.

Under SB 372, among other things, the Authority must do the following: 1) seek input from stakeholders on critical barriers that impede fleet operators from transitioning to zero-emission vehicles, the financing tools and nonfinancial supports that should be used to overcome the barriers operators face in transitioning to zero-emission vehicles, and how to determine whether the program is successful in meeting its goals; 2) provide "financing tools to operators of large fleets to increase access to private capital in ways that make it easier, less expensive, or reduce uncertainties, or any combination of these things, for the operators to transition to zero-emission vehicles"; and 3) create, in coordination with other state agencies that administer similar programs, a one-stop shop to provide information to fleet operators about all of the potential financing and grant options and other technical assistance available to help obtain financing for zero-emission medium- and heavy-duty vehicles.

On September 23, 2020, Governor Newsom issued Executive Order N-79-20 establishing the goal that 100 percent of in state sales of new passenger cars and light-duty trucks be zero-emission by 2035; medium- and heavy-duty vehicles in the state be zero-emission by 2045,

where feasible; and off-road vehicles and equipment operations be zero-emission by 2035, where feasible.

The findings of SB 372 note that "emissions from medium- and heavy-duty vehicles make up a significant proportion of harmful air pollution in California, despite making up just 7 percent of vehicles on the road." The use of zero-emission vehicles rather than internal combustion engines can save money for fleet operators over the lifetime of the zero-emission vehicles because the zero-emission vehicles have lower operations costs though even with lower operating costs, transitioning to zero-emission vehicles requires near-term, scalable, and replicable financing tools and nonfinancial supports, such as technical and policy supports.

According to the author, "California's current solution for financing the transition to zero-emission vehicles has been largely limited to rebate programs. Unfortunately, these limited options do not meet the diverse financial needs of current and future fleet owners." SB 372 is intended to create more options to maximize available funding and ensure that transition to zero-emission vehicles is a viable option for all fleets.

EBMUD's Policy 7.07 (Energy), includes the goal for EBMUD to eliminate indirect and direct greenhouse gas (ghg) emissions for the water system by 2030, and to eliminate indirect ghg emissions and reduce direct ghg emission by 50 percent compared to 2000 levels by 2040 for the wastewater system. This policy also states that EBMUD will "consider using alternative using alternative energy sources for operating vehicles and equipment" and invest in equipment, develop programs, and support industry efforts to increase overall vehicle fuel economy and efficiency. As part of EBMUD's goals to eliminate ghg emissions for the water system EBMUD is considering using alternative fuels and technology for operating vehicles and equipment. EBMUD has purchased zero-emission passenger vehicles when/where feasible. Currently, nearly 100 percent of the medium- and heavy-duty fleet has transitioned to renewable diesel and EBMUD is continually exploring options for procuring other zero-emission trucks and equipment.

In addition, EBMUD is the first water utility to join CALSTART, which is a nonprofit organization working with businesses and government agencies to develop clean, efficient transportation solutions. With the help of CALSTART, EBMUD hopes to identify medium- and heavy-duty vehicle technologies to further compliance with current and future regulations and meet EBMUD's ghg emission reduction goals. EBMUD also signed the Drive to Zero pledge, committing support to accelerate the growth of global zero-emission and near zero-emission commercial vehicles. The Drive to Zero effort envisions that zero- emission and near-zero-emission technology will be commercially viable by 2025 and widely available by 2040 in specific vehicle segments and regions. EBMUD is the first water utility to make this pledge, joining partners such as cities, regional and national governmental agencies, manufacturers, fleets, fuel/energy suppliers, and regulators including the State Air Resources Board and the Bay Area Air Quality Management District.

Though SB 372 is a work in progress, the intent of the bill to assist operators of medium- and heavy-duty vehicles transition to zero-emission medium- and heavy-duty vehicles is consistent with EBMUD polices and its ghg emission reduction goals, including efforts to transition to cleaner vehicles. The bill would not result in additional costs to EBMUD and could potentially benefit EBMUD by providing additional tools to assist in transitioning to zero-emission medium- and heavy-duty vehicles.

While the issue of zero-emission vehicles is a relatively new topic of legislation, SB 372 is consistent with EBMUD's Policy 7.07 (Energy), as mentioned above, and Policy 7.15 (Climate Action) which states that EBMUD will "consider the impacts of climate change and take appropriate action to understand, mitigate and adapt to those impacts through sustainable activities that manage long-term economic, environmental and human resource benefits."

An official support/opposition list for SB 372 is not currently available.

SB 804 CALIFORNIA CONSERVATION CORPS: SUPPORT (Glazer) FORESTRY TRAINING CENTER

Existing law establishes the California Conservation Corps (Corps) in the Natural Resources Agency and requires the Corps to implement and administer the various Corps programs. The Director of the Corps may establish the Education and Employment Reentry Program to develop, partner with, and create opportunities for certain forestry corps program objectives.

SB 804 (Glazer), as amended April 5, 2021, would require the Director of the Corps, in partnership with the California Department of Forestry and Fire Protection (CAL FIRE) and the Department of Corrections and Rehabilitation (CDCR), to establish a forestry training center in northern California to provide enhanced training, education, work experience, and job readiness for entry-level forestry jobs.

According to the measure, the focus of the new facility would be on forestry and would be modeled after an existing firefighting training and certification facility located in Ventura, California. In addition to forestry training, the northern California training center could also provide training modules in fire prevention, fire suppression, emergency incident response, and resource management. Priority for enrollment at the training center would be given to formerly incarcerated individuals who have successfully served on a California Conservation Camp Program crew and were recommended by the Director of CAL FIRE and the Secretary of CDCR. Successful completion of a training program at the training center would constitute qualifying experience for an entry-level forestry position at CAL FIRE.

According to the author, "the state already allows incarcerated individuals to work on firefighting crews...creating a forestry training program for formerly incarcerated individuals will decrease recidivism rates by creating a path to gainful employment while increasing the number of forestry professionals in the state."

Benefits would likely accrue to EBMUD in terms of increasing vegetation management resources in EBMUD's watershed areas as well as increasing the number of diverse, trained candidates eligible to compete for EBMUD positions. There are no anticipated costs to EBMUD.

The bill's focus on forestry management, reducing damage from wildfires through increased vegetation management, and increasing pathways to jobs are consistent with previous EBMUD bill positions. For example, last year EBMUD supported SB 1348 (Stern) to increase statewide forest and vegetation management activities and related funding. SB 1348 did not advance out of the legislature. EBMUD also supports SB 61 (Hurtado) of the current session, a workforce development bill that would help fund supportive services for low-income workforce participants to ensure they can fully participate in training programs.

A list of support and opposition 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 March 4, 2021 Legislative Report No. 03-21 is provided below.

#### **State Government Actions**

Subsequent to the writing of Legislative Report No. 03-21, one executive order relative to COVID-19 was issued. The executive order is not of direct interest to EBMUD.

In addition, in March the legislature passed and the governor signed three COVID-19 related budget trailer bills, AB 83 (Committee on Budget), AB 88 (Committee on Budget), and SB 95 (Skinner). AB 83 and AB 88 went into effect on March 17. SB 95 went into effect on March 29.

AB 83 and AB 88 made technical clean-up amendments to SB 94 (Skinner) related to restaurant and bar fee waivers and SB 88 (Committee on Budget) regarding one-time stimulus payments, respectively, that were part of the economic relief package approved by the legislature and governor in February. Information on the relief package was included in Legislative Report No. 03-21.

SB 95 relates to COVID-19 supplemental sick leave, and among other things, the bill does the following:

 Provides for COVID-19 supplemental paid sick leave for employees under state law due to the expiration on December 31, 2020, of the obligation to provide COVID-19 related paid sick leave under the Families First in Coronavirus Response Act, which is federal law;

- Specifies that the COVID-19 supplemental paid sick leave applies retroactively to January 1, 2021, and remains in effect through September 30, 2021;
- Provides that a covered employee is entitled to COVID-19 supplemental paid sick leave
  if the employee is unable to work or telework under specified conditions including but
  not limited to experiencing symptoms for COVID-19 and seeking a medical diagnosis,
  needing to self-quarantine, attending an appointment to receive a COVID-19 vaccine,
  experiencing symptoms related to a COVID-19 vaccine, and caring for a family member
  who needs to self-quarantine;
- Provides up to 80 hours of COVID-19 supplemental leave to eligible employees that is in addition to any paid sick leave available under existing law;
- Specifies that an employer shall not require a covered employee to use other paid leave or unpaid leave before the employee uses COVID-19 supplemental paid sick leave or in lieu of such leave; and
- Requires, upon request of an employee, an employer to provide retroactive payment to an employee that took unpaid leave for COVID-19-related reasons between January 1, 2021 and March 29, 2021.

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

#### Federal Government Actions

Staff continues to track implementation of H.R. 1319, the American Rescue Plan Act of 2021, and provisions of importance to EBMUD, including the allocation of water and wastewater rate assistance which remains pending.

#### Next Steps

Staff is continuing to pursue funding eligibility for EBMUD under federal COVID-19 relief packages, including the state implementation of the funding allocations, 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.

#### CCC:MD:DM/JW

#### Attachments

I:\Sec\2021 Board Related Items\041321 Board Agenda Items\LegHRCmte and Regular Mtg\OGM - Legislative Report No. 04-21.docx

# Introduced by Assembly Member Friedman (Coauthor: Assembly Member Stone)

February 12, 2021

An act to add Chapter 10 (commencing with Section 119410) to Part 15 of Division 104 of the Health and Safety Code, relating to environmental health.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 622, as introduced, Friedman. Washing machines: microfiber filtration.

Existing law, to protect public health and water quality, regulates a broad range of consumer products and processes, including water softeners, water treatment devices, and backflow prevention devices, among others.

This bill would require, on or before January 1, 2024, that all washing machines sold as new in California contain a microfiber filtration system with a mesh size of 100 microns or smaller.

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. Chapter 10 (commencing with Section 119410)
- 2 is added to Part 15 of Division 104 of the Health and Safety Code,
- 3 to read:

1 Chapter 10. Washing Machines 2 119410. On or before January 1, 2024, all washing machines sold as new in California shall contain a microfiber filtration system with a mesh size of 100 microns or smaller. 3

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**AB 622** 

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# Introduced by Assembly Member Chau (Principal coauthor: Assembly Member Mullin)

February 16, 2021

An act to amend the heading of Chapter 6 (commencing with Section 4810) of Part 2.5 of Division 4 of, to amend Section 4810 of, and to add Sections 4811 and 4812 to, the Public Resources Code, relating to forestry.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 697, as introduced, Chau. Forest resources: national forest lands: Good Neighbor Authority Fund: ecological restoration and fire resiliency projects.

Existing law establishes in the State Treasury the Good Neighbor Authority Fund, to be administered by the Department of Forestry and Fire Protection under the direction of the Secretary of the Natural Resources Agency. Existing law makes the moneys in the fund available for expenditure, upon appropriation by the Legislature, as authorized by specified federal law, and to the extent not in conflict with federal law or agreements, for state departments or agencies to undertake forest health and fuels reduction projects on federal lands executed through these agreements, and to fund costs associated with planning, implementing, and maintaining these projects, including administrative and operational costs.

This bill would reorganize the law relating to the fund. The bill would require the department, under an agreement between the state and the federal government, to establish a program for purposes of conducting ecological restoration and fire resiliency projects on national forest

AB 697 — 2 —

lands, with priority given to forest restoration and fuels reduction projects that are landscape scale, focused on ecological restoration and based on the best available science, emphasize the use of prescribed fire, and include community fire protection and protection of water infrastructure and other infrastructure as important goals, as provided.

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

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

SECTION 1. The heading of Chapter 6 (commencing with Section 4810) of Part 2.5 of Division 4 of the Public Resources Code is amended to read:

Chapter 6. Good Neighbor Authority Fund Program

- SEC. 2. Section 4810 of the Public Resources Code is amended to read:
- 4810. (a)—For purpose of this—section, chapter, the following terms shall apply:

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- (a) "Agreement" means the Good Neighbor Authority Agreement entered into between the state and the federal government pursuant to Section 2113a of Title 16 of the United States Code.
- (b) "Forest collaborative" means a functioning collaborative group that includes multiple persons or entities representing diverse interests, that is transparent and inclusive, and that has sufficient expertise, capacity, and scientific support to effectively plan, implement, and monitor landscape-level, ecological-based forest restoration activities.

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- (c) "Fund" means the Good Neighbor Authority Fund, established pursuant to subdivision (b). as specified in Section 4811.
- (b) There is hereby established in the State Treasury the Good Neighbor Authority Fund. The fund shall be administered by the department under the direction of the Secretary of the Natural Resources Agency. The moneys in the fund shall be available for expenditure, upon appropriation by the Legislature, and as

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authorized by Section 2113a(b)(2) of Title 16 of the United States Code, and to the extent not in conflict with federal law or agreements, for state departments or agencies to undertake forest health and fuels reduction projects on federal lands executed through these agreements, and to fund costs associated with planning, implementing, and maintaining these projects, including administrative and operational costs.

- (c) The fund shall be the depository for revenues derived from the sale of forest products, as defined in Section 4638, from federal lands, as authorized by Section 2113a(b)(2) of Title 16 of the United States Code, and to the extent not in conflict with federal law or agreements, to support the activities described in subdivision (b).
- (d) State departments or agencies engaged in agreements may accept grants and donations, including, but not limited to, donations of equipment, seedlings, labor, materials, or funds from any source for the purpose of supporting or facilitating activities undertaken pursuant to this section. Funds received pursuant to this subdivision shall be transferred to the department and deposited into the fund for use by state departments or agencies engaged in agreements to support the activities described in subdivision (b) at the direction of the Secretary of the Natural Resources Agency.
- SEC. 3. Section 4811 is added to the Public Resources Code, to read:
- 4811. (a) There is continued in existence in the State Treasury the Good Neighbor Authority Fund, originally established pursuant to Chapter 18 of the Statutes of 2020. The fund shall be administered by the department under the direction of the Secretary of the Natural Resources Agency. The moneys in the fund shall be available for expenditure, upon appropriation by the Legislature, and as authorized by Section 2113a(b)(2) of Title 16 of the United States Code, and to the extent not in conflict with federal law or agreements, for state departments or agencies to undertake forest health and fuels reduction projects on federal lands executed through these agreements, and to fund costs associated with planning, implementing, and maintaining these projects, including administrative and operational costs.
- (b) The fund shall be the depository for revenues derived from the sale of forest products, as defined in Section 4638, from federal lands, as authorized by Section 2113a(b)(2) of Title 16 of the

AB 697 —4—

1 United States Code, and to the extent not in conflict with federal 2 law or agreements, to support the activities described in subdivision 3 (a).

- (c) State departments or agencies engaged in agreements may accept grants and donations, including, but not limited to, donations of equipment, seedlings, labor, materials, or funds from any source for the purpose of supporting or facilitating activities undertaken pursuant to this section. Funds received pursuant to this subdivision shall be transferred to the department and deposited into the fund for use by state departments or agencies engaged in agreements to support the activities described in subdivision (a) at the direction of the Secretary of the Natural Resources Agency.
- SEC. 4. Section 4812 is added to the Public Resources Code, to read:
- 4812. (a) Under an agreement between the state and the federal government, the department shall establish a program for purposes of conducting ecological restoration and fire resiliency projects on national forest lands, with priority given to forest restoration and fuels reduction projects that are landscape scale, are focused on ecological restoration and are based on the best available science, emphasize the use of prescribed fire, and include community fire protection and protection of water infrastructure and other infrastructure as important goals. Eligible activities under the program, consistent with Section 2113a(b)(2) of Title 16 of the United States Code, any other federal law, and the agreement, may include any of the following:
- (1) The development of federal National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) documents, and documents prepared pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000)).
- (2) Other activities related to project planning, such as preparation of resource surveys, analyses, and reports.
- (3) Implementation and maintenance of selected projects, including ecological thinning, prescribed fire, replanting, and related activities.
- (b) The department may contract with Native American tribes, local governments, forest collaboratives, resource conservation districts, and qualified nongovernmental organizations to assist in

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- 1 planning, implementing, and maintaining landscape scale 2 restoration projects on national forest lands.



### AMENDED IN ASSEMBLY MARCH 23, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

### ASSEMBLY BILL

No. 1110

# Introduced by Assembly Member Robert Rivas (Coauthors: Assembly Members Chiu, Cristina Garcia, and Stone)

February 18, 2021

An act to amend Sections 63048.92 and 63048.93 of, and to add Chapter 14 (commencing with Section 14990) to Part 5.5 of Division 3 of Title 2 of, the Government Code, and to add and repeal Section 6377.5 of the Revenue and Taxation Code, relating to climate catalyst projects.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1110, as amended, Robert Rivas. Zero-emission vehicles: California Clean Fleet Accelerator Program: sales and use tax exemption: Climate Catalyst Revolving Loan Fund Program.

(1) Existing law, the Charge Ahead California Initiative, administered by the State Air Resources Board, includes goals of, among other things, service at least 1,000,000 zero-emission near-zero-emission vehicles by January 1, 2023, and establishing a self-sustaining California market for zero-emission and near-zero-emission vehicles in which zero-emission and near-zero-emission vehicles are a viable mainstream option for individual vehicle purchasers, businesses, and public fleets.

This bill would establish the California Clean Fleet Accelerator Program, administered by the Department of General Services (DGS). The bill would require the Governor's Office of Business and Economic Development (GO-Biz), DGS, in consultation with specified state agencies and regional and local entities, to develop a nonmandatory

AB 1110 -2-

master service agreement to solicit bids from eligible vendors for standardized, bulk purchase options for the acquisition of zero-emission fleet vehicles, as defined, by a public agency, as defined. The bill would require that the master service agreement, at minimum, establish standard pricing for bulk purchases of zero-emission fleet vehicles, taking into consideration applicable financial incentives and low-cost financing options. The bill would require GO-Biz DGS to provide for the first round of zero-emission fleet vehicle acquisitions under the master service agreement no later than January 31, 2022, to the extent feasible, or otherwise as soon thereafter as is reasonably practicable. The bill would establish the Office of the Clean Vehicles Ombudsman, Ombudsperson, under the control of a director known as the Clean Vehicles—Ombudsman, Ombudsperson, within—DGS the Governor's Office of Business and Economic Development (GO-Biz) and require the ombudsman, ombudsperson, among other things, to provide technical assistance to a public agency in the procurement of zero-emission fleet vehicles upon request.

(2) Existing law, the Bergeson-Peace Infrastructure and Economic Development Bank Act, establishes the California Infrastructure and Economic Development Bank (I-Bank) in GO-Biz and, among other things, authorizes the I-Bank to make loans, issue bonds, and provide financial assistance for various types of projects that qualify as economic development facilities or public development facilities, as those terms are defined. Existing law, the Climate Catalyst Revolving Loan Fund Act of 2020, establishes the Climate Catalyst Revolving Loan Fund Program and authorizes the I-Bank to provide financial assistance to any eligible sponsor or participating party for eligible climate catalyst projects, as provided, and defines various terms for these purposes. Existing law creates the Climate Catalyst Revolving Loan Fund and makes moneys available, upon appropriation, for expenditure for purposes of the Climate Catalyst Revolving Loan Fund Program.

This bill would expressly provide that the acquisition of a zero-emission fleet vehicle pursuant to the master service agreement developed in accordance with the California Clean Fleet Accelerator Program, as described above, is a climate catalyst project eligible for financial assistance under the Climate Catalyst Revolving Loan Fund Program. The bill would require that financial assistance under the program include loan loss reserves, revolving loan funds, and other financial instruments to facilitate climate catalyst projects that consist

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of the acquisition of zero-emission fleet vehicles pursuant to that master service agreement.

(3) Existing state sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The Sales and Use Tax Law provides various exemptions from those taxes, including an exemption for the sale of, or the storage, use, or consumption of, any zero-emission technology transit bus sold to a city, county, city and county, transportation or transit district, or other public agency that provides transit services to the public that is eligible for the California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project.

This bill, until January 1, 2027, would exempt from these taxes the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, a zero-emission fleet vehicle acquired by a public agency from an eligible vendor pursuant to the master service agreement developed under the California Clean Fleet Accelerator Program, as described above.

The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law, and existing laws authorize districts, as specified, to impose transactions and use taxes in accordance with the Transactions and Use Tax Law, which generally conforms to the Sales and Use Tax Law. Exemptions from state sales and use taxes are automatically incorporated into the local tax laws.

This bill would specify that this exemption does not apply to local sales and use taxes or transactions and use taxes.

Existing law requires that any bill introduced on or after January 1, 2020, that would authorize certain tax expenditures, as defined, or tax exemptions contain, among other things, specific goals, purposes, and objectives that the tax expenditure or exemption will achieve, detailed performance indicators, and data collection requirements.

This bill would state the intent of the Legislature to apply these requirements with respect to the sales and use exemption allowed by the bill, as described above.

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

AB 1110 —4—

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

SECTION 1. Chapter 14 (commencing with Section 14990) is added to Part 5.5 of Division 3 of Title 2 of the Government Code, to read:

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### Chapter 14. California Clean Fleet Accelerator Program

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- 14990. For purposes of this chapter:
- (a) "Eligible vendor" means a person-for which both of the following apply: that is any of the following:
  - (1) The person is either of the following:

12 <del>(A)</del>

- (1) A dealer, as that term—in is defined in Section 285 of the Vehicle Code, that sells a *medium- or heavy-duty* zero-emission fleet vehicle to a public agency.
  - (B) A manufacturer of a zero-emission fleet vehicle that sells that zero-emission fleet vehicle directly to a public agency.
  - (2) A public agency is authorized, under the laws of this state and the policies of the department, to acquire a zero-emission fleet vehicle from the person.
  - (2) Any vendor, eligible under the laws of this state to contract with a public agency, of a zero-emission vehicle that is off-road equipment engaged in the sale of that equipment.
  - (3) Any vendor, eligible under the laws of this state to contract with a public agency, of a zero-emission vehicle that is an electric bicycle, as that term is defined in Section 312.5 of the Vehicle Code, or electric cargo bicycle.
- (b) "Office" means the Governor's Office of Business and Economic Development.
- (c) "Ombudsman" "Ombudsperson" means the Office of the Clean Vehicles—Ombudsman Ombudsperson created in Section 14992.
  - (d) "Public agency" means all of the following:
- 34 (1) The state and any state agency, as that term is defined in 35 Section 11000.
  - (2) The Regents of the University of California.
- 37 (3) The Trustees of the California State University.
- 38 (4) A county.

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(5) A city.

- (6) Any district formed as an agency of the state, pursuant to general law or a special act, for the local performance of governmental or proprietary functions within limited geographic boundaries, including, but not limited to, the following:
  - (A) A school district.
  - (B) A transit district.
  - (7) Any other political subdivision of this state.
- (e) "Vehicle fleet" means two or more vehicles under common ownership of, or operation by, a public agency.
- (f) "Zero-emission fleet vehicle" means a vehicle vehicle, off-road equipment, including, but not limited to, a forklift, motorized construction or utility equipment, street sweeper, or other special-use municipal vehicle, an electric bicycle, as that term is defined in Section 312.5 of the Vehicle Code, or an electric cargo bicycle acquired by a public agency for use as part of its vehicle fleet that produces no emissions of criteria pollutants, toxic air contaminants, or greenhouse gases when stationary or operating.
- 14992. (a) (1) There is hereby established the California Clean Fleet Accelerator Program, which the department shall administer in accordance with this chapter.
- (2) The department may adopt, amend, or repeal guidelines and regulations and promulgate forms in order to carry out its duties under this chapter.
- (b) There is within the department office the Office of the Clean Vehicles Ombudsman, Ombudsperson, which shall be under the control of a director known as the Clean Vehicles Ombudsman. Ombudsperson. The Clean Vehicles Ombudsman Ombudsperson shall be appointed by, and serve at the pleasure of, the director and shall report directly to the director.
- 14994. (a) (1) The office, department, in consultation with those entities specified in paragraph (2), shall develop a nonmandatory master service agreement to solicit bids from eligible vendors for standardized, bulk purchase options for the acquisition of zero-emission fleet vehicles by a public agency, consistent with the requirements of this chapter.
- (2) The—office department, in consultation with the ombudsperson, shall consult with each of the following entities in developing the master service agreement described in paragraph (1):

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- 1 (A) The office.
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- 3 (B) The Transportation Agency.
- 4 (B) The department.
- 5 (C) The State Energy Resources Conservation and Development6 Commission.
  - (D) The State Air Resources Board.
  - (E) The Infrastructure and Economic Development Bank.
    - (F) The Public Utilities Commission.
- 10 (G) The California Alternative Energy and Advanced 11 Transportation Financing Authority.
  - (H) Five cities with populations less than 150,000.
  - (I) At least two regional organizations, which may include, but are not limited to, councils of governments or metropolitan planning organizations.
  - (J) Two jurisdictions that, in the office's department's judgment, have demonstrated experience in acquiring electric vehicles for use in their vehicle fleets.
  - (b) The master service agreement described in subdivision (a) shall, at minimum, establish standard pricing for bulk purchases of zero-emission fleet vehicles, taking into consideration any applicable state or federal tax credits or other financial incentives and low-cost financing options available to public agencies for that purpose.
  - (c) (1) Subject to paragraph (2), a public agency that acquires a zero-emission fleet vehicle pursuant to the master service agreement developed pursuant to this section shall comply with all other applicable laws and policies governing the acquisition of that zero-emission fleet vehicle, including, but not limited to, the Public Contract Code and the regulations of the department.
  - (2) In awarding contracts for the bulk purchase of zero-emission fleet vehicles pursuant to the master agreement developed pursuant to this section, a public agency shall give additional consideration to eligible vendors that meet the following criteria:
  - (A) The eligible vendor utilizes a skilled and trained workforce, as that term is defined in Section 2601 of the Public Contract Code.
- 37 (B) The eligible vendor demonstrates job creation within this state.
- 39 (C) The eligible vendor commits to providing training and hiring 40 opportunities to residents in disadvantaged communities.

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(D) The eligible vendor has a demonstrated commitment to racial equity.

- (d) In carrying out its duties under this section, the office department shall, to the extent feasible, provide for the first round of zero-emission fleet vehicle acquisition by public agencies under the master service agreement developed pursuant to this section no later than January 31, 2022, or, if that date is not feasible, as soon thereafter as is reasonably practicable.
- 14996. (a) The ombudsman ombudsperson shall do all of the following:
- (1) Upon the request of a public agency, provide technical assistance to the public agency in the procurement of zero-emission fleet vehicles.
- (2) In cooperation with the office, assist a public agency in procuring zero-emission fleet vehicles by bulk purchase under the master service agreement developed pursuant to Section 14994.
- (3) Actively reach out to small and rural communities to offer technical assistance and other state resources.
- (4) Provide any other assistance to a public agency in procuring zero-emission fleet vehicles that is consistent with the purposes of this chapter, including, but not limited to, identifying available incentives and financing mechanisms.
- (b) In carrying out its duties under this section, the ombudsman ombudsperson shall prioritize assisting public agencies that serve disadvantaged communities.
- SEC. 2. Section 63048.92 of the Government Code is amended to read:
- 63048.92. The definitions contained in this section are in addition to the definitions contained in Section 63010 and together with the definitions contained in that section shall govern the construction of this article, unless the context requires otherwise:
- (a) "Bank" means the Infrastructure and Economic Development Bank.
- (b) "Climate catalyst project" means any building, structure, equipment, infrastructure, or other improvement within California, or financing the general needs of any sponsor or participating party for operations or activities within California that are consistent with, and intended to, further California's climate goals, activities that reduce climate risk, and the implementation of low-carbon technology and infrastructure. "Climate catalyst project" includes,

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but is not limited to, the acquisition of a zero-emission fleet vehicle
pursuant to the master service agreement developed in accordance
with the California Clean Fleet Accelerator Program (Chapter 14
(commencing with Section 14990) of Part 5.5 of Division 3 of
Title 2).

- (c) "Climate Catalyst Revolving Loan Fund" means revolving funds by that name created under, and administered pursuant to, this article to provide financial assistance for climate catalyst projects.
- (d) "Climate Catalyst Revolving Loan Fund Program" means the program of that name to administer the Climate Catalyst Revolving Loan Fund and to provide financial assistance for climate catalyst projects, to be administered by the bank pursuant to this article and criteria, priorities, and guidelines to be adopted by the bank board.
- (e) "Sponsor" and "participating party" shall mean the same as defined in Section 63010, but also include federally recognized Native American tribes and tribal business enterprises located in California.
- SEC. 3. Section 63048.93 of the Government Code is amended to read:
- 63048.93. (a) (1) The bank is hereby authorized and empowered to provide financial assistance under the Climate Catalyst Revolving Loan Fund Program to any eligible sponsor or participating party either directly or to a lending or financial institution, in connection with the financing or refinancing of a climate catalyst project, in accordance with an agreement or agreements, between the bank and the sponsor or participating party, including, but not limited to, tribes, either as a sole lender or in participation or syndication with other lenders.
- (2) Financial assistance provided under the Climate Catalyst Revolving Loan Fund Program shall include, but is not limited to, loan loss reserves, revolving loan funds, and other financial instruments to facilitate climate catalyst projects that consist of the acquisition of zero-emission fleet vehicles pursuant to the master service agreement developed pursuant to Section 14994.
- (b) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 does not apply to any criteria, priorities, and guidelines adopted by the bank in connection with the Climate

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1 Catalyst Revolving Loan Fund Program or any other program of 2 the bank.

- (c) Repayments of financing made under the Climate Catalyst Revolving Loan Fund Program shall be deposited in the appropriate account created within the Climate Catalyst Revolving Loan Fund.
- (d) The Strategic Growth Council, in consultation with the Labor and Workforce Development Agency, shall advise the Legislature prior to the end of each calendar year, commencing with the calendar year of 2020, of potential categories of climate catalyst projects that would focus on the state's key climate mitigation and resilience priorities. The Strategic Growth Council's recommendations may include indicative percentages of investment allocations across identified priority sectors. The Strategic Growth Council shall inform the bank of the advice provided to the Legislature.
- SEC. 4. Section 6377.5 is added to the Revenue and Taxation Code, to read:
- 6377.5. (a) There are exempted from the taxes imposed by this part, the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, a zero-emission fleet vehicle acquired by a qualified public agency from an eligible vendor.
  - (b) For purposes of this section:

- (1) "Eligible vendor" has the same meaning as defined in Section 14990 of the Government Code.
- (2) "Master service agreement" means the master service agreement developed for the bulk purchase of zero-emission vehicles by a qualified public agency from an eligible vendor pursuant to Section 14994 of the Government Code.
- (3) "Qualified public agency" means a public agency, as that term is defined in Section 14990 of the Government Code, that acquires a zero-emission fleet vehicle from an eligible vendor pursuant to the master service agreement.
- (4) "Zero-emission fleet vehicle" has the same meaning as defined in Section 14990 of the Government Code.
- (c) An exemption shall not be allowed under this section unless the purchaser furnishes the retailer with an exemption certificate, completed in accordance with any instructions or regulations as the department may prescribe, and the retailer retains the exemption

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certificate in its records and furnishes it to the department upon
 request.
 (d) (1) Notwithstanding the Bradley-Burns Uniform Local Sales

- (d) (1) Notwithstanding the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200)) and the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251)), the exemption established by this section shall not apply with respect to any tax levied by a county, city, or district pursuant to, or in accordance with, either of those laws.
- (2) Notwithstanding subdivision (a), the exemption established by this section shall not apply with respect to any tax levied pursuant to Section 6051.2 or 6201.2, any tax levied pursuant to Section 35 of Article XIII of the California Constitution, or any tax levied pursuant to Section 6051 or 6201 that is deposited in the State Treasury to the credit of the Local Revenue Fund 2011 pursuant to Section 6051.15 or 6201.15.
- (e) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.
- SEC. 5. It is the intent of the Legislature to comply with the requirements of Section 41 of the Revenue and Taxation Code with respect to the exemption allowed by Section 6377.5 of the Revenue and Taxation Code, as added by this act.

## AMENDED IN ASSEMBLY MARCH 29, 2021 AMENDED IN ASSEMBLY MARCH 4, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

### ASSEMBLY BILL

No. 1200

# Introduced by Assembly Member Ting (Principal coauthor: Assembly Member Friedman)

February 18, 2021

An act to add Chapter 15 (commencing with Section 109000) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1200, as amended, Ting. Plant-based food packaging: cookware: hazardous chemicals.

Existing law prohibits the manufacture, sale, or distribution in commerce of any toy or child care article, as defined, that contains phthalates exceeding a specified percentage. Existing law prohibits the manufacture, sale, or distribution in commerce of any bottle or cup that contains bisphenol A, above a specified detectable level, if the bottle or cup is designed or intended to be filled with any liquid, food, or beverage intended primarily for consumption from that bottle or cup by children 3 years of age or younger. Existing law, beginning January 1, 2025, prohibits the manufacture, sale, delivery, hold, or offer for sale in commerce of any cosmetic product that contains any of several specified intentionally added ingredients, such as perfluoroalkyl and polyfluoroalkyl substances (PFAS), except under specified circumstances.

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This bill would prohibit, beginning January 1, 2022, 2023, any person from distributing, selling, or offering for sale in the state any food packaging that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances or PFAS, as defined. The bill would require a manufacturer to use the least toxic alternative when replacing PFAS chemicals. The bill would define "food packaging," in part, to mean a nondurable package, packaging component, or food service ware that is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.

This bill would require, beginning January 1,—2022, 2024, a manufacturer, as defined, of cookware sold in the state that contains one or more *intentionally added* chemicals present on a designated list, as defined, to include a statement on the product label, as defined, in both English and Spanish, regarding the presence of those chemicals of concern in the cookware, as provided. The bill would require, beginning January 1, 2022, 2023, a manufacturer of this cookware to post on the internet website for the cookware a list of chemicals in the cookware that are present on the designated list, among other information. The bill would prohibit, beginning January 1, <del>2022,</del> 2024, a manufacturer from making a claim, either on the cookware package or internet website for the cookware, that the cookware is free of any specific chemical if the chemical belongs to a chemical group or class identified on the designated list, unless no individual chemical from that chemical group or class is present in intentionally added to the cookware. The bill would prohibit a person from selling, offering for sale, or distributing in California a cookware product that does not comply with these provisions.

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. Chapter 15 (commencing with Section 109000)
- 2 is added to Part 3 of Division 104 of the Health and Safety Code,
- 3 to read:

\_3\_ AB 1200

Chapter 15. Chemicals of Concern in Food Packaging and Cookware

Article 1. Plant-Based Food Packaging Containing PFAS

- 109000. (a) For purposes of this article, the following terms have the following definitions:
- (1) "Food packaging" means a nondurable package, packaging component, or food service ware that is intended to contain, serve, store, handle, protect, or market food, foodstuff, or beverages, and is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers. "Food packaging" includes, but is not limited to, food or beverage containers, take-out food containers, unit product boxes, liners, wrappers, serving vessels, eating utensils, food boxes, and disposable plates, bowls, or trays.
- (2) "Intentionally added perfluoroalkyl and polyfluoroalkyl substances or PFAS" means either of the following:
- (A) The presence or use of PFAS in a product or product component that has a functional or technical effect in the product or product component.
- (B) The presence of PFAS in a product or product component at or above 100 parts per million. million, as measured in total organic fluorine.
- (3) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
- (b) Commencing on January 1,—2022, 2023, no person shall distribute, sell, or offer for sale in the state any food packaging that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances or PFAS.
- (c) A manufacturer shall use the least toxic alternative when replacing PFAS chemicals in products in accordance with this article.

### Article 2. Chemical Disclosures for Cookware

109010. For purposes of this article, the following terms have the following definitions:

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(a) "Cookware" means durable houseware items that are used in homes and restaurants to prepare, dispense, store, or serve food, foodstuff, or beverages. "Cookware" includes, but is not limited to, pots, pans, skillets, grills, baking sheets, baking molds, trays, bowls, kitchen tools, spoons, and spatulas.

- (b) "Designated list" means the list of chemicals identified as candidate chemicals that exhibit a hazard trait or an environmental or toxicological endpoint that meets the criteria specified in regulations adopted by the Department of Toxic Substances Control pursuant to Article 14 (commencing with Section 25251) of Chapter 6.5 of Division 20, and is published on the Department of Toxic Substances Control's internet website pursuant to those regulations.
  - (c) "Manufacturer" means either of the following:
- (1) A person or entity who manufactures the cookware and whose name appears on the product label.
- (2) A person or entity who the cookware is manufactured for or distributed by, identified by the product label pursuant to the federal Fair Packaging and Labeling Act (15 U.S.C. Sec. 1451 et seq.).
- (d) "Product label" means a display of written, printed, or graphic material that appears on, or is affixed to, the exterior of a product, or its exterior container or wrapper that is visible to a consumer, if the product has an exterior container or wrapper.
- 109011. (a) Commencing on January 1,—2022, 2024, a manufacturer of cookware sold in the state that contains one or more *intentionally added* chemicals present on the designated list shall include on the product label a statement, in both English and Spanish, that reads: "This product contains one or more chemicals of concern for human health or the environment as identified by the State of California. For more ingredient information, visit" followed by—an both of the following:
- (1) An address for an internet website that provides all of the information required by Section-109012 and a 109012.
- (2) A toll-free telephone number for the manufacturer that a person can call to obtain all of the information required by Section 109012.
- (b) A manufacturer shall ensure that the statement required on the product label by subdivision (a) is visible and legible to the consumer, including on the product listing for online sales.

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109012. Commencing on January 1,<del>2022,</del> 2023, a manufacturer of cookware sold in the state that contains one or more *intentionally added* chemicals present on the designated list shall post on the internet website for the cookware all of the following:

- (a) A list of all chemicals in the cookware that are also present on the designated list.
- (b) The names of the authoritative list or lists referenced by the Department of Toxic Substances Control in compiling the designated list on which each chemical in the cookware is present.
- (c) A link to the internet website for the authoritative list or lists identified pursuant to subdivision (b).

109013. Commencing on January 1, 2022, 2024, a manufacturer shall not make a claim, either on the cookware package or on the internet website for the cookware, that the cookware is free of any specific chemical if the chemical belongs to a chemical group or class identified on the designated list, unless no individual chemical from that chemical group or class is present in intentionally added to the cookware.

109014. A person shall not sell, offer for sale, or distribute in the state a cookware product that does not comply with the requirements of this article.



Introduced by Committee on Natural Resources (Assembly Members Luz Rivas (Chair), Flora (Vice Chair), Chau, Friedman, Cristina Garcia, Mathis, McCarty, Muratsuchi, Seyarto, Stone, and Wood)

March 4, 2021

An act to amend Sections 4740, 4741, 31108, and 42282 of the Public Resources Code, relating to public resources.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1570, as introduced, Committee on Natural Resources. Public resources: omnibus bill.

(1) Existing law requires the Department of Forestry and Fire Protection to assist local governments in preventing future wildland fire and vegetation management problems by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within the department's budgetary limitations.

This bill instead would require the department to assist local governments in preventing future high-intensity wildland fires and instituting appropriate fuels management by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within the department's budgetary limitations. The bill would explicitly define, for these purposes, "local governments" to include cities, counties, and special districts. The bill would also make changes to related findings and declarations by the Legislature.

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(2) Existing law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing a program of agricultural land preservation, area restoration, and resource enhancement within the coastal zone, as defined. Existing law requires the conservancy to develop and implement a Lower Cost Coastal Accommodations Program to facilitate improvement of existing, and the development of new, lower cost accommodations within 1½ miles of the coast.

Existing law requires, commencing on January 2, 1980, and every 3rd year thereafter, the conservancy to prepare and submit to the Governor and to the Legislature a report describing progress in achieving the objectives of the conservancy. Existing law specifies certain items to be included in the report.

This bill would, among other things, additionally require the report to include a discussion of the conservancy's progress in implementing the Lower Cost Coastal Accommodations Program.

(3) Existing law authorizes a store to sell or distribute a reusable grocery bag to a customer at the point of sale only if the reusable bag is made by a certified producer, as provided. Existing law requires the Department of Resources Recycling and Recovery to accept from a reusable grocery bag producer proof of certification conducted by a third-party certification entity, for each type of reusable grocery bag that is manufactured, imported, sold, or distributed in the state and provided to a store for sale or distribution, at the point of sale, as provided. Existing law specifies that a third-party certification entity is an independent, accredited (ISO/IEC 17025) laboratory.

This bill would also specify that a third-party certification entity is a (ISO/IEC 17065) certification body.

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

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

- SECTION 1. Section 4740 of the Public Resources Code is amended to read:
- 3 4740. The Legislature hereby finds and declares: declares all 4 of the following:
- 5 (a) The department has extensive technical expertise in wildland 6 fire prevention and vegetation management on forest, range, and 7 watershed lands. When appropriately applied, this expertise can

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have significant public resource benefits by benefits, including decreasing wildland fire hazards, increasing rangeland production, improving watershed yields, and increasing wildlife habitat. high-intensity wildland fires, improving watershed management, range improvement, improving vegetation management, forest improvement, wildlife habitat improvement, restoring ecological integrity and resilience, improving community wildfire protection, improving carbon resilience, providing enhancement of culturally important resources, and maintenance of air quality.

- (b) Because of limited fiscal resources, local government needs the scope of the problem of high-intensity wildland fires and expertise of the department, local governments, including cities, counties, and special districts, need assistance in preventing future problems resulting from inadequate fire prevention planning and vegetation management.
- (c) The state's taxpayers California will benefit if existing state expertise is made available to local governments,—thereby eliminating the need for duplicating such services at the local level. including cities, counties, and special districts, thereby integrating those efforts.
- SEC. 2. Section 4741 of the Public Resources Code is amended to read:
- 4741. (a) In accordance with policies established by the board, the department shall assist local governments in preventing future high-intensity wildland-fire and vegetation management problems fires and instituting appropriate fuels management by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within the department's budgetary limitations. Department recommendations shall be advisory in nature and local governments shall not be required to follow such recommendations.
- (b) Any department recommendations made pursuant to subdivision (a) shall be advisory in nature and local governments shall not be required to follow those recommendations.

### Nothing in this section shall

- (c) This section does not alter the existing obligations of any a local government or affect the existing liability of any local government.
- *(d) For purposes of this section, "local governments" include* 40 *cities, counties, and special districts.*

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1 SEC. 3. Section 31108 of the Public Resources Code is 2 amended to read:

31108. Commencing on January 2, 1980, and every third year thereafter, the On January 2, three years after the most recent report was submitted, the conservancy shall prepare and submit to the Governor and to the Legislature a report describing progress in achieving the objectives of this—division. division and shall prepare and submit an additional report every three years thereafter. The report shall include the following:

- (a) An evaluation of the effectiveness of the conservancy's programs in preserving agricultural lands, restoring coastal habitat, providing public access to the coastline, and in undertaking other functions prescribed in this division.
- (b) Identification of additional funding, legislation, or other resources required to more effectively carry out the objectives of this division.
- (c) A discussion of its progress in addressing the goals, priority areas, and concerns referenced in subdivision (a) of Section 31163, including, but not limited to, any funds that are received or disbursed for purposes related to addressing those goals, priority areas, and concerns.
- (d) A discussion of its progress in implementing the Lower Coastal Accommodations Program established pursuant to Section 31412.
- SEC. 4. Section 42282 of the Public Resources Code is amended to read:
- 42282. (a) Commencing on or before July 1, 2015, the department shall accept from a reusable grocery bag producer proof of certification conducted by a third-party certification entity, submitted under penalty of perjury, for each type of reusable grocery bag that is manufactured, imported, sold, or distributed in the state and provided to a store for sale or distribution, at the point of sale, that meets all the applicable requirements of this article. The proof of certification shall be accompanied by a certification fee, established pursuant to Section 42282.1.
- (b) A reusable grocery bag producer shall resubmit to the department proof of certification as described in subdivision (a) on a biennial basis. A reusable grocery bag producer shall provide the department with an updated proof of certification conducted by a third-party certification entity if any modification that is not

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solely aesthetic is made to a previously certified reusable bag. Failure to comply with this subdivision shall result in removal of the relevant information posted on the department's Internet Web site internet website pursuant to paragraphs (1) and (2) of subdivision (e) for each reusable bag that lacks an updated proof of certification conducted by a third-party certification entity.

- (c) A third-party certification entity shall be an independent, accredited (ISO/IEC 17025) laboratory. laboratory or a (ISO/IEC 17065) certification body. A third-party certification entity shall certify that the producer's reusable grocery bags meet the requirements of Section 44281.
- (d) The department shall provide a system to receive proofs of certification online.
- (e) On and after July 1, 2015, the department shall publish a list on its Internet Web site internet website that includes all of the following:
- (1) The name, location, and appropriate contact information of certified reusable grocery bag producers.
- (2) The reusable grocery bags of producers that have provided the required certification.
- (f) A reusable grocery bag producer shall submit applicable certified test results to the department confirming that the reusable grocery bag meets the requirements of this article for each type of reusable grocery bag that is manufactured, imported, sold, or distributed in the state and provided to a store for sale or distribution.
- (1) A person may object to the certification of a reusable grocery bag producer pursuant to this section by filing an action for review of that certification in the superior court of a county that has jurisdiction over the reusable grocery bag producer. The court shall determine if the reusable grocery bag producer is in compliance with the requirements of this article.
- (2) A reusable grocery bag producer whose certification is being objected to pursuant to paragraph (1) shall be deemed in compliance with this article pending a determination by the court.
- (3) Based on its determination, the court shall direct the department to remove the reusable grocery bag producer from, or retain the reusable grocery bag producer on, its list published pursuant to subdivision (e).

