



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, June 9, 2015**

**REGULAR CLOSED SESSION
11:00 a.m., Board Room**

ROLL CALL:

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

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
Two matters.

(The Board will hold Closed Session in Conference Room 8A/B)

**REGULAR BUSINESS MEETING
1:15 p.m., Board Room**

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

ANNOUNCEMENTS FROM CLOSED SESSION:

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

CONSENT CALENDAR: (Single motion and vote approving 11 recommendations.)

1. Approve the Regular Meeting Minutes of May 26, 2015.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Johnson Enterprises, in the estimated annual amount of \$261,783, after the addition of taxes, for supplying polymer concrete vault/meter boxes and covers for three years, beginning on or after June 23, 2015, with two options to renew for an additional one-year period for a total not to exceed the amount of \$1,308,915 under Request for Quotation No. 1520.
4. Award a contract to the lowest responsive/responsible bidder, Con-Quest Contractors, Inc., in the amount of \$2,857,070 for construction of the East Bayshore Recycled Water Pipeline – Phase 1A under Specification 2015A.
5. Award a contract to the lowest responsive/responsible bidder, Aztec Consultants, in the amount of \$1,145,000 for construction of the Moyers and Road 24 No. 2 Pumping Plants Rehabilitation under Specification 2057.
6. Authorize a contract beginning on or after June 9, 2015, with Alliant Insurance Services, Inc. in an amount not to exceed \$108,000 annually for providing group benefits brokerage and consulting services for three years with an option to extend for two additional one-year periods for a total cost of \$540,000.
7. Authorize an agreement with Roto-Rooter in an amount not to exceed \$96,725 for the storm drain cleanup associated with the Glen Echo Creek spill.
8. Authorize agreements beginning on or after July 1, 2015 with Bess Testlab Incorporated, Exaro Technologies Corporation, and PSC Industrial Outsourcing in an amount not to exceed \$240,000 annually for utility locating and vacuum excavation potholing services for three years with two options to renew for an additional one-year period for a total cost of \$1,200,000.
9. Award a contract and authorize an agreement for work at the Diablo Vista Pumping Plant and related construction projects:
 - 9.1. Award a contract to the lowest responsive/responsible bidder, G.S.E. Construction Company, Inc., in the amount of \$7,400,500 for construction of Diablo Vista Pumping Plant and Leland Rate Control Station Replacement under Specification 2077.
 - 9.2. Authorize an agreement with Walls Inspection Company in an amount not to exceed \$400,000 for plant inspection services for the Diablo Vista Pumping Plant and related construction projects.

CONSENT CALENDAR: (Continued)

10. Ratify the one-year water purchase and sale agreement with Reclamation District 1004 for up to 9,000 acre-feet of water in 2015, as falling within the Board of Directors' April 28, 2015 approval of proposed transfers.
11. Authorize the Office of General Counsel to continue employment of the law firm of Barg, Coffin, Lewis & Trapp, LLP, for specialized legal services related to environmental regulatory matters and environmental litigation.

PUBLIC HEARING:

12. Conduct a public hearing to consider Water System and Wastewater System proposed changes to the Schedules of Rates and Charges beginning FY16 and FY17 including: Water System Charges Schedule A and C; Drought Surcharge Schedule L; System Capacity Charges, Schedule J; Water System Fees Schedules H and N; Public Records Act Fees and Recreation Fees; Wastewater System Charges Schedules A and D; Wet Weather Facilities Charge Schedule F; Wastewater Capacity Fee Schedule G; and Water Service Regulations Sections 1, 2, 3, 9, 29, 30 and 31.

DETERMINATION AND DISCUSSION:

13. Adopt the following Rates, Charges, Fees, and Regulations for Fiscal Year 2016 and Fiscal Year 2017:
 - 13.1. Adopt the rates and charges subject to Proposition 218 recommended in the Biennial Report and Recommendation of the General Manager for Fiscal Year 2016-2017 submitted to the Board of Directors on May 12, 2015 and as discussed at the Board workshops on March 24 and April 14, 2015 and at the public hearing on rates and charges held on June 9, 2015. (Resolution)
 - 13.2. Adopt drought surcharges subject to Proposition 218 recommended in the Biennial Report and Recommendation of the General Manager for Fiscal Year 2016-2017 submitted to the Board of Directors on May 12, 2015 and as discussed at the Board workshops on March 24 and April 14, 2015 and at the public hearing on rates and charges held on June 9, 2015. (Resolution)
 - 13.3. Adopt the rates, charges, fees and regulations not subject to Proposition 218 recommended in the Biennial Report and Recommendation of the General Manager for Fiscal Year 2016-2017 submitted to the Board of Directors on May 12, 2015. (Resolution)
14. Adopt, in accordance with the provisions of the Municipal Utility District Act, the Fiscal Year 2016 and Fiscal Year 2017 Operating and Capital Budgets for the Water and Wastewater Systems as recommended in the FY16 and FY17 Proposed Biennial Budget. (Resolution)
15. Adopt the Position Resolution for Fiscal Year 2016 to implement necessary staffing and classification changes. (Resolution)

DETERMINATION AND DISCUSSION: (Continued)

16. Adopt findings and mitigation monitoring and reporting program and approve the major new water facilities needed to serve the Northwest Specific Plan (Faria Preserve and Western Plan Area) located in the City of San Ramon: (Resolution)
 - 16.1. Adopt findings and the Mitigation Monitoring and Reporting Program, as a Responsible Agency, under the California Environmental Quality Act for the Faria Pressure Zone Improvements Project.
 - 16.2. Approve the major new water facilities needed to serve the Northwest Specific Plan (Faria Preserve and Western Plan Area) located in the City of San Ramon, as shown on Attachment A and described in the Faria Pressure Zone Facilities Plan (Attachment B).
17. Legislative Update:
 - Receive Legislative Report No. 06-15 and consider positions on the following bills: AB 291 (Medina) California Environmental Quality Act: Local Agencies: Notice of Determination: Water; SB 471 (Pavley) Water, Energy, and Reduction of Greenhouse Gas Emissions: Planning; Draft Budget Trailer Bill 807 (Author TBD) Water Board Drinking Water Program Fee Regulations; Draft Budget Trailer Bill 825 (Author TBD) Drought Water System Consolidation; Draft Budget Trailer Bill 826 (Author TBD) Drought Submetering; and Federal Clean Water Rule (Information Only)
 - Update on Legislative Issues of Interest to EBMUD
18. General Manager's Report:
 - 2015 Critical Drought Action Plan Update
 - Monthly Report – May 2015

REPORTS AND DIRECTOR COMMENTS:

19. Committee Reports:
 - Sustainability/Energy
 - Finance/Administration
 - Planning
 - Legislative/Human Resources
20. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, June 23, 2015 in the Administration Center Board Room, 375 Eleventh Street, Oakland, California.

Disability Notice


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

Document Availability

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

BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, June 9	Sustainability/Energy Committee Katz {Chair}, Linney, Young	8:00 a.m. Training Resource Center	<ul style="list-style-type: none"> Food Waste Update
	Planning Committee McIntosh {Chair}, Linney, Young Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson Board of Directors	9:00 a.m. Training Resource Center 10:00 a.m. Training Resource Center 11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> Update of East Bay Watershed Master Plan Bay Area Regional Reliability and Regional Desalination Project Updates Faria Pressure Zone Improvements Project Update Water Conservation Services for Multi-Family Residential and Senior Housing Legislative Update Contract Equity Program Enhancements Group Benefits Brokerage and Consulting Services Closed Session Regular Meeting
Tuesday, June 23	Finance/Administration Committee Patterson {Chair}, Katz, Young Board of Directors	10:00 a.m. Training Resource Center 11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> Closed Session Regular Meeting
Friday, July 3	Fourth-of-July Holiday Observed		<ul style="list-style-type: none"> District Offices Closed
Tuesday, July 14	Planning Committee McIntosh {Chair}, Linney, Young Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson Board of Directors	9:15 a.m. Training Resource Center 10:15 a.m. Training Resource Center 11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> Closed Session Regular Meeting



MINUTES

Tuesday, May 26, 2015

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

Regular Closed Session Meeting

President Frank Mellon called to order the Regular Closed Session Meeting of the Board of Directors at 11:24 a.m. in the Administration Center Board Room.

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Risk Manager Karen K. Curry (Item 1a), Attorney Xanthe M. Berry (Item 1a), Director of Water and Natural Resources Richard G. Sykes (Item 1b), Attorney Frederick S. Etheridge (Item 1b), Director of Wastewater Bennett K. Horenstein (Item 1b), Manager of Real Estate Services Matt Elawady (Item 1b), and Attorney Derek T. McDonald.

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Frank Mellon announced the closed session agenda. The Board convened to Conference Room 8A/B for discussion.

Regular Business Meeting

President Frank Mellon called to order the Regular Business Meeting of the Board of Directors at 1:20 p.m. in the Administration Center Board Room.

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, and Secretary of the District Lynelle M. Lewis.

BOARD OF DIRECTORS

President Mellon led the Pledge of Allegiance.

PRESENTATION

General Manager Alexander R. Coate announced the winners of the 2015 Employee Excellence Awards. He said that the employees were nominated and selected by their fellow employees for their outstanding performance and achievements. The awardees were:

Cost Savings --Associate Civil Engineer Ramona E. Gonzalez; **Creativity And Innovation**--Associate Mechanical Engineer Richard H. Wilson; **Customer Service**--Human Resources Analyst II Patti Paul; **Employee Leadership**--Gardener Foreman Stuart K. Gustafson; **Environmental Excellence**--Fisheries/Wildlife Biologist II James S. Jones; **Management Achievement**--Senior Civil Engineer Atta B. Yiadom; **Management Excellence**--Manager of Purchasing Andrew A. Akelman; **Safety Excellence**--Maintenance Specialist III Eric R. West; **Outstanding Performer**--Associate Civil Engineer Stan A. Ali; **Outstanding Performer**--Quality Assurance Officer Antoine Chamsi; **Outstanding Performer**--Senior Programmer Analyst Sue Deng; **Outstanding Performer**--Electrical Technician Robert D. Gardner; **Outstanding Performer**--Maintenance Specialist III Harold J. Gianelli; **Outstanding Performer**--Senior Chemist Jack C. Lim; **Outstanding Performer**--Electrical Technician Keith G. Maher; **Outstanding Performer**--Assistant Engineer Brett B. Margosian; **Outstanding Performer**--Senior Programmer Analyst Michael Nguyen; **Outstanding Performer**--Senior Administrative Clerk Lisa M. Servande; **Outstanding Performer**--Associate Civil Engineer Joe G. Tam; **Outstanding Performer**--Instrument Technician Andrew R. Wescott; **Teamwork--Wastewater Interceptor Rehabilitation Team--Team Leader** Associate Civil Engineer Pam S. Hopkins; Senior Mechanical Engineer Maura A. Bonnarens; Senior Drafter Odilon L. Dris; Construction Inspector Scott B. Johnson; Senior Construction Inspector Erik T. Jorgenson; Associate Civil Engineer Diana M. Lee-Boozarpour; Wastewater Shift Supervisor Michael E. Purcell; and Assistant Engineer Jenny B. Tran; and **Team Achievement--Permit Extension Team--Team Leader** Engineering Manager Lena L. Tam; **Team Leader** Attorney III Frederick S. Etheridge; Senior Civil Engineer Benjamin S. Bray; Senior Administrative Clerk Suzanne M. Corralejo; Senior Civil Engineer Rey C. Encarnacion; Manager of Water Supply John S. Hurlburt; Attorney II Rachel R. Jones; Associate Civil Engineer Martin Liu; Senior Community Affairs Representative Gerald E. Schwartz; Manager of Fishery & Wildlife Jose D. Setka; General Counsel Craig S. Spencer; Associate Civil Engineer Suma A. Thomas; Manager of Water Supply Improvements Michael T. Tognolini; Senior Civil Engineer Ana R. Ulloa; and Operations & Maintenance Department Manager Eileen M. White.

President Mellon presented the awards and the Board and staff applauded the winners. General Manager Coate invited the Board and staff to a reception to honor the winners immediately following the Board meeting.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

- Item 6 was removed from the Consent Calendar for discussion.
 - Motion by Director Patterson, seconded by Director Linney, to approve Items 1-5 and 7 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 087-15** – Approved the Regular Meeting Minutes of May 12, 2015.
 2. The following correspondence was filed with the Board: 1) Document entitled “Policy 6.xx – Use of Social Media, AFSCME Local 2019 Suggested Edits, submitted by Mark Foley, President, AFSCME Local 2019; and 2) Revised draft of Policy 6.05 – Use of Social Media.
 - 3 **Motion No. 088-15** – Authorized an agreement beginning on or after July 1, 2015 with Arkadin, Inc. in an amount not to exceed \$15,000 annually for audio conferencing service for three years with two options to renew for an additional one-year period for a total cost of \$75,000.
 4. **Motion No. 089-15** – Authorized renewal of an agreement with Oracle America, Inc. for one year beginning on or after July 1, 2015 in an amount not to exceed \$265,000 for database software license and maintenance services. The additional \$265,000 will increase the total cost for Oracle’s software support service under the agreement to \$1,502,633.
 - 5.1. **Motion No. 090-15** – Find the proposed water transfer between the East Bay Municipal Utility District and Placer County Water Agency (PCWA) exempt from the requirements of the California Environmental Quality Act and authorize execution of a one-year water purchase agreement with PCWA for up to 12,000 acre-feet (AF) at a cost of \$500 per AF for a maximum total cost of \$6,000,000 in 2015.
 - 5.2. **Motion No. 091-15** – Authorized the negotiation and execution of a Warren Act contract with the United State Bureau of Reclamation to move 12,000 AF of PCWA transfer water through Folsom Reservoir and Folsom South Canal at a cost not to exceed \$360,000.

6. **Resolution No. 34036-15 – Adopt A New Policy 6.05, Use Of Social Media.**
- General Manager Coate announced that the Finance/Administration Committee reviewed the new Policy 6.05, Use Of Social Media and based on their input revisions were made. Special Assistant to the General Manager reviewed the proposed policy and the revisions.
 - Addressing the Board was Mark Foley, President, AFSCME Local 2019, who distributed a copy of 2019's suggested edits to the policy: 1) employees will not be subject to disciplinary actions for the inadvertent or unintentional posting of content; 2) eliminate approved social media sites; and 3) employees shall be provided access to social media sites that have authorized EBMUD social media accounts. There was considerable discussion about these issues.
 - Motion by Director McIntosh, seconded by Director Patterson, to approve the revisions and adopt the new policy, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).
7. **Resolution No. 34035-15 – A Resolution Of The Board Of Directors Of The East Bay Municipal Utility District Nominating Director Lesa R. McIntosh As A Candidate For The Position Of Association Of California Water Agencies Region 5 Regional Officer.**

DETERMINATION AND DISCUSSION

8. **Legislative Update.**

Manager of Legislative Affairs Marlaigne K. Dumaine provided a status update on water related bills in the Governor's Proposed 2015-16 Budget. Next, she reported that Senate Bill 188 (Hancock) pertaining to EBMUD's collection of delinquent fees and Assembly Bill 142 (Bigelow) pertaining to Wild and Scenic River passed out of the Senate are in the Assembly for discussion. Ms. Dumaine said staff would provide the Board additional updates on these issues in June. In concluding, she reported that newly elected Senator Steve Glazer, representing District 7, is now a member of the EBMUD delegation.

9. **Adopt A Policy Position Opposing the Imposition of any Statewide Retail Water User Fees.**

- Motion by Director Coleman, seconded by Director McIntosh, to approve the recommended action for Item 9, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 092-15 – Adopted a policy position opposing the imposition of any statewide retail water user fees.

10. **General Manager's Report.**

General Manager Coate announced that the Critical Drought Action Plan Update and the April 2015 was provided in the Board's packet.

REPORTS AND DIRECTOR COMMENTS

11. Committee Reports.

- Filed with the Board were the Minutes of the May 12, 2015 Planning and Legislative/Human Resources Committees.

12. Director Comments.

- Director Coleman reported attending/participating in the following events: ACWA teleconference meeting on May 14 in Oakland; East Bay Leadership Council Board of Directors meeting on May 15 in Pleasant Hill; meeting with Norma Bishop, Lindsay Museum, on May 18 in Walnut Creek; ACWA Executive Committee teleconference meeting on May 18 in Oakland; drought presentation to Pleasant Hill City Council on May 18 in Pleasant Hill; ACWA webinar meeting with Governor Jerry Brown's administration on May 19; and Ward 2 breakfast briefing to discuss water issues on May 20 in Walnut Creek. He reported on plans to attend/participate in the following upcoming events: ACWA Executive Committee and Board of Directors meeting on May 29 in Sacramento; ACWA Board of Directors meeting on May 29 in Sacramento; ACWA Executive Committee teleconference meeting on June 1 in Oakland; EBMUD-GE water recycling meeting on June 3 in San Francisco; EBMUD Pride Month Kick Off event on June 4 in Oakland; Contra Costa Mayors' Conference on June 4 in Danville; meeting with Lafayette business community on June 8 in Lafayette; and ACWA Executive Committee teleconference meeting on June 8 in Oakland.
- Director Katz had no comment.
- Director Linney had no comment.
- Director McIntosh had no comment.
- Director Patterson reported that the National Dunbar/Horace Mann Alumni Association would be recognizing him with the 2015 Bearcat Award on June 26, 2015 in New Orleans.
- Director Young reported attending/participating in the following events: Meeting with Clarewood Homeowners Association regarding Glen Echo Creek on April 28; League of Conservation Voters of the East Bay event with Mayor Libby Schaaf on April 29; presentation to Longfellow Community Association on May 6; meeting with Richard Sykes and the Blue Forest Conservation Notes regarding forest management on May 7; Rising Sun Energy Services Gala event on May 7; Contra Costa Sustainable Farm event at Central Contra Costa Sanitary District in Martinez on May 8; PLACE for Sustainable Living block party on May 9; El Sobrante MAC presentation on May 13; meeting with

Moraga Mayor Roger Wykle and Town Manager Jill Keimach on May 14; meeting with City of Pinole Mayor Peter Murray and City Manager Belinda Espinosa on May 19; and EBMUD Retirement Board meeting on May 21. She reported on plans to attend/participate in the following upcoming events: Meeting with Piedmont Mayor Margaret Fujioka and City Manager Paul Benoit on May 27; Contra Costa Building Trades Council Networking event on May 29; Ward 3 luncheon on June 2 in Orinda; presentation to Pinole City Council on June 2; EBMUD Pride Month Kickoff event on June 4 in Oakland; and the annual rafting trip sponsored by Friends of the River and Foothill Conservancy on June 6.

- President Mellon reported attending/participating in the following events: Drought presentation at the Alameda County Special Districts Association monthly meeting on May 13; Alameda County Mayors' Conference on May 13 in San Leandro; drought presentation to Moraga Mayor Mykle on May 14 in Moraga; drought presentation to Pinole Mayor Peter Murray on May 15 in Pinole; EBMUD Retirement Board meeting on May 21 in Oakland; and drought presentation to Berkeley Mayor Tom Bates on May 22 in Berkeley.

ADJOURNMENT

President Mellon announced that the meeting was being adjourned in the memory of George H. Schmidt, a long-time Richmond resident who served on the West County Wastewater District Board since 1992 and who passed away earlier this month.

President Mellon adjourned the meeting at 2:35 p.m.

SUBMITTED BY:

Lynelle M. Lewis, Secretary of the District

APPROVED: June 9, 2015

Frank Mellon, President of the Board



AGENDA NO.
MEETING DATE

3.

June 9, 2015

TITLE POLYMER CONCRETE VAULT/METER BOXES AND COVERS

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder, Johnson Enterprises, in the estimated annual amount of \$261,783, after the addition of taxes, for supplying polymer concrete vault/meter boxes and covers for three years, beginning on or after June 23, 2015, with two options to renew for an additional one-year period for a total not to exceed the amount of \$1,308,915 under Request for Quotation (RFQ) No. 1520.

SUMMARY

The vault/meter boxes and covers under this contract will be used for replacements and new installations in the District's water distribution system. The District is not committed to purchase any specific quantity of the material described in this contract; purchases will be made to meet actual District requirements. Estimated quantities are based on historical data and departmental input.

VENDOR SELECTION

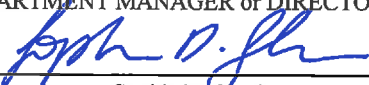

Requests for Quotations were sent to 3 resource organizations and 10 potential bidders and posted on the District's website. A total of two bids were received.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

This expenditure has been included in the FY 16/17 operating budget.

Funds Available: FY 16/17		Budget Code:363/Stores
DEPARTMENT SUBMITTING FINANCE	DEPARTMENT MANAGER or DIRECTOR  Sophia D. Skoda	APPROVED  General Manager

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

Polymer Concrete Vault/Meter Boxes and Covers
Board of Directors Meeting
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ALTERNATIVES

Purchase material on the open market as needed. This alternative is not recommended as the District would not be taking advantage of the economies of scale which are realized in long-term bulk contractual procurements such as this.

Conduct a competitive bid process annually. This alternative is not recommended due to the cost of competition for both the District and the vendor community, and because improved pricing is not likely at this time.

ARC:SDS:AA

Attachments:

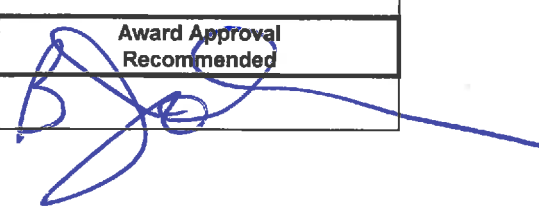
P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE QUOTATION NO.: 1520 Polymer Concrete Vault/Meter Boxes and Cover - Three Year Contract with 2 One-Year Options to Renew				DATE: May 21, 2015							
CONTRACTOR: Johnson Enterprises Orangevale, CA				PERCENTAGE OF CONTRACT DOLLARS							
Small Business				Availability Group	Contracting Objectives	Participation					
BID/PROPOSER'S PRICE:	FIRM'S OWNERSHIP		White Men	25%	0.0%						
	Ethnicity	Gender	White Women	2%	0.0%						
\$261,783	Black	Men	Ethnic Minorities	25%	100.0%						
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Johnson Enterprises	\$261,783	Black	X		—	—	100.0%	—	—	—	—
SUBS: None					—	—	—	—	—	—	—
					—	—	—	—	—	—	—
					—	—	—	—	—	—	—
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					—	—	—	—	—	—	—
TOTAL	\$261,783				0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
	White Men	White Women	Ethnic Minorities	Total Employees							
No. of Employees:	0	1	1	2							
Percent of Total Employees:	1.8%	2.9%	95.3%								
MSA Labor Market %:	28.0%	23.6%	48.4%								
MSA Labor Market Location:	California										
COMMENTS											
Contract Equity Participation - 100% Ethnic Minority participation											
*Total not to exceed \$1,308,915.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Polymer Concrete Vault/Meter Boxes and Cover - Three Year Contract with 2 One-Year Options to Renew		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Quotation #: 1520		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
DATE: 5/21/2015		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	EMM:B - SBE	Company Wide	1	-	-	-	1	50.0%	48.4%
Johnson Enterprises Samuel Johnson 8767 Country Creek Dr Orangevale, CA 95662 916-760-8424		Manager/Prof	1	-	-	-	1	50.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	-	-	-	-	NA	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	-	-	-	NA	39.9%
		AA Plan on File:	NA		Date of last contract with District:		1/29/2015		
		Co. Wide MSA:	California		# Employees-Co. Wide:		2		Bay Area: 0
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:
RP	WM	Company Wide	6	300	2	-	308	90.6%	48.4%
Armorcast Products Company Paul Boghossian 13230 Saticoy St North Hollywood, CA 91605 818-982-3600		Manager/Prof	-	5	-	-	5	21.7%	
		Technical/Sales	-	2	1	-	3	17.6%	
		Clerical/Skilled	1	10	-	-	11	100.0%	
		Semi/Unskilled	5	283	1	-	289	100.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		340		Bay Area: 0
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:

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



AGENDA NO.
MEETING DATE

4.
June 9, 2015

TITLE EAST BAYSHORE RECYCLED WATER PIPELINE – PHASE 1A

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder, Con-Quest Contractors, Inc., in the amount of \$2,857,070 for construction of the East Bayshore Recycled Water Pipeline – Phase 1A under Specification 2015A.

SUMMARY

Work includes furnishing and installing approximately 1.0 mile of 12-inch steel and PVC pipeline along Shellmound Street and Christie Street in the City of Emeryville. (Location map attached.)



DISCUSSION

This project is the second segment of the East Bayshore Recycled Water Pipeline. Upon completion, this pipeline will connect to the existing recycled water pipeline at the Interstate 80 corridor and will extend recycled water service into Emeryville, and allow eventual service to Berkeley and Albany when future phases are completed. Recycled water will be supplied from the East Bayshore Recycled Water Facility located at the District's Main Wastewater Treatment Plant.

This project is partly funded by a \$1,000,000 grant from the California Department of Water Resources Prop 84 Integrated Regional Water Management Program. When this project and future phases of the pipeline are completed, the East Bayshore Recycled Water Pipeline will provide an annual average of 2.5 million gallons per day of recycled water for landscape irrigation, commercial, and industrial use to customers in Emeryville, Berkeley, Albany, and Oakland.

BID RESULTS

Bid documents were issued to 31 resource organizations and 11 prospective bidders. Two bids were received, ranging from \$2,857,070 to \$2,898,900. The bid summary is attached. The engineer's estimate for this work is \$2,259,967. The low bid is approximately 26 percent over the engineer's estimate. Major factors accounting for the difference of \$597,103 include higher cost for steel pipe materials than estimated, a tight construction schedule, and lower production rate due to congested traffic conditions at the job site.

Funds Available: FY14-15; CIP #1005395 Page 130		Budget Code: WSC\570\7999\2008583
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Xavier J. Irias	APPROVED  General Manager

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

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

This item is included in the FY14-15 Capital Improvement Program for the East Bayshore Project under the Water Recycling Program. The District will be awarded a grant of \$1,000,000 from the Department of Water Resources' Prop 84 Program to construct this section of the East Bayshore Recycled Water Pipeline.

PREVAILING WAGE

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

UNION NOTIFICATION

Local 444 was notified of this contract on December 11, 2014. Local 444 did not raise any specific issues related to this contract.

CEQA/ENVIRONMENTAL COMPLIANCE

A Notice of Exemption was posted with the Alameda County Clerk on October 2, 2014.

ALTERNATIVES

Do not perform the work. This alternative is not recommended because the pipeline is a critical element to the East Bayshore Recycled Water Project. Without this portion of the pipeline, customers in Emeryville, Berkeley, and Albany cannot be served with recycled water.

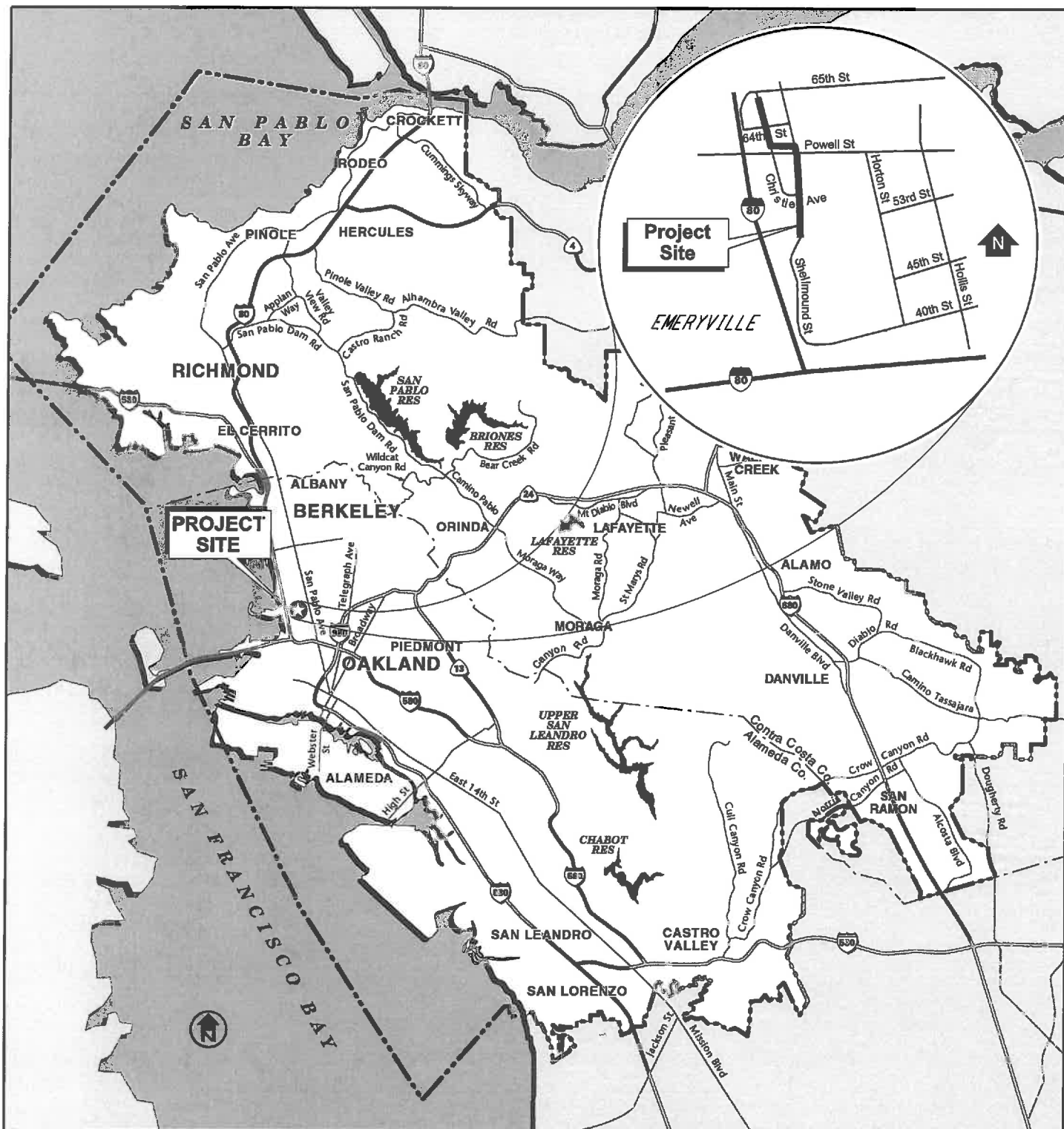
Perform the work with District forces. This alternative is not recommended because it represents a short-term peak in recycled water construction and District forces are already committed to constructing infrastructure renewal projects. Additionally, the pipeline alignment will travel through congested streets and areas known to have contaminated soils. The California Department of Toxic Substances Control

East Bayshore Recycled Water Pipeline – Phase 1A
June 9, 2015
Page 3

requires that the pipeline installer be certified to handle hazardous materials, and District pipeline crews are not certified.

Attachments Location Map
 Bid Summary
 Contract Equity Program Summary (P-035)
 Affirmative Action Summary (P-061)

I:\Sec\2015 Board Related Items\Board Packets 2015\06-09-15 Board Agenda Items\E&C East Bayshore Recycled Water Pipeline – Phase 1A.doc



PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

**EAST BAYSHORE RECYCLED
WATER PIPELINE - PHASE 1A**

SPECIFICATION 2105A

EAST BAY MUNICIPAL UTILITY DISTRICT
SPECIFICATION 2105A
EAST BAYSHORE RECYCLED WATER PIPELINE – PHASE 1A
Bids Opened May 13, 2015

	BIDDER	TOTAL AMOUNT BID
1.	Con-Quest Contractors, Inc. (SBE) 290 Toland St. San Francisco, CA 94124 (415) 206-0524	\$2,857,070 / 2,714,216.50*
2.	Anvil Builders, Inc. (SBE) 1475 Donner Ave., 2 nd Flr. San Francisco, CA 94124 (415) 285-5000	\$2,898,900 / 2,765,046.50*

SBE – Small Business Enterprise

*Effective Bid Amount due to SBE discount (5% of the low bid amount, not to exceed \$250,000)

Engineer's Estimate: \$2,259,967



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE SPECIFICATION NO.: 2105A East Bayshore Recycled Water Pipeline - Phase 1A					DATE: May 20, 2015					
CONTRACTOR: Con-Quest Contractors, Inc. San Francisco, CA					PERCENTAGE OF CONTRACT DOLLARS					
Small Business					Availability Group	Contracting Objectives	Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men	25%	100.0%			
		Ethnicity	Gender		White Women	6%	0.0%			
\$2,857,070		White	Men		Ethnic Minorities	25%	0.0%			
CONTRACT EQUITY PARTICIPATION										
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION					
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit
PRIME: Con-Quest Contractors, Inc.	\$2,832,070	White	X		99.1%	---	---	---	---	---
SUBS: Compass Engineering, Inc.	\$5,000	White	X		0.2%	---	---	---	---	---
Lynn Lefevre Welding, Inc.	\$20,000	White	X		0.7%	---	---	---	---	---
					---	---	---	---	---	---
					---	---	---	---	---	---
					---	---	---	---	---	---
					---	---	---	---	---	---
					---	---	---	---	---	---
					---	---	---	---	---	---
TOTAL	\$2,857,070				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)										
	White Men	White Women	Ethnic Minorities	Total Employees						
No. of Employees:	14	3	16	33						
Percent of Total Employees:	42.4%	9.1%	48.5%							
MSA Labor Market %:	32.3%	27.8%	39.9%							
MSA Labor Market Location:	9 Bay Area Counties									
COMMENTS										
Contract Equity Participation - 100% White Men participation.										
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended		
NA				YES						



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: East Bayshore Recycled Water Pipeline - Phase 1A			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
Spec. No.: 2105A		DATE: 5/20/2015	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM - SBE	Company Wide	-	15	1	-	16	48.5%	39.9%
Con-Quest Contractors, Inc. Paul Loukianoff 290 Toland St San Francisco, CA 94124 415-206-0524		Manager/Prof	-	2	1	-	3	30.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	3	-	-	3	30.0%	
		Semi/Unskilled	-	10	-	-	10	76.9%	
		Bay Area	-	15	1	-	16	NA	39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		33	Bay Area: 0	
S	WM - LBE	Company Wide	Information not Provided						
Compass Engineering, Inc. Mike Moore 25056 Viking St Hayward, CA 94545 510-264-0225		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
S	WM - SBE	Company Wide	Information not Provided						
Lynn Lefevre Welding, Inc. Lynn Lefevre 2511 Isabelle Ave San Mateo, CA 94403 650-642-5029		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
P	EMM:A/PI - SBE	Company Wide	20	21	3	-	44	67.7%	48.3%
Anvil Builders, Inc. Hien Tran 1475 Donner Ave San Francisco, CA 94124 415-285-5000		Manager/Prof	-	1	3	-	4	26.7%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	5	5	-	-	10	66.7%	
		Semi/Unskilled	15	15	-	-	30	85.7%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide:		65	Bay Area: 0	
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		

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



AGENDA NO.

5.

MEETING DATE

June 9, 2015

TITLE **MOYERS AND ROAD 24 NO. 2 PUMPING PLANTS REHABILITATION**☒ MOTION ☐ RESOLUTION ☐ ORDINANCE**RECOMMENDED ACTION**

Award a contract to the lowest responsive/responsible bidder, Aztec Consultants, in the amount of \$1,145,000 for construction of the Moyers and Road 24 No. 2 Pumping Plants Rehabilitation under Specification 2057.