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- 1 (4) If the court directs the department to remove a reusable 2 grocery bag producer from its published list, the reusable grocery 3 bag producer shall remain off of the published list for a period of 4 one year from the date of the court's determination.

### **Introduced by Senator Atkins**

(Principal coauthor: Senator Stern)
(Principal coauthor: Assembly Member Petrie-Norris)
(Coauthors: Senators Hertzberg, Hueso, Laird, Limón, and Portantino)

December 7, 2020

An act to amend Sections 30001.5, 30501, and 71116 of, to add Section 30421 to, to add Article 8 (commencing with Section 30270) to Chapter 3 of Division 20 of, and to add Division 20.6.5 (commencing with Section 30970) to, the Public Resources Code, relating to coastal resources.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1, as amended, Atkins. Coastal resources: sea level rise.

(1) Existing law, the California Coastal Act of 1976, establishes the California Coastal Commission and provides for planning and regulation of development in the coastal zone, as defined. The act requires the commission, within 90 days after January 1, 1977, to adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of a local coastal program, including a common methodology for the preparation of, and the determination of the scope of, the local coastal programs, as provided.

This bill would also include, as part of the procedures the commission is required to adopt, recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program, as provided. The bill would delete the timeframe specified above by which the commission is

 $SB 1 \qquad \qquad -2-$ 

required to adopt these procedures. The bill would require the commission to take into account the effects of sea level rise in coastal resource planning and management policies and activities, as provided. In addition, the bill would require state and regional agencies to identify, assess, and, to the extent feasible and consistent with their statutory authorities, minimize and mitigate the impacts of sea level rise. To the extent that a regional agency is a local public agency, this bill would impose a state-mandated local program.

The act makes legislative findings and declarations relating to the basic goals of the state for the coastal zone.

This bill would add, as part of those goals, the goal of anticipating, assessing, planning for, and, to the extent feasible, minimizing and mitigating the adverse environmental and economic effects of sea level rise within the coastal zone.

(2) Existing law requires the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create and post on an internet website a Planning for Sea Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise.

This bill would create within state government the council the California Sea Level Rise State and Regional Support Collaborative. The bill would require the collaborative to consist of 5 members, as provided, including the Secretary for Environmental Protection and the Secretary of the Natural Resources Agency. The bill would require the collaborative collaborative, among other things, to provide state and regional information to the public and support to local, regional, and other state agencies for the identification, assessment, planning, and, where feasible, the mitigation of the adverse environmental, social, and economic effects of sea level-rise. rise, as provided. The bill would require, upon appropriation in the annual Budget Act, the collaborative to expend no more than \$100,000,000 annually from appropriate bond funds and other sources for the purpose of making grants to local governments to update local and regional land use plans to take into account sea level rise and for directly related investments to implement those plans, as provided. The bill would require the Secretary for Environmental Protection and the Secretary of the Natural Resources Agency, as part of the adoption of the annual Budget Act, to annually appear before the budget committees of both houses of the Legislature regarding the implementation of the above provisions.

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(3) Existing law establishes the Environmental Justice Small Grant Program under the jurisdiction of the California Environmental Protection Agency, with the purpose to provide grants to eligible community groups that are located in areas adversely affected by environmental pollution and hazards and that are involved in work to address environmental justice issues. Existing law authorizes the Secretary for Environmental Protection to expend up to \$1,500,000 per year for purposes of this grant program.

This bill would instead authorize the secretary to expend up to \$2,000,000 per year for purposes of the grant program and would require up to \$500,000 of that money to be expended by the secretary for grants to organizations working to address and mitigate the effects of sea level rise in disadvantaged communities, as defined, impacted by sea level rise.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

- 1 SECTION 1. Section 30001.5 of the Public Resources Code 2 is amended to read:
- 3 30001.5. The Legislature further finds and declares that the 4 basic goals of the state for the coastal zone are to:
- 5 (a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural 6 and artificial resources. 7

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- (b) Assure Ensure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize 12 public recreational opportunities in the coastal zone consistent 13 with sound resources conservation principles and constitutionally 14 protected rights of private property owners.

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(d) Assure Ensure priority for coastal-dependent and coastal-related development over other development on the coast.

- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.
- (f) Anticipate, assess, plan for, and, to the extent feasible, minimize and mitigate the adverse environmental and economic effects of sea level rise within the coastal zone.
- SEC. 2. Article 8 (commencing with Section 30270) is added to Chapter 3 of Division 20 of the Public Resources Code, to read:

### Article 8. Sea Level Rise

- 30270. The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, mitigate the adverse effects of sea level rise.
- SEC. 3. Section 30421 is added to the Public Resources Code, to read:
- 30421. State and regional agencies shall identify, assess, and, to the extent feasible and consistent with their statutory authorities, minimize and mitigate the impacts of sea level rise.
- SEC. 4. Section 30501 of the Public Resources Code is amended to read:
- 30501. The commission shall adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of a local coastal program, including, but not limited to, all of the following:
- (a) A common methodology for the preparation of, and the determination of the scope of, the local coastal programs, taking into account the fact that local governments have differing needs and characteristics.
- (b) Recommended uses that are of more than local importance that should be considered in the preparation of local coastal programs. Those uses may be listed generally or the commission may, from time to time, recommend specific uses for consideration by a local government.
- (c) Recommendations and guidelines, which shall be periodically updated by the commission to incorporate new information as it

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becomes available, for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program, taking into account local and regional conditions and the differing capacities and funding available to local governments.

SEC. 5. Division 20.6.5 (commencing with Section 30970) is added to the Public Resources Code, to read:

# DIVISION 20.6.5. CALIFORNIA SEA LEVEL RISE MITIGATION AND ADAPTATION ACT OF 2021

- 30970. This division shall be known, and may be cited, as the California Sea Level Rise Mitigation and Adaptation Act of 2021. 30971. The Legislature finds and declares all of the following:
- (a) California has 1,264 miles of coastline, and, if small bays and inlets are included, it has up to 3,000 miles of coastline located on the western seaboard of the United States, all of which is prone to the severe and pervasive effects of sea level rise.
- (b) According to the "State of California Sea-Level Rise Guidance Document" issued by the Natural Resources Agency and the Ocean Protection Council, the impacts of sea level rise on the state will be significant and pervasive, and could occur as soon as within the next decade.
- (c) (1) As with most impacts from climate change, the impacts of sea level rise are both environmental and economic, including losses to publicly owned infrastructure, such as airports, rail lines, streets and highways, pipelines, waste water treatment plants, schools, hospitals, and other facilities.
- (2) For example, the catastrophic inundation, flooding, and property damage from a small rise in sea level, combined with a 1-in-10 likelihood of a Pacific storm, could amount to tens of billions of dollars in uninsured losses of structures and properties.
- (3) A 2015 assessment by the Risky Business Project, led by former United States *Secretary of the* Treasury–Secretary Henry Paulson and other business leaders, found that between eight billion dollars (\$8,000,000,000) and ten billion dollars (\$10,000,000,000) of existing property in the state is likely to be underwater by the year 2050 if current trends continue.
- (4) According to the 2015 National Oceanic and Atmospheric Administration report, The National Significance of California's Coastal Economy, "California's 19 coastal counties generated

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1 \$662 billion in wages and \$1.7 trillion in GDP in 2012" and "California's ocean-related activities represent a substantial portion of the U.S. ocean economy as a whole—13 percent of the establishments, 14 percent of the employment and wages, and 12 percent of the GDP in 2012," all of which would be adversely affected by sea level rise.

- (5) Recent reports in periodicals, such as the Los Angeles Times, state succinctly that "Destruction from sea level rise in California could exceed worst wildfires and earthquakes."
- (d) For the economy, the natural environment, and the people of California, it is urgent that the state enact new statutes to plan for, anticipate, and respond to sea level rise.
- (e) The purpose of this division is to establish new planning, assessment, funding, and mitigation tools for California to address and respond to sea level rise.
- 30972. (a) (1) There is hereby created within state government the Ocean Protection Council the California Sea Level Rise State and Regional Support Collaborative.
- (2) For purposes of this division, "collaborative" means the California Sea Level Rise State and Regional Support Collaborative.
  - (b) (1) The collaborative shall consist of five members.
- (2) The membership of the collaborative shall be composed of all of the following voting members:
- (A) The Secretary for Environmental Protection, who shall be the cochair.
- (B) The Secretary of the Natural Resources Agency, who shall be the cochair.
  - (C) A public member, appointed by the Governor.
- (3) The membership of the collaborative shall be composed of the following nonvoting members, who shall serve a term of four years each.
  - (A) A person appointed by the Speaker of the Assembly.
  - (B) A person appointed by the Senate Committee on Rules.
- (2) In its role as the collaborative, the Ocean Protection Council shall coordinate with the other state planning and coastal management agencies, including, but not limited to, the Office of Planning and Research, the Strategic Growth Council, the State Lands Commission, the California Coastal Commission, the State Coastal Conservancy, and the San Francisco Bay Conservation

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and Development Commission, to administer the grants consistent with their statutory authority.

<del>(c)</del>

- (b) The collaborative shall provide state and regional information to the public and support to local, regional, and other state agencies for the identification, assessment, planning, and, where feasible, the mitigation of the adverse environmental, social, and economic effects of sea level-rise. rise within the coastal zone and the area under the jurisdiction of the San Francisco Bay Conservation and Development Commission, pursuant to Section 66610 of the Government Code.
- 30973. (a) Upon appropriation by the Legislature in the annual Budget Act, the collaborative shall expend not more than one hundred million dollars (\$100,000,000) annually from appropriate bond funds and other sources for the purposes of making grants to local governments to update local and regional land use plans to take into account sea level rise, and for directly related investments to implement those plans. Priority shall be given to those local governments that have agreed most effectively and urgently to plan for and implement actions to address sea level rise.
- (b) As part of the adoption of the annual Budget Act, the Secretary of Environmental Protection and the Secretary of the Natural Resources Agency shall annually appear before the budget committees of both houses of the Legislature regarding the implementation of this division.
- SEC. 6. Section 71116 of the Public Resources Code is amended to read:
- 71116. (a) The Environmental Justice Small Grant Program is hereby established under the jurisdiction of the California Environmental Protection Agency. The California Environmental Protection Agency shall adopt regulations for the implementation of this section. These regulations shall include, but need not be limited to, all of the following:
- (1) Specific criteria and procedures for the implementation of the program.
- (2) A requirement that each grant recipient submit a written report to the agency documenting its expenditures of the grant funds and the results of the funded project.

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(3) Provisions promoting the equitable distribution of grant funds in a variety of areas throughout the state, with the goal of making grants available to organizations that will attempt to address environmental justice issues.

- (b) The purpose of the program is to provide grants to eligible community groups, including, but not limited to, community-based, grassroots nonprofit organizations, that are located in areas adversely affected by environmental pollution and hazards and that are involved in work to address environmental justice issues.
- (c) (1) Both of the following are eligible to receive moneys from the fund:
  - (A) A nonprofit entity.
  - (B) A federally recognized tribal government.
- (2) For purposes of this section, "nonprofit entity" means any corporation, trust, association, cooperative, or other organization that meets all of the following criteria:
- (A) Is operated primarily for scientific, educational, service, charitable, or other similar purposes in the public interest.
  - (B) Is not organized primarily for profit.
- (C) Uses its net proceeds to maintain, improve, or expand, or any combination thereof, its operations.
- (D) Is a tax-exempt organization under Section 501(c)(3) of the federal Internal Revenue Code, or is able to provide evidence to the agency that the state recognizes the organization as a nonprofit entity.
- (3) For purposes of this section, "nonprofit entity" specifically excludes an organization that is a tax-exempt organization under Section 501(c)(4) of the federal Internal Revenue Code.
  - (d) Individuals may not receive grant moneys from the fund.
- (e) Grant recipients shall use the grant award to fund only the project described in the recipient's application. Recipients shall not use the grant funding to shift moneys from existing or proposed projects to activities for which grant funding is prohibited under subdivision (g).
- (f) Grants shall be awarded on a competitive basis for projects that are based in communities with the most significant exposure to pollution. Grants shall be limited to any of the following purposes and no other:
- 39 (1) Resolve environmental problems through distribution of 40 information.

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(2) Identify improvements in communication and coordination among agencies and stakeholders in order to address the most significant exposure to pollution.

- (3) Expand the understanding of a community about the environmental issues that affect their community.
- (4) Develop guidance on the relative significance of various environmental risks.
- (5) Promote community involvement in the decisionmaking process that affects the environment of the community.
- (6) Present environmental data for the purposes of enhancing community understanding of environmental information systems and environmental information.
- (g) (1) The agency shall not award grants for, and grant funding shall not be used for, any of the following:
  - (A) Other state grant programs.

- (B) Lobbying or advocacy activities relating to any federal, state, regional, or local legislative, quasi-legislative, adjudicatory, or quasi-judicial proceeding involving development or adoption of statutes, guidelines, rules, regulations, plans or any other governmental proposal, or involving decisions concerning siting, permitting, licensing, or any other governmental action.
- (C) Litigation, administrative challenges, enforcement action, or any type of adjudicatory proceeding.
  - (D) Funding of a lawsuit against any governmental entity.
- (E) Funding of a lawsuit against a business or a project owned by a business.
  - (F) Matching state or federal funding.
- (G) Performance of any technical assessment for purposes of opposing or contradicting a technical assessment prepared by a public agency.
- (2) An organization's use of funds from a grant awarded under this section to educate a community regarding an environmental justice issue or a governmental process does not preclude that organization from subsequent lobbying or advocacy concerning that same issue or governmental process, as long as the lobbying or advocacy is not funded by a grant awarded under this section.
- (h) The agency shall review, evaluate, and select grant recipients, and screen grant applications to ensure that they meet the requirements of this section.

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(i) The maximum amount of a grant provided pursuant to this section may not exceed fifty thousand dollars (\$50,000).

- (j) For purposes of this section, "environmental justice" has the same meaning as defined in Section 65040.12 of the Government Code.
- (k) (1) The Secretary for Environmental Protection may expend up to two million dollars (\$2,000,000) per year for the purposes of this section.
- (2) (A) Of the amount described in paragraph (1), up to five hundred thousand dollars (\$500,000) shall be expended by the Secretary for Environmental Protection for grants to organizations working to address and mitigate the effects of sea level rise in disadvantaged communities impacted by sea level rise.
- (B) For purposes of this section, "disadvantaged community" shall have the same meaning as defined in Section 71118.
- (*l*) Board, departments, and offices within the California Environmental Protection Agency may allocate funds from various special funds, settlements, and penalties to implement this program.
- SEC. 7. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

# Introduced by Senator Senators Wiener and Stern

(Principal coauthors: Assembly Members Cristina Garcia and Kalra) (Coauthor: Senator Min)

(Coauthors: Assembly Members Carrillo, Chiu, *Friedman, Lee,* Robert Rivas, Stone, and Ting)

January 26, 2021

An act to add Section 38532 to the Health and Safety Code, relating to greenhouse gases.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 260, as amended, Wiener. Climate Corporate Accountability Act. The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with the act. The act requires the state board to make available, and update at least annually, on its internet website the emissions of greenhouse gases, criteria pollutants, and toxic air contaminants for each facility that reports to the state board, as provided. The act provides that any person who violates specified provisions of the act, as provided, is guilty of a misdemeanor and is punishable by a monetary fine, imprisonment in a county jail, or by both a fine and imprisonment.

This bill would require the state board, on or before January 1, 2023, to develop and adopt regulations requiring—publicly traded domestic and foreign corporations United States-based partnerships, corporations, limited liability companies, and other business entities with total annual revenues in excess of \$1,000,000,000 and that do business in California,

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defined as "covered "reporting entities," to publicly disclose their greenhouse gas emissions, categorized as scope 1, 2, and 3 emissions, as defined, from the prior calendar year. The bill would require the state board, on or before January 1, 2024, to develop and adopt regulations requiring covered reporting entities to set science-based emissions targets, as defined, based on the covered reporting entity's emissions that have been reported to the state board. The bill would require covered reporting entities to disclose their greenhouse gas emissions and science-based emissions targets in a manner that is easily understandable and accessible to residents of the state, including, but not limited to, by making that information available on a widely available digital platform. state. The bill would-also require-covered reporting entities to ensure that their public disclosures have been independently verified by a third-party auditor, approved by the state board, with expertise in greenhouse gas emissions accounting. The bill would require the state board to create a digital platform, as provided, to house all reports submitted by reporting entities. The bill would require the state board to consult with a panel of experts to determine standards and protocols to ensure that public disclosures are made in a manner that is easily understandable and accessible to state residents, for the state board to utilize to collect data for all scope 1 emissions, scope 2 emissions, and scope 3 emissions from covered entities by reporting entities, and to set science-based emissions targets for covered reporting entities. By expanding the scope of a crime under the act, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the 2 following:
- 3 (a) California has demonstrated its leadership in the battle
- 4 against climate change and the climate actions of the state have

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inspired and contributed to bold actions in other states and across the globe.

- (b) Yet, even in California, carbon emissions are not being reduced at the scale and pace required to avoid the worst impacts of climate change, and Californians are already facing devastating wildfires, sea level rise, drought, and other impacts associated with climate change.
- (c) California has achieved record economic growth, is the fifth largest economy in the world, and is a highly desired consumer market for the globe's most profitable corporations. companies.
- (d) Facing an imperative to act decisively and quickly to combat the growing climate threat and given the outsized role consumer purchasing plays in contributing to the climate crisis, publicly traded domestic and foreign corporations—United States-based companies that have access to California's tremendously valuable consumer market by virtue of exercising their corporate franchise in the state also share a responsibility for addressing the climate crisis in the Golden State.
- (e) Corporations Companies play a major role in the worsening climate crisis through emissions activities that include, but are not limited to, corporate company operations, employee and consumer transportation, goods production and movement, construction, land use, and natural resource extraction.
- (f) Accurate, verified, and comprehensive data is required to determine a company's greenhouse gas (GHG) emissions, also known as its carbon footprint, and to effectively identify the sources of the pollution and develop means to reduce the same.
- (g) To ensure reductions of GHG emissions are sufficient to address the climate crisis, it is necessary that a company set an emissions reduction target in line with the scale of reductions required to keep global warming at or below 1.5°C above preindustrial levels, as defined by the leading climate science.
- (h) The current approach for monitoring climate emissions from private corporate enterprises relies almost exclusively on voluntary reporting of greenhouse gas inventories, goals, commitments, and agreements, and lacks the full transparency needed for the state to make meaningful, strategic, and rapid carbon reductions. By their nature, these voluntary campaigns neither record nor disclose the full list of emitters or the full scope of carbon pollution by those

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1 reporting the information. The result is a continuing lack of 2 transparency from polluters.

(h)

(i) The people and communities of California, facing the existential threat of climate change, have a right to know about the sources of carbon pollution, as measured by the GHG emissions data of those publicly traded domestic and foreign corporations companies benefiting from doing business in the state, and the emissions reduction goals of these corporations, companies, as measured by science-based emissions targets, in order to make informed decisions about the impact of the consumers' choices when purchasing, patronizing, and making investments in these corporations. companies.

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- (j) To ensure that corporate carbon emissions data disclosure and science-based emissions targets are actionable by the people of California, it is imperative that the information is conveyed in a manner that is understandable and accessible to the general public.
- (j) The current approach for monitoring climate emissions from private corporate enterprises relies almost exclusively on voluntary reporting of greenhouse gas inventories, goals, commitments, and agreements, and lacks the full transparency needed for the state to make meaningful, strategic, and rapid carbon reductions. By their nature, these voluntary campaigns neither record nor disclose the full list of emitters or the full scope of carbon pollution by those reporting the information. The result is a continuing lack of transparency from polluters.
- (k) Mandating GHG emissions data disclosure and science-based emissions targets for all—publicly traded domestic and foreign corporations United States-based companies with total annual revenues in excess of \$1,000,000,000 and that do business in California will also help inform policymaking, empower the public and activate the private sector to drive corporate GHG emissions reductions, and is a critical next step the state must take to achieve its climate goals through the creation of additional market-based incentives—that—encourage—innovative—approaches—to—carbon reduction. and protect the state and its residents.
- (1) Given the corporate sector's major role in the worsening elimate crisis and given the state's overall leadership in addressing

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and reducing climate emissions, it is in the interest of the state to require corporate disclosure of carbon emissions data and science-based emissions targets.

- SEC. 2. Section 38532 is added to the Health and Safety Code, to read:
- 38532. (a) This section shall be known, and may be cited, as the Climate Corporate Accountability Act.
- (b) For purposes of this section, the following terms have the following definitions:
- (1) "Covered—"Reporting entity" means a—publicly traded domestic corporation or a publicly traded foreign corporation partnership, corporation, limited liability company, or other business entity formed under the laws of this state, the laws of any other state of the United States or the District of Columbia, or under an act of the Congress of the United States with total annual revenues in excess of one billion dollars (\$1,000,000,000) and that does business in California.
- (2) "Science-based emissions target" means a greenhouse gas (GHG) emissions reduction target that is in line with the scale of reductions required to keep global warming at or below 1.5°C above preindustrial levels, and includes scope 1 emissions, scope 2 emissions, and scope 3 emissions.
- (3) "Scope 1 emissions" means all direct greenhouse gas emissions that stem from sources that a-covered reporting entity owns or directly controls, regardless of location, including, but not limited to, fuel combustion activities.
- (4) "Scope 2 emissions" means indirect greenhouse gas emissions from electricity purchased and used by a covered entity. reporting entity, regardless of location.
- (5) "Scope 3 emissions" means indirect greenhouse gas emissions, other than scope 2 emissions, from activities of a eovered reporting entity that stem from sources that the covered reporting entity does not own or directly control and may include, but are not limited to, emissions associated with the covered reporting entity's supply chain, business travel, employee commutes, procurement, waste, and water usage. usage, regardless of location.
- (c) On or before January 1, 2023, the state board shall develop and adopt regulations to require a covered reporting entity to verify and annually report to the state board all of the covered reporting

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entity's scope 1 emissions, scope 2 emissions, and scope 3 emissions. The state board shall ensure that the regulations adopted pursuant to this subdivision require, at a minimum, both of the following:

- (1) That a-covered reporting entity, on or before January 1, 2024, and annually thereafter, publicly disclose all of the covered reporting entity's scope 1 emissions, scope 2 emissions, and scope 3 emissions for the prior calendar year in a manner that is easily understandable and accessible to residents of the state, including, but not limited to, by making that information available on a widely available digital platform. state. The public disclosure shall include the name of the covered reporting entity and any fictitious names, trade names, assumed names, and logos used by the covered reporting entity.
- (2) That a-covered reporting entity's public disclosure pursuant to this subdivision is independently verified by a third-party auditor, approved by the state board, with expertise in greenhouse gas emissions accounting. The covered reporting entity shall ensure that a copy of the complete, audited greenhouse gas emissions inventory for the prior calendar year, including the name of the approved third-party auditor, is provided to the state board as part of or in connection with the covered reporting entity's public disclosure pursuant to this subdivision.
- (d) On or before January 1, 2024, the state board shall develop and adopt regulations to require a covered reporting entity to set and annually report to the state board a science-based emissions target, based on the reporting entity's emissions that have been reported to the state board pursuant to subdivision (c). The state board shall ensure that the regulations adopted pursuant to this subdivision require, at a minimum, both of the following:
- (1) That a-covered reporting entity, on or before January 1, 2025, and annually thereafter, publicly disclose the science-based emissions target the-covered reporting entity has set for its emissions in a manner that is easily understandable and accessible to residents of the state, including, but not limited to, by making that information available on a widely available digital platform. state.
- (2) That a-covered reporting entity's science-based emissions target is independently verified by a third-party auditor, approved by the state board, with expertise in greenhouse gas emissions

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accounting. The <u>covered</u> reporting entity shall ensure that a copy of the complete, audited science-based emissions target, including the name of the approved third-party auditor, is provided to the state board as part of or in connection with the <u>covered</u> reporting entity's public disclosure pursuant to this subdivision.

(e) The state board shall create a digital platform that will house all reports submitted by reporting entities pursuant to this section. The digital platform shall be capable of featuring individual reporting entity reports, as well as aggregated data, in a manner that is easily understandable and accessible to residents of the state.

<del>(e)</del>

- (f) In developing regulations pursuant to this section, the state board shall consult with a panel of experts, which shall include, but not necessarily be limited to, experts in climate science and corporate carbon emissions accounting, implementing state agency representatives, stakeholders representing consumer and environmental justice interests, and eovered reporting entities that are leaders in collecting, reporting, and setting targets for the reduction of their own carbon footprint, to develop standards and protocols for the state board to utilize to do both all of the following:
- (1) Ensuring that public disclosures required under this section are made in a manner that is easily understandable and accessible to state residents.

#### (1) Collect

(2) Collecting data for all scope 1 emissions, scope 2 emissions, and scope 3 emissions from a by covered entity. entities.

#### (2) Set a

- (3) Setting science-based emissions-target targets for a covered entity. reporting entities.
- (g) The state board may adopt or update any other regulations that are necessary and appropriate to implement this section.
- SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

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- 1 the meaning of Section 6 of Article XIIIB of the California
- 2 Constitution.

# **Introduced by Senator Leyva**

February 10, 2021

An act to add Division 27.5 (commencing with Section 44800) to the Health and Safety Code, relating to vehicles.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Leyva. Medium- and heavy-duty fleet purchasing assistance program: zero-emission vehicles.

Existing law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. Existing law requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to ensure that the statewide greenhouse gas emissions are reduced to at least 40% below the statewide greenhouse gas emissions limit, as defined, no later than December 31, 2030. law, the California Pollution Control Financing Authority Act, establishes the California Pollution Control Financing Authority, with specified powers and duties, and authorizes the authority to approve financing for projects or pollution control facilities to prevent or reduce environmental pollution.

This bill would require an unspecified agency the California Pollution Control Financing Authority to establish a program to make financing tools and nonfinancial supports available to the operators of mediumand heavy-duty vehicle fleets to enable those operators to transition

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their fleets to zero-emission vehicles. The bill would require the agency *authority* to consult with various state agencies and stakeholders in the development and implementation of the program.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the 2 following:
- 3 (a) The transition to zero-emission medium- and heavy-duty 4 vehicles is the goal of the state, as outlined in the Governor's 5 Executive Order N-79-20 and the State Air Resources Board's
- 6 Advanced Clean Trucks and Advanced Clean Fleets regulations.
- 7 (b) Statewide, about 12,000,000 Californians live in 8 communities that exceed the federal ozone and PM 2.5 standards.
- 9 According to the American Lung Association, more than 90 percent
- 10 of Californians live in counties affected with unhealthy air during
- certain parts of the year. The south coast and San Joaquin Valley
- 12 are the only two areas in the nation designated as "extreme"
- 13 nonattainment. Researchers found that southern California has
- seen a 10 percent increase in deaths attributable to ozone pollution from 2010 to 2017, inclusive.
  - (c) Emissions from medium- and heavy-duty vehicles make up a significant proportion of harmful air pollution in California, despite making up just 7 percent of vehicles on the road. Heavy-duty trucks are responsible for about 35 percent of total
- Heavy-duty trucks are responsible for about 35 percent of total statewide NOx emissions and over 70 percent of NOx emissions
- 21 from on-road mobile sources. Heavy-duty trucks are also
- 22 responsible for approximately 26 percent of total statewide diesel
- 23 PM emissions.

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24 (d) The risks of near-road air pollution are particularly high for 25 minority and low-income communities, because these communities

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constitute a higher percentage of the population near major roadways.

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- (e) These emissions near roadways add to the health burdens in—vulnerable, low-income, underserved, disadvantaged communities and cleaning up transportation emissions in these communities is long overdue and should be the focus of state clean air programs.
- (f) Using zero-emission vehicles instead of internal combustion engine vehicles saves the operators of medium- and heavy-duty vehicle fleets money over the lifetime of the zero-emission vehicles because zero-emission vehicles have lower operation costs. Additionally, using zero-emission medium- and heavy-duty vehicles has broader societal benefits, including improved health outcomes, resulting in reduced costs related to health care.
- (g) Even with this lower operating cost, getting to this transition requires near-term, scalable, and replicable financing tools and nonfinancial supports, such as technical and policy supports, with an understanding that small and microfleets of medium- and heavy-duty vehicles will require development of their own set of specific financing solutions relative to larger fleets of mediumand heavy-duty vehicles, and the state's commitment to developing those financing solutions.
- (h) Small and microfleets, those with 20 trucks or less and 5 trucks or less, respectively, are more likely to operate in disadvantaged communities, have less access to market capital, and face other financial burdens, and, for those reasons, could benefit from the cost savings of zero-emission vehicles if financing tools and nonfinancial supports are designed for, and directed to, those fleets.
- (i) Large fleets will likely need public moneys and nonfinancial supports to help transition those fleets to zero-emission-vehicles and incentives directed towards large fleets vehicles. These tools can be leveraged with infusions of private capital.
- (i) Public moneys, other financing tools, and nonfinancial policy supports can be designed to go where they are needed the most and will have the most impact, bringing in as much private capital as possible to complement and leverage limited existing funding, while ensuring that small and microfleets are made economically better off through this process, rather than adding to their financial burden of purchasing a new or used vehicle.

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(k) Bus fleets are often on the cutting edge of zero-emission vehicle transportation, help to support the transition to zero-emission vehicles, and would benefit from financial and nonfinancial support designed to suit their fleets.

SEC. 2. Division 27.5 (commencing with Section 44800) is added to the Health and Safety Code, to read:

# DIVISION 27.5. MEDIUM- AND HEAVY-DUTY ZERO-EMISSION VEHICLE FLEET PURCHASING ASSISTANCE PROGRAM

- 44800. For purposes of this division, the following definitions pply:
- (a) "Administering agency" means—\_\_\_\_. the California Pollution Control Financing Authority.
- (b) "Financing tools" includes, but is not limited to, any of the following:
- (1) Capital instruments, which are financing instruments that increase access to capital or other resources or reduce the cost of capital, or both.
- (2) Risk reduction instruments, which are financing instruments that reduce exposure to risk or uncertainty.
- (3) Cost smoothing instruments, which are financing instruments that reduce and smooth up-front or recurrent costs, or both.
- (c) "Large fleet" means a fleet of medium- or heavy-duty vehicles, or both, under the control or ownership of one operator that has more than 500 vehicles.
- (d) "Microfleet" means a fleet of medium- or heavy-duty vehicles, or both, under the control or ownership of one operator that has up to five vehicles.
- (e) "Nonfinancial supports" means technical support, such as supports for technical management of electric medium- and heavy-duty vehicles and technical assistance for financing approaches, or policy action, such as policy measures to enable financing and or encourage fleet transitions.
- (f) "Priority population" means a community identified as disadvantaged pursuant to Section 39711, or a low-income household or a low-income community, as defined in Section 39713.

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(g) "Small fleet" means a fleet of medium- or heavy-duty vehicles, or both, under the control or ownership of one operator that has less than 20 vehicles but more than 5 vehicles.

1 2

- (h) "Underserved community" means a community that meets one of the following criteria:
- (1) Is a "disadvantaged community" as defined by subdivision (g) of Section 75005 of the Public Resources Code.
- (2) Is included within the definition of "low-income communities" as defined by paragraph (2) of subdivision (d) of Section 39713.
- (3) Is within an area identified as among the most disadvantaged 25 percent in the state according to the California Environmental Protection Agency and based on the most recent California Communities Environmental Health Screening Tool, also known as CalEnviroScreen.
- (4) Is a community in which at least 75 percent of public school students in the project area are eligible to receive free or reduced-price meals under the National School Lunch Program.
- (5) Is a community located on lands belonging to a federally recognized California Native American tribe.
- 44802. The administering agency shall establish a program to make financing tools and nonfinancial supports available to the operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles.
- 44804. In developing and implementing the program established pursuant to Section 44802, the administering agency shall do all of the following:
- (a) Seek input from environmental justice organizations, the operators of medium- and heavy-duty vehicle fleets of diverse sizes and types, financiers, original truck equipment manufacturers, transportation, logistics, and fleet management companies, nongovernmental organizations, and other relevant stakeholders on all of the following topics:
- (1) Which medium- and heavy-duty fleets should be designated as high-priority fleets pursuant to subdivision (d), taking into consideration the implications for climate change, pollution and environmental justice, state policy regarding clean air and transportation, and post-COVID economic recovery.

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(2) The critical barriers that impede operators of medium- and heavy-duty fleets in different sectors and of different fleet sizes from transitioning to zero-emission vehicles.

- (3) The financing tools and nonfinancial supports that should be used to help overcome the critical barriers identified pursuant to paragraph (2).
- (4) How to determine whether the program is successful in meeting its goals.
- (b) Develop and design, in consultation with other relevant state agencies and building on the input received pursuant to subdivision (a), financing tools and nonfinancial supports that are most appropriate for different sizes and sectors of medium- and heavy-duty vehicle fleets.
- (c) Ensure that a minimum of 75 percent of financing products offered under the program are directed towards operators of medium- and heavy-duty fleets whose fleets directly impact, or operate \_\_\_\_\_ percent of the time in, an underserved community or priority population, or both.
- (d) Designate which medium- and heavy-duty fleets are the high-priority fleets that will have access to the program first based on a consideration of state transportation policy and the input received pursuant to subdivision (a). The administering agency shall designate port and drayage truck fleets as one of the high-priority fleets.
- (e) Provide financing tools to operators of small and microfleets that include, but are not limited to, direct assistance, such as incentives, grants, and vouchers, that increase access to capital and reduce exposure to market risks or uncertainties.
- (f) Provide financing tools to operators of large fleets-that are designed to increase access to private-capital. capital in ways that make it easier, less expensive, or reduce uncertainties, or any combination of these things, for the operators to transition to zero-emission vehicles.
- (g) Facilitate the decommissioning of high-polluting mediumand heavy-duty vehicles in accordance with the state's clean air targets and goals.
- (h) Enable the development of replicable business models that allow private capital to fully engage, while meeting the goals of this division.

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(i) Include optimal financing tools and appropriate nonfinancial supports that are designed and targeted to catalyze electrification at scale.

(j) Encourage emerging flexible business, operational, and ownership models that accomplish the goals of this division, such as lease-backs or electric vehicle managers and lessors.

<del>(h)</del>

- (k) (1) Establish deadlines for the program that align with milestones established in Executive Order N-79-20 and the proposed revisions to *Division 3 (commencing with Section 1900)* of Title 13-(commencing with Section 1900) of the California Code of Regulations known as the Proposed Advanced Clean Trucks Regulation, which were approved by the State Air Resources Board on June 25, 2020.
  - (2) The administering agency shall do both of the following:
- (A) Establish penetration targets for deployment of financing tools and nonfinancial supports to operators *including*, *but not limited to*, *those* whose fleets directly impact, or operate \_\_\_\_ percent of the time in, underserved communities and priority populations for each milestone specified in paragraph (1).
- (B) Compile data and information about the deployment of financing tools and nonfinancial supports provided pursuant to the program to operators *including*, *but not limited to*, *those* whose fleets directly impact, or operate \_\_\_\_ percent of the time in, underserved communities and priority populations.

<del>(i</del>

(1) Create, in coordination with other state agencies that administer similar programs, a "one-stop shop" that provides information to operators of medium- and heavy-duty fleets about all of the potential financing and grant options and other technical assistance available to help obtain financing for zero-emission medium- and heavy-duty vehicles.

<del>(j)</del>

(*m*) Coordinate with the State Air Resources Board, the Public Utilities Commission, and the State Energy Resources Conservation and Development Commission to provide marketing, education, and outreach to underserved communities and priority populations regarding the program.

39 <del>(k)</del>

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(n) Ensure the financing tools and nonfinancial supports designed and developed pursuant to this section are available to operators of medium- and heavy-duty fleet operators by January 1, 2023.

- 44806. (a) The administering agency shall develop a data collection and dissemination strategy for the program to facilitate informed decisionmaking by other state agencies and private sector financiers.
- (b) The strategy developed pursuant to subdivision (a) shall include data that is necessary to facilitate the financing of zero-emission vehicles in order to increase the scalability of financial tools and nonfinancial supports. These data include, but are not limited to, vehicle and battery performance, upfront and operational costs, residual values, operational revenues, and zero-emissions vehicle miles traveled.
- (c) This section shall not be construed as a requirement to disclose any proprietary business information collected pursuant to the program to the public as part of the data dissemination strategy.
- 44808. The administering agency shall consult with the State Energy Resources Conservation and Development Commission and the Public Utilities Commission on the use of on-bill tariff products for charging and fueling infrastructure that would allow operators of medium- and heavy-duty fleets to see fuel cost savings of zero-emission vehicles relative to diesel fuel.
- SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 44806 of the Health and Safety Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy of the operators of medium- and heavy-duty vehicle fleets and encourage their participation in the program established pursuant to Section 2, it is necessary to limit the public's right of access to their proprietary business information.

38 information.

# Introduced by Senator Glazer (Coauthors: Senators Becker, Caballero, McGuire, Skinner, and Wiener)

(Coauthors: Assembly Members Levine, Mullin, Quirk, and Wicks)

February 19, 2021

An act to add Section 14413.5 14415.7 to the Public Resources Code, relating to resource conservation.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 804, as amended, Glazer. California Conservation Corps: forestry corps program: formerly incarcerated individuals. forestry training center.

Existing law establishes the California Conservation Corps in the Natural Resources Agency and requires the corps to implement and administer the conservation corps program. Existing law establish a forestry corps program to accomplish certain objectives including developing and implementing forest health projects, as provided. authorizes the Director of the California Conservation Corps to establish the Education and Employment Reentry Program within the corps to develop, partner with, and create opportunities for certain forestry corps program objectives, collaborate with the Employment Development Department to provide access to workforce services, collaborate with nongovernmental organizations dedicated to providing access to counseling, mentorship, supportive housing, health care, and educational opportunities, and employ collaborations and partnerships available to the corps, as specified.

-2-**SB 804** 

This bill would require the Director of the California Conservation Corps, in consultation director, in partnership with the Department of Forestry and Fire Protection and-the Department of Corrections and Rehabilitation, to establish a program in the forestry corps program to enroll formerly incarcerated individuals, as provided. training center in northern California to provide enhanced training, education, work experience, and job readiness for entry-level forestry jobs. The bill would require the director to prioritize for enrollment at the training center formerly incarcerated individuals who have successfully served on a California Conservation Camp program crew and were recommended by the Director of Forestry and Fire Protection and the Secretary of the Department of Corrections and Rehabilitation. The bill would provide that a person who successfully completes the successful completion of a training program is eligible at the training center constitutes qualifying experience for an entry-level forestry position at the Department of Forestry and Fire Protection.

This bill would make legislative findings and declarations as to the necessity of a special statute for northern California.

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

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

- 1 SECTION 1. Section 14415.7 is added to the Public Resources
- 2 Code. to read: 3 14415.7. (a) (1) Upon appropriation, on or before December
- 4 31, 2023, the director, in partnership with the Department of Forestry and Fire Protection and Department of Corrections and
- Rehabilitation, shall establish a forestry training center in northern 6 7
- California to provide enhanced training, education, work 8 experience, and job readiness for entry-level forestry jobs.
- 9 (2) In establishing the training center, the director shall model the training center after the Ventura training center described in 10 11 Schedule (3) of Item 3540-301-0001 of the Budget Act of 2018 12 (Chapter 29 of the Statutes of 2018), but the training center shall 13 focus on forestry.
- 14 (3) The training center may include fire prevention, fire 15 suppression, emergency incident response, and resource 16 management training modules.

\_3\_ SB 804

(b) The director shall prioritize for enrollment at the training center formerly incarcerated individuals who have successfully served on a California Conservation Camp program crew and were recommended by the Director of Forestry and Fire Protection and the Secretary of the Department of Corrections and Rehabilitation.

- (c) The director may enroll corpsmembers and local community conservation corpsmembers at the training center if funding and resources allow.
- (d) Successful completion of a training program at the training center shall constitute qualifying experience for an entry-level forestry position at the Department of Forestry and Fire Protection.
- SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique ecological needs of northern California in reducing the impact of wildfires in the region.

SECTION 1. Section 14413.5 is added to the Public Resources Code, to read:

14413.5. (a) The director, in consultation with the Department of Forestry and Fire Protection and the Department of Corrections and Rehabilitation, shall establish a program in the forestry corps program to enroll formerly incarcerated individuals who have successfully served on a California Conservation Camp program erew and were recommended for participation as a program member by the Director of Forestry and Fire Protection and the Secretary of the Department of Corrections and Rehabilitation.

(b) A person who successfully completes the program described in subdivision (a) shall be eligible for an entry-level forestry position at the Department of Forestry and Fire Protection.





AGENDA NO.	9a-f.
<b>MEETING DATE</b>	April 13, 2021

# TITLE CENTRAL RESERVOIR REPLACEMENT PROJECT – CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT AND PROJECT APPROVAL

<b>TYPE</b>	$\square$ Construction	☐General Services	☐Materials & Supplies	□Professional Services
	⊠CEQA	□Grants	☐Water Supply Assessment	□OTHER
<u>ACTION</u>	□MOTION	⊠RESOLUTION	□ORDINANCE	

#### RECOMMENDED ACTION

- Certify the Final Environmental Impact Report (EIR) for the Central Reservoir Replacement Project (Project).
- Make findings in accordance with the California Environmental Quality Act (CEQA) including a Statement of Overriding Considerations.
- Adopt the Mitigation Monitoring and Reporting Plan (MMRP) in accordance with CEQA.
- Adopt the Practices and Procedures Monitoring and Reporting Plan.
- Approve the Project.
- Authorize the General Manager or the General Manager's designee to negotiate and execute a lease with Redwood Day School (School) for School construction and operation of a new one-way private driveway along the northern end of the Central Reservoir property, consistent with the requirements of Mitigation Measure TRA-1 in the MMRP, in a form approved by General Counsel.

#### **SUMMARY**

Central Reservoir, a 154-million gallon (MG) open-cut reservoir constructed in 1910, is located on a 27-acre site in the City of Oakland and bounded by 23<sup>rd</sup> Avenue to the west, Sheffield Avenue to the east, 25<sup>th</sup> Avenue/East 29<sup>th</sup> Street to the south, and Interstate 580 to the north, as shown on the attached Location Map. The Project will replace the existing open-cut reservoir with three new 17-MG concrete tanks within the existing reservoir basin with a water level approximately 20 feet higher than the current reservoir. The Project includes removal of vegetation, and demolition of the existing reservoir, roof, lining, and a material storage building, followed by removal of a portion of the reservoir's main embankment, construction of a reinforced tank foundation system, new tanks, new rate control station, valve structure, service road and site paving, bioretention area, and security fencing all within the existing reservoir property. The Project site design incorporates existing landscaping, a mix of earthen berms, trees, and shrubs to screen the tanks and emphasize the natural setting at the perimeter of the site while balancing earthwork. The Project includes a design option to allow Redwood Day School to construct a private driveway along the northern end of the property. The Project site plan and landscape plan

Funds Available: FY21; CIP #000241; Page 29	Budget Coding: 524/7999/2009831	Contract Equity Forms? ☐ Yes ☒ No			
Originating Department	Department Director or Manager	Approved			
Engineering and Construction	Olujimi O. Yoloye	Clipped On General Manager			
Attachment(s): Location Map; Site and Landscape Plan, Resolution					

presented in the Final EIR are shown on the attached Site Plan and Landscape Plan. A presentation on this Project was provided to the Planning Committee on April 13, 2021.

#### **DISCUSSION**

The Project was identified as a high priority for replacement in the West of Hills Master Plan and 2012 Infrastructure Rehabilitation Plan. Central Reservoir is at the end of its useful life and is located at an elevation too low relative to the customers it serves and other reservoirs in the Central Pressure Zone, creating unusable storage. In addition, Central Reservoir requires removal and disposal of polychlorinated biphenyls (PCBs) in the reservoir's interior coating, has a roof that does not meet current seismic codes, has a failing liner with potential leakage in the upper areas resulting in reduced operating levels, and is about three times larger than required. A Value Engineering Study completed in June 2017 determined the optimal configuration, materials, and construction methods to replace Central Reservoir.

The Project will improve water service reliability, water quality operations, and long-term maintenance by replacing an aging facility and embankment dam with an optimally sized facility that matches the elevations of the other existing reservoirs in the Central Pressure Zone. The higher reservoir elevation will improve operational flexibility by allowing Central Reservoir to support future planned and unplanned outages of other facilities, improve reliability by providing buffer storage to the west-of-hills distribution system, and improve water quality operations by right-sizing the storage amount and increasing the operating range of the Central Reservoir.

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

#### **Environmental Review Process/Public Outreach**

An outreach meeting with City of Oakland staff was held in November 2017, and two neighborhood outreach and scoping meetings were held in September 2017 and February 2018. Two meetings were also held with the Redwood Day School in April and October 2017. The meetings were convened to present the conceptual site and landscape plans, discuss the potential environmental factors to be addressed in the EIR, and receive community input and feedback. The District published a Notice of Preparation on April 26, 2018 and sent it to approximately 3,200 residents, businesses, and agencies. Caltrans, City of Oakland, Department of Toxic Substance Control, PG&E, State Water Resources Control Board, and two residents submitted responses.