SUMMARY

Work includes demolition and rehabilitation of electrical and mechanical equipment and performance of other related required work at the Moyers and Road 24 No. 2 Pumping Plants site.

DISCUSSION

The Pumping Plant Master Plan prioritizes the rehabilitation needs of the District's 136 operational pumping plants. Rehabilitation of pumping plants ensures system reliability, personnel safety, and operational efficiency. The 50-year-old electrical equipment at the Moyers and Road 24 No. 2 Pumping Plants is outdated and in need of replacement. In addition, the motor control center is an arc flash hazard. This project will eliminate the arc flash hazard and improve reliability. These facilities will be rehabilitated starting in August 2015 with construction scheduled for completion in November 2016. See attached map for location.

BID RESULTS

Bid documents were issued to 31 resource organizations and 21 prospective bidders. Three bids were received, ranging from \$1,145,000 to \$1,295,200. The bid summary is attached. The engineer's estimate for this work is \$1,085,180.

The lowest responsive/responsible bidder, Aztec Consultants, is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. Aztec Consultants and its listed subcontractors are properly registered with the State DIR. In the past five years, Aztec

Funds Available: FY14-15; CIP #001252; Page 36		Budget Code: WSC\570\7999\2007393:25
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR Xavier J. Irias	APPROVED General Manager

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

Consultants has not filed a Government Code Claim against the District, and has not initiated any litigation against the District.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

This item is included in the FY14-15 Capital Improvement Program as part of the Pumping Plant Rehabilitation Project under the Pumping Plant Rehabilitation Program.

PREVAILING WAGE

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

UNION NOTIFICATION

Local 444 was notified of this contract on June 12, 2012. Local 444's issues were addressed at a meeting on July 12, 2012 and resolved.

CEQA/ENVIRONMENTAL COMPLIANCE

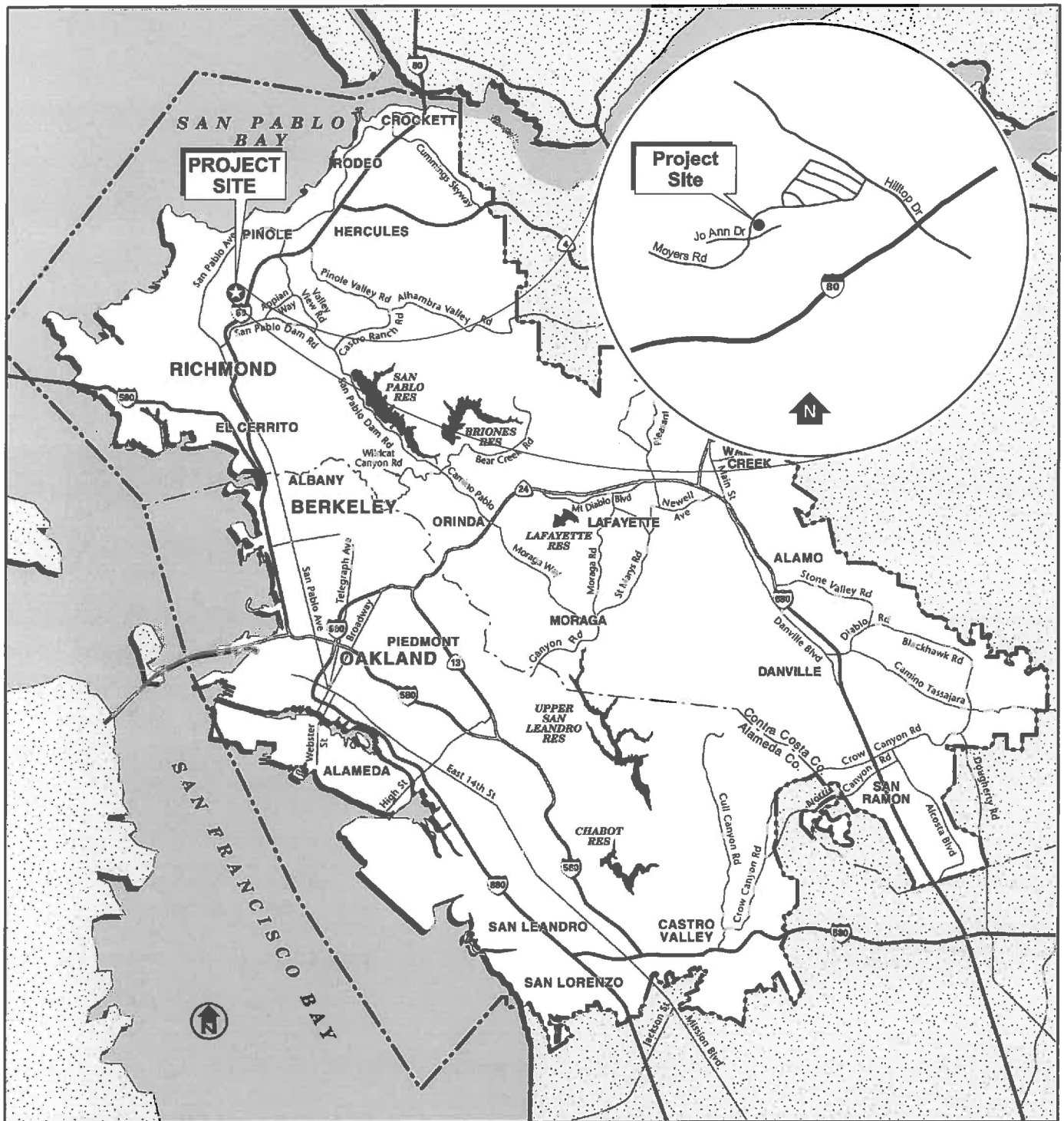
A Notice of Exemption was posted with the Contra Costa County Clerks on July 2, 2013.

ALTERNATIVES

Do not complete the project. This alternative is not recommended because rehabilitation of the pumping plants will ensure there are no interruptions of water service to customers in addition to eliminating a safety hazard to District staff.

Perform the work with District forces. This alternative is not recommended because District staff does not normally perform this type of work and because use of limited available resources to complete this project during the required timeframe would result in an increase in the backlog of critical maintenance work.

Attachments Location Map
 Bid Summary
 Contract Equity Program Summary (P-035)
 Affirmative Action Summary (P-061)



PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

**MOYERS AND ROAD 24 NO. 2
PUMPING PLANTS REHABILITATION**

SPECIFICATION 2057

EAST BAY MUNICIPAL UTILITY DISTRICT
SPECIFICATION 2057
MOYERS AND RD 24 NO.2 PUMPING PLANTS REHABILITATION
Bids Opened May 13, 2015

	BIDDER	TOTAL AMOUNT BID
1.	Aztec Consultants (SBE) 2021 Omega Rd., Ste. 200 San Ramon, CA 94583 (925) 837-1050	\$1,145,000 / 1,087,750*
2.	Monterey Mechanical Co. 8275 San Leandro St. Oakland, CA 94621 (510) 632-3173	\$1,184,000
3.	Blocka Construction, Inc. 4455 Enterprise St. Fremont, CA 94538 (510) 657-3686	\$1,295,200

SBE – Small Business Enterprise

*Effective Bid Amount due to SBE discount (5% of the low bid amount, not to exceed \$250,000)

Engineer's Estimate: \$1,085,180



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE SPECIFICATION NO.: 2057 Moyers and Road 24 No. 2 Pumping Plants Rehabilitation				DATE: May 20, 2015								
CONTRACTOR: Aztec Consultants San Ramon, CA				PERCENTAGE OF CONTRACT DOLLARS								
Local/Small Business				Availability Group		Contracting Objectives		Participation				
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		53.4%				
		Ethnicity		Gender		White Women		6%				
\$1,295,200		Hispanic		Men		Ethnic Minorities		25%				
						25%		46.6%				
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M W		White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Aztec Consultants		\$602,950	Hispanic	X		---	---	46.6%	---	---	---	---
SUBS: Fidel Electric		\$647,500	White	X		50.0%	---	---	---	---	---	---
Bay Valley Heating and Air Conditioning Company		\$26,750	White	X		2.1%	---	---	---	---	---	---
SPER Contracting Corp. DBA Retaining Walls Company		\$18,000	White	X		1.4%	---	---	---	---	---	---
						---	---	---	---	---	---	---
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						---	---	---	---	---	---	---
TOTAL		\$1,295,200				53.4%	0.0%	46.6%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		10		1		10		21				
Percent of Total Employees:		47.6%		4.8%		47.6%						
MSA Labor Market %:		28.9%		24.9%		46.2%						
MSA Labor Market Location:		Alameda/Contra Costa										
COMMENTS												
Contract Equity Participation - 53.4% White Men participation, 46.6% Ethnic Minority participation												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				YES								



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Moyers and Road 24 No. 2 Pumping Plants Rehabilitation		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: 2057		DATE: 5/20/2015	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	
								MSA %	
RP	EMM:H - L/SBE	Company Wide	1	9	-	-	10	47.6%	46.2%
Aztec Consultants E. Frank Duarte 2021 Omega Rd, Suite 200 San Ramon, CA 94583 925-837-1050		Manager/Prof	1	2	-	-	3	37.5%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	1	-	-	1	50.0%	
		Semi/Unskilled	-	6	-	-	6	54.5%	
		Bay Area	1	5	-	-	6	35.3%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		2/2/2015		
		Co. Wide MSA:	Alameda/CC Counties		# Employees-Co. Wide:		21 Bay Area: 17		
S	WM - SBE	Company Wide	-	-	-	-	0	0.0%	38.5%
Fidel Electric Anthony Fidelus 428 N. Buchanan Cir, #4 Pacheco, CA 94553 925-687-1449		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	-	-	-	-	NA	
		Semi/Unskilled	-	-	-	-	0	0.0%	
		Bay Area	-	-	-	-	0	0.0%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		4 Bay Area: 4		
S	WM - LBE	Company Wide	Information not Provided						
Bay Valley Heating and Air Conditioning Company Wayne Siwik 61 Ayamonte Ct San Ramon, CA 94583 925-336-0063		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
S	WM - LBE	Company Wide	-	10	-	-	10	66.7%	48.4%
SPER Contracting Corp. DBA Retaining Walls Company Josh Vatran P.O. Box 103 Tracy, CA 95378 209-832-2600		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	-	10	-	-	10	100.0%	
		Bay Area	-	6	-	-	6	75.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		15 Bay Area: 8		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
P	WM - LBE	Company Wide	6	27	4	1	38	25.3%	39.9%
Monterey Mechanical Co. Richard Hamilton 8275 San Leandro St Oakland, CA 94621 510-632-3173		Manager/Prof	-	1	1	1	3	13.0%	
		Technical/Sales	-	1	1	-	2	100.0%	
		Clerical/Skilled	3	15	2	-	20	26.7%	
		Semi/Unskilled	3	10	-	-	13	26.0%	
		Bay Area	6	27	4	-	37	24.7%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		150 Bay Area: 150		

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



AGENDA NO.

6.

MEETING DATE

June 9, 2015

TITLE GROUP BENEFITS BROKERAGE AND CONSULTING SERVICES☒ **MOTION** _____ ☐ **RESOLUTION** _____ ☐ **ORDINANCE** _____**RECOMMENDED ACTION**

Authorize a contract beginning on or after June 9, 2015, with Alliant Insurance Services, Inc. (Alliant) in an amount not to exceed \$108,000 annually for providing group benefits brokerage and consulting services for three years with an option to extend for two additional one-year periods for a total cost of \$540,000.

SUMMARY

This contract will provide the District's group benefits brokerage and consulting services. The current benefits brokerage and consulting services contract with Keenan, Inc. expires on June 30, 2015. Staff completed the Request for Proposal (RFP) process and the new vendor selected is Alliant.

DISCUSSION

The District has historically retained a benefits consulting firm to provide expert services in the employee and retiree group benefits area. Specific services to be provided include assisting with negotiating group plan renewals and required regulation compliance, providing legislative updates, and conducting market searches for new group benefits providers for both current and new benefits offerings. The District's contract for this type of benefits consulting services has been renewed through an RFP process every five years. The District's current five-year contract with Keenan expires on June 30, 2015. As a result, the District recently conducted an RFP process for successor services. This item was discussed at the June 9, 2015 Legislative/Human Resources Committee.

CONSULTANT SELECTION

An RFP was sent to eight companies that specialize in benefits consulting services and advertised on the District's website. Four companies (Keenan, Inc., Wells Fargo, ADB, and Alliant) submitted proposals and were evaluated by a selection committee. Alliant was selected because they specialize in working with complex benefit plans, such as the District's plans, and understand public agency challenges as the firm that could best partner with the District to deal with the challenges that face us today.

Funds Available: FY16/17		Budget Code:
DEPARTMENT SUBMITTING Human Resources	DEPARTMENT MANAGER or DIRECTOR <i>Delores Turner</i> Delores Turner	APPROVED <i>Michael J. C...</i> General Manager

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

Education of and gathering feedback from the District's employees and unions about the health insurance market place trends, plan design, and future challenges will be very important leading up to the implementation of the Cadillac Tax which has potentially large financial implications for the District and employees. Alliant is recommended based on their long history working with public sector employees, their creative approach to plan design, education style and approach, and overall ability to help address the District's most pressing health benefit challenges at this time.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

Approximately 60 percent of the cost for this contract is budgeted in the FY16/FY17 budget. The remaining contract fees (approximately 40 percent) will be earned via commission from insurance carriers.

UNION NOTIFICATION

This type of work is not performed by District sources and consequently union notification was not required. However, unions were informed that Alliant was the finalist after the RFP process.

ALTERNATIVES

Do not award a contract for these services. This alternative is not recommended as the District must have vital assistance in negotiating group benefit plan rates, and expert support for locating required benefit providers, or updated information on current trends and legal compliance requirements that affect benefits.

Attachments


P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement Agreement for Group Benefits Brokerage and Consulting Services - Three Year Contract with 2 One-Year Options to Renew				DATE: May 22, 2015							
CONTRACTOR: Alliant Insurance Services, Inc. San Francisco, CA				PERCENTAGE OF CONTRACT DOLLARS							
BID/PROPOSER'S PRICE: \$108,000 */year		FIRM'S OWNERSHIP		Availability Group White Men	Contracting Objectives 25%	Participation 100.0%					
		Ethnicity White	Gender Men	White Women	6%	0.0%					
				Ethnic Minorities	25%	0.0%					
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Alliant Insurance Services, Inc.	\$108,000	White	X		100.0%	---	---	---	---	---	---
SUBS: None					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
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					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
TOTAL	\$108,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
	White Men	White Women	Ethnic Minorities	Total Employees							
No. of Employees:	664	985	482	2,131							
Percent of Total Employees:	31.2%	46.2%	22.6%								
MSA Labor Market %:	39.0%	33.7%	27.2%								
MSA Labor Market Location:	Total USA										
COMMENTS											
Contract Equity Participation - 100% White Men participation											
Total not to exceed \$540,000.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Agreement for Benefits Brokerage and Consulting Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement		DATE: 5/22/2015	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	101	206	132	3	442	20.7%	27.2%
Alliant Insurance Services, Inc. Thomas Sher 100 Pine St, 11th Floor San Francisco, CA 94111 415-403-1460		Manager/Prof	44	74	58	1	177	18.7%	
		Technical/Sales	3	10	4	1	18	5.5%	
		Clerical/Skilled	54	121	70	1	246	28.7%	
		Semi/Unskilled	22	1	-	-	23	2300.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		2,131	Bay Area:	0
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:			Bay Area:	
P	WM	Company Wide	3	12	29	-	44	29.7%	48.4%
ABD Insurance and Financial Services, Inc. Brian Hetherington 3 Waters Park Dr, Suite 100 San Mateo, CA 94403 415-786-5444		Manager/Prof	2	8	24	-	34	32.4%	
		Technical/Sales	1	1	2	-	4	18.2%	
		Clerical/Skilled	-	2	3	-	5	25.0%	
		Semi/Unskilled	-	1	-	-	1	100.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		148	Bay Area:	0
P	WM - SBE	Company Wide	90	144	80	5	319	47.0%	48.4%
Keenan & Associates Keith Pippard 2355 Crenshaw Blvd, Suite 200 Torrance, CA 90501 800-654-8102		Manager/Prof	30	45	35	-	110	35.7%	
		Technical/Sales	8	7	4	1	20	35.7%	
		Clerical/Skilled	52	90	39	4	185	59.5%	
		Semi/Unskilled	-	2	2	-	4	100.0%	
		Bay Area	15	22	14	-	51	48.1%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		679	Bay Area:	106
P	Publicly Held	Company Wide	33,372	42,927	22,292	1,317	99,908	37.3%	27.2%
Wells Fargo Insurance Services USA, Inc. Gary Delaney 21250 Hawthorne Blvd, Suite 600 Torrance, CA 90503 310-543-9995		Manager/Prof	6,196	7,351	6,833	311	20,691	23.1%	
		Technical/Sales	723	662	6,822	59	8,266	53.6%	
		Clerical/Skilled	25,671	34,458	11,659	911	72,699	46.3%	
		Semi/Unskilled	779	456	646	36	1,917	31.9%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		268,139	Bay Area:	0
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:			Bay Area:	

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



AGENDA NO.
MEETING DATE

7.
June 9, 2015

TITLE GLEN ECHO CREEK SPILL – STORM DRAIN CLEANING

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Authorize an agreement with Roto-Rooter in an amount not to exceed \$96,725 for the storm drain cleanup associated with the Glen Echo Creek spill.

SUMMARY

This agreement is for storm drain cleanup services by Roto-Rooter after the Glen Echo Creek spill. During the emergency cleanup of the creek, Roto-Rooter provided equipment and personnel experienced in removing material from the interior of the storm drain piping.

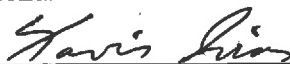

DISCUSSION

For the Glen Echo Creek spill cleanup efforts, the District directed its on-call contractor, National Response Corporation (NRC), to provide manpower and equipment to clean up the creek areas and the storm drains. NRC quickly cleaned up the creek areas but experienced difficulty removing material that had accumulated in the underground storm drain piping. Roto-Rooter was brought in to assist in the storm drain cleanup because it could provide the specialized equipment and manpower for this effort.

It was initially expected that Roto-Rooter would perform the work as a subcontractor to Ranger Pipelines and be compensated for this work by change order under the Dingee Pipeline and Claremont Center Aqueducts Replacement Project. However, Ranger Pipelines was unable to contract with Roto-Rooter under the terms of its labor agreement.

SERVICE PROVIDER SELECTION

Roto-Rooter had provided services earlier in the Dingee Pipeline construction project under a separate purchase order agreement to remove mineral deposits in a pipeline. Because of the District's recent firsthand knowledge of their capabilities and their immediate availability, Roto-Rooter was brought in for the emergency Glen Echo Creek work.

Funds Available: FY14-15 CIP #1006298, Page 22		Budget Code: WSC/ENG/575/2010068/5241
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Xavier J. Irias	APPROVED  General Manager

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

CONTRACT EQUITY PROGRAM EFFORTS

Contract Equity Program documents are not required as this work was performed on an emergency basis.

FISCAL IMPACT

Funds are available for this work in the FY15 Capital Improvement Program Large Diameter Pipelines Project.

ALTERNATIVE

Do not approve this agreement. This alternative is not recommended because the work has already been performed and Roto-Rooter proceeded in good faith that the District would compensate them for this work.



AGENDA NO.
MEETING DATE

8.
June 9, 2015

TITLE UTILITY LOCATING AND VACUUM EXCAVATION POTHOLING SERVICES

☒ **MOTION** ☐ **RESOLUTION** ☐ **ORDINANCE**

RECOMMENDED ACTION

Authorize agreements beginning on or after July 1, 2015 with Bess Testlab Incorporated, Exaro Technologies Corporation, and PSC Industrial Outsourcing in an amount not to exceed \$240,000 annually for utility locating and vacuum excavation potholing services for three years with two options to renew for an additional one-year period for a total cost of \$1,200,000.

SUMMARY



These agreements provide utility locating and vacuum excavation potholing services that are required during the design of projects to verify the location of underground utilities. Verification of utility location is needed to minimize conflicts during construction.

DISCUSSION

Utility locating is performed by non-destructive methods or by potholing (i.e., excavation of small holes from the ground surface down to the utility). Non-destructive methods, such as ground penetrating radar (GPR), uses radar pulses to image the subsurface. Locating utilities by GPR requires specialized equipment that is operated by trained personnel who interpret GPR data. Potholing is often required to locate high-priority utilities (e.g., gas lines, high voltage conduits), which may involve significant risks. The District requires these services on an as-needed basis and the amount of usage can vary from year-to-year depending on specific projects. District engineering standards and industry guidelines call for the use of these investigation techniques to identify potential buried conflicts during the design of projects, to reduce risk during construction.

SERVICE PROVIDER SELECTION

A request for proposals was sent to seven potential proposers and posted on the District's website. Three bids were received and each had similar qualifications and unit costs. Award to all three vendors is recommended to ensure utility locating and potholing services are available when needed. The work will be distributed among the three vendors based on availability for a particular utility locating project.

Funds Available: FY14-15; CIP 000108, Page 32		Budget Code: WSC\534\7999\5231
DEPARTMENT SUBMITTING <u>Engineering and Construction</u>	DEPARTMENT MANAGER or DIRECTOR  Xavier J. Irias	APPROVED  General Manager

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

Funds are available for this work in the FY14-15 Capital Improvement Program for the Pipeline Relocations Project under the Pipelines/Regulators Program.

UNION NOTIFICATION

Local 444 was notified of these contracts on March 18, 2015. Local 444 raised issues that were resolved on April 2, 2015.

ALTERNATIVES

Do not perform the work. This alternative is not recommended. The services assure that critical underground utilities are located in a timely manner when required by District engineers during the design of projects.

Perform the work with District forces. This alternative is not recommended because the District could take on significant liability associated with potholing of high-priority utilities, the District does not have the specialized equipment and training needed for GPR, and the District does not have the resources needed to support the short-term, intermittent workload associated with collection of utility data in a timely manner to support District design projects.

Attachments: Contract Equity Program Summary (P-035)
Affirmative Action Summary (P-061)



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement Utility Locating and Vacuum Excavation Potholing Services - Three Year Contract with 2 One-Year Options to Renew						DATE: May 12, 2015					
CONTRACTOR: Various					PERCENTAGE OF CONTRACT DOLLARS						
BID/PROPOSER'S PRICE: \$1,200,000		FIRM'S OWNERSHIP		White Men		25%		33.3%			
		Ethnicity	Gender	White Women		6%		0.0%			
		Various		Ethnic Minorities		25%		66.7%			
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:											
Bess Testlab, Inc.	\$400,000	Hispanic	X		---	---	33.3%	---	---	---	
Exaro Technologies Corporation	\$400,000	Hispanic	X		---	---	33.3%	---	---	---	
PSC Industrial Outsourcing, LP	\$400,000	White	X		33.3%	---	---	---	---	---	
					---	---	---	---	---	---	
					---	---	---	---	---	---	
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					---	---	---	---	---	---	
					---	---	---	---	---	---	
					---	---	---	---	---	---	
TOTAL	\$1,200,000				33.3%	0.0%	66.7%	0.0%	0.0%	0.0%	
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
		White Men	White Women	Ethnic Minorities	Total Employees						
No. of Employees:		See P-61									
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation - 33.3% White Male Participation, 66.7% Ethnic Minority participation											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Utility Locating and Vacuum Excavation Potholing Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement DATE: 5/12/2015		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	EMM:H - L/SBE	Company Wide	2	19	2	-	23	79.3%	39.9%
Bess Testlab, Inc. Jose Bohorquez 2463 Tripaldi Way Hayward, CA 94545 408-988-0101		Manager/Prof	1	3	-	-	4	100.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	5	-	-	5	83.3%	
		Semi/Unskilled	1	11	2	-	14	73.7%	
		Bay Area	2	16	-	-	18	69.2%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		4/17/2012		
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		29		Bay Area: 26
RP	EMM:H - SBE	Company Wide	-	12	4	-	16	100.0%	48.4%
EXARO Technologies Corporation Hector Dominguez 1831 Bayshore Highway Burlingame, CA 94010 650-777-4324		Manager/Prof	-	4	2	-	6	100.0%	
		Technical/Sales	-	1	1	-	2	100.0%	
		Clerical/Skilled	-	1	1	-	2	100.0%	
		Semi/Unskilled	-	6	-	-	6	100.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		16		Bay Area: 0
RP	WM	Company Wide	436	365	52	7	860	43.4%	27.2%
PSC Industrial Outsourcing, LP Steven Soares 1802 Shelton Dr Hollister, CA 95023 707-333-0097		Manager/Prof	23	32	10	3	68	19.9%	
		Technical/Sales	3	1	-	1	5	9.1%	
		Clerical/Skilled	222	162	26	1	411	45.5%	
		Semi/Unskilled	188	170	16	2	376	55.2%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		1,982		Bay Area: 0
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		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							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							

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



AGENDA NO.

9.1

MEETING DATE

June 9, 2015

**TITLE DIABLO VISTA PUMPING PLANT AND LELAND RATE CONTROL STATION
REPLACEMENT**☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____**RECOMMENDED ACTION**

Award a contract to the lowest responsive/responsible bidder, G.S.E. Construction Company, Inc., in the amount of \$7,400,500 for construction of Diablo Vista Pumping Plant and Leland Rate Control Station Replacement under Specification 2077.

SUMMARY

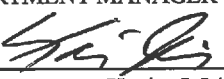

Work includes construction of a new above ground Diablo Vista Pumping Plant and Leland Rate Control Station with four 300-HP vertical turbine pumps and motors; furnishing and installing approximately 1,275 feet of 30-inch diameter mortar-lined and coated steel pipeline in Mt. Diablo Boulevard; demolishing the existing Diablo Vista Pumping Plant and existing Leland Rate Control Station; and performing related required work.

DISCUSSION

The Diablo Vista Pumping Plant, constructed in 1954, is a critical facility that serves a majority of the City of Lafayette. The Diablo Vista Pumping Plant requires replacement for structural, mechanical, and electrical reasons including failures of the pump units that reduce the District's ability to reliably provide water service to this area. The new Diablo Vista Pumping Plant will improve water service reliability and will be easier to maintain. Presentations regarding this project were provided to the Planning Committee on September 13, 2011, August 14, 2012, and January 8, 2013. See attached map for location details.

BID RESULTS

Bid documents were issued to 31 resource organizations and 103 prospective bidders. Nine bids were received, ranging from \$7,400,500 to \$8,998,200. The engineer's estimate for this work is \$9,670,015. The range of bids was lower than the Engineer's Estimate predominantly due to the competitive bidding environment. See attached bid summary for additional information.

Funds Available: FY14-15; CIP #001252; Page 36		Budget Code: WSC\570\7999\2006400:25
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Xavier J. Irias	APPROVED  General Manager

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

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

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

This item is included in the FY14-15 Capital Improvement Program for the Pumping Plant Rehabilitation Project under the Pumping Plant Rehabilitation Program.

PREVAILING WAGE

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

UNION NOTIFICATION

Local 444 was notified of this contract on December 31, 2013. Local 444 did not raise any specific issues related to this contract.

CEQA/ENVIRONMENTAL COMPLIANCE

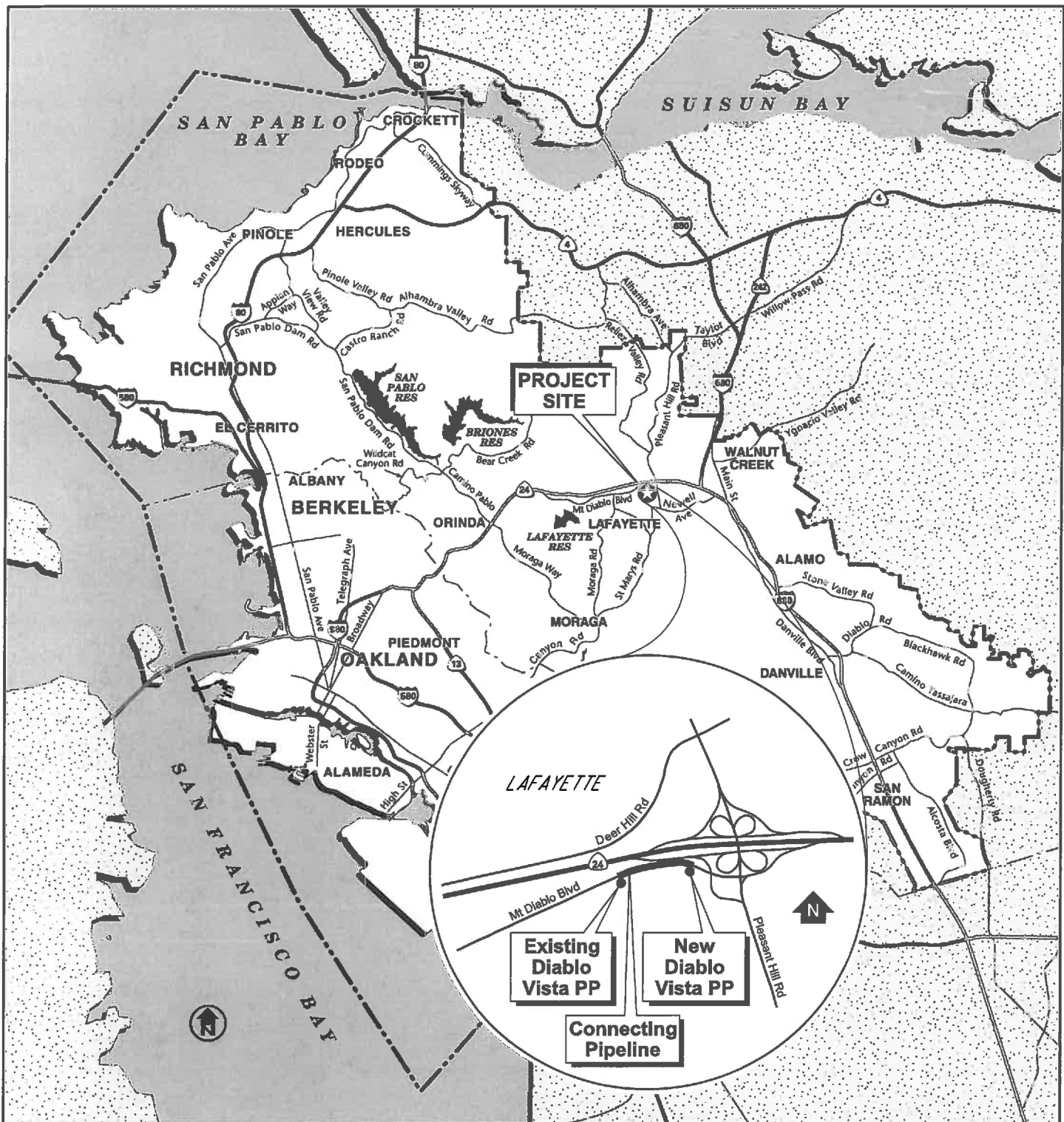
A Mitigated Negative Declaration was certified by the Board of Directors on January 22, 2013.

ALTERNATIVES

No project. This alternative is not recommended because the Diablo Vista Pumping Plant is a critical distribution facility whose failure would impact water service to a majority of the City of Lafayette.

Perform the work with District forces. This alternative is not recommended because District staff does not possess the resources needed to perform a project of this scale.

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



PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

**DIABLO VISTA PUMPING PLANT
AND LELAND RATE CONTROL STATION
REPLACEMENT**

SPECIFICATION 2077

EAST BAY MUNICIPAL UTILITY DISTRICT
SPECIFICATION 2077
DIABLO VISTA PUMPING PLANT
AND LELAND RATE CONTROL STATION REPLACEMENT
Bids Opened May 6, 2015

	BIDDER	TOTAL AMOUNT BID
1.	G.S.E. Construction Company, Inc. 6950 Preston Ave. Livermore, CA 94551 (925) 447-0292	\$7,400,500
2.	Mountain Cascade, Inc. 555 Exchange Ct. Livermore, CA 94550 (925) 373-8370	\$7,489,070
3.	J.F. Shea Construction, Inc. 667 Brea Canyon Rd., Ste. 30 Walnut CA 91788 (909) 565-4397	\$7,879,710
4.	Steve P. Rados, Inc. 2002 E. McFadden Ave., Ste. 200 Santa Ana, CA 92705 (714) 835-4612	\$7,985,500
5.	JMB Construction, Inc. 132 S. Maple Ave. South San Francisco, CA 94080 (650) 267-5300	\$8,173,500
6.	RGW Construction, Inc. 550 Greenville Rd. Livermore, CA 94550 (925) 606-2400	\$8,198,200
7.	Western Water Constructors, Inc. 707 Aviation Blvd. Santa Rosa, CA 95403 (707) 540-9640	\$8,625,000
8.	Monterey Mechanical Co. 8275 San Leandro St. Oakland, CA 94621 (510) 632-3173	\$8,692,000
9.	Con-Quest Contractors, Inc. (SBE) 290 Toland St. San Francisco, CA 94124 (415) 206-0524	\$8,998,200/8,748,200*

SBE – Small Business Enterprise

*Effective Bid Amount due to SBE discount (5% of the low bid amount, not to exceed \$250,000)

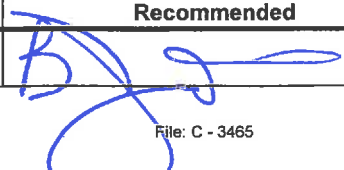
Engineer's Estimate:

\$9,670,015



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE SPECIFICATION NO.: 2077 Diablo Vista Pumping Plant and Leland Rate Control Station Replacement				DATE: May 12, 2015							
CONTRACTOR: GSE Construction Company, Inc. Local Livermore, CA				PERCENTAGE OF CONTRACT DOLLARS							
BID/PROPOSER'S PRICE: \$7,400,500		FIRM'S OWNERSHIP Ethnicity: Hispanic Gender: Men		White Men 25%	Contracting Objectives 25%	Participation 22.5%					
				White Women 6%	Participation 0.0%						
				Ethnic Minorities 25%	Participation 77.5%						
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: GSE Construction Company, Inc. \$5,373,179 Hispanic X --- 72.6% --- --- ---											
SUBS: Duran & Venables, Inc. \$249,200 Hispanic X --- 3.4% --- --- ---											
CW Acoustics dba Cal West Acoustics \$76,886 White X 1.0% --- --- ---											
James Long Construction, Inc. \$118,200 White X 1.6% --- --- ---											
Con J. Franke Electric, Inc. \$998,000 White X 13.5% --- --- ---											
Camblin Steel Service, Inc. \$112,280 White X 1.5% --- --- ---											
Crusader Fence Co, Inc. \$195,806 White X 2.6% --- --- ---											
DeKay Demolition & Clearing, Inc. \$58,700 White X 0.8% --- --- ---											
Mason Painting \$47,245 White X 0.6% --- --- ---											
Crane Works, Inc. \$68,397 Asian/Pacific Islander X --- 0.9% --- --- ---											
Marina Landscape \$60,000 White X 0.8% --- --- ---											
Premium Roofing \$42,607 Hispanic X --- 0.6% --- --- ---											
TOTAL		\$7,400,500		22.5%	0.0%	77.5%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		29		4		73		106			
Percent of Total Employees:		27.4%		3.8%		68.9%					
MSA Labor Market %:		28.0%		23.6%		48.4%					
MSA Labor Market Location:		California									
COMMENTS											
Contract Equity Participation: 22.5% White Men participation, and 77.5% Ethnic Minority participation.											
Although Ms. Karen Long is the principal owner of James Long Construction Services, Inc., Contract Equity could not verify her control of management and daily business operations. Her self-certification as an WBE is pending.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				YES							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Diablo Vista Pumping Plant and Leland Rate Control Station Replacement		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
Spec. No.: 2077		DATE: 5/12/2015	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
								MSA %
RP	EMM:H - LBE	Company Wide	12	60	1	-	73	68.9%
GSE Construction Company, Inc. Orlando Gutierrez 6950 Preston, Ave Livermore, CA 94551 925-447-0292		Manager/Prof	1	4	1	-	6	28.6%
		Technical/Sales	1	-	-	-	1	100.0%
		Clerical/Skilled	3	32	-	-	35	72.9%
		Semi/Unskilled	7	24	-	-	31	86.1%
		Bay Area	12	60	1	-	73	68.9%
		AA Plan on File:	NA		Date of last contract with District:		5/19/2014	
		Co. Wide MSA:	California		# Employees-Co. Wide:		106 Bay Area: 106	
S	EMM:H	Company Wide	3	68	2	-	73	57.5%
Duran & Venables, Inc Sean Venables 748 S. Hillview Dr Milpitas, CA 95035 408-934-7300		Manager/Prof	-	3	-	-	3	33.3%
		Technical/Sales	-	2	1	-	3	37.5%
		Clerical/Skilled	1	33	1	-	35	50.7%
		Semi/Unskilled	2	30	-	-	32	78.0%
		Bay Area	3	51	2	-	56	68.3%
		Co. Wide MSA:	California		# Employees-Co. Wide:		127 Bay Area: 82	
S	WM	Company Wide	-	1	-	-	1	20.0%
CW Acoustics dba Cal West Acoustics Joseph Wester 40 Fouth St, #106 Petaluma, CA 94952 415-656-6454		Manager/Prof	-	-	-	-	0	0.0%
		Technical/Sales	-	-	-	-	-	NA
		Clerical/Skilled	-	1	-	-	1	25.0%
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	-	1	-	-	1	20.0%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		5 Bay Area: 5	
S	WM - SBE	Company Wide	-	-	-	-	0	0.0%
James Long Construction Services, Inc. James E. Long 8560 Younger Creek, Dr Sacramento, CA 95828 916-379-9524		Manager/Prof	-	-	-	-	0	0.0%
		Technical/Sales	-	-	-	-	-	NA
		Clerical/Skilled	-	-	-	-	0	0.0%
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		8 Bay Area: 0	
S	WM - LBE	Company Wide	-	5	3	1	9	16.4%
Con J. Franke Electric, Inc. Barry Frain 317 N. Grant St Stockton, CA 95202 209-462-0717		Manager/Prof	-	-	-	1	1	16.7%
		Technical/Sales	-	1	-	-	1	50.0%
		Clerical/Skilled	-	3	3	-	6	13.6%
		Semi/Unskilled	-	1	-	-	1	33.3%
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA:	Stockton		# Employees-Co. Wide:		55 Bay Area: 0	
S	WM	Company Wide	10	49	-	-	59	44.4%
Camblin Steel Service, Inc. William Camblin 4175 Cincinnati Ave Rocklin, CA 95165 916-644-1300		Manager/Prof	-	1	-	-	1	20.0%
		Technical/Sales	-	-	-	-	0	0.0%
		Clerical/Skilled	2	37	-	-	39	53.4%
		Semi/Unskilled	8	11	-	-	19	42.2%
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		133 Bay Area: 0	

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Diablo Vista Pumping Plant and Leland Rate Control Station Replacement		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
Construction Agreement	DATE: 5/12/2015	Number of Ethnic Minority Employees						
R=Recmmd P=Prime S=Sub	Composition of Ownership							
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	
S	WM - SBE	Company Wide	-	19	-	-	19	30.6%
Crusader Fence Co., Inc. Robert Raker 3115 Gold Valley Dr Rancho Cordova, CA 95742 916-631-9191		Manager/Prof	-	-	-	-	0	0.0%
		Technical/Sales	-	-	-	-	-	NA
		Clerical/Skilled	-	-	-	-	0	0.0%
		Semi/Unskilled	-	19	-	-	19	55.9%
		Bay Area	-	-	-	-	NA	39.9%
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide: 62		Bay Area: 0	
S	WM - L/SBE	Company Wide	Information Not Provided Contract Amount <\$70k					
De Kay Demolition & Clearing, Inc Richard DeKay 7700 Edgewater Dr, Suite 626 Oakland, CA 94321 510-430-2668		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			
S	WM - SBE	Company Wide	Information Not Provided Contract Amount <\$70k					
Mason Painting David Velasquez PO Box 1115 Orangevale, CA 95662 916-852-8060		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			
S	EMM:A/PI - L/SBE	Company Wide	Information Not Provided Contract Amount <\$70k					
Crane Works, Inc. R. Vijay Po Box 2463 San Leandro, CA 94577 510-357-4000		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			
S	WM - LBE	Company Wide	Information Not Provided Contract Amount <\$70k					
Marina Landscape Bob Cowan 5779 Preston Ave Livermore, CA 94551 714-267-6475		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			
S	EMM:H - L/SBE	Company Wide	Information Not Provided Contract Amount <\$70k					
Premium Roofing Alan Kreager 919 52nd Ave Oakland, CA 94601 510-774-7083		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:			

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Diablo Vista Pumping Plant and Leland Rate Control Station Replacement		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
Construction Agreement	DATE: 5/12/2015								
R=Recmmnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	WM - LBE	Company Wide	47	103	-	1	151	65.4%	48.4%
Mountain Cascade, Inc. David Hicks 555 Exchange Ct Livermore, CA 94550 925-373-8370		Manager/Prof	-	2	-	-	2	7.7%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	47	101	-	1	149	77.2%	
		Bay Area	47	101	-	1	149	64.5%	39.9%
		Co. Wide MSA: California	# Employees-Co. Wide: 231				Bay Area: 231		
P	WM - LBE	Company Wide	38	468	116	5	627	26.0%	63.5%
J.F. Shea Construction, Inc. Roy Valdez 667 Crea Canyon Rd., Suite 30 Walnut, CA 91788 909-595-4397		Manager/Prof	13	88	64	3	168	18.7%	
		Technical/Sales	2	25	15	-	42	20.3%	
		Clerical/Skilled	5	155	23	1	184	31.2%	
		Semi/Unskilled	18	203	15	1	237	33.2%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA: Los Angeles	# Employees-Co. Wide: 2,411				Bay Area: 0		
P	WM	Company Wide	6	52	10	1	69	46.0%	48.4%
Steve P. Rados, Inc. Stephen Rados 2002 E. McFadden Ave, Suite 200 Santa Ana, CA 92705 714-835-4612		Manager/Prof	-	3	5	-	8	25.8%	
		Technical/Sales	1	-	-	-	1	14.3%	
		Clerical/Skilled	5	48	5	1	59	53.6%	
		Semi/Unskilled	-	1	-	-	1	50.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA: California	# Employees-Co. Wide: 150				Bay Area: 0		
P	WW	Company Wide	1	30	1	-	32	53.3%	47.9%
JMB Construction, Inc. Margaret Burke 132 South Maple Ave South San Francisco, CA 94080 650-267-5300		Manager/Prof	-	1	-	-	1	7.7%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	6	-	-	6	30.0%	
		Semi/Unskilled	1	23	1	-	25	92.6%	
		Bay Area	-	-	-	-	0	0.0%	39.9%
		Co. Wide MSA: San Mateo	# Employees-Co. Wide: 60				Bay Area: 60		
P	WM - LBE	Company Wide	7	117	7	5	136	44.4%	39.9%
RGW Construction, Inc William Stewart 550 Greenville Rd Livermore, CA 94550 925-606-2400		Manager/Prof	1	3	1	-	5	15.6%	
		Technical/Sales	-	1	-	-	1	20.0%	
		Clerical/Skilled	1	30	4	2	37	31.1%	
		Semi/Unskilled	5	83	2	3	93	62.4%	
		Bay Area	7	117	7	5	136	44.4%	39.9%
		Co. Wide MSA: 9 Bay Area Counties	# Employees-Co. Wide: 32				Bay Area: 306		
P	WM	Company Wide	-	9	-	-	9	24.3%	48.4%
Western Water Constructors, Inc. Josh McGarva 707 Aviation Blvd Santa Rosa, CA 95403 707-540-9640		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	4	-	-	4	18.2%	
		Semi/Unskilled	-	5	-	-	5	71.4%	
		Bay Area	-	2	-	-	2	11.8%	39.9%
		Co. Wide MSA: California	# Employees-Co. Wide: 37				Bay Area: 17		

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Diablo Vista Pumping Plant and Leland Rate Control Station Replacement		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
Construction Agreement		DATE: 5/12/2015	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmd	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
P	WM - LBE	Company Wide	6	27	4	1	38	25.3%
Monterey Mechanical Co. Richard Hamilton 8275 San Leandro St Oakland, CA 94621 510-632-3173		Manager/Prof	-	1	1	1	3	13.0%
		Technical/Sales	-	1	1	-	2	100.0%
		Clerical/Skilled	3	15	3	-	21	28.0%
		Semi/Unskilled	3	10	-	-	13	26.0%
		Bay Area	6	27	4	-	37	24.7%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		150	Bay Area:
P	WM	Company Wide	-	15	1	-	16	48.5%
Con-Quest Contractors, Inc. Paul Loukianoff 290 Toland St San Francisco, CA 94124 415-206-0524		Manager/Prof	-	2	1	-	3	30.0%
		Technical/Sales	-	-	-	-	-	NA
		Clerical/Skilled	-	3	-	-	3	30.0%
		Semi/Unskilled	-	10	-	-	10	76.9%
		Bay Area	-	15	1	-	16	48.5%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		33	Bay Area:
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	

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



AGENDA NO.
MEETING DATE

9.2
June 9, 2015

TITLE DIABLO VISTA PUMPING PLANT AND VARIOUS OTHER PROJECTS – PLANT INSPECTION SERVICES

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Authorize an agreement with Walls Inspection Company in an amount not to exceed \$400,000 for plant inspection services for the Diablo Vista Pumping Plant and various other construction projects. In awarding this contract, the Board of Directors finds that this work cannot be satisfactorily performed under civil service.

SUMMARY

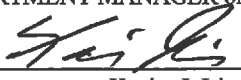

This agreement is necessary to support construction of various projects including Diablo Vista Pumping Plant.

DISCUSSION

Plant inspection services involve travel to various manufacturing, fabricating and/or testing facilities to verify compliance with contract requirements. The plant inspection workload is intermittent, highly variable and difficult to project because it can only be determined once a contract is awarded and the locations of the fabrication shops and fabrication schedules are disclosed. Projects anticipated to require services under this agreement include but are not limited to Diablo Vista Pumping Plant, Wildcat Pipeline, MacArthur Davenport Pipeline and Acorn, University and Stonewall Reservoirs. This agreement provides up to two plant inspectors to augment District staff as needed over the next two years to meet intermittent peak workload.

CONSULTANT SELECTION

Requests for qualifications and proposals (RFQ/P) were sent to three firms with expertise in performing specialized plant inspection services. In addition, the RFQ/P announcement was posted on the District's website. Walls Inspection Company was the only firm to submit a proposal and was selected because it met or exceeded all requested certification and qualification requirements.

Funds Available: FY14-15; CIP #001252; Page 36		Budget Code: WSC/ENG/574/2006401/5231
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Xavier J. Irias	APPROVED  General Manager

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

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

Funds for this contract are included in the FY14-15 Capital Improvement Program for the Pumping Plant Rehabilitation project under the Pumping Plant Rehabilitation program.

PREVAILING WAGE

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

UNION NOTIFICATION

Local 2019 was notified of this contract on March 26, 2015. Local 2019's issues were addressed at meetings on April 7, 2015 and April 15, 2015 and resolved.

ALTERNATIVES

Perform work with District staff. This is not recommended because current plant inspection staffing cannot accommodate peak workload that occurs intermittently, in distant locations and for limited durations.

Do not perform this work. This is not recommended because comprehensive inspection oversight at the manufacturing and fabrication facilities is needed to ensure successful completion of the projects.

Attachments: Contract Equity Program Summary (P-035)
Affirmative Action Summary (P-061)



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement Diablo Vista Pumping Plant and Various Other Projects - Plant Inspection Services						DATE: May 20, 2015					
CONTRACTOR: Walls Inspection Company, Inc. Lake Elsinore, CA					PERCENTAGE OF CONTRACT DOLLARS						
Small Business					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		0.0%		
		Ethnicity	Gender		White Women		6%		100.0%		
\$400,000		White	Women		Ethnic Minorities		25%		0.0%		
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Walls Inspection Company, Inc.	\$400,000	White		X	---	100.0%	---	---	---	---	---
SUBS: None					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
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TOTAL	\$400,000				0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
	White Men	White Women	Ethnic Minorities		Total Employees						
No. of Employees:	2	0	10		12						
Percent of Total Employees:	16.7%	0.0%	83.3%								
MSA Labor Market %:	30.1%	24.7%	45.3%								
MSA Labor Market Location:	Riverside										
COMMENTS											
Contract Equity Participation - 100% White Women participation.											
Workforce Profile & Statement of Nondiscrimination Submitted					Good Faith Outreach Efforts Requirement Satisfied			Award Approval Recommended			
NA					NA						



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Diablo Vista Pumping Plant and Various Other Projects - Plant Inspection Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
Professional Services Agreement		DATE: 5/20/2015	Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WW - SBE	Company Wide	-	6	-	-	6	50.0%	45.3%
Walls Inspection Company, Inc. Rose Walls 32391 Riverside Dr, Suite 15 Lake Elsinore, CA 92530 951-674-8206		Manager/Prof	-	3	-	-	3	50.0%	
		Technical/Sales	-	2	-	-	2	50.0%	
		Clerical/Skilled	-	1	-	-	1	50.0%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	-	-	-	NA	39.9%
		AA Plan on File:	NA		Date of last contract with District:		2/21/2008		
		Co. Wide MSA:	Riverside		# Employees-Co. Wide:		12		Bay Area: 0
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		

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



AGENDA NO.
MEETING DATE

10.

June 9, 2015

**TITLE RATIFY WATER TRANSFER AGREEMENT WITH RECLAMATION DISTRICT
 1004 FOR UP TO 9,000 ACRE-FEET**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

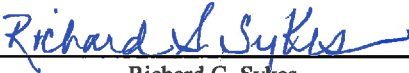

Ratify the one-year water purchase and sale agreement (PSA) with Reclamation District 1004 (RD 1004) for up to 9,000 acre-feet (AF) of water in 2015, as falling within the Board of Directors' April 28, 2015 approval of proposed transfers.

SUMMARY

On April 28, 2015, the Board authorized staff to negotiate and enter into PSAs with Sacramento River settlement contractors for up to 21,000 AF of transfer water at a purchase price of \$700 per AF for a total maximum purchase cost of \$14.7 million. Exercising this authority, staff entered into a PSA with RD 1004 for the purchase of up to 8,250 AF of transfer water in 2015. The Board's April 28 approval identified the anticipated quantity of transfer water available from RD 1004 at 6,000 AF. However, subsequent to that April 28, 2015 Board action, RD 1004 informed the District that it had up to 8,250 AF available for transfer. To acknowledge that higher volume, the Board ratified the 8,250 PSA with RD 1004 on May 12, 2015. During the week of May 25, 2015, RD 1004 informed the District that it had additional water available for transfer, such that the total amount of the 2015 transfer from RD 1004 to the District could be for up to 9,000 AF. The recommended action ratifies the PSA with RD 1004 up to 9,000 AF. The staff executed PSAs with Sacramento River settlement contractors will not exceed the total transfer volume or the total transfer price identified in the April 28, 2015 Board action. The amount purchased from RD 1004 under the PSA falls within the quantities they are allowed to make available by crop idling/shifting in the National Environmental Policy Act/California Environmental Quality Act documents for water transfers. The change in the quantity of water purchased from RD 1004 will not lead to any new significant environmental impacts or an increase in the severity of any previously identified impacts.

FISCAL IMPACT

The water purchase of up to 9,000 AF from RD 1004 is approximately \$6.3 million. Funds for these purchases will be available from the FY16 drought surcharge revenue.

Funds Available: FY		Budget Code:
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR	APPROVED
Water and Natural Resources	 Richard G. Sykes	 General Manager

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

Ratify Water Transfer Agreements With Reclamation District 1004 for up to 9,000 Acre-Feet
June 9, 2015
Page 2

ALTERNATIVE

Do not ratify the PSA. This alternative is not recommended as it would be inconsistent with Board direction to secure supplemental supplies in this critical drought.

I:\Sec\2015 Board Related Items\Board Packets 2015\060915 Board Items\WNR - Ratification Of RD 1004 Water Transfer.Docx



AGENDA NO.
MEETING DATE

11.
June 9, 2015

TITLE AUTHORIZE CONTINUED EMPLOYMENT OF BARG, COFFIN, LEWIS & TRAPP, LLP, FOR SPECIALIZED LEGAL SERVICES

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Authorize the Office of General Counsel to continue employment of the law firm of Barg, Coffin, Lewis & Trapp, LLP, for specialized legal services related to environmental regulatory matters and environmental litigation in an additional amount not to exceed \$125,000.

DISCUSSION

The firm of Barg, Coffin, Lewis & Trapp, LLP, has been retained to assist the Office of General Counsel in environmental regulatory and environmental litigation matters. The Office of General Counsel is now requesting authorization for additional funds for services described in a separate attorney-client confidential memorandum to the Board of Directors.

CONTRACT EQUITY PROGRAM EFFORTS

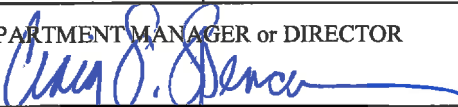
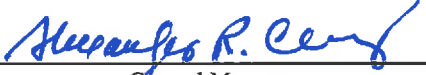
The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

Sufficient monies have been budgeted in the Office of General Counsel's budget for the fiscal year 2016 for this request for specialized legal assistance.

Attachments

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

Funds Available: FY 2016		Budget Code: WSO 130 8511 5231
DEPARTMENT SUBMITTING Office of General Counsel	DEPARTMENT MANAGER or DIRECTOR  Craig S. Spencer, General Counsel	APPROVED  General Manager

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



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement Authorize Continued Employment of Barg, Coffin, Lewis & Trapp, LLP for Specialized Legal Services				DATE: May 22, 2015							
CONTRACTOR: Barg, Coffin, Lewis & Trapp, LLP San Francisco, CA				PERCENTAGE OF CONTRACT DOLLARS							
BID/PROPOSER'S PRICE: \$125,000		FIRM'S OWNERSHIP		White Men 25%	Contracting Objectives 25%	Participation 100.0%					
		Ethnicity White	Gender Men	White Women 6%	Ethnic Minorities 25%	Participation 0.0%					
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME BARG, COFFIN, LEWIS & TRAPP, LLP None	ESTIMATED AMOUNT \$125,000	ETHNICITY White	GENDER		CONTRACTING PARTICIPATION						
			M X	W	White-Men 100.0%	White-Women ---	Ethnic Minorities ---	Unclassified ---	Publicly Held Corp. ---	Gov't/Non Profit ---	Foreign ---
TOTAL		\$125,000			100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
		White Men 13	White Women 9	Ethnic Minorities 6	Total Employees 28						
No. of Employees:		46.4%	32.1%	21.4%							
Percent of Total Employees:		30.8%	25.1%	44.0%							
MSA Labor Market %:											
MSA Labor Market Location:		San Francisco									
COMMENTS											
Contract Equity Participation - 100% White Men participation.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Authorize Continued Employment of Barg, Coffin, Lewis & Trapp, LLP for Specialized Legal Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	A/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
Professional Services Agreement		DATE: 5/22/2015							
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	A/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	2	-	3	-	5	17.9%	44.0%
Barg, Coffin, Lewis & Trapp, LLP John F. Barg 350 California St San Francisco, CA 94104 415-228-5400		Manager/Prof	1	-	-	-	1	5.9%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	1	-	3	-	4	36.4%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	1	-	3	-	4	14.3%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		10/14/2014		
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide:		28		Bay Area: 28
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:

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

ITEM #12

Public Hearing to consider
Water System and
Wastewater System
proposed changes to the
Schedules of Rates and
Charges.

Please refer to Item #13

AGENDA NO. 13.1MEETING DATE June 9, 2015TITLE **REVISIONS TO WATER AND WASTEWATER RATES AND CHARGES SUBJECT TO PROPOSITION 218 FOR FISCAL YEARS 2016 AND 2017**☐ MOTION ☒ RESOLUTION ☐ ORDINANCE**RECOMMENDED ACTION**

Adopt the rates and charges subject to Proposition 218 recommended in the Biennial Report and Recommendation of the General Manager for Fiscal Year 2016-2017 submitted to the Board of Directors on May 12, 2015 and as discussed at the Board workshops on March 24 and April 14, 2015 and at the public hearing on rates and charges held on June 9, 2015.

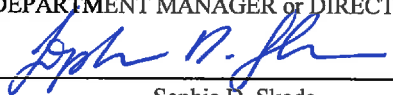

DISCUSSION

The Board held workshops on March 24th and April 14th and a public hearing on June 9th to review the proposed operating and capital budgets as well as the proposed changes to Water and Wastewater Rates and Charges. The recommended action would provide for adjustments in rates, fees and charges to support the FY16 and FY17 Operating and Capital Budgets for the Water System and Wastewater System. The details of the proposed changes to the rates, charges and fees subject to Proposition 218 are contained in the Biennial Report and Recommendation of the General Manager for Fiscal Year 2016-2017 Revisions to the Water and Wastewater System Schedules of Rates and Charges, Recreation Fees and System Capacity Charges presented at the May 12, 2015 Board meeting. The recommended changes are summarized below and included in the attached resolution as:

Exhibit A – Water System Schedule of Rates and Charges

Exhibit B – Wastewater System Schedule of Rates and Charges

- Modify Schedule A of the Water System Schedule of Rates and Charges (see Exhibit A to the attached resolution) including modifications to monthly water service charge, water flow charge, private fire service monthly service charge, and elevation surcharge.
 - The proposed modifications will increase overall water non-drought rates (service, flow, and elevation charges) by 8.0% overall for FY16 and by an additional 7.0% for FY17.

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

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

- Implementation of the findings from the FY15 cost of service study will result in different rate increases for each customer class and for individual customers within a customer class in FY16. Excluding any drought surcharges, the impact of the overall 8.0% rate increase for FY16 will be 7.3% for a typical single-family residential customer using 10 hundred cubic feet (Ccf)/mo, 9.3% for a typical multi-family residential customer using 50 Ccf/mo, 5.2% for a typical commercial customer using 50 Ccf/mo and 5.5% for a typical industrial customer using 500 Ccf/mo.
- The Seismic Improvement Program (SIP) surcharge will sunset at the end of FY15 because revenues collected from the surcharge are sufficient to cover the remaining cost of the program. The proposed FY16 7.3% increase for the typical SFR customer includes the elimination of the SIP surcharge.
- Modify Schedule A and Schedule F of the Wastewater System Schedule of Rates and Charges (see Exhibit B to the attached resolution) including modifications to monthly wastewater service charge, strength charge, flow charge and wet weather facilities charge.
 - The proposed modifications will increase overall treatment rates as shown in Wastewater System Schedule A (service, strength and flow charges) by 5% for FY16 and 5% for FY17.
 - The proposed modifications will increase overall Wet Weather Facilities Charges as shown in Wastewater System Schedule F by 5% for FY16 and 5% for FY17.
 - Implementation of the findings from the FY15 cost of service study will result in different rate increases for each business class category in FY16. The impact of the 5% overall increase will be a reduction of 1.3% for a typical single-family residential customer using 6 Ccf/mo, an increase of 8.5% for a typical multi-family residential customer using 25 Ccf/mo, an increase of 21.9% for a typical commercial customer using 50 Ccf/mo and an increase of 5.5% for a typical industrial customer using 500 Ccf/mo.
 - The FY15 cost of service study findings also are prompting a change to the basis of the Wet Weather Facilities Charge from a charge based on equivalent laterals to a charge based on customer lot size. The proposed FY16 annual charges, including the 5% overall increase, for the three lot size types will be \$89.62 for lots between 0 to 5,000 square feet , \$140.00 for lots between 5,001 to 10,000, and \$320.00 for lots over 10,000.

The rate increases are recommended to be effective beginning on July 1, 2015 for the FY16 increase, and on July 1, 2016 for the FY17 increase.

Revisions to Water and Wastewater Rates and Charges
Subject to Proposition 218 for Fiscal Years 2016-2017
Board of Directors Meeting
June 9, 2015
Page 3

ALTERNATIVE

Do not accept the recommended changes to the schedules of rates, fees and charges. This alternative is not recommended because the current rates would not recover the costs of providing water and wastewater services to the ratepayer.

ARC:SDS:RL

Attachment

I:\Sec\2015 Board Related Items\060915 Board Agenda Items\FIN - BD1 Rates (subject to Prop 218) Adoption 060915.doc

 
Office of General Counsel

RESOLUTION NO. _____

ADOPTING WATER SYSTEM SCHEDULE OF RATES AND CHARGES AND
WASTEWATER SYSTEM SCHEDULE OF RATES AND CHARGES SUBJECT TO
PROPOSITION 218; APPROVING AN EXEMPTION UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT; AND DIRECTING
STAFF TO FILE A NOTICE OF EXEMPTION

Introduced by Director

; Seconded by Director

WHEREAS, the Board of Directors is adopting the Fiscal Year 2016 and Fiscal Year 2017 Operating and Capital Biennial Budget for expenditures necessary and advisable for the proper conduct of the activities of the East Bay Municipal Utility District ("District"), including funding for needed capital projects and the operation of the water and wastewater systems, and to provide an adequate level of financial reserves and debt service coverage; and

WHEREAS, in November 2013, the District retained Raftelis Financial Consultants to perform an independent cost of service ("COS") study for the water and wastewater systems, including a study of the proposed Drought Surcharges, to ensure that the District's rates and charges are compliant with the requirements of Proposition 218 (article XIII D, section 6 of the California Constitution); and

WHEREAS, in April 2015, Raftelis Financial Consultants completed the District's COS study and identified adjustments to individual water and wastewater rates and charges to conform to Proposition 218 cost of service principles, and substantiated the District's proposed Drought Surcharges as being consistent with Proposition 218; and

WHEREAS, on April 14, 2015, the Board of Directors adopted an emergency declaration under Water Code section 350, *et seq.* of a continuation of the water shortage emergency initially declared by the Board in August 2014, and declared a Stage 4 drought, as defined in the District's Revised Drought Management Program Guidelines; and

WHEREAS, in accordance with section 14401 of the Public Utilities Code, the General Manager filed with the Board of Directors of the District the Biennial Report and Recommendation of the General Manager Fiscal Year 2016-2017, dated May 12, 2015 ("Biennial Report"), recommending revisions to the water and wastewater rates and charges to meet the District's revenue requirements for Fiscal Year 2016 and Fiscal Year 2017 including: (1) water service charges and flow charges for residential, multi-family, commercial, and industrial customers; (2) new drought surcharges; (3) wastewater treatment service charges and flow charges; (4) Revised Schedule A, Rate Schedule for Water Service; (5) New Schedule L, Drought Surcharge Rate Schedule for Water Service; and (6) Revised Wastewater System Schedules A (Rates for Treatment Service) and F (Wet Weather Facilities Charge) to update the respective wastewater charges; and

WHEREAS, the results of the April 2015 COS study were incorporated and reflected in the Biennial Report, and in the recommended revisions to the water and wastewater rates and charges, and the proposed Drought Surcharges for Fiscal Year 2016 and Fiscal Year 2017; and

WHEREAS, the water service fees have five customer classes (Single Family Residential, Multi-Family Residential, Other, Nonpotable, and Private Fire Customers), and the rates for the water service fees have five components: (1) a Water Flow Charge; (2) a Water Service Charge; (3) a Water Elevation Surcharge; (4) a Private Fire Service Charge; and (5) a Drought Surcharge when a Stage 2, Stage 3, or Stage 4 drought has been declared by the Board of Directors; and

WHEREAS, as evidenced by the COS Study and Biennial Report, the water rates and charges are structured to proportionately allocate and recover the costs of providing water service among the various customer classes; and

WHEREAS, the wastewater rates and charges have three customer classes: Residential, Multi-Family Residential, and Non-Residential. Non-Residential Customers are further classified based on the type of business operated; and

WHEREAS, the rates for the wastewater service fees collected on the water bill have three components: (1) a Treatment Service Charge; (2) a Treatment Strength Charge; and (3) a Treatment Flow Charge; and

WHEREAS, the wastewater Wet Weather Facilities Charge is collected on the customer's property tax bill and based on the customer's lot size; and

WHEREAS, together, as evidenced by the COS Study and Biennial Report, the wastewater rates and charges are structured to proportionately allocate and recover the costs of providing wastewater service among the various customer classes; and

WHEREAS, as evidenced by the COS Study and Biennial Report, the revenues derived from the water and wastewater rates and charges will not exceed the funds required to provide water and wastewater services and shall be used exclusively for the water and wastewater systems; and

WHEREAS, the water and wastewater rates and charges will not exceed the proportional cost of the services attributable to each parcel upon which they are imposed; and

WHEREAS, the water and wastewater rates and charges will not be imposed on a parcel unless the water and wastewater services are actually used by, or immediately available to, the owner of the parcel; and

WHEREAS, California Constitution article XIII D, section 6 (“Article XIII D”) requires that prior to imposing any increase to the water and wastewater service rates and charges, the East Bay Municipal Utility District shall provide written notice (the “Notice”) by mail of: (1) the proposed increases to such rates and charges to the record owner of each parcel upon which the rates and charges are proposed for imposition and any tenant directly liable for payment of the rates and charges; (2) the amount of the rates and charges proposed to be imposed on each parcel; (3) the basis upon which the rates and charges were calculated; (4) the reason for the rates and charges; and (5) the date, time, and location of a public hearing (the “Hearing”) on the proposed rates and charges; and

WHEREAS, pursuant to Article XIII D such Notice is required to be provided to the affected property owners and any tenant directly liable for the payment of the rates and charges not less than forty-five days (45) prior to the Hearing on the proposed rates and charges; and

WHEREAS, the District did provide such Notice to the affected property owners and tenants of the proposed water and wastewater rates and charges in compliance with Article XIII D; and

WHEREAS, public workshops on March 24 and April 14, 2015 and a public hearing on June 9, 2015, all noticed in the manner and for the time required by law, were conducted by the Board of Directors, at which times all interested persons were afforded an opportunity to be heard on matters pertaining to revision of the rates and charges; and

WHEREAS, at the Hearing the Board of Directors heard and considered all oral testimony, written materials, and written protests concerning the establishment and imposition of the proposed rate increases for the rates and charges for water and wastewater services, and at the close of the Hearing the East Bay Municipal Utility District did not receive written protests against the establishment and imposition of the proposed rates and charges for the water and wastewater services from a majority of the affected property owners and tenants directly liable for the payment of the water and wastewater rates and charges; and

WHEREAS, all comments, objections, and protests to the Biennial Report have been given full opportunity to be heard by the Board of Directors, and the Board of Directors has fully considered said Biennial Report; and

WHEREAS, the changes to the rates and charges as described above and as further set forth in this resolution are subject to and comply with Chapter 11.5 of the Municipal Utility District Act; and

WHEREAS, the Board of Directors now desires to adopt and impose the proposed water and wastewater rates and charges; and

WHEREAS, the East Bay Municipal Utility District, as the lead agency under the California Environmental Quality Act ("CEQA"), in consultation with the District's Legal Counsel, prepared a Preliminary Exemption Assessment for the adoption of the water and wastewater rates and charges in order to evaluate its potential impacts. The Board of Directors determined that adoption of the rates and charges set forth in this Resolution is exempt from CEQA review under Public Resources Code section 21080(b)(8) and State CEQA Guidelines section 15273 because the water and wastewater rates and charges are necessary and reasonable to fund the administration, operation, maintenance, and improvements of the water and wastewater systems and will not result in the expansion of the water and wastewater systems. This exemption determination is supported by the COS Study, Biennial Report, and foregoing Recitals. Further, the adoption of the rates and charges set forth in this Resolution is also exempt from the requirements of CEQA as an action with no possibility of causing a significant effect on the environment;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby finds and determines the following:

1. The foregoing Recitals are true and correct, and by this reference are incorporated herein and made a part hereof. Findings Number 1 through 10 adopted by the Board of Directors on December 12, 1995, and set forth in Resolution No. 32953-95 related to adoption of the East Bay Municipal Utility District's tiered water volume rate structure for single family residential customers, are incorporated herein and made a part hereof, and support the determination of this Board of Directors to continue a three-tier water volume rate structure.
2. The average winter monthly water use by single-family residential customers District-wide is approximately 172 gallons per day ("gpd") and that winter water use is an approximation of indoor water consumption. The Board of Directors also finds that the average monthly water use by single-family residential customers during the summer is approximately 393 gpd.
3. Pursuant to California Constitution article X, section 2, that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare, and the use of water in excess of year-round indoor water consumption is primarily for uses outside the home and further finds such uses to be more discretionary in character than interior uses. The Board of Directors further finds and determines that reductions in water use can be achieved by reducing the demand for water for these exterior uses.

4. A tiered water rate structure proportionately allocates the costs of providing water service to those who place the greatest demands on East Bay Municipal Utility District's water system and water supplies, and indirectly provides a conservation incentive to most users throughout the year to efficiently and reasonably use and not waste water.
5. The rates and charges for water service promote maximum beneficial use of the limited water resources available to the East Bay Municipal Utility District to meet current and future demands consistent with state and federal policy and water conservation best management practices. The Board of Directors also finds and determines that these rate structures are reasonably calculated to proportionately recover normal District costs and to achieve overall revenue neutrality for the entire rate structure.
6. The East Bay Municipal Utility District's Cost of Service Study, completed in April 2015, supports the cost of service to each customer class based on their demand characteristics, while being revenue neutral, and making no geographical differentiation.
7. The rates for the water elevation surcharge adopted herein are imposed to recover the costs to the East Bay Municipal Utility District of pumping and delivering water to higher elevations.
8. The rates for the Seismic Improvement Program surcharge, which are imposed to recover the cost of various seismic projects designed to strengthen East Bay Municipal Utility District infrastructure against the risks of earthquakes, is no longer needed because the revenues collected to date are sufficient to cover the remaining cost of the program. Accordingly, the Seismic Improvement Program surcharge will sunset and no longer apply as of the end of Fiscal Year 2015.
9. The Nonpotable Water Use Incentive Rate and additional water charge for unauthorized water use from private fire service meters will be eliminated and no longer applied. Accordingly, such charges will be removed from Water System Schedule A – Rates and Charges for Water Service as of the end of Fiscal Year 2015.
10. The rates and charges for water service are reasonable and appropriate, proportionately allocate the cost of providing water service, and will meet the Board of Directors' goal of overall revenue neutrality.