Staff circulated the Draft EIR for a 60-day public review period from November 15, 2019 to January 13, 2020. Notices of Availability were sent to approximately 3,100 residents, businesses, and responsible agencies, and were also placed on the District's Project website and in the East Bay Times. Staff held public meetings on December 4, 2019 and on January 7, 2020 to present findings of the Draft EIR and to receive public comments. The District received 16 comment letters and emails containing 56 individual comments from Caltrans, the California Department of Toxic Substance Control, the Redwood Day School, and Oakland residents. In addition, staff recorded 30 verbal comments during the public meetings. Key comments focused on truck trip traffic, noise, hazardous materials handling during demolition, and the proposed driveway connecting the Redwood Day School parking area to Ardley Avenue. All comments are addressed in the Final EIR.

# **Draft EIR Analysis and Mitigation Measures**

The Draft EIR analysis concluded that there are potential impacts from construction noise that may exceed the City of Oakland's daytime noise standards during demolition, site preparation, valve structure construction, and site restoration. Based on the duration and location of all daytime construction activities, no location (or receptor) would experience noise levels in excess of ordinance levels for more than a total of approximately 10 workdays over the entire 6-year construction period. In addition, noise may exceed the City of Oakland's evening and nighttime noise standards when new pipelines are connected to existing pipelines near the intersection of 25<sup>th</sup> Avenue and East 29<sup>th</sup> Street for up to two consecutive nights. The noise impacts are significant and unavoidable, and require the District to approve a Statement of Overriding Considerations when approving the Project. The remaining potential impacts are either less than significant or would be less than significant with mitigation. Key mitigation measures include:

- Nighttime lighting controls during nighttime construction.
- Temporary noise barriers/blankets adjacent to Redwood Day School and along the western, southern, and eastern site perimeter.
- Schedule construction activities outside of normal school hours when it is feasible to do so for heavy construction equipment operated within 100 feet of Redwood Day School.
- Alternative lodging for residents affected by night work, if requested.
- Haul and equipment delivery trucks traveling in front of the Manzanita Community School will be restricted outside of school drop off and pick-up times. Where not feasible, flaggers will be provided.

The District will also incorporate a number of its standard construction specifications, standard practices from the Environmental Compliance Manual, District Procedures, Design Guides, and Engineering Standard Practices into the Project. These standard specifications and standard practices are designed to address typical characteristics of District construction projects and reflect generally applicable District standard operating procedures. Although these standard specifications and practices ensure protection of public and worker health in the handling of hazardous materials such as asbestos from the reservoir's roof panels, the District contracted with an independent consultant with expertise in asbestos abatement to review previous encapsulation activities at the Central Reservoir site and provide recommendations to assist staff in developing Project-specific steps to best implement its asbestos abatement standard practices and procedures during roof demolition, including asbestos handling and related earth moving activities for the Project. The consultant's recommendations were incorporated into the Project and Final EIR.

In response to a request from Redwood Day School, the Project includes a driveway design option analyzed in the Draft EIR which would allow Redwood Day School to construct a new one-way private driveway along the northern end of the property connecting Sheffield Avenue to Ardley Avenue through a lease agreement with the District. Mitigation Measure TRA-1 would require Redwood Day School to perform an operational and safety analysis for the Ardley Avenue/new Redwood Day School Driveway intersection and obtain all necessary approvals from the City of Oakland, including the City finding that turns onto Ardley Avenue from the proposed driveway can be safely accommodated.

#### **Public Notice**

Pursuant to Section 21092.5 of the Public Resources Code, the District mailed the Response to Comments (RTC) document to all commenting individuals, organizations, and agencies and were posted on the District's website. Notice of the Board of Directors meeting was also included in the Notice of Availability of the Final EIR (Draft EIR and RTC).

### **Project Schedule**

Design will occur from 2023 through 2026 followed by construction from 2027 through 2032. The Redwood Day School driveway would be constructed after the Project is complete or sooner if the driveway may be constructed without interfering with the Project.

#### **SUSTAINABILITY**

# **Economic**

The estimated cost for design and construction of the Project is \$192 million. Funding for the planning phase is available in the FY21 adopted capital budget for the Open Cut Reservoir Rehabilitation Project. Funding for the design and construction phases will be considered as part of the associated budget development process.

#### **Social**

The District conducted several public meetings while preparing the EIR to discuss the Project and solicit input. As part of the Project, the District will implement mitigation measures to reduce disruptions to local residents and schools.

The District's website features a Project page with information including the proposed schedule and Project-related documents. This page will be updated throughout construction.

# **Environmental**

The EIR identified and evaluated the potential environmental effects of the Project and included mitigation measures to lessen or eliminate adverse impacts to the environment. With the exception of noise, environmental impacts are either less than significant or would be less than significant with mitigation. Noise impacts will still be significant, but feasible measures will be implemented to reduce impacts.

# **ALTERNATIVES**

<u>Do not certify the Final EIR or approve the Project</u>. This alternative is not recommended because the Final EIR meets CEQA requirements and the proposed Project was evaluated against several alternatives that either had equal or greater environmental impacts or failed to achieve Project objectives in a cost-effective manner.

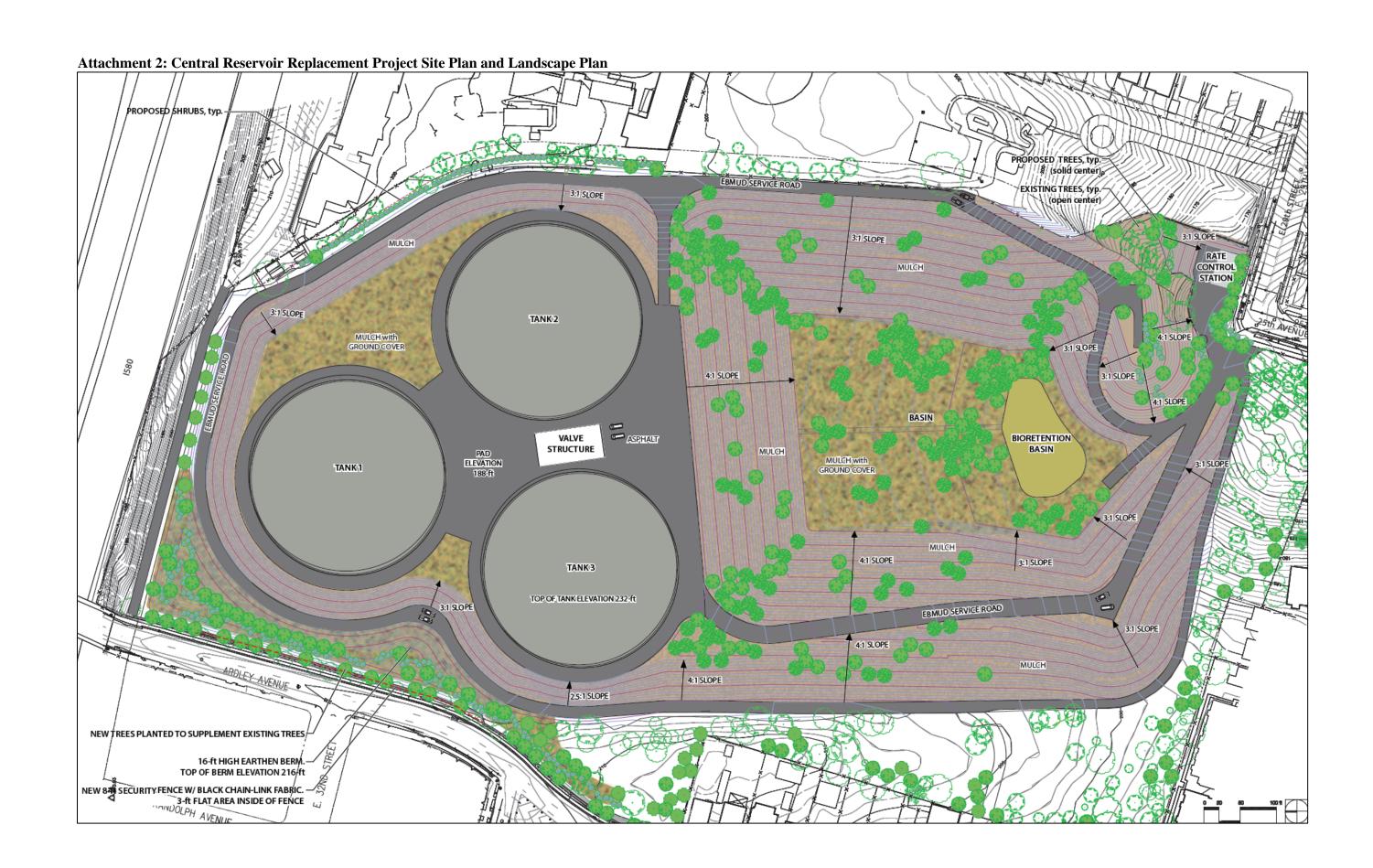
<u>Do not proceed with the Project</u>. This alternative is not recommended as this alternative does not satisfy the Project objectives.

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**Attachment 1: Central Reservoir Location Map** MacArthur Blvd E3370\St Existing Security Fence Redwood Day School Existing Trees (typical) Existing Reservoir Existing Perimeter Road E30th St **Central** Reservoir Recreation Area Existing Rate Control Station Existing Material Storage Building E29thS N

Feet





CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CENTRAL RESERVOIR REPLACEMENT PROJECT, MAKING FINDINGS, 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) Central Reservoir is a 154-million gallon (MG) open cut reservoir constructed in 1910; and

WHEREAS, the reservoir has several deficiencies, including: (1) being over 110 years old and at the end of its useful service life; (2) a roof that does not meet current seismic codes; (3) potential leakage in the upper areas of the panel craft lining; (4) difficult water quality operations due to the existing reservoir being three times larger than required; and (5) being located at an elevation that is too low relative to the customers it serves and other reservoir in the Central Pressure Zone; and

WHEREAS, to remedy these deficiencies, remove and dispose of polychlorinated biphenyls in the reservoir's interior coating, ensure long-term reliability of the water distribution system, meet existing and future water needs, and facilitate repair and replacement of aging infrastructure, EBMUD proposes to replace the existing reservoir with three 17-MG tanks within the existing reservoir basin; and to construct a new rate control station, a valve structure, service road and site paving, landscaping, a bioretention area, and security fencing all within the existing reservoir property, collectively referred to as the Central Reservoir Replacement Project (Project); and

WHEREAS, the Project also includes a design option for a lease with Redwood Day School for school construction and operation of a private driveway along the northern end of the Central Reservoir property; and

WHEREAS, EBMUD has incorporated into the Project requirements from its Standard Construction Specifications, Procedures, Engineering Standard Practices, and Reservoir Design Guide (EBMUD Practices and Procedures), as described throughout the Environmental Impact Report (EIR) 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 (PPMRP) for the Project; and

WHEREAS, on April 26, 2018, a Notice of Preparation (NOP) of an EIR for the Project was prepared and circulated by EBMUD as the lead agency in accordance with CEQA and applicable laws and regulation; and

WHEREAS, EBMUD mailed public notices regarding the NOP to approximately 3,200 residents and property owners and 27 agencies and special interest stakeholders; and

WHEREAS, by close of the NOP comment period on May 29, 2018, a total of seven written responses were submitted, including two from residents, and one each from Caltrans, City of Oakland, Department of Toxic Substances Control, Pacific Gas and Electric, and the State Water Resources Control Board; and

WHEREAS, EBMUD conducted public outreach and scoping meetings on September 28, 2017 and on February 13, 2018, to discuss the Project and to solicit public input; and

WHEREAS, the Draft EIR on the Project was completed by EBMUD and circulated for review and comment on November 14, 2019, providing a 60-day comment period ending on January 13, 2020, in accordance with the requirements of CEQA; and

WHEREAS, approximately 3,100 postcards were mailed to notify residents and interested parties as well as state, local and regional agencies of the availability of the Draft EIR; and

WHEREAS, EBMUD also provided internet access to the Draft EIR on the EBMUD website, and access to the Draft EIR at EBMUD administrative offices in downtown Oakland and at the Oakland Public Library; and

WHEREAS, on December 4, 2019 and January 7, 2020, as part of EBMUD's public information efforts on the Project and Draft EIR, EBMUD held public meetings during the Draft EIR comment period to present the Draft EIR and receive verbal and written comments from the public; and

WHEREAS, the Draft EIR comment period concluded on January 13, 2020; and

WHEREAS, EBMUD considered and responded to 19 letters and e-mail public comments in addition to public comments received at the public meeting on the Draft EIR and Project, and subsequently modified portions of the Draft EIR to further clarify and to address public concerns; and

WHEREAS, to address concerns raised during the Draft EIR comment period, EBMUD made a number of minor modifications to the Project, including specifying that the proposed Redwood Day School driveway would be sloped away from the freeway or include facilities to route stormwater from the driveway to the Central Reservoir storm drain system, and that temporary 6-

foot acoustical panels are to be attached to the existing perimeter fencing adjacent to sensitive receptors around the west, south, and east sides of the site to reduce noise impacts and supplement the temporary 16-foot noise barrier along northeastern side of the site; and

WHEREAS, to address concerns regarding the handling of hazardous materials such as asbestos from the reservoir's roof panels, EBMUD contracted with an independent consultant with expertise in asbestos abatement to review previous encapsulation activities at the Central Reservoir site and to assist EBMUD in developing Project-specific steps to best implement its asbestos abatement standard practices and procedures and to describe in greater detail the protection of worker and public safety during roof demolition and asbestos handling and related earth moving activities for the Project; and

WHEREAS, EBMUD incorporated into the Project recommendations from its independent asbestos abatement consultant, and those recommendations will result in improved protection of worker and public safety during the Project's demolition, asbestos handling, and earth moving activities; and

WHEREAS, EBMUD prepared a Final EIR, which includes responses to all comments received during the public comment period, and clarifications and modifications to the EIR made in response to public concerns; and

WHEREAS, EBMUD sent a Notice of Availability (NOA) of the Final EIR to all commenting public agencies, commenting residents, and affected local agencies on April 1, 2021; and

WHEREAS, the NOA of the Final EIR was sent to all commenting public agencies, residents and affected agencies at least ten days before EBMUD's Board of Directors (Board) action to adopt the EIR, in accordance with the requirements of CEOA; and

WHEREAS, EBMUD has prepared a detailed Mitigation Monitoring and Reporting Plan (MMRP) and PPMRP, attached hereto as Exhibit B 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 EIR, which includes the Draft EIR, has been presented to the Board. The Board has reviewed and considered the information contained therein prior to approving the Project, and the Final EIR reflects the Board's independent judgment and analysis.
- 3. All proceedings of the environmental review process, including the Draft and Final EIR 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 Draft EIR and Final EIR, and the Draft EIR and Final EIR are adequate for use by EBMUD for approval, design and construction of the Project.
- 5. The documents and materials constituting the record of the proceeding are located at EBMUD's administrative offices, 375-11<sup>th</sup> 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 Draft EIR and Final EIR which would require substantial revisions to the Draft EIR and Final EIR due to the discovery or disclosure of new, significant impacts not covered in the Draft EIR and Final EIR, and there is no requirement to recirculate the Draft and Final EIRs.
- 7. Public consultation conducted prior to completing the Draft EIR has been a valuable component of the planning process. Efforts to encourage early public participation in the process included extensive community outreach. These efforts allowed for consideration of public input throughout the planning process.
- 8. The Board makes the findings and determinations regarding the Project set forth in the Findings, attached hereto as Exhibit A, including a statement of overriding considerations. Exhibit A is hereby incorporated into this Resolution by this reference.
- 9. The Board hereby approves, adopts, and imposes the MMRP, included in Exhibit B attached hereto and incorporated herein by this reference. The EBMUD Practices and Procedures incorporated into the Project are included in the MMRP. The mitigation measures set forth in the MMRP and adopted by the Board and the EBMUD Practices and Procedures set forth in the MMRP are hereby imposed as conditions of Project approval.
- 10. The Board hereby approves, adopts, and imposes the PPMRP, included in Exhibit B attached hereto. The EBMUD Practices and Procedures set forth in Exhibit B attached hereto and adopted by the Board are hereby imposed as conditions of Project approval.

BE IT FURTHER RESOLVED that the Final EIR is hereby certified as having been completed in compliance with CEQA.

BE IT FURTHER RESOLVED that the Project as described in Exhibit A attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that the Redwood Day School private driveway design option is hereby approved, and that the General Manager or General Manager's designee is hereby authorized to negotiate and execute a lease with Redwood Day School for construction and operation of a new one-way private driveway along the northern end of the Central Reservoir property, consistent with the requirements of Mitigation Measure TRA-1 in the MMRP, in a form approved by General Counsel.

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 EIR, subject to compliance with all mitigation measures and EBMUD Practices and Procedures set forth in the MMRP and PPMRP included in Exhibit B attached hereto.

BE IT FURTHER RESOLVED that the Secretary of the District is hereby directed to file a Notice of Determination, in accordance with the law, with the County Clerk of Alameda County and with the State Clearinghouse.

ADOPTED this 13 <sup>th</sup> day of April, 2021 by the following vote:	
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	President
	1 resident
ATTEST:	
Secretary	
APPROVED AS TO FORM AND PROCEDURE:	
General Counsel	
{00060304;5}	



# **EXHIBIT A**

# EBMUD Board of Directors Findings Regarding the Central Reservoir Replacement Project

# 1. Introduction

This is the findings document adopted by the East Bay Municipal Utility District (EBMUD) Board of Directors (Board) for the Central Reservoir Replacement Project (Project). As approved by the Board and described more fully in Section 1.3 of this Exhibit, the Project includes:

- Replacement of the existing 154-million gallon (MG), open-cut Central Reservoir (i.e., removal of vegetation; demolition of the existing reservoir, roof, lining, and material storage building; and removal of a portion of the reservoir's main embankment);
- Construction of three new 17-MG concrete tanks (i.e., construction of a reinforced tank foundation system, three 17-MG concrete tanks approximately 20 feet higher than the existing reservoir, a new rate control station, a valve structure, service road and site paving, a bioretention area, and security fencing all within the existing reservoir property); and
- A design option for a lease with Redwood Day School (School) for School construction and operation of a new one-way private driveway along the northern end of the Central Reservoir property.

Sections 1.1 through 1.3 of this document describe the Project, its objectives, and the need to complete the Project.

Section 2, "CEQA Requirements Regarding Project Impacts," describes the requirements under the California Environmental Quality Act (CEQA) regarding Project Impacts.

Section 3, "Findings Regarding Independent Review and Judgment," contains the findings regarding the independent review and judgment of the Board.

Section 4, "Findings Regarding the Project," contains the findings regarding potential Project impacts. This section is divided into four parts:

- Section 4.1 contains findings regarding standard specifications and practices that have been incorporated into the Project to minimize environmental impacts;
- Section 4.2 contains findings regarding potentially significant and unavoidable environmental impacts. As explained in detail in the Statement of Overriding Considerations found in Section 5, the Board finds that the Project benefits outweigh or override these impacts, such that they are acceptable;

- Section 4.3 contains the findings regarding significant or potentially significant Project impacts that will be mitigated to a less-than-significant level; and
- Section 4.4 contains the findings regarding Project impacts that will be less than significant or where there will be no impact.

Section 5, "Statement of Overriding Considerations," sets forth the statement of overriding considerations including the economic, legal, social, technological or other benefits that justify the Project despite the identified significant and unavoidable impacts.

Section 6, "Findings Related to Potential Growth Inducing Impacts," contains the findings concerning the potential growth-inducing impact of the Project. The Board finds that the Project would not indirectly or directly support growth.

Section 7, "Findings Regarding Alternatives and Selecting the Project," contains the findings concerning the alternative Project configurations considered in the Draft Environmental Impact Report (EIR). The Board finds that the selected Project is feasible, and that the other alternatives do not provide any clear environmental or other benefit beyond those of the Project.

The findings presented here also summarize the mitigation measures set forth in the Final EIR and agreed to by EBMUD or incorporated into the Project. The mitigation measures are summarized for convenience, but the summary is not intended to change any aspects of the complete text of the mitigation measures described in the Final EIR and adopted by the Board.

# 1.1. Project Need

Replacement of the Central Reservoir is required, as the reservoir has reached the end of its useful life and requires removal and disposal of polychlorinated biphenyls (PCBs) in the reservoir's interior coating. Reservoir concerns also include a failing lining; a roof that does not meet current seismic codes; potential leakage in the upper areas of the panel craft lining, resulting in reduced operating levels; and difficult water quality operations as the existing reservoir is about three times larger than required and is located at an elevation that is too low relative to the customers it serves and other reservoirs in the Central Pressure Zone, creating unusable storage.

# 1.2. Project Objectives

The Project objectives include:

Primary Operational Objectives

- Replace a reservoir at the end of its useful life and remove PCBs in the reservoir interior coating.
- Improve water service reliability and water quality by:
  - o Providing storage capacity in multiple tanks at the Central Reservoir site, each of which can be removed from service for unplanned and planned outages, or in response to

- seasonal reductions in demand or reductions in demand during droughts, while the other tank(s) remain in service;
- Reducing storage capacity at the Central Reservoir site so the resulting capacity is proportionate to anticipated demand and the entire depth of that capacity may be utilized; and
- o Raising the elevation of storage capacity at the Central Reservoir site so that reservoirs within the central and southern portion of the Central Pressure Zone are capable of providing water service anywhere within that area of the pressure zone.

#### Secondary Operational Objectives

- Maintain a similar and acceptable aesthetic site-environment after construction.
- Minimize life-cycle costs (capital, operating, and maintenance) to EBMUD's customers.
- Maximize the useful life of existing facilities in a manner that reduces costs for customers.
- Maintain a safe facility while reducing monitoring, permitting, and other operational costs associated with managing a dam.

# Construction Objectives

- Minimize environmental impacts on the community during construction.
- Reuse or recycle building materials on-site to the extent feasible, including concrete demolition materials and excavated earth.
- Maintain water service and emergency flows during construction.
- Protect the local community from construction hazards.
- Provide safe travel routes for motorists and pedestrians.
- Provide safe construction site conditions.

#### 1.3. Project Description

The Project is described in detail in Chapter 2, *Project Description*, of the Draft EIR, and summarized below.

The Project would include replacement of the existing 154-MG, open-cut Central Reservoir with three new 17-MG concrete tanks within the existing reservoir basin. The Project includes removal of vegetation and demolition of the existing reservoir, roof, lining, and material storage building, followed by removal of a portion of the reservoir's main embankment, construction of a reinforced tank foundation system, three 17-MG concrete tanks approximately 20 feet higher than the existing reservoir, a new rate control station (RCS) and pipelines, a valve structure, service road and site paving, a new storm drain system including a bioretention area, and security fencing and motion-detected activated security lighting, all within the existing reservoir property. The Project site design incorporates existing landscaping, a mix of earthen berms, trees and shrubs to screen the tanks and emphasize the natural setting at the perimeter of the site while

balancing earthwork. The Project also includes a design option for a lease with the School for School construction and operation of a private, one-way access driveway along the northern end of the Central Reservoir property to connect the School's parking area to Ardley Avenue.

The proposed landscaping would include the following elements:

- Approximately 337 new trees would be planted to supplement existing trees and replace trees removed during construction. Trees would be planted along Ardley Avenue, the north boundary of the site, at the corner of 25th Avenue and East 29th Street, within the area around the bioretention area, and on the site slopes; and
- Trees and shrubs would be placed on the site in a layout that maintains a naturalized pattern
  and addresses views into the site and slope compatibility. The unpaved portions of the site
  would be hydroseeded to provide cover for erosion control. To provide weed control, the site
  would also be mulched.

The plants for landscaping would primarily include drought-tolerant native tree and shrub species with the inclusion of Gingko (a non-native, deciduous tree) as an accent. Evergreen trees would be planted along the site perimeter; deciduous trees would also be included for seasonal interest and may be used in interior portions of the site where they are not needed for screening the tanks. The proposed trees provide a mix of fast- and slow-growing species to promote screening after installation.

Construction of the Project is estimated to occur in four phases (site preparation and demolition, substructure construction, tank and valve structure construction, and site restoration) and take approximately 6-years, beginning with the demolition phase occurring approximately in 2026. After reservoir demolition, a geotechnical investigation would be completed to confirm the characteristics of the subsurface soils followed by construction in approximately 2028. Construction is expected to be complete in approximately 2031, with start-up and testing, and site restoration to be complete in approximately 2032.

Construction would typically occur between 7:00 a.m. and 7:00 p.m., Monday through Friday, with the exception of installation of cement deep soil mixing (CDSM) columns and pipeline connection activities, and with afterhours or weekend construction activity limited to unplanned/unexpected occurrences or critical shutdowns and emergencies.

Once constructed, the tanks and associated facilities (valve structure, RCS, and pipelines) would operate in the same way as the existing facilities. The new tanks would continue to be operated and monitored remotely. The reservoir site would be routinely inspected by EBMUD's operations and maintenance staff. Worker vehicle trips for operations and maintenance would remain the same as existing, with approximately 4-trips per month. Long-term site maintenance would continue, and would involve management of vegetation on-site including controlling the growth of annual grasses, keeping the site clean and free of trash and other debris, and trimming shrubbery and trees to maintain clear views into the site for both fire prevention and public safety. EBMUD maintains its properties to comply with City and County fire prevention vegetation management standards as part of its ongoing site maintenance program.

As described in the Draft EIR, EBMUD has incorporated a number of standard construction specifications, standard practices from EBMUD's Environmental Compliance Manual and Engineering Standard Practices into the Project. These standard specifications and practices are designed to address typical characteristics of EBMUD construction projects and are not project-specific or tailored to the unique characteristics of the Project. These standard specifications and practices, which are applicable to all EBMUD construction projects and reflect generally applicable EBMUD standard operating procedures, are described in the Draft EIR. The particular provisions of those standard specifications and practices that help minimize Project impacts are set forth in Exhibit B, Table 2 Practices and Procedures Monitoring and Reporting Program (PPMRP) for the Project to ensure their implementation.

# 2. CEQA Requirements Regarding Project Impacts

The CEQA, Public Resources Code, Section 21000 et seq., requires written findings of Project impacts, pursuant to Section 21081. Regarding these findings, CEQA Guidelines, Title 14, California Code of Regulations (CEQA Guidelines), Section 15091, states the following:

- a. No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR
  - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such agency or can and should be adopted by such other agency.
  - 3. Specific economic, legal, social, technological, or other considerations including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternative identified in the final EIR.
- b. The findings required by subsection (a) shall be supported by substantial evidence in the record.
- c. The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- d. When making the findings required in subdivision (a)(1), the 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 avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- e. The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

f. A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

CEQA Guidelines Section 15093 states the following:

- a. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed Project against its unavoidable environmental risks when determining whether to approve the Project. If the specific economic, legal, social, technological, or other benefits of a proposed Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b. When the lead agency approves a Project, which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c. If an agency makes a statement of overriding considerations, the statement should be included in the record of the Project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The changes or alterations referred to in State law, as quoted above, may be mitigation measures, alternatives to the Project, or changes to the Project by the Project proponent. The Final EIR identifies mitigation measures that are proposed to minimize significant environmental effects of the Project or to mitigate other potential effects that may not be, strictly speaking, environmental effects under CEQA. These mitigation measures will be incorporated into the Project. A Mitigation Monitoring and Reporting Program (MMRP) (see Exhibit B, Table 1) is also adopted by the Board to ensure implementation of all relevant mitigation measures identified in the Final EIR and these Findings.

# 3. Findings Regarding Independent Review and Judgment

Each member of the Board was provided access to a complete electronic copy of the Draft EIR in November 2019 and of the Final EIR in April 2021. The Board hereby finds that the Final EIR reflects the Board's own judgment, and that the Board has independently reviewed and analyzed the Final EIR prior to taking any final action with respect to the Project.

# 4. Findings Regarding the Project

Having reviewed and considered the information contained in the Final EIR, PPMRP and MMRP, the Board hereby adopts the following findings regarding Project impacts and mitigation measures.

# 4.1. Findings Regarding Construction Standard Specifications and Practices

EBMUD hereby finds that the Standard Construction Specifications, Procedures, Reservoir Design Guide, and Engineering Standard Practices described in the Draft EIR and included in Exhibit B, Table 2, have been incorporated into the Project and are required to be implemented. As explained below in these Findings and in Exhibit B, Table 2, as with other Project components, inclusion of these standard specifications, best management practices, and engineering standard practices in the Project helps minimize some of the Project's environmental impacts.

# 4.2. Findings Regarding Significant and Unavoidable Effects

One potentially significant and unavoidable impact associated with construction noise could result from implementing the Project. While the impact is temporary and would only occur during construction, EBMUD has conservatively identified the impact as significant and unavoidable. Mitigation measures included in the Final EIR will lessen this impact but may not completely mitigate adverse environmental impacts to less-than-significant levels. These findings reflect EBMUD's decision to approve the Project despite these impacts.

#### 4.2.1. Noise

Impact NOI-1:

Result in the 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**

Mitigation Measures NOI-1 and NOI-2 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP. EBMUD hereby finds that even with implementation of Mitigation Measure NOI-1 and NOI-2, impacts would be significant and unavoidable (see Draft EIR pages 3.10-51 and Final EIR Pages 10-20 through 10-45). Therefore, EBMUD hereby makes finding (a)(3), as described in Section 2 above, as required by CEQA, Section 21081, and as stated in the CEQA Guidelines, Section 15091, with respect to these effects.

# Facts in Support of Findings

As summarized in the Final EIR at pages 10-20 through 10-45, multiple construction activities conducted during both daytime and nighttime hours would result in a significant impact that would remain significant and unavoidable even after implementation of mitigation measures.

As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 01 14 00, Section 1.8(A), which requires that noise-generating activities greater than 90-dBA (impact construction such as concrete breaking, concrete crushing, tree grinding, etc.) shall be limited to the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, and Standard Construction Specification 01 35 44, Section 1.3(G) and Section 3.6, which include a range of noise control measures such as developing a Noise Control and Monitoring Plan and requiring the contractor to implement noise control measures (e.g., mufflers or noise-

attenuating shields) on all equipment. Even with the incorporation of EBMUD's Standard Construction Specifications, construction would generate noise levels that exceed the construction noise ordinance limits.

Mitigation Measures NOI-1 and NOI-2 are hereby adopted and will be implemented as set forth in the MMRP. Mitigation Measure NOI-1 shall be implemented during the entire construction duration and requires implementation of a 16-foot-tall K-rail mounted temporary noise barrier along EBMUD's property adjacent to the School and 6-foot-high acoustical paneling on fencing along the western, southern, and eastern site perimeter. Mitigation Measure NOI-2 requires that EBMUD notify residents at least 10-days in advance that they may be affected by nighttime pipeline construction and provide alternative lodging for residents within 500-feet of pipeline connection construction. While EBMUD will implement these mitigation measures, no mitigation measures have been identified that would reduce all temporary impacts related to noise to less-than-significant levels for the Project.

The significant and unavoidable noise impacts would not be permanent. All significant noise impacts would cease after construction has been completed. Section 5: Statement of Overriding Considerations provides a summary of the Project benefits that outweigh the significant and unavoidable noise impacts, including replacing the reservoir at the end of its useful life, removing PCBs in the reservoir interior coating, improving water service reliability and water quality, providing storage capacity in multiple tanks at the Central Reservoir site, reducing storage capacity at the Central Reservoir site so the resulting capacity is proportionate to anticipated demand and the entire depth of that capacity may be utilized, and raising the elevation of storage capacity at the Central Reservoir site so that reservoirs within the central and southern portion of the Central Pressure Zone are capable of providing water service anywhere within that area of the pressure zone.

In addition, no feasible alternatives were found that would avoid or mitigate the significant and unavoidable noise impact to less-than-significant levels (see Section 7: Findings Regarding Alternatives and Selecting the Project).

# 4.3. Findings Regarding Significant Effects Mitigated to Less Than Significant Levels

It has been determined that mitigation measures proposed in the Final EIR, and as set forth in the MMRP, will avoid or mitigate the effects shown below to less than significant levels.

#### 4.3.1. Aesthetics

Impact AES-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

#### **Findings**

Mitigation Measure AES-1 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP. EBMUD hereby finds that implementation of Mitigation Measure AES-1 would ensure that impacts would be less than significant (see Draft EIR page 3.1-40).

# **Facts in Support of Findings**

Nighttime construction for CDSM work would require lighting, which could be visible to adjacent residents. Nighttime lighting may also be required when new pipelines are connected to the existing distribution system at the corner of 25th Avenue and East 29th Street. Implementation of Mitigation Measure AES-1 would reduce impacts to a less than significant level by requiring that temporary stationary lighting used during nighttime construction is of limited duration, shielded, and directed downward or oriented such that little or no light is directly visible from nearby residences.

# 4.3.2. Biological Resources

Impact BIO-1: 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 (CDFW) or United States Fish and Wildlife Service (USFWS).

#### **Findings**

Mitigation Measure AES-1 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP. EBMUD hereby finds that implementation of Mitigation Measure AES-1 would ensure that impacts would be less than significant (see Draft EIR pages 3.3-39 and 3.3-40).

# **Facts in Support of Findings**

#### Rare and Special-Status Plants

Construction of the Project would require reservoir dewatering, grading, excavation, changes in drainage patterns, and other soil-disturbing activities on the Project site, potentially delivering increased flows, sediment, and other pollutants to the Sausal Creek's riparian community potentially supporting rare plants. A substantial increase in flow and turbidity delivered from the Project site storm drain into Sausal Creek could result in adverse alterations riparian vegetation, including rare plants, if present. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction Specification 01 35 44, Section 1.1(B), which requires that activities on the construction site be controlled to prevent discharge of contaminated stormwater; Section 1.3(B), which identifies how the contractor will maintain proper control of discharge from the site; and Section 1.3(A) which contains the EBMUD-approved Storm Water Pollution Prevention Plan (SWPPP) that would be implemented to further prevent the discharge of contaminated stormwater run-off from the worksite. With implementation of EBMUD Standard Construction Specifications, impacts of riparian habitat modifications affecting rare plant survival would be less than significant.

After construction and during Project operation, the potential for reservoir leakage will be eliminated and dry season flows could be lower in Sausal Creek downstream of the East 27th Street outfall. Because habitat quality is similar above and below the point where the underdrain discharges into the creek under existing conditions, the survivability of riparian vegetation, including rare plants if present would not be affected by reduced flows to the creek as a result of

Project implementation. Therefore, any potential impacts on rare plants species would be less than significant.

#### Special-Status and Common Nesting Bird Species

Several special-status raptors and passerine avian species may nest in or near the Project site and Sausal Creek portion of the study area. Disruption of nesting special-status or common avian species could occur as a result of tree removal throughout the Project site or increased human activity during the breeding season which is a potentially significant impact as it may result in direct mortality or disturb nesting avian species and lead to nest abandonment or poor reproductive success. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 01 35 44, Environmental Requirements, Section 3.8, Protection of Birds Protected Under the Migratory Treaty Act and Roosting Bats, and Section 3.6, Noise Control, which include provisions for preconstruction biological reconnaissance, including nesting bird surveys, biologic monitoring during construction, delineation of active bird nest avoidance buffer zones, and requiring the contractor to implement noise control techniques. With implementation of EBMUD Standard Construction Specifications, impacts of potential tree removal and increased human activity impacts on special-status and common migratory birds, including the destruction of potential nesting habitat, eggs, or occupied nests, direct mortalities of young, and the abandonment of nests with eggs or young birds prior to fledging, would be less than significant.

Nighttime lighting during CDSM construction would occur during the winter. Additionally, nighttime lighting for a maximum of 2 nights may be required when the new pipelines are connected to the existing distribution system at the corner of 25th Avenue and East 29th Street. Any visual disturbance as a result of nighttime lighting could lead to nest abandonment or poor reproductive success which would be a significant impact related to special-status or common nesting birds. Implementation of Mitigation Measure AES-1 would reduce the impact on nesting birds from nighttime lighting to a less-than-significant level by requiring stationary lighting used during nighttime construction to be shielded and directed downward or oriented such that the light source is not directed beyond the immediate work area.

After construction, operational impacts on nesting birds would be considered less than significant due to no change in maintenance activities from existing conditions and because lighting would be infrequent, of short duration, and shielded.

#### Roosting Bats

Roosting habitat for special-status and common roosting bat species may be present in mature trees in the study area. Construction activities may result in the removal or disturbance of hibernation or maternal roost sites due to increased nighttime lighting during CDSM construction, tree removal, ground disturbance, noise, or human intrusion during the roosting season (approximately March through July) which could result in a potentially significant impact as it may result in direct mortality and reduction in reproductive success. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 01 35 44, Environmental Requirements. Sections 3.8, Protection of Birds Protected

Under the Migratory Treaty Act and Roosting Bats, and Section 3.6, Noise Control, which include provisions for preconstruction roosting bat surveys during the maternity season, avoidance of maternal roosts during the maternal season, delineation of avoidance buffer zones, eviction of non-maternal roosts prior to structure modification or removal, and requiring the contractor to implement noise control techniques. With implementation of EBMUD Standard Construction Specifications, impacts on special-status and common roosting bats, including the destruction of potential roosting habitat, occupied roosts, direct mortalities of young, and the abandonment of roosts with non-volant young, would be less than significant.

Nighttime lighting during CDSM construction would occur during the winter. Additionally, nighttime lighting for a maximum of 2 nights may be required when the new pipelines are connected to the existing distribution system at the corner of 25th Avenue and East 29th Street. Accordingly, if construction-related nighttime lighting overlaps with the bat roosting season, any visual disturbance as a result of nighttime lighting may disturb roosting bats and lead to roost abandonment or poor reproductive success which would be considered a potentially significant impact related to roosting bats. Implementation of Mitigation Measure AES-1, Aesthetics, would reduce this potential impact on roosting bats to a less-than-significant level by requiring stationary lighting used during nighttime construction to be shielded and directed downward, or oriented such that the light source is not directed beyond the immediate work area.

After construction, operational impacts on nesting birds would be considered less than significant due to no change in maintenance activities from existing conditions and because lighting would be infrequent, of short duration, and shielded.

#### Foothill Yellow-legged Frog and Western Pond Turtle

Construction of the Project would require reservoir dewatering, grading, excavation, changes in drainage patterns, and other soil-disturbing activities on the Project site potentially delivering increased flows, sediment, and other pollutants through the storm drain to Sausal Creek. These activities could alter habitat potentially supporting foothill yellow-legged frog and western pond turtle which could result in a potentially significant impact. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction Specification 01 35 44, Section 1.1(B), which requires that activities on the construction site be controlled to prevent the discharge of contaminated stormwater through the Project's Water Control and Disposal Plan; EBMUD Standard Specification 01 35 44, Section 1.3(B), which identifies how the contractor will maintain proper control of discharge from the site; and the EBMUD-approved SWPPP per EBMUD Standard Specification 01 35 44, Section 1.3 (A)(2), which would be implemented to further prevent the discharge of contaminated stormwater run-off from the worksite. With implementation of the EBMUD Standard Construction Specifications, foothill yellow-legged frog and western pond turtle habitat in the Sausal Creek study area riparian corridor would not be subjected to an appreciable increase in turbidity and flow as a result of reservoir dewatering, grading, excavation, changes in drainage patterns, and other soil-disturbing activities on the Project site; therefore, impacts would be less than significant.

Once the Project is completed and operational, the potential for reservoir leakage will be eliminated and dry season flows could be lower in Sausal Creek downstream of the East 27th

Street outfall. However, because aquatic habitat quality was found to be independent of existing underdrain flows based on habitat similarity both up- and downstream of the East 27th Street outfall, Project implementation is unlikely to affect aquatic habitat in Sausal Creek. Therefore, any potential impacts on habitat quality for foothill yellow-legged frog and western pond turtle would be less than significant.

#### 4.3.3. Transportation and Traffic

Impact TRA-1: Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

# **Findings**

Mitigation Measure TRA-1 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP. EBMUD hereby finds that implementation of Mitigation Measure TRA-1 would ensure that impacts would be less than significant (see Draft EIR page 3.12-26).

# **Facts in Support of Findings**

#### Transit Network

The Project access routes for construction traffic (which would support approximately 28 truck trips, and 13 worker vehicle trips during each AM and PM peak hour) would partially overlap with the operation of AC Transit Routes 62 and 14 along 23rd Avenue, East 12th Street, East 27th Street, and Fruitvale Avenue. Conflicts between construction traffic and transit vehicles would be minor due to the low volumes of construction traffic and low service frequencies for Routes 62 and 14 (i.e., approximately 4 trips per hour) and, therefore, impacts on the transit network would be less than significant.

#### Bicycle Network

Increased construction traffic on public roadways would potentially decrease the safety of bicyclists because local users may not be accustomed to the presence of large construction vehicles. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction Specification 01 55 26, which would require the contractor to prepare a Traffic Control Plan to minimize impacts on bicycle circulation on local streets. To maintain safe bicycle circulation, the Traffic Control Plan would identify specific measures around the Project site during periods of construction with heavy truck traffic (such as during concrete pours) to minimize impacts on circulation on the streets surrounding the Project site. With implementation of EBMUD Standard Construction Specifications, the Project would not result in changes in bicycle use or safety that would conflict with an applicable plan or policy related to bicycle use, and impacts would be less than significant.

#### Pedestrian Circulation

Pedestrian volumes in the vicinity of the Project site are generally moderate, with approximately 130 pedestrian crossings at the intersection of East 27th Street and 25th Avenue in both the AM and PM peak hour (based on observed count data). Potential conflicts between pedestrians and

construction traffic would generally be low. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction Specification 01 55 26, which would require the contractor to prepare a Traffic Control Plan to minimize impacts on pedestrian circulation on local streets. Sidewalks for pedestrians would remain open if safe for pedestrians, and the Traffic Control Plan would require alternate routes and signage if pedestrian routes are closed. With implementation of EBMUD Standard Construction Specifications, the Project would not result in changes in changes in pedestrian use or safety that would conflict with an applicable plan or policy, and impacts would be less than significant.

Because Project construction would not conflict with the City of Oakland Transportation Impact Review Guidelines criteria related to vehicle miles traveled (VMT) and roadway capacity, and would not result in substantial differences in traffic operating conditions at study intersections from the existing condition, the Project construction impacts would be less than significant.

#### **Operation**

After construction is complete, vehicle trips generated by Project operations would remain the same as the existing condition and there would be no change in the VMT, safety, or performance of transit, roadways, bicycle lanes, and pedestrian facilities.

#### School Access Driveway Design Option

If the School constructed a new private access driveway between Ardley Avenue and Sheffield Avenue, it would create a shift of local traffic. The new driveway on Ardley Avenue would potentially decrease traffic volumes on Sheffield Avenue south of the School but increase traffic volumes on Ardley Avenue. Intersections affected by the driveway would continue to operate at an acceptable levels of service (LOS). The new driveway would potentially improve the safety of bicyclists and pedestrians on Sheffield Avenue by diverting vehicles that would otherwise make U-turns on Sheffield Avenue to the existing parking lot. While most of the exiting vehicles from the new private access driveway are expected to make right-turns onto Ardley Avenue to access I-580, some vehicles could make left turns potentially causing vehicle delay and increasing the potential for conflicts between vehicular traffic, pedestrians, and bicyclists along Ardley Avenue, resulting in a significant impact. Implementation of Mitigation Measure TRA-1 would reduce operational impacts associated with the School Access Driveway Design Option to a less than significant level by requiring the School to conduct an operational and safety analysis be conducted by a traffic engineer for the Ardley Avenue/new School Driveway intersection. The performance standard for the analysis is to minimize potential vehicular, pedestrian, and bicycle conflicts, based on the professional opinion of the traffic engineer and in accordance with City of Oakland Public Works Department standards. At a minimum, the analysis would evaluate the following:

- Traffic operational analysis consistent with City of Oakland Public Works Department standards to determine what type of stop-control (e.g., stop sign, traffic signal, etc.) is appropriate.
- An evaluation of sight distances for vehicles turning out of the School access driveway to ensure that any turns out of the driveway can be made safely.

- An evaluation of pedestrian and bicycle volumes along Ardley Avenue to determine whether signage and/or flashing beacons are warranted to alert driveway users to the presence of pedestrians and bicyclists on Ardley Avenue.
- An evaluation of whether signage is warranted along both travel directions of Ardley Avenue in advance of the driveway to alert roadway users of "Driveway Ahead."
- An evaluation of vehicular travel speeds on Ardley Avenue to determine whether traffic calming features such as school signage and/or s speed bumps are warranted to slow traffic in the vicinity of the driveway.

EBMUD would only allow vehicular movements from the driveway onto Ardley Avenue if the operational and safety analysis concludes that turns out of the driveway can be safely accommodated and the analysis and driveway are endorsed by City of Oakland Public Works Department staff.

#### Congestion Management Program (CMP)

Because Project construction would not conflict with the established Alameda County Transportation Commission (CTC) standards for its CMP, because the Project operations would not affect traffic flow or affect LOS, and because the Project would not conflict with the established Alameda CTC's standards for its CMP, impacts would be less than significant.

Impact TRA-3: Substantially increase hazards due to a geometric design feature (e.g., sharp curve or dangerous intersections) or incompatible uses (e.g., farm equipment).