BE IT FURTHER RESOLVED:

11. Using equivalent Single Family Residential laterals as the basis for the wastewater Wet Weather Facilities Charge is no longer optimal given the shift in the Wet Weather Program towards infiltration and inflow ("I&I") and the upgrade of laterals. Accordingly, starting July 1, 2015, the Wet Weather Facilities Charge will be based on the customer's lot size to better reflect the potential amount of I&I entering into the wastewater system

from a customer's lot. Three categories of lot size will be used to calculate the Wet Weather Facilities Charge: 0-5,000 square feet ("sq. ft."); 5,001-10,000 sq. ft.; >10,000 sq. ft.

12. The rates and charges for wastewater service are reasonable and appropriate, proportionately allocate the cost of providing wastewater service, and will meet the Board's goal of overall revenue neutrality.

BE IT FURTHER RESOLVED:

13. At the close of the Hearing held on June 9, 2015, the East Bay Municipal Utility District did not receive written protests against the establishment and imposition of the proposed rates and charges for the water and wastewater services from a majority of the affected property owners and tenants directly liable for the payment of the water and wastewater rates and charges.
14. The water system rates and charges and wastewater system rates and charges recommended in the Biennial Report are designed to recover the estimated cost of providing the services for which said rates are charged.

BE IT FURTHER RESOLVED:

15. All objections and protests to the Biennial Report are hereby overruled and denied and said Biennial Report is hereby accepted and approved.
16. The revised Schedule A of the Water System Schedule of Rates and Charges for Customers of the East Bay Municipal Utility District, beginning Fiscal Year 2016 contained in Chapter 5 of the Biennial Report is attached hereto as Exhibit A, and is hereby adopted, and the rates and charges and provisions therein contained are hereby fixed and established to be effective July 1, 2015; provided however that the revised water system rates and charges set forth in Schedule A shall take effect with billing cycles commencing on or after July 1, 2015, and will be prorated if a portion of the bill is for services rendered prior to July 1, 2015.
17. The revised Schedule A of the Water System Schedule of Rates and Charges for Customers of the East Bay Municipal Utility District, beginning Fiscal Year 2017, as set forth in Exhibit A, is hereby adopted and the charges therein contained are hereby fixed and established to be effective July 1, 2016; provided however that the revised water system service charges and consumption charges set forth in Schedule A shall take effect with billing cycles commencing on or after July 1, 2016, and will be prorated if a portion of the bill is for services rendered prior to July 1, 2016.
18. The revised Schedules A and F of the Wastewater System Schedule of Rates and Charges for Customers of the East Bay Municipal Utility District beginning Fiscal Year 2016 contained in Chapter 5 of the Biennial Report, attached hereto as Exhibit B, are hereby

adopted, and the wastewater treatment charges and Wet Weather Facilities Charges therein contained, are hereby fixed and established to be effective July 1, 2015; provided however that the revised wastewater treatment charges set forth in wastewater Schedule A shall take effect with billing cycles commencing on or after July 1, 2015, and will be prorated if a portion of the bill is for services rendered prior to July 1, 2015.

19. The revised Schedules A and F of the Wastewater System Schedule of Rates and Charges for Customers of the East Bay Municipal Utility District beginning Fiscal Year 2017 as set forth in Exhibit B, are hereby adopted, and the wastewater treatment charges and Wet Weather Facilities Charges therein contained are hereby fixed and established to be effective July 1, 2016; provided however that the revised wastewater treatment charges set forth in wastewater Schedule A shall take effect with billing cycles commencing on or after July 1, 2016, and will be prorated if a portion of the bill is for services rendered prior to July 1, 2016.
20. As set forth more fully above and as evidenced by the COS Study and Biennial Report, the aforesaid actions constitute modification and approval of rates and other charges for the purpose of meeting operating expenses, including employee wage rates and fringe benefits; purchasing or leasing supplies, equipment, or material; meeting financial reserve needs and requirements; or obtaining funds for capital projects necessary to maintain service in the existing service area; and the Board of Directors therefore determines that its aforesaid actions are exempt from the requirements of the California Environmental Quality Act. The Board of Directors further determines that these actions are exempt from the requirements of CEQA because there is no possibility that adoption of the rates and charges set forth herein will have a significant effect on the environment. Therefore, the Board of Directors hereby directs the Secretary of the District to file a Notice of Exemption in accordance with applicable statutes and regulations with the County Clerks of Alameda and Contra Costa counties.

BE IT FURTHER RESOLVED:

21. The appropriate officers of the East Bay Municipal Utility District are hereby authorized and directed to take such actions as shall be necessary to impose, enforce and collect said rates and charges.
22. The District Board of Directors hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective, and should any portion of this Resolution be invalidated by order of a Court of competent jurisdiction, all other portions of this Resolution shall remain in full force and effect until modified or superseded by action of this Board of Directors.

23. This Resolution shall supersede all other previous District Board of Directors resolutions and ordinances that may conflict with, or be contrary to, this Resolution.

ADOPTED this 9th day of June, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

EXHIBIT A

Schedule A

Rate Schedule for Water Service

FY16



SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

PAGE NUMBER

1-A

07/01/14

EFFECTIVE

07/01/15

SCHEDULE A

RATE SCHEDULE FOR WATER SERVICE

A. ONE MONTH BILLING

Bills for all metered services shall consist of:

FIRST - A WATER SERVICE CHARGE ~~and A SEISMIC IMPROVEMENT PROGRAM SURCHARGE~~ based on the size of a standard meter:

<u>METER</u> SIZE	SERVICE CHARGE AMOUNT		SEISMIC IMPROVEMENT PROGRAM SURCHARGE
5/8 and 3/4 inch meters	\$14.69	<u>\$19.34</u>	\$1.37
1 inch meter	23.63	<u>29.20</u>	3.45
1-1/2 inch meter	38.10	<u>53.88</u>	6.89
2 inch meter	55.66	<u>83.48</u>	11.02
3 inch meter	96.61	<u>162.42</u>	20.65
4 inch meter	155.11	<u>251.24</u>	34.40
6 inch meter	301.37	<u>497.92</u>	68.82
8 inch meter	476.88	<u>793.95</u>	110.10
10 inch meter	681.65	<u>1,139.32</u>	158.28
12 inch meter	944.92	<u>1,583.38</u>	220.19
14 inch meter	1,208.19	<u>2,027.42</u>	282.15
16 inch meter	1,520.96	<u>2,570.15</u>	357.84
18 inch meter	1,851.73	<u>3,112.86</u>	433.53

The service charge ~~and seismic improvement program surcharge~~ for a special type of meter or for a battery of meters installed on one service in lieu of one meter will be based on the size of a single standard meter of equivalent capacity as determined by the District.

~~The seismic improvement program surcharge is effective on each potable water bill through February 28, 2025. The seismic improvement program surcharge shall not be applied to nonpotable water service.~~

Effective July 1, 1997, when a meter larger than 4 inches is required for a single-family residential customer ~~in order~~ to maintain adequate water pressure, the maximum service charge amount ~~and seismic improvement program surcharge~~ shall be set at the 4-inch meter level.



SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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SCHEDULE A

RATE SCHEDULE FOR WATER SERVICE

A. ONE MONTH BILLING (Continued)

~~SECOND - A SEISMIC IMPROVEMENT PROGRAM SURCHARGE for each Single Family Residential or Multiple Family Residential account.~~

~~SEISMIC
IMPROVEMENT PROGRAM
SURCHARGE PER ACCOUNT~~

~~Single Family Residential Accounts \$ 1.37
Multiple Family Residential Accounts 6.46~~

~~THIRD -~~ SECOND - A WATER FLOW CHARGE FOR WATER DELIVERED ~~and A SEISMIC IMPROVEMENT PROGRAM SURCHARGE~~ based on one month meter readings for all water delivered per 100 cu. ft.:

	WATER FLOW CHARGE PER 100 CU. FT.	SEISMIC IMPROVEMENT PROGRAM SURCHARGE PER 100 CU. FT.
<u>Potable Water Service</u>		
Single Family Residential Accounts:		
For the first 172 gpd	\$2.91 <u>\$2.95</u>	\$-
For all water used in excess of 172 gpd, up to 393 gpd	3.60 <u>4.06</u>	-
For all water used in excess of 393 gpd	4.42 <u>5.36</u>	-
Multiple Family Residential Accounts:		
For all water used	3.68 <u>4.17</u>	-
All Other Water Use:		
For all water used	3.84 <u>4.15</u>	.45

All individually metered multi-family dwelling units or individually metered mobile home residential units that receive District service shall be billed at the single family residential rate.

~~The seismic improvement program surcharge is effective on each potable water bill through February 28, 2025. The seismic improvement program surcharge shall not be applied to nonpotable water service.~~



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SCHEDULE A

RATE SCHEDULE FOR WATER SERVICE

A. ONE MONTH BILLING (Continued)

**WATER FLOW
CHARGE PER
100 CU. FT.**

Nonpotable Water Service

For all water used

~~\$3.17~~

\$3.23

~~**Nonpotable Water Use Incentive Rate**~~

~~A customer for whom the District has determined, pursuant to Section 30 of the Water Service Regulations, that the provision of nonpotable water service is feasible and to whom the District has issued written notification that specifies a date by which the customer site must be ready to accept nonpotable water service, shall ready the site by the date specified or pay the Nonpotable Water Use Incentive Rate for all potable water used during the period of noncompliance. The Nonpotable Water Use Incentive Rate shall be charged at a rate 20 percent higher than the applicable potable water flow charge.~~



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SCHEDULE A

RATE SCHEDULE FOR WATER SERVICE

B. TWO MONTH BILLING

Bills for all metered services shall consist of:

FIRST - A WATER SERVICE CHARGE ~~and A SEISMIC IMPROVEMENT PROGRAM SURCHARGE~~ based on the size of a standard meter:

<u>METER</u> SIZE	SERVICE CHARGE AMOUNT	SEISMIC IMPROVEME NT PROGRAM SURCHARGE
5/8 and 3/4 inch meters	\$29.38 <u>\$38.68</u>	\$2.74
1 inch meter	47.26 <u>58.40</u>	6.90
1-1/2 inch meter	76.20 <u>107.76</u>	13.78
2 inch meter	111.32 <u>166.96</u>	22.04
3 inch meter	193.22 <u>324.84</u>	41.30
4 inch meter	310.22 <u>502.48</u>	68.80
6 inch meter	602.74 <u>995.84</u>	137.64
8 inch meter	953.76 <u>1,587.90</u>	220.20
10 inch meter	1,363.30 <u>2,278.64</u>	316.56
12 inch meter	1,889.84 <u>3,166.76</u>	440.38
14 inch meter	2,416.38 <u>4,054.84</u>	564.30
16 inch meter	3,059.92 <u>5,140.30</u>	715.68
18 inch meter	3,703.46 <u>6,225.72</u>	867.06

The water service charge ~~and seismic improvement program surcharge~~ for a special type of meter or for a battery of meters installed on one service in lieu of one meter will be based on the size of a single standard meter of equivalent capacity as determined by the District.

~~The seismic improvement program surcharge is effective on each potable water bill through February 28, 2025. The seismic improvement program surcharge shall not be applied to nonpotable water service.~~

Effective July 1, 1997, when a meter larger than 4 inches is required for a single-family residential customer ~~in order~~ to maintain adequate water pressure, the maximum service charge amount ~~and seismic improvement program surcharge~~ shall be set at the 4-inch meter level.

~~SECOND—A SEISMIC IMPROVEMENT PROGRAM SURCHARGE for each Single Family Residential or Multiple Family Residential account.~~



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SCHEDULE A

RATE SCHEDULE FOR WATER SERVICE

B. TWO MONTH BILLING (Continued)

**SEISMIC IMPROVEMENT
PROGRAM SURCHARGE
PER ACCOUNT**

~~Single Family Residential Accounts~~ ~~\$2.74~~
~~Multiple Family Residential Accounts~~ ~~12.92~~

~~THIRD~~ SECOND - A WATER FLOW CHARGE FOR WATER DELIVERED ~~and A~~
~~SEISMIC IMPROVEMENT PROGRAM SURCHARGE~~ based on two month meter
readings for all water delivered per 100 cu. ft.

	WATER FLOW CHARGE PER 100 CU. FT.	SEISMIC IMPROVEMENT PROGRAM SURCHARGE PER 100 CU. FT.
<u>Potable Water Service</u>		
Single Family Residential Accounts:		
For the first 172 gpd	\$2.91	<u>\$2.95</u>
For all water used in excess of 172 gpd, up to 393 gpd	3.60	<u>4.06</u>
For all water used in excess of 393 gpd	4.42	<u>5.36</u>
Multiple Family Residential Accounts:		
For all water used	3.68	<u>4.17</u>
All Other Water Use:		
For all water used	3.84	<u>4.15</u>

All individually metered multi-family dwelling units or individually metered mobile home residential units that receive District service shall be billed at the single family residential rate.

~~The seismic improvement program surcharge is effective on each potable water bill through February 28, 2025. The seismic improvement program surcharge shall not be applied to nonpotable water service.~~



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SCHEDULE A

RATE SCHEDULE FOR WATER SERVICE

B. TWO MONTH BILLING (Continued)

WATER FLOW
CHARGE PER
100 CU. FT.

Nonpotable Water Service

For all water used

~~\$3.17~~

\$3.23

~~Nonpotable Water Use Incentive Rate~~

~~A customer for whom the District has determined, pursuant to Section 30 of the Water Service Regulations, that the provision of nonpotable water service is feasible and to whom the District has issued written notification that specifies a date by which the customer site must be ready to accept nonpotable water service, shall ready the site by the date specified or pay the Nonpotable Water Use Incentive Rate for all potable water used during the period of noncompliance. The Nonpotable Water Use Incentive Rate shall be charged at a rate 20 percent higher than the applicable potable water flow charge.~~



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SCHEDULE A

RATE SCHEDULE FOR WATER SERVICE

C. EXCEPTIONS S TO TWO MONTH BILLING

Except as provided below, customer accounts shall~~will~~ be subject to bi-monthly meter reading and customer billing schedules.

- Accounts for which the average monthly bill is estimated to exceed \$1500; such account will be billed monthly.
- Accounts for which there are reasonable and justifiable customer requests for monthly billing.
- Accounts for which the average monthly bill is estimated to be between \$100 and \$1500, and the customer service manager recommends monthly billing based on an evaluation of credit and/or collection problems.

D. PRIVATE FIRE SERVICES

Effective July 1, 2005, the rates for Private Fire Services shall consist of:

FIRST - A MONTHLY SERVICE CHARGE ~~and A SEISMIC IMPROVEMENT PROGRAM SURCHARGE~~ based on the size of a standard meter:

<u>METER</u> SIZE	SERVICE CHARGE AMOUNT		SEISMIC IMPROVEMENT PROGRAM SURCHARGE
5/8 and 3/4 inch meters	\$12.43	<u>\$10.29</u>	\$1.37
1 inch meter	17.84	<u>14.13</u>	3.45
1-1/2 inch meter	26.65	<u>23.70</u>	6.89
2 inch meter	37.34	<u>35.20</u>	11.02
3 inch meter	62.26	<u>65.86</u>	20.65
4 inch meter	97.86	<u>100.34</u>	34.40
6 inch meter	186.84	<u>196.14</u>	68.82
8 inch meter	293.65	<u>311.09</u>	110.10
10 inch meter	418.26	<u>445.21</u>	158.28
12 inch meter	578.46	<u>617.63</u>	220.19
14 inch meter	738.64	<u>790.07</u>	282.15
16 inch meter	934.44	<u>1,000.83</u>	357.84
18 inch meter	1,130.26	<u>1,211.58</u>	433.53



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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SCHEDULE A

RATE SCHEDULE FOR WATER SERVICE

D. PRIVATE FIRE SERVICES (Continued)

~~The seismic improvement program surcharge is effective on each potable water bill through February 28, 2025. The seismic improvement program surcharge shall not be applied to nonpotable water service.~~

Effective July 1, 1997, when a meter larger than 4 inches is required for a single-family residential customer ~~in order~~ to maintain adequate water pressure, the maximum service charge amount ~~and seismic improvement surcharge~~ shall be set at the 4-inch meter level.

SECOND - A WATER FLOW CHARGE FOR WATER DELIVERED based on two-month meter readings for all water delivered per 100 cu. ft.:

There shall be no charge for water used through such services extinguishing accidental fires, but any water lost through leakage or used in violation of the District's Regulations shall be paid for at ~~double~~ the rate for general use, and may be subject to a penalty as may be established by the District.

E. ELEVATION SURCHARGE

Elevation Designator	AMOUNT PER 100 CU. FT.	
0 and 1	\$0.00	<u>\$0.00</u>
2 through 5	0.55	<u>0.60</u>
6 and greater	1.12	<u>1.24</u>

The Elevation surcharge is determined by the pressure zone in which the service connection is located. Pressure zones are identified by designations ~~which~~ that include an elevation designator.

F. SUPPLEMENTAL SUPPLY SURCHARGE

<u>Potable Water Service</u>	<u>Surcharge Amount</u>
All potable water customer accounts	14% of the total water flow charge for water delivered for the billing period

~~The supplemental supply surcharge is effective on each potable water bill after the District Board declares a need to use the Freeport Project to deliver supplemental supplies from outside of the District's normal watershed. The supplemental supply surcharge shall not be applied to nonpotable water service.~~

Schedule A

Rate Schedule for Water Service

FY17



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SCHEDULE A

RATE SCHEDULE FOR WATER SERVICE

A. ONE MONTH BILLING

Bills for all metered services shall consist of:

FIRST - A WATER SERVICE CHARGE based on the size of a standard meter:

METER SIZE	SERVICE CHARGE AMOUNT	
5/8 and 3/4 inch meters	\$19.34	<u>\$20.69</u>
1 inch meter	29.20	<u>31.24</u>
1-1/2 inch meter	53.88	<u>57.65</u>
2 inch meter	83.48	<u>89.32</u>
3 inch meter	162.42	<u>173.79</u>
4 inch meter	251.24	<u>268.83</u>
6 inch meter	497.92	<u>532.77</u>
8 inch meter	793.95	<u>849.53</u>
10 inch meter	1,139.32	<u>1,219.07</u>
12 inch meter	1,583.38	<u>1,694.22</u>
14 inch meter	2,027.42	<u>2,169.34</u>
16 inch meter	2,570.15	<u>2,750.06</u>
18 inch meter	3,112.86	<u>3,330.76</u>

The service charge for a special type of meter or for a battery of meters installed on one service in lieu of one meter will be based on the size of a single standard meter of equivalent capacity as determined by the District.

Effective July 1, 1997, when a meter larger than 4 inches is required for a single-family residential customer to maintain adequate water pressure, the maximum service charge amount shall be set at the 4-inch meter level.



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SCHEDULE A

RATE SCHEDULE FOR WATER SERVICE

A. ONE MONTH BILLING (Continued)

SECOND - A WATER FLOW CHARGE FOR WATER DELIVERED based on one month meter readings for all water delivered per 100 cu. ft.:

**WATER FLOW
CHARGE PER
100 CU. FT.**

Potable Water Service

Single Family Residential Accounts:

For the first 172 gpd	\$2.95	<u>\$3.16</u>
For all water used in excess of 172 gpd, up to 393 gpd	4.06	<u>4.34</u>
For all water used in excess of 393 gpd	5.36	<u>5.74</u>

Multiple Family Residential Accounts:

For all water used	4.17	<u>4.46</u>
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All Other Water Use:

For all water used	4.15	<u>4.44</u>
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All individually metered multi-family dwelling units or individually metered mobile home residential units that receive District service shall be billed at the single family residential rate.

**WATER FLOW
CHARGE PER
100 CU. FT.**

Nonpotable Water Service

For all water used	\$3.23	<u>\$3.46</u>
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**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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SCHEDULE A

RATE SCHEDULE FOR WATER SERVICE

B. TWO MONTH BILLING

Bills for all metered services shall consist of:

FIRST - A WATER SERVICE CHARGE based on the size of a standard meter:

METER SIZE	SERVICE CHARGE AMOUNT	
5/8 and 3/4 inch meters	\$38.68	<u>\$41.38</u>
1 inch meter	58.40	<u>62.48</u>
1-1/2 inch meter	107.76	<u>115.30</u>
2 inch meter	166.96	<u>178.64</u>
3 inch meter	324.84	<u>347.58</u>
4 inch meter	502.48	<u>537.66</u>
6 inch meter	995.84	<u>1,065.54</u>
8 inch meter	1,587.90	<u>1,699.06</u>
10 inch meter	2,278.64	<u>2,438.14</u>
12 inch meter	3,166.76	<u>3,388.44</u>
14 inch meter	4,054.84	<u>4,338.68</u>
16 inch meter	5,140.30	<u>5,500.12</u>
18 inch meter	6,225.72	<u>6,661.52</u>

The water service charge for a special type of meter or for a battery of meters installed on one service in lieu of one meter will be based on the size of a single standard meter of equivalent capacity as determined by the District.

Effective July 1, 1997, when a meter larger than 4 inches is required for a single-family residential customer to maintain adequate water pressure, the maximum service charge amount shall be set at the 4-inch meter level.



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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SCHEDULE A

RATE SCHEDULE FOR WATER SERVICE

B. TWO MONTH BILLING (Continued)

SECOND - A WATER FLOW CHARGE FOR WATER DELIVERED based on two month meter readings for all water delivered per 100 cu. ft.

**WATER FLOW
CHARGE PER
100 CU. FT.**

Potable Water Service

Single Family Residential Accounts:

For the first 172 gpd	\$2.95	<u>\$3.16</u>
For all water used in excess of 172 gpd, up to 393 gpd	4.06	<u>4.34</u>
For all water used in excess of 393 gpd	5.36	<u>5.74</u>

Multiple Family Residential Accounts:

For all water used	4.17	<u>4.46</u>
--------------------	-----------------	-------------

All Other Water Use:

For all water used	4.15	<u>4.44</u>
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All individually metered multi-family dwelling units or individually metered mobile home residential units that receive District service shall be billed at the single family residential rate.

**WATER FLOW
CHARGE PER
100 CU. FT.**

Nonpotable Water Service

For all water used	\$3.23	<u>\$3.46</u>
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**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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SCHEDULE A

RATE SCHEDULE FOR WATER SERVICE

C. EXCEPTIONS TO TWO MONTH BILLING

Except as provided below, customer accounts shall be subject to bi-monthly meter reading and customer billing schedules.

- Accounts for which the average monthly bill is estimated to exceed \$1500; such account will be billed monthly.
- Accounts for which there are reasonable and justifiable customer requests for monthly billing.
- Accounts for which the average monthly bill is estimated to be between \$100 and \$1500, and the customer service manager recommends monthly billing based on an evaluation of credit and/or collection problems.

D. PRIVATE FIRE SERVICES

Effective July 1, 2005, the rates for Private Fire Services shall consist of:

FIRST - A MONTHLY SERVICE CHARGE based on the size of a standard meter:

METER SIZE	SERVICE CHARGE AMOUNT	
5/8 and 3/4 inch meters	\$10.29	<u>\$11.01</u>
1 inch meter	14.13	<u>15.12</u>
1-1/2 inch meter	23.70	<u>25.36</u>
2 inch meter	35.20	<u>37.66</u>
3 inch meter	65.86	<u>70.47</u>
4 inch meter	100.34	<u>107.36</u>
6 inch meter	196.14	<u>209.87</u>
8 inch meter	311.09	<u>332.87</u>
10 inch meter	445.21	<u>476.37</u>
12 inch meter	617.63	<u>660.86</u>
14 inch meter	790.07	<u>845.37</u>
16 inch meter	1,000.83	<u>1,070.89</u>
18 inch meter	1,211.58	<u>1,296.39</u>



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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SCHEDULE A

RATE SCHEDULE FOR WATER SERVICE

D. PRIVATE FIRE SERVICES (Continued)

Effective July 1, 1997, when a meter larger than 4 inches is required for a single-family residential customer to maintain adequate water pressure, the maximum service charge amount shall be set at the 4-inch meter level.

SECOND - A WATER FLOW CHARGE FOR WATER DELIVERED based on two-month meter readings for all water delivered per 100 cu. ft.:

There shall be no charge for water used through such services extinguishing accidental fires, but any water lost through leakage or used in violation of the District's Regulations shall be paid for at the rate for general use, and may be subject to a penalty as may be established by the District.

E. ELEVATION SURCHARGE

Elevation Designator	AMOUNT PER 100 CU. FT.	
0 and 1	\$0.00	<u>\$0.00</u>
2 through 5	0.60	<u>0.64</u>
6 and greater	1.24	<u>1.33</u>

The Elevation surcharge is determined by the pressure zone in which the service connection is located. Pressure zones are identified by designations that include an elevation designator.

EXHIBIT B

Wastewater Department

Schedule A

Rates for Treatment Service

FY16



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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**SCHEDULE A
WASTEWATER DEPARTMENT
RATES FOR TREATMENT SERVICE**

Current

I. Unit Treatment Rates

Flow (\$ per 100 cubic ft.)	\$0.787	<u>\$1.033</u>
CODf (\$ per pound of discharge)	0.294	<u>0.306</u>
Suspended Solids (\$ per pound)	0.434	<u>0.447</u>

Unit treatment rates for Flow, Chemical Oxygen Demand filtered (CODf), Total Suspended Solids (TSS) and a Service Charge are applied to all users unless otherwise indicated.

II. Residential Monthly Charges

(6514 Multi-Family under 5 units & 8800 Single-Family)

A.	Service Charge (per account)	\$7.13	<u>5.29</u>
B.	Strength Charge (per dwelling unit)	7.20	<u>7.28</u>
	Minimum monthly charge per household	14.33	<u>12.57</u>
C.	Plus: A flow charge of 78.7 cents <u>\$1.04</u> per 100 cubic ft. applied to a maximum of 10.9 <u>9</u> units (per dwelling unit).		
	Minimum monthly charge at 0 units	\$0.00	<u>\$0.00</u>
	Maximum monthly charge at 10.9 <u>9</u> units	7.87	<u>9.36</u>
D.	Total Residential Charge (A+B+C above)*		
	Minimum monthly charge (for 8800)	\$14.33	<u>\$12.57</u>
	Maximum monthly charge (for 8800)	22.20	<u>21.93</u>
	Average monthly charge (for 8800)	19.05	<u>18.81</u>

*Does not include SF Bay Residential Pollution Prevention Fee

III. Non-Residential Charges

A.	Monthly service charge (per meter)	\$7.13	<u>\$5.29</u>
B.	Treatment charge including flow processing (per 100 cubic feet of sewage discharge).		
2010	Meat Products	\$6.32	<u>\$6.78</u>
2011	Slaughterhouses	6.39	<u>6.85</u>
2020	Dairy Product Processing	4.95	<u>5.37</u>
2030	Fruit and Vegetable Canning	3.98	<u>4.36</u>



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**SCHEDULE A
WASTEWATER DEPARTMENT
RATES FOR TREATMENT SERVICE**

	Current	<u>Proposed</u>
2040 Grain Mills	\$4.11	<u>4.48</u>
2050 Bakeries (including Pastries)	7.13	<u>7.62</u>
2060 Sugar Processing	3.80	<u>4.17</u>
2077 Rendering Tallow	12.95	<u>13.66</u>
2080 Beverage Manufacturing & Bottling	2.90	<u>3.22</u>
2090 Specialty Foods Manufacturing	13.09	<u>13.81</u>
2600 Pulp and Paper Products	3.50	<u>3.85</u>
2810 Inorganic Chemicals Mfr.	4.74	<u>5.12</u>
2820 Synthetic Material Manufacturing	0.92	<u>1.18</u>
2830 Drug Manufacturing	2.11	<u>2.40</u>
2840 Cleaning and Sanitation Products	4.48	<u>4.87</u>
2850 Paint Manufacturing	8.96	<u>9.51</u>
2893 Ink and Pigment Manufacturing	3.02	<u>3.35</u>
3110 Leather Tanning and Finishing	12.33	<u>13.01</u>
3200 Earthenware Manufacturing	2.49	<u>2.79</u>
3300 Primary Metals Manufacturing	1.92	<u>2.22</u>
3400 Metal Products Fabricating	1.01	<u>1.27</u>
3410 Drum and Barrel Manufacturing	12.44	<u>13.14</u>
3470 Metal Coating	1.12	<u>1.38</u>
4500 Air Transportation	1.51	<u>1.79</u>
5812 Food Service Establishments	4.34	<u>4.71</u>
6513 Apartment Buildings (5 or more units)	1.86	<u>2.36</u>
7000 Hotels, Motels with Food Service	3.09	<u>3.42</u>
7210 Commercial Laundries	2.67	<u>2.98</u>
7215 Coin Operated Laundromats	1.96	<u>2.25</u>
7218 Industrial Laundries	7.73	<u>8.24</u>
7300 Laboratories	1.35	<u>1.62</u>
7542 Automobile Washing and Polishing	1.86	<u>2.15</u>
8060 Hospitals	1.81	<u>2.09</u>
8200 Schools	1.26	<u>1.52</u>
All Other <u>Business Classification Code</u> (includes dischargers of only segregated domestic wastes from sanitary conveniences)	1.86	<u>2.36</u>



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

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**SCHEDULE A
WASTEWATER DEPARTMENT
RATES FOR TREATMENT SERVICE**

**Multi-Use Food Service Establishments and Domestic
Waste Accounts**

Accounts identified by EBMUD where there is one or more food service establishments or bakeries sharing the water meter with establishments or operations with only domestic waste discharges. These accounts are assigned an MT code based on the percentage split of the discharge from the food service establishment operations or bakeries and domestic waste. The unit treatment charge for each MT Code is calculated from the food service establishment or bakeries treatment rate and the domestic waste treatment rate.

		Current	<u>Proposed</u>
MT Code			
A	0-9% Food, 91-100% Domestic	\$1.860	<u>\$2.36</u>
B	10-19% Food, 81-90% Domestic	2.108	<u>2.60</u>
C	20-29% Food, 71-80% Domestic	2.356	<u>2.83</u>
D	30-39% Food, 61-70% Domestic	2.604	<u>3.07</u>
E	40-49% Food, 51-60% Domestic	2.852	<u>3.30</u>
F	50-59% Food, 41-50% Domestic	3.100	<u>3.54</u>
G	60-69% Food, 31-40% Domestic	3.348	<u>3.77</u>
H	70-79% Food, 21-30% Domestic	3.596	<u>4.01</u>
I	80-89% Food, 11-20% Domestic	3.844	<u>4.24</u>
J	90-99% Food, 1-10% Domestic	4.092	<u>4.48</u>
K	0-9% Bakery, 91-100% Domestic	1.860	<u>2.36</u>
L	10-19% Bakery, 81-90% Domestic	2.387	<u>2.89</u>
M	20-29% Bakery, 71-80% Domestic	2.914	<u>3.41</u>
N	30-39% Bakery, 61-70% Domestic	3.441	<u>3.94</u>
O	40-49% Bakery, 51-60% Domestic	3.968	<u>4.46</u>
P	50-59% Bakery, 41-50% Domestic	4.495	<u>4.99</u>
Q	60-69% Bakery, 31-40% Domestic	5.022	<u>5.52</u>
R	70-79% Bakery, 21-30% Domestic	5.549	<u>6.04</u>
S	80-89% Bakery, 11-20% Domestic	6.076	<u>6.57</u>
T	90-99% Bakery, 1-10% Domestic	6.603	<u>7.09</u>
Minimum Monthly Treatment Charge:			
6513	Apartment Buildings (5 or more units)	\$36.00	<u>\$41.69</u>
	All Others	7.20	<u>5.29</u>

Wastewater Department

Schedule F

Wet Weather Facilities Charge

FY16



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER

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EFFECTIVE

07/01/15

SCHEDULE F

WET WEATHER FACILITIES CHARGE

Annual Charge Collected on Property Tax Bill

TYPE	RATE
Single-Family Residential <u>Small Lot (0-5,000 sq ft)</u>	\$89.34 <u>\$89.62</u>
Multi-Family Residential <u>Medium Lot (5,001-10,000 sq ft)</u>	\$89.34 per dwelling unit* <u>\$140.00</u>
All Others <u>Large Lot (>10,000 sq ft)</u>	\$134.00 <u>\$320.00</u>

~~*up to a maximum of 5 dwelling units.~~

Wastewater Department

Schedule A

Rates for Treatment Service

FY17



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

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**SCHEDULE A
WASTEWATER DEPARTMENT
RATES FOR TREATMENT SERVICE**

Current

I. Unit Treatment Rates

Flow (\$ per 100 cubic ft.)	\$1.033	<u>\$1.085</u>
CODf (\$ per pound of discharge)	0.306	<u>0.321</u>
Suspended Solids (\$ per pound)	0.447	<u>0.469</u>

Unit treatment rates for Flow, Chemical Oxygen Demand filtered (CODf), Total Suspended Solids (TSS) and a Service Charge are applied to all users unless otherwise indicated.

II. Residential Monthly Charges

(6514 Multi-Family under 5 units & 8800 Single-Family)

A.	Service Charge (per account)	5.29	<u>5.55</u>
B.	Strength Charge (per dwelling unit)	7.28	<u>7.64</u>
	Minimum monthly charge per household	12.57	<u>13.19</u>
C.	Plus: A flow charge of \$1.04 <u>1.09</u> per 100 cubic ft. applied to a maximum of 9 units (per dwelling unit).		
	Minimum monthly charge at 0 units	\$0.00	<u>\$0.00</u>
	Maximum monthly charge at 9 units	9.36	<u>9.81</u>
D.	Total Residential Charge (A+B+C above)*		
	Minimum monthly charge (for 8800)	\$12.57	<u>\$13.19</u>
	Maximum monthly charge (for 8800)	21.93	<u>23.00</u>
	Average monthly charge (for 8800)	18.81	<u>19.73</u>

*Does not include SF Bay Residential Pollution Prevention Fee

III. Non-Residential Charges

A.	Monthly service charge (per meter)	\$5.29	<u>\$5.55</u>
B.	Treatment charge including flow processing (per 100 cubic feet of sewage discharge).		
2010	Meat Products	\$6.78	<u>\$7.12</u>
2011	Slaughterhouses	6.85	<u>7.19</u>
2020	Dairy Product Processing	5.37	<u>5.64</u>
2030	Fruit and Vegetable Canning	4.36	<u>4.58</u>



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER

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**SCHEDULE A
WASTEWATER DEPARTMENT
RATES FOR TREATMENT SERVICE**

	Current	<u>Proposed</u>
2040 Grain Mills	4.48	<u>4.70</u>
2050 Bakeries (including Pastries)	7.62	<u>8.00</u>
2060 Sugar Processing	4.17	<u>4.38</u>
2077 Rendering Tallow	13.66	<u>14.34</u>
2080 Beverage Manufacturing & Bottling	3.22	<u>3.38</u>
2090 Specialty Foods Manufacturing	13.84	<u>14.50</u>
2600 Pulp and Paper Products	3.85	<u>4.04</u>
2810 Inorganic Chemicals Mfr.	5.12	<u>5.38</u>
2820 Synthetic Material Manufacturing	1.18	<u>1.24</u>
2830 Drug Manufacturing	2.40	<u>2.52</u>
2840 Cleaning and Sanitation Products	4.87	<u>5.11</u>
2850 Paint Manufacturing	9.54	<u>9.99</u>
2893 Ink and Pigment Manufacturing	3.35	<u>3.52</u>
3110 Leather Tanning and Finishing	13.04	<u>13.66</u>
3200 Earthenware Manufacturing	2.79	<u>2.93</u>
3300 Primary Metals Manufacturing	2.22	<u>2.33</u>
3400 Metal Products Fabricating	1.27	<u>1.33</u>
3410 Drum and Barrel Manufacturing	13.14	<u>13.80</u>
3470 Metal Coating	1.38	<u>1.45</u>
4500 Air Transportation	1.79	<u>1.88</u>
5812 Food Service Establishments	4.71	<u>4.95</u>
6513 Apartment Buildings (5 or more units)	2.36	<u>2.48</u>
7000 Hotels, Motels with Food Service	3.42	<u>3.59</u>
7210 Commercial Laundries	2.98	<u>3.13</u>
7215 Coin Operated Laundromats	2.25	<u>2.36</u>
7218 Industrial Laundries	8.24	<u>8.65</u>
7300 Laboratories	1.62	<u>1.70</u>
7542 Automobile Washing and Polishing	2.15	<u>2.26</u>
8060 Hospitals	2.09	<u>2.19</u>
8200 Schools	1.52	<u>1.60</u>
All Other Business Classification Code (includes dischargers of only segregated domestic wastes from sanitary conveniences)	2.36	<u>2.48</u>



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER

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07/01/16

**SCHEDULE A
WASTEWATER DEPARTMENT
RATES FOR TREATMENT SERVICE**

**Multi-Use Food Service Establishments and Domestic Waste
Accounts**

Accounts identified by EBMUD where there is one or more food service establishments or bakeries sharing the water meter with establishments or operations with only domestic waste discharges. These accounts are assigned an MT code based on the percentage split of the discharge from the food service establishment operations or bakeries and domestic waste. The unit treatment charge for each MT Code is calculated from the food service establishment or bakeries treatment rate and the domestic waste treatment rate.