#### **Findings**

Mitigation Measures TRA-1 and TRA-2 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP. EBMUD hereby finds that implementation of Mitigation Measures TRA-1 and TRA-2 would ensure that impacts would be less than significant (see Draft EIR pages 3.12-26 and 3.12-30).

#### Facts in Support of Findings

The increased construction traffic on public roadways could potentially decrease the safety of vehicles, bicyclists, and pedestrians because the larger vehicles may not be compatible with residential streets. Larger construction vehicles would also temporarily and intermittently reduce the capacity of local roadways due to their slower movements and larger turning radii. Truck turning movements at the primary and secondary entrances to the Project site would potentially conflict with existing vehicles, pedestrians, and bicyclists along East 30th Street, East 29th Street, and 25th Avenue. Construction traffic could potentially conflict with the School and Manzanita Community School traffic (vehicular, pedestrian, and bicyclists). A temporary change in traffic operations would create potential safety hazards for motorists due to truck traffic on East 27th Street, which is not normally a truck route. Travel on East 27th Street would be constrained in a manner that could present challenges to drivers unaccustomed to truck traffic.

As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 01 55 26, Traffic Regulation, which requires a Traffic Control Plan that conforms to the most current version of the Caltrans Manual of Traffic Controls for Construction and Maintenance Work Zones. The Traffic Control Plan would identify specific measures to control traffic and provide guidance to motorists as to when and how to safely move around the Project site during construction. Additionally, the contractors would be required to use traffic signs, flashing lights, barricades, and other traffic safety devices to control traffic to minimize impacts on circulation on the streets surrounding the Project site. Even with the incorporation of EBMUD's standard practices and procedures for traffic control measures, the Project's construction impacts on traffic operations along East 27th Street near Manzanita Community School would still be significant. However, implementation of Mitigation Measure TRA-2 would reduce impacts to a less than significant level by scheduling truck trips to avoid drop-off and pick-up hours for the schools.

If the School's Access Driveway Design Option were adopted and the School constructed a new private driveway between Ardley Avenue and Sheffield Avenue, vehicles would be allowed to make right turns into the school parking lot from Sheffield Avenue and exit to Ardley Avenue through the new driveway instead of making U-turns at Sheffield Avenue, which would decrease the conflicts between current U-turn vehicles and pedestrians, as well as bicyclists. While most of the exiting vehicles are expected to make right-turns onto Ardley Avenue to access I-580, some vehicles could make left-turns, which could cause vehicle delay and increase the potential for conflicts between vehicular traffic, pedestrians, and bicyclists along Ardley Avenue. This potential increase in hazards would be a significant impact. Implementation of Mitigation Measure TRA-1 would reduce potential operational conflicts between vehicles, pedestrians, and bicyclists associated with the School's Access Driveway Design Option to a less than significant level by requiring the School to conduct an operational and safety analysis be conducted by a traffic engineer for the Ardley Avenue/new School Driveway intersection. The performance standard for the analysis is to minimize potential vehicular, pedestrian, and bicycle conflicts, based on the professional opinion of the traffic engineer and in accordance with City of Oakland Public Works Department standards. At a minimum, the analysis would evaluate the following:

- Traffic operational analysis consistent with City of Oakland Public Works Department standards to determine what type of stop-control (e.g., stop sign, traffic signal, etc.) is appropriate;
- An evaluation of sight distances for vehicles turning out of the School's access driveway to ensure that any turns out of the driveway can be made safely;
- An evaluation of pedestrian and bicycle volumes along Ardley Avenue to determine whether signage and/or flashing beacons are warranted to alert driveway users to the presence of pedestrians and bicyclists on Ardley Avenue;
- An evaluation of whether signage is warranted along both travel directions of Ardley Avenue in advance of the driveway to alert roadway users of "Driveway Ahead;" and

An evaluation of vehicular travel speeds on Ardley Avenue to determine whether traffic
calming features such as school signage and/or s speed bumps are warranted to slow
traffic in the vicinity of the driveway.

EBMUD would only allow vehicular movements from the driveway onto Ardley Avenue if the operational and safety analysis concludes that turns out of the driveway can be safely accommodated and the analysis and driveway are endorsed by City of Oakland Public Works Department staff.

# **Cumulative Biological Resources Impacts**

#### **Finding**

The Project would not result in a cumulatively considerable contribution to an impact to biological resources. EBMUD hereby finds that implementation of mitigation measures AES-1 would ensure that cumulative impacts would be less than significant (see Draft EIR pages 3.3-47 through -48). Mitigation Measure AES-1 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

#### **Facts in Support of Findings**

The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan. Accordingly, the Project would not contribute to cumulative impacts related to that topic.

As with the Project, all cumulative projects that overlap in time with the Project would be required to protect potentially present sensitive biological resources, or otherwise implement EBMUD Standard Construction Specification 01 35 44, including a project SWPPP.

The geographic area affected by the Project and its potential to contribute to cumulative impacts on biological resources are limited to the Project study area. The impacts on biological resources in the study area are minor, as they take place over a relatively small area, over a short duration of time, and are offset by EBMUD Standard Specifications included in the Project Description and the mitigation measures proposed within this EIR. During the construction phase, impacts on biological resources associated with the Project include potential visual and noise disturbance to nesting birds and roosting bats (if present), and a temporary reduction in habitat available for nesting birds and roosting bats as a result of tree removal during construction. When combined with potential construction impacts of other projects in the vicinity, these effects would be less than significant after implementing Mitigation Measure AES-1: Nighttime Lighting Controls. Further, following completion of the Project, the site would be restored with shrubs and trees, which would enhance habitat for nesting birds and roosting bats, potentially benefitting bird and bat species displaced by other projects in the vicinity, in addition to those found within the study area. Accordingly, impacts on nesting birds and roosting bats, and their habitat, as a result of tree removal are limited in time and space, as the Project's replanting plan would replace and improve the habitat value offered by the trees removed.

During construction, impacts on the Sausal Creek study area associated with temporary reservoir dewatering, grading, excavation, changes in drainage patterns, and other soil- disturbing

activities to foothill yellow-legged frog and western pond turtle habitat, and the value and function of riparian and wetland communities are limited in time and space. During Project operation, changes in the existing reservoir's underdrain system flows in the dry season, the bioretention area, and reduction in impervious surfaces at the Project site would remove pollutants from stormwater run-off and reduce peak discharge to the stormwater system, resulting in beneficial impacts on the downstream riparian and wetland communities.

During both the construction and operational phases, the activities proposed at the Project site and Sausal Creek riparian corridor would not substantially interfere with the movement of wildlife species or impede the use of wildlife nursery sites, as the construction impacts would take place over a relatively small area, over a short duration of time, and are offset by EBMUD Standard Specifications included in the Project Description and the mitigation measures proposed in the Project EIR.

# 4.4. Findings Regarding Less than Significant Effects

It has been determined that the following effects would be less than significant or have no impact, and no mitigation is needed.

#### 4.4.1. Aesthetics

Impact AES-1: Have a substantial adverse effect on a scenic vista.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.1-21 to 3.1-22).

#### **Facts in Support of Findings**

During construction, because most of the construction activities would not extend much higher than the top of the existing reservoir or structures between the reservoir site and the Oakland-Berkeley Hills, which include one- and two-story commercial/institutional uses and residences, views of the Oakland-Berkeley Hills would not be substantially obstructed. Because the scenic views that are blocked by construction activities would be limited, construction would not appreciably damage or remove the visual qualities that make the view unique, unobstructed, and/or exemplary, Project construction would not have a substantial adverse effect on a scenic vista, and impacts would be less than significant.

Visual simulations completed for the Project show that once the Project is constructed, the new tanks would be approximately 22-feet higher than the existing reservoir roof at the location closest to Ardley Avenue, and the Oakland-Berkeley Hills would remain visible in the background of views along Ardley Avenue where there are breaks between mature trees, similar to existing conditions. After planting grows for 10 years, the mature vegetation would fill in more of the gaps along Ardley Avenue and limit the views of the Oakland-Berkeley Hills in more areas, relative to existing conditions. The Project would not appreciably damage or remove the visual qualities that make the view unique, unobstructed, and/or exemplary. Therefore,

Project operations would not have a substantial adverse effect on a scenic vista, and impacts would be less than significant.

Impact AES-2: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historical buildings within a state scenic highway.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR page 3.1-24).

# **Facts in Support of Findings**

Caltrans has designated the section of Interstate 580 (I-580) by the Project site a state scenic highway because of the views from the highway, examples of the architecture prevalent around the turn of the century, and aesthetic awards for attractive landscaping. The Project would include the removal of the wall on the existing auxiliary embankment along I-580, but would not remove any of the trees or landscaping below the wall adjacent to I-580. In addition, the Project would include planting trees at the north boundary of the site, which would enhance the view of existing vegetation along I-580. Because the Project would include the addition of trees along I-580 and not remove any of the existing mature trees and shrubs adjacent to I-580, views of the tanks in the background, which would be approximately 22-feet higher than the existing reservoir roof at the location closest to Ardley Avenue with completion of the Project, would not be out of character with the one- and two-story commercial/institutional and other structures that are currently visible as the viewer travels through the section of I-580 near the Project site. Therefore, the Project would not damage scenic resources within a state scenic highway resulting in a less than significant impact.

Impact AES-3: In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage points), or in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.

#### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.1-25 to 3.1-38).

# **Facts in Support of Findings**

#### City of Oakland General Plan Policy OS-3.6: Open Space Buffers Along Freeways

The City of Oakland General Plan includes objectives, policies, and actions that guide development design and aesthetic resource impact considerations, with the goal of protecting scenic resources. Policy OS-3.6 dictates maintaining space buffers along Oakland's freeways, including the retention of existing landscaping. As described above under Impact AES-2, the Project would not remove any of the existing mature trees and shrubs adjacent to I-580. Therefore, the Project would not result in a substantial conflict with City of Oakland General

Plan Policy OS-3.6: Open Space Buffers Along Freeways and the impact would be less than significant.

#### City of Oakland General Plan Objective OS-10: Scenic Resources

The City of Oakland General Plan includes objectives, policies, and actions that guide development design and aesthetic resource impact considerations, with the goal of protecting scenic resources. Objective OS-10 includes polices that focus on protecting the character of existing scenic views in Oakland, including views of the Oakland-Berkeley Hills and calls for protection of "the character of existing scenic views in Oakland, paying particular attention to views of the Oakland Hills from the flatlands. After Project completion, the Oakland-Berkeley Hills would still be visible in the background of views where there are breaks between mature trees, similar to existing conditions; direct views of the Oakland-Berkeley Hills would be slightly reduced along this approximately 500 foot stretch of Ardley Avenue, by the proposed tanks and landscaping at maturity (see Draft EIR Figure 3.1-7). However, because the Project would not remove any vegetation adjacent to I-580, and views of the Oakland-Berkeley Hills would still be intermittently visible after Project completion, the Project would not substantially alter the character of existing scenic views of the Oakland-Berkeley hills from the flatlands. Therefore, the Project would not result in a substantial conflict with City of Oakland General Plan Objective OS-10: Scenic Resources and the impact would be less than significant.

#### Existing visual character or quality of public views

The Project would affect the visual character of the Project area both due to short-term disruption during construction and due to the long-term change associated with demolishing the existing reservoir, constructing the new tanks, re-grading the site, pipeline work on East 29th Street, and removing existing trees and other vegetation. The Project landscape plan would change the site topography, remove trees and shrubs, and add new trees and shrubs. The three new concrete tanks and other infrastructure on the site would be partially screened from views from the surrounding neighborhood with earthen berms planted with vegetation, which would be located along Ardley Avenue and 23rd Avenue, as well as at the corner of 25th Avenue and East 29th Street. Where berms are not feasible, views of the tanks would be screened with vegetation only, including existing trees and supplemental trees and shrubs. Visual changes associated with the Project would be most noticeable in the early years after Project construction because new trees and shrubs would not have grown enough to screen the site and provide an aesthetic value that is similar to current site conditions. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 01 35 44 Section 3.7, Tree Protection, Section 1.1(B), Site Activities, and Standard Construction Specification 01 74 05, Cleaning which include measures for tree protection and measures to maintain an orderly and clean construction site. With implementation of the landscape plan and EBMUD Standard Construction Specifications and because the current views of the Project site are limited to breaks in the site's mature vegetation and are considered low quality because of the presence of existing built features and reservoir roof, construction would not substantially degrade the existing visual character or quality of the site and its surroundings and, therefore, construction impacts would be less than significant.

#### 4.4.2. Air Quality

Impact AIR-1: Conflict with or obstruct implementation of the applicable air quality plan.

#### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.2-22 to 3.2-25).

# **Facts in Support of Findings**

The most recently adopted air quality plan is the Bay Area Air Quality Management District's (BAAQMD) 2017 Clean Air Plan whose primary goals are to attain air quality standards, reduce population exposure, protect public health in the Bay Area, reduce Greenhouse Gas (GHG) emissions, and protect the climate. The 2017 Clean Air Plan includes a range of control measures, which consist of actions to reduce combustion-related activities, decrease fossil fuel combustion, improve energy efficiency, and decrease emissions of potent GHGs. The BAAQMD-recommended guidance for determining if a project supports the goals in the current clean air plan is to compare project-estimated emissions with BAAQMD thresholds of significance. If project emissions would not exceed the thresholds of significance after the application of all feasible mitigation measures, the project would be consistent with the goals of the 2017 Clean Air Plan

The Project includes demolition of the existing reservoir and construction of the replacement tanks and associated facilities (valve structure, rate control station, and pipelines). Pollutant emissions associated with Project construction would be generated from the following general construction activities: (1) grading, excavation, and construction; (2) vehicle trips from workers traveling to and from the construction areas; (3) trips associated with delivery and hauling of construction supplies to, and debris from, the construction areas; (4) fuel combustion by on-site construction equipment; and (5) paving and architectural coatings (paints, varnishes, lacquers, and other coatings used in interior and exterior finishing of buildings). These construction activities would temporarily create emissions of dust, fumes, equipment exhaust, Volatile Organic Compounds (VOCs), and other air pollutants. Emissions of O3 precursors and exhaust particulate matter (PM) are primarily a result of the combustion of fuel from on-road and offroad vehicles. Reactive organic gases (ROGs) are also emitted from activities that involve painting, other types of architectural coatings, or asphalt paving. Although construction emissions are considered short term and temporary, they have the potential to be a significant impact with respect to air quality. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 02 82 13, Asbestos Control Activities. Standard Construction Specification 01 35 44 Section 1.3(E), Submittal of Dust Control and Monitoring Plan, Section 3.3(D), Dust Control System Compliance, Section 3.3(C), Dust Monitoring During Demolition and Construction, Section 3.3(B), Dust Control, and Section 3.4(A), Air Quality and Emissions Control, Section 3.4(B), Architectural Coatings, which would ensure compliance with the procedures required by the BAAQMD for the safe removal and disposal of asbestos containing material, require BAAQMD-recommended measures addressing

dust and emissions controls, and require use of architectural coatings compliant with appropriate VOC limits as established in the BAAQMD regulations to reduce ROG emissions during construction and maintenance. With implementation of the EBMUD Standard Construction Specifications and because the estimated construction emissions from the Project would be less than the recommended BAAQMD significance thresholds for construction, the Project would be consistent with all applicable control strategies in the 2017 Clean Air Plan and construction-related impacts would be less than significant.

Once operational, the Project would not include any new sources of emissions, and the impact would be less than significant.

#### Impact AIR-2: Expose sensitive receptors to substantial pollutant concentrations.

#### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.2-26 to 3.2-29).

# **Facts in Support of Findings**

#### Toxic Air Contaminants and Localized PM2.5 Concentrations

Project construction activities would produce toxic air contaminants (TACs) primarily as diesel particulate matter (DPM) and particulate matter consisting of particles less than 2.5 microns in diameter (PM2.5) from the exhaust of diesel-fueled construction equipment such as loaders, backhoes, cranes, etc., as well as heavy-duty truck trips. These emissions could result in elevated concentrations of DPM and PM2.5 at nearby receptors. Exposure of receptors in the vicinity of the Project site to these elevated concentrations could lead to an increase in the risk of cancer or other health impacts. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 01 35 44, Section 3.4(A), Air Quality and Emissions Control, which requires that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology (BACT) for emission reductions of nitrogen oxides (NOX) and PM. With implementation of the EBMUD Standard Construction Specifications, use of engines that meet the Tier 4 Final Standards would be required and would minimize short-term construction-related health risk to nearby receptors and the estimated health risk from exposure to Project construction emissions would be less than the BAAQMD significance thresholds. Therefore, the Project's construction-related health risk from exposure to TAC and PM2.5 would be less than significant.

#### Criteria Air Pollutants

During construction, the Project would generate criteria pollutant emissions of ROG, NOX, and particulate matter. Given that the Project would not exceed the mass emissions thresholds established by the BAAQMD, it is unlikely that emissions from Project-related activities will cause or contribute to the exposure of sensitive receptors to ground-level concentrations in excess of health-protective levels. Because the Project would not exceed the numeric indicator for ROG and NOX emissions during either construction or operation, impacts would be less than significant.

After construction, operation of the Project would not introduce any new sources of emissions. Therefore, there would be no Project-related operational health risk impacts on nearby receptors. Operational emissions of criteria air pollutants from the Project would be minimal and less than significant.

Impact AIR-3: Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard.

#### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.2-29 to 3.2-31).

# **Facts in Support of Findings**

#### Criteria Air Pollutant Emissions

The Project's construction-related emissions would not exceed the BAAQMD construction-related criteria air pollutant significance. Therefore, the Project would not result in a cumulatively considerable contribution to regional air quality impacts, resulting in a cumulative impact that is less than significant.

#### Health Risks

Estimated cumulative health risks would be below BAAQMD-recommended thresholds for cumulative impacts. Therefore, the Project's contribution to cumulative health risks would be less than significant.

Once operational, Project facilities would not increase emissions of criteria air pollutants over existing conditions and would therefore not contribute to a cumulative impact. The Project would also not be a source of TACs or PM2.5 emissions because there are no emissions sources (i.e., diesel-fueled equipment), and therefore, operation of the Project would not contribute to cumulative risk and hazard impacts.

#### 4.4.3. Biological Resources

Impact BIO-2: 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 CDFW or USFWS.

#### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.3-42 to 3.3-43).

# **Facts in Support of Findings**

Riparian woodland habitat occurs as a corridor along the banks of Sausal Creek in the study area. Construction of the Project would require reservoir dewatering, grading, excavation, changes in

drainage patterns, and other soil-disturbing activities on the Project site, potentially delivering increased flows, sediment, and other pollutants to the riparian community in the study area. An increase in flow, turbidity, and stormwater run-off entering the Sausal Creek riparian corridor is a potentially significant impact as it may result in habitat modifications affecting the value and function of the riparian corridor. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction Specification 01 35 44, Section 1.1(B), Site Activities, Section 1.3(B) Water Control and Disposal Plan, and Section 1.3(A), Storm Water Management which requires the contractor to control site activities to manage surface water flows and run-off, implement measures to prevent the discharge of contaminated storm water runoff from the site, maintain proper control of the discharge at the discharge point to prevent erosion, scouring of bank, nuisance, contamination, and excess sedimentation in the receiving waters, and dechlorinate, track, and monitor discharges from the drinking water system. With implementation of EBMUD Standard Construction Specifications, the Sausal Creek riparian corridor would not be subjected to an appreciable increase in turbidity or flow as a result of reservoir dewatering, grading, excavation, changes in drainage patterns, and other soildisturbing activities on the Project site; therefore, impacts on riparian habitat or other sensitive natural communities would be less than significant. Furthermore, because the creek channel is not highly vegetated, any changes in flow would not be substantial enough to significantly affect riparian vegetation on the creek banks.

After construction, Project operation has the potential to affect riparian habitat as a result of reduced flow entering Sausal Creek due to multiple factors reduction in the existing reservoir's underdrain system flows, the reduced acreage of impervious surfaces, and the construction of a bioretention basin on the Project site. As described under Impact BIO-1, the reduction in dry season flow would not substantially affect the riparian habitat because habitat quality is similar above and below the point where the underdrain discharges into the creek under existing conditions. Overall, the Project will have benefits to Sausal Creek riparian habitat because the bioretention area and reduction in impervious surfaces at the Project site would remove pollutants from stormwater run-off and reduce peak discharge to the stormwater system. Therefore, adverse impacts on the riparian community would be less than significant.

Impact BIO-3: 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**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.3-43 to 3.3-44).

# **Facts in Support of Findings**

Construction of the Project would require reservoir dewatering, grading, excavation, changes in drainage patterns, and other soil-disturbing activities on the Project site, potentially delivering increased flows, sediment, and other pollutants to the Sausal Creek study area's wetlands and water community. An increase in flow, turbidity, and stormwater run-off entering the Sausal

Creek riparian corridor is a potentially significant impact as it may result in habitat modifications, affecting the value and function of the wetland community. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction Specification 01 35 44, Section 1.1(B), Site Activities, Section 1.3(B) Water Control and Disposal Plan, and Section 1.3(A), Storm Water Management which requires the contractor to control site activities to manage surface water flows and run-off, implement measures to prevent the discharge of contaminated storm water runoff from the site, maintain proper control of the discharge at the discharge point to prevent erosion, scouring of bank, nuisance, contamination, and excess sedimentation in the receiving waters, and dechlorinate, track, and monitor discharges from the drinking water system. With implementation of EBMUD Standard Construction Specifications, potential impacts on the Sausal Creek, the Sausal Creek riparian corridor would not be subjected to an appreciable increase in turbidity and flow as a result of reservoir dewatering, grading, excavation, changes in drainage patterns, and other soil-disturbing activities on the Project site; therefore, impacts on wetlands and waters would be less than significant.

After construction, Project operation has the potential to affect flow entering Sausal Creek directly downstream of the Project site as a result of multiple factors including reduction in the existing reservoir's underdrain system flows, the reduced acreage of impervious surfaces, and the construction of a bioretention basin on the Project site. As described under Impacts BIO-1 and BIO-2, the reduction in dry season flow would not be considered a source of hydrological interruption in the study area because habitat quality is similar above and below the point where the underdrain discharges into the creek under existing conditions. Overall, the Project will have benefits to Sausal Creek wetlands and water because the bioretention area and reduction in impervious surfaces at the Project site will improve water quality and reduce the erosive power of winter run-off to Sausal Creek. Therefore, adverse impacts on the wetland would be less than significant.

Impact BIO-4: Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.3-44 to 3.3-45).

# **Facts in Support of Findings**

During both the construction and operational phases, the activities proposed at the Project site would not interfere substantially with the movement of wildlife species or impede the use of wildlife nursery sites. Potential impacts on migratory birds and roosting bats at the Project site are addressed under Impact BIO-1, and the loss of trees is addressed in Impact BIO-5. Substantial amounts of high-value wildlife corridor habitat for migratory birds and other wildlife are located outside of the study area, 2 miles to the northeast in Joaquin Miller Park and 3.5 miles to the southwest in the San Francisco Bay.

The open channel portion of Sausal Creek in the study area has the ability to support aquatic and riparian habitats for common fish and wildlife species. However, this portion of the study area has been exposed to a relatively high degree of human disturbance over the long-term. Furthermore, the length of the creek within the study area is small relative to the larger, more open-channel contiguous reaches in the upper watershed, with a lack of wildlife corridors in the immediate vicinity of the study area. As such, the Project would result in a less-than-significant impact on the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors during both Project construction and operation. The Project would not impede the use of wildlife nursery sites due to the highly urbanized context of the study area.

Impact BIO-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.3-45 to 3.3-46).

#### Facts in Support of Findings

#### City of Oakland Creek Ordinance

The Project is consistent with the City of Oakland's Creek Protection, Storm Water Management, and Discharge Control Ordinance (Creek Ordinance), since reduction of underdrain flows to Sausal Creek would not result in a significant modification to the creek's natural flow of water.

As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction Specification 01 35 44, Section 1.1(B), Site Activities, Section 1.3(B) Water Control and Disposal Plan, and Section 1.3(A), Storm Water Management which requires the contractor to control site activities to manage surface water flows and run-off, implement measures to prevent the discharge of contaminated storm water runoff from the site, maintain proper control of the discharge at the discharge point to prevent erosion, scouring of bank, nuisance, contamination, and excess sedimentation in the receiving waters, and dechlorinate, track, and monitor discharges from the drinking water system. With implementation of EBMUD Standard Construction Specifications, the Project would further comply with the City's Creek Ordinance; therefore, the impact would be less than significant.

After construction and during Project operation, the potential for reservoir leakage will be eliminated and dry season flows could be lower in Sausal Creek downstream of the East 27th Street outfall. Because habitat quality is similar above and below the point where the underdrain discharges into the creek under existing conditions, there would not result in a significant modification to the creek's natural flow of water as described under Impact BIO-3. Therefore, the project is consistent with the Creek Ordinance and the impact would be less than significant.

City of Oakland General Plan Objective CO-6: Surface Waters and CO-8: Wetlands

The City of Oakland General Plan (City of Oakland, 1996) is a comprehensive, long-range plan for the physical development of the city that identifies goals and policies. The Open Space, Conservation, and Recreation Element of the General Plan includes CO-6: Surface Waters to protect the ecology and promote the beneficial uses of Oakland's creeks, lakes, and near shore waters and CO-8: Wetlands to conserve wetlands so that they continue to provide habitat for fish and wildlife. The Project is consistent both objectives, through improved water quality with the addition of a bioretention area, replacing impervious surfaces with landscaped surfaces, and less potential for creek erosion impacting wetlands due to peak stormwater reduction and the impact would be less than significant.

#### City of Oakland General Plan Objective CO-9: Rare, Endangered, and Threatened Species

The City of Oakland General Plan (City of Oakland, 1996) is a comprehensive, long-range plan for the physical development of the city that identifies goals and policies. The Open Space, Conservation, and Recreation Element of the General Plan includes CO-9: Rare, Endangered, and Threatened Species to protect rare, endangered, and threatened species from the impacts of urbanization. The Project is consistent with the policies under Objective CO-9: Rare, Endangered, and Threatened Species because the Project would not result in substantial adverse effects on special-status wildlife species or their habitat and the impact would be less than significant.

#### City of Oakland General Plan Objective CO-11: Wildlife

The City of Oakland General Plan (City of Oakland, 1996) is a comprehensive, long-range plan for the physical development of the city that identifies goals and policies. The Open Space, Conservation, and Recreation Element of the General Plan includes CO-11: Wildlife To sustain a healthy wildlife population within the city of Oakland. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction 01 35 44, Section 3.8, Protection of Birds Protected Under the Migratory Treaty Act and Roosting Bats which include provisions for preconstruction biological reconnaissance, including nesting bird surveys, biologic monitoring during construction, and delineation of active bird nest avoidance buffer zones. With implementation of EBMUD Standard Construction Specifications, the Project would not conflict with the City of Oakland General Plan Objective CO-11. Therefore, the impact would be less than significant.

#### City of Oakland Tree Ordinance

The City of Oakland Tree Protection Ordinance is not applicable to the Project; under Section 53091 of the California Government Code, EBMUD, as a local agency and utility district, is not subject to building and land use zoning ordinances (such as tree ordinances) for projects involving facilities for the production, generation, storage, treatment, or transmission of water. However, EBMUD's practice is to work with local jurisdictions and neighboring communities during project planning and to consider local environmental protection policies for guidance. In addition, as explained below, the Project would result in an over 50 percent increase in the overall number of trees on the site relative to existing conditions.

Tree removal is necessary for Project construction at the reservoir site, and some trees at the reservoir site should be removed because of poor health. No tree removal would occur in the

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Sausal Creek riparian corridor. Of the approximate 377 existing trees on-site, approximately 22 trees would be removed because they are in poor health. Approximately 121 trees would be removed to accommodate Project construction, 73 of which are considered "protected" by the City of Oakland Ordinance 12.36. Approximately 337 new trees would be planted, resulting in a total of approximately 571 trees after construction is complete, a net increase in trees on the site. Furthermore, the Project proposes the addition of a biorentention area with native plantings, mulch application to unpaved portions of the site, and net gain of drought-tolerant native tree and shrub plantings, which would comply with the City of Oakland's General Plan policies under Objective CO-7: Protection of Native Plant Communities and Policy W3.3, which requires the enhancement of native plant communities and wildlife habitats.

Construction activities at the reservoir site may adversely affect retained trees by potential incidental damage, altered hydrology, and soil compaction within the root zone (generally beneath the dripline of the canopy). As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Specification 01 35 44, Section 3.7, Protection of Native and Non-Native Protected Trees, which includes provisions to ensure the protection of trees that remain during construction by installing exclusion fencing around the trees to be protected outside of tree driplines, avoiding work within the tree protection zone, careful pruning of tree roots within the excavation zone, and careful pruning of tree limbs that may be damaged by heavy equipment. With implementation of EBMUD Standard Construction Specifications, the Project would not conflict with the City of Oakland's Tree Protection Ordinance and therefore the impact would be less than significant.

#### 4.4.4. Cultural Resources

Impact CUL-1: Cause a substantial adverse change in the significance of historical resources, as defined in *CEQA Guidelines* Section 15064.5.

#### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR page 3.4-16).

#### Facts in Support of Findings

Central Reservoir is not considered a historical resource under CEQA; therefore, demolition and replacement of the reservoir is considered to be a less than significant impact related to architectural historical resources.

Impact CUL-2: Cause a substantial adverse change in the significance of an archaeological resource, pursuant to CEQA Guidelines Section 15064.5.

#### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR page 3.4-17).

# Facts in Support of Findings

The results of the background research and surface survey indicate that there are no prehistoric or historic-era archaeological resources within the Project site and that there is a low potential to uncover resources during Project implementation. However, the possibility of inadvertent discovery cannot be entirely discounted, and could result in a potentially significant impact. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements, Section 3.9, Protection of Cultural and Paleontological Resources, which includes appropriate cultural resource management practices such as preconstruction cultural resources training and procedures to follow in the event that a cultural resource is identified during construction. With implementation of EBMUD Standard Construction Specifications, the Project's construction impacts related to archaeological resources are less than significant.

Impact CUL-3: Disturb any human remains, including those interred outside of dedicated cemeteries.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR page 3.4-18).

# **Facts in Support of Findings**

There is no indication from the archival research or survey effort that any part of the Project site has been used for human burial purposes in the recent or distant past. Therefore, it is unlikely that human remains would be encountered during construction of the Project. However, because the possibility of inadvertent discovery cannot be entirely discounted. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements, Section 3.9, Protection of Cultural and Paleontological Resources, which requires implementation of procedures that address the inadvertent discovery of human remains and follows statutory law. With implementation of EBMUD Standard Construction Specifications, the Project's impacts related to disturbing human remains are less than significant.

Impact CUL-4: Cause a substantial adverse change in the significance of a tribal cultural resource as 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.

#### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR page 3.4-19).

# **Facts in Support of Findings**

The results of the background research at the Northwest Information Center (NWIC) indicates

that there are no archaeological tribal cultural resources within the Project site and that there is a low potential to uncover resources during Project implementation. EBMUD has not received any requests for consultation related to the Project. Despite the low archaeological sensitivity, there is a possibility a inadvertent discovery cannot be entirely discounted. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements, Section 3.9, Protection of Cultural and Paleontological Resources, which requires preconstruction cultural resources training is required for all construction personnel and implementation of procedures that address the inadvertent discovery of cultural resources and ensures compliance with legal requirements regarding the protection of such resources. With implementation of EBMUD Standard Construction Specifications, the Project's impacts related to tribal cultural resources are less than significant.

# 4.4.5. Energy

Impact EN-1: Result in wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR page 3.5-8 to 3.5-9).

# **Facts in Support of Findings**

Construction of the Project would account for the greatest use of energy for the Project; however, the energy used during construction would be temporary and would cease after construction is completed. Fuel use would be consistent with typical construction and manufacturing practices and would not require excessive or wasteful use of energy. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 01 35 44 Section 3.4(A), Air Quality and Emissions Control, which includes BMPs to ensure efficient use of construction-related fuels. With implementation of EBMUD Standard Construction Specifications, the Project construction impacts related to energy use and impacts on energy resources would be less than significant.

Operational energy use would be similar to or less than existing operations and, therefore, operational impacts would be less than significant.

#### 4.4.6. Geology and Soils

Impact GEO-1: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: strong seismic groundshaking; seismic-related ground failure (liquefaction, lateral spreading); or landslides.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR page 3.6-17 to 3.6-18).

# **Facts in Support of Findings**

Seismic-related groundshaking and the hazardous conditions created by it present a serious risk to people and structures. To withstand strong seismic groundshaking and seismic-related ground failure, the tanks would be constructed on an engineered foundation. The foundation would consist of the existing soil foundation reinforced with CDSM columns, overlain with a 30-foot thick fill pad consisting of soil reinforced with cement and/or lime. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD's Reservoir Design Guide and EBMUD's Engineering Standard Practices (ESP) 512.1, Water Main and Services Design Criteria, and 550.1, Seismic Design Requirements will require the Project would be designed to withstand strong seismic groundshaking and seismic-related ground failure, a design-level geotechnical investigation to be conducted subsequent to the reservoir demolition to identify the potential for seismic hazards, incorporation of geotechnical investigation recommendations into the design, seismic design features for prestressed concrete tanks, and seismic design features for pipelines. With implementation of these standard practices, the potential for seismic-related impacts would be less than significant.

#### Impact GEO-2: Result in substantial soil erosion or the loss of topsoil.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR page 3.6-18 to 3.6-19).

# **Facts in Support of Findings**

The excavation and grading activities that are planned during construction would increase exposure of topsoil to erosion. Storm weather (e.g., wind and rain) would also result in soil erosion which could potentially be a significant impact. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 01 35 44, Environmental Requirements, Section 1.1(B), Site Activities, Section 01 35 44, Environmental Requirements, Section 1.3(A), Storm Water Management, and EBMUD's Reservoir Design Guide which would require provisions for preventing soil erosion and loss of soil during construction (including implementation of a SWPPP), diversion of surface waters and maintenance of the construction site to minimize erosion and loss of soil, measures to prevent the run-off of polluted stormwater from the construction site, and compliance with a design-level geotechnical investigation to confirm the characteristics of the subsurface and to identify any soil control measures. With implementation of EBMUD's Standard Construction Specifications and EBMUD's Reservoir Design Guide, the impacts related to soil erosion and loss of topsoil would be less than significant.

Impact GEO-3: Be located on strata or soil that is unstable or that would become unstable as a result of the Project, and potentially could result in on-site or off-site landslides, lateral spreading, subsidence (i.e., settlement), liquefaction, or collapse.

#### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR page 3.6-19 to 3.6-20).

# **Facts in Support of Findings**

#### Landslides

The Project site is bounded by Earthquake-Induced Landslide Zones to the north and south and a landslide zone is also located approximately 600 feet east of the Project site. The Project design would include a subdrain that would collect and remove water from under the tanks. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD's Reservoir Design Guide, which specifies minimum design requirements to follow in the design of drinking water reservoirs, as well as the requirement that the Project conduct a geotechnical investigation to identify the potential for seismic hazards. Any recommendations in the geotechnical investigation would be incorporated into the Project design. With implementation of EBMUD's Reservoir Design Guide and compliance with the latest editions of the California Building Code (CBC), impacts associated with landslides would be less than significant.

#### Liquefaction and Lateral Spreading

The Project site is adjacent to a Liquefaction Zone, to the south of Central Reservoir. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD's Reservoir Design Guide, which specifies minimum design requirements to follow in the design of drinking water reservoirs, as well as the requirement that the Project conduct a geotechnical investigation to identify the potential for seismic hazards. Any recommendations in the geotechnical investigation would be incorporated into the Project design. With implementation of EBMUD's Reservoir Design Guide and compliance with the latest editions of the CBC, impacts associated with liquefaction and lateral spreading would be less than significant.

#### Subsidence and Soil Collapse

The Project would not change the existing groundwater levels and impacts associated with dewatering-induced settlement, thus would be less than significant. Unsupported excavations into soft or loose soils can cause soil collapse. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 01 35 24, Project Safety Requirements, Section 1.3(C), Excavation Safety Plan, which includes practices and procedures for preventing subsidence and soil collapse. With implementation of EBMUD Standard Construction Specifications which will require the appropriate excavation safety measures, the risk of soil collapse will be less than significant.

Impact GEO-4: Be located on expansive soil creating substantial direct or indirect risks to life or property.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR page 3.6-20 to 3.6-21).

# Facts in Support of Findings

The Natural Resources Conservation Service Web Soil Survey has no available data on the expansiveness or corrosion potential of the soil at the Project site. It is possible that the proposed pipeline alignment areas may contain expansive or corrosive soils, which would result in a potentially significant impact due to the effect those soils could have on the stability and longevity of the reservoir and associated pipelines. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD's Engineering Standard Practices 512.1 and 550.1 which require designs to withstand the effects of expansive or corrosive soils by incorporating cathodic protection and to follow recommendations of the geotechnical investigation to ensure that pipelines can withstand expansive soils. With implementation of EBMUD's Engineering Standard Practices, impacts of the Project associated with soils expansion and corrosion would be less than significant.

Impact GEO-5: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

#### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR page 3.6-21).

#### **Facts in Support of Findings**

The Project would be constructed on the highly disturbed land at the Central Reservoir site. Because this area has been previously disturbed, soils in these areas are not expected to contain fossils. In the unlikely event that fossils are encountered during construction, impacts could be potentially significant. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction Specification 01 35 44, Environmental Requirements, Section 3.9, Protections of Cultural and Paleontological Resources, which requires that staff be trained to recognize paleontological resources and that if resources are encountered, construction must be stopped so that paleontological resources can be evaluated and protected. With implementation of EBMUD Standard Construction Specifications, impacts associated with destruction of a unique paleontological resource or site or unique geologic feature would be less than significant.

#### 4.4.7. Greenhouse Gas (GHG) Emissions

Impact GHG-1: Generate GHG emission, either directly or indirectly, that may have a significant impact on the environmental.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.7-13 to 3.7-15).

# **Facts in Support of Findings**

Project construction would involve the use of fossil fuels in construction equipment which would generate GHGs such as carbon dioxide, methane, and nitrous oxide. Although BAAQMD's CEOA Guidelines do not specify thresholds of significance for construction-related GHG emissions, they do encourage incorporation of best management practices to reduce GHG emissions during construction, where feasible and applicable. In addition, Project emissions for each construction year would be below both the BAAQMD operational thresholds of 10,000 Metric Tons (MT) CO2 equivalent (CO2e) per year for stationary sources and 1,100 MT CO2e per year for projects not including stationary sources. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 01 35 44, Environmental Requirements, Section 3.4(A), Air Quality and Emissions Control, which specifies air emission control Best Management Practices to minimize short-term construction diesel exhaust emissions and includes GHG emission controls that would reduce GHG emissions from fuel combustion. With implementation of EBMUD Standard Construction Specifications and because project emissions for construction would be below the BAAQMD operational thresholds, the construction impacts related to GHG emissions would be less than significant.

After construction, operational and maintenance practices for the Project would not change substantially, and the direct GHG emissions associated with the operational and maintenance traffic would be similar to existing levels; therefore, the operational impact would be less than significant.

Impact GHG-2: Conflict with a plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

#### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.7-15 to 3.7-17).

# **Facts in Support of Findings**

Project construction would involve operation of diesel-fueled off-road construction equipment and on-road vehicles associated with worker commute, material delivery, and hauling that would directly generate GHG emissions. The Project's construction related GHG emissions would not conflict with any plans, policies, or regulations adopted for the purpose of reducing GHG emissions. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction Specification 01 35 44 Section 3.4(A), Air Quality and Emissions Control, which requires that construction crews use alternative-fueled construction equipment and recycle or reuse construction waste or demolition materials to the extent feasible and would ensure that construction diesel trucks and off-road equipment would

comply with the latest vehicle emission standards established by the California Air Resource Board (CARB). With implementation of EBMUD Standard Construction Specifications and because the project would not conflict with any plans, policies, or regulations adopted for the purpose of reducing GHG emissions, the construction impacts related to GHG emissions would be less than significant.

After construction, operational and maintenance practices for the Project would not change substantially, and the direct GHG emissions associated with the operational and maintenance traffic would be similar to existing levels. EBMUD's heavy-duty maintenance vehicles would comply with the latest vehicle emission standards established by CARB. With respect to indirect operational GHG emissions associated with electrical energy use, the Project would not increase electricity demand over existing conditions. Indirect GHG emissions from electricity used by the Project would continue to be minimized through implementation of EBMUD's 2014 Climate Change Monitoring and Response Plan, which outlines how GHG emissions reductions are accomplished through implementation of energy efficiency practices, use of low-carbon energy sources, reductions in non-CO2 emissions reductions (including black carbon), and carbon sequestration. Therefore the Project's operational GHG emissions would not conflict with any plans, policies, or regulations adopted for the purpose of reducing GHG emissions, resulting in a less than significant impact.

#### 4.4.8. Hazards and Hazardous Materials

Impact HAZ-1/ Create a significant hazard to the public or the environment

Impact HAZ-2: through the routine transport, use, or disposal of hazardous materials.

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**

EBMUD hereby finds that impacts would be less than significant (see Final EIR pages 10-14 to 10-19).

#### Facts in Support of Findings

During the Project demolition and new construction phases, construction equipment and building materials may include the following substances: fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures would be transported, used, and disposed of during construction. The routine use or an accidental spill of hazardous materials could result in inadvertent releases, which could adversely affect construction workers, the public, and the environment. In addition, implementation of the Project would involve the demolition and removal of existing structures and hazardous building materials known to be present in the structures including Asbestos Containing Materials, Lead-Based Paint, Polychlorinated Biphenyls, and Pentachlorophenol. The demolition activities could release hazardous building materials.

#### General Procedures to Address Hazardous Materials during Construction

As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 01 35 24, Project Safety Requirements, Section 1.3(B), Project Safety and Health Plan, and Standard Construction Specification 01 35 44, Environmental Requirements, Section 1.1(B), Site Activities, Section 1.3(A), Strom Water Management, Section 1.3(B), Storm Water Pollution Prevention Plan, Section 1.3(C), Construction and Demolition Waste Disposal Plan, and Section 1.3(D), Spill and Prevention Response Plan, Section 1.3(E), Submittal of Dust Control and Monitoring Plan, Section 3.3(D), Dust Control System Compliance, Section 3.3(C), Dust Monitoring During Demolition and Construction, Section 3.3(B), Dust Control, Procedure 711, Hazardous Waste Removal, and EBMUD Environmental Compliance Manual, Trench Spoil Best Management Practices Program.

Together, the EBMUD Standard Construction Specifications will require the contractor to prepare a Project Safety and Health Plan that will be implemented to address anticipated hazards related to hazardous substances, fall protection, confined spaces, and trenches or excavations; a Storm Water Pollution Prevention Plan that will be implemented to control activities to prevent the discharge of sediment and/or other pollutants in stormwater; a Construction and Demolition Waste Disposal Plan that will be implemented to remove, handle, transport, and dispose of all materials in a safe, appropriate, and lawful manner in compliance with all applicable regulations; a Water Control and Disposal Plan that will be implemented to maintain proper control of discharges to prevent erosion, scouring of bank, nuisance, contamination, and excess sedimentation into receiving waters; a Spill and Prevention Response Plan that will be implemented to prevent and control spills of hazardous substances; a Dust Control and Monitoring Plan detailing the means and methods for controlling and monitoring dust generated by demolition and other work on the site; and implement all necessary dust control measures in compliance with the Dust Control and Monitoring Plan and all applicable regulations.

Implementation of EBMUD Procedure 711, Hazardous Waste Removal will define hazardous wastes and establish responsibilities for the removal of hazardous wastes from EBMUD facilities; require the contractor to carry out specific steps and responsibilities for characterizing waste and determining what analyses are needed to classify the waste; coordinate waste disposal with EBMUD's Environmental Compliance Manual; and ensure correct labeling, storing, inspecting, and tracking of any hazardous waste handling, disposal requirements, and hazardous waste manifests.

Implementation of EBMUD Standard Construction Specification 01 35 44, Section 1.3(E), Dust Control and Monitoring, 01 35 44, Section 3.3(B) Dust Control, Section 3.3(C) Dust Monitoring During Demolition and Construction collectively would require that prior to construction, the contractor shall submit a Dust Control and Monitoring Plan detailing the means and methods for controlling and monitoring dust generated by demolition and other work on the site. The contractor would be required to implement all necessary dust control measures in compliance with the Dust Control and Monitoring Plan and all applicable regulations. A minimum of four particulate air monitoring stations would be required along the perimeter of the job site when any potentially dust generating activity is occurring. An independent, hazardous materials consultant with oversight over the construction contractor will be contracted separately to prepare and

implement the air monitoring program to ensure the air monitoring program is protective of worker and public health and is compliant with regulatory requirements. The air monitoring program will utilize specific real-time air monitors for particulates during any demolition activities and any activities that could create dust to provide immediate information as to the effectiveness of the hazardous materials abatement and dust control methods. A study will be completed prior to any construction activities to establish activity specific real-time air monitoring trigger levels (i.e., stop work, increase watering) that will be enforced on the demolition and construction contractor. Section 3.8.2, *Regulatory Framework*, provides additional details on the requirements for dust control and monitoring. EBMUD's hazardous materials consultant has provided Project-specific guidance on how the asbestos contractor will comply with EBMUD Specifications.