		Current	<u>Proposed</u>
MT Code			
A	0-9% Food, 91-100% Domestic	\$2.36	<u>\$2.48</u>
B	10-19% Food, 81-90% Domestic	2.60	<u>2.73</u>
C	20-29% Food, 71-80% Domestic	2.83	<u>2.97</u>
D	30-39% Food, 61-70% Domestic	3.07	<u>3.22</u>
E	40-49% Food, 51-60% Domestic	3.30	<u>3.47</u>
F	50-59% Food, 41-50% Domestic	3.54	<u>3.72</u>
G	60-69% Food, 31-40% Domestic	3.77	<u>3.96</u>
H	70-79% Food, 21-30% Domestic	4.01	<u>4.21</u>
I	80-89% Food, 11-20% Domestic	4.24	<u>4.46</u>
J	90-99% Food, 1-10% Domestic	4.48	<u>4.70</u>
K	0-9% Bakery, 91-100% Domestic	2.36	<u>2.48</u>
L	10-19% Bakery, 81-90% Domestic	2.89	<u>3.03</u>
M	20-29% Bakery, 71-80% Domestic	3.41	<u>3.58</u>
N	30-39% Bakery, 61-70% Domestic	3.94	<u>4.14</u>
O	40-49% Bakery, 51-60% Domestic	4.46	<u>4.69</u>
P	50-59% Bakery, 41-50% Domestic	4.99	<u>5.24</u>
Q	60-69% Bakery, 31-40% Domestic	5.52	<u>5.79</u>
R	70-79% Bakery, 21-30% Domestic	6.04	<u>6.34</u>
S	80-89% Bakery, 11-20% Domestic	6.57	<u>6.90</u>
T	90-99% Bakery, 1-10% Domestic	7.09	<u>7.45</u>
Minimum Monthly Treatment Charge:			
6513	Apartment Buildings (5 or more units)	\$41.69	<u>\$43.75</u>
	All Others	5.29	<u>5.55</u>

Wastewater Department

Schedule F

Wet Weather Facilities Charge

FY17



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

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EFFECTIVE

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SCHEDULE F

WET WEATHER FACILITIES CHARGE

Annual Charge Collected on Property Tax Bill

TYPE	RATE
Small Lot (0-5,000 sq ft)	\$89.62 <u>94.10</u>
Medium Lot (5,001-10,000 sq ft)	\$140.00 <u>147.00</u>
Large Lot (>10,000 sq ft)	\$320.00 <u>336.00</u>



AGENDA NO. 13.2
MEETING DATE June 9, 2015

TITLE REVISIONS TO WATER RATES AND CHARGES SUBJECT TO PROPOSITION 218
FOR FISCAL YEARS 2016 AND 2017 - DROUGHT SURCHARGES

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

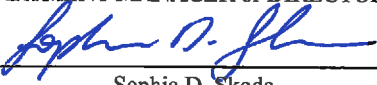
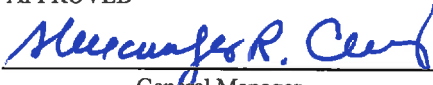
Adopt drought surcharges subject to Proposition 218 recommended in the Biennial Report and Recommendation of the General Manager for Fiscal Year 2016-2017 submitted to the Board of Directors on May 12, 2015 and as discussed at the Board workshops on March 24 and April 14, 2015 and at the public hearing on rates and charges held on June 9, 2015.

DISCUSSION

After extensive outreach, the District developed a staged system of drought surcharges designed to recover water shortage related costs. The drought surcharge is calculated based on projected increased drought costs and decreased revenues as a result of reduced water sales at each stage. On April 14, 2015, the Board declared a Stage 4 water shortage emergency and a mandatory District-wide water use reduction goal of 20% and adopted revised regulations regarding mandatory water use prohibitions and restrictions. Following the District's water supply management guidelines, a Stage 4 water shortage emergency was declared because the projected end of year carry-over water storage is less than 325,000 acre-feet.

The Board held workshops on March 24th and April 14th and a public hearing on June 9th to review the proposed changes to Water and Wastewater Rates and Charges including the staged system of drought surcharges. The details of the proposed changes to the rates, charges and fees subject to Proposition 218, including the drought surcharges, are contained in the Biennial Report and Recommendation of the General Manager for Fiscal Year 2016-2017 Revisions to the Water and Wastewater System Schedules of Rates and Charges, Recreation Fees and System Capacity Charges (the Biennial Report) presented at the May 12, 2015 Board meeting.

As detailed in the Biennial Report, the drought surcharges may be imposed by the Board of Directors at the time or after a specific drought stage has been declared by the Board in accordance with the District's Drought Management Program Guidelines. If implemented, the drought surcharge will increase residential customers' rates for the water flow charge of the District's potable water service rates and charges as

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

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

follows based on Proposition 218 cost of service principles: Stage 1 - 0%; Stage 2 - up to 8%; Stage 3 - up to 20%; Stage 4 - up to 25%. The amount of the increase to be implemented within each stage will be determined on the basis of the District's projected increases in costs associated with the identified stage. After a drought surcharge has been imposed by the Board of Directors during a drought stage, it will remain in effect until it is otherwise modified or terminated by the Board of Directors.

As part of the FY16 and FY17 rate proposal, the District completed a cost of service study for the water and wastewater rates and charges, including the drought surcharges, to ensure that the rates and charges meet the cost of service requirements of Proposition 218.

The recommended action would allow the District to add the applicable drought surcharge to the FY16 and FY17 flow charges for all potable water use when a drought Stage 2, Stage 3 or Stage 4 has been declared by the Board of Directors. As described in the Biennial Report, the revenue from the drought surcharge would be used to recover the District's drought expenses including cost of supplemental supplies and treatment, drought outreach and customer service, and lost revenue from reduced water sales.

Adopting the Drought Surcharge Rate Schedule for Water Service (Schedule L) as set forth in Exhibit A to the attached resolution would:

- Add a surcharge of \$0.73 to \$1.30 per hundred cubic feet (Ccf) for FY16 on all potable water use during the Stage 4 drought. The amount of the drought surcharge would vary by drought stage, customer class and by Single Family Residential (SFR) water use tier.
- Add a surcharge of \$0.79 to \$1.40 per Ccf for FY17 on all potable water use during the Stage 4 drought. The amount of the drought surcharge would vary by drought stage, customer class and by SFR water use tier.

The Stage 4 drought surcharge of up to 25% is recommended to be effective beginning on July 1, 2015 for FY16, and on July 1, 2016 for FY17. The FY16 and FY17 drought surcharges will be prorated if a portion of the customer's bill is for services rendered prior to July 1, 2015 and July 1, 2016 respectively.

ALTERNATIVE

Do not accept the recommended drought surcharges. This alternative is not recommended because the current rates would not recover the costs of providing water services to the ratepayer.

ARC:SDS:RL

Attachment

 
Office of General Counsel

RESOLUTION NO. _____

**AUTHORIZING DROUGHT SURCHARGES SUBJECT TO PROPOSITION 218; APPROVING
AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND
DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION**

Introduced by Director

; Seconded by Director

WHEREAS, the Board of Directors is adopting the Fiscal Year 2016 and Fiscal Year 2017 Operating and Capital Biennial Budget for expenditures necessary and advisable for the proper conduct of the activities of the East Bay Municipal Utility District (the "District"), including funding for needed capital projects and the operation of the water system, and to provide an adequate level of financial reserves and debt service coverage; and

WHEREAS, in November 2013, the District retained Raftelis Financial Consultants to perform an independent cost of service ("COS") study for the water and wastewater systems, including a study of the proposed Drought Surcharges, to ensure that the District's rates and charges are compliant with the requirements of Proposition 218 (article XIII D, section 6 of the California Constitution); and

WHEREAS, in April 2015, Raftelis Financial Consultants completed the District's COS study and identified adjustments to individual water and wastewater rates and charges to conform to Proposition 218 cost of service principles, and substantiated the District's proposed Drought Surcharges as being consistent with Proposition 218 cost of service principles; and

WHEREAS, in accordance with section 14401 of the Public Utilities Code, the General Manager filed with the Board of Directors of the District the Biennial Report and Recommendation of the General Manager Fiscal Year 2016-2017, dated May 12, 2015 ("Biennial Report"), recommending revisions to the water rates and charges to meet the District's revenue requirements for Fiscal Year 2016 and Fiscal Year 2017 including: (1) water service charges and flow charges for residential, multi-family, commercial, and industrial customers; (2) water elevation surcharges; (3) Schedule A, Rate Schedule for Water Service; and (4) New Schedule L, Drought Surcharge Rate Schedule for Water Service; and

WHEREAS, the results of the April 2015 COS study were incorporated and reflected in the Biennial Report, and in the recommended revisions to the water and wastewater rates and charges, and in the proposed Drought Surcharges for Fiscal Year 2016 and Fiscal Year 2017; and

WHEREAS, the water service fees have five customer classes (Single Family Residential, Multi-Family Residential, Other, Nonpotable, and Private Fire Customers), and the rates for the water service fees have four components: (1) a Water Flow Charge; (2) a Water Service Charge; (3) a Water Elevation Surcharge; and (4) a Private Fire Service Charge; and

WHEREAS, as evidenced by the COS Study and Biennial Report, the water rates and charges are structured to proportionately allocate and recover the costs of providing water service on a parcel basis among the various customer classes; and

WHEREAS, as evidenced by the COS Study and Biennial Report, the revenues derived from the water charges will not exceed the funds required to provide water services and shall be used exclusively for the water systems; and

WHEREAS, the water rates and charges will not exceed the proportional cost of the services attributable to each parcel upon which they are imposed; and

WHEREAS, the water rates and charges will not be imposed on a parcel unless the water services are actually used by, or immediately available to, the owner of the parcel; and

WHEREAS, California Constitution article XIII D, section 6 ("Article XIII D") requires that prior to imposing any increase to the water service rates and charges, the District shall provide written notice (the "Notice") by mail of: (1) proposed increases to such rates and charges to the record owner of each parcel upon which the rates and charges are proposed for imposition and any tenant directly liable for payment of the rates and charges; (2) the amount of the rates and charges proposed to be imposed on each parcel; (3) the basis upon which the rates and charges were calculated; (4) the reason for the rates and charges; and (5) the date, time, and location of a public hearing (the "Hearing") on the proposed rates and charges; and

WHEREAS, pursuant to Article XIII D, such Notice is required to be provided to the affected property owners and tenants directly liable for payment of the rates and charges not less than forty-five (45) days prior to the Hearing on the proposed rates and charges; and

WHEREAS, the District did provide such Notice to the affected property owners and tenants of the proposed water and wastewater rates and charges in compliance with Article XIII D; and

WHEREAS, California Constitution article X, section 2 and California Water Code section 100 provide that because of conditions prevailing in the state of California (the "State"), it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, pursuant to California Water Code section 375, the District is authorized to and has adopted a water conservation program to reduce the quantity of water used by persons within its jurisdiction for the purpose of conserving the water supplies of the District; and

WHEREAS, pursuant to the District's water conservation rules and regulations, if the District determines that it is necessary to declare that a water shortage exists, the District is authorized to implement certain water shortage response measures and a water conservation and regulatory program to regulate water consumption activities within the District and ensure that the water delivered in the District is put to beneficial use for the greatest public benefit, with particular regard to domestic use, including human consumption, sanitation, and fire protection, and that the waste or unreasonable use of water is prevented; and

WHEREAS, the District's Drought Management Program ("DMP") Guidelines establish the level of customer demand reductions that the District may consider and the amount of supplemental supply that the District may need based on the projected total system storage at the end of the water year. The DMP Guidelines are a component of the District's Water Shortage Contingency Plan in the 2010 Urban Water Management Plan ("UWMP"); and

WHEREAS, on April 14, 2015, the Board of Directors adopted Revised DMP Guidelines to address the existence of a protracted drought, and to include a provision for mandatory customer reduction goals greater than 15 percent, if necessary. The Revised DMP Guidelines will be incorporated into the update of the District's Water Shortage Contingency Plan as part of its 2015 UWMP; and

WHEREAS, on April 14, 2015, the District filed its Water Supply Availability and Deficiency Report 2015, and on its basis, the Board of Directors declared that the District's water supply is deficient for meeting customer demands in 2015; and

WHEREAS, on April 14, 2015, the Board of Directors adopted an emergency declaration under Water Code section 350, *et seq.* of a continuation of the water shortage emergency initially declared by the Board in August 2014, and declared a Stage 4 drought, as defined in the Revised DMP Guidelines, and the need to take drought response actions including the need for supplemental water supply and the establishment of a District-wide water use reduction goal; and

WHEREAS, on April 14, 2015, the Board of Directors adopted a revised Section 28 of the District's Regulations Governing Water Service to Customers. Section 28 provides for special prohibitions on water use, as well as enforcement through warnings, installation of flow restrictors, and disconnection of service. The revised Section 28 became effective April 14, 2015 and will remain in effect until it is either revised based on changing circumstances or rescinded when the Board of Directors has declared that the water shortage emergency is over; and

WHEREAS, the District's revenues are derived primarily from water consumption. Therefore, consumption is a key factor in the development of the financial plan to fund the Fiscal Year 2016 and Fiscal Year 2017 operating and capital budgets; and

WHEREAS, the water rate structure has a fixed revenue component that is not impacted by changes in water consumption; however, more than 70% of water revenue is collected based on the volume of water sold; and

WHEREAS, as customers conserve and reduce their consumption, particularly during water shortages, the District will experience a reduction in revenue from the sale of water unless rates are increased to compensate for the loss; and

WHEREAS, to prevent a significant loss in revenue and impacts on the ability of the District to provide safe and reliable water to its customers, the District included in the Notice separate Drought Surcharges; and

WHEREAS, the Drought Surcharges correspond to increasingly severe stages of water shortages (each a "Stage"), and are charged on each unit of potable water used during the billing period, and based on the COS Study are calculated to recover losses of revenue, and certain other costs, such as costs of providing supplemental water, costs of water shortage-related customer service, and water conservation and efficiency programs; and

WHEREAS, the Drought Surcharges will increase potable water customers' rates for the Water Flow Charge of the District's potable water service rates and charges as follows based on Proposition 218 cost of service principles: Stage 1 - 0%; Stage 2 - up to 8%; Stage 3 - up to 20%; Stage 4 - up to 25%. As evidenced by the COS Study, the amount of the increase to be implemented within each Stage will be determined on the basis of the District's projected increases in costs associated with the identified Stage. In no event will the Drought Surcharges implemented in any Stage exceed the projected costs of providing water service; and

WHEREAS, two public workshops and four special Board meetings in various parts of the water system service area were conducted on the proposed Drought Surcharges in August through November 2014, and a public hearing, noticed in the manner and for the time required by law, was conducted by the Board of Directors on June 9, 2015, at which times all interested persons were afforded an opportunity to be heard on matters pertaining to revision of the rates and charges; and

WHEREAS, at the Hearing the Board of Directors heard and considered all oral testimony, written materials, and written protests concerning the establishment and imposition of the proposed rate increases for the rates and charges for water services, and at the close of the Hearing the District did not receive written protests against the establishment and imposition of the proposed rates and charges, including the Drought Surcharges, for the water services from a majority of the affected property owners and tenants directly liable for the payment of the water rates and charges; and

WHEREAS, all comments, objections, and protests to the Biennial Report have been given a full opportunity to be heard by the Board of Directors, and the Board of Directors has fully considered said Biennial Report; and

WHEREAS, the adoption of Drought Surcharges as described above and as further set forth in this Resolution are subject to and comply with Chapter 11.5 of the Municipal Utility District Act; and

WHEREAS, the Board of Directors now desires to adopt and impose the proposed Drought Surcharges; and

WHEREAS, the District, as the lead agency under the California Environmental Quality Act ("CEQA"), in consultation with the District's Legal Counsel, prepared a Preliminary Exemption Assessment for the adoption of the Drought Surcharges in order to evaluate its potential impacts. The Board of Directors determined that adoption of the Drought Surcharges set forth in this Resolution is exempt from CEQA review under Public Resources Code section 21080(b)(8) and State CEQA Guidelines section 15273 because the Drought Surcharges are necessary and reasonable to fund the administration, operation, maintenance, and improvements of the water system and will not result in the expansion of the water system. This exemption determination is supported by the COS Study, Biennial Report, and foregoing Recitals. Further, the adoption of the Drought Surcharges set forth in this Resolution is also exempt from the requirements of CEQA as an action with no possibility of causing a significant effect on the environment;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby finds and determines the following:

1. The foregoing Recitals are true and correct, and by this reference are incorporated herein and made a part hereof. Findings Number 1 through 10 adopted by the Board of Directors on December 12, 1995, and set forth in Resolution No. 32953-95 related to adoption of the District's tiered water volume rate structure for single family residential customers are incorporated herein and made a part hereof, and support the determination of this Board of Directors to continue a three-tier water volume rate structure.
2. The Board of Directors finds and determines that pursuant to California Constitution article X, section 2, that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare, and the use of water in excess of year-round indoor water consumption is primarily for uses outside the home and further finds such uses to be more discretionary in character than interior uses. The Board of Directors further finds and determines that reductions in water use can be achieved by reducing the demand for water for these exterior uses.

BE IT FURTHER RESOLVED:

3. At the close of the Hearing held on June 9, 2015, the District did not receive written protests against the establishment and imposition of the proposed rates and charges for the water and wastewater services, including the Drought Surcharges, from a majority of the affected property owners and tenants directly liable for the payment of the water rates and charges.
4. The Board of Directors finds and determines that the Drought Surcharges are designed to recover the estimated cost of providing the services for which said rates are charged.

BE IT FURTHER RESOLVED:

5. Beginning July 1, 2015, the Board of Directors is authorized to implement Drought Surcharges. Drought Surcharges may be imposed by the Board of Directors at the time or after a specific Stage has been declared by the Board of Directors in accordance with the District's DMP Guidelines. If implemented, the Drought Surcharges shall be applied to and increase the rates then in effect for the Water Flow Charge of the District's potable water service rates and charges by up to the following amounts: (a) Stage 1 - 0%; (b) Stage 2 - up to 8%; (c) Stage 3 - up to 20%; and (d) Stage 4 - up to 25%. The amount of the increase to be implemented within a declared Stage will be determined on the basis of the District's projected increases in costs associated with the declared Stage. In no event will Drought Surcharges implemented in any Stage exceed the District's projected costs of providing water service. When Drought Surcharges are implemented, the Water Flow Charge will be prorated if a portion of a customer's bill is for services rendered prior to implementation of the authorized Drought Surcharges by the Board of Directors. After Drought Surcharges are approved by the Board of Directors during any Stage, they shall remain in effect until otherwise modified or terminated by the Board of Directors.
6. As set forth more fully above and as evidenced by the COS Study and Biennial Report, the aforesaid actions constitute modification and approval of rates and other charges for the purpose of meeting operating expenses, including employee wage rates and fringe benefits; purchasing or leasing supplies, equipment, or material; meeting financial reserve needs and requirements; or obtaining funds for capital projects necessary to maintain service in the existing service area; and the Board of Directors therefore determines that its aforesaid actions are exempt from the requirements of the California Environmental Quality Act. The Board further determines that these actions are exempt from the requirements of CEQA because there is no possibility that adoption of the Drought Surcharges will have a significant effect on the environment. Therefore, the Board of Directors hereby directs the Secretary of the District to file a Notice of Exemption in accordance with applicable statutes and regulations with the County Clerks of Alameda and Contra Costa Counties.

BE IT FURTHER RESOLVED:

7. The new Schedule L "Drought Surcharge Rate Schedule for Water Service," contained in Chapter 5 of the Biennial Report, is attached hereto as Exhibit A, and is hereby adopted, and the Drought Surcharges therein contained are hereby fixed and established to be effective July 1, 2015; provided, however, that the Drought Surcharges set forth in Schedule L shall take effect with billing cycles commencing on or after July 1, 2015, and will be prorated if a portion of the bill is for services rendered prior to July 1, 2015.
8. Given the April 14, 2015 declaration by the Board of Directors of a Stage 4 drought, the corresponding Stage 4 Drought Surcharge of up the 25% shall be applied and increase the rates then in effect for the Water Flow Charge of the District's water service rates and charges to be effective July 1, 2015; provided, however, that the Stage 4 Drought Surcharge shall take effect with billing cycles commencing on or after July 1, 2015, and will be

prorated if a portion of the bill is for services rendered prior to July 1, 2015. The Stage 4 Drought Surcharge shall remain in effect until otherwise modified or terminated by the Board of Directors.

9. The appropriate officers of the District are hereby authorized and directed to take such actions as shall be necessary to impose, enforce and collect said rates and charges.
10. The District Board of Directors hereby declares that it would have adopted each section of this Resolution irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective, and should any portion of this Resolution be invalidated by order of a Court of competent jurisdiction, all other portions of this Resolution shall remain in full force and effect until modified or superseded by action of this Board of Directors.
11. This Resolution shall supersede all other previous District Board of Directors resolutions and ordinances that may conflict with, or be contrary to, this Resolution, and shall take effect immediately upon its adoption.

Adopted this 9th day of June, 2015 by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

EXHIBIT A

Schedule L

**Drought Surcharge Rate Schedule
for Water Service**

FY16



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER

12-A

EFFECTIVE

07/01/15

SCHEDULE L

DROUGHT SURCHARGE RATE SCHEDULE FOR WATER SERVICE

The following amounts will be charged in addition to rates shown in Schedule A for all water delivered during the declared drought stage for billing cycles that are billed on or after July 1, 2015.

A TEMPORARY SURCHARGE FOR POTABLE WATER DELIVERED based on one month or two month meter readings for all water delivered per 100 cu. ft.:

MONTHLY DROUGHT SURCHARGES WATER FLOW CHARGE PER 100 CU. FT.				
	Maximum Applicable Drought Surcharge in 4 Stages			
Single-Family Residential Accounts	1	2	3	4
For the first 172 gpd	\$0.00	\$0.23	\$0.59	\$0.73
For all water used in excess of 172 gpd, up to 393 gpd	0.00	0.31	0.79	0.99
For all water used in excess of 393 gpd	0.00	0.40	1.03	1.30
Multi-Family Residential	0.00	0.32	0.81	1.02
All Other Accounts	0.00	0.32	0.81	1.01

Schedule L

**Drought Surcharge Rate Schedule
for Water Service**

FY17



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER 12-B
07/01/15
EFFECTIVE 07/01/16

SCHEDULE L

DROUGHT SURCHARGE RATE SCHEDULE FOR WATER SERVICE

The following amounts will be charged in addition to rates shown in Schedule A for all water delivered during the declared drought stage for billing cycles that are billed on or after July 1, ~~2015~~ 2016.

A TEMPORARY SURCHARGE FOR POTABLE WATER DELIVERED based on one month or two month meter readings for all water delivered per 100 cu. ft.:

MONTHLY DROUGHT SURCHARGES WATER FLOW CHARGE PER 100 CU. FT.				
	Maximum Applicable Drought Surcharge in 4 Stages			
Single-Family Residential Accounts	1	2	3	4
For the first 172 gpd	\$0.00	\$0.23 <u>\$0.25</u>	\$0.59 <u>\$0.63</u>	\$0.73 <u>\$0.79</u>
For all water used in excess of 172 gpd, up to 393 gpd	0.00	0.34 <u>0.33</u>	0.79 <u>0.85</u>	0.99 <u>1.07</u>
For all water used in excess of 393 gpd	0.00	0.40 <u>0.43</u>	1.03 <u>1.12</u>	1.30 <u>1.40</u>
Multi-Family Residential	0.00	0.32 <u>0.34</u>	0.84 <u>0.88</u>	1.02 <u>1.10</u>
All Other Accounts	0.00	0.32 <u>0.34</u>	0.84 <u>0.87</u>	1.04 <u>1.09</u>

AGENDA NO. 13.3MEETING DATE June 9, 2015

TITLE **REVISIONS TO WATER AND WASTEWATER RATES, CHARGES, AND FEES AND RECREATION FEES NOT SUBJECT TO PROPOSITION 218 AND REGULATIONS FOR FISCAL YEARS 2016-2017**

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Adopt the rates, charges, fees and regulations not subject to Proposition 218 recommended in the Biennial Report and Recommendation of the General Manager for Fiscal Year 2016-2017 submitted to the Board of Directors on May 12, 2015.



DISCUSSION

The recommended action adjusts the rates, charges, fees and regulations not subject to Proposition 218 to support the FY16 and FY17 Operating and Capital Budgets for the Water System and Wastewater System as presented in the Biennial Report and Recommendation of the General Manager Fiscal Year 2016-2017, Revisions to the Water and Wastewater System Schedule of Rates and Charges, Recreation Fees and System Capacity Charges, issued on May 12, 2015. The Board held workshops on March 24th and April 14th and a public hearing on June 9th to review the proposed operating and capital budgets as well as the proposed changes to Water and Wastewater Rates and Charges. The recommended changes are summarized below and included in the attached resolution as:

Exhibit A - Water System Schedules of Rates, Charges, Fees and Regulations;
Exhibit B - Wastewater System Schedule of Rates, Charges and Fees;
Exhibit C - Recreation Fees Calendar Years 2016 and 2017; and
Exhibit D - Public Records Act Fee Schedule.

Modifications to Water Rates, Charges and Fees

- Modify Schedule C, Charges for Special Services, to increase the Service Trip Charge, Service Interruption Charges, and Hydrant Meter Account Visit Charge to reflect current costs. The Schedule C increases are proposed to be effective July 1, 2015.

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

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

Modifications to the Standard Participation Charge (SPC), System Capacity Charges (SCC) and Water Demand Mitigation Fees

- Modify Schedule H, SPC, to reflect the latest future water supply costs.
- Modify Schedule J, SCC, to reflect updates for construction cost escalation, financing costs, and revised estimated costs to complete the future water supply projects. SCC rates for regions 1, 2 and 3 are proposed to change from 1.6% to 2.1%.
- Modify Schedule N, Water Demand Mitigation Fees, to reflect the latest future water supply costs and to reflect the latest U.S. City Average of the Consumer Price Index.

Changes to Water System Schedules H, J and N are proposed to be effective on August 10, 2015, or sixty days following adoption by the Board.

Water System Regulations Governing Water Service

- Amend Section 1, Explanation of Terms Used in these Regulations, to explain the terms “Commercial/Industrial Unit,” “Dedicated Irrigation Meter,” and “Dwelling Unit.”
- Amend Section 2, Applying for Service, to clarify the requirement for individual meters for commercial/industrial units and dwelling units.
- Amend Section 3, Standard Service, to clarify requirements for individual meters and landscaping plans for new applicants.
- Amend Section 9, Guarantee Deposits, to change the deposit amount to two times the estimated monthly bill to be consistent with the Municipal Utility District Act.
- Amend Section 29, Prohibiting Wasteful Use of Water, to change the reference from Manager of Administration to Manager of Customer and Community Services.
- Amend Section 30, Nonpotable Water Service, to clarify a new applicant’s responsibility for costs and to remove the reference to the Nonpotable Water Use Incentive Rate from Schedule A of the District’s Schedule of Rates and Charges, which is proposed to be eliminated in FY16.
- Amend Section 31, Water Efficiency Requirements, to reference current state and federal codes, standards, and laws related to increased efficiency standards for indoor and outdoor water use.

Changes to Water System Regulations 1, 2, 3, 9, 29, 30 and 31 are proposed to be effective July 1, 2015.

Modifications to Wastewater Charges and Fees

Modify Schedule D, Other Fees, to increase the FY16 and FY17 monitoring fee to reflect current costs. The fee is proposed to be effective July 1, 2015 for the FY16 increase and July 1, 2016 for the FY17 increase.

Modifications to Wastewater Capacity Fees

- Modify Wastewater Schedule G to update the Wastewater Capacity Fee (WCF). The WCF increase for single-family residential will be 15.7% (\$253). The WCF increase for non-residential customers will depend on the customer's wastewater flow and strength characteristics. The WCF increase was calculated based on the third year of a five-year phase-in of a calculation change approved by the Board in 2013 and a cost update of the wastewater system facilities assigned to the WCF.

Changes to Schedule G, Wastewater Capacity Fees, are proposed to be effective on August 10, 2015, or sixty days following adoption by the Board.

Modifications to Recreation Fees

Modify Recreation Use Fees for the Lafayette, San Pablo, Pardee and Camanche Reservoir Recreation Areas, and Camanche Hills Hunting Preserve to recover the costs of the recreation programs. Modifications to Recreation Fees are proposed to be effective January 1, 2016, for the 2016 changes and January 1, 2017, for the 2017 changes.

Modifications to Public Records Act Fees

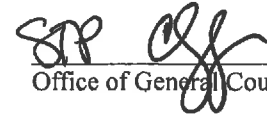
Modify the Public Records Act Fee Schedule to reflect the cost of duplication and computer programming and update the fees applicable to the EBMUD publication, Plants and Landscapes for Summer Dry Climates of the San Francisco Bay Region. Modifications to Public Records Act Fees are proposed to be effective July 1, 2015.

ALTERNATIVE

Do not accept the recommended changes to the schedules of rates, fees and charges. This alternative is not recommended because the current rate, fees and charges would not recover the costs of providing these services resulting in these costs being shifted to the ratepayer.

ARC:SDS:RL

Attachment


Office of General Counsel

RESOLUTION NO. _____

ADOPTING REVISED REGULATIONS AND REVISED WATER SYSTEM
SCHEDULE OF RATES AND CHARGES, SYSTEM CAPACITY CHARGE, STANDARD
PARTICIPATION CHARGE, RECREATION FEES, PUBLIC RECORDS ACT FEES, AND
WASTEWATER SYSTEM SCHEDULE OF RATES & CHARGES NOT SUBJECT TO
PROPOSITION 218, APPROVING AN EXEMPTION UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT, AND DIRECTING STAFF
TO FILE A NOTICE OF EXEMPTION

Introduced by Director

; Seconded by Director

WHEREAS, the Board of Directors is adopting the Fiscal Year 2016 and Fiscal Year 2017 Operating and Capital Biennial Budget for expenditures necessary and advisable for the proper conduct of the activities of the East Bay Municipal Utility District, including funding for needed capital projects and for operation of the water and wastewater systems and to provide an adequate level of financial reserves and debt service coverage; and

WHEREAS, the General Manager filed with the Board of Directors the Biennial Report and Recommendation of the General Manager Fiscal Year 2016-2017, dated May 12, 2015 ("Biennial Report"), recommending revisions to the rates and charges to meet the District's revenue requirements for Fiscal Year 2016 and Fiscal Year 2017 including (1) system capacity, installation, and service charges and fees for residential, multi-family, commercial, and industrial customers; (2) Schedules C, H, J, and N of the Water System Schedule of Rates and Charges for Customers of the East Bay Municipal Utility District; (3) Schedules D and G of the Wastewater System Schedule of Rates and Charges for Customers of East Bay Municipal Utility District; (4) Sections 1, 2, 3, 9, 29, 30, and 31 of the Regulations Governing Water Service of the East Bay Municipal Utility District to define terms used in the Regulations, and make additional clarifying and administrative changes to regulations governing the application for service, the requirements for standard service and guarantee deposits, prohibitions on the wasteful use of water, nonpotable water service, and water efficiency requirements; (5) Recreation Fees for the Camanche Hills Hunting Preserve, Camanche Reservoir, Lafayette Reservoir, Pardee Reservoir, and San Pablo Reservoir; and (6) the duplication and computer programming fees related to Public Record Act requests and fees applicable to the EBMUD publication, Plants and Landscapes for Summer Dry Climates of the San Francisco Bay Region; and

WHEREAS, the changes to rates, charges and fees as described above and as further set forth in this resolution are not subject to Proposition 218 (article XIII D, section 6 of the California Constitution), but are subject to the public notice and hearing requirements stated in Chapter 11.5 of the Municipal Utility District Act; and

WHEREAS, public workshops on March 24 and April 14, 2015, and a public hearing on June 9, 2015, noticed in the manner and for the time required by law, were conducted by the Board of Directors, at which times all interested persons were afforded an opportunity to be heard on matters pertaining to revision of the rates and charges; and

WHEREAS, all comments, objections, and protests to said Biennial Report have been given full opportunity to be heard by the Board of Directors, and the Board has fully considered said Biennial Report; and

WHEREAS, other proposed changes to the District's Water and Wastewater System Schedules of Rates and Charges, which are subject to and comply with the notice and hearing requirements of Proposition 218, are included in separate rate resolutions and consideration of those proposed changes, including the adoption of Drought Surcharges, has been scheduled for a separate Proposition 218 public hearing on June 9, 2015;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby finds and determines the following:

1. The foregoing Recitals are true and correct, and by this reference are incorporated herein and made a part hereof.
2. The service charges adopted herein are imposed to recover the cost of special services provided by the East Bay Municipal Utility District to the customer and were determined based upon District estimates of the costs of providing the relevant services. The water demand mitigation fee, the System Capacity Charge ("SCC") and the Standard Participation Charge ("SPC") are levied only as a condition of extending or initiating service upon the request of a customer. The charges adopted herein are not imposed upon real property or upon a person as an incident of property ownership and were not calculated or developed on the basis of any parcel map, including an assessor's parcel map.
3. The purpose of the SCC and the SPC is to finance facilities necessary to provide a supply of water to new development that will be served by the East Bay Municipal Utility District. The SCC and SPC are charges for public facilities in existence at the time a charge is imposed or charges for new public facilities to be acquired or constructed in the future that are of proportional benefit to the person or property being charged, including supply or capacity contracts for rights or entitlements, real property interests, and entitlements and other rights of East Bay Municipal Utility District involving capital expense relating to its use of existing or new public facilities. The proposed adjustment in

the SCC and SPC is necessary to finance facilities required to provide water service to projected development that will be served by the District's water distribution system within the District's existing service area, which facilities are described by category in said Biennial Report, and in the System Capacity Charge Study completed by Bartle Wells Associates. The SCC methodology that combines the incremental cost and buy-in methodologies recovers the cost of many existing District facilities, which provide benefit to new users.

4. The facts and evidence presented to the Board of Directors establish that there is a reasonable relationship between the need for said identified facilities and the impacts of the types of development for which the SCC and SPC is charged, and there is a reasonable relationship between the use of those fees to finance facilities necessary to provide a supply of water to new development and the type of development for which the fees are charged. The East Bay Municipal Utility District's methodology appropriately allocates to the SCC and SPC the costs related to augmenting the District's water supplies to satisfy increased demand associated with future development within the District's existing service area.
5. The water system rates and charges and wastewater charges as herein described and recommended in the Biennial Report, and the recommended Recreation Fees and Public Record Act-related fees, are designed to recover the estimated cost to provide the services for which said fees are charged, as determined by the District based upon evidence regarding such costs.
6. The revisions to Sections 1, 2, 3, 9, 29, 30, and 31 of the Regulations Governing Water Service of the East Bay Municipal Utility District define terms used in the Regulations, and make additional clarifying and administrative changes to regulations governing the application for service, the requirements for standard service and guarantee deposits, prohibitions on the wasteful use of water, nonpotable water service, and water efficiency requirements.
7. The water, wastewater, recreation, and Public Records Act rates, charges, and fees are imposed for specific products, services, benefits, and privileges provided, for entrance to and use of property, and/or for rental or lease of property, and those rates, charges, and fees do not exceed the reasonable costs to the East Bay Municipal Utility District of providing those products, benefits, privileges and services, to the payors. These rates, charges, and fees were determined by the District based upon evidence regarding such costs.

BE IT FURTHER RESOLVED:

8. All objections and protests to the Biennial Report are hereby overruled and denied and said Report is hereby accepted and approved.
9. The revised Schedules C, H, J, and N of the Water System Schedule of Rates and Charges for Customers of the East Bay Municipal Utility District, beginning Fiscal Year 2016, and the revised Sections 1, 2, 3, 9, 29, 30, and 31 of the Regulations Governing Water Service to Customers of the East Bay Municipal Utility District, contained in Chapter 5 of the Biennial Report, attached hereto as Exhibit A, are hereby adopted and the charges and provisions therein contained are hereby fixed and established to be effective July 1, 2015; provided however that the revised Water System Schedules H, J, and N shall take effect on August 10, 2015, or sixty days following adoption by the Board of Directors.
10. The revised Schedules D and G of the Wastewater System Schedule of Rates and Charges for Customers of East Bay Municipal Utility District beginning Fiscal Year 2016, and contained in Chapter 5 of the Biennial Report, attached hereto as Exhibit B, are hereby adopted and the charges and provisions therein contained are hereby fixed and established to be effective July 1, 2015; provided however that the revised Wastewater Capacity Fees set forth in Wastewater System Schedule G will be effective on August 10, 2015, or sixty days following adoption by the Board of Directors.
11. The revised Schedule D of the Wastewater System Schedule of Rates and Charges for Customers of East Bay Municipal Utility District beginning Fiscal Year 2017, and contained in Chapter 5 of the Biennial Report, attached hereto as Exhibit B, is hereby adopted and the charges and provisions therein contained are hereby fixed and established to be effective July 1, 2016.
12. The revised Recreation Fees beginning Calendar Year 2016, and contained in Chapter 5 of the Biennial Report, attached hereto as Exhibit C, are hereby fixed and established to be effective January 1, 2016.
13. The revised Recreation Fees beginning Calendar Year 2017, and contained in Chapter 5 of the Biennial Report, attached hereto as Exhibit C, are hereby fixed and established to be effective January 1, 2017.

14. The revised duplication and computer programming fees related to Public Record Act requests and the fees for the East Bay Municipal Utility District publication, Plants and Landscapes for Summer Dry Climates of the San Francisco Bay Region, contained in Chapter 5 of the Biennial Report, and attached hereto as Exhibit D, are hereby fixed and established to be effective July 1, 2015.
15. The District, as lead agency under the California Environmental Quality Act ("CEQA"), has evaluated the potential environmental impacts of adopting the fees and charges set forth herein. As the decision making body for the East Bay Municipal Utility District, the Board of Directors has reviewed and considered the information contained in the administrative record for the adoption of the fees and charges. Based on information in the administrative record, including the District's evidence-based estimates of the costs of providing the relevant services, the Board of Directors finds that the aforesaid actions constitute modification and approval of charges for the purpose of meeting operating expenses, including employee wage rates and fringe benefits; purchasing or leasing supplies, equipment, or material; meeting financial reserve needs and requirements; or obtaining funds for capital projects necessary to maintain service in the District's existing service area; and the Board of Directors therefore determines that its aforesaid actions are exempt from the requirements of the CEQA, and hereby directs the Secretary of the District to file a Notice of Exemption in accordance with applicable statutes and regulations with the County Clerks of Alameda and Contra Costa counties.

BE IT FURTHER RESOLVED:

16. If any section, subsection, clause or phrase in this Resolution or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Resolution or the application of such provisions to other persons or circumstances shall not be affected thereby and shall remain in full force and effect until modified or superseded by action of this Board of Directors. The Board of Directors hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

BE IT FURTHER RESOLVED:

17. The appropriate officers of the East Bay Municipal Utility District are hereby authorized and directed to take such actions as shall be necessary to impose, enforce and collect said fees, rates, charges, and regulations.

ADOPTED this 9th day of June, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

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EXHIBIT A

Schedule C

Charges for Special Services

FY16



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER

3-A

~~07/01/14~~

EFFECTIVE

07/01/15

SCHEDULE C

CHARGES FOR SPECIAL SERVICES

A. METER TESTING

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

SIZE OF METER	TESTING CHARGES
5/8", 3/4", and 1"	\$56.00
1-1/2" and 2"	\$44.00 On Site \$114.00 Pull/Test
3" and larger	\$268.00 On Site Actual Cost Pull and Test

B. SERVICE INTERRUPTION

The charge for shutting off water service due to non-payment of a water bill is.....~~\$33.00~~\$43.00

The charge for restoring service after payment has been received during regular office hours is~~\$33.00~~\$43.00

The charge for restoring service between 5 p.m. and 8 a.m. or on Saturday, Sunday or on a holiday is \$50.00

A Service Trip charge of ~~\$33.00~~\$43.00 shall be paid in the event of the following occurrences in the field: 1) payment collection; 2) payment extension; and 3) any additional field stops to shut off service beyond the initial service interruption, including EBMUD locking the meter if the customer self-restores water service prior to making payment. (See Section M.)

An additional charge for removing the meter due to non-payment or unauthorized water use is..... ~~\$199.00~~\$350.00

C. RETURNED PAYMENT CHARGE

A charge of \$27.00 shall be paid for each check or electronic transaction received as payment to the District that is returned unpaid from a financial institution.



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER

3-B

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SCHEDULE C

**CHARGES FOR SPECIAL SERVICES
(continued)**

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

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

- | | |
|---|--|
| 1. Lien Filing Fee | \$155 per Lien |
| 2. Lien Removal Fee | \$71 (in Alameda County) and \$64 (in Contra Costa County) for first lien removed |
| | \$23 (in Alameda County) and \$15 (in Contra Costa County) for each additional lien removed at the same time |
| 3. Property Tax Transfer Fee
Unpaid Charges with Liens Recorded | \$20 plus county auditor's fee (1.7% of collected amount for Alameda County;
\$3 per parcel for Contra Costa County) |
| 4. Property Tax Transfer Fee
Unpaid Charges without Liens Recorded | \$137 plus county auditor's fee (1.7% of collected amount for Alameda County;
\$3 per parcel for Contra Costa County) |

E. WASTEFUL USE CHARGE

A charge of \$46.00 shall be paid to cover the monitoring costs incurred by the District if, after written notification, excessive water use is not curtailed.

F. FLOW-RESTRICTOR INSTALLATION

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

- | | |
|---|----------|
| 1. On services two-inches and smaller - | |
| 5/8" and 3/4" | \$ 53.00 |
| 1" | 53.00 |
| 1-1/2" | 187.00 |
| 2" | 187.00 |



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER

3-C

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EFFECTIVE

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SCHEDULE C

**CHARGES FOR SPECIAL SERVICES
(continued)**

**F. FLOW-RESTRICTOR INSTALLATION
(Continued)**

2. All others -

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

G. NOTICE OF WASTEFUL USE AND FLOW-RESTRICTOR CHARGES

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

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

H. RESCINDED 12/10/96

I. COMMERCIAL BACKFLOW DEVICE ANNUAL CERTIFICATION CHARGE

Where it is probable that a pollutant, contaminant, system or plumbing hazard may be created by a water user, or where the water system is unstable and cross-connections may be installed or reinstalled, an approved backflow prevention device of the proper type is required for all commercial accounts at the customer's expense.

1. The charge for administering the Backflow Program
Certification for commercial accounts is (annually) \$59.00
2. The charge for District staff to conduct a *Change of Responsible Party* or *Change of Use Survey* or to respond to a commercial customer's request for a backflow/cross connection survey, an initial or follow-up backflow inspection \$49.00/hr.
3. The charge for backflow testers to be placed on the District's list of certified testers..... \$100.00



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER

3-D

07/01/14

EFFECTIVE

07/01/15

SCHEDULE C

**CHARGES FOR SPECIAL SERVICES
(continued)**

J. COMMERCIAL BACKFLOW DEVICE VIOLATION

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

\$199.00

K. LATE PAYMENT PENALTY AND INTEREST

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

L. PROCESSING FEE FOR INTERVENING WATER SERVICE AGREEMENT

The charge for the District to process an intervening water service agreement for a participating landlord in the District's automated landlord sign-on service is **\$27.00**

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

The charge for each written request to modify the original intervening water service agreement by adding to or deleting property account information from the original agreement is..... **\$27.00**

M. SERVICE TRIP CHARGE

The charge for District staff to perform special services for customers is..... ~~\$33.00~~ \$43.00

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

- 1) payment collection in the field;
- 2) payment extension in the field;
- 3) additional field stops beyond the initial service interruption to shut off service due to non-payment, including a field stop to lock the meter if the customer self-restores water service prior to making payment;
- 4) follow-up site visits to customers who have not complied after the District's notification to correct an obstructed meter condition.
- 5) field inspections conducted at the customer's request.



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SCHEDULE C

**CHARGES FOR SPECIAL SERVICES
(continued)**

N. PUBLIC HYDRANT METER ACCOUNT ESTABLISHMENT CHARGES

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

The charge to establish water service
for a hydrant meter is..... \$89.00

The charge to renew a hydrant meter account
at the end of a 12-month period is \$89.00

If a field stop is required to establish a new account, a \$167 site visit charge shall be paid in addition to the \$89 account establishment charge. (See Section O.)

O. PUBLIC HYDRANT METER ACCOUNT SITE VISIT CHARGE

The charge for a Field Services Representative to conduct a hydrant
meter site visit to perform special services for customers is..... ~~\$167.00~~ 215.00

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

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

Schedule H

Standard Participation Charge

FY16



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SCHEDULE H

**STANDARD PARTICIPATION CHARGE
(SPC)**

A. The standard participation charge for each standard service installed shall be:

Standard Participation Charge

Meter Size	Gravity Zone*		Pumped Zone**	
5/8" and 3/4"	\$7,960	<u>\$7,830</u>	\$9,850	<u>\$9,780</u>
1"	19,900	<u>19,580</u>	24,620	<u>24,440</u>
1-1/2"	39,800	<u>39,200</u>	49,200	<u>48,900</u>
2"	63,700	<u>62,700</u>	78,800	<u>78,200</u>
3"	127,400	<u>125,300</u>	157,600	<u>156,400</u>
4"	199,000	<u>195,800</u>	246,200	<u>244,400</u>

The standard participation charge for each meter larger than four inches shall be determined on a case-by-case basis by the District, considering such factors as the projected demand which the service would impose on the District system, the maximum intermittent flow rate of the meter compared to a 5/8" meter, and whether the service is solely domestic or is combined with a fire service. In no event shall the standard participation charge for a meter larger than four inches be less than ~~\$199,000~~ \$195,800 in gravity zones or ~~\$246,200~~ \$244,400 in pumped zones.

* This charge covers general water main oversizing and future water supply.

** This charge covers major facilities capacity, water main oversizing and future water supply.

Schedule J

System Capacity Charge

FY16



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SCHEDULE J

SYSTEM CAPACITY CHARGE (SCC)

A. SCC FOR STANDARD SERVICE*

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	REGION					
	1		2		3	
5/8	\$23,000	<u>\$23,380</u>	\$41,360	<u>\$42,220</u>	\$38,370	<u>\$39,040</u>
3/4	34,500	<u>35,070</u>	62,040	<u>63,330</u>	57,560	<u>58,560</u>
1	57,620	<u>58,570</u>	103,640	<u>105,760</u>	96,130	<u>97,800</u>
1-1/2	115,240	<u>117,140</u>	207,220	<u>211,520</u>	192,260	<u>195,600</u>
2	184,380	<u>187,420</u>	331,550	<u>338,430</u>	307,620	<u>312,960</u>

For service connections with larger meters see Sec. 3.

2. Single Family Service Connections (SCC) ** (dollars per connection)

METER SIZE (INCHES)	REGION***					
	1		2		3	
3/4	\$16,100	<u>\$16,370</u>	\$27,830	<u>\$28,410</u>	\$35,610	<u>\$36,230</u>
1	26,890	<u>27,340</u>	46,480	<u>47,440</u>	59,470	<u>60,500</u>
1-1/2	53,780	<u>54,680</u>	92,960	<u>94,880</u>	118,940	<u>121,000</u>

For service connections with larger meters see Sec. 3 below.

* This charge covers the cost of System-wide Facilities Buy-in, Regional Facilities Buy-in and Future Water Supply.

**The SCC charged to the applicant will be based on the water meter size required to meet the indoor needs (excluding private fire service needs) and outdoor watering needs of the premises as determined solely by the District based on the plumbing code, the District's review, and water industry standards. The meter(s) that is installed may be larger than the meter size charged in the SCC fee if the service is combined with a private fire service or if a separate irrigation meter is required (See Sections D. Combined Standard and Fire Service and I. Required Separate Irrigation Meter for Single Family Service Connections).

***REGION

GENERAL DESCRIPTION

- | | |
|---|--|
| 1 | Central Area (gravity zones West-of-Hills)
El Sobrante and North (pumped zones) |
| 2 | South of El Sobrante to vicinity of Highway 24 (pumped zone)
South from vicinity of Highway 24 (pumped zones)
Castro Valley Area (pumped zones)
North Oakland Hill Area (pumped zones, formerly 4A) |
| 3 | Orinda-Moraga-Lafayette Area (pumped zones)
San Ramon Valley and Walnut Creek (pumped and gravity zones) |



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SCHEDULE J

**SYSTEM CAPACITY CHARGE
(SCC)
(Continued)**

3. SCC for Larger Meters

The SCC for non-residential service connections with meters larger than 2 inches and single-family residential service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the same unit charge and criteria as apply to the SCC for smaller meters. The SCC will be calculated based on the unit charges for each of the four components listed below:

Component	Unit Charge (\$/100 gpd)
Post-2000 (Add'l Regions 3C & 3D only)	SCC Region Specific
Regional Facilities Buy-in	SCC Region Specific
System-wide Facilities Buy-in	\$1,926 <u>\$1,991</u>
Future Water Supply*	1,904 <u>1,870</u>

The unit charges for the components that are specific to a SCC Region are:

Unit Charge (\$/100gpd)			
Region	Post-2000 Component	Regional Facilities Buy-In Component	
1	n/a	\$1,924	<u>\$1,985</u>
2	n/a	3,900	<u>4,031</u>
3	n/a	2,309	<u>2,386</u>
3C	\$6,200	1,733	<u>1,791</u>
3D	6,200	1,733	<u>1,791</u>

In no instance will the SCC for a non-residential meter larger than 2 inches or a single family residential meter larger than 1-1/2 inches be less than the respective equivalent 2 inch or 1-1/2 inch price from the appropriate Section 1 or 2, above.

The SCC will be determined by multiplying the sum of the unit charge of the four components by the water use information furnished by the applicant, rounded to three significant places.

If the District has determined, based on water use information furnished, that a meter larger than 2 inches is appropriate, the SCC calculated pursuant to this subdivision shall apply irrespective of the arrangement of water metering or meter size at the premises.

*The Future Water Supply component for Region 3C is based on 1993 agreement (see Section B1).



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SCHEDULE J

**SYSTEM CAPACITY CHARGE
(SCC)
(Continued)**

4. SCC for Standard Service to Multi-Family Premises

The System Capacity Charge for new water service at multi-family premises shall be as listed below. For purposes of this Schedule J, "multi-family premises" shall mean premises with two or more attached or separate residential dwelling units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service, provided that each separate dwelling unit of a multi-family premises shall be separately metered.

**Multi-Family Premises
Dollars per Dwelling Unit (DU)**

	REGION*					
	1	2	3			
For each Dwelling Unit	\$9,370	\$9,530	\$12,990	\$13,260	\$12,220	\$12,430

*Same regions as described in A.2.

The above SCC shall apply regardless of the arrangement of water metering or meter size at the premises; however, the District may limit the size and number of service connections to a combined capacity appropriate to the anticipated water use at the premises. No additional SCC shall be applicable for separate meters installed to provide irrigation for landscaping on the premises in the immediate area contiguous to the dwelling unit structures, provided such landscaped area is to be used exclusively by the residents. All other rates and charges shall be based on actual number and size of meters and does not apply to the requirements listed below.

An SCC shall be applicable for separate meters installed to serve other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, golf courses, community clubhouse and recreational facilities, and areas designated for public use. The SCC shall be based on meter size as provided under A.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable SCC, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.



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SCHEDULE J

**SYSTEM CAPACITY CHARGE
(SCC)
(Continued)**

B. SEPARATE SCC FOR STANDARD SERVICE FOR ADDITIONAL REGIONS*

The System Capacity Charge for new non-residential and single family residential water service at premises other than multi-family premises shall be as follows (dollars per connection):

1. Non-residential water service at premises other than multi-family premises shall be as follows (dollars per connections)

METER SIZE (INCHES)	ADDITIONAL REGION**		
	3C***	3-D	
5/8	n/a	\$91,170	<u>\$93,850</u>
3/4	n/a	136,760	<u>140,780</u>
1	n/a	228,390	<u>235,100</u>
1-1/2	n/a	456,780	<u>470,200</u>
2	n/a	730,850	<u>752,320</u>

For service connections with larger meters see Sec. 3 below.

2. Single-Family service connections shall be as follows (dollars per connections)

METER SIZE (INCHES)	ADDITIONAL REGION**			
	3C***	3-D		
3/4	\$80,890	<u>\$83,830</u>	\$91,170	<u>\$93,850</u>
1	135,090	<u>140,000</u>	162,250	<u>156,730</u>
1-1/2	270,180	<u>280,000</u>	304,500	<u>313,460</u>

For service connections with larger meters see Sec. 3 below.

- * This charge covers the cost of System-wide Facilities Buy-In, Regional Facilities Buy-In and Future Water Supply. The Additional Regions are low-density, residential in nature. It is not anticipated that meters larger than ¾ -inch (excluding fire flow requirements) will be installed in these Regions.

**** ADDITIONAL REGION**

GENERAL DESCRIPTION

3-C	South of Norris Canyon Road (pumped zones)
3-D	South of Norris Canyon Road outside Wiedemann Ranch (pumped zone)

- *** The Future Water Supply component of the SCC for Region 3C is set by the July 20, 1993 Wiedemann Agreement, indexed to the U.S. City Average of the Consumer Price Index and used by EBMUD to fund conservation programs. The total Future Water Supply component of the SCC for the common areas in Region 3C shall be paid as a condition for the issuance of the first water meter for the common area. The SCC for Non-Residential services (e.g., common area irrigation) shall be uniquely calculated in accordance with the Wiedemann Agreement.



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SCHEDULE J

**SYSTEM CAPACITY CHARGE
(SCC)
(Continued)**

B. SEPARATE SCC FOR STANDARD SERVICE FOR ADDITIONAL REGIONS* (Continued)

3. SCC for Larger Meters

The SCC for non-residential service connections with meters larger than 2 inches and single-family residential service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the same cost components and criteria as apply to the SCC for smaller meters. (See Section A.3)

4. Separate SCC for Standard Service to Multi-Family Premises

The System Capacity Charge for new water service at multi-family premises shall be as listed below. For purposes of this Schedule J, "multi-family premises" shall mean premises with two or more attached or separate residential dwelling units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service, provided that each separate dwelling unit of a multi-family premises shall be separately metered.

**Multi-Family Premises
Dollars per Dwelling Unit**

	ADDITIONAL REGIONS*			
	3-C		3-D	
For each Dwelling Unit	\$31,210	<u>\$32,340</u>	\$32,000	<u>\$32,940</u>

*Same regions as described in B.1.



SCHEDULE J

**SYSTEM CAPACITY CHARGE
(SCC)
(Continued)**

B. SEPARATE SCC FOR STANDARD SERVICE FOR ADDITIONAL REGIONS* (Continued)

The above SCC shall apply regardless of the arrangement of water metering or meter size at the premises; however, the District may limit the size and number of service connections to a combined capacity appropriate to the anticipated water use at the premises. No additional SCC shall be applicable for separate meters installed to provide irrigation for landscaping on the premises in the immediate area contiguous to the dwelling unit structures, provided such landscaped area is to be used exclusively by the residents. All other rates and charges shall be based on actual number and size of meters and do not apply to the requirements listed below.

An SCC shall be applicable for separate meters installed to serve other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, golf courses, community clubhouse and recreational facilities, and areas designated for public use. The SCC shall be based on meter size as provided under B.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable SCC, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.

C. LOW-PRESSURE SERVICE

Where a larger meter is installed because of low-pressure conditions, the applicable System Capacity Charge shall be determined on the basis of the size of the meter which would be required for a standard service as determined by the District based on plumbing code and water industry standards. All other rates and charges shall be based on actual meter size.

D. COMBINATION STANDARD AND FIRE SERVICE

Where a meter is installed to provide both standard service and a supply to a private fire protection system, at other than multi-family premises, the applicable System Capacity Charge shall be based on the meter size required for standard service exclusive of the capacity for supplying the fire protection system as determined by the District based on plumbing code, fire protection code and water industry standards. The installation charges shown in Schedule D and all other rates and charges pertaining to the service shall be based on the actual size of the meter that is installed.

E. FIRE SERVICES AND STANDBY SERVICES

For fire services and standby services (additional service connections for security of supply), there shall be no System Capacity Charges.

*Same regions as described in B.1.



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SCHEDULE J

**SYSTEM CAPACITY CHARGE
(SCC)
(Continued)**

F. ADDITIONAL WATER USE ON PREMISES RECEIVING SERVICE

The System Capacity Charge applicable to enlargement of an existing service at other than multi-family premises shall be based on the difference in the SCC for the new service size and the existing service size.

If additional dwelling units are constructed on premises subsequent to the installation of service and payment of an SCC under B.1, then the SCC applicable to each additional dwelling unit shall be immediately due and payable.

G. CREDIT FOR EXISTING SERVICES

Where one or more new services will replace one or more existing or prior services to a premise where an SCC was paid to initiate the water service, a credit will be given toward the new SCC based on the meter size or water use information that was used to calculate the initial SCC payment, (see Section A – SCC for Standard Service), ~~but in~~ no instance will the credit be less than that of the minimum meter size for the customer classification. For instances where the existing or prior services were installed prior to 1983 and no SCC was paid, the annual average of the past ten years of water consumption will be used to determine the SCC credit, but in no instance will the credit be less than that of a minimum meter size for the customer classification. No SCC credit will be given unless prior service to the premise is verified. ~~If there is no existing service, prior service to the premise must be verified by the applicant.~~ If the SCC is paid with the service connection to be completed by meter installation at a later date, and existing service(s) are to remain in service until that time, the applicable credit for the existing service(s) will be in the form of a refund when the existing services are removed. The SCC credit cannot be applied to a standby meter, fire service meter, or in the case of a combination standard and fire service meter, the portion of the meter oversized for the private fire protection system. Where the initial SCC payment was made under Schedule J Section I Required Separate Irrigation Meter for Single Family Service Connections, the SCC credit can not be applied to the separate irrigation meter without a SCC credit on the residential meter.

For common area meters installed under the July 20, 1993 Wiedemann Agreement, credit toward a new SCC for these meters will be based on the actual SCC payment for each meter installed, not based on the size of the existing meter.

H. TEMPORARY CONSTRUCTION SERVICE

A System Capacity Charge paid on a temporary construction service will be refunded if said service is removed within a 1-year period after installation.



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SCHEDULE J

**SYSTEM CAPACITY CHARGE
(SCC)
(Continued)**

I. REQUIRED SEPARATE IRRIGATION METER FOR SINGLE FAMILY SERVICE CONNECTIONS

If an irrigation meter is required for a single-family connection because the landscape exceeds the threshold for a dedicated irrigation meter in Section 31 of the Regulations, two meters will be installed – one for the indoor and private fire service (if applicable) needs of the building and a separate meter dedicated for irrigation. One single-family SCC shall be applicable based on the hydraulic capacity needed to serve the irrigation and indoor needs. The hydraulic capacity of the installed meter or meters will be equal to or exceed the hydraulic capacity of the meter size that was charged in the SCC fee. The installation charges shown in Schedule D and all other rates and charges pertaining to the service(s) based on the actual size of the meter(s) that are installed shall apply.

J. NONPOTABLE WATER SERVICE

1. Nonpotable Water Service Connections (dollars per connection)

METER SIZE (INCHES)	REGION					
	1		2		3	
5/8	\$7,620	<u>\$7,480</u>	\$40,400	<u>\$10,000</u>	\$41,000	<u>\$11,690</u>
3/4	11,420	<u>11,220</u>	45,280	<u>15,010</u>	47,850	<u>17,530</u>
1	40,080	<u>18,740</u>	25,520	<u>25,060</u>	29,840	<u>29,280</u>
1-1/2	38,160	<u>37,470</u>	54,030	<u>50,120</u>	59,620	<u>58,550</u>
2	64,050	<u>59,960</u>	84,650	<u>80,200</u>	95,300	<u>93,690</u>

All SCC for nonpotable water service connections with meters larger than 2 inches shall be determined by applying the Future Water Supply Component unit charge to the defined projected water demand approved by the District. The SCC will not be less than the 2-inch meter charge from Section J.1, above.

K. DUAL STANDARD SERVICES

An SCC shall be applicable for separate meters installed to provide dual (potable and nonpotable) standard service, based on the meter size(s) for each service.



SCHEDULE J

**SYSTEM CAPACITY CHARGE
(SCC)
(Continued)**

L. ADJUSTMENT OF SCC FOR WATER-CONSERVING LANDSCAPING ON PUBLICLY OWNED PROPERTY

To further encourage water conservation, the SCC for a water service connection exclusively for irrigation of landscaping on property owned by a public agency may be reduced or not required based on long-term water service needs after an initial planting establishment period of not more than three years (the "initial period"); provided that (1) the landscape plan incorporates drought-tolerant and other low-water-use planting materials on a major part of the landscaped area, and (2) the long-term water need would result in replacement of the initial water meter with a smaller meter or water service would be discontinued and removed at the end of the initial period, as solely determined by the District.

A public agency applying for water service under such conditions shall submit a written request to the District prior to the time of payment of the SCC. The request shall set forth in detail the facts supporting an adjustment of the SCC, shall include information and plans clearly describing the planting materials and irrigation system, and shall include data and calculations clearly demonstrating the estimated initial and long-term water needs.

If the District determines that the SCC can be based on a smaller meter or discontinuation of service after the initial period, the public agency shall enter into a water service agreement which provides for (1) payment of the reduced SCC prior to installation of service; (2) verification of the long-term need at the end of the period; and (3) payment of the additional SCC required if the initial meter is not to be replaced, or the replacement meter is larger than initially determined, or water service is not discontinued and removed. If additional SCC payment is required, it shall be based on the charges in effect at the time of initial SCC payment, and shall be due and payable within 30 days of written notice from the District. The agreement shall be binding upon all subsequent owners of the property and shall be recorded.

Installation charges for the service connection shall be based on the meter size initially installed.

The above-mentioned SCC adjustments do not apply to nonpotable water service accounts.

Schedule N

Water Demand Mitigation Fees

FY16



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SCHEDULE N

WATER DEMAND MITIGATION FEES

The Water Demand Mitigation Fee funds District conservation programs that are intended to achieve water savings that offset water demand from development within the territory or development where the fees are collected. The Water Demand Mitigation Fee is payable at the time application for service is made or prior to release of the distribution system pipelines and related appurtenances when the installation of water main extensions are required.

A. WATER DEMAND MITIGATION FEES FOR "THE MEADOWS" TERRITORY

For service connections within "The Meadows" territory¹ payment of a Water Demand Mitigation Fee shall be required in addition to all other applicable fees and charges, including the applicable System Capacity Charge (SCC).

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE MEADOWS TERRITORY	
5/8	\$12,970	<u>\$12,740</u>
3/4	18,680	<u>18,340</u>
1	29,060	<u>28,540</u>
1-1/2	56,030	<u>55,030</u>
2	103,770	<u>101,920</u>

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE MEADOWS TERRITORY	
5/8	\$12,700	<u>\$12,470</u>
3/4	18,680	<u>18,340</u>
1	29,060	<u>28,540</u>
1-1/2	56,030	<u>55,030</u>

¹ As defined in Contra Costa Local Agency Formation Commission Resolution No. 96-33, adopted August 13, 1997.



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SCHEDULE N

**WATER DEMAND MITIGATION FEES
(Continued)**

3. The Water Demand Mitigation Fee for non-residential service connections with meters larger than 2 inches and single family residential service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component and multiplier (1.09) established by the Board of Directors for smaller meters.
4. For phased developments within The Meadows territory, the Water Demand Mitigation Fee is payable for all connections within the phase prior to release of the distribution system pipelines and related appurtenances.

B. WATER DEMAND MITIGATION FEES FOR "THE WENDT RANCH" TERRITORY

For service connections within "The Wendt Ranch" territory¹ payment of a Water Demand Mitigation Fee shall be required in addition to all other applicable fees and charges, including the applicable System Capacity Charge (SCC).

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE WENDT RANCH TERRITORY	
5/8	\$16,660	<u>\$16,360</u>
3/4	23,990	<u>23,560</u>
1	37,320	<u>36,650</u>
1-1/2	71,970	<u>70,690</u>
2	133,280	<u>130,900</u>

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE WENDT RANCH TERRITORY	
5/8	\$16,310	<u>\$16,020</u>
3/4	23,990	<u>23,560</u>
1	37,320	<u>36,650</u>
1-1/2	71,970	<u>70,690</u>

¹ As defined in Contra Costa Local Agency Formation Commission Resolution 97-5, adopted March 12, 1997.



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SCHEDULE N

**WATER DEMAND MITIGATION FEES
(Continued)**

3. The Water Demand Mitigation Fee for non-residential service connections with meters larger than 2 inches and single family residential service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component and multiplier (1.40) established by the Board of Directors for smaller meters.
4. For phased developments within The Wendt Ranch territory, the Water Demand Mitigation Fee is payable for all connections within the phase prior to release of the distribution system pipelines and related appurtenances.

C. WATER USE OFFSET FEES FOR THE WIEDEMANN RANCH DEVELOPMENT¹

For service connections within the Wiedemann Ranch Development, payment of a Water Use Offset Fee shall be required in addition to all other applicable fees and charges, including the System Capacity Charge (SCC).²

1. Common Area Offset Fee

The total Water Use Offset Fee for common areas in the Wiedemann Ranch Development is ~~\$66,916~~ \$66,856, payable as a condition of issuance of the first meter for the common area.³

2. Single Family Service Connections

The Water Use Offset Fee for each residential lot in the Wiedemann Ranch Development is ~~\$6,679~~ \$6,673, which amount shall be indexed using the same index as for the common area offset fee.

¹The Wiedemann Ranch Development, SCC Region 3A, a 439 acre development in Contra Costa County, is described with particularity in Exhibit A to the July 20, 1993 Agreement Between EBMUD and HCV & Associates, Ltd., Wiedemann Ranch, Inc. and Sue Christensen ("Wiedemann Agreement").

²The Wiedemann Agreement specifies the amount and other terms related to the Future Water Supply Component of the SCC for the Wiedemann Ranch Development.

³The Water Use Offset Fee shall be indexed to the U.S. City Average of the Consumer Price Index issued by the U.S. Department of Labor for each calendar year or portion thereof from the July 20, 1993 date of the Wiedemann Agreement to the date of payment of the offset fee.



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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SCHEDULE N

**WATER DEMAND MITIGATION FEES
(Continued)**

**D. ADDITIONAL WATER USE OFFSET FEES FOR THE WIEDEMANN RANCH
DEVELOPMENT¹**

For water service within Wiedemann Ranch Development, payment of Additional Water Use Offset Fees shall be required in the event the annual water budget⁴ is exceeded.

1. The Additional Water Use Offset Fee shall be determined by the number of gallons of water used during the average of the two consecutive years in excess of the annual water budget times the per gallon fee of ~~\$14.42~~ \$14.40.⁵

¹The Wiedemann Ranch Development, SCC Region 3A, a 439 acre development in Contra Costa County, is described with particularity in Exhibit A to the July 20, 1993 Agreement Between EBMUD and HCV & Associates, Ltd., Wiedemann Ranch, Inc. and Sue Christensen ("Wiedemann Agreement").

⁴The Wiedemann Agreement specifies the formula for calculating the annual water budget and the specific methodology for calculating and collecting the additional water use offset fee.

⁵The Wiedemann Agreement specifies the terms related to the Additional Water Use Offset Fee. The Additional Water Use Offset Fee shall be indexed to the U.S. City Average of the Consumer Price Index issued by the U.S. Department of Labor for each calendar year or portion thereof from the July 20, 1993 date of the Wiedemann Agreement to the date of payment of the additional water use offset fee.



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**WATER DEMAND MITIGATION FEES
(Continued)**

E. WATER DEMAND MITIGATION FEES FOR CAMINO TASSAJARA INTEGRATED PROJECT¹

For service connections within the Camino Tassajara Integrated Project², payment of a Water Demand Mitigation Fee (WDMF) shall be required in addition to all other applicable fees and charges including the applicable System Capacity Charge (SCC). The Board of Directors adopted Section 3D to the Water Service Regulations in January 2003 to codify the WDMF and other conservation requirements imposed on the project territory by the County and Local Agency Formation Commission.

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE CAMINO TASSAJARA INTEGRATED PROJECT	
5/8	\$16,060	<u>\$15,770</u>
3/4	23,140	<u>22,730</u>
1	35,980	<u>35,340</u>
1-1/2	69,380	<u>68,150</u>
2	128,470	<u>126,180</u>

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE CAMINO TASSAJARA INTEGRATED PROJECT	
5/8	\$11,030	<u>\$10,840</u>
3/4	16,240	<u>15,920</u>
1	25,250	<u>24,800</u>
1-1/2	48,670	<u>47,800</u>

¹The Water Demand Mitigation Fee shall be indexed to the unit charge of the Future Water Supply component of the EBMUD System Capacity Charge.

²As generally described in the October 9, 2002 Miscellaneous Work Agreement between the District, Shapell Industries, Ponderosa Homes II, and Braddock and Logan Group II.