EBMUD Environmental Compliance Manual, as summarized in Exhibit B will require sampling and testing the soil on-site to ensure the soil is clean before any earthwork activities begin. In the event soil sampling and testing determines concentrations of hazardous materials exist that exceed regulatory thresholds, the contaminated soil will be removed, offhauled, and disposed of in accordance with federal, state, and local laws and regulations.

# Asbestos Containing Materials (ACM)

During demolition, the asbestos roof would be dismantled, removed, and disposed of at a licensed facility permitted to accept the waste. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including the standard practices and procedures discussed above in General Procedures to Address Hazardous Materials during Construction, as well as Standard Construction Specification 02 82 13, Asbestos Control Activities, which requires that the contractor submit a detailed plan of the procedures to address ACM. The plan will include the location and layout of decontamination areas, the sequencing of asbestos work, the interface of trades involved in the performance of work, disposal plan including location of approved disposal site, a detailed description of the methods to be employed to control pollution, description of the use of portable high efficiency particulate air (HEPA) ventilation system, method of removal to prohibit visible emissions in the work area (including suppressing airborne particulates using a minimum of two misting units operated simultaneously), and packaging of removed asbestos debris. Once all abatement measures have been implemented, the contractor would conduct a clearance examination and provide documentation that testing and abatement were completed in accordance with federal, state, and local laws and regulations.

The contractor's procedures for removing the reservoir roof will be based on the results of a Feasibility Assessment prepared during the design phase by an independent asbestos consultant contracted separately with EBMUD. The Feasibility Assessment will identify all potential methods for removal of the transite roof panels and select the best method that controls and contains asbestos based on the current condition of the transite panels and an understanding of the method used to install the encapsulation. The potential methods that will be evaluated by the Feasibility Assessment include: wetting and misting, removal from beneath the reservoir roof, full containment (i.e., tenting), modular (partial) containment (i.e., tenting), encapsulation (i.e., application of coatings), and other options based on the current state of the art. A small-scale pilot study may need to be conducted to confirm that the selected removal approach can be

effectively implemented by removing a small test section using the selected method and under full containment with negative air filtration. EBMUD will also contract an independent asbestos consultant with oversight over the construction contractor whom will also report to EBMUD during the removal of the transite roof and ensure the work is performed in a manner that is protective of workers and public health, compliant with regulatory requirements, and performed consistent with the selected method from the Feasibility Study.

As described in Section 3.8.2, EBMUD Specification 01 35 44, Environmental Requirements, EBMUD Specification 02 82 13, Asbestos Control Activities, and 01 35 24, Project Safety Requirements, the contractor will be required to conduct air monitoring to ensure workers and the public are not exposed to asbestos. Monitoring for airborne concentrations of asbestos will be conducted at the east, west, north and south property boundary and concentrations greater than regulatory control limits would require the contractor to stop work and correct the conditions causing the excessive levels. Sampling and testing for airborne asbestos fibers will take place daily and will include both real-time particulate air monitoring and laboratory analysis. This two-part air monitoring program will be conducted during any dust generating activities, including removal of the transite roof, to provide immediate information as to the effectiveness of the transite roof removal and dust control methods. In the event that real-time air monitoring indicates an increase in particulates that exceeds stop work thresholds, EBMUD's construction inspector would stop work until the cause of the particulates are identified and corrected before resuming work again.

Compliance with applicable legal requirements and implementation of the standard practices and procedures summarized above would ensure that the Project's impacts related to the release of ACM into the environment would be less than significant.

#### Lead-Based Paint (LBP)

LBP may be present at the on-site material storage building which will be demolished during Project construction. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including the standard practices and procedures discussed above in General Procedures to Address Hazardous Materials during Construction, as well as Standard Construction Specification 02 83 13, Lead Hazard Control Activities, which requires the contractor to prepare a Lead Demolition Plan detailing handling, engineering control, removal, and disposal procedures for lead-containing materials. Wastes from abatement and demolition activities would be transported to and disposed of at a Class I or certified Class II landfill permitted to accept such waste. Once all abatement measures have been implemented, the contractor would conduct a clearance examination and provide documentation that testing and abatement were completed in accordance with federal, state, and local laws and regulations. Compliance with applicable legal requirements and implementation of the standard practices and procedures summarized above would ensure that the Project's impacts related to the release of LBP into the environment would be less than significant.

#### Polychlorinated Biphenyls (PCBs)

The Central Reservoir does not contain construction materials that produce a health risk to water consumers because they have extremely low (undetectable) solubility in water. PCBs in the panel

craft lining were found to have concentrations above the TTLCs, which could expose construction workers to hazards materials when they demolish the liner and remove the materials. The panel craft liner and possible other sealants would be tested, characterized, and properly handled and disposed of during demolition.

As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including the standard practices and procedures discussed above in General Procedures to Address Hazardous Materials during Construction. The Project Safety and Health Plan to ensure that all personnel are in compliance and properly trained, and the Demolition Waste Disposal Plan will identify how the contractor will remove, handle, transport, and dispose of all materials that require removal in a manner that complies with local, state, and federal agencies having jurisdiction over the disposal of removed materials. The Construction and Demolition Waste Disposal Plan will identify how the panel craft liner and other sealants would be tested, characterized, and properly handled and disposed of during demolition. EBMUD Procedure 711, Hazardous Waste Removal, defines hazardous wastes and establishes responsibilities for the removal of such wastes. The materials would be transported to and disposed of at a Class I or certified Class II licensed facility permitted to accept the materials in compliance with applicable local, state, and federal laws and regulations. Compliance with applicable legal requirements and implementation of EBMUD Standard Construction Specifications and District Procedure 711 would ensure the Project's impacts related to PCBs would be less than significant.

#### Pentachlorophenol

Pentachlorophenol may be present in the reservoir timber girders which was demolished as part of Project Construction. Should testing confirm the presence of pentachlorophenol, EBMUD standard practices and procedures will be followed to ensure public and workers safety. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including the standard practices and procedures discussed above in General Procedures to Address Hazardous Materials during Construction. The Project Safety and Health Plan to ensure that all personnel are in compliance and properly trained. The Construction and Demolition Waste Disposal Plan to identify how the contractor will remove, handle, transport, and dispose of all materials that require removal in a manner that complies with local, state, and federal agencies having jurisdiction over the disposal of removed materials. The Construction and Demolition Waste Disposal Plan will identify how the timber girders with pentachlorophenol would be tested, characterized, and properly handled and disposed of during demolition. EBMUD Procedure 711, Hazardous Waste Removal, defines hazardous wastes and establishes responsibilities for the removal of such wastes from EBMUD facilities. The materials would be transported to and disposed of at a Class I or certified Class II licensed facility permitted to accept the materials in compliance with applicable local, state, and federal laws and regulations. With implementation of EBMUD Standard Construction Specifications and District Procedure 711, the Project's impacts related pentachlorophenol would be less than significant.

# **Operation**

After construction is complete, operation of the Project would not result in the routine use or transport of hazardous materials within the Project area, or the release of hazardous materials into the environment. Therefore, the impact from operation of the Project is less than significant.

Impact HAZ-3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR page 3.8-21).

# **Facts in Support of Findings**

Four schools are within one-quarter mile of the Project site, and construction activities would involve handling hazardous materials, substances, and waste. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction Specification 01 35 44, Environmental Requirements, Section 1.3(C) and Section 1.3(D), and Standard Construction Specification 01 35 24, Project Safety Requirements, Section 1.3(B), which stipulate that the construction crew shall be responsible for complying with applicable federal, state, and local requirements, which outline procedures to follow to ensure the safe and lawful handling of hazardous materials, implementation of plans, and documentation of compliance. With implementation of EBMUD Standard Construction Specifications, impacts associated with handling hazardous materials within one-quarter mile of a school would be less than significant.

After construction is complete, operation of the Project would not result in the routine use or transport of hazardous materials within the Project area, or the release of hazardous materials into the environment. Once constructed, operation of the water storage facilities would not require the use of hazardous materials and would not generate hazardous waste. Therefore, operational impacts would be less than significant impacts associated with the use of hazardous materials within one-quarter mile of a school.

Impact HAZ-4: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.8-22 to 3.8-23).

#### **Facts in Support of Findings**

The Alameda County Emergency Operations Plan does not provide any specific evacuation routes, as these are anticipated to be coordinated by local law enforcement and emergency services. Project construction activities would not require any full roadway closures. There would be partial road closures associated with the installation of pipeline work, which would take place in East 29th Street over a period of approximately 1 week, including approximately 2

nights. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction Specification 01 55 26, Traffic Regulation, Section 1.2, which requires a Traffic Control Plan, which includes a description of emergency response vehicle access. Additionally, EBMUD Standard Construction Specification 01 35 24, Section 1.3(B), requires that, before the start of construction, the contractor shall prepare a Project Safety and Health Plan which includes an Emergency Action Plan in the event of an accident or serious unplanned event that requires notifying any responsive agencies (e.g., fire department, rescue teams). Implementation of EBMUD Standard Construction specifications would ensure that emergency responders have access during the construction period and, therefore, impacts to emergency response or evacuation plans would be less than significant.

After construction, Project operations would remain the same as the existing conditions; the Project would not include any permanent physical changes in the roadways surrounding the Project site that would impede emergency vehicle access. Therefore, the Project operational impacts on emergency vehicle access would be less than significant.

### 4.4.9. Hydrology and Water Quality

Impact HYD-1: Violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.9-15 to 3.9-18).

# **Facts in Support of Findings**

Construction of the Project would require grading, excavation, stockpiling and other soil-disturbing activities on the Project site, potentially delivering sediment and other pollutants to receiving waters by stormwater run-off, potentially degrading the water quality of receiving waters. Also, the demolition and removal of the existing Central Reservoir structures, such as the asphalt panel roof, concrete liner, material storage building, treated wood, and other existing materials, would generate construction debris, some of which contains toxic substances that could violate water quality standards or waste discharge requirements and adversely impact water quality during construction. Some chlorinated reservoir water may also need to be drained via gravity to the nearby storm drain and may have high turbidity.

As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 01 35 44, Environmental Requirements Section 1.3(A), Storm Water Management, Section 1.3(B), Water Control and Disposal Plan, and Section 1.1(B), Site Activities. Section 1.3(A) requires an EBMUD-approved SWPPP be prepared for the Project that would describe measures that shall be implemented to prevent the release or discharge of contaminated stormwater run-off from the worksite, requires qualified professionals to implement effective stormwater/non-stormwater management practices and conduct inspections, and requires the contractor to control discharge of soil, sediment, and concrete residue and

control pH and chlorine residual of any discharges to the storm drain or otherwise. Section 1.3(B) requires a Water Control and Disposal Plan to be prepared for the Project which will specify management actions to minimize the degradation of surface and groundwater quality. Section 1.1(B) requires that activities on the construction site be controlled through BMPs to prevent the discharge of contaminated stormwater, and controls on-site activities to ensure that hazardous materials are not released through stormwater, violate discharge requirements, or otherwise degrade water quality.

With implementation of EBMUD Standard Construction Specifications, the Project would control erosion and planned discharges from the reservoir to ensure that no water quality standards are exceeded and no additional sources of polluted run-off are created, and BMPs would be implemented to ensure that sediment is controlled and that contaminants such as fuel and lubricants do not contaminate local storm drains such that impacts on water quality during construction would be less than significant.

After construction, when the Project is operational, the Project would improve water quality in Sausal Creek compared to existing conditions through implementation of source control measures. The Project would reduce the amount of existing impervious areas and stormwater run-off from new impervious areas would be directed through a bioretention area before entering the City of Oakland's stormwater system. The bioretention area would remove pollutants from stormwater run-off and reduce peak discharge to the stormwater system. If reservoir leakage occurs in the future, water would be conveyed to the bioretention area where it would be treated prior to entering the storm drain system. The water system would operate and be maintained in the same way as existing facilities. Therefore, impacts on water quality during operation would be less than significant.

Impact HYD-2: Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin.

#### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.9-18 to 3.9-19).

#### Facts in Support of Findings

Tank substructure construction would require dewatering to temporarily reduce groundwater levels in the immediate vicinity around the tank foundation during installation of CDSM columns. Such construction dewatering would temporarily result in a decrease in groundwater levels in the immediate vicinity of the site. However, such decreases would be localized and limited in duration to the approximately 19-month time frame for substructure construction. Thus, construction of the Project would not substantially decrease groundwater supplies or interfere with ongoing recharge capability on-site or in the surrounding area, nor would the Project interfere with sustainable management of groundwater resources in the basin and, therefore, construction impacts would be less than significant.

After construction and when the Project is operational, the site will have a smaller overall impervious area and a bioretention area underlain with a bioretention drain that could result in hydrologic alteration such that a localized reduction in groundwater recharge could occur but would not significantly impact the water table. To mimic the existing groundwater recharge rates through the pervious surface at the site, the bioretention drain would intercept percolated stormwater from the larger pervious areas. The potential loss of an average of 0.6 inch of run-off from pervious areas (estimated as being contributed to groundwater under existing conditions) might result in a localized slight reduction in on-site groundwater levels (under conditions with the Project), but would not significantly impact the water table for the surrounding urban area. The potential loss of this source of groundwater is less than what would ordinarily occur due to seasonal fluctuations (1.4 inches in the wettest year) and would not be a significant depletion. This local effect would not substantially interfere with groundwater or recharge of the aquifer and, therefore, operational impacts related to groundwater would be less than significant.

Impact HYD-3a: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would result in substantial erosion or siltation on or off site.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.9-19 to 3.9-21).

# **Facts in Support of Findings**

Construction of the Project would involve major alterations to the drainage patterns of the existing site, as the site would be reconfigured to accommodate new tanks and a drainage basin. Approximately 400,000 cubic yards (CY) of soil would be excavated and re-contoured on the Project site which, in the absence of appropriate design measures and practices, could result in substantial erosion and siltation on- and off site. The Project would reduce the amount of impervious surface on-site which could expose erodible soils during construction, prior to the establishment of ground cover. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD's Standard Construction Specification 01 35 44, Section 1.3(B), Water Control and Disposal Plan, and Section 1.3(A), Storm Water Management, which requires that the contractor submit a detailed Water Control and Disposal Plan to prevent erosion, scouring of bank, nuisance, contamination, and excess sedimentation into receiving waters and that the contractor develop and implement a SWPPP, which would limit delivery of silt and sediment by providing erosion control measures. With implementation of EBMUD Standard Construction Specifications, construction-related impacts related to alteration of drainage patterns resulting in substantial erosion or siltation on- or off-site during construction would be less than significant.

After construction, operation of the Project would include similar routine maintenance measures as the existing facilities, such as site and facility inspection, and vegetation management which would reduce the likelihood of erosion or siltation on and off site. The Project's bioretention area

would limit delivery of sediment (and other pollutants) to Sausal Creek because replacement trees and shrubs would be planted on the perimeter of the bioretention area, and unpaved areas would be planted with groundcover or mulched to capture silt that could otherwise be delivered to the waterway. The bioretention area would also slow the rate of run-off, which would further reduce the potential for erosion on- or off-site. Therefore, impacts related to alteration of drainage patterns resulting in substantial erosion or siltation on or off-site during operation would be less than significant.

Impact HYD-3b: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would substantially increase the rate or amount of surface run-off and result in flooding on- or off-site.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.9-21 to 3.9-22).

# **Facts in Support of Findings**

As described above in Impact HYD-3a, Project construction would alter the existing drainage patterns of the site. Soil-disturbing activities, such as excavation and site clearing, could increase stormwater run-off to downstream water bodies and storm drains. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD's Standard Construction Specification 01 35 44, Section 1.1(B), which requires control of site activities to manage surface water flows and specifies that ground alterations be removed and ground surfaces restored to their former condition at the completion of construction activities and the EBMUD Environmental Compliance Manual's Trench Spoil BMPs, which would require proper storage and disposal of excess material as not to alter local drainage patterns. With implementation of EBMUD's Standard Construction Specifications and EBMUD's Environmental Compliance Manual, construction-related alteration of local drainage patterns would be managed in a manner that would not substantially increase the rate or amount of surface run-off or result in flooding on- or-off site resulting in a less-than-significant impact.

After construction, the ground alterations would be removed and ground surfaces restored, and the Project would have a net decrease of approximately 12.4 acres of impervious surface area from the approximately 27-acre site, would effectively reduce peak stormwater run-off during rain events and provide additional opportunities for rainfall to percolate and evaporate within the landscaped bioretention area. Therefore, the decrease in the impervious area and the new bioretention basin, along with implementation of EBMUD's Standard Construction Specifications, operational-related alteration of local drainage patterns would be managed in a manner that would not substantially increase the rate or amount of surface run-off or result in flooding on- or off-site resulting in a less-than-significant impact.

Impact HYD-3c: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would create or contribute run-off water that exceeds the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted run-off.

### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.9-22 to 3.9-23).

# **Facts in Support of Findings**

The Project construction would require grading, excavation, stockpiling and other soil-disturbing activities on the Project site, potentially causing erosion or siltation. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction Specification 01 35 44, Environmental Requirements Section 1.1(B), Site Activities, Section 1.3(A), Storm Water Management, Section 1.3(B), Water Control and Disposal Plan, and Section 1.3(D), Spill Prevention and Response Plan. Section 1.1(B) requires controls on-site activities to prevent discharge of contaminated stormwater, including control of construction materials, control of surface water flows, restoration of ground surfaces, and maintenance of construction sites to prevent erosion. Section 1.3(A) requires stormwater management procedures to prevent the generation of polluted run-off from the site. Section 1.3(B) requires that the contractor submit a detailed Water Control and Disposal Plan prior to construction that complies with all discharge permit requirements. Section 1.3(D) includes measures to prevent and control spills of hazardous substances. EBMUD Standard Construction Specification 01 35 44 also stipulates that the contractor is responsible for preparation of a SWPPP, Water Control and Disposal Plan, Spill Prevention and Response Plan, and Discharge Plans, as applicable, that outline procedures to be followed to ensure effective stormwater/non-stormwater management and documentation of compliance. With implementation of the EBMUD Standard Construction Specifications, the capacity of the stormwater drainage system would not be exceeded and substantial additional sources of polluted run-off would not occur and therefore the impact would be less than significant.

After construction, the completed Project would slow and regulate the rate of run-off (relative to existing conditions) and provide pretreatment via the bioretention basin and the Project would not exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff and, therefore, operational impacts would be less than significant.

Impact HYD-3d: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would impede or redirect flood flows.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.9-23 to 3.9-24).

# **Facts in Support of Findings**

Construction of the Project would involve major alterations to the drainage patterns of the existing site as the site would be reconfigured to accommodate new tanks and a drainage basin. However, potential downstream flooding from stormwater will be reduced because construction will remove approximately 12.4 acres of impervious surfaces on the 27-acre site. Also, the site will continue to drain to the same storm drain system as the existing site Furthermore, as summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 01 35 44 Section 1.3(A), Stormwater Management, Section 1.3(B), Water Control and Disposal Plan, and Section 1.3(D), Spill Prevention and Response Plan, which stipulates that the contractor is responsible for preparation of a SWPPP, Water Control and Disposal Plan, Spill Prevention and Response Plan, and Discharge Plans, as applicable, that outline procedures to be followed to ensure effective stormwater/non-stormwater management and documentation of compliance. With implementation of EBMUD Standard Construction Specifications, potential construction-related impacts related to impeding or redirecting flood flows would be less than significant.

Following construction, the Project would not alter the course of Sausal Creek and would result in a net reduction of approximately 12.4 acres of impervious surfaces on the 27-acre site. Although the Project would substantially alter the existing drainage patterns on-site, the Project would not add impervious surfaces over and above existing conditions. In the unlikely event of a flood, a portion of the stormwater would be allowed to percolate before being conveyed through the storm drains which would reduce flood risks. The Project would be designed to function such that floodwater would not be impeded in a fashion that would result in deleterious consequences for neighboring parcels and therefore impacts would be less than significant.

Impact HYD-4: Conflict with or obstruct implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan.

#### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.9-24 to 3.9-25).

# **Facts in Support of Findings**

Construction-related activities involving soil disturbance, such as grading, excavation, cut and fill, stockpiling of soils, and dewatering, could result in erosion, siltation, and/or delivery of sediments to surface waters which could contribute to water quality degradation. In addition, as construction equipment would require the use of fuels, lubricants, and other hazardous materials, if these materials are stored improperly during Project construction, water quality violations could occur. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project,

including EBMUD Standard Construction Specification 01 35 44, Section 1.3(A), Storm Water Management, which requires qualified professionals to implement effective stormwater and non-stormwater management practices and conduct inspections and monitoring as part of the SWPPP. The SWPPP must be reviewed and approved by EBMUD before the start of construction, and requires the contractor to control discharge of soil, sediment, and concrete residue and control pH and chlorine residual of any discharges. With implementation of EBMUD Standard Construction Specifications, construction of the Project would not conflict with or obstruct surface or groundwater objectives identified in the East Bay Plain groundwater subbasin of the Santa Clara Valley groundwater basin nor would it be inconsistent with the San Francisco region's Water Quality Control Plan objectives and, therefore, impacts would be less than significant.

After construction, once operational, the Project would incorporate source control measures and improve water quality. Thus, the Project would be consistent with the San Francisco region's Water Quality Control Plan objectives. Impacts related to the Project's alteration of local hydrology would not result in effects that would be out of range from what would be observed with seasonal fluctuation. Therefore, the Project would not impact or obstruct implementation of the Sustainable Groundwater Management Plan and impacts would be less than significant.

#### 4.4.10. Noise

Impact NOI-2: Result in the generation of excessive groundborne vibration or groundborne noise levels.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.10-44 to 3.10-46).

# **Facts in Support of Findings**

Project construction activities could produce groundborne vibration. If groundborne vibration generated by Project-related demolition and construction activities for any of the project phases exceed 0.5 in/sec PPV at a residence or other sensitive structure, damage could result. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction Specification 01 35 44, Environmental Requirements, Section 3.5, Vibration Control, and Section 1.3(H), Vibration Control and Monitoring Plan, which requires that the contractor not exceed a threshold vibration limit of 0.5 in/sec PPV to minimize the potential for structural damage from vibration and the contractor will submit a plan detailing the means and methods for controlling and monitoring surface vibration generated by demolition and other work on the site for the Engineer's acceptance. With implementation of EBMUD Standard Construction Specifications, construction-related vibration impacts would be less than significant.

Following construction, the Project would include the replacement of an existing open-cut reservoir with three concrete tanks, which would not generate a new source of vibration. Maintenance and repair activities would occur as needed or as part of routine facility monitoring in accordance with

standard inspection schedules, and the frequency of monitoring or maintenance activities would not change from current conditions. There would be no impact associated with Project operations resulting in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

#### 4.4.11. Recreation

Impact REC-1: Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

### **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.11-5 to 3.11-6).

# **Facts in Support of Findings**

The Project does not propose to construct new homes or businesses and would not increase the number of residents in the Project area. Thus, the Project would not generate or attract additional population that could result in increased use of existing recreational facilities, such that substantial physical deterioration of the facilities could occur or be accelerated. Construction activities near the East 29th Street entrance could decrease the ease of access to the Central Reservoir Recreation Area or discourage users from parking and using the recreation area during construction. The potential decrease in ease of access may reduce public use of the Central Reservoir Recreation Area over the short-term, but the possibility of conflicts is reduced by the fact that construction would not occur on weekends, which is typically the peak use time for recreation facilities. Some potential recreational users may choose to avoid the Central Reservoir Recreation Area during construction work hours and choose to utilize other parks and recreational facilities in the Project area during Project construction. The Project would not be expected to cause permanent displacement of users of these areas because there would be no permanent change to recreation areas and the construction would end after 6-years. There is sufficient alternative recreational facilities in the immediate Project area to accommodate any temporarily "displaced" recreationists and some additional use of these areas during construction work hours over the 6-year construction time period would not result in substantial physical deterioration. Therefore, construction related impacts to recreation facilities would be less than significant because the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities.

After construction, operation of the Project would not result in an increase in the use of existing neighborhood and regional parks or other recreational facilities and impacts would be less than significant.

#### 4.4.12. Transportation and Circulation

Impact TRA-2: Conflict or be consistent with *CEQA Guidelines* Section 15064.3, Subdivision (b).

Preliminary-Subject to Revision

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR page 3.12-27).

# **Facts in Support of Findings**

The Project does not meet any of the criteria for consideration of impacts on vehicle miles traveled for public service land uses. Therefore, there would be no impact associated with vehicle miles traveled.

### Impact TRA-4: Result in inadequate emergency access.

# **Findings**

EBMUD hereby finds that impacts would be less than significant (see Draft EIR pages 3.12-30 to 3.12-32).

# **Facts in Support of Findings**

The Alameda County Emergency Operations Plan does not provide any specific evacuation routes, as these are anticipated to be coordinated by local law enforcement and emergency services. Project construction activities would not require any full roadway closures. There would be partial road closures associated with the installation of pipeline work, which would take place on East 29th Street over a period of approximately 1 week, including approximately 2 nights. As summarized in Exhibit B, Table 2, a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including EBMUD Standard Construction Specification 01 55 26, Traffic Regulation, which requires a Traffic Control Plan that includes a description of emergency response vehicle access to ensure that emergency responders have access during the construction period. With implementation of EBMUD Standard Construction Specifications, construction-related impacts on emergency access would be less than significant.

After construction, vehicle trips generated by Project operations would remain the same as the existing conditions, and because the existing street network currently accommodates access by emergency vehicles that travel to and around the Project site, the Project's operational impacts on emergency vehicle access would be less than significant.

If the School's Access Driveway Design Option were adopted and the School constructed a new private driveway between Ardley Avenue and the School, there would be no permanent physical changes in the roadways surrounding the Project site that would impede emergency vehicle access. Emergency vehicles would be able to access the roadways surrounding the Project site in the same way as under existing conditions. Furthermore, the new driveway would provide additional east-west access across the Project site where none currently exists, thereby improving emergency access to the Project site. Therefore, the operational impacts of the design option on emergency vehicle access would be less than significant.

Preliminary-Subject to Revision

#### 4.4.13. Cumulative Impacts

### **Cumulative Aesthetics Impacts**

# **Findings**

The Project would not result in a cumulatively considerable contribution to aesthetic impacts (see Draft EIR pages 3.1-40 through -41).

# **Facts in Support of Findings**

A significant cumulative effect on aesthetic resources would result if the effects of the Project combined in space and time with those of cumulative projects to cause substantial degradation of the same scenic resources. A significant cumulative effect related to light and glare would result if the effects of the Project combined in space and time with those of other cumulative projects to cause substantial nuisance or hazard conditions on the same light-sensitive receptor.

The cumulative projects listed in Section 3.0, Table 3.0-1 and shown on Figure 3.0-1 are all located between approximately 1,320 feet and 1 mile away from the Project site. Construction activities at nearby project sites could be noticeable and visually unappealing, as seen by users of nearby public spaces, as well as a viewer moves through the area. However, construction-phase impacts of the pipeline replacement projects would generally be confined in extent to the immediate work areas. In addition, the impacts would be limited to periods of a few days to weeks along these cumulative project pipeline alignments. The existing buildings, vegetation, and topography would obstruct views of the proposed pipeline project areas. Similarly, views from the Project site toward the cumulative project site locations would be obstructed by the same existing physical features. The change in visual context of the Project site would not have a substantial negative effect on the visual quality or character of the site, because the tanks would remain as a water utility facility, and the perceived height and massing of the tanks above the existing reservoir would be consistent with the structures in the vicinity of the Project site. In addition, the new tanks would blend within the surrounding vegetation and earthen berms planted with new vegetation. Therefore, the Project would not contribute to any cumulative impact on visual resources.

None of the cumulative projects listed in Table 3.0-1 would include permanent outdoor lighting. As described in Impact AES-4, the Project would not utilize building materials or building finishes that would be substantial sources of glare. Permanent motion-detected outdoor security lighting would be installed at the valve structure between the tanks. Because the lighting would be on the structure between the tanks, and the area requiring lighting would not be close to residences or other land uses that would be sensitive to light and glare, the Project would not result in a substantial new source of light in the area. Therefore, the Project would not contribute to any cumulative impacts related to a new source of substantial light or glare that would adversely affect views of the Project area.

#### **Cumulative Cultural Resources Impacts**

# **Findings**

The Project would not result in a cumulatively considerable contribution to cultural resources impacts (see Draft EIR page 3.4-20).

### **Facts in Support of Findings**

There are no known historic architectural resources that qualify as historical resources, archaeological resources, tribal cultural resources, or human remains in the Project site; therefore, the Project would not contribute to a significant cumulative effect on cultural resources.

Federal, state, and local laws can generally protect cultural resources in most instances. Development in the geographic scope would be required to comply with the same provisions of CEQA and implement measures similar to those identified above (EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements, Section 3.9, Protections of Cultural and Paleontological Resources). These measures would require protocols for responding in the event of inadvertent discovery of archaeological resources or human remains.

Through compliance with applicable regulations and implementation of associated avoidance and minimization measures, the Project would not have a considerable contribution to adverse effects on cultural resources of the region. This cumulative impact would be less than significant.

# **Cumulative Energy Impacts**

#### **Findings**

The Project would not result in a cumulatively considerable contribution to energy impacts (see Draft EIR page 3.5-9).

#### **Facts in Support of Findings**

The Project's energy impacts would be primarily associated with the construction phase and there would be no operational impacts. Construction of the Project and cumulative projects identified in the EIR would result in the consumption of fuels in construction equipment, as well as vehicles used for worker commute and material hauling. However, as with the Project, use of these fuels would be consistent with standard construction and manufacturing practices and would not be considered wasteful or unnecessary. Additionally, all construction vehicles and equipment would be required to comply with federal standards for vehicle fuel efficiency. Therefore, although the use of energy for construction would constitute an irreversible use of a finite resource, given that construction activities are short term and given that construction practices and equipment used would be consistent with applicable standards and regulations, this would not be considered a cumulatively significant impact. The Project's contribution to this less-than-significant cumulative impact would be further reduced by the implementation of a number of EBMUD standard practices and procedures, applicable to all EBMUD projects, including Standard Construction Specification 01 35 44, Environmental Requirements.

### **Cumulative Geology, Soils and Seismicity Impacts**

# **Findings**

The Project would not result in a cumulatively considerable contribution to geology, soils, and seismicity impacts (see Draft EIR page 3.6-21 through -23).

### **Facts in Support of Findings**

The Project would have no impact with respect to fault rupture or having soils capable of supporting the use of septic tanks. Accordingly, the Project could not contribute to cumulative impacts related to these topics and are not described further.

Impacts on geology and soils are generally localized and do not result in regionally cumulative impacts. All cumulative projects would be required to prepare and implement a SWPPP. Through compliance with this requirement, the potential for erosion impacts would be controlled.

Seismically induced groundshaking, liquefaction and lateral spreading, and expansive or corrosive soils could cause structural damage or ruptures during construction and operations phases. However, state building regulations and standards address and reduce the potential for such impacts to occur. The Project and cumulative projects would be required to comply with the same applicable provisions of these laws and regulations. Through compliance with these requirements, the potential for impacts would be reduced. Based on compliance with these requirements, the incremental impacts of the Project, combined with impacts of other projects in the area, would not combine to cause a significant cumulative impact related to seismically induced groundshaking, liquefaction and lateral spreading, or expansive or corrosive soils. Therefore, the Project's contributions to a cumulative effect would be less than significant.

#### **Cumulative GHG Emissions Impacts**

#### **Findings**

The Project would not result in a cumulatively considerable contribution to GHG emissions impacts (see Draft EIR page 3.7-17).

# **Facts in Support of Findings**

GHG emissions from the construction and development of the Project would be less than significant. The Project would also comply with the goals and actions of applicable GHG reduction plans at the local and state levels that aim to achieve the 2030 target established by SB 32 for California to meet a 40 percent reduction in GHG emissions by 2030 compared to 1990 levels. Therefore, Project contribution to the global cumulative impact would be less than significant.

#### **Cumulative Hazards and Hazardous Materials Impacts**

#### **Findings**

The Project would not result in a cumulatively considerable contribution to hazards and hazardous materials impacts (see Draft EIR page 3.8-23 through -24).

#### **Facts in Support of Findings**

The Project would have no impact with respect to being located on a site that is included on a list of hazardous materials sites, within 2 miles of a public or private airstrip, or wildland fire hazards. Accordingly, the Project could not contribute to cumulative impacts related to these topics, which are not described further.

Cumulative projects involving releases of or encountering hazardous materials would all be required to remediate their respective sites to the same established regulatory standards. This would be the case regardless of the number, frequency, or size of the release(s), or the residual amount of chemicals present in the soil from previous spills. While it is possible that the Project and cumulative projects could result in releases of hazardous materials at the same location and time, the responsible party associated with each spill would be required to remediate site conditions to the same established regulatory standards. The potential residual effects of the Project that would remain after compliance with regulatory requirements would not combine with the potential residual effects of cumulative projects to cause a significant cumulative impact because residual impacts would be highly site-specific and would have been cleaned up to the same regulatory standard. Accordingly, no substantial cumulative impact with respect to the use of hazardous materials would result, and the Project would have a less-than-significant contribution to a cumulative impact with respect to hazards and hazardous materials during construction.

Similar to the Project, cumulative projects that require temporary lane closures would also be required by the local agency with jurisdiction to implement traffic control plans to enable flow around construction zones. Therefore, the Project would have a less-than-significant contribution to a cumulative impact with respect to emergency plans or routes.

Operation of the Project would not result in the routine use or transport of hazardous materials within the Project area, nor would it generate hazardous waste or release hazardous materials into the environment and, therefore, would not contribute to cumulative impacts related to hazardous materials.

Vehicle trips generated by Project operations would remain the same as the existing conditions. With approximately 4 monthly vehicle trips for operation and maintenance activities, the Project's contribution to the existing street network would be negligible and, therefore, could not cumulatively interfere with an adopted emergency response plan or emergency evacuation plan.

### **Cumulative Hydrology and Water Quality Impacts**

# **Findings**

The Project would not result in a cumulatively considerable contribution to hydrology and water quality impacts (see Draft EIR page 3.9-26).

# **Facts in Support of Findings**

The Project would have no impact with respect to being located in a floodplain, or be subject to seiches or tsunamis. The Project would not contribute to cumulative impacts related to these topics and are not addressed further.

Cumulative projects would in most cases include excavation and trench construction that could impact water quality in ways similar to those identified for construction of the Project. Possible impacts could include the delivery of nonpoint source pollutants such as silt and sediments into storm drains, and changes in the local groundwater table through temporary dewatering measures. The pipeline replacement projects under the control of EBMUD could potentially overlap with the Project's proposed time frame. However, as with the Project, these projects would be required to implement site-specific discharge controls, or otherwise implement a SWPPP and EBMUD Standard Construction Specification 01 35 44 (referenced in this section) such that impacts would not be at a level that would significantly impact receiving waters. Therefore, the Project (even if it occurred concurrently with the cumulative projects) would not contribute impacts related to hydrology that would be cumulatively considerable. Moreover, possible temporary changes in the groundwater conditions related to dewatering activity would not persist beyond the duration of construction. Operation of the Project would not present significant impacts or accumulate additional impacts that, when combined with impacts of other projects constructed close to the Project, would be cumulatively considerable.

### **Cumulative Noise Impacts**

# **Findings**

The Project would not result in a cumulatively considerable contribution to noise impacts (see Draft EIR page 3.10-46).

# Facts in Support of Findings

The geographic scope of analysis for cumulative noise and vibration construction impacts encompasses sensitive receptors within approximately 500-feet of the Project site. Beyond 500-feet, the contributions of noise and vibration from other projects would be greatly attenuated through both distance and intervening structures, and their contribution would be expected to be minimal. All cumulative projects with construction schedules potentially overlapping with Project construction are at least 1,500-feet from the Project site and are therefore sufficiently distant to not meaningfully contribute to cumulative construction noise or vibration impacts.

### **Cumulative Recreation Impacts**

#### **Findings**

The Project would not result in a cumulatively considerable contribution to recreation impacts (see Draft EIR page 3.11-7).

#### **Facts in Support of Findings**

Construction activities at all of the cumulative project sites could discourage people from traveling along affected roadways, but would not result in a decrease in access to nearby recreational facilities. Construction activities occurring at all of the cumulative project sites, including impacts to roadways potentially used for entrance to recreational facilities, may result in temporary traffic and roadway access impacts. However, these impacts would be confined in extent to the immediate work areas and limited in duration to periods of a few days to weeks. Cumulative construction activities at all of the cumulative project sites would not cause an

increase in the use of existing recreational facilities such that substantial physical degradation of these facilities would occur. Therefore, the Project would not contribute to any cumulative impact on recreational resources.

### **Cumulative Transportation Impacts**

# **Findings**

The Project would not result in a cumulatively considerable contribution to transportation impacts (see Draft EIR page 3.12-32).

# **Facts in Support of Findings**

Because of increased traffic disruptions, concurrent construction of the Project and the cumulative projects could result in potentially significant cumulative impacts on traffic. Such impacts would include a short-term increase in vehicle traffic, and reductions in the number or the available width of travel lanes on roads where construction would occur. In addition, concurrent construction of these projects could create traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways. Access to adjacent land uses and streets for both general traffic and emergency vehicles could be disrupted. Potentially significant cumulative traffic and transportation access and facility impacts of the type described above could occur along the regional transportation corridors and identified truck routes, in the vicinity of the Project site. Such impacts also would be expected along local arterial and neighborhood roadways connecting regional thoroughfares with specific project construction sites.

A number of EBMUD standard practices and procedures, applicable to all EBMUD projects, have been incorporated into the Project, including Standard Construction Specification 01 55 26, Traffic Regulation, which requires the preparation of a Traffic Control Plan. This Traffic Control Plan would reduce the Project's safety hazards, emergency access, and bicycle and pedestrian facilities impacts. Therefore, the Project's contribution to cumulative construction-related transportation impacts would be less than significant.

# 5. Statement of Overriding Considerations

CEQA requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a Project against its unavoidable environmental impacts when determining whether to approve the Project. The lead agency may decide to accept significant and unavoidable adverse environmental effects, if the specific economic, legal, social, technological, or other benefits of the Project outweigh the unavoidable, adverse effects. (CEQA Guidelines Section 15093)

As described in Section 4.2 of these Findings and analyzed in Section 3.10 of the Draft EIR, there is one temporary, potentially significant and unavoidable adverse environmental effect of the Project related to temporary construction-period noise impacts: Impact NOI-1. These impacts concern noncompliance with the City of Oakland's Noise ordinance resulting from some project construction activities.

In accordance with Section 15093 of the CEQA Guidelines, the Board hereby finds that the following economic, legal, social, technological, or other benefits of the Project override and outweigh the above referenced potentially significant and unavoidable adverse environmental effects of the Project and makes this statement of overriding considerations to support its action to approve the Project.

EBMUD has identified the need to replace the existing Central Reservoir because it has reached the end of its useful life and requires removal and disposal of PCBs in the reservoir's interior coating. Reservoir concerns also include a failing lining; a roof that does not meet current seismic codes; potential leakage in the upper areas of the panel craft lining, resulting in reduced operating levels; and difficult water quality operations as the existing reservoir is about three times larger than required and is located at an elevation that is too low relative to the customers it serves and other reservoirs in the Central Pressure Zone, creating unusable storage.

Each Project benefit set forth below constitutes an overriding consideration justifying Project approval. These benefits of the Project include:

- Long-term reliability and water quality. Providing storage capacity in multiple tanks at the Central Reservoir site will improve long-term reliability and water quality because each of the tanks can be removed from service for unplanned and planned outages or in response to seasonal reductions in demand or reductions in demand during droughts, while the other tank(s) remain in service. Reducing storage capacity at the Central Reservoir site so the resulting capacity is proportionate to anticipated demand and the entire depth of that capacity may be utilized will ensure water does not stay within the reservoir longer than necessary, which improves water quality. Raising the elevation of storage capacity at the Central Reservoir site will improve reliability because reservoirs within the central and southern portion of the Central Pressure Zone are capable of providing water service anywhere within that area of the pressure zone;
- Repair and replace aging infrastructure. Replace a reservoir at the end of its useful life and remove PCBs in the reservoir interior coating; and
- Reduce long-term operational costs for EBMUD customers. The new tanks would be
  easier to maintain and can be managed more efficiently than the existing reservoir. Also,
  because tanks are not regulated by the Division of Safety of Dams, the long-term
  monitoring, permitting and operational costs associated with managing a dam would be
  eliminated.

The Board hereby finds and determines that it has considered identified means of lessening or avoiding the Project's significant impacts and that if any impacts remain significant and unavoidable, those impacts are acceptable in light of the Project benefits discussed above. Each of these economic, legal, social, technological and overall service-related benefits outweigh the identified potentially significant and unavoidable adverse environmental effect of the Project. Each of these benefits is a separate and independent basis for justifying Project approval, such that if a court were to set aside the determination that any particular benefit would occur, the Board determines that the remaining benefits, either in isolation or together, would justify Project approval.

Although the Board finds and determines that, with the exception of the potentially significant and unavoidable adverse environmental effects set forth in Section 4.2, all other potentially significant effects of the Project would be mitigated to less-than-significant levels by the imposition of the various mitigation measures, the Board also finds that to the extent that any such impacts set forth in Section 4.2 of this Findings document have any residual unavoidable impacts, such impacts are acceptable in light of the benefits provided by the Project.

# 6. Findings Related to Potential Growth Inducing Impacts

CEQA Guidelines Section 15126.2 requires the lead agency to discuss the growth inducing impacts of the Project.

As analyzed in Draft EIR Section 5.3 (pages 5-5 through 5-7), the Project would serve planned land-use changes and redevelopment Projects within the City of Oakland and elsewhere in the EBMUD service area. EBMUD completed the 2040 Demand Study in 2009. The 2040 Demand Study is an extensive and exhaustive study of factors to forecast future water demands to the year 2040 in EBMUD's service area. The Project is designed to serve demands identified in the 2040 Demand Study, and those demands were determined based largely on projected land use changes identified in the general plans for the cities within the Central Pressure Zone.

Because the 2040 Demand Study's demand projections are based on planned development already disclosed and incorporated into local general plans and subsequent amendments thereto, implementation of the Project would not support growth beyond planned levels or in areas not planned for development. The Project would neither directly nor indirectly support unplanned economic expansion, population growth, or residential construction in the EBMUD service area. Therefore, any potential growth-inducing impacts from the Project would be less than significant.

# 7. Findings Regarding Alternatives and Selecting the Project

The CEQA Guidelines require the lead agency to identify alternatives that would avoid or substantially lessen any of the significant adverse effects of the proposed Project, and to evaluate the comparative merits of the alternatives (CEQA Guidelines, Section 15126.6). This process may include evaluating those alternatives that could be costlier, or otherwise impede to some degree the attainment of certain Project objectives. The lead agency is also required to analyze the "no project" alternative in order to allow decision makers to compare the impacts of approving the proposed Project with the impacts of not approving the Project.

The alternatives analysis and screening phase consisted of a systematic process that examined the overall Project objectives and identified a range of alternatives for review before selection of the alternatives presented in detail in the Draft EIR. Alternatives considered in the analysis included alternatives identified by EBMUD in the *West of Hills Master Plan* (EBMUD, 2010) and *Central Reservoir Replacement Value Engineering Project Final Report* (Value Engineering Study; AECOM, 2017), as well as alternatives suggested by members of the public during scoping, and alternatives identified by the EIR preparers based on the environmental impacts described in Draft EIR Chapter 3.

As part of the Draft EIR, alternatives were evaluated to determine if there were any alternatives that could reduce the significant and unavoidable construction noise impacts associated with the Project. The No Project Alternative was also addressed in the Draft EIR.

Several alternatives were rejected from further analysis because the alternatives did not meet the basic Project objectives, were not feasible, and/or would not substantially lessen the significant environmental effects of the proposed Project (see Section 4.5, Alternatives Rejected from Further Consideration, in the Draft EIR on pages 4-8 and 4-11).

Based on the ability to meet the basic Project objectives, feasibility, and the potential to significantly lessen at least one potentially significant impact of the Project, one alternative (in addition to the No Project Alternative) was chosen to be carried forward for analysis in the Draft EIR. The Draft EIR evaluated the environmental impacts of the following alternatives: the proposed Project, the No Project Alternative, and the Three Steel Tanks Alternative, which would construct three 17-million gallon welded steel tanks in the same location as the Project.

### 7.1 Project Alternatives

### 7.1.1 No Project Alternatives

Under the No Project Alternative, EBMUD would not demolish Central Reservoir and replace it with new tanks. However, long-term continued operation of Central Reservoir in its current condition is not feasible. Likewise, abandonment of Central Reservoir is also not feasible as it is a key component of EBMUD's water distribution system.

Because Central Reservoir is a critical facility at the end of its useful life, EBMUD would still need to complete major rehabilitation of the existing reservoir, including removal of the black tar-board coating of the panel craft lining, which would serve to remove the PCBs; repair of the liner underneath, which would stop leakage; removal of the existing roof, which, does not meet seismic code requirements and contains asbestos-containing materials, to facilitate liner rehabilitation and then install a new roof; demolition of the existing RCS and construct a new RCS; and replacement of approximately 80-feet of 24-inch pipeline in the sidewalk and road of East 29th with a 30-inch pipeline (as described under the Project).