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**WATER DEMAND MITIGATION FEES
(Continued)**

3. The WDMF for non-residential service connections with meters larger than 2 inches and single family residential service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component and multiplier (1.61) established by the Board of Directors for smaller meters.

The WDMF for new water service at multi-family premises shall be as listed below. For purposes of this Schedule N, "multi-family premises" shall mean premises with two or more attached or separate residential dwelling units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service, provided that each separate residential structure of a multi-family premises shall be separately metered.

Multi-Family Premises – Dollars Per Dwelling Unit (DU)

Each of the first 10 DU in a single structure	\$6,620	<u>\$6,500</u>
Each additional DU in same structure	5,290	<u>5,200</u>

The above WDMF shall apply regardless of the arrangement of water metering or meter size at the premises; however, the District may limit the size and number of service connections to a combined capacity appropriate to the anticipated water use at the premises.

No additional WDMF shall be applicable for separate meters installed to provide irrigation for landscaping on the premises in the immediate area contiguous to the dwelling unit structures, provided such landscaped area is to be used exclusively by the residents. All other rates and charges shall be based on actual number and size of meters and does not apply to the requirements listed below.

A WDMF shall be applicable for separate meters installed to serve other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, recreational facilities, and areas designated for public use. The WDMF shall be based on meter size as provided under E.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable WDMF, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.



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**WATER DEMAND MITIGATION FEES
(Continued)**

4. The WDMF is payable for all connections within phased developments prior to release for construction, the distribution system pipelines and related appurtenances.
5. Water use in excess of 120 percent of the annual water budget³ shall be subject to an Additional WDMF (on a per-occurrence basis). The Additional WDMF shall be determined by multiplying the amount of water used in excess of 100 percent of the annual water budget times the per gallon fee of ~~\$1.02~~ \$1.00 per gpd.

³The water budget shall be established pursuant to the October 9, 2002 Miscellaneous Work Agreement referenced in Footnote 2.



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**WATER DEMAND MITIGATION FEES
(Continued)**

**F. WATER DEMAND MITIGATION FEES FOR GALE RANCH PHASE 2,
SUBDIVISION 9134¹**

For service connections within Gale Ranch Phase 2, Subdivision 9134, payment of a Water Demand Mitigation Fee (WDMF) shall be required in addition to all other applicable fees and charges including the applicable System Capacity Charge (SCC).

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE GALE RANCH PHASE 2 SUBDIVISION 9134	
5/8	\$15,390	<u>\$15,110</u>
3/4	22,160	<u>21,760</u>
1	34,450	<u>33,840</u>
1-1/2	66,480	<u>65,290</u>
2	123,090	<u>120,890</u>

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE GALE RANCH PHASE 2 SUBDIVISION 9134	
5/8 ²	\$10,560	<u>\$10,370</u>
3/4	15,540	<u>15,260</u>
1	24,150	<u>23,720</u>
1-1/2	46,590	<u>45,760</u>

¹The Water Demand Mitigation Fee shall be indexed to the unit charge of the Future Water Supply component of the EBMUD System Capacity Charge.

²5/8" fee based on 32,594 gpd demand LUDS demand minus 10,884 gpd middle school demand credit divided by 63 residential units resulting in 345 gpd/residential unit.



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**WATER DEMAND MITIGATION FEES
(Continued)**

3. The WDMF for non-residential service connections with meters larger than 2 inches and single family residential service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component.

No additional WDMF shall be applicable for separate meters installed to provide irrigation for landscaping on the premises in the immediate area contiguous to the dwelling unit structures, provided such landscaped area is to be used exclusively by the residents. All other rates and charges shall be based on actual number and size of meters and does not apply to the requirements listed below.

A WDMF shall be applicable for separate meters installed to serve other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, recreational facilities, and areas designated for public use. The WDMF shall be based on meter size as provided under F.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable WDMF, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.

Section 1

Explanation of Terms Used in These Regulations

FY16



SECTION 1

EXPLANATION OF TERMS USED IN THESE REGULATIONS

COMMERCIAL/INDUSTRIAL UNIT shall mean an attached or detached rental or owner-occupied unit used directly or indirectly in connection with any non-residential, business undertaking, as solely determined by the District, which provides complete independent facilities for one or more persons, including permanent provisions for sanitation, and separate ingress/egress.

DEDICATED IRRIGATION METER shall mean the entire meter assembly dedicated for outdoor landscape water use, which may include appurtenances or devices owned and installed by the District or applicant, as solely determined by the District, in connection with new service installations as provided in Sections 3 and 31 of these regulations.

DISTRICT shall refer to the East Bay Municipal Utility District unless otherwise specified.

DWELLING UNIT shall mean an attached or detached residential unit of a multi-family premise, as solely determined by the District, which provides complete independent living facilities including permanent provisions for living, sleeping, cooking, sanitation, and separate ingress/egress for one or more persons.

ELEVATION SURCHARGE shall mean that charge applied to customers' accounts where meters are served by pressure zones with an elevation designator of two (2) or more in the District's pressure zone designations. The charge shall be computed in accordance with Schedule A, Rate Schedule for Water Service, Section D. The Elevation Surcharge is a means of allocating the additional costs incurred for pumping and storing water at higher elevations

EXPANDED SERVICE shall refer to any upgrade, change or modification to existing standard service that increases the size of the meter.

FRONT FOOT CHARGE shall mean the charge applicable to ~~the~~a premises when a main is or has been brought to the principal frontage of the premises to make service available to the premises. This charge shall be computed in accordance with the provisions of Section 4, and shall generally be the proration of the cost of extending the main based on the width of the premises fronting on and entitled to service from the main extension. The front foot charge shall not apply to premises already entitled to service, according to District requirements, on or before the date the main extension is installed. Where a front foot charge is applicable, it must be paid before a service will be installed.

IRRIGATED LANDSCAPING shall mean the total aggregated area or footprint of irrigated landscape for the entire property, which does not include open space or the non-irrigated area.

LIMITED SERVICE shall mean a water service connection provided under a written agreement for limited service with special conditions, when standard service is not reasonably available.



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SECTION 1

EXPLANATION OF TERMS USED IN THESE REGULATIONS (continued)

MAJOR FACILITIES shall mean storage reservoirs, pumping plants, transmission mains, filter plants, and appurtenances, including necessary properties and rights-of-way.

METER shall mean the entire meter assembly, which may include appurtenances or devices owned and installed by the District in connection with ~~the~~a service connection.

MULTI-FAMILY PREMISES shall mean premises with two or more attached or separate residential dwelling units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service.

MULTI-OCCUPANCY COMMERCIAL/INDUSTRIAL PREMISES shall mean premises with two or more attached or separate commercial or industrial occupancy units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service.

PREMISES shall mean a parcel of real estate, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using and paying for service. In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided, whether the unit is being used for a single enterprise, and whether the unit is divided by a public or a private street, but in any case the District's determination shall be final.

PRESSURE ZONE shall mean a portion of the water distribution system in which all premises are served through meters within a specific range of elevations and supplied by the same major facilities through an interconnected pipeline network. The upper limit of the pressure zone is 100 feet below the overflow elevation of the reservoir providing service, and the lower limit is determined by the upper limit of the next lower pressure zone or an elevation approximately 300 feet below the overflow elevation of the reservoir. Gravity Zones are those pressure zones which receive their water supply by gravity flow from the treatment plants and are identified by the prefixes "G" and "H" in the District's pressure zone designations. Pumped Zones are those pressure zones which receive their water supply from the treatment plants by pumping and are identified by the prefixes "A" through "F" in the District's pressure zone designations.

PRINCIPAL FRONTAGE shall mean that part of the perimeter of the major portion of the premises where the principal use of the property is located, which fronts on a public street or private road or driveway from which the premises generally receives access, public services and utilities, as determined by the District. Principal use does not include easements, rights-of-way, or a relatively narrow portion of a premises used for access or other purpose.

REASONABLY AVAILABLE SERVICE shall mean that a service connection installed at the principal frontage of the premises will provide adequate pressure and flow for normal operation of plumbing fixtures, water using appliances, requirements set by the responsible fire protection



SECTION 1

EXPLANATION OF TERMS USED IN THESE REGULATIONS (continued)

agency, and irrigation. In determining reasonably available service, the District will consider, relative to the service location and the applicable pressure zone, the elevation of the existing or proposed building on the premises, the distance of the building site from the meter location and any pressure and flow requirement for fire protection.

RETROFITS shall mean the conversion or modification of existing water using fixtures, appliances, equipment and landscaping such that they are suitable for water service.

SEPARATE STRUCTURE shall mean a distinct building with separate walls, as solely determined by the District, without regard to common pathways, bridges, roof overhangs, parking garages, foundations, and similar above-or-below-ground project features.

SERVICE shall mean the furnishing of water (potable or nonpotable) to a customer through a service connection.

SERVICE CONNECTION shall mean the necessary piping and equipment from the main to and including the meter or battery of meters. Reference to a service connection by size shall mean the size of the meter.

STANDARD PARTICIPATION CHARGE (SPC) shall mean the charge paid as a contribution towards the cost of future general oversizing of water mains and to provide major facilities capacity for service to new customers. This charge is paid in lieu of the System Capacity Charge by certain applicants who applied for service on or before June 28, 1983. The SPC also includes a component for the allocated cost of providing a future water supply to meet the long-term increase in water demand in the District.

STANDARD SERVICE shall mean a service other than a private fire service, installed within the District service area, adjacent to the principal frontage of the premises to be served, which service is for immediate use to supply a function directly related to such premises.

SYSTEM CAPACITY CHARGE (SCC) shall mean the charge required of all applicants for water service to premises where installation of a service connection is required, including enlargement of service, as solely determined by the District. The charge to be paid depends on the regional location and the applicable meter size, the estimated annual average water use as determined by the District for large meters not covered in Schedule J based on water use information furnished by the applicant, or number of multi-family dwelling units and/or commercial/industrial units. The charge is payment for the costs allocated to providing capacity for water service to applicants within each region, including components for major facilities in the District's distribution system master plan, major facilities constructed prior to the master plan, and water main oversizing. The SCC also includes a component for the allocated cost of providing a



SECTION 1

**EXPLANATION OF TERMS USED IN THESE REGULATIONS
(continued)**

future water supply to meet the long-term increase in water demand in the District. The charge shall be computed in accordance with Schedule J of the Rates and Charges.

WATER EFFICIENCY REQUIREMENTS shall mean the water conservation devices, technologies, and practices as required by the District for service for each premise in accordance with Section 31 of these Regulations. Each customer shall be required to provide evidence through project design drawings or construction documents that water efficiency requirements have been met at time of application for service.

Section 2

Applying for Service

FY16



SECTION 2 APPLYING FOR SERVICE

If a service connection is already serving ~~the~~ premises, applicants applying for service ~~shall~~should contact the District's customer service center. If a new service connection is required, applications for service ~~are taken at~~shall be submitted to the New Business Office of the District. The District's requirements for the type of service desired ~~must~~shall be met before an application will be approved (see Section 31 – Water Efficiency Requirements).

If standard service (see Section 3) is not reasonably available, or if the premises ~~are~~is outside of the District's boundaries, or if unusual conditions exist, the applicant will be advised of the terms and conditions ~~which~~that must be met before an application for service may be accepted. In determining whether the portion of an applicant's premises lying directly along a main constitutes principal frontage, the District's decision shall be final.

Effective January 1, 2009, each new ~~multi-family residential or multi-occupancy dwelling unit or~~ commercial/industrial unit in a new structure of three stories in height or less shall be individually metered when the District has determined it is feasible to do so. The determination of feasibility is made by the District to meter each unit individually when reasonably possible to do so; ~~and~~ this determination by the District is final. Additional requirements for metering are contained in Sections 3 of these regulations.

Continuance of service is dependent on compliance with the District's regulations governing service, and on conditions at the location of the service remaining unchanged to the extent that they do not conflict with the District's requirements for obtaining service. Where a change in conditions at the location of the service makes a customer ineligible for continued service, the customer concerned shall be responsible for promptly notifying the District in writing of the change.

Applicants for service shall pay all ~~the~~ applicable charges in full and in advance as provided in the Schedule of Rates and Charges, including the following:

- Account Establishment Charge
- Service Installation Charges
- Water Service Estimate Fee (if applicable)
- Water Main Extension Charges (if required)
- System Capacity Charge
- Charges for Annexation (if applicable)
- Wastewater Capacity Fee (if applicable)
- Any outstanding balance owed to the District (if applicable)

Applicants shall provide all information determined by the District to be necessary to establish conditions at the location of service. This information ~~can~~may include, but is not be limited to:

- Property descriptions
- Improvement plans, including certification of subgrade elevation
- Information regarding soils and known contaminated soil conditions
- Environmental documentation



SECTION 2

APPLYING FOR SERVICE (continued)

- Fire flow form signed by responsible fire agency
- Topographical map(s)
- Development and site plans with hydrant locations identified and signed by the responsible fire department (if applicable)
- Hydraulic calculations for proposed fire sprinkler system (if applicable)

AMORTIZATION OF CONNECTION AND INSTALLATION FEES

Applicants for service that satisfy the criteria set forth below may make written application to the District to amortize the payment of water service installation charges (Schedules D and E), water main extension charges (Schedule G), water system capacity charges (Schedule J) and wastewater capacity fees, pursuant to the following terms and conditions:

- The amount amortized shall be at least \$5,000 but not more than \$150,000.
- Applicant shall pay in advance a minimum of 25% of the estimated cost to provide the new service connection.
- Applicants shall enter into an agreement with the District which provides that:
 - a. amortized charges that shall be paid in equal installments over a maximum period of 24 months;
 - b. interest shall be applied to the balance due at a rate set by the Director of Finance;
 - c. water service may be terminated for failure to pay any installment when due;
 - d. repayment of the amortized charges shall be secured by real property owned by applicant and the District shall have the right of foreclosure by a power of sale;
 - e. applicant shall pay all escrow and title search costs incurred.
- Applicants shall execute deeds of trust which shall constitute a lien upon real property interests described therein, which property shall be situated in California and shall be sufficient to secure repayment of the amortized charges.

Applicant Criteria

I. Applicants providing job training in District job skills.

In order to make application to amortized d charges pursuant to this section, the applicant must:

- a. make written application to the District for water service;
- b. have tax-exempt status under Internal Revenue Code section 501(c)3;
- c. provide job training, including job skills utilized in District job classifications, to unemployed individuals; and
- d. own and occupy the property for which water service application is made.



SECTION 2

APPLYING FOR SERVICE (continued)

- II. Applicants providing low income housing incorporating water conserving devices and landscaping.

~~In order to make application to~~ apply for amortized charges pursuant to this section, the applicant must:

- be organized solely for the purpose of constructing low income housing;
- provide evidence of eligibility for Community Development Block Grant (CDBG) assistance;
- own the property for which water service is requested;
- seek to amortize charges related to providing water service to a low-income housing project that:
 - i) is restricted to such use for at least 15 years or such other time specified or required by law; and
 - ii) will provide rental units for low-income residents or, if intended for ownership, will be owner-occupied units for low-income residents.
- incorporate water conservation features, beyond those required by law, into the design of the project and install and maintain water conserving landscaping approved by the District; and
- specify the cost benefit that will inure to residents of the project.

For purposes of this section, "housing" and "low-income housing" shall have the following meaning:

- Housing is defined to include rental housing, condominiums, cooperative housing, ownership housing, housing for families, senior housing, housing for physically and/or mentally disabled people, emergency shelters and shared housing.
 - Low-income housing is defined as housing ~~which~~ that is subsidized in whole or in part by one or more governmental agencies or foundations and ~~which~~ that is rented or owned by individuals or families whose incomes are within ranges specified as low-income by the U.S. Department of Housing and Urban Development for Alameda and Contra Costa Counties.
- III. In addition to the above criteria, applicants must make written application to the District for water service and provide evidence of tax-exempt status under Internal Revenue Code section 501(c)(3).

Regulations

Section 3

Standard Service

FY16



SECTION 3

STANDARD SERVICE

SERVICE CONNECTION EXISTS AT TIME APPLICATION RECEIVED

A standard service may be granted where a complete service connection for the premises exists, there is no change in the use of the premises, the service has been active within the previous five years, there is no change in service size, and the District's requirements are met as stated in these regulations (see Section 2, Applying for Service and Section 31 – Water Efficiency Requirements). In such cases, if sufficient advance notice is furnished to the District, the service will be turned on at the meter on the date requested by the customer, except Saturdays, Sundays, and holidays.

All requirements established for the existing service connection shall remain in effect, including the requirement for a pressure regulator or backflow prevention device.

SERVICE CONNECTION DOES NOT EXIST AT TIME APPLICATION RECEIVED

When an application is received for a standard service to premises where a service connection does not exist, or the existing service connection is inadequate, as determined by the District, a standard service may be granted and installed provided the applicant meets the District's general requirements as stated elsewhere in these regulations, and:

1. Service is reasonably available at the premises to be served.
2. The size of the service connection is approved by the District.
3. The applicable District charges have been paid.
4. The applicant agrees to install a pressure regulator or backflow prevention device when required by the District.
5. There is an immediate need for water service to the premises.
6. The applicant agrees to meter the development as specifically approved by the District.

If service is not reasonably available or if unusual conditions exist, the applicant will be advised of the terms and conditions which must be met before an application for service will be accepted.

Additional requirements for nonpotable water service are included in Sections 30 and 31 of these regulations.



SECTION 3

STANDARD SERVICE (continued)

In circumstances under which the District anticipates unusual conditions, the applicant shall pay installation charges based on the District's estimate of the total cost of all materials, labor and other costs incidental to the installation. Unusual conditions shall exist when, in the ~~opinion~~sole determination of the District, the installation is to be made under conditions ~~which~~that would result in unusual or significant departure from the basic installation charges set forth in the Schedule of Rates and Charges to Customers. Such circumstances shall include, but not be limited to, the length of the lateral, the type of pavement, anticipated soil or other underground conditions, and the width or travel conditions of the roadway or right-of-way.

Water service will generally be made available by extending a main if the premises to be served does not have principal frontage on an existing water main of adequate flow and pressure (See Section 4). However, water service will not be provided by the extension of a water main where the meter(s) for the premises concerned will be located at an elevation of less than 100 feet below the overflow level of the reservoir supplying such main.

EXCEPTIONS

TEMPORARY CONSTRUCTION SERVICE

The District may grant a temporary construction service where it is expected that the service will be in use for a short period to serve a temporary operation not related to any particular premises. In such cases, the appropriate installation and system capacity charges set forth in the Schedule of Rates and Charges shall be paid in advance and billing at the current rate for a standard service shall apply.

INSTALLATION OF SERVICES CONNECTIONS IN NEW SUBDIVISIONS

Under special conditions the District may install a service connection without the meter in advance of actual need to avoid later cutting of pavement or for other reasons. In such cases, the appropriate installation charges set forth in the Schedule of Rates and Charges shall be paid in advance, but billing procedure shall not apply as the service will not be turned on until a standard service is required and approved by the District. The System Capacity Charge shall be paid in accordance with the provisions of Section 3B. If the service connection is not completed by a request for meter installation and turned on within one year of installation of the connection, the District may determine there is no immediate need for water service and may remove the service connection. Regardless of whether the service connection was removed, to establish service a new service application will be required under the Regulations and Schedule of Rates and Charges then in effect.



SECTION 3

STANDARD SERVICE (continued)

STREET LANDSCAPING SERVICE

The District may grant a street landscaping service for planting strips or areas which lie within public streets and are devoted to and maintained for landscaping and related purposes by the public agency having jurisdiction over the streets. In such cases, the planting strip or area may be considered a single unit for the purposes of receiving, using and paying for service regardless of its division or intersection by other public streets. The District shall approve the size and location of the service and the distance or area which may constitute a single unit. The appropriate installation and system capacity charge set forth in the Schedule of Rates and Charges shall be paid, and billing at the current rate for a standard service shall apply. Additional requirements for nonpotable and potable water service are contained in Sections 30 and 31 of these regulations.

COMBINATION STANDARD AND FIRE SERVICE

Effective January 1, 2011, the California Building Code requires all newly constructed one-and-two-family homes and townhouses to install fire sprinkler systems. The District will grant one service to provide both standard service and a supply to a private fire protection system for each newly constructed residential dwelling unit. A separate fire service connection is required for service to a private fire protection system at all other premises except the following:

1. New service or the enlargement of existing connections required for large area premises with public or private educational facilities and publicly-owned facilities served with combined standard and fire service.
2. Service to multi-family residential premises when a combination standard/fire service meter has been installed for each residential dwelling unit.
3. Service to group homes or group residential facilities when it is determined by the District that a combined service connection is acceptable for metering normal water use and is approved by the responsible fire protection agency.

Except for the System Capacity Charge as provided in Schedule J, the rates and charges pertaining to the service shall be based on actual meter size.



SECTION 3

STANDARD SERVICE (continued)

IRRIGATION METERING

A ~~dedicated~~ ~~separate~~ irrigation meter and detailed landscaping plans shall be required for all new (residential and nonresidential) irrigated landscaping covering an area of 5,000 square feet or more, as provided in Section 31 of these regulations.

BRANCH METERING

The District may grant two or more standard services from a single service connection for a premises other than a single-family premises if fire sprinklers are not required. The appropriate installation charge set forth in the Schedule of Rates and Charges shall be paid.

MASTER METERING

Each separate structure of a premises shall be separately metered. The District may require each customer type in a new structure with more than one business classification to be metered by a master meter or individual meters for each commercial /industrial unit and/or dwelling unit as solely determined by the District.

The District may grant a single service to a premises with two or more dwelling units and or commercial/industrial units such as a residential or commercial condominium project, provided the premises is determined to be a single business classification and all the following conditions are met:

1. The property to be served must be in single ownership, including streets containing the owner's water service pipelines. Where dwelling units are individually owned, the property surrounding the structures must be in single common ownership under a residents or homeowners association.
2. There must be a resident manager for the property who will be responsible for maintaining the private water system beyond the master meter and for payment of all water service charges.
3. The applicant must furnish a written statement from the fire district or other public agency with jurisdiction, indicating its acceptance of the proposed arrangement for providing fire flow, and that the liability for supplying water for fire protection rests solely with the property owner responsible for the private water system.
4. It has been determined by the District that individual metering of each unit is not feasible in accordance with Section 2 of these regulations



SECTION 3

STANDARD SERVICE (continued)

SERVICE CONNECTION NOT AT THE PRINCIPAL FRONTAGE

In certain unusual circumstances, the District may locate a conditional service connection for a premises at other than the principal frontage provided:

- service is reasonably available at that location,
- the principal frontage ~~is~~**must be** on a private road or driveway,
- there is only one premises ~~which~~**that** would be so served,
- there is no apparent possibility of further extension to serve other premises,
- there is no requirement for a fire hydrant,
- a main extension for adjacent premises would not be required.

The owner(s) of the premises shall agree in writing to the conditions of service and to relocate the service and pay any applicable costs in the future, should standard service become available at the principal frontage. This agreement shall be a covenant against the premises to be served and shall run with the land, and will be recorded by the District.

SERVICE CONNECTION AT ALTERNATE MAJOR FRONTAGE

The District may locate the service connection for a premises at that part of the perimeter immediately adjacent to a street or road of general public access, where a water main exists or may be installed, even though it is not the normal vehicle access to the property and provided that the fire hydrant location in relation to the premises is acceptable to the responsible fire protection agency.

The District may locate the service connection(s) for a multi-family residential unit(s) or multi-occupancy commercial/industrial unit(s) at that part of the perimeter immediately adjacent to a street or road of general public access in a development where individual metering of all multi-family residential or multi-occupancy commercial/industrial unit(s) has been determined to be feasible in the sole discretion of the District in accordance with Section 2 of these Regulations.

Regulations

Section 9

Guarantee Deposits

FY16



SECTION 9
GUARANTEE DEPOSITS

Customers are required to pay bills promptly for water service charges and applicable sewer service charges included as part of the District's bill in accordance with Section 13 of these Regulations, and to maintain a payment history satisfactory to the District.

Customers shall be required to pay a guarantee deposit if:

1. They fail to maintain a satisfactory payment history, or
2. They fail to meet minimum requirements of prospective payment responsibility as determined by the District.

The following provisions shall also apply if a guarantee deposit is required:

1. Full payment of any due bills, in addition to the deposit, may ~~also~~ be required before granting, continuing or reestablishing service;
2. The deposit shall be in an amount approximately two ~~and one-half~~ times the estimated monthly or bimonthly billings, but in no case shall be less than \$50.00;
3. No interest will be paid on deposits; and
4. The guarantee deposit will be credited to the customer's account after he or she has established and maintained a satisfactory payment history for a one-year period. If service is discontinued during this period, the deposit, less the final bill, will be refunded. Any overdue bill may be deducted from the guarantee deposit, and ~~the service~~ may be discontinued until the deposit is restored to the original amount.

Regulations

Section 29

Prohibiting Wasteful Use of Water

FY16



SECTION 29

PROHIBITING WASTEFUL USE OF WATER

A. REGULATIONS AND RESTRICTIONS ON WATER USE

It is hereby declared by the Board of Directors that in order to conserve the District's water supply for the greatest public benefit, and to reduce the quantity of water used by the District's customers, that wasteful use of water ~~shall~~~~ould~~ be ~~eliminated~~prohibited. Customers of the District shall observe the following regulations and restrictions on water use:

1. Residential Customers shall:

- a. Use water for lawn or gardening watering, or any other irrigation, in a manner ~~which~~that does not result in excessive flooding or runoff in gutters or other waterways, patios, driveways, walkways or streets;
- b. Use water for washing sidewalks, walkways, driveways, patios, parking lots, tennis courts or other hard-surfaced areas in a manner that~~which~~ does not result in excessive runoff or waste;
- c. Use water for washing cars, boats, trailers or other vehicles and machinery, preferably from a hose equipped with a shutoff nozzle, in a manner that~~which~~ does not result in excessive runoff or waste;
- d. Reduce other interior or exterior uses of water to minimize or eliminate excessive runoff or waste; and
- e. Repair leaks wherever feasible.

2. Nonresidential Customers shall:

- a. Use systems ~~which~~that recycle water where feasible; Single pass cooling systems in new connections, non-recirculating systems in all new conveyer car wash and commercial laundry systems, and non-recycling decorative water fountains shall be prohibited;
- b. Use water for lawn or garden watering, or any other irrigation, in a manner that~~which~~ does not result in excessive flooding or runoff in gutters or other waterways, patios, driveways, walkways or streets;
- c. Use water for washing sidewalks, walkways, driveways, patios, parking lots, tennis courts or other hard-surfaced areas in a manner which does not result in excessive runoff or waste;
- d. Limit sewer flushing or street washing with District water as much as possible, consistent with public health and safety needs; and



SECTION 29

PROHIBITING WASTEFUL USE OF WATER
(Continued)

2. Nonresidential Customers shall (Continued):

- e. Reduce other interior or exterior water uses to minimize or eliminate excessive runoff~~s~~ or waste; and
- f. Repair leaks wherever feasible.

B. EXCEPTIONS

Consideration of written applications for exceptions regarding the regulations and restrictions on water use set forth in this Section shall be as follows:

- 1. Written applications for exceptions shall be accepted, and may be granted, by the Manager of the Customer Service Division.
- 2. Denials of applications may be appealed in writing to the General Manager;
- 3. Grounds for granting such applications are:
 - a. Failure to do so would cause an unnecessary and undue hardship to the Applicant, including, but not limited to, adverse economic impacts, such as loss of production or jobs; or
 - b. Failure to do so would cause a condition affecting the health, sanitation, fire protection or safety of the Applicant or the public.

C. ENFORCEMENT

- 1. The District may, after one written warning, order that a special meter reading or readings be made in order to ascertain whether wasteful use of water is occurring. Charges for such a meter reading or readings or for follow-up visits by District staff shall be fixed by the Board from time to time and shall be paid by the customer.
- 2. In the event that the District observes that ~~apparently~~ excessive or wasteful water use is occurring at a customer's premises, the General Manager or the Manager of ~~Administration~~ Customer and Community Services may, after a written warning to the customer, authorize installation of a flow-restricting device on the service line for any customer observed by District personnel to be willfully violating any of the regulations and restrictions on water use set forth in this section.
- 3. In the event that a further willful violation is observed by District personnel, the District may discontinue service. Charges for installation of flow-restricting devices or for restoring service may be fixed by the Board from time to time.

Regulations

Section 30

Nonpotable Water Service

FY16



SECTION 30

NONPOTABLE WATER SERVICE

In furtherance of District Policy No. 9.058-1, these regulations identify the types of water uses for which nonpotable water is appropriate; the factors considered in determining the feasibility of nonpotable water service; and the procedure for notifying notification to applicants and customers that nonpotable water use is required.

DEFINITIONS

Feasible. For purposes of this section, nNonpotable water service shall be feasible if the District determines that:

- Nonpotable water may be furnished for the intended use at a reasonable cost to the customer and District.
- Nonpotable water is of adequate quality for the intended use.
- The use of nonpotable water is consistent with all applicable federal, state and local laws and regulations.
- The use of nonpotable water will not be detrimental to the public health and will not adversely affect plant life, fish and wildlife.

Dual Plumbing. For purposes of this section, "dual plumbing" shall mean tThe installation of separate facilities for the distribution of potable and nonpotable water service. These facilities may include distribution piping from the water service main or water supply source to the water service meter, as well as facilities on the customer's side of the water service meter.

Nondomestic Uses. For purposes of this section, "nondomestic uses" shall mean all applicationsuses of water, except for drinking, culinary purposes, and the processing of products intended for direct human consumption.

Nonpotable Water. For purposes of this section, "nonpotable water" shall mean aAll reclaimed, recycled, reused, or untreated water supplies that meet the conditions set forth in the California Water Code, Section 13550 and are determined by the District to be suitable for nondomestic purposes and feasible for the particular intended use.

Retrofits. For purposes of this section, "retrofit" shall mean tThe conversion or modification of existing water service facilities such that they are suitable for nonpotable water service.

Water Reuse Zones. For purposes of this section, "water reuse zone" shall meanTheDistrict-designated sWater Reuse Zoneszones within the District's sService area where nonpotable water service has been determined to be reasonably available.



SECTION 30

NONPOTABLE WATER SERVICE (continued)

TYPES OF NONPOTABLE WATER USE

Use of nonpotable water may be required for nondomestic uses, which include but are not limited to: irrigation of cemeteries, golf courses, playing fields, parks and residential and nonresidential landscaped areas; commercial and industrial process uses; toilet and urinal flushing in nonresidential buildings.

DETERMINATION OF FEASIBILITY OF NONPOTABLE WATER SERVICE

The District will identify customers within Water Reuse Zones and determine the feasibility of providing nonpotable water service to these customers. The District will also review applications for new services to determine the feasibility of providing nonpotable water service to these applicants. If nonpotable water service is determined by the District to be feasible, written notification of the required use of nonpotable water shall be provided to the customer or applicant. Such notification may include information regarding District water service procedures, a description of the District's nonpotable water project, a date by which the customer site must be ready to accept nonpotable water service and a description of any nonpotable water facilities that must be constructed on the customer's site, including dual plumbing. Customers may be required to retrofit existing water service facilities to accommodate nonpotable water service and applicants for new water services may be required to pay for main extensions, install frontage and onsite piping, and install dual plumbing, pursuant to terms and conditions specified by the District.

NONPOTABLE WATER USE PERMITS

Customers and applicants required to use nonpotable water shall submit a Nonpotable Water Service Application. Upon receipt, review and approval of the application, the District will issue a nonpotable water use permit which, among other things, will specify the approved uses at customer sites and requirements for the customer's water distribution facilities and portions of the premises where nonpotable water will be applied.

Nonpotable water service will not commence until all fees are paid and the District verifies compliance with the permit requirements.

In special circumstances, as solely determined by the District, once the permit has been issued, a potable water supply may be provided until all requirements for nonpotable water delivery are complete. All potable water delivered will be billed at the prevailing potable water rates.

Provision of a potable water service until nonpotable water is available may be contingent upon the customer/applicant agreeing to any or all of the following:



SECTION 30

NONPOTABLE WATER SERVICE (continued)

- customer/applicant installation of water service facilities separate and distinct from the potable water service facilities for the purpose of facilitating conversion to a nonpotable water supply when available;
- additional retrofitting of water service facilities (potable and nonpotable) and construction of additional nonpotable water facilities (e.g., service laterals, metering conversion and appurtenances) as solely determined by District to be necessary to commence delivery of nonpotable water when available;
- agreement to pay the District's cost to perform ~~said~~ additional retrofitting and construction if the customer/applicant does not perform the work within the time specified;
- installation of flow-restricting devices, at customer/applicant expense, to reduce the maximum flow rate in the event the District is unable to deliver a nonpotable water supply;
- customer/applicant construction of storage facilities to insure an adequate water flow for the site notwithstanding the installation of flow-restricting devices;
- agreement to indemnify the District with respect to any damage arising from the installation of flow-restricting devices or construction of storage facilities;
- removal of flow-restricting devices, without charge, and connection to the nonpotable water supply in the event that the District makes a nonpotable water supply available;
- any other conditions deemed necessary by the District.

The District will advise the customer/applicant of those conditions ~~which~~that shall apply to the delivery of a potable water supply until nonpotable water is available. Applicants for new service that are issued a nonpotable water permit shall pay the applicable Nonpotable System Capacity Charge, notwithstanding the delivery of a potable water supply until nonpotable water is available.

INSTALLATION AND MAINTENANCE COSTS

Except as otherwise provided herein, when an existing customer is required by the District to convert to nonpotable water service, the District will pay the reasonable capital costs of retrofitting the water service facilities on the customer's side of the water service meter and will also provide for the nonpotable water service facilities necessary to deliver nonpotable water to the meter.

New Applicants for water service and customers requesting installation of additional nonpotable water service facilities in order to ~~expand capacity~~ serve new developments or expand capacity, or those customers requesting conversion to nonpotable service not required by the District, shall be responsible for the full cost of all facilities necessary to deliver nonpotable water from the closest available nonpotable water facility to the premises. Costs shall include, but not be limited to, planning, design and installation of main extensions, service laterals, account fees, and all other applicable charges in accordance with the District's Water Service Schedule of Rates and Charges to customers. Extension of nonpotable water mains shall comply with Section 4 of these Regulations.



SECTION 30

NONPOTABLE WATER SERVICE (continued)

Once nonpotable water service delivery commences, the customer shall be responsible for all costs of operating and maintaining the water service facilities on the customer's side of the water service meter(s), except where the District has determined that it would be in the best interests of the District to operate and maintain on-site treatment facilities. In the event a customer's water volume demand is increased significantly as a direct result of water quality considerations due solely to the conversion to nonpotable water service, the District may apply a volume conversion factor to the customer's account such that the conversion will not result in an increase to the customer's overall cost of water service. The volume conversion factor shall be applied prior to establishing nonpotable water service, upon request by, and after receipt of adequate documentation of the projected demand increase from, the customer.

DESIGN AND CONSTRUCTION OF RETROFIT WORK

Customers required to convert to nonpotable water service may complete the required retrofit work or, as an alternative, allow the District to complete the retrofit work by the date indicated in the District notification. If the District determines prior to the start of construction that the retrofit of the customer's facilities is not feasible, the District shall be released from any obligation to perform or reimburse the cost of any retrofit work.

Retrofit Work By District

Where the District performs the design and construction of the retrofit work, the customer shall provide access to the site as necessary for the District or its contractors to perform the design and construction work, including but not limited to inspections, testing retrofit items and performing required cross-connection and backflow prevention valve testing, where installation of backflow prevention devices is required by law or recommended by the District.