Upon completion of the rehabilitation, the reservoir would remain under Division of Safety of Dams jurisdiction and would continue to require monitoring, permitting and other operational costs associated with managing a dam.

No Project Alternative would not include complete demolition of the liner, the significant and unavoidable construction noise impacts related to demolition would be substantially less than under the Project. However, the significant and unavoidable noise impacts associated with site preparation and demolition (of the RCS) and tank and valve structure construction (pipeline connection work) would be the same as under the Project. Because the No Project Alternative would not include the School Access Driveway Design Option, transportation impacts related to the access driveway would not occur nor require mitigation. In general, the magnitude of all construction-phase air quality and noise impacts would be reduced compared to the Project.

Less-than-significant or potentially-significant aesthetic impacts associated with the Project would either not occur or would remain less than significant under the No Project Alternative.

The Board hereby rejects the No Project Alternative because it would fail to meet any of the Project's primary operational objectives, and most of the Project's secondary operational objectives. (See Draft EIR Table 4-3 on page 4-13). The No Project Alternative would not address the fundamental purpose of the proposed Project, which is to resolve operational constraints associated with the exiting reservoir. The No Project Alternative also does improve water service reliability and water quality. For all of these reasons, each of which would independently justify rejection, EBMUD finds that specific economic, legal, social, technological, and other considerations make this alternative infeasible.

#### 7.1.2 Three Steel Tanks Alternative

The Three Steel Tanks Alternative would replace Central Reservoir in the same location as the Project with three 17 MG welded steel tanks. The overall design and layout of the Project site under the Three Steel Tanks Alternative would be similar to the Project design, including major grading, access roads, and landscaping. The welded steel tanks would be in the same location as the concrete tanks under the Project. However, the welded steel tanks would require a more pronounced domed roof structure, with a final peak roof elevation of approximately 245 feet (approximately 13-feet taller than the Project tanks).

The demolition phase would be nearly identical to the Project. Because the site layout would be the same as the Project, the substructure construction phase, including the use of CDSM columns, would also be similar to the Project. The overall construction period for the Three Steel Tanks Alternative would be approximately 90 days shorter than under the Project and have approximately 10 percent fewer truck trips.

The significant impacts associated with Site Preparation and Demolition, Substructure Construction, RCS demolition and pipeline connection activities that would occur as part of Tank and Valve Structure Construction, and Site Restoration phases of construction would be the same as for the Project. Similar to the Project, the Three Steel Tanks Alternative would have significant and unavoidable impacts related to construction noise during Site Preparation and Demolition, Site Restoration construction phases, and due to pipeline connections and RCS construction activities during the Tank and Valve Construction phase. Other noise-related impacts during the Tank and Valve Structure construction phase would be mitigated to less-thansignificant levels, similar to the Project, but duration of superstructure construction would be shorter, as the steel tanks would be constructed quicker than concrete tanks. However, the phases of construction during which the significant and unavoidable noise impacts occur, as described above, will remain the same length as the Project. Effects on scenic vistas and the existing visual character of the site would be incrementally greater under this alternative (although still less than significant) because the steel tanks would be approximately 13 feet higher than the concrete tanks proposed under the Project. Because there would be approximately 10 percent fewer materials truck trips under this alternative, transportation-related effects on air quality, greenhouse gas emissions, and traffic volumes on local streets would be incrementally less than

with the Project. Impacts on biological and transportation resources would be identical to the Project.

Although the Three Steel Tanks Alternative would achieve all of the primary operational objectives and construction objectives, and most of the secondary project objectives, it would not meet the objective of minimizing life-cycle costs due to the need to periodically recoat the steel tanks.

The Three Steel Tanks Alternative fails to minimize life-cycle costs (capital, operating, and maintenance) to EBMUD's customers, and also increases visual and operational impacts. For all of these reasons, each of which would independently justify rejection, EBMUD finds that specific economic, legal, social, technological, and other considerations make this alternative infeasible.

# 7.2 Environmentally Superior Alternative

Construction for both the Project and the Three Steel Tanks Alternative would result in significant and unavoidable noise impacts during the Site Preparation and Demolition, Tank and Valve Structure Construction, and Site Restoration construction phases. Because construction of steel tanks would take less time and require approximately 10 percent fewer materials truck trips, the Three Steel Tanks Alternative would reduce the magnitude and duration of some construction-related air quality, GHG emissions, noise, and transportation impacts compared to the Project.

During operation, the Project and the Three Steel Tanks Alternative would have significant impacts associated with the School's Access Driveway Design Option, which could occur under either the Project or the Three Steel Tanks Alternative, and which would be mitigated to less-than-significant levels. Additionally, the Three Steel Tanks Alternative would require periodic recoating (approximately every 20 years), which involves sandblasting the tanks to remove paint and corrosion prior to recoating. Lastly, because the steel tanks would be approximately 13-feet taller than with the Project, less-than-significant aesthetic impacts related to obstruction of scenic vistas and changes in the visual character of the site would be incrementally worse with the Three Steel Tanks Alternative, but would remain less than significant.

Only the No Project Alternative, which would include the reservoir repair activities described in Draft EIR Section 4.2.1, would avoid some of the significant and unavoidable noise impacts of the Project (as well as the Three Steel Tanks Alternative), although noise impacts related to RCS construction and construction of pipeline connections would be the same as under the Project. The No Project Alternative is thus environmentally superior because it eliminates some of the significant and unavoidable adverse impacts associated with construction noise. However, as shown in Draft EIR Table 4-3, the No Project Alternative does not meet the Project's primary operational objectives, nor does it meet most of the Project's secondary operational objectives, although it would meet the construction objectives.

Section 15126.6(e)(2) of the CEQA Guidelines specifies that "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." The Three Steel Tanks Alternative would reduce the

magnitude and duration of some construction-related air quality and transportation impacts, which are mitigable to less than significant. The Three Steel Tanks Alternative would not reduce the significant and unavoidable construction period noise impacts. Because of the significant impacts associated with the Three Steel Tanks Alternative, there is no clearly environmentally superior alternative. The Project as proposed, is environmentally superior to the alternatives.

# 7.3 Project Selection

Based upon the Draft EIR, the Final EIR, and the Findings contained herein, the Board hereby finds and declares that the proposed Central Reservoir Replacement Project, as described in Section 1.3 of these Findings, and including the School Access Driveway Design Option, is approved.

# **EXHIBIT B**

# Mitigation Monitoring and Reporting Program (MMRP) & Practices and Procedures Monitoring and Reporting Program (PPMRP)

# **CEQA Requirements**

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 15091(d) states:

When making the findings required in subdivision (a)(1), the 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 avoid or substantially lessen significant environmental effects. These measures must be enforceable through permit conditions, agreements, or other measures.

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 EIR or adopted a mitigated negative declaration 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.

# **MMRP Matrix**

Table 1 lists all impact areas identified in the Draft EIR with significant or potentially significant impacts along with the proposed mitigation measures required to reduce impacts to less than significant levels. Note that the language of the mitigation measures includes the changes that were made to the Final EIR.

# **PPMRP Matrix**

Table 2 lists all applicable requirements from EBMUD's Standard Construction Specifications, Procedures, Reservoir Design Guide, Environmental Compliance Manual, and Engineering Standard Practices (EBMUD Practices and Procedures) 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, EBMUD adopted the PPMRP set forth in Table 2.

# TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Impact Area	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation
Aesthetics		W 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
Impact AES-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	Mitigation Measure AES-1: Nighttime Lighting Controls.  To the extent possible, EBMUD shall ensure that temporary stationary lighting used during nighttime construction is of limited duration, shielded, and directed downward or oriented such that little or no light is directly visible from nearby residences.	EBMUD and EBMUD's Construction Contractor	EBMUD	For the duration of nighttime construction
Biological Resources				
Impact BIO-1: 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 CDFW or USFWS.	Mitigation Measure AES-1: Nighttime Lighting Controls. (Details as listed under Impact AES-4)	EBMUD and EBMUD's Construction Contractor	EBMUD	For the duration of nighttime construction
Noise				
Impact NOI-1: Result in the 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.	Mitigation Measure NOI-1: Noise Control Measures  EBMUD shall erect a 16-foot tall K-rail mounted temporary noise barrier along EBMUD's property adjacent to the Redwood Day School for the entire construction duration. The noise barrier will be Sound Transmission Class (STC) rated and specific to sound attenuation applications. There may be some periods of construction when the noise barrier may be temporarily moved or dismantled to accommodate the Project construction area. EBMUD will schedule construction activities outside of normal school hours when it is feasible to do so if heavy construction equipment, including but not limited to impact equipment, is operated within 100 feet of the closest classroom or if the noise barrier needs to be temporarily removed to accommodate construction.  Additionally, noise barriers consisting of 6-foot-high acoustical paneling will be attached to the fencing along the western, southern and eastern site perimeter, except in areas where the 16-foot tall K-rail mounted temporary noise barrier is used along the Redwood Day School boundary as shown on revised Figure 3.10-3. No fence mounted noise barriers would be used along the northern site boundary between	EBMUD and EBMUD's Construction Contractor	EBMUD	During construction
	the site and I-580.  Mitigation Measure NOI-2: Off-site Accommodations for Affected Nighttime Receptors	EBMUD	EBMUD	10 days before
	At least ten (10) days in advance, EBMUD will notify residents of the Southern Residences that could be affected by nighttime (10:00 p.m. to 7:00 a.m.) pipeline connection construction near the 25th Avenue/East 29th Street intersection. Residences within 500-feet of the pipeline connection construction may request alternative lodging for the night(s) of the potential nighttime construction from EBMUD; alternative lodging will consist of a standard room at a hotel located within 5 miles of the affected residence or as close as feasible. Alternative lodging will be provided and approved by EBMUD the day before the known nighttime construction occurs, or sooner, based upon the types of construction activities that may occur during the nighttime hours (10:00 p.m. to 7:00 a.m.). This measure would only be implemented if nighttime construction occurs.	23.703	23,110	and through the duration of nighttime pipeline connection construction

# TABLE 1 (CONTINUED) MITIGATION MONITORING AND REPORTING PROGRAM

Impact Area	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation
Transportation and Circulation				
Impact TRA-1: Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	Mitigation Measure TRA-1: Conduct an operational and safety analysis by a traffic engineer for the Ardley Avenue/new Redwood Day School Driveway intersection for the Redwood Day School Access Driveway Design Option.  To minimize potential conflicts between the existing traffic on Ardley Avenue and the diverted traffic exiting onto Ardley Avenue from the new Redwood Day School Access Driveway Design Option, EBMUD shall as part of any agreement with Redwood Day School require that the school conduct an operational and safety analysis by a traffic engineer for the Ardley Avenue/new Redwood Day School access driveway intersection. The performance standard for the analysis is to minimize potential vehicular, pedestrian, and bicycle conflicts, based on the professional opinion of the traffic engineer and in accordance with City of Oakland Public Works Department standards. At a minimum, the analysis would evaluate the following:  Traffic operational analysis consistent with City of Oakland Public Works Department standards to determine what type of stop-control (e.g., stop sign, traffic signal, etc.) is appropriate.  An evaluation of sight distances for vehicles turning out of the Redwood Day School access driveway to ensure that any turns out of the driveway can be made safely.  An evaluation of pedestrian and bicycle volumes along Ardley Avenue to determine whether signage and/or flashing beacons are warranted to alert driveway users to the presence of pedestrians and bicyclists on Ardley Avenue.  An evaluation of whether signage is warranted along both travel directions of Ardley Avenue in advance of the driveway to alert roadway users of "Driveway Ahead."  An evaluation of vehicular travel speeds on Ardley Avenue to determine whether traffic calming features such as school signage and/or speed bumps are warranted to slow traffic in the vicinity of the driveway.	EBMUD and EBMUD's Traffic Engineer	EBMUD	Prior to construction
Impact TRA-3: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	If the operational and safety analysis concludes that turns out of the driveway can be safely accommodated, and this finding is endorsed by City of Oakland Public Works Department staff, then EBMUD could allow vehicular movements from the driveway onto Ardley Avenue.  Mitigation Measure TRA-2: As part of the Traffic Control Plan, include traffic control measures for trucks traveling along East 27th Street.  The following measures shall be implemented during the entire duration of the Project construction, to reduce the Project's temporary impacts on traffic circulation:  Hauling and material delivery trucks and equipment delivery trucks traveling to and from the Project site during construction shall be restricted in both travel directions along East 27th Street between Fruitvale Avenue and 23rd Avenue during the typical Manzanita Community School (2409 East 27th Street) drop-off and pick-up hours. Manzanita Community School is open between 8:30 a.m. and 3:00 p.m., and the peak drop-off and pick-up hours are from 7:30 a.m. to 8:30 a.m. and from 3:00 p.m., respectively. The construction contractor shall confirm the start and dismissal times prior to the beginning of each school year.	EBMUD and EBMUD's Construction Contractor	EBMUD	During construction

# TABLE 1 (CONTINUED) MITIGATION MONITORING AND REPORTING PROGRAM

Impact Area	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation
Transportation and Circul	ation (cont.)			
Impact TRA-3 (cont.)	<ul> <li>If it is not feasible to avoid hauling and material delivery trucks and equipment delivery trucks during school drop-off and pick-up hours, the construction contractor shall provide flaggers at the crosswalks of the East 27th Street/25th Avenue intersections to manage traffic flow and maintain traffic safety. If construction trucks travel along East 27th Street, between 25th Avenue and 23rd Avenue, the construction contractor shall also provide flaggers near the existing white passenger loading zone on East 27th Street between the gate of Manzanita Community School and 25th Avenue.</li> </ul>			

TABLE 2
EBMUD PRACTICES AND PROCEDURES MONITORING AND REPORTING PLAN

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Aesthetics				
	<ol> <li>EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements</li> <li>Section 1.1, Summary</li> <li>No debris including, but not limited to, demolition material, treated wood waste, stockpile leachate, soil, sill, sand, bark, slash, sawdust, asphalt, rubbish, paint, oil, cement, concrete or washings thereof, oil or petroleum products, or other organic or earthen materials from construction activities shall be allowed to enter into storm drains or surface waters or be placed where it may be washed by rainfall or runoff outside the construction limits. When operations are completed, excess materials or debris shall be removed from the work area as specified in the Construction and Demolition Waste Disposal Plan.</li> <li>Excess material shall be disposed of in locations approved by the Engineer consistent with all applicable legal requirements and disposal facility permits.</li> <li>Do not create a nuisance or pollution as defined in the California Water Code. Do not cause a violation of any applicable water quality standards for receiving waters adopted by the Regional Board or the State Water Resources Control Board, as required by the Clean Water Act.</li> <li>Clean up all spills and immediately notify the Engineer in the event of a spill.</li> <li>Stationary equipment such as motors, pumps, and generators, shall be equipped with drip pans.</li> <li>Divert or otherwise control surface water and waters flowing from existing projects, structures, or surrounding areas from coming onto the work and staging areas. The method of diversions or control shall be adequate to ensure the safety of stored materials and of personnel using these areas. Following completion of Work, ditches, dikes, or other ground alterations made by the Contractor shall be removed and the ground surfaces shall be returned to their former condition, or as near as practicable, in the Engineer's opinion.</li> <li>Maintain construction sites to ensure that drainage from these sites</li></ol>	EBMUD and EBMUD's Construction Contractor	EBMUD	Prior to and During Construction

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Aesthetics (cont.)		SES BURN		
Impact AES-3 (cont.)	<ol> <li>Construction staging areas shall be graded, or otherwise protected with Best Management Practices (BMPs), to contain surface runoff so that contaminants such as oil, grease, and fuel products do not drain towards receiving waters including wetlands, drainages, and creeks.</li> </ol>			
	10. All construction equipment shall be properly serviced and maintained in good operating condition to reduce emissions. Contractor shall make copies of equipment service logs available upon request.			
	11. Any chemical or hazardous material used in the performance of the Work shall be handled, stored, applied, and disposed of in a manner consistent with all applicable federal, state, and local laws and regulations.			
	12. Contaminated materials excavated and/or removed from the construction area shall be disposed of in a manner consistent with all applicable local, state, and federal laws and regulations.			
	Section 3.7, Protection of Native and Non-Native Protected Trees			
	A. Tree Protection			
	<ol> <li>Locations of trees to be removed and protected are shown in the construction drawings.     Pruning and trimming shall be completed by the Contractor and approved by the Engineer.     Pruning shall adhere to the Tree Pruning Guidelines of the International Society of     Arboriculture.</li> </ol>			
	2. Erect exclusion fencing five feet outside of the drip lines of trees to be protected. Erect and maintain a temporary minimum 3-foot high orange plastic mesh exclusion fence at the locations as shown in the drawings. The fence posts shall be six-foot minimum length steel shapes, installed at 10-feet minimum on center, and be driven into the ground. The Contractor shall be prohibited from entering or disturbing the protected area within the fence except as directed by the Engineer. Exclusion fencing shall remain in place until construction is completed and the Engineer approves its removal.			
	3. No grading, construction, demolition, trenching for irrigation, planting or other work, except as specified herein, shall occur within the tree protection zone established by the exclusion fencing installed shown in the drawings. In addition, no excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the tree protection zone.			
	4. In areas that are within the tree drip line and outside the tree protection zone that are to be traveled over by vehicles and equipment, the areas shall be covered with a protective mat composed of a 12-inch thickness of wood chips or gravel and covered by a minimum ¾-inch-thick steel traffic plate. The protective mat shall remain in place until construction is completed and the Engineer approves its removal.			
	<ol><li>Tree roots exposed during trench excavation shall be pruned cleanly at the edge of the excavation and treated to the satisfaction of a certified arborist provided by EBMUD.</li></ol>			
	<ol><li>Any tree injured during construction shall be evaluated as soon as possible by a certified arborist provided by EBMUD, and replaced as deemed necessary by the certified arborist.</li></ol>			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Aesthetics (cont.)		1 12 14 14 14		
Impact AES-3 (cont.)	EBMUD's Standard Construction Specification 01 74 05, Cleaning			
	Section 1.1, Description			
	A. Work included: Perform the work necessary for cleaning during construction and final cleaning on completion of the work.			
	B. Cleaning for specific products or work is specified in the individual specification sections.			
	Section 3.1, General			
	A. At all times maintain areas covered by the Contract and public properties free from accumulations of waste, debris, and rubbish caused by construction operations.			
	B. Conduct cleaning and disposal operations to comply with local ordinances and anti-pollution laws. Do not burn or bury rubbish and waste materials on project site. Do not dispose of volatile wastes such as mineral spirits, oil, or paint thinner in storm or sanitary drains. Do not dispose of wastes into streams or waterways.			
	C. Use only cleaning materials recommended by manufacturer of surface to be cleaned.			
	D. Use cleaning materials only on surfaces recommended by cleaning material manufacturers.			
	Section 3.2, Cleaning During Construction			
	A. During execution of work, clean site and public properties and legally dispose of waste materials debris, and rubbish to assure that buildings, grounds, and public properties are maintained free from accumulations of waste materials and rubbish. All soil and any other material tracked onto the streets by the Contractor shall be cleaned immediately. The Contractor shall comply with all rules and regulations as applicable for its cleaning method.			
	B. Dispose of all refuse off District property as often as necessary so that at no time shall there be any unsightly or unsafe accumulation of rubbish.			
	<ol> <li>Pine needles, leaves, sticks, and other vegetative debris on the ground shall be removed if they are in the way of construction, present a safety hazard, or present a fire hazard. Otherwise they shall be left in place during construction and final cleaning</li> </ol>			
	C. Wet down dry materials and rubbish to lay dust and prevent blowing dust.			
	D. Provide approved containers for collection and disposal of waste materials, debris, and rubbish.			
	E. Remove grease, dust, dirt, stains, labels, fingerprints, and other foreign materials from exposed and semi exposed surfaces.			
	F. Repair, patch, and touch up marred surfaces to specified finish to match adjacent surfaces.			
	G. Vacuum clean all interior spaces, including inside cabinets. Broom clean paved surfaces; rake clean other surfaces of grounds.			
	H. Handle materials in a controlled manner with as few handlings as possible; do not drop or throw materials from heights.			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Aesthetics (cont.)				
Impact AES-3 (cont.)	Section 3.3, Final Cleaning			
	A. At the completion of work on all portions of the contract and immediately prior to final inspection, cleaning of the entire project will be accomplished according to the following provisions:			
	<ol> <li>Thoroughly clean, sweep, wash, and polish all work and equipment, including finishes. The cleaning shall leave the structures and site in a complete and finished condition to the satisfaction of the Engineer.</li> </ol>			
	<ol><li>Should the Contractor not remove rubbish or debris or not clean buildings and site as specified above, the District reserves the right to have the cleaning done at the expense of the Contractor.</li></ol>			
	B. Employ professional cleaners for final cleaning.			
	C. In preparation for contract completion, conduct final inspection of sight exposed interior and exterior surfaces, and of concealed spaces.			
	D. Remove grease, dust, dirt, stains, labels, fingerprints, and other foreign materials from sight exposed interior and exterior finished surfaces; polish surfaces so designated to shine finish.			
	E. Repair, patch, and touch up marred surfaces to specified finish, to match adjacent surfaces.			
	F. Broom clean paved surfaces; rake clean other surfaces of grounds.			
	G. Replace air handling filters if units were operated during construction.			
	H. Clean ducts, blowers, and coils, if air handling units were operated without filters during construction.			
	<ol> <li>Clean luminaires in accordance with manufacturer's recommendations and relamp. Clean all light fixtures.</li> </ol>			
	J. Clean debris from roofs, gutters, and downspouts.			
	K. Remove from District property all temporary structures and all material, equipment, and appurtenances not required as a part of, or appurtenant to, the completed work.			
	L. Leave watercourses, storm drains, inlets, and ditches open and clear.			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Air Quality				
Impact AIR-1: Conflict with	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements	EBMUD and	EBMUD	During
or obstruct implementation of the applicable air quality	Section 1.3.E Dust Control and Monitoring Plan	EBMUD's Construction		Construction
of the applicable air quality plan.	1. Submit a plan detailing the means and methods for controlling and monitoring dust generated by demolition and other work on the site for the Engineer's acceptance prior to any work at the jobsite. The plan shall comply with all applicable regulations including but not limited to the Bay Area Air Quality Management District (BAAQMD) visible emissions regulation and Public Nuisance Rule. The plan shall include items such as mitigation measures to control fugitive dust emissions generated by construction activities. The Plan shall outline best management practices for preventing dust emissions, provide guidelines for training of employees, and procedures to be used during operations and maintenance activities. The plan shall also include measures for the control of paint overspray generated during the painting of exterior surfaces. The plan shall detail the equipment and methods used to monitor compliance with the plan. The handling and disposal of water used in compliance with the Dust Control Plan shall be addressed in the Water Control and Disposal Plan.	Contractor		
	<ol><li>Containment, as described in Article 3.3, shall be utilized during any abrasive blasting of the exterior of structures.</li></ol>			
	Section 3.3. Dust Control and Monitoring			
	B. Dust Control			
	<ol> <li>Contractor shall implement all necessary dust control measures, including but not limited to the following:</li> </ol>			
	a. All exposed surfaces with the potential of dust-generating shall be watered at least twice daily, or be covered with coarse rock, or as directed by the Engineer to reduce the potential for airborne dust from leaving the site.			
	b. The simultaneous occurrence of more than two ground disturbing construction phases on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time, as appropriate.			
	c. Cover all haul trucks entering/leaving the site and trim their loads as necessary.			
	d. Using wet power vacuum street sweepers to:			
	<ol> <li>Sweep all paved access road, parking areas and staging areas at the construction site daily or as often as necessary.</li> </ol>			
	<ol><li>Sweep public roads adjacent to the site at least twice daily or as often as necessary.</li></ol>			
	e. The use of dry power sweeping is prohibited.			
	f. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.			
	<ul> <li>Gravel or apply non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.</li> </ul>			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Air Quality (cont.)		15 E5 E5	ALCO HOLDS	
Impact AIR-1 (cont.)	h. Water and/or cover soil stockpiles daily.			
	<ol> <li>Site accesses to a distance of 100 feet from the paved road shall be treated with 12- inches layer of compacted coarse rock.</li> </ol>			
	<ol> <li>Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.</li> </ol>			
	<ul> <li>k. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.</li> </ul>			
	<ol> <li>Building pads shall be laid as soon as possible after grading.</li> </ol>			
	<ul> <li>vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</li> </ul>			
	<ul> <li>Wind breaks (e.g., fences) shall be installed on the windward sides(s) of actively disturbed areas of construction. Wind breaks should have a maximum 50 percent air porosity.</li> </ul>			
	<ul> <li>All vehicle speeds shall be limited to fifteen (15) mph or less on the construction site and any adjacent unpaved roads.</li> </ul>			
	C. Dust Monitoring During Demolition and Construction			
	<ol> <li>Provide air monitoring per the Dust Control and Monitoring Plan along the perimeter of the job site. A minimum of 4 stations, one on each side of the District property, shall be established, capable of continuous measurement of total particulate concentration when any dust generating activity is occurring.</li> </ol>			
	a. Ringelmann No. 1 Limitation: Contractor shall not emit from any source for a period or periods aggregating more than three minutes in any hour, a visible emission which is as dark or darker than No. 1 on the Ringelmann Chart, or of such opacity as to obscure an observer's view to an equivalent or greater degree.			
	b. Opacity Limitation: Contractor shall not emit from any source for a period or periods aggregating more than three minutes in an hour an emission equal to or greater than 20% opacity as perceived by an opacity sensing device, where such device is required by Air Quality Management District regulations.			
	<ul> <li>All environmental and personal air sampling equipment shall be in conformance with the Association of Industrial Hygiene and National Institute of Safety and Health (NIOSH) standards.</li> </ul>			
	<ul> <li>All analysis shall be completed by a California Department of Health Services certified laboratory for the specific parameters of interest.</li> </ul>			
	e. The Contractor shall provide to the Engineer, within 72 hours of sampling all test results.			
	D. The dust control system shall comply with the Dust Control and Monitoring Plan, the requirements of this section, and any applicable laws and regulations.			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Air Quality (cont.)				
Impact AIR-1 (cont.)	Section 3.4. Emissions Control			
	A. Air Quality and Emissions Control			
	<ol> <li>The Contractor shall ensure that line power is used instead of diesel generators at all construction sites where line power is available.</li> </ol>			
	<ol> <li>The Contractor shall ensure that for operation of any stationary, compression-ignition engines as part of construction, comply with Section 93115, Title 17, California Code of Regulations, Airborne Toxic Control Measure for Stationary Compression Ignition Engines, which specifies fuel and fuel additive requirements as well as emission standards.</li> </ol>			
	3. Fixed temporary sources of air emissions (such as portable pumps, compressors, generators, etc.) shall be electrically powered unless the Contractor submits documentation and receives approval from the Engineer that the use of such equipment is not practical, feasible, or available. All portable engines and equipment units used as part of construction shall be properly registered with the California Air Resources Board or otherwise permitted by the appropriate local air district, as required.			
	4. Contractor shall implement standard air emissions controls such as:			
	<ul> <li>a. Minimize the use of diesel generators where possible.</li> </ul>			
	b. 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.			
	<ul> <li>Follow applicable regulations for fuel, fuel additives, and emission standards for stationary, diesel-fueled engines.</li> </ul>			
	<ul> <li>d. Locate generators at least 100 feet away from adjacent homes and ball fields.</li> </ul>			
	<ul> <li>Perform regular low-emission tune-ups on all construction equipment, particularly haul trucks and earthwork equipment.</li> </ul>			
	<ol><li>Contractor shall implement the following measures to reduce greenhouse gas emissions from fuel combustion:</li></ol>			
	<ul> <li>On road and off-road vehicle tire pressures shall be maintained to manufacturer specifications. Tires shall be checked and re-inflated at regular intervals.</li> </ul>			
	<ul> <li>Construction equipment engines shall be maintained to manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> </ul>			
	<ul> <li>All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of Oxide of Nitrogen (NOx) and Particulate Matter (PM).</li> </ul>			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Air Quality (cont.)	PROPERTY OF THE PROPERTY OF TH			Bleen in the
Impact AIR-1 (cont.)	<ul> <li>Demolition debris shall be recycled for reuse to the extent feasible. See the Construction and Demolition Waste Disposal Plan paragraphs above for requirements on wood treated with preservatives.</li> </ul>			
	B. Architectural Coatings			
	<ol> <li>Architectural coatings used shall comply with appropriate Volatile Organic Compound limits as established in the Bay Area Air Quality Management District's Regulation 8, Rule 3 and/or the San Joaquin Valley Air Pollution Control District's Regulation IV, Rule 4601, and any amendments thereto.</li> </ol>			
	EBMUD's Standard Construction Specification 02 82 13, Asbestos Control Activities			
	Section 1.1, Compliance and Intent			
	A. Furnish all labor, materials, facilities, equipment, services, employee training and testing, permits, and agreements necessary to perform the lead removal in accordance with these specification and with the latest regulations from the U.S. Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the Air Quality Management District with authority over the project, the Cal/EPA Department of Toxic Substance Control, the California Occupational Safety and Health Administration (Cal/OSHA), and other federal, state, county, and local agencies. Whenever there is a conflict or overlap of the above references, the most stringent provision is applicable.			
	B. The Central Reservoir is known to contain asbestos materials. Notify the BAAQMD at (415) 749-4762 regarding the demolition of the Central Reservoir at least ten (10) work days prior to beginning demolition activities.			
	Section 1.5, Submittals (Pre-Job)			
	B. Plan of Action			
	1. Asbestos Abatement:			
	a. Submit a detailed plan of the procedures proposed for use in complying with the regulations included in this specification. The plan shall include the location and layout of decontamination areas, the sequencing of asbestos work, the interface of trades involved in the performance of work, disposal plan including location of approved disposal site, and a detailed description of the methods to be employed to control pollution. Expand upon the use of portable HEPA ventilation system, method of removal to prohibit visible emissions in work area, and packaging of removed asbestos debris. Include asbestos abatement in the Construction and Demolition Waste Disposal Plan, in accordance with Section 01 35 44.			
Impact AIR-2: Expose sensitive receptors to substantial pollutant concentrations.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements  Section 3.4(A) Air Quality and Emissions Control (Details as listed under Impact AIR-1)	EBMUD and EBMUD's Contractors	EBMUD	Prior to and During Construction

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Biological Resources				
Impact BIO-1: Have a	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements	EBMUD, EBMUD's	EBMUD	Prior to and
substantial adverse effect, either directly or through	Section 1.1(B), Site Activities (Details as listed under Impact AES-3)	Biologist, and EBMUD's		During Construction
habitat modifications, on any	Section 1.3, Submittals	Construction		
species identified as a candidate, sensitive, or	A. Storm Water Management	Contractor		
special-status species in	Construction General Permit			
local or regional plans, policies, or regulations or by the CDFW or USFWS.	a. The Contractor shall create a user account on the SWRCB's Storm Water Multi-Application & Report Tracking System (SMARTS). The Engineer will link the Contractor to the District's account as a Data Submitter. The Contractor shall prepare and upload to SMARTS Permit Registration Documents (PRDs), including, but not limited to, a Notice of Intent, a Site Specific Risk Assessment, a Site Map, and a Storm Water Pollution Prevention Plan (SWPPP) for the Engineer's review which meets the requirements of the SWRCB, for coverage under the General Construction Stormwater Permit (Order No. 2009-0009-DWQ) and amendments thereto. Upon acceptance by the Engineer, the Engineer will electronically certify and file the PRDs to gain permit coverage and the Contractor shall submit the registration and the subsequent annual fees as required by the SWRCB.			
	b. The Contractor shall be responsible for complying with the requirements of the Construction General Permit. The Contractor's responsibilities include, but are not limited to, providing qualified professionals as described in the permit to prepare and certify all permit-required documents/submittals and to implement effective stormwater/non-stormwater management practices, and conducting inspections and monitoring as required by the permit. The Contractor shall, in compliance with the permit, prepare and upload to SMARTS all required documents, photos, data, and/or reports (including the Annual Reports) and ensure permit coverage termination upon construction completion by preparing a Notice of Termination on SMARTS. The Contractor shall inform the Engineer when documents/reports are available on SMARTS for Engineer certification and submittal.			
	2. Storm Water Pollution Prevention Plan			
	a. Submit a Stormwater Pollution Prevention Plan that describes measures that shall be implemented to prevent the discharge of contaminated storm water runoff from the jobsite. Contaminants to be addressed include, but are not limited to, soil, sediment, concrete residue, pH less than 6.5 or greater than 8.5, and chlorine residual and all other contaminants known to exist at the jobsite location as described in Document 00 31 24 - Material Assessment Information.			
	B. Water Control and Disposal Plan			
	The Contractor shall submit a detailed Water Control and Disposal Plan for the Engineer's acceptance prior to any work at the jobsite.			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Biological Resources (co	nt.)			
Impact BIO-1 (cont.)	<ul> <li>Plan shall comply with all requirements of the Specification and applicable discharge permits. Table 1 summarizes discharge permits that may be applicable to District projects.</li> </ul>			
	<ul> <li>Contractor shall maintain proper control of the discharge at the discharge point to prevent erosion, scouring of bank, nuisance, contamination, and excess sedimentation in the receiving waters.</li> </ul>			
	2. Drinking Water System Discharges			
	<ul> <li>Plan shall include the estimated flow rate and volume of all proposed discharges to surface waters, including discharges to storm drains. All receiving waters shall be clearly identified.</li> </ul>			
	b. Contractor shall track all discharges directly to a surface water body or a storm drain system that drains to a surface water body. A record consisting of discharge locations and volumes shall be submitted to the Engineer prior to Contract Acceptance.			
	c. A monitoring program is required for drinking water system discharges greater than 325,850 gallons in conformance with Attachment E, Monitoring and Reporting Program, of the General Drinking Water Discharges Permit, when the water will be discharged either directly into a surface water body or a storm drain system that drains to a surface water body. A record consisting of discharge locations, volumes and Water Quality (WQ) data shall be submitted to the Engineer. The Planned Discharge Tracking Form, attached to the end of this section, may be used to fulfill this requirement. All monitoring results shall be submitted to the Engineer prior to Contract Acceptance.			
	<ol> <li>Contractor shall notify the Engineer, at least one week prior to the start of a planned discharge equal to or greater than 325,850 gallons, of the following:</li> </ol>			
	a) The discharge start date;			
	<ul> <li>b) The discharge location and the applicable receiving water;</li> </ul>			
	c) The flow rate and volume to be discharged; and			
	d) The reason(s) for discharge.			
	d. Contractor shall dechlorinate all drinking water system discharges to achieve a total chlorine residual concentration of < 0.1 mg/L measured with a handheld chlorine meter utilizing a US EPA approved method and provide effective erosion & sediment control to achieve a visual turbidity concentration of ≤ 100 NTU by implementing BMPs which meet the District minimum standards (see Figure 1 attached to the end of this section) or better.			
	e. Instead of discharging to surface waters, where feasible, Contractor shall beneficially reuse water derived from drinking water systems as defined in the General Drinking Water Discharges Permit. Potential reuse strategies include, but are not limited to, landscape irrigation, agricultural irrigation, dust control, and discharge to stormwater capture basins or other groundwater recharge systems. Contractor shall do so without impacting property or the environment. Contractor shall provide a record of reuse location(s) and volume(s) and submit it to the Engineer prior to Contract Acceptance.			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Biological Resources (co	ont.)			
Impact BIO-1 (cont.)	f. Contractor shall ensure that the pH level of any discharges shall not be depressed below 6.5, nor elevated above 8.5. If there is potential for discharges to be below 6.5 or above 8.5, Contractor shall employ pH adjustment best management practices to ensure discharges are within the range of 6.5 and 8.5. Contractor shall conduct onsite field measurements for pH per quality assurance and quality control (QA/QC) protocol that conform to U.S. EPA guidelines, or procedures approved by the American Water Works Association or other professional drinking water industry association. Contractor shall submit all monitoring results to the Engineer prior to Contract Acceptance.			
	3. Non-Stormwater Discharges			
	a. Plan shall describe measures for containment, handling, treatment (as necessary), and disposal of discharges such as groundwater (if encountered), runoff of water used for dust control, stockpile leachate, tank heel water, wash water, sawcut slurry, test water and construction water or other liquid that has been in contact with any interior surfaces of District facilities. Contractor shall provide the Engineer with containment, handling, treatment and disposal designs and a sampling & analysis plan for approval before commencing the Work. Sampling and analysis shall be in conformance with Sections 1.3 (K) Analytical Test Results and 3.1 SAMPLING AND ANALYSIS.			
	4. Sanitary Sewer Discharges			
	<ul> <li>a. It is District policy to send superchlorinated discharges from pipeline disinfection to the sanitary sewer system. Plan shall include a sampling and analytical program for superchlorinated discharges in conformance with the Sanitary Sewer Discharge Permit.</li> <li>All monitoring results shall be submitted to the Engineer prior to the end of the Work.</li> </ul>			
	b. Obtain and provide to the Engineer documentation from the agency (e.g., wastewater treatment plant, local sewer owner) having jurisdiction, authorizing the Contractor to dispose of the liquid and describing the method of disposal. Discharges destined for the District's main wastewater treatment plant in Oakland can reference Special Discharge Permit (SDP) #50333261, issued to the District's Regulatory Compliance Office, when obtaining authorization from the pertinent local jurisdiction that owns the sewers to be used. Contractor shall, prior to the end of the Work, report to the Engineer the volumes of all discharges performed pursuant to the said SDP along with copies of any profile forms and/or correspondence between Contractor and disposal facility.			
	Section 3.6, Noise Control (Details as listed under Impact NOI-1)			
	Section 3.8, Protection of Birds Protected under the Migratory Treaty Act and Roosting Bats			
	A. The District will conduct biological reconnaissance in advance of construction and will conduct biologic monitoring during construction as necessary.			
	B. Protected Species			
	<ol> <li>If protected species or suitable habitat for protected species is found during biological reconnaissance surveys:</li> </ol>			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Biological Resources (conf				
Impact BIO-1 (cont.)	a. Before beginning construction, all Contractor construction personnel are required to attend an environmental training program provided by the District of up to one-day for site supervisors, foreman and project managers, and up to 30-minutes for non-supervisory contractor personnel. The training program will be completed in person or by watching a video at a District-designated location, conducted by a qualified biologist provided by the District. The program will discuss all sensitive habitats and sensitive species that may occur within the project work limits, including the responsibilities of Contractor's construction personnel, applicable mitigation measures, and notification requirements. The Contractor is responsible for ensuring that all workers requiring training are identified to the District. Prior to accessing or performing construction work, all Contractor personnel shall:			
	<ol> <li>Sign a wallet card provided by the Engineer verifying that all Contractor construction personnel have attended the appropriate level of training relative to their position; have read and understood the contents of the environmental training: and shall comply with all project environmental requirements.</li> </ol>	, s		
	<ol> <li>Display an environmental training hard hat decal (provided by the District after completion of the training) at all times.</li> </ol>			
	b. Birds Protected under the Migratory Bird Treaty Act (MBTA):			
	<ol> <li>It is unlawful to pursue, hunt, take, capture, or kill any migratory bird without a permit issued by the U.S. Department of the Interior.</li> </ol>			
	2) If construction commences between February 1 and August 31, during the nesting season, the District will conduct a preconstruction survey for nesting birds within 7 days prior to construction to ensure that no nest will be disturbed during construction.			
w	3) If active nests of migratory bird species (listed in the MBTA) are found within the project site, or in areas subject to disturbance from construction activities, an avoidance buffer to avoid nest disturbance shall be constructed. The buffer size will be determined by the District in consultation with California Department of Fish and Wildlife (CDFW) and is based on the nest location, topography, cover and species' tolerance to disturbance.			
	4) If an avoidance buffer is not achievable, a qualified biologist provided by the District will monitor the nest(s) to document that no take of the nest (nest failure) has occurred. Active nests shall not be taken or destroyed under the MBTA and, for raptors, under the CDFW Code. If it is determined that construction activity is resulting in nest disturbance, work should cease immediately and the Contractor shall notify the Engineer who will consult with the qualified biologist and appropriate regulatory agencies.			
	<ol> <li>If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further action is required. Trees and</li> </ol>			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
	shrubs within the construction footprint that have been determined to be unoccupied by special-status birds or that are located outside the avoidance buffer for active			
Biological Resources (cont.)		report for the		
Impact BIO-1 (cont.)	nests may be removed. Nests initiated during construction (while significant disturbance from construction activities persist) may be presumed to be unaffected, and only a minimal buffer, determined by District's biologist, would be necessary.			
	c. Roosting Bats:			
	<ol> <li>If construction commences between March 1 and July 31, during the bat maternity period, the District will conduct a preconstruction survey for roosting bats within two weeks prior to construction to ensure that no roosting bats will be disturbed during construction.</li> </ol>			
	2) If roosting surveys 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 a construction work area, a qualified biologist provided by the District will conduct focused day- and/or night-emergence surveys, as appropriate.			
	3) If active maternity roosts or day roosts are found within the project site, or in areas subject to disturbance from construction activities, an avoidance buffers shall be constructed. The buffer size will be determined by the District in consultation with CDFW.			
	4) If a non-breeding bat roost is found in a structure scheduled for modification or removal, the bats shall be safety evicted, under the direction of a qualified biologist provided by the District in consultation with CDFW to ensure that the bats are not injured.			
	5) 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 located outside the avoidance buffer for active roosting sites may be removed. Roosting initiated during construction is presumed to be unaffected, and no buffer would be necessary.			
Impact BIO-2: 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 CDFW or USFWS.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements	EBMUD and EBMUD's	EBMUD	Prior to and
	Section 1.1(B), Site Activities (Details as listed under Impact AES-3)	Construction		During Construction
	Section 1.3(A), Storm Water Management (Details as listed under Impact BIO-1)  Section 1.3(B), Water Control and Disposal Plan (Details as listed under Impact BIO-1)	Contractor		

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Biological Resources (cont.)			Z) (5.5 )- 15	E to T
Impact BIO-3: 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.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements Section 1.1(B), Site Activities (Details as listed under Impact AES-3) Section 1.3(A), Storm Water Management (Details as listed under Impact BIO-1) Section 1.3(B), Water Control and Disposal Plan (Details as listed under Impact BIO-1)	EBMUD and EBMUD's Construction Contractor	EBMUD	Prior to and During Construction
Impact BIO-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements  Section 1.1(B), Site Activities (Details as listed under Impact AES-3)  Section 1.3(A), Storm Water Management (Details as listed under Impact BIO-1)  Section 1.3(B), Water Control and Disposal Plan (Details as listed under Impact BIO-1)  Section 3.7, Protection of Native and Non-Native Protected Trees (Details as listed under Impact AES-3)  Section 3.8, Protection of Birds Protected Under the Migratory Bird Treaty Act and Roosting Bats (Details as listed under Impact BIO-1)	EBMUD, EBMUD's Biologist, and EBMUD's Construction Contractor	EBMUD	Prior to and During Construction
Cultural Resources		The second second		
Impact CUL-2: Cause a substantial adverse change in the significance of an archaeological resource, pursuant to CEQA Guidelines Section 15064.5.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements  Section 3.9, Protection of Cultural and Paleontological Resources  A. Confidentiality of Information on Cultural Resources  1. Prior to, or during the course of the Contractor's performance under this contract, the Contractor may obtain information as to the location and/or nature of certain cultural resources, including Native American artifacts and remains. This information may be provided to the Contractor by EBMUD or a third party, or may be discovered directly by the Contractor through its performance under the contract. All such information shall be considered "Confidential Information" for the purposes of this Article.  2. The Contractor agrees that the Contractor, its subcontractors of any tiers, and their respective agents and employees shall not publish or disclose any Confidential Information to any person, unless specifically authorized in advance, in writing by the Engineer.  3. The indemnity obligations of Document 00 72 00 - General Conditions Article 4.7.5 shall apply to any breach of this Article.	EBMUD, EBMUD's Construction Contractor, EBMUD's Resident Construction Engineer, and EBMUD's Archaeologist	EBMUD	Prior to and During Construction

Impact Area	EE	BMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Cultural Resources (cont.)	TUE!				
Impact CUL-2 (cont.)	B.	Conform to the requirements of statutes as they relate to the protection and preservation of cultural and paleontological resources. Unauthorized collection of prehistoric or historic artifacts or fossils along the Work Area, or at Work facilities, is strictly prohibited.			
	C.	Before beginning construction, all Contractor construction personnel shall attend a cultural resources training course provided by EBMUD of up to two hours for site supervisors, foreman, project managers, and non-supervisory contractor personnel. The training program will be completed in person or by watching a video, at an EBMUD designated location, conducted by a qualified archaeologist provided by EBMUD, or by EBMUD staff. The program will discuss cultural resources awareness within the project work limits, including the responsibilities of Contractor's construction personnel, applicable mitigation measures, confidentiality, and notification requirements. The Contractor is responsible for ensuring that all workers requiring training are identified to EBMUD. Prior to accessing the construction site, or performing site work, all Contractor personnel shall:			
		<ol> <li>Sign an attendance sheet provided by the Engineer verifying that all Contractor construction personnel 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.</li> </ol>			
	D.	In the event that potential cultural or paleontological resources are discovered at the site of construction, the following procedures shall be instituted:			
		<ol> <li>Discovery of prehistoric or historic-era archaeological resources requires that all construction activities shall immediately cease at the location of discovery and within 100 feet of the discovery.</li> </ol>			
		a. The Contractor shall immediately notify the Engineer who will engage a qualified archaeologist provided by EBMUD to evaluate the find. The Contractor is responsible for stopping work and notifying the Engineer and shall not recommence work until authorized to do so by the Engineer.			
		b. EBMUD will retain a qualified archaeologist to inspect the findings within 24 hours of discovery. If it is determined that the Project 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), construction shall cease in an area determined by the archaeologist until a management 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.			
		<ol><li>Discovery of human remains requires that all construction activities immediately cease at, and within 100 feet of the location of discovery.</li></ol>			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Cultural Resources (cont.)				
Impact CUL-2 (cont.)	a. The Contractor shall immediately notify the Engineer who will engage a qualified archaeologist provided by the EBMUD to evaluate the find. The Contractor is responsible for stopping work and notifying the Engineer and shall not recommence work until authorized to do so by the Engineer.			
	b. EBMUD will contact the County Coroner to determine whether or not the remains are Native American. If the remains are 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.			
	<ol><li>Discovery of paleontological resources requires that all construction activities immediately cease at, and within 100 feet of the location of discovery.</li></ol>			
	a. The Contractor shall immediately notify the Engineer who will engage a qualified paleontologist provided by EBMUD to evaluate the find. The Contractor is responsible for stopping work and notifying the Engineer and shall not recommence work until authorized to do so by the Engineer.			
	b. 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 (Society of Vertebrate Paleontology 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 construction activities could damage a paleontological resource as defined by the Society of Vertebrate Paleontology guidelines (Society of Vertebrate Paleontology 2010), construction 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 the paleontologist, EBMUD will determine when construction can resume.			
	E. If EBMUD determines that the find requires further evaluation, at the direction of Engineer, the Contractor shall suspend all construction activities at the location of the find and within a larger radius, as required.			
Impact CUL-3: Disturb any human remains, including those interred outside of dedicated cemeteries.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements	EBMUD, EBMUD's	EBMUD	Prior to and
	Section 3.9, Protection of Cultural and Paleontological Resources (Details as listed under Impact CUL-2)	Construction Contractor, EBMUD's Resident Construction Engineer, and EBMUD's Archaeologist		During Construction

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Cultural Resources (cont.)				West of the Control
Impact CUL-4: Cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC 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.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements  Section 3.9, Protection of Cultural and Paleontological Resources (Details as listed under Impact CUL-2)	EBMUD, EBMUD's Construction Contractor, EBMUD's Resident Construction Engineer, and EBMUD's Archaeologist	EBMUD	Prior to and During Construction
Energy				Ala.
Impact EN-1: Result in wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements  Section 3.4(A), Air Quality and Emissions Control (Details as listed under Impact AIR-1)	EBMUD's Construction Contractor	EBMUD	Prior to and During Construction
Geology and Soils				
Impact GEO-1: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: strong seismic groundshaking; seismic-related ground failure (liquefaction, lateral spreading); or landslides.	EBMUD's Reservoir Design Guide  EBMUD's Reservoir Design Guide establishes the minimum requirements to follow in the design of EBMUD above- and belowground drinking water reservoirs. The Reservoir Design Guide requires the completion of a geotechnical investigation during design and incorporation of geotechnical design recommendations in project plans and specifications.  EBMUD's Engineering Standard Practice 550.1, Seismic Design Requirements and 512.1, Water Main and Services Design Criteria  EBMUD uses two primary Engineering Standard Practices for the design of water pipelines in its distribution system to address geologic hazards. Engineering Standard Practice 512.1, Water Main and Services Design Criteria, establishes basic criteria for the design of water pipelines and establishes minimum requirements for pipeline construction materials. Engineering Standard Practice 550.1, Seismic Design Requirements, addresses seismic design of the pipelines to withstand seismic hazards, including fault rupture, ground shaking, liquefaction-related phenomena, landslides, seiches and tsunamis and requires that EBMUD establish project-specific seismic design criteria for pipelines with a diameter of greater than 12 inches.	EBMUD's Design Engineers	EBMUD	Prior to and During Construction

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Geology and Soils (cont.)				Jal and
Impact GEO-2: Result in substantial soil erosion or the loss of topsoil.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements  Section 1.1(B), Site Activities (Details as listed under Impact AES-1)  Section 1.3(A) Storm Water Management (Details as listed under Impact BIO-1)  EBMUD's Reservoir Design Guide (Details as listed under Impact GEO-2)	EBMUD and EBMUD's Construction Contractor	EBMUD	Prior to and During Construction
Impact GEO-3: Be located on strata or soil that is unstable or that would become unstable as a result of the Project, and potentially could result in onsite or off-site landslides, lateral spreading, subsidence (i.e., settlement), liquefaction, or collapse.	<ol> <li>EBMUD's Standard Construction Specification 01 35 24, Project Safety Requirements</li> <li>Section 1.3(C), Excavation Safety Plan</li> <li>Submit detailed plan for worker protection and control of ground movement for the Engineer's review prior to any excavation work at jobsite. Include drawings and details of system or systems to be used, area in which each type of system will be used, de-watering, means of access and egress, storage of materials, and equipment restrictions. If plan is modified or changed, submit revised plan.</li> <li>All surface encumbrances that are located and determined to create a hazard to employees shall be removed or supported, as necessary, to safeguard employees.</li> <li>Tunnel work shall comply with the Tunnel Safety Orders.</li> <li>EBMUD's Reservoir Design Guide (Details as listed under Impact GEO-2)</li> </ol>	EBMUD, EBMUD's Construction Contractor, and EBMUD's Resident Construction Engineer	EBMUD	Prior to and During Construction
Impact GEO-4: Be located on expansive soil creating substantial direct or indirect risks to life or property.	EBMUD's Engineering Standard Practice 550.1, Seismic Design Requirements and 512.1, Water Main and Services Design Criteria (Details as listed under Impact GEO-1)	EBMUD's Design Engineers	EBMUD	Prior to and During Construction
Impact GEO-5: Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements  Section 3.9, Protection of Cultural and Paleontological Resources (Details as listed under Impact CUL-2)	EBMUD, EBMUD's Construction Contractor, EBMUD's Resident Construction Engineer, and EBMUD's Archaeologist	EBMUD	Prior to and During Construction
Greenhouse Gas Emissions				
Impact GHG-1: Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements  Section 3.4(A), Air Quality and Emissions Control (Details as previously under Impact AIR-1)	EBMUD's Construction Contractor	EBMUD	Prior to and During Construction

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Greenhouse Gas Emissions (d	cont.)	Sell-Tark		
Impact GHG-2: Conflict with a plan, policy, or regulation adopted for the purpose of reducing GHG emissions.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements  Section 3.4(A), Air Quality and Emissions Control (Details as previously under Impact AIR-1)	EBMUD's Construction Contractor	EBMUD	Prior to and During Construction
Hazards and Hazardous Mater	ials			
Impact HAZ-1 and HAZ-2: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. 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.	EBMUD's Standard Construction Specification 01 35 24, Project Safety Requirements  Section 1.3, Submittal of Plans and Procedures  B. Project Safety and Health Plan  1. Submit prior to start of the Work for the Engineer's review a Project Safety and Health Plan  1. Submit prior to start of the Work for the Engineer's review a Project Safety and Health Plan  1. Submit prior to start of Work for the Engineer's review a Project Safety and Health Plan  1. Submit prior to start of Work the name of individual, or anticipated hazards do not  1. Submit prior to start of Work the name of individual(s) who has been designated as:  2. Submit principal and alternate Competent/Qualified Persons for: 1) scaffolding; 2) fall  2. Submit principal and alternate Competent/Qualified Persons for: 1) scaffolding; 2) fall  2. Submit principal and alternate Competent/Qualified Persons for: 1) scaffolding; 2) fall  2. Submit principal and alternate Competent/Qualified Persons for: 1) scaffolding; 2) fall  2. Submit principal and alternate Competent/Qualified Persons for: 1) scaffolding; 2) fall  2. Submit principal and alternate Competent/Qualified Persons for: 1) scaffolding; 2) fall  2. Submit principal and alternate Competent/Qualified Persons for: 1) scaffolding; 2) fall  2. Submit principal and alternate Competent/Qualified Persons for: 1) scaffolding; 2) fall  2. Submit principal and alternate Competent/Qualified Persons for: 1) scaffolding; 2) fall  2. Submit principal and alternate Competent/Qualified Persons for: 1) scaffolding; 2) fall  3. Plan shall include an emergency action plan in the event of an accident, or serious  2. Sundified Person to conduct and take samples and air measurements of known or  2. Submit prior to disposine break, fire, structure collapse, etc.) that requires notifying  2. Any shall include an emergency action plan in the event of an accident, or serious  2. Unplanted Person to conduct and take samples and environmental Requirements  3. Plan shall include an emergency action plan in the event of an a	EBMUD and EBMUD's Construction Contractor	EBMUD	Prior to and During Construction

Impact Area	EE	BMUD Practices and Procedures¹	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Hazards and Hazardous Mate	rials (	(cont.)			
Impact HAZ-1 and HAZ-2 (cont.)		a. The plan shall identify how the Contractor will remove, handle, transport, and dispose of all materials required to be removed under this contract in a safe, appropriate, and lawful manner in compliance with all applicable regulations of local, state, and federal agencies having jurisdiction over the disposal of removed materials.			
		b. The Contractor shall procure the necessary permits required by the local, state, and federal agencies having jurisdiction over the handling, transportation, and disposal of construction and demolition waste.			
		<ul> <li>Include a list of reuse facilities, recycling facilities and processing facilities that will be receiving recovered materials.</li> </ul>			
		d. Identify materials that are not recyclable or not recovered which will be disposed of in a landfill (or other means acceptable by the State of California and local ordinance and regulations).			
		e. Identify how the Contractor will comply with The California Department of Toxic Substances Control's (DTSC) Alternative Management Strategies (AMS) when handling and disposing of treated wood waste (TWW) in compliance with 22 CCR 66261.9.5.			
		f. TVWV records including but not limited to manifests, bills of lading should be submitted to the Engineer within 5 working days of off-haul. Records should include: (1) name and address of the TWW facility to which the TWW was sent; (2) estimated weight of TWW, or the weight of the TWW as measured by the receiving TWW facility; and (3) date of the shipment of TWW. (Cal. Code Regs., tit. 22, §§ 67386.8(a) and (e)(1)).			
		g. List the permitted landfill, or other permitted disposal facilities, that will be accepting the disposed waste materials.			
		<ul> <li>Identify each type of waste material to be reused, recycled or disposed of and estimate the amount, by weight.</li> </ul>			
		<ol> <li>Plan shall include the sampling and analytical program for characterization of any waste material, as needed, prior to reuse, recycle or disposal.</li> </ol>			
	2.	Materials or wastes shall only be recycled, reused, reclaimed, or disposed of at facilities approved of by the District.			
	3.	Submit permission to reuse, recycle, reclaim, or dispose of material from reuse, recycling, reclamation, or disposal site owner along with any other information needed by the District to evaluate the acceptability of the proposed reuse, recycling, or disposal site and obtain acceptance of the Engineer prior to removing any material from the project site.			
	4.	All information pertinent to the characterization of the material or waste shall be disclosed to the District and the reuse, recycling, reclamation, or disposal facility. Submit copies of any profile forms and/or correspondence between the Contractor and the reuse, recycling, reclamation, or disposal facility.			
	5.	Submit name and Environmental Laboratory Accreditation Program Certificate number of laboratory that will analyze samples for suspected hazardous substances. Include statement of			

Mitigation Monitoring and Reporting Program

Impact Area	EBMUD Practices and Procedures¹	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
	laboratory's certified testing areas and analyses that laboratory is qualified to perform. Submit prior to any laboratory testing.			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Hazards and Hazardous Mate	erials (cont.)			
Impact HAZ-1 and HAZ-2 (cont.)	Section 1.3(D), Spill Prevention and Response Plan			
	1. Submit plan detailing the means and methods for preventing and controlling the spilling of known hazardous substances used on the jobsite or staging areas. The plan shall include a list of the hazardous substances proposed for use or generated by the Contractor on site, including petroleum products, and measures that will be taken to prevent spills, monitor hazardous substances, and provide immediate response to spills. Spill response measures shall address notification of the Engineer and appropriate agencies including phone numbers; spill-related worker, public health, and safety issues; spill control, and spill cleanup.			
	<ol><li>Submit a Safety Data Sheet (SDS) for each hazardous substance proposed to be used prior to delivery of the material to the jobsite.</li></ol>			
	Section 1.3(E) Dust Control and Monitoring Plan (Details as listed under Impact AIR-1)			
	Section 3.3(B) Dust Control (Details as listed under Impact AIR-1)			
	Section 3.3(C) Dust Monitoring During Demolition and Construction (Details as listed under Impact AIR-1)			
	Section 3.3(D) Dust Control System Compliance (Details as listed under Impact AIR-1)			
	EBMUD's Standard Construction Specification 02 82 13, Asbestos Control Activities			
	Section 1.1, Compliance and Intent (As detailed under Impact AIR-1)			
	Section 1.5(B), Plan of Action (As detailed under Impact AIR-1)			
	EBMUD's Standard Construction Specification 02 83 13, Lead Hazard Control Activities			
	Section 1.1, Compliance and Intent			
	A. Furnish all labor, materials, facilities, equipment, services, employee training and testing, permits, and agreements necessary to perform the lead removal in accordance with these specifications and with the latest regulations from the U.S. Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the Air Quality Management District with authority over the project, the Cal/EPA Department of Toxic Substance Control, the California Occupational Safety and Health Administration (Cal/OSHA), and other federal, state, county, and local agencies. Whenever there is a conflict or overlap of the above references, the most stringent provision is applicable.			
	B. During demolition procedures, the Contractor shall protect against contamination of soils, water, adjacent buildings and properties, and the airborne release of hazardous materials and dusts. The costs associated with the implementation of controls will be incurred by the Contractor.			
	C. Any information developed from exploratory work done by the District and any investigation done by the Contractor to acquaint himself with available information will not relieve the Contractor from the responsibility of properly estimating the difficulty or cost of successfully performing the work. The District is not responsible for any conclusions or interpretations made by the Contractor based on the information made available by the District or District's representative.			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Hazards and Hazardous Mate	rials (cont.)		V.36 - 15 334	
Impact HAZ-1 and HAZ-2 (cont.)	D. Hazardous materials uncovered during the demolition activities shall be disposed of in an approved manner complying with all applicable federal, state, and local regulations. Appropriate waste manifests shall be furnished to the Engineer as per Section 01 35 44, Environmental Requirements. Materials are conveyed to the Contractor "as is," without any warranty, expressed or implied, including but not limited to, any warranty to marketability or fitness for a particular purpose, or any purpose.			
	Section 1.4, Submittals (Pre-Job)			
	A. Site safety plan: The Contractor shall provide a site safety plan prior to project initiation as specified in Section 01 35 24.			
	B. Lead Demolition Plan: Lead-containing coating handling, engineering control, removal, and disposal procedures.			
	C. Cal/OSHA Lead Work Pre-Job Notification, if required.			
	D. Submittal of worker documentation for employees used on the job.			
	<ol> <li>Lead-Containing Coating Demolition Work: All Contractor's supervisors and workers performing lead-containing coating work shall meet the requirements of the California Department of Health Services (DHS) lead-related construction interim certification (17 CCR 350001).</li> </ol>			
	E. Licenses: Submit copies of state and local licenses and evidence of Cal-OSHA certification and permits necessary to perform the work of this contract.			
	F. Submit name and Environmental Laboratory Accreditation Program Certificate number of laboratory that will test samples collected during air monitoring. See Article 3.2 below.			
	Procedure 711, Hazardous Waste Removal			
	EBMUD Environmental Compliance Manual, Section 9, Trench Spoils Field Management Practices			
Impact HAZ-3: Emit	EBMUD's Standard Construction Specification 01 35 24, Project Safety Requirements	EBMUD and	EBMUD	Prior to and
hazardous emissions or handle hazardous or acutely	Section 1.3(B), Project Safety and Health Plan (Details as listed under Impact HAZ-1 and HAZ-2)	EBMUD's Construction		During Construction
hazardous materials,	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements	Contractor		Construction
substances, or waste within one-quarter mile of an existing or proposed school.	Section 1.3(C) Construction and Demolition Waste Disposal Plan (Details as listed under Impact HAZ-1 and HAZ-2)			
V and I made I	Section 1.3(D), Spill Prevention and Response Plan (Details as listed under Impact HAZ-1 and HAZ-2)			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Hydrology and Water Quality				BY N
Impact HAZ-4: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	EBMUD's Standard Construction Specification 01 35 24, Project Safety Requirements  Section 1.3(B), Project Safety and Health Plan (Details as listed under Impact HAZ-1 and HAZ-2)  EBMUD's Standard Construction Specification 01 55 26, Traffic Regulation  Section 1.2, Submittals (Details listed under Impact TRA-1)	EBMUD and EBMUD's Construction Contractor	EBMUD	Prior to and During Construction
Impact HYD-1: Violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements  Section 1.1(B), Site Activities (Details as previously listed under Impact AES-3)  Section 1.3(A), Storm Water Management (Details as previously listed under Impact BIO-1)  Section 1.3(B), Water Control and Disposal Plan (Details as previously listed under Impact BIO-1)	EBMUD and EBMUD's Construction Contractor	EBMUD	Prior to and During Construction
Impact HYD-3a: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would result in substantial erosion or siltation on or off site.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements  Section 1.3(A), Storm Water Management (Details as previously listed under Impact BIO-1)  Section 1.3(B), Water Control and Disposal Plan (Details as previously listed under Impact BIO-1)	EBMUD and EBMUD's Construction Contractor	EBMUD	Prior to and During Construction
Impact HYD-3b: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner that would substantially increase the rate or amount of surface run-off and result in flooding on or off site.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements Section 1.1(B), Site Activities (Details as listed under Impact AES-3) EBMUD Environmental Compliance Manual, Section 9, Trench Spoils Field Management Practices	EBMUD and EBMUD'S Construction Contractor	EBMUD	Prior to and During Construction

Impact Area	EBMUD Practices and Procedures¹	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Hydrology and Water Quality (	cont.)			
Impact HYD-3c: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner that would create or contribute run-off water that exceeds the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted run-off.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements  Section 1.1(B), Site Activities (Details as previously listed under Impact AES-3)  Section 1.3(A), Storm Water Management (Details as previously listed under Impact BIO-1)  Section 1.3(B), Water Control and Disposal Plan (Details as previously listed under Impact BIO-1)  Section 1.3(D), Spill Prevention and Response Plan (Details as previously listed under Impact HAZ-1 and HAZ-2)	EBMUD and EBMUD's Construction Contractor	EBMUD	Prior to and During Construction
Impact HYD-3d: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner that would impede or redirect flood flows.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements  Section 1.3(A), Storm Water Management (Details as listed under Impact BIO-1)  Section 1.3(B), Water Control and Disposal Plan (Details as listed under Impact BIO-1)  Section 1.3(D), Spill Prevention and Response Plan (Details as listed under Impact HAZ-1 and HAZ-2)	EBMUD and EBMUD's Construction Contractor	EBMUD	Prior to and During Construction
Impact HYD-4: Conflict with or obstruct implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan.	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements Section 1.3(A), Storm Water Management (Details as listed under Impact BIO-1)	EBMUD and EBMUD's Construction Contractor	EBMUD	Prior to and During Construction

Impact Area	EBMUD Practices and Procedures¹	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Noise				
Impact NOI-1: Result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of	EBMUD's Standard Construction Specification 01 14 00, Work Restrictions	EBMUD and EBMUD's	EBMUD	Prior to and During
	Section 1.8, Construction Noise	Construction		Construction
	se A. Noise-generating activities greater than 90 dBA (impact construction such as concrete breaking,			
standards established in the local general plan or noise	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements			
ordinance, or applicable	Section 1.3(G), Noise Control and Monitoring Plan			
standards of other agencies.	1. Submit a plan detailing the means and methods for controlling and monitoring noise generated by construction activities, including demolition, alteration, repair or remodeling of or to existing structures and construction of new structures, as well as by items of machinery, equipment or devices used during construction activities on the site for the Engineer's acceptance prior to any work at the jobsite. The plan shall detail the equipment and methods used to monitor compliance with the plan.			
	Section 3.6, Noise Control			
	Comply with sound control and noise level rules, regulations and ordinances as required herein and in the CEQA documents which apply to any work performed pursuant to the contract.			
	B. Contractor is responsible for taking appropriate measures, including muffling of equipment, selecting quieter equipment, erecting noise barriers, modifying work operations, and other measures as needed to bring construction noise into compliance.			
	C. Each internal combustion engine, used for any purpose on the job or related to the job, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without said muffler.			
	D. Best available noise control techniques (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) shall be used for all equipment and trucks, as necessary.			
	E. Truck operations (haul trucks and concrete delivery trucks) will be limited to the daytime hours specified in Section 01 14 00.			
	F. 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) shall be used. Enclosure opening or venting shall face away from sensitive receptors. Enclosures shall be designed by a registered engineer regularly involved in noise control analysis and design.			
	G. Material stockpiles as well as maintenance/equipment staging and parking areas (all on-site) shall be located as far as practicable from residential receptors.			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Noise (cont.)				
Impact NOI-1 (cont.)	H. If impact equipment (e.g., jack hammers, pavement breakers, rock drills etc.) is used during project construction, Contractor is responsible for taking appropriate measures, including but not limited to the following:			
	1. Hydraulically or electric-powered equipment shall be used 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 10 dB). External jackets on the tools themselves shall be used, where feasible, which could achieve a reduction of 5 dB. Quieter procedures, such as drilling rather than impact equipment, will be used whenever feasible. It is the Contractor's responsibility to implement any measures necessary to meet applicable noise requirements.			
	<ol> <li>Impact construction including jackhammers, hydraulic backhoe, concrete crushing/recycling activities, vibratory pile drivers etc. shall be limited to the day time hours specified in Section 01 14 00.</li> </ol>			
	3. Limit the noisiest phases of construction to 10 work days at a time, where feasible.			
	<ol> <li>Notify neighbors/occupants within 300 feet of project construction at least thirty days in advance of extreme noise generating activities about the estimated duration of the activity.</li> </ol>			
	5. Noise Monitoring shall be conducted periodically during noise generating activities. Monitoring shall be conducted using a precision sound-level meter that is in conformance with the American National Standards Institute (ANSI) Standard S1.4, Specification for Sound Level Meters. Monitoring results shall be submitted weekly to the Engineer.			
Impact NOI-2: Result in the	EBMUD's Standard Construction Specification 01 35 44, Environmental Requirements	EBMUD and	EBMUD	Prior to and
generation of excessive groundborne vibration or	Section 1.3(H), Vibration Control and Monitoring Plan	EBMUD's Construction		During Construction
groundborne noise levels.	<ol> <li>Submit a plan detailing the means and methods for controlling and monitoring surface vibration generated by demolition or other work on site for the Engineer's acceptance prior to any work at the jobsite. The plan shall detail the equipment and methods used to monitor compliance with the plan.</li> </ol>	Contractor		Construction
	Section 3.5, Vibration Control			
	A. Limit surface vibration to no more than 0.5 in/sec PPV, measured at the nearest residence or other sensitive structure. See Section 01 14 00.			
	B. Upon homeowner request, and with homeowner permission, EBMUD will conduct preconstruction surveys of homes, sensitive structures and other areas of concern within 15 feet of continuous vibration-generating activities (i.e. vibratory compaction). Any new cracks or other changes in structures will be compared to preconstruction conditions and a determination made as to whether the proposed project could have caused such damage. In the event that the project is demonstrated to have caused the damage, EBMUD will have the damage repaired to the pre-existing condition.			

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Transportation				
Impact TRA-1: Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	EBMUD's Standard Construction Specification 01 55 26, Traffic Regulation  Section 1.1, Description  A. All proposed street closures shall be clearly identified in the Traffic Control Plan (TCP) and shall conform to the section "Traffic Control Devices" below. Construction area signs for street closure and detours shall be posted a minimum of forty-eight (48) hours prior to the commencement of street closure. Contractor shall maintain safe access around the project limit at all times. Street closures shall be limited to those locations indicated on the construction documents.  Section 1.2 Submittals  A. Submit at least 15 calendar days prior to work a detailed traffic control plan, that is approved by all agencies having jurisdiction and that conforms to all requirements of these specifications and the most recently adopted edition of the California Manual on Uniform Control Devices. Traffic Control Plan shall include:  1. Circulation and detour plans to minimize impacts to local street circulation. Use haul routes minimizing truck traffic on local roadways to the extent possible.  2. A description of emergency response vehicle access. If the road or area is completely blocked, preventing access by an emergency responder, a contingency plan must be included.  3. Procedures, to the extent feasible, to schedule construction of project elements to minimize overlapping construction phases that require truck hauling.  4. Designated Contractor staging areas for storage of all equipment and materials, in such a manner to minimize obstruction to traffic.  5. Locations for parking by construction workers.  Section 2.1, Traffic Control Devices  A. Traffic signs, flashing lights, barricades and other traffic safety devices used to control traffic shall conform to the requirements of the most recently adopted edition of the California Manual on Uniform Control Devices and the agency having jurisdiction.  1. Portable signals shall not be used unless permission is given in writing by the agency having jurisdiction.  2. Warni	EBMUD and EBMUD'S Construction Contractor	EBMUD	Prior to and During Construction

Impact Area	EBMUD Practices and Procedures <sup>1</sup>	Responsibility for Implementation	Responsibility for Monitoring and/or Enforcement	Timing of Implementation
Transportation (cont.)			H2 2	
Impact TRA-1 (cont.)	Section 3.1, General			
	A. Install temporary traffic markings where required to direct the flow of traffic. Maintain the traffic markings for the duration of need and remove by abrasive blasting when no longer required.			
	Section 3.2, Alternating On-Way Traffic			
	A. Where alternating one-way traffic has been authorized, the following shall be posted at each end of the one-way traffic section at least one week prior to start of work:			
	<ol> <li>The approximate beginning and ending dates that traffic delays will be encountered.</li> </ol>			
	The maximum time that traffic will be delayed.			
	Section 3.3, Flagging			
	A. Provide flaggers to control traffic where required by the approved traffic control plan.			
	<ol> <li>Flaggers shall perform their duties and shall be provided with the necessary equipment in accordance with the current "Instructions to Flaggers" of the California Department of Transportation.</li> </ol>			
Impact TRA-3: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	EBMUD's Standard Construction Specification 01 55 26, Traffic Regulation (Details as listed under Impact TRA-1)	EBMUD and EBMUD's Construction Contractor	EBMUD	Prior to and During Construction
Impact TRA-4: Result in inadequate emergency access.	EBMUD's Standard Construction Specification 01 55 26, Traffic Regulation (Details as listed under Impact TRA-1)	EBMUD and EBMUD's Construction Contractor	EBMUD	Prior to and During Construction

#### NOTES:

<sup>1</sup> In EBMUD Standard Specifications, "District" = EBMUD; "Engineer" = EBMUD Engineer; "Contractor" = EBMUD Contractor; "Work" = Scope of Work for the Project

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Mitigation Monitoring and Reporting Program

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AGENDA NO.	10.
MEETING DATE	April 13, 2021

# TITLE AUTHORIZE AN INCREASE TO DEPOSITORY/DISBURSEMENT BANK SERVICES TO ACTIVATE LOCKBOX SERVICES

<b>TYPE</b>	□Construction	⊠General Services	☐Materials & Supplies	☐ Professional Services
	□CEQA	□Grants	☐Water Supply Assessment	□OTHER
<u>ACTION</u>	⊠ MOTION	□RESOLUTION	□ORDINANCE	

#### RECOMMENDED ACTION

Authorize an increase to the agreement previously authorized under Board Motion No. 136-16 with Wells Fargo Bank, N.A. (Wells Fargo) in the amount of \$1,300,000 to a total amount not to exceed \$2,650,000, to exercise optional services of the agreement, specifically lockbox services for mailed-in payment processing.

#### **SUMMARY**

In 2020, the District received and processed nearly three million payments totaling over \$769 million. In 2020, 28 percent were mailed-in payments processed manually by staff at the District's Administration Building. To ensure business continuity, the District will transition to lockbox services for processing mailed-in payments. This service would also eliminate the need for periodic purchase of expensive processing machines with annual software and hardware maintenance costs. The increase in the agreement amount allows the District to activate the lockbox services option in the existing agreement with Wells Fargo. Use of lockbox services was discussed at the April 23, 2019 and March 23, 2021 Finance/Administration Committee meetings.

### **DISCUSSION**

While the District can process electronic payments remotely, mailed-in payments are only processed at the Administration Building, which presents business continuity challenges if the building were not available in an emergency or due to a disaster. Additionally, the processing is completed using machines that require costly annual maintenance contracts and periodic replacements. In the past 10 years, mailed-in payments have declined and now account for only 28 percent of the payments received. The machines used to process mailed-in payments are used only one to two hours a day.

Lockbox services will ensure mailed-in payments are processed without interruption, converted to electronic files, and directly deposited into the District's account for posting to the customers' accounts each day. The implementation of lockbox services will result in mailed-in payments being sent directly to the vendor, in this case Wells Fargo, instead of the District. During this transition, staff will no longer

Funds Available: FY 21	Budget Coding: WSG/218/6021/5241	Contract Equity Forms?
Originating Department	Department Director or Manager	Approved
Finance	Sophia D. Skoda	Clipped Ou  General Manager
Attachment(s): P-035, P-061		

Authorize an Increase to Depository/Disbursement Bank Services to Activate Lockbox Services April 13, 2021 Page 2

physically extract and scan mailed-in payments, but will remain dedicated to resolving customer issues related to remittance activities and will expedite resolutions to enhance customer service. In addition, staff will support efforts related to alternatives to water shutoffs, such as the lien authority to recover delinquent bills for owner-occupied single-family residences.

Lockbox services is an optional service within the suite of treasury management services under the District's existing agreement with Wells Fargo. The service will provide business continuity for mailed-in payments, and eliminate future one-time equipment replacement costs of \$230,000 and annual software maintenance costs of \$60,000.

This service supports the District's Long-Term Financial Stability Strategic Plan goal.

#### **SERVICE PROVIDER**

In July 2016, a request for proposals was posted on the District's website and sent to 25 potential proposers. Wells Fargo was selected based on cost effectiveness, public sector experience and resources, strength and stability of the bank, and the location and convenience of bank offices. The District's agreement with Wells Fargo provides a suite of treasury management services, including lockbox services.

#### **SUSTAINABILITY**

### **Economic**

The FY21 adopted operating budget includes funding for the first year of this multi-year agreement. Funding for the additional years will be considered as part of the associated budget development process.

The maximum annual cost for lockbox services is estimated at \$260,000. However, it is expected the overall cost will decrease by approximately \$7,500 annually based on the observed trend of customers migrating to electronic payments.

### **Social**

Local 2019 leadership was initially supportive of lockbox services to provide business continuity for mailed-in payments when the topic was presented at the April 23, 2019 Finance/Administration Committee. Subsequently, Local 2019 questioned the cost of lockbox services and expressed concerns about the reduction in work. The District met with Local 2019 on September 9, October 14 and December 9, 2020 to discuss these concerns. Local 2019 was advised the cost of lockbox services will decrease over time as more customers shift away from mailed-in payments and labor efficiency gains is expected to be dedicated to enhancing essential customer service functions. While the District was unable to alleviate the union's concerns, Local 2019 did not express opposition for lockbox services during the March 23, 2021 Finance/Administration Committee meeting.

Authorize an Increase to Depository/Disbursement Bank Services to Activate Lockbox Services April 13, 2021
Page 3

### **ALTERNATIVES**

<u>Do not authorize the increase in spending</u>. This alternative is not recommended because implementing lockbox services ensures business continuity for mailed-in payment processing, is responsive to customer payment trends, and is fiscally responsible.

<u>Activate lockbox services through another vendor</u>. This alternative is not recommended because lockbox services are included in the existing agreement with Wells Fargo.

I:\Sec\2021 Board Related Items\041321 Board Agenda Items\FIN - Increase to Depository-Disbursement - Lockbox Services





# CONTRACT EQUITY PROGRAM SUMMARY (P-035) This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

General Services Ag	reement - An	nendment						DATE:			
Authorize an Increa Lockbox Services			seme	ent Ba	ank Serv	ices to	Activate	April 7, 2021			
CONTRACTOR:						PERC	ENTAGE	OF CONTE	RACT DO	LLARS	
Wells Fargo Bank, N.A. San Francisco, CA 94104					Availability Group			Contracting Objectives		Participation	
BID/PROPOSER'S	BID/PROPOSER'S FIRM'S OWNERSH					White Me	en	25%	6	0.0	%
PRICE:	Ethn	nicity	Ger	nder		Vhite Won	nen	6%		0.0	%
\$1,300,000 *	Publicl	ly Held		-	Et	hnic Mino	rities	25% 0.0		%	
		CONTRA	CT E	QUIT	TY PAR	TICIPAT	ION				
	ESTIMATED		GEN	IDER		ı	CONTRA	ACTING PARTI	CIPATION	1	1
COMPANY NAME	AMOUNT	ETHNICITY	М	W	White- Men	White- Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<b>PRIME:</b> Wells Fargo Bank, N.A.	\$1,300,000	PHC	Х						100.0%		
SUBS:											
None											
TOTAL		\$1,300,000			0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
	CONTRAC	CTOR'S WC	DRKF	ORC	E PRO	FILE (Fr	om P-025	Form)	' '		
		White Me	ən	١	White Wo	men	Ethnic	Minorities	Tota	al Employe	es
No. of E	mployees:	72,873	3		82,29	7	10	106,254			
Percent of Total E	Percent of Total Employees: 27.9%		ı		31.5% 4		10.6%		261,424		
MSA Labor	Market %:	39.0%	,		33.7%	6	27	7.3%			
MSA Labor Market	: Location:						Total USA	Ą			
			C	OMN	<b>JENTS</b>						
Contract Equity Participation - Zero Contract Equity participation since firm is a publicly held corporation.											
*Total contract amount: \$2,65		,	_	•		·	ŕ	Г	Award An	nvovol	
Workforce Profile & Statemer		rimination	'		Faith Ou				Award Ap	-	

File: GS - 4473A (P-035 - 7/11) Page: 1 of 1

**Requirement Satisfied** 

NA

Submitted

NA

Recommended



### **AFFIRMATIVE ACTION SUMMARY (P-061)**

(Completed by District)

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

	Autho	rize an Increase to			Ethnic Mir	ority Perce	ntages Fro	m U.S. Cer	nsus Data			
	Depos	sitory/Disbursement Ba	nk Services to			В	Н	A/PI	AI/AN	TOTAL		
<b>Activate Lockbox Services</b>			National 9 Bay Area Counties		10.5	10.7	3.7	0.7	27.3			
General Services Agreement -					DATE:	5.5	16.2	14.2	0.4	39.9		
Amendment		4/7/2021	Alameda/C		10.7	15.6	15.4	0.5	46.2			
R=Rec			-1/1/2021			10	10.0		0.0			
P=Prime Composition of Ownership S=Sub		Composition of Ownership	Number of Ethnic Minority Employees									
	any Name, none Numi	Owner/Contact Person, Address, ber		В	н	A/PI	AI/AN	TOTAL	PERCENT	MSA %		
RP		PHC	Company Wide	39,179	43,869	22,519	1,227	106,794	40.9%	27.3%		
Wells F	argo Bai	nk, N.A.	Manager/Prof	6,212	7,568	7,120	298	21,198	23.9%			
Angie D	Oulin		Technical/Sales	7,622	707	3,506	61	11,896	73.9%			
420 Mo	ntgomer	y Street	Clerical/Skilled	24,534	35,154	11,178	828	71,694	47.7%			
		CA 94104	Semi/Unskilled	811	440	715	40	2,006	32.6%			
			Bay Area	0	0	0	0	0	0.0%	39.9%		
336-732	0 5110		AA Plan on File:	NA	0		contract with		NA	00.070		
330-732	2-3112		Co. Wide MSA:	Total USA						NA		
			Co. Wide MSA:	10tal USA		# Employee	s-Co. Wide:	261,424	Bay Area:	NA		
Р		PHC	Company Wide	795	2,773	3,697	105	7,370	56.1%	27.3%		
MUFG	Union Ba	ank, N.A.	Manager/Prof	445	1,121	2,420	25	4,011	48.6%			
Donald		,	Technical/Sales	20	88	108	7	223	45.6%	}		
	street, Su	uite 400	Clerical/Skilled	329	1,559	1,160	73	3,121	71.2%	1		
	ento, CA		Semi/Unskilled	1	5	9	0	15	83.3%	}		
	,		Bay Area	30	48	220	8	306	48.8%	39.9%		
040.004	4 0400				40							
916-321	1-3192		Co. Wide MSA:	Total USA		# Employee		13,148	Bay Area:	627		
Р		PHC	Company Wide	859	2,820	3,697	105	7,481	5.5%	27.3%		
JPMorg	an Chas	e Bank, N.A.	Manager/Prof	445	1,121	2,420	25	4,011	6.4%			
Neil Pad			Technical/Sales	20	88	108	7	223	0.9%			
	olaris Pa	•	Clerical/Skilled	329	1,559	1,160	73	3,121	6.7%			
Columb	us, OH 4	13240	Semi/Unskilled	65	52	9	0	126	68.1%			
			Bay Area	136	662	1047	4	1,849	64.7%	39.9%		
415-315	5-8838		Co. Wide MSA:	Total USA		# Employee	s-Co. Wide:	136,057	Bay Area:	2,857		
									,	,		
				1		+						
										-		

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



AGENDA NO.	11.
MEETING DATE	April 13, 2021

# TITLE RESOLUTION CONDEMNING AND COMBATING RACISM, XENOPHOBIA, DISCRIMINATION, SCAPEGOATING, AND INTOLERANCE AGAINST ASIAN AMERICANS AND PACIFIC ISLANDERS

<b>TYPE</b>	□Construction	☐General Services	☐Materials & Supplies	☐Professional Services
	□CEQA	□Grants	☐Water Supply Assessment	⊠OTHER
ACTION	□MOTION	⊠RESOLUTION	□ORDINANCE	

#### RECOMMENDED ACTION

Adopt a resolution condemning all manifestations and expressions of racism, xenophobia, discrimination, scapegoating, and intolerance against the Asian American Pacific Islander (AAPI) community.

#### **SUMMARY**

A committee comprised of staff, labor union representatives, and District Affinity Group leaders worked collaboratively to draft a resolution in support of AAPI employees and the AAPI community, through the condemnation of anti-Asian hatred and violence.

#### **DISCUSSION**

Despite the historic contributions of AAPI laborers, the use of anti-Asian rhetoric due to the geographic origins of COVID-19 by influential figures has resulted in increased harassment, scapegoating, and violent attacks against members of the AAPI community across the nation. This anti-Asian mistreatment has also impacted the local community located only a few steps from the District's headquarters in Oakland's Chinatown. Racism and scapegoating toward AAPI have persisted since the 19<sup>th</sup> century and contributed to unfair policies and practices against the AAPI community, and the District stands against unfair and unjust treatment of all people.

#### **SUSTAINABILITY**

### **Economic**

Anti-Asian hate has a significant impact on the local economics immediately surrounding the District's downtown Oakland Administration Building. As a responsible public steward and member of the Chinatown community, the District takes this action to help preserve the local economy.

Funds Available: N/A	Budget Coding: N/A	Contract Equity Forms? ☐ Yes 🗵 No				
Originating Department	Department Director or Manager	Approved				
Human Resources	Laura A. Acosta	Clipped On				
		General Manager				
Attachment(s): Resolution						

Resolution Condemning and Combating Racism, Xenophobia, Discrimination, Scapegoating, and Intolerance Against Asian Americans and Pacific Islanders
April 13, 2021
Page 2

### **Social**

This resolution supports the District's core values of stewardship, integrity, respect and teamwork by deepening our commitment to standing against injustice in the communities we serve and on behalf of all people.

### **ALTERNATIVE**

<u>Do not adopt the resolution</u>. This alternative is not recommended because the District is located in one of the most diverse areas of our country, and this resolution supports the District's longstanding commitment to being a responsible partner of the community for diversity, equity, and inclusion.

I:\Sec\2021 Board Related Items\041321 Board Agenda Items\HRD\Resolution Condemning and Combating Racism, Xenophobia, Discrimination.docx



### RESOLUTION NO.

### RESOLUTION CONDEMNING AND COMBATING RACISM, XENOPHOBIA, AND INTOLERANCE AGAINST ASIAN AMERICANS AND PACIFIC ISLANDERS

Introduced by Director

; Seconded by Director

WHEREAS, racism and scapegoating toward Asian Americans and Pacific Islanders (AAPI) have persisted since the 19th century and contributed toward policies like the Chinese Exclusion Act of 1882, which prohibited immigration of Chinese laborers, and use of the term "yellow peril," which represented East Asians as dangerous and threatening to the United States; and

WHEREAS, despite the contribution of AAPI laborers in building the nation's infrastructure, including systems that delivered some of the first water supplies to the East Bay, racist policies continued into the 20th century with the Immigration Act of 1924 effectively banning all immigration from Asia; and Executive Order 9066 in 1942 authorizing the incarceration of Japanese Americans during World War II; and

WHEREAS, since the outbreak of the COVID-19 pandemic, the use of anti-Asian rhetoric by influential figures due to the geographic origins of COVID-19 has resulted in increased harassment, scapegoating, and violent attacks against members of the AAPI community; and

WHEREAS, the California State University in San Bernardino's Center for the Study of Hate and Extremism found that hate crimes against members of the AAPI community rose 149 percent since the beginning of the COVID-19 pandemic; and

WHEREAS, Stop AAPI Hate, a national coalition founded by the Asian Pacific Policy and Planning Council, Chinese for Affirmative Action, and San Francisco State University's Asian American Studies Department to study anti-Asian discrimination due to the COVID-19 pandemic, has documented over 2,800 hate incidents targeting AAPIs in the United States since March 2020; and

WHEREAS, Stop AAPI Hate has received reports of over 700 anti-Asian hate incidents in the Bay Area alone during the COVID-19 pandemic, including at least 55 reported incidents occurring in Oakland Chinatown; and

WHEREAS, incidents that harm, exclude, insult, harass, and physically attack members of the AAPI community have disproportionately been directed towards women; and

WHEREAS, Asian American businesses, particularly those located in Oakland Chinatown have been vandalized with anti-Asian sentiment and rhetoric; and

WHEREAS, 23 million AAPI citizens of the United States comprise 7 percent of the American population and as such deserve to be respected and treated equally to all American citizens; and

WHEREAS, 23 percent of District employees identify themselves as AAPI and are an integral part of fulfilling the mission of the District; and

WHEREAS, given the increasing anti-Asian racism and rise of racially motivated attacks and hate crimes, the AAPI community and employees are concerned about their safety; and

WHEREAS, on January 26, 2021, President Biden issued a Presidential Memorandum "Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States;" and

WHEREAS, the District is committed to promoting diversity, racial equity, justice, and inclusion for all District employees; and

WHEREAS, each of the District's Affinity Groups and labor unions stand in unity to condemn violence, discrimination, bullying, and hate against the AAPI community; and

WHEREAS, District Resolution No. 35190-20, which was adopted in response to the tragic killing of George Floyd reaffirmed the District's commitment against prejudice, abuse of power, racial bias, and racism in both overt and systemic forms;

NOW, THEREFORE, BE IT RESOLVED, the District condemns all manifestations and expressions of racism, xenophobia, discrimination, scapegoating, and intolerance against the AAPI community.

BE IT FURTHER RESOLVED, that the District supports it's AAPI employees and the AAPI community and commits to:

- 1. Listening to the concerns of the AAPI community and employees to promote a sense of safety and belonging in recognition that the District is a diverse community that stands united as Americans.
- 2. Ensuring that all members of the AAPI community are treated with dignity, respect, and equity.
- 3. Encouraging the District's internal Affinity Groups to develop cultural competence for the purpose of fostering intercultural unity and emphasizing the intersectionality of all people.
- 4. Providing assistance, where possible and as a member of the Oakland Chinatown community, to the AAPI community, in general, and the Oakland Chinatown Chamber of Commerce in supporting our local AAPI community and employees against anti-AAPI hate.

BE IT FURTHER RESOLVED, that the District will support and continue to explore additional efforts in the communities in which it serves, the State of California, and nationwide to curb anti-AAPI hate.

ADOPTED this 13<sup>th</sup> day of April, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM

General Counsel

{00060405;2}



# **ITEM 12**

## WATER SUPPLY UPDATE

WILL BE PROVIDED AS AN ORAL REPORT



# <u>ITEM 12</u>

## **CORONAVIRUS UPDATE**

WILL BE PROVIDED AS AN ORAL REPORT



### EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 13, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager

FROM: Laura A. Acosta, Manager of Human Resources Laura

SUBJECT: Racial Equity and Justice Project and Diversity, Equity, and Inclusion Strategic

Plan Update

#### **SUMMARY**

This memo provides an update on the District's Racial Equity and Justice (REJ) Project and Diversity, Equity, and Inclusion (DEI) Strategic Plan. This information will be presented at the April 13, 2021 Board of Directors meeting.

### **DISCUSSION**

The REJ Project addresses the eight strategies identified in the District's Board Resolution No. 35190-20. The strategies have been divided into three phases and will be implemented through the development of the DEI Strategic Plan. The DEI Strategic Plan development includes a DEI Cultural Audit prepared by The Winters Group. The Winters Group will present its key findings at the April 13, 2021 Board meeting.

## Racial Equity and Justice

Since the March 9, 2021 Board update, staff have drafted a resolution in support of the Asian American and Pacific Islander (AAPI) community, condemning and combating xenophobia and intolerance against AAPI. The resolution contains four key commitments from the District:

- 1. Listening to the concerns of the AAPI community and employees to promote a sense of safety and belonging in recognition that the District is a diverse community that stands united as Americans.
- 2. Ensuring that all members of the AAPI community are treated with dignity, respect, and equity.
- 3. Encouraging the District's internal Affinity Groups to develop cultural competence for the purpose of fostering intercultural unity and emphasizing the intersectionality of all people.
- 4. Providing assistance, where possible, to the AAPI community, in general, and the Oakland Chinatown Chamber of Commerce in supporting our local AAPI community and employees in denouncing anti-AAPI hate.

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Staff met with the leaders of each Affinity Group to discuss the vision, scope, and proposed timeline for the Affinity Group listening sessions. In response to the rise and escalation of anti-Asian violence and hate crimes locally and nationally, the District contracted with Claremont Employee Assistance Program to host two Wellness Check-in sessions on March 25 and March 30. Additionally, staff met with the Asian Pacific Employees Association and Black Employee Network regarding hosting a joint listening session that is focused on the growing tension between the Asian and Black communities; the interconnections of racism, stigmatization, and oppression of all marginalized communities; and identifying actionable ways to build community and create a more welcoming and inclusive work environment.

## Diversity, Equity, and Inclusion Strategic Plan

The Winters Group provided its internal audit data to staff and will present its findings at the April 13, 2021 Board meeting. The DEI Cultural Audit includes the following high-level recommendations which will be integrated into the final DEI Strategic Plan:

- Create a 5-year DEI Strategy
- Build on Leadership Support of DEI
- Invest in DEI Education
- Build Management Competency Around DEI
- Design and Implement Accountability Systems
- Refresh Promotion Processes
- Analyze and Improve Hiring Processes
- Increase Support for Affinity Groups

The Core Team and the Senior Management Team continue working with OG Racial Equity (subcontractor of The Winters Group) in the research phase of the five pilot projects which will become the foundation of the DEI Strategic Plan. These include:

- Capital Infrastructure Investments
- Community Engagement
- Contracts and Procurement
- Hiring and Recruitment
- Promotion and Retention

The project teams will focus their efforts on defining the intended outcomes for each project, collection of data to inform actions (including feedback data from The Winters Group), outreach to impacted parties and stakeholders, and development of strategies to affect changes.

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## **Industry Discussions**

District staff are engaged as committee members with the DEI committees of California Urban Water Agencies and BAYWORK. Core subjects under discussion are DEI planning and best practices with represented agencies.

### **NEXT STEPS**

In the next month, staff will work on the following action items:

- Continue implementing phase one and two recommendations from the REJ Task Forces, including planning listening sessions for all Affinity Groups.
- Continue outreach to law enforcement agencies to discuss police reform and partnership with the District in addressing equity issues.
- Continue work on pilot projects.
- Begin the recruitment of the Special Assistant to the General Manager for the Diversity, Equity and Development Office.
- Continue to update and seek direction from the Board.

#### CCC:LAA:rdw

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#### EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 13, 2021

MEMO TO: Board of Directors

FROM: Clifford C. Chan, General Manager

SUBJECT: Monthly Report – March 2021

#### HIGHLIGHTS

In March, staff assisted the California Department of Fish and Wildlife and the U.S. Department of Agriculture and Wildlife Services in trapping a coyote at Lafayette Reservoir Recreation Area. DNA analysis linked this coyote to five confirmed bites on humans within the Lamorinda area. To ensure public safety, trapping occurred after park hours at strategic locations.

In March, the District received six awards from the California Water Environment Association, San Francisco Bay Section. The Blend Tanks Grit Removal Pilot Project received the Engineering Achievement Award. The Main Wastewater Treatment Plant received the Safety Plant of the Year Award. Staff also received awards in the categories of Laboratory Person of the Year, Community Engagement and Outreach Person of the Year, Supervisor of the Year, and Service.

### WATER SUPPLY

Canyon Lakes Golf Course recycled water update. In March, cross-connection testing was conducted on the northern half of the golf course that includes all club, brewery, and maintenance facilities along with a portion of the golf course irrigation system. Conversion of the northern portion of the course's irrigation to recycled water is scheduled for the end of April 2021. Once the retrofit work is complete, the southern half of the golf course's irrigation system will be converted to recycled water.

**East Bayshore Recycled Water Project - Water Quality Improvements Pilot Study update.** On March 19, the pilot project was initiated at the Main Wastewater Treatment Plant. Treatment pilot testing will continue through March 2022.

**East Bay Plain Subbasin Groundwater Sustainability Plan update.** On March 22, staff met with the City of Richmond to discuss locations for new monitoring well sites. Formal approval for well installation will be required from the City of Richmond.

In March, the District and local agency partners signed a letter of intent (LOI) to negotiate in good faith for usage fees associated with the use of Contra Costa Water District's existing facilities for the Los Vaqueros Expansion project. The LOI documents the progress made to date but does not commit the District to any firm cost share.

On March 8, the District distributed an Intent to Review letter on the draft Urban Water Management Plan to over 200 primary stakeholders in the service area and upcountry. The plan will be available for public comment in early April 2021.

**Precipitation.** The East Bay precipitation for March was 1.73 inches (44 percent of average) and the season total is 8.31 inches (35 percent of average). The Mokelumne precipitation for March was 4.17 inches (58 percent of average) and the season total is 23.22 inches (57 percent of average).

## **Water Releases**

**Camanche Reservoir.** The average rate of Camanche release for March was 256 cfs (220 cfs generation, 2 cfs sluice, and 34 cfs through the hatchery), and the average flow below Woodbridge Dam was 115 cfs, both in accordance with the Joint Settlement Agreement "Below Normal" water year criteria.

**East Bay Reservoirs.** There were no East Bay reservoir releases in March.

## **Water Storage**

**Mokelumne reservoirs storage is 88 percent of average.** As of March 31, 2021, Pardee was at 561.1 feet or 101 percent of average, and Camanche was at 208.9 feet or 80 percent of average. Combined Pardee and Camanche reservoir storage was 430,000 acre-feet compared to 461,000 acre-feet last year.

**East Bay reservoirs storage is 86 percent of average.** As of March 31, 2021, USL was at 441.0 feet or 76 percent of average, San Pablo was at 302.7 feet or 86 percent of average, and Briones was at 567.1 feet or 93 percent of average. Total terminal reservoir storage was 119,000 acre-feet compared to 131,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants (RWPPs). The average rate of Mokelumne Aqueduct draft for March 2021 was 182 million gallons per day (MGD). The Briones RWPP pumped 2,446 acre-feet of water to Briones Reservoir from March 5 to March 31 at an average rate of 30 MGD as part of the Briones Reservoir refill operation. The Moraga RWPP pumped 2,879 AF of water to USL Reservoir from March 10 to March 31 at an average rate of 43 MGD as part of the USL Reservoir refill operation. The Walnut Creek RWPP No. 2 was in service to increase Pardee Reservoir supply to Lafayette Aqueduct No. 1. Walnut Creek RWPP No. 1 and No. 3 remained out of service for the month.

Water Production. Average rate of gross water production for March:

	March 2021	March 2020	March 2013	Average of FY 2005-2007
East of Hills	33 MGD	34 MGD	43 MGD	33 MGD
West of Hills	103 MGD	109 MGD	116 MGD	129 MGD
Total	136 MGD	143 MGD	159 MGD	162 MGD
Max Day	162 MGD	168 MGD	172 MGD	
Production	(3/31/2021)	(3/4/2020)	(3/27/2013)	

Note: Data are all from preliminary daily operational reports and are subject to revision

## WATER QUALITY AND ENVIRONMENTAL PROTECTION

In March, the District issued a pollution prevention permit to California Prostitutes Education Project (Cal-PEP) for discharge of wastewater from mobile shower/bathroom facilities serving homeless individuals in the East Bay. This permit is similar to existing permits issued to Lava Mae and Urban Alchemy which, like Cal-PEP, are non-profit organizations that provide services promoting well-being for people experiencing homelessness. There are no fees or charges associated with pollution prevention permits other than standard volumetric wastewater treatment charges.

In March, the Contra Costa County (CCC) District Attorney's (DA) Office requested information related to three separate discharge events in the City of Lafayette. The discharge events took place on July 3 and October 26, 2020, and January 15, 2021. The July and October discharges were related to main break events, and the January discharge was related to District repair work along Mokelumne Aqueduct No. 1. In April 2021, staff will meet with the CCC DA's Office to discuss the details of these events and our response to main breaks. The discharges were each covered under the District's National Pollutant Discharge Elimination System permit and reported to the Regional Water Quality Control Board (RWQCB). The RWQCB did not pursue any additional action against the District based on the absence of natural environment impacts and the quick response by staff.

In March, the District began a wastewater sampling program in collaboration with the California Department of Pesticides Regulation's (CDPR) Surface Water Protection Program. Staff will collect additional wastewater samples from existing permitted businesses and selected trucked waste customers while conducting routine inspections and sampling. CDPR will analyze samples using advanced techniques to differentiate certain waste stream sources to aid in source detection. Individual dischargers will not be identified by name or address in CDPR reporting.

In March, seasonal salmonid field monitoring was conducted in the Mokelumne River. In the upstream and downstream traps, 7,706 and 288 naturally produced juvenile Chinook salmon were observed, respectively, through March 9. Based on trap calibrations, this equates to a production estimate of 89,840 juvenile Chinook salmon at the upstream trap, and an outmigration estimate of 5,434 juvenile Chinook salmon at the downstream trap this monitoring

season. Staff continued to conduct weekly redd surveys, with a cumulative total of 295 Chinook salmon and 77 steelhead redds observed as of March 8.

On March 30, the District submitted Dam Safety Surveillance and Monitoring Reports for the Pardee and Camanche facilities to the Federal Energy Regulatory Commission (FERC). The annual reports summarize the District's dam safety monitoring including field observations, instrumentation evaluations and engineering assessments. The reports conclude the dams are considered safe for continued operation. The findings will be reviewed and approved by FERC.

On March 31, the District submitted annual reports to the U.S. Fish and Wildlife Service (USFWS) in compliance with the Safe Harbor Agreement. The Safe Harbor Agreement is a 30-year agreement entered between the District and USFWS in 2009 with the purpose of promoting the enhancement and management of habitat for California tiger salamander, California red-legged frog, and valley elderberry longhorn beetle while providing associated regulatory coverage to the District. The reports summarize the conservation and management actions conducted in the upcountry watershed in 2020.

The District received no odor complaints from the public in March.

All authorized discharges from the Main Wastewater Treatment Plant were in compliance with the permit limits for the month of March.

## INFRASTRUCTURE INVESTMENT

**Fire Trail and Jensen No. 1 Pumping Plants Project update.** On March 17, the project reached a milestone where the pumping plants were successfully commissioned and placed into operation. This \$4.3 million project involved a full mechanical, electrical, and control systems rehabilitation of the pumping plants, including replacement of aging equipment and safety improvements to mitigate arc-flash hazards. Construction is expected to be completed in May 2021.

In March, staff completed a pipeline replacement project in the Sierra Drive area in Walnut Creek. This project replaced asbestos coated pipe with approximately 1,800 feet of 6-inch structurally-enhanced polyvinyl chloride pipe.

In March, staff began a pipeline replacement project in the Talbot Avenue area in Albany. This project will replace cast iron pipe with approximately 2,500 feet of 6-inch structurally-enhanced polyvinyl chloride pipe. This project is expected to be completed in June 2021.

In March, staff began a pipeline replacement project in the Nicol Avenue area in Oakland. This project will replace cast iron pipe with approximately 7,200 feet of 4-, 6-, and 8-inch mortar-lined zinc coated ductile iron pipe. This project is expected to be completed in August 2021.

On March 2, staff met with the Washington Suburban Sanitary Commission to discuss respective pipeline replacement programs. The discussion included ductile iron pipe specifications and standards, hazard resilient pipeline materials, and efficiencies gained by merging engineering and construction staff at the same work location.

Mains repaired in March totaled 46. The attached table lists the mains repaired by staff in March, 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**

Quarry Site Trench Soils Restoration Project update. On March 2, staff met with East Bay Regional Park District (EBRPD) and provided information on the viability of using the quarry site for trench soils disposal, the concept and timeline for investigating the restoration/reclamation of the site and preparation of an Environmental Impact Report. EBRPD identified the potential need for pedestrian safety improvements (e.g., crosswalks) for any trail connections that would cross Lake Chabot Drive, and suggested potential trail staging areas. Staff will continue to coordinate with EBRPD as the project moves forward.

On March 2, staff met with the City of Hayward to coordinate construction activities. The two agencies shared information on recently completed and upcoming work.

On March 3, staff participated in the Re-Inventing the Nation's Urban Water Infrastructure webinar. Staff along with other panelists shared insights into how the District maintained operations throughout the COVID-19 pandemic, lessons learned, and emergency preparedness tips. Approximately 80 people attended.

On March 5, the District sponsored the virtual Alameda County Science & Engineering Fair for junior high and high school students. Staff selected winners for the Excellence in Water and Wastewater Research Special Award. Approximately 600 people attended.

On March 9, staff met with West Contra Costa Unified School District to discuss work-based learning opportunities for water and wastewater career pathways as well as internship and sponsorship opportunities.

On March 9, staff presented at the California Water Summit for Asset Management. The presentation highlighted the District's pilot using existing camera sewer inspection data with Artificial Intelligence to improve asset management and risk analysis from an economic perspective for better data-driven decision-making to the benefit of the ratepayer.

On March 11, staff met with the City of Hercules to coordinate construction activities. The two agencies shared information on recently completed and upcoming work.

On March 12, staff met with Phillips 66 Refinery to continue discussions regarding the Crockett Aqueduct Pipelines in Rodeo. Phillips 66 shared cost estimates for various pipeline relocation options were too expensive and would like to pursue providing a clean utility corridor for the pipelines in their existing alignment, and request exceptions to above ground unauthorized encroachments. Staff re-iterated the need for Phillips 66 to remediate all contaminated soil within the District's property to create a clean utility corridor for the existing pipelines in addition to removing any unauthorized encroachments above District pipelines. Phillips 66 will provide copies of the cost estimates and staff will investigate the requirements of a clean utility corridor. Staff will continue to meet and coordinate with Phillips 66 to finalize and reach an agreement on existing and any new licenses.

On March 12, a small plane made an emergency landing at Lafayette Reservoir Recreation Area. Just before 3:00 p.m., a small two-seater plane flying over the East Bay ran out of gas, prompting the pilot to perform an emergency landing at Lafayette Reservoir Recreation Area. There were no injuries to the pilot, no damage to the plane, and no impacts to EBMUD watershed lands or Lafayette Reservoir. Staff coordinated with authorities to remove the plane from Lafayette Reservoir Recreation Area.

On March 12, the District sponsored the virtual Contra Costa County Science Fair for high school students. Staff selected the winner for the Water and Wastewater Excellence award. Approximately 100 people attended.

On March 12, staff attended the Meet & Greet for Oakland Police Chief LaRonne Armstrong. Approximately 40 people attended.

On March 15 and 23, staff met with Oakland Chinatown Chamber Steering Committee to discuss the formation of a Community Benefits District (CBD). Staff participated in discussions on service options, costs, and the final pricing option. CBDs are public-private partnerships formed by property owners in a specific geographic area to improve quality of life, build community, and promote economic activity. CBDs provide supplemental services such as safety patrols, sidewalk cleaning, park maintenance, retail and restaurant recruitment, resident and business advocacy, and more to improve the basic level of services provided by the City (to supplement city services, NOT replace city services). These services are funded by property owners who pay an annual assessment based on the size of one's land, building or home, and other determining factors. Approximately 30 people attended each meeting.

On March 16, the District provided the City of Lodi with video content relating to California tiger salamander sampling on the Mokelumne watershed. The footage will be used to create a five- to six-minute educational video for students. The video is being produced through a grant provided by the Lower Mokelumne River Partnership to the City of Lodi.

On March 16, staff met virtually with Contra Costa County to coordinate construction activities. The two agencies shared information on recently completed and upcoming work.

On March 16, the District held a virtual public meeting for the Moraga Creek Flood and Erosion Control Project. Staff provided information on the repairs made to District watershed land impacted by two landslides. Approximately 55 people attended.

On March 16, staff met with the City of San Leandro to coordinate construction activities. The two agencies shared information on recently completed and upcoming work.

On March 17, staff met with the City of Hercules to coordinate construction activities. The two agencies shared information on recently completed and upcoming work.

On March 18, staff presented at the West Oakland Liaison Group meeting. The presentation highlighted updates at the Main Wastewater Treatment Plant, the District's budget and rates setting process, and District careers and education resources. Approximately 10 people attended.

On March 18, staff presented at the California Department of Water Resources' monthly water loss webinar. The presentation highlighted the District's Innovation Model of Practice that was created, refined, and implemented as part of the Pipeline Rebuild program. Approximately 100 people attended.

On March 24, staff presented at the California Water Environment Association's COVID-19 response webinar. The presentation highlighted the District's COVID-19 response including resources and protocols developed to maintain operations while minimizing risks to staff, initiatives to monitor wastewater as a leading indicator of coronavirus in the community, the vaccination plan, and the need for collaboration to effectively adapt to the pandemic. Approximately 200 people attended.

On March 24, staff met with the City of Oakland to coordinate construction activities. The two agencies shared information on recently completed and upcoming work.

On March 26, staff participated in the Oakland Chinatown Chamber of Commerce's Anti-Asian Hate Crime rally. Staff stood with the community to condemn the outbreak of crime against Asian Americans throughout the country and in Oakland Chinatown in particular, where our administration offices are headquartered. Approximately 100 people attended.

On March 29, staff presented at the California Water Environment Association's and the Pacific Institute's Brave Blue World effects of climate change webinar. The presentation highlighted the District's Climate Action Policy, greenhouse gas reduction goals, and discussed the impacts, vulnerabilities, mitigation measures, and adaptation strategies the District is implementing to address climate change. Approximately 100 people attended.

Media. The Mercury News and Sacramento Bee provided an update on local water agency water supplies and actions, including EBMUD's status, as the question of drought looms. East Bay Times, SF Gate, San Francisco Chronicle, KTVU, KPIX, KCBS, the Patch and the World News Network covered an emergency plane landing at Lafayette Reservoir. KRON reported on a New York Times survey stating that a Berkeley bagelry has the best bagels in the country – and credits EBMUD water. The Sacramento Bee provided an update on water supply and possible drought. An East Bay Times editorial called on EBMUD to begin conservation actions immediately. An East Bay Times story mentions EBMUD's installation of new mains in Piedmont. Bay Nature Magazine explores the cause of tree deaths in the East Bay, including trees on EBMUD's land. Lamorinda Weekly included EBMUD's Lafayette Rim Trail and King Canyon Loop in a round-up of dog-friendly trails. Staff also responded to ABC7 about a Piedmont main break. NBC Bay Area interviewed staff at the Oakland Chinatown Chamber of Commerce's Anti-Asian Hate Rally.

## **Social Media:**

Social Platform	Popular Topic	Impression Generation	# Followers	Change Over Last Month
Twitter	News article about the best bagels in California and tap water	1,268	3,406	16
Facebook	KQED podcast coverage of Chabot Dam	500	1,555	10
LinkedIn	CWEA employee award	1,015	6,205	97
Nextdoor	Customer Pipeline March/April	Enti	re service are	a

Staff conducted public outreach to neighbors and interested parties on the following projects:

- Acorn, Scenic, Scenic East and Derby Reservoir Project (Blackhawk, Danville, San Ramon)
- Copper Lateral Cathodic Protection Project (Richmond)
- Lexington Cluster Pipeline Replacement Project (El Cerrito)
- Pipeline Replacement Project Paving on Florida Ave, S 13th St, 28th St, McBryde Ave, 38th St, Wilson Ave, Tunnel Ave, 6th St., S 33rd St., 35th St., 46th St., and Ventura St and Vista Del Rio (Richmond, Crockett)
- Sierra Drive Pipeline Cluster (Walnut Creek)
- Wildcat Pipeline Project (Berkeley)
- Westside Pumping Plant Replacement Project (Orinda)

## **Contract Equity**

On March 24, staff participated in Construction Resource Center's Project Management Graduation Certificate Ceremony. Staff provided information on upcoming contracting and employment opportunities and the District's Contract Equity Program. During the ceremony students and small business owners who completed the 10-week project management course were presented with completion certificates. Approximately 35 participants attended.

Contract Equity staff participated in the following customer events and outreach activities:

- March 3 National Association of Minority Contractors, No. California Chapter Informational Meeting -15 attended
- March 8 Western Region Minority Supplier Development Council Construction Working Group - 28 - attended
- March 10 National Association of Women in Construction SF Championing Women in the Construction Industry Women in Construction Week 65 attended
- March 11 University of California Small & Diverse Business Advisory Council, Quarterly Meeting – 20 attended
- March 12 Western Region Minority Supplier Development Council Minority Business Input Committee Meeting – 65 attended
- March 12 Powerful Women of the Bay Awards, 12th Annual Awards Event 500 attended
- March 19 Oakland Latino Chamber of Commerce, Board Meeting 16 attended
- March 22 National Veteran-Owned Business Association, Marching Forward Monday Veterans Business Enterprise Showcase – 45 attended
- March 24 Construction Resource Center, 10-Week Project Management Training Graduation – 35 attended
- March 30 University of California, How to do Business with UC Webinar 213 attended
- March 30 Caltrans, Disadvantaged Business Enterprise Equity Matters 2021 Summit 175 attended

## **Water Conservation**

## In March, the District hosted four webinars on water-wise gardening on the following dates and topics:

- March 4 Plant Selection for Beginning Gardeners focused on water-wise gardening and leak detection. Approximately 105 people attended.
- March 11 Irrigation Basics focused on irrigation components from the meter to the emitter
  or spray head, common irrigation problems and solutions, and the District's landscape rebate
  program. The webinar was simulcast in English and Spanish. Approximately 90 people
  attended.
- March 16 Graywater: Laundry-to-Landscape Systems focused on benefits of graywater and the District's rebate program. Approximately 80 people attended.
- March 18 Home Leak Detection focused on water-wise gardening and leak detection. Instruction was provided on how to read a water meter, test for common indoor and outdoor

household leaks, and set up leak alerts with the District's free online portal. The webinar was simulcast in English and Spanish. Approximately 45 people attended.

On March 4, staff participated in the CA Landscape Contractor Association's "Irrigation Technology and Rebates" webinar. Staff provided information on the District's service area, commercial landscape rebates, and the irrigation-only budget program. Approximately 20 people attended.

On March 8, the District hosted the Landscape Advisory Committee General Meeting webinar. Staff provided information on the District's current water supply condition and updates on its water conservation program. Also, landscape architect Nora Harlow and award-winning photographer Saxon Holt explained how plants adapt to the climate and topography where East Bay garden favorites were highlighted. Approximately 105 people attended.

On March 16, staff presented at a San Ramon 3<sup>rd</sup> grade Brownie Troop meeting. The presentation, Wonders of Water, covered topics such as where our water comes from, why water conservation is important, and ways to save water and investigate leaks in homes. 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 future workforce needs and expand collaborative relationships with local partner organizations:

- March 19, in partnership with BAYWORK, staff participated in the Bay Area Manufacturing Virtual Job Fair hosted jointly by Bay Area Community Colleges and the Association of Manufacturers Bay Area. Staff provided information on District careers in the skilled trades and operations classifications. Approximately 305 people attended.
- March 24, staff participated in the Oakland Unified School District's Summer Work Based Learning Opportunity Virtual Fair. Staff provided information on the District's high school Virtual Internship Program including the types of internship positions available. Approximately 400 people attended.
- March 31, staff participated in Chabot-Los Positas Community College District's Tri-Valley Virtual Spring Job Fair. Staff provided information on District career pathways. Approximately 80 people attended.

## **Tuition Reimbursement**

	March 2021	FY21 Total
# of Employees	10	138
# of Classes	13	190
Total Reimbursed	\$14,665	\$132,832

**Employment Information** 

	January 2021	FY21 Total
Retirements – Regular	9	57
Retirements – Vested	2	10
Hires/Rehires	11	115
Other Separations	5	38

#### FINANCIAL STABILITY

In March, Government Finance Officers Association advised to no longer refer to the Comprehensive Annual Financial Report by the four-letter acronym commonly used. Staff will refer to it by the full title in future publications and when saying it. In addition, the District's website has been updated to remove references to the four-letter acronym.

On March 12, the District received \$300,000 in California Office of Emergency Services grant funding for replacing an old emergency generator at the Main Wastewater Treatment Plant's (MWWTP) Power Generation Station (PGS). This grant will allow for the purchase and installation of a new emergency generator to reliably start the existing PGS engine generators which provide critical baseline power for the MWWTP during an outage. The new generator will also comply with current air regulations and will be easier to maintain.

On March 19, the District received an additional \$160,000 in Department of Interior grant funding for the EBMUD Mokelumne River Riparian Diversion Screening project. This grant will allow for purchase, permitting, and installation of up to three fish screens on private riparian diversions on the Mokelumne River. Since 2018, the District has received a total of \$320,000 for this grant.

The estimated earned revenue from Mokelumne power sales for March is \$332,319. The District sold renewable power and related Renewable Energy Credits (RECs) to Marin Clean Energy (MCE). A total of \$23,170 was generated from REC sales from MCE. Resource Adequacy capacity sales to 3 Phases Renewables, Inc. and East Bay Community Energy earned \$195,685. Earned revenue to date through March is estimated at \$3,730,000 or 74.6 percent of the FY21 budgeted \$5.0 million. Forecasted revenue for FY21 is \$4.7 million.

The estimated earned revenue from the Main Wastewater Treatment Plant Power Generation Station's surplus power sales for March is \$74,120. The District sold renewable power and related Renewable Energy Credits (RECs) to the Port of Oakland. Sale of RECs generated \$14,688 from the Port of Oakland. Earned revenue for FY21 to date is estimated at \$550,112 or 55 percent of the total FY21 budget of \$1.0 million.

There were no material and supply contracts from \$80,001 to \$100,000 approved by the General Manager in March 2021. There were five general services agreements from \$30,001 up to \$80,000 approved by the General Manager in March 2021.

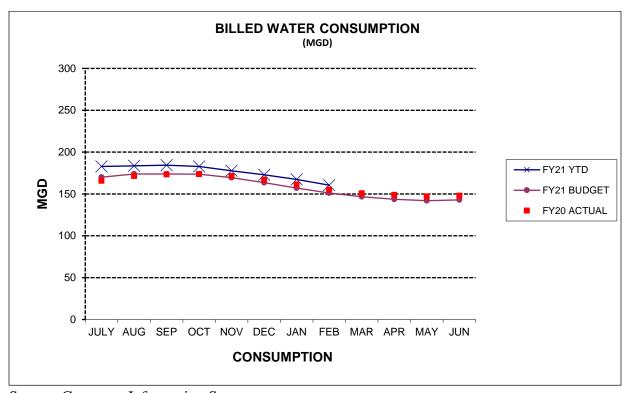
VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
Siegfried Engineering, Inc.	03/09/21	White Male	Storm water, sewer, and landscape site design services related to improvements at Fleet Maintenance East	N/A	N/A	\$79,500
Konecranes, Inc.	03/11/21	White Male	Update of existing 10- ton Demag bridge crane and upgrade of existing cranes at the Adeline Maintenance Center Central Machine Shop	N/A	N/A	\$70,335
Shaw Law Group, PC	03/19/21	White Female	Amendment to previous agreement for investigative services for EEO complaints	N/A	N/A	\$80,000
Guaranteed Plumbing	03/25/21	White Male	Installation of copper houseline and three pressure reducing valves for customers located at 1, 2, and 6 Madera Lane in the City of Orinda	Westside Pumping Plant Replacement Project	N/A	\$32,900
Admail Express, Inc.	03/30/21	White Male	Mailing services for Proposition 218 rate notification	N/A	04/05/21 - 04/23/21	\$37,000

## **Water Sales (Consumption)**

The following consumption information provides the average water consumption in millions of gallons per day (MGD) for the first eight months of FY21. Budgeted average daily water consumption for FY21 is 143 MGD with higher summer month consumption due to outdoor watering. The table below shows the average billed water consumption information by customer class with a comparison to FY20 data for the same period of time.

Alameda and Contra Costa counties' public health departments have issued "shelter-in-place" orders since March 17, 2020. While this has limited the activities of businesses, industries, schools and public agencies within the service area, the District has not seen a significant impact from the pandemic on overall water consumption and has rather experienced a shift in usage types as seen below. Staff will continue to monitor billed water sales and water production for changing trends.

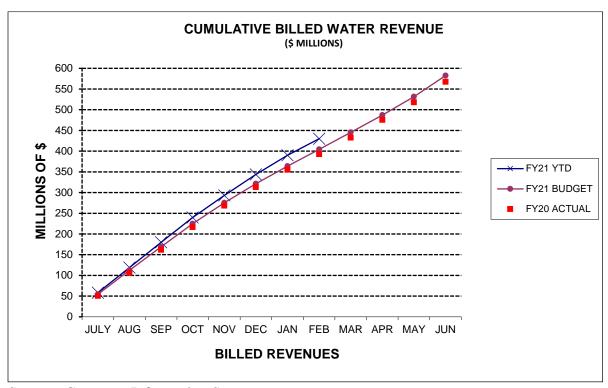
Fiscal Year-to-Date Billed Water Consumption									
Usage Type	FY21 (MGD)	FY20 (MGD)	Year-over-Year (% change)						
Residential	86.6	80.5	7.6%						
Commercial	49.1	50.8	-3.3%						
Industrial	17.6	16.2	8.6%						
Public Authority	7.2	7.5	-4.0%						
<b>Total Billed Water Consumption</b>	160.5	155.0	3.5%						



Source: Customer Information System

## Water Sales (Revenue)

Water revenues billed through the first eight months of FY21 were \$430.0 million or 9.5% more than the \$392.8 million billed for the same period in FY20. This increase reflects the 6.25% FY21 rate increase and higher water consumption. Total FY21 billed water revenues through February are \$25.6 million, or 6.3%, greater than the budgeted water revenue of \$404.4 million.



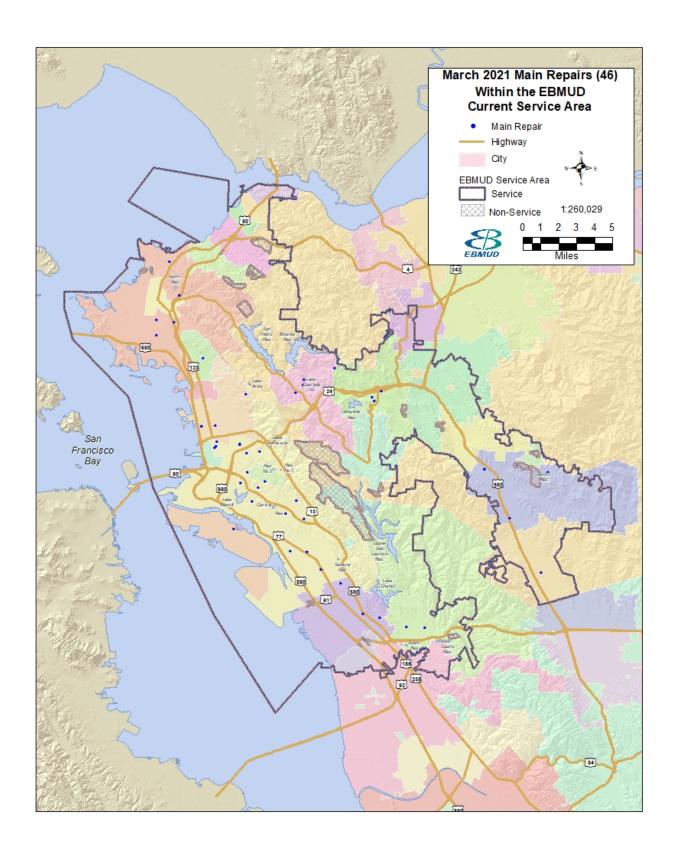
Source: Customer Information System

			M	ARCH 2021 MAIN BR	EAK REPA	IRS				
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ALAMEDA		SHERMAN	ST	CAST IRON	6.00	1928	10,080	2/24/2021	3/2/2021	Υ
BERKELEY		4TH	ST	CAST IRON	6.00	1921	7,200	3/4/2021	3/8/2021	Υ
BERKELEY		4TH	ST	CAST IRON	6.00	1921	2,700	3/11/2021	3/11/2021	Υ
BERKELEY		65TH	ST	CAST IRON	4.00	1931	4,320	3/8/2021	3/10/2021	Υ
BERKELEY		DWIGHT	WAY	CAST IRON	8.00	1927	2,880	3/2/2021	3/3/2021	Υ
BERKELEY		FAIRLAWN	DR	CAST IRON	6.00	1930	450	3/25/2021	3/25/2021	Υ
CASTRO VALLEY		EDWARDS	LN	CAST IRON	8.00	1946	8,640	3/3/2021	3/8/2021	Υ
CASTRO VALLEY		SOMERSET	AVE	CAST IRON	8.00	1950	34,560	3/27/2021	3/29/2021	Υ
DANVILLE		MISSION	PL	ASBESTOS CEMENT	6.00	1981	8,640	3/3/2021	3/8/2021	Υ
DANVILLE		RAMON	СТ	ASBESTOS CEMENT	4.00	1951	900	3/19/2021	3/19/2021	Υ
DANVILLE		RAMON	СТ	ASBESTOS CEMENT	4.00	1951	0	3/23/2021	3/26/2021	Υ
DANVILLE		STILL CREEK	PL	ASBESTOS CEMENT	6.00	1979	27,000			Υ
EL CERRITO		MOESER	LN	CAST IRON	6.00	1953	0	3/11/2021	3/11/2021	Υ
LAFAYETTE		BROOK	ST	CAST IRON	4.00	1931	11,520	3/16/2021	3/19/2021	Υ
LAFAYETTE		CERRO ENCANTADO		CAST IRON	4.00	1932	8,640	3/4/2021	3/9/2021	Υ
LAFAYETTE		MT DIABLO	BL	ASBESTOS CEMENT	8.00	1957	450	3/25/2021	3/25/2021	Υ
OAKLAND		60TH	ST	CAST IRON	4.00	1936	2,880	3/16/2021	3/17/2021	Υ
OAKLAND		61ST	ST	CAST IRON	6.00	1932	8,640	2/24/2021	3/1/2021	Υ
OAKLAND		71ST	AVE	E CAST IRON 4.00 1926 8,640 2/26/2021 3/3/20		3/3/2021	Υ			
OAKLAND		94TH	AVE	CAST IRON	4.00	1938	11,520	3/9/2021	3/16/2021	Υ
OAKLAND		61ST	ST	CAST IRON	4.00	1906	4,500	3/2/2021	3/2/2021	Υ
OAKLAND		62ND	ST	CAST IRON	6.00	1951	14,400	3/3/2021	3/4/2021	Υ
OAKLAND		BERLIN	WAY	CAST IRON	6.00	1937	9,000	3/17/2021	3/18/2021	Υ
OAKLAND		CALMAR	AVE	CAST IRON	6.00	1925	90,000	3/6/2021	3/6/2021	Υ
OAKLAND		CARLSEN	ST	NON METALLIC / PLASTIC	8.00	2002	27,000	3/28/2021	3/28/2021	Υ
OAKLAND		HUDSON	ST	CAST IRON	6.00	1922	45,000	3/9/2021	3/9/2021	Υ
OAKLAND		IVY	DR	CAST IRON	4.00	1925	5,760	3/16/2021	3/19/2021	Υ
OAKLAND		LILY	ST	ASBESTOS CEMENT	6.00	1981	720	3/25/2021	3/25/2021	Υ
OAKLAND		MONTE CRESTA	AVE	CAST IRON	6.00	1938	89,910	3/29/2021	3/29/2021	Υ

\*KPI = turn around time to repair the leak

			M	ARCH 2021 MAIN BRI	EAK REPA	IRS				
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
OAKLAND		ORANGE	ST	CAST IRON	6.00	1933	7,200	3/5/2021	3/9/2021	Υ
OAKLAND		ROMANY	RD	CAST IRON	6.00	1928	18,000	3/9/2021	3/9/2021	Υ
OAKLAND		SEMINARY	AVE	STEEL	6.00	1952	450	3/22/2021	3/22/2021	Υ
ORINDA		ARDILLA	RD	CAST IRON	4.00	1934	0	3/17/2021	3/30/2021	N
ORINDA		CAMINO DON MIGUEL		CAST IRON	4.00 1934 4,500 3/11/2021 3/11/2021		Υ			
ORINDA		HACIENDAS	RD	STEEL	16.00	1954	40,320	3/18/2021	3/18/2021 3/24/2021	
ORINDA		HAPPY VALLEY	RD			3/30/2021	Υ			
PIEDMONT		OAK	RD			3/1/2021	Υ			
RICHMOND		25TH	ST	ASBESTOS CEMENT 6.00 1960 18,000 2/28/2021 CAST IRON 6.00 1931 14,400 3/8/2021		3/12/2021	Υ			
RICHMOND		CHRISTINE	DR	ASBESTOS CEMENT	6.00	1953	9,000	3/14/2021	3/15/2021	Υ
RICHMOND		LINCOLN	AVE	CAST IRON	6.00	1942	5,760	3/22/2021	3/25/2021	Υ
RICHMOND		MCLAUGHLIN	ST	CAST IRON	4.00	1933	5,760	3/22/2021	3/25/2021	Υ
RICHMOND		ROLLINGWOOD	DR	CAST IRON	6.00	Unknown	0	2/25/2021	3/3/2021	Υ
SAN LEANDRO		BANCROFT	AVE	CAST IRON	6.00	1925	20,160	3/9/2021	3/15/2021	Υ
SAN LEANDRO		MANCHESTER	RD	CAST IRON	4.00	1948	5,760	3/23/2021	3/24/2021	Υ
SAN LEANDRO		WAKE	AVE	CAST IRON	6.00	1945	0	3/10/2021	3/15/2021	Υ
SAN RAMON		NEWPORT	AVE	ASBESTOS CEMENT	8.00	1967	27,000	3/15/2021	3/15/2021	Υ
						Total	622,260			- <del></del>

Non-surfacing leaks discovered by leak detection technologies	2
Breaks caused by contractors or other agencies	3
Other main breaks	41
Total water main repairs	46



## Customer Account Delinquency Information March 2021

(Data collection began September 1, 2017)

CUSTOMER ASSIST. PROGRAM (CAP) ENROLLMENT	November	December <sup>6</sup>	January	February	March	Totals
New CAP Participants	171	193	171	140	163	7,264
CAP Renewals	133	166	154	164	172	6,820
CAP Departures	166	144	191	120	157	6,374
Total Active CAP Participants w/Active Accounts	8,149	8,237	8,272	8,352	8,415	
PAYMENT PLANS	November	December	January	February	March	Totals
Approved Payment Plans	1,393	1,544	1,446	1,208	1,328	172,164
Payment Plans Established After Service Interruptions			.01			1,320
SERVICE INTERRUPTIONS - RESIDENTIAL	November <sup>3</sup>	December <sup>3</sup>	January <sup>3</sup>	February <sup>3</sup>	March <sup>3</sup>	Totals
15-day Final Collection Notices	17,206	13,619	12,299	13,134	16,084	663,802
48-hr Service Interruptions Notices	8,405	9,914	7,506	8,432	9,296	360,516
Service Interruption Orders Created	*	*	*	*	*	82,689
Service Interruptions Completed (Actual)	*	*	*	*	*	22,712
CAP Enrolled Service Interruptions	*	*	*	*	*	802
WATER THEFT	November	December	January	February	March	Totals
No. of Incidents			Vi.			367
No. of 2nd or 3rd Occurrences	(*)	160				41
No. Water Theft Penalties Issued		190	P1		000	227
No. of Appeals Received	(2)		ψ <sub>1</sub>	-	-	10
No. of 1st Appeals Approved	(2)					5
No. of 1st Appeals Denied	(40)	(4)	H1			7
Multi-Family Liens <sup>1</sup>	November	December	January	February	March	Totals
Liens Filed	25	78	164	-	233	4,684
Released	513	311		10	27	3,375
Transferred to Alameda Cty.				-	(=)	1,612
Transferred to Contra Costa Cty.		(*)	H1	-	-	337
Total/Month	538	389	164	10	260	10,008

<sup>1</sup> Liens filed monthly represents delinquent accounts 4-6 months in arrears.

BAD DEBT - WRITE OFFS	November	December	January	February	March	Totals
Total Referred to Collection Agency	\$ 126,908	\$ 167,754	\$ 191,489	TBD <sup>2</sup>	TBD <sup>2</sup>	\$ 6,482,917
Write-Off % to Billed Revenue	0.21%	0.29%	0.35%	TBD <sup>2</sup>	TBD <sup>2</sup>	

<sup>&</sup>lt;sup>2</sup> Information not available until the 20th of the month is normally one month behind, however due to summer schedule July and August to be updated in September 2020.

\*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	-	20	-		let.		-	181	-	-	(4)
Hydrant		Vi.	vi	v	-		-	· ·			-
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	-			181					2	
Hydrant	-	-	-	-	(=)	-	-		-	0	
Total	239	1	5	69	7	1	5	3	2	367	

<sup>&</sup>lt;sup>3</sup> 48-hours notices were generated, but not mailed to customers since March 23, 2020. Customers are receiving payment reminders in-lieu of 48-hours notices.

<sup>&</sup>lt;sup>6</sup> CAP data up to December 29, 2020

#### EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 8, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager

FROM: Rischa S. Cole, Secretary of the District

SUBJECT: Finance/Administration Committee Minutes – March 23, 2021

Chair William B. Patterson called to order the Finance/Administration Committee meeting at 8:30 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 remotely while social distancing requirements are in effect. All Directors participated remotely. Chair Patterson requested a moment of silence in observance of those who lost their lives in the shootings that occurred in Atlanta, Georgia on March 16 and Boulder, Colorado on March 22. Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Director of Finance Sophia D. Skoda, Manager of Customer and Community Services Andrew L. Lee, Customer Services Manager Teri Dean Alderson, Special Assistant to the General Manager Kelly A. Zito, Assistant to the General Manager Janetta M. Johnson, and Secretary of the District Rischa S. Cole.

## Public Comment. None.

Monthly Investment Transactions Report. Director of Finance Sophia D. Skoda provided an overview of the February 2021 report and reported current interest rate earnings of approximately 0.25 percent. The report will be presented to the Board for consideration at its meeting in the afternoon. Director Coleman asked about FDIC-insured American Express investment plans for the District. Ms. Skoda said staff would check if the plans are applicable to the District. It was moved by Director Coleman, seconded by Director Katz, and carried (3-0) by roll call vote to accept the report.

Electronic Bill Presentment and Payment (EBPP) and Payment Processing Update. Customer Services Manager Teri Dean Alderson presented an overview of the following payment options currently available to District customers: electronic payments (EBPP, automatic bill payment, credit card, home banking and ACH); pay stations; mailed-in payments; and drop boxes. Electronic payments have increased from 15 percent to 70 percent since 2000. Ms. Dean reported the EBPP option is the most cost-effective for both the District and customers as it allows customers to receive and pay their bills electronically and saves the District almost \$600,000 per year in printing, mailing, and processing mailed-in payments. In 2020, the District processed nearly three million payment transactions and collected over \$769 million of which \$279 million in payments were mailed in. While the District can process electronic payments at any location, mailed-in payments are processed in the Administration Building using machines that require costly annual maintenance and periodic replacements. Ms. Alderson highlighted the process and machines currently used to handle mailed-in payments. As it is not cost-effective to purchase backup equipment, if the machines in the Administration Building became unavailable (for instance, due to an emergency or disaster), the District would be unable to process mailed-in payments. To address this issue, staff presented a business continuity plan in April 2019 to the Finance/Administration Committee to

Board of Directors Finance/Administration Committee Minutes of March 23, 2021 April 8, 2021 Page 2

use a lockbox service for mailed-in payments. Ms. Alderson discussed the benefits and costs of implementing a lockbox service and said staff has confirmed the District's contract with Wells Fargo bank includes this service. The District discussed the lockbox service with Local 2019 at four meetings between July and December 2020. Local 2019 raised concerns about the efficiency gains resulting in a reduction of work; the District and Local 2019 were unable to resolve the concerns. At its April 13, 2021 meeting, the Board will be asked to consider increasing the District's Wells Fargo bank contract by \$260,000 annually for five years for the lockbox service. Ms. Alderson responded to Committee questions regarding the process for leak credits when customers use EBPP and how staff duties will change if the lockbox service is implemented. The Committee requested an update at the April 13 Board meeting on staff utilization and the transition to the lockbox service. It was moved by Director Coleman, seconded by Director Katz, and carried (3-0) by roll call vote to accept the staff update.

Adjournment. Chair Patterson adjourned the meeting at 8:50 a.m.

### CCC/RSC

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