Retrofit Work By Customer

Prior to customer construction of the retrofit work, customers shall submit, for District review, a proposed schedule, cost estimate, and design for the retrofit construction work. The scope of work, cost estimates, and the proposed schedule are subject to District approval prior to commencement of work. ~~The District will also require that~~ Any retrofit elements required by state law shall be included in the retrofit design. Any changes to the proposed retrofit work must be submitted for District approval prior to construction. The customer shall prepare, or have prepared, the design work for the retrofit and complete the retrofit work and, in doing so, comply with all applicable federal, state, and local codes, laws, ordinances and regulations and obtain all necessary permits. The cCustomer shall maintain compliance documents and furnish copies of said documents upon District request. Customers shall install backflow prevention devices as required by law or recommended by the District. The District shall not be a party to any contract between the customer and a third-party consultant or contractor, and District shall have no responsibility thereunder, although the District shall be entitled to review the contracts. The customer shall agree to indemnify the District with respect to any claims arising from the design or construction of the retrofit work. The District shall be entitled to inspect the retrofit work to verify that the retrofit items are installed and functioning, and to perform required cross-connection and backflow prevention



SECTION 30

NONPOTABLE WATER SERVICE (continued)

valve testing. The customer or his or her representative and any construction contractor used to perform the retrofit work shall be present during the final inspection.

Upon completion of the retrofit design work and subject to District approval of design costs, prior to start of design work, the District will reimburse the design costs incurred by the customer. Upon completion of construction, District inspection and approval of the work and the costs, the District will reimburse the construction costs incurred by the customer.

Failure to Complete Retrofit Work

Customers who do not complete the retrofit work to enable the delivery of nonpotable water by the District-specified date will not be in compliance with this regulation. Such customers may ~~shall~~ be subject to a financial penalty, as may be established by the District. ~~pay the Nonpotable Water Use Incentive Rate per the District's Water Service Schedule of Rates and Charges for all potable water used during the period of noncompliance.~~ Once the retrofit is completed and the customer site is ready to accept nonpotable water, the customer will pay the nonpotable water rate. If nonpotable water is unavailable when the retrofit is complete, the potable water rate shall be charged until nonpotable water is available for delivery to the site.

Regulations

Section 31

Water Efficiency Requirements

FY16



SECTION 31

WATER EFFICIENCY REQUIREMENTS

These regulations identify the types of water efficiency requirements for water service and the procedure for notification to Applicants that water efficiency measures are required. The most water-efficient requirement of EBMUD, local, state or federal regulations apply.

A. DETERMINATION OF FEASIBILITY OF WATER EFFICIENCY MEASURES

The District will review applications for new standard services and determine the applicability of, and compliance with, water-efficiency requirements. Applicants for expanded service shall be required to meet the water-efficiency requirements for all new water service facilities and may be required to retrofit existing water service facilities or uses to comply with these requirements. Applicant shall maintain design documents and construction and installation records and furnish a copy of said documents and records to the District upon request. The District may inspect the installation of water efficiency measures to verify that the items are installed and performing to the required water use levels. The Applicant or their representative may be present during any District inspection.

B. WATER EFFICIENCY REQUIREMENTS FOR NEW DEVELOPMENT OR EXPANDED SERVICE

Water service shall not be furnished to any Applicant for new or expanded service, or for any change in customer classification (such as a change from industrial to commercial, residential to commercial, or the like) that includes new or retrofitted water using equipment, unless all the applicable water-efficiency measures hereinafter described in this Section 31 have been reviewed and approved by the District. All the applicable and required water-efficiency measures shall be installed at Applicant's expense.

C. INDOOR WATER USE

a. Residential Water Service.

Toilets shall be high-efficiency or dual flush models rated and (third party) tested at a maximum average flush volume of 1.28 gallons per flush (gpf), and be certified as passing a 350 gram or higher flush test as established by the U.S. Environmental Protection Agency WaterSense Specification or other District-accepted third party testing entity. No flush or conversion devices of any other kind shall be accepted.

- a. Showerheads shall be individually plumbed and have a maximum rated flow of 2.0 gallons per minute or less and be limited to one showerhead per shower stall of 2,500 sq. inches in area or less. Installation of flow restrictors in existing showerheads does not satisfy this requirement.
- b. Lavatory faucets shall have aerators or laminar flow control devices (i.e., orifices) with a maximum rated flow of 1.5 gallons per minute or less.



SECTION 31

WATER EFFICIENCY REQUIREMENTS
(continued)

- c. Kitchen faucets shall have aerators or laminar flow control devices (i.e., orifices) with a maximum rated flow of 2.2 gallons per minute or less.
- d. Clothes washing machines shall be front loading horizontal axis or top loading models with a water factor rating of 4.5 or less. A water factor rating of 4.5 means a maximum average water use of 4.5 gallons per cubic foot of laundry.
- e. Dishwashers rated as standard size (i.e. 307 kWh/year) shall use less than or equal to 5.0 gallons/cycle. Dishwashers rated as compact size (i.e., 222 kWh/year) shall use less than or equal to 3.5 gallons/cycle.

b. Non-Residential Water Service.

- a. Toilets shall be high-efficiency or dual flush models rated and (third-party) tested at a maximum average flush volume of 1.28 gallons per flush (gpf), and be certified as passing a 350 gram or higher flush test as established by the U.S. Environmental Protection Agency WaterSense Specification or other District-accepted third party testing entity. Pressure-assisted type toilets shall be high-efficiency rated at a maximum 1.0 gpf. No flush or conversion devices of any other kind shall be accepted.
- b. Urinals shall have a maximum rated flow of 0.5-125 gpf or less, or be zero water consumption urinals.
- c. Showerheads shall be individually plumbed and have a maximum rated flow of 2.0 gallons per minute or less, and be limited to one showerhead per shower stall of 2,500 sq. inches in area or less. Installation of flow restrictors in existing showerheads does not satisfy this requirement.
- d. Lavatory faucets shall have aerators or laminar flow control devices (i.e., orifices) with a maximum rated flow of 1.5 gallons per minute or less.
- e. Kitchen faucets shall have aerators or laminar flow control devices (i.e., orifices) with a maximum rated flow of 2.2 gallons per minute or less.
- f. Laundry washing machines shall be front loading horizontal axis or top loading models with both: (1) a maximum water factor rating of 4.5 or less. A water factor of 4.5 means a maximum average water use of 4.5 gallons per cubic foot of laundry or less.
- g. Cooling towers not utilizing recycled water shall be equipped with recirculating systems and operate at a minimum of five (5) cycles of concentration. Newly constructed cooling towers shall be operated with conductivity controllers, as well as make up and blowdown meters.



SECTION 31

WATER EFFICIENCY REQUIREMENTS
(continued)

- h. Food steamers in all food service facilities shall be boiler less or self-contained models using ≤ 3.0 gallons per hour where applicable.
- i. Ice machines shall be air-cooled or use no more than 20 gallons of water per 100 pounds of ice and shall be equipped with a recirculating cooling unit.
- j. Commercial refrigeration shall be air-cooled or if water-cooled, must have a closed looped system. No once through, single pass systems are permitted.
- k. Pre-Rinse Dishwashing Spray Valves shall have a maximum rated flow of 1.6 gpm or less.
- l. Dishwashers or ware washing equipment shall be currently labeled an EnergyStar rated water efficient model meeting the maximum water consumption limits as specified in the table below:

Machine Type	High Temp Requirements	Low Temp Requirements
Under Counter	≤ 0.86 GPR	≤ 1.19 GPR
Stationary Single Tank Door	≤ 0.89 GPR	≤ 1.18 GPR
Pot, Pan, and Utensil	≤ 0.58 GPSF	≤ 0.58 GPSF
Single Tank Conveyor	≤ 0.70 GRP	≤ 0.79 GPR
Multiple Tank Conveyor	≤ 0.54 GRP	≤ 0.54 GRP
Single Tank Flight Type	$\leq \text{GPH} \leq 2.975x + 55.00$	$\leq \text{GPH} \leq 2.975x + 55.00$
Multiple Tank Flight Type	$\leq \text{GPH} \leq 4.96x + 17.00$	$\leq \text{GPH} \leq 4.96x + 17.00$

*GRP (gallons per rack); GPSF (gallons per square foot); GPH (gallons per hour)

- m. Vehicle wash facilities shall reuse a minimum of 50% of water from previous vehicle rinses in subsequent washes.

D. **OUTDOOR WATER USE (All Applicants)**

1. **Landscaping.**

- a. Plans with design details including plants, irrigation, grading and hydrozones shall be submitted to the District for review and approval by District for compliance with these Regulations prior to installation of a water meter. Detailed landscaping plans are required for any new or retrofitted landscaping greater than 2,500 square feet of landscaped area. Applicants with less than 2,500 square feet of landscaped area shall be required to complete a check list provided by the District including a planting and irrigation diagram for review by the District.



SECTION 31

WATER EFFICIENCY REQUIREMENTS
(continued)

Landscaping shall include water efficient technology and use best management practices to reduce the annual supplemental irrigation requirement to the lowest practical amount not to exceed 70% of reference evapotranspiration for the landscaped area.

- b. Ornamental Turf areas shall be limited to no more than 25% of the total landscaped area. Exceptions may be granted, in the sole discretion of the District, for approved drought tolerant grasses and for approved recreational areas. Turf is not permitted in any area or portion of an area with a dimension of less than eight feet on any side and shall meet precipitation rate requirements for slopes greater than 25 percent.
- c. Non-turf areas shall be native or climate-appropriate species classified as low or very-low water use in the California Department of Water Resources publication Water Use Classification of Landscape Species (WUCOLS). Up to 20% of the non-turf landscaped area may have a medium or high water requirement as long as they are appropriately grouped together and irrigated separately. High and medium water use plants shall not be irrigated on the same zone that includes any low or very-low water use plant. The surface area of pools and water features shall be included in the 20% of non-turf medium or high water use landscaped area calculation.
- d. Mulch: A minimum 3-inch layer of mulch shall be specified for non-turf planting areas unless there is a horticultural reason not to mulch.

2. Irrigation.

- a. Irrigation Efficiency. Irrigation systems shall be designed, installed and operated to avoid overspray and runoff onto any adjacent hardscape or planting area. Irrigation systems shall be designed, installed and operated at the lowest practical amount of water not to exceed 70% of reference evapotranspiration for the landscaped area.
- b. Automatic, self-adjusting irrigation controllers shall be required on all irrigation systems with three or more valves or landscaped areas of 1,000 sq. ft. or more and shall automatically activate and deactivate the irrigation system based on changes in the weather or soil moisture.
- c. Overhead sprinklers and spray heads shall not be permitted in any landscaped area or portion of an area with a dimension of less than eight feet on any side and shall be offset a minimum of 24 inches away from impervious paving. All sprinklers and other emission devices shall have matched precipitation rates within each control valve or zone. Landscape design best practices shall include distribution uniformity, head-to-head spacing and other conditions as required by regulation and/or ordinance.
- d. Valves and circuits shall be separated hydrozoned based on plant water requirement (including varying root depth), sun exposure, top and bottom of slope, and irrigation rate as applicable.



SECTION 31

WATER EFFICIENCY REQUIREMENTS
(continued)

- e. Dedicated Irrigation Meter shall be required for irrigated landscaped area of 5,000 square feet or more. ~~A private sub-meter shall be required for irrigated landscaped area of 2,500 up to 4,999 square feet.~~

- f. Certificate of Completion.
Applicant shall submit ~~a~~ landscape irrigation audit report verifying installation and irrigation efficiency per approved design on a form consistent with Sections 490.1, 492.9 and 492.12 of the State Model Water Efficient Landscape Ordinance or equivalent documentation as provided determined by the District ~~for all landscaped areas of 2,500 and 5,000 square foot or greater as applicable.~~

3. Swimming pools and spas.

- a. Covers are required for all pools and spas. Public health and safety exemptions may be granted as solely determined by District.

E. PENALTIES/CONSEQUENCES

Failure of Applicant to conform to this Regulation and these water-efficiency requirements stated herein may result in:

1. A requirement to resubmit water service application and water-efficiency plan at Applicant's expense until District approves water service.
2. District's inability to release water meter(s) for installation and inability to activate account until water-efficiency plan is approved by District.

EXHIBIT B

Wastewater Department

Schedule D

Other Fees

FY16



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

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EFFECTIVE

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SCHEDULE D

**WASTEWATER DEPARTMENT
OTHER FEES**

TYPE	RATE
SF Bay Commercial Pollution Prevention Fee	\$5.48/Month ^(a)
SF Bay Residential Pollution Prevention Fee	\$0.20/mo per dwelling unit ^(b)
Monitoring Fees	\$1,070 <u>\$1,180</u>
Violation Follow-Up Fees	
Stage 1	\$670
Stage 2	\$1,410 + <u>Testing Fees</u> ^(c)
Stage 3	\$2,950 + <u>Testing Fees</u> ^(c)
Private Sewer Lateral Compliance Fees	
Compliance Certificate	\$225
Time Extension Certificate	\$93
Inspection Reschedule	\$73
Extra Lateral or Additional Verification Test	\$66 per lateral
Off-Hours Verification	\$200 for 2.5 hours
Non-Compliance – Initial Fee	\$350
Non-Compliance – Monthly Fee	\$87

- (a) SF Bay Commercial Pollution Prevention Fee applicable to all non-residential accounts.
(b) SF Bay Residential Pollution Prevention Fee applicable to all residential accounts. Fee will be charged per dwelling unit up to 5 dwelling units.
(c) Violation follow-up fees do not include required testing. Testing fees will be charged in accordance with Schedule E Wastewater Department Testing Fees.

Wastewater Department

Schedule G

Capacity Fees

FY16



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER

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08/11/14

EFFECTIVE

08/10/15

**SCHEDULE G
WASTEWATER DEPARTMENT
CAPACITY FEES**

TABLE 1

Residential (\$/dwelling unit)^{1,5} ~~\$1,607²~~ \$1,860²

Non-Residential (\$/ccf/mo)^{3,5}

2010	Meat Products	\$704	<u>\$856</u>
2011	Slaughterhouses	737	<u>862</u>
2020	Dairy Product Processing	563	<u>679</u>
2030	Fruit and Vegetable Canning	462	<u>553</u>
2040	Grain Mills	485	<u>568</u>
2050	Bakeries (including Pastries)	809	<u>959</u>
2060	Sugar Processing	434	<u>531</u>
2077	Rendering Tallow	1,471	<u>1707</u>
2080	Beverage Manufacturing & Bottling	343	<u>413</u>
2090	Specialty Foods Manufacturing	1,426	<u>1733</u>
2600	Pulp and Paper Products	419	<u>489</u>
2810	Inorganic Chemicals Manufacturing	567	<u>647</u>
2820	Synthetic Material Manufacturing	137	<u>157</u>
2830	Drug Manufacturing	261	<u>311</u>
2840	Cleaning and Sanitation Products	515	<u>618</u>
2850	Paint Manufacturing	1,002	<u>1195</u>
2893	Ink and Pigment Manufacturing	355	<u>429</u>
3110	Leather Tanning and Finishing	1,359	<u>1633</u>
3200	Earthenware Manufacturing	342	<u>358</u>
3300	Primary Metals Manufacturing	249	<u>285</u>
3400	Metal Products Fabricating	146	<u>169</u>
3410	Drum and Barrel Manufacturing	1,362	<u>1648</u>
3470	Metal Coating	158	<u>182</u>
4500	Air Transportation	200	<u>233</u>
5812	Food Service Establishments	514	<u>598</u>
7000	Hotels, Motels with Food Service	378	<u>436</u>
7210	Commercial Laundries	324	<u>382</u>
7215	Coin Operated Laundromats	248	<u>291</u>
7218	Industrial Laundries	858	<u>1039</u>



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

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EFFECTIVE

08/10/15

SCHEDULE G

WASTEWATER DEPARTMENT

CAPACITY FEES

(Continued)

7300	Laboratories	\$182	<u>212</u>
7542	Automobile Washing and Polishing	238	<u>277</u>
8060	Hospitals	234	<u>271</u>
8200	Schools	173	<u>200</u>
	All Other <u>Business Classification Codes</u> (includes dischargers of only segregated domestic wastes from sanitary conveniences)	240	<u>278</u>

Permit Accounts⁶

Flow (\$/ccf/mo)	\$121.97	<u>139.19</u>
<u>Chemical Oxygen Demand Filtered (CODE)</u> (\$/lb/mo)	30.34	<u>38.20</u>
<u>Total Suspended Solids (TSS)</u> (\$/lb/mo)	48.77	<u>55.41</u>

¹ Includes BCC 6514 and 8800.

² Residential fee is calculated as follows:

Flow:	6.7	x	\$121.97	<u>\$139.19</u>	=	\$817	<u>\$933</u>
CODF:	7.9	x	30.34	<u>38.20</u>	=	240	<u>302</u>
TSS:	11.29	x	48.77	<u>55.41</u>	=	550	<u>625</u>
						\$1,607	<u>\$1,860</u>

³ Capacity Fee is based on the anticipated maximum monthly flow contributions multiplied by the average wastewater strength measured or assigned for each classification of customer. The District may review the actual flow and strength within 24 months, once the business is fully established to verify the estimated demand for wastewater capacity. The review may result in the assessment of additional capacity fees if the actual flow and strength exceeds the original estimate.

⁴ For non-residential customers with projected treatment revenues equal to or greater than 0.1% of the total District treatment revenue, the calculated capacity fee will be reduced by a Rate Stabilization Factor of 25%. Projected treatment revenue will be based on permit conditions at the time of application or on average wastewater strength measured for each classification of customer if a permit is not required for discharge. Total District treatment revenue will be based on the budgeted fiscal year amount at the time of application.



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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SCHEDULE G

**WASTEWATER DEPARTMENT
CAPACITY FEES
(Continued)**

⁵A credit may be provided for existing services. Where a new service will replace one or more existing or prior services to a premise where a capacity fee was paid, a credit will be given toward the new capacity fee demand and based on the previous capacity unit paid or if the existing service had not paid a capacity fee but in service since July 1, 1987 then the credit is based on historic use contributions.

⁶ Total fee is a summation of the unit rates for flow, CODF, and TSS times permit conditions at the time of application.

Wastewater Department

Schedule D

Other Fees

FY17



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

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SCHEDULE D

**WASTEWATER DEPARTMENT
OTHER FEES**

TYPE	RATE
SF Bay Commercial Pollution Prevention Fee	\$5.48/Mo ^(a)
SF Bay Residential Pollution Prevention Fee	\$0.20/mo per dwelling unit ^(b)
Monitoring Fees	\$1,180 <u>\$1,300</u>
Violation Follow-Up Fees	
Stage 1	\$670
Stage 2	\$1,410 + Testing Fees ^(c)
Stage 3	\$2,950 + Testing Fees ^(c)
Private Sewer Lateral Compliance Fees	
Compliance Certificate	\$225
Time Extension Certificate	\$93
Inspection Reschedule	\$73
Extra Lateral or Additional Verification Test	\$66 per lateral
Off-Hours Verification	\$200 for 2.5 hours
Non-Compliance – Initial Fee	\$350
Non-Compliance – Monthly Fee	\$87

(a) SF Bay Commercial Pollution Prevention Fee applicable to all non-residential accounts.

(b) SF Bay Residential Pollution Prevention Fee applicable to all residential accounts. Fee will be charged per dwelling unit up to 5 dwelling units.

(c) Violation follow-up fees do not include required testing. Testing fees will be charged in accordance with Schedule E Wastewater Department Testing Fees.

EXHIBIT C

Recreation Use Fees

Calendar Years 2016 and 2017



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER 1

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**RECREATION USE FEES FOR 2016 AND 2017
January - December 2016*
January 2017***

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

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

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

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

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

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

Fishing Access Permits are required for persons 16 years of age or older. Up to four children 15 years and under and accompanied by a person who possesses a valid CA fishing license and daily fishing access permit, may fish under that fishing access permit subject to the daily possession limit of the permit holder. Every accompanied child, over the allowed number of 4, must have individual fishing access permits. Each child not accompanied by a fishing access permit holding adult must obtain his/her own fishing access permit.

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

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



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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CAMANCHE HILLS HUNTING PRESERVE	<u>Current CY15</u>	<u>Proposed CY16</u>	<u>Proposed CY17</u>
PRESERVE LICENSE (QUANTITY PRICE BREAK)			
PRESERVE LICENSE:			
Initiation Fee (Family)	2,995.00	2,995.00	2,995.00
Initiation Fee (Corporate)	2,995.00	2,995.00	2,995.00
Annual Maintenance (Family)	200.00	200.00	200.00
Annual Maintenance (Corporate)	400.00	400.00	400.00
LICENSED GUIDE GOOSE HUNT (PER PERSON/HUNT)	200.00	200.00	200.00
BIRD PROCESSING: (PRICE PER EACH)			
Pheasant	4.00	4.00	4.00
Chukar	4.00	4.00	4.00
20-bird card (pheasant and chukar) for 20	70.00	70.00	70.00
Duck	4.50	4.50	4.50
Goose	10.00	10.00	10.00
Smoking (all birds)	5.00	5.00	5.00
Dog Rental			
Half Day	75.00	75.00	75.00
Full Day	140.00	140.00	140.00
Special Hunt	140.00	140.00	140.00
SPORTING CLAYS			
Full Round Course (100 targets)	38.00	<u>40.00</u>	40.00
Half Round Course (50 targets)	20.00	<u>22.00</u>	22.00
Additional Round	10.00	10.00	10.00
Full-Day	50.00	50.00	50.00
25 targets (5-Stand/Grouse bunker)	7.00	<u>9.00</u>	9.00
25 targets (Skeet/trap)	6.00	6.00	6.00
ARCHERY RANGE AND COURSE			
7 Station 3-D target Course			
Per person	10.00	10.00	10.00
Per pair	18.00	18.00	18.00
Per family <u>group</u> (max 4)	34.00	34.00	34.00
<u>FISHING ACCESS TO RABBIT CREEK ARM OF CAMANCHE LAKE AND FARM PONDS LOCATED ON CHHP RECREATIONAL AREA</u>			
<u>Public Fishing Access</u>	<u>N/A</u>	<u>10.00</u>	10.00
<u>CHHP Members Access</u>	<u>N/A</u>	<u>5.00</u>	5.00
<u>FISHING ACCESS TO RABBIT CREEK ARM OF CAMANCHE LAKE</u>			
<u>Public Fishing Access: Bow for Carp</u>	<u>N/A</u>	<u>10.00</u>	10.00



SCHEDULE OF RATES AND CHARGES TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

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CAMANCHE HILLS HUNTING PRESERVE (continued)

RV Parking Area Nightly

<u>Current</u> <u>CY15</u>	<u>Proposed</u> <u>CY16</u>	<u>Proposed</u> <u>CY17</u>
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6.00	6.00	6.00
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Clubhouse Rental (daily)

500.00	500.00	500.00
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Kitchen Rental (daily)

500.00	500.00	500.00
--------	--------	--------

Grounds (daily)

500.00	500.00	500.00
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Camanche Hills Hunting Preserve Discounts, Special Programs and Limitations

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

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

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

A Target Shooting (Sporting Clay, trap, 5-stand and bunkers) discount of 15% is offered to Senior ~~/Disabled/Former POW/Disabled Veteran~~ and Disabled visitors.

A Target Shooting discount of 50% is offered to Distinguished Veteran Pass holders.

A Driven Pheasant Shoot discount of 15% is offered to Senior ~~/Disabled/Former POW/Disabled~~ and Distinguished Veteran ~~visitors~~ Pass holders.

An RV Parking discount of 50% is offered to Senior ~~/Disabled/Former POW/Disabled~~ and Distinguished Veteran ~~visitors~~ Pass holders.

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

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

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

The Daily fee is valid only on the date of purchase and provides the hunter with opportunities to hunt and harvest either 3 pheasants or 6 quail.



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

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

Current Proposed Proposed
CY15 CY16 CY17

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

Daily	12.50	12.50	12.50
Daily, after 3:00pm on non-holiday weekends	8.00	<u>10.00</u>	10.00
Daily (Off-season)	8.00	8.00	8.00
Nightly (non-camping)	12.00	12.00	12.00
Annual	150.00	<u>160.00</u>	160.00

~~Senior/Disabled/Former POW/Disabled Veteran
Annual~~

~~75.00~~

Combined Car/Boat Daily	16.50	<u>17.00</u>	17.00
Combined Car and Boat 5 Use Card (Off-season)	60.00	60.00	60.00
Combined Car and Boat 5 Use Card, after 3:00pm weekdays	37.50	37.50	37.50
Annual Marina Overnight/Day Use	210.00	210.00	210.00

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

Large Vans - 10-20 Passengers	18.00	<u>19.00</u>	19.00
Buses – 21+ Passengers	35.00	<u>36.00</u>	36.00

DOG - daily	5.00	<u>5.50</u>	5.50
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BOAT LAUNCH

Daily	10.00	10.00	10.00
Daily (Off-season)	7.00	7.00	7.00
Night	10.00	10.00	10.00
Annual	150.00	150.00	150.00

Senior/Disabled/Former POW/Disabled Veteran Annual	75.00	75.00	75.00
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**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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**CAMANCHE RESERVOIR - NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

	<u>Current CY15</u>	<u>Proposed CY16</u>	<u>Proposed CY17</u>
BOAT MOORING (Buoy)			
Nightly	15.00	15.00	15.00
Weekly	80.00	80.00	80.00
Monthly: under 30 feet	250.00	250.00	250.00
30 feet & larger	325.00	325.00	325.00
Annual: under 30 feet	1,450.00	1,450.00	1,450.00
30 feet & larger	1,900.00	1,900.00	1,900.00
BOAT SLIP OPEN (Excl. park entry)			
Daily	25.00	<u>30.00</u>	30.00
Weekly	140.00	<u>150.00</u>	150.00
Monthly	350.00	350.00	350.00
Annual	1,650.00	1,650.00	1,650.00
8 Months	1,350.00	1,350.00	1,350.00
Key Security Deposit	10.00	10.00	10.00
BOAT SLIP COVERED – 24' Length Maximum			
Daily	30.00	<u>40.00</u>	40.00
Weekly	160.00	<u>170.00</u>	170.00
Monthly	450.00	<u>460.00</u>	460.00
Annual	1,850.00	1,850.00	1,850.00
Key Security Deposit	40.00	<u>50.00</u>	50.00
BOAT SLIP COVERED – (over 24' Length Excl. Park Entry)			
Daily	35.00	<u>45.00</u>	45.00
Weekly	200.00	<u>210.00</u>	210.00
Monthly	525.00	<u>560.00</u>	560.00
Annual	2,200.00	<u>2,250.00</u>	2,250.00
Key Security Deposit	40.00	<u>50.00</u>	50.00



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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**CAMANCHE RESERVOIR - NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

**RV/TRAILER/BOAT STORAGE (Excl. park
entry)**

	<u>Current CY15</u>	<u>Proposed CY16</u>	<u>Proposed CY17</u>
Weekly	50.00	50.00	50.00
Monthly	120.00	120.00	120.00
12 Months, consecutive	675.00	<u>700.00</u>	700.00
Monthly – 30' Length Maximum (Concurrent with Mooring/Slip Rental)	55.00	55.00	55.00
Monthly – Over 30' (Concurrent with Mooring/Slip Rental)	85.00	85.00	85.00
Annual – 30' Length Maximum (Concurrent with Mooring/Slip Rental)	300.00	300.00	300.00
Annual – Over 30' (Concurrent with Mooring/Slip Rental)	425.00	425.00	425.00
Annual – concurrent with Mobile Home Space rent	425.00	425.00	425.00
Annual – concurrent with Mobile Home Space Rent (<28', 1 boat only, dry # 3)	150.00	150.00	<u>175.00</u>

FISHING ACCESS PERMIT

Daily	5.00	<u>5.50</u>	<u>6.00</u>
Annual	110.00	<u>120.00</u>	<u>130.00</u>
6-month July 1 through Dec 31 (annual prorated)	55.00		

CAMPSITE (w/vehicle parking)

Nightly	28.00	28.00	28.00
Nightly (Off-season – Friday thru Sunday nights)	16.00	16.00	16.00
Midweek (Monday thru Thursday night)	8.00	8.00	8.00
Second Car Parking	12.00	12.00	12.00
Weekly	150.00	150.00	150.00
Second Car Weekly	70.00	70.00	70.00
14 nights	275.00	275.00	275.00
5 Use Card (Off-season)	75.00	75.00	75.00
Camping Reservation Fee	10.50	10.50	10.50



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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**CAMANCHE RESERVOIR - NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

LAKESIDE PREMIUM CAMPSITES

	<u>Current CY15</u>	<u>Proposed CY16</u>	<u>Proposed CY17</u>
Nightly	35.00	35.00	35.00
Nightly (Off Season Friday thru Sunday nights)	16.50	16.50	16.50
Midweek (Monday thru Thursday night)	8.25	8.25	8.25
Second Car Parking	12.00	12.00	12.00
Weekly	180.00	180.00	180.00
Second Car Weekly	75.00	75.00	75.00
14 Nights	330.00	330.00	330.00
5 Use Card (Off Season)	75.00	75.00	75.00

CAMPSITES WITH YURT STRUCTURES

8 person nightly	75.00	75.00	75.00
16 person nightly	125.00	125.00	125.00
8 person weekly	395.00	395.00	395.00
16 person weekly	645.00	645.00	645.00

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

Nightly	25.00	25.00	25.00
Weekly	135.00	135.00	135.00
14 nights	255.00	255.00	255.00

GROUP CAMP (Nightly)

Group Assembly Area	80.00	80.00	80.00
8-Person Limit (Horse Camp, 4 persons, 4 horses max)	50.00		
12-Person Limit	85.00	<u>90.00</u>	<u>95.00</u>
16-Person Limit	105.00	<u>110.00</u>	<u>115.00</u>
24-Person Limit	125.00	<u>130.00</u>	<u>135.00</u>
32-Person Limit	165.00	<u>170.00</u>	<u>175.00</u>
64-Person Limit	295.00	<u>300.00</u>	<u>305.00</u>
72-Person Limit	350.00	<u>355.00</u>	<u>360.00</u>

GROUP CAMP (Nightly, off season)

Group Assembly Area	40.00	40.00	40.00
8-Person Limit (Horse Camp)	25.00		
12-Person Limit	45.00	<u>50.00</u>	<u>55.00</u>
16-Person Limit	50.00	<u>55.00</u>	<u>60.00</u>
24-Person Limit	55.00	<u>60.00</u>	<u>65.00</u>
32-Person Limit	60.00	<u>65.00</u>	<u>70.00</u>
64-Person Limit	135.00	<u>145.00</u>	145.00
72-Person Limit	160.00	<u>170.00</u>	170.00



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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**CAMANCHE RESERVOIR - NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

**EQUESTRIAN - TURKEY HILL - 2 HORSES
PER SINGLE SITE - "NO OFFSEASON
DISCOUNTS"**

	<u>Current CY15</u>	<u>Proposed CY16</u>	<u>Proposed CY17</u>
<u>General Assembly Area</u>	<u>N/A</u>	<u>80.00</u>	80.00
<u>Turkey Hill Single</u>	<u>N/A</u>	<u>50.00</u>	50.00
<u>Turkey Hill Double</u>	<u>N/A</u>	<u>105.00</u>	105.00
<u>Turkey Hill Triple</u>	<u>N/A</u>	<u>125.00</u>	125.00
<u>Turkey Hill Quad</u>	<u>N/A</u>	<u>165.00</u>	165.00
<u>Entire Turkey Hill (includes assembly area)</u>	<u>N/A</u>	<u>590.00</u>	590.00

RV SITE

Nightly	48.00	48.00	48.00
Weekly	270.00	270.00	270.00
Monthly	500.00	500.00	500.00
Season (6-Month Max.)	1,850.00	1,850.00	1,850.00
6 night off-season use card (Off Season)	180.00	180.00	180.00
Premium Sites (Peak Season)	53.00	53.00	53.00
Premium Sites Weekly (Peak Season)	325.00	325.00	325.00
TOWING			
Camanche Recreation Area per hour	110.00	110.00	110.00

MISCELLANEOUS

Camanche Recreation Area Lake Tours	14.00	14.00	14.00
Holding Tank Pumping	75.00	<u>100.00</u>	100.00

COTTAGE/MOTEL GENERAL

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

COTTAGE (4-Person Base)

May - Sept:	Night	170.00	170.00	170.00
	Week	800.00	800.00	800.00
Oct-March:	Night	115.00	115.00	115.00
	Week	570.00	570.00	570.00
	Month	1,500.00	1,500.00	1,500.00

COTTAGES (6-Person Base)

May-Sept:	Night	215.00	215.00	215.00
	Week	935.00	935.00	935.00
Oct-April:	Night	150.00	150.00	150.00
	Week	700.00	700.00	700.00
	Month	1,250.00	1,250.00	1,250.00



SCHEDULE OF RATES AND CHARGES TO CUSTOMERS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

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CAMANCHE RESERVOIR - NORTH SHORE AND SOUTH SHORE RECREATION AREAS (continued)

<u>Current</u> <u>CY15</u>	<u>Proposed</u> <u>CY16</u>	<u>Proposed</u> <u>CY17</u>
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COTTAGES (10-Person Base)

May-Sept: Night	270.00		
Week	1,325.00		
Oct-April: Night	155.00		
Week	785.00		
Month	1,325.00		

MOTEL (TWIN)

May-Sept: Night	80.00	80.00	80.00
Week	400.00	400.00	400.00
Oct-April: Night	60.00	60.00	60.00
Week	300.00	300.00	300.00
Month	525.00	525.00	525.00

MOTEL (KING)

May-Sept: Night	99.00		
Week	480.00		
Oct-April: Night	79.00		
Week	390.00		
Month	650.00		

RESORT RENTAL (4 BEDROOM, 14 PERSON MAX)

<u>May-Sept:</u> Night	<u>N/A</u>	<u>315.00</u>	<u>325.00</u>
Week	N/A	1,575.00	1,625.00
<u>Oct-March:</u> Night	<u>N/A</u>	<u>155.00</u>	<u>155.00</u>
Week	N/A	785.00	785.00

MOBILE HOME (MONTHLY)

2 bedroom	CY14 Rate + HUD FMR	CY15 Rate + HUD FMR	CY16 Rate + HUD FMR
3 bedroom	CY14 Rate + HUD FMR	CY15 Rate + HUD FMR	CY16 Rate + HUD FMR
4 bedroom	CY14 Rate + HUD FMR		



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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**CAMANCHE RESERVOIR - NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

MOBILE HOME SPACES (MONTHLY)

North Shore 1A

Current Proposed Proposed
CY15 CY16 CY17

CY~~14~~ CY~~15~~ Rate CY~~16~~ Rate
Rate + HUD + HUD
+ HUD FMR FMR
FMR

North Shore 1B

CY~~14~~ CY~~15~~ Rate CY~~16~~ Rate
Rate + HUD + HUD
+ HUD FMR FMR
FMR

North Shore 2

CY~~14~~ CY~~15~~ Rate CY~~16~~ Rate
Rate + HUD + HUD
+ HUD FMR FMR
FMR

South Shore

CY~~14~~ CY~~15~~ Rate CY~~16~~ Rate
Rate + HUD + HUD
+ HUD FMR FMR
FMR

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

Guest Fee

75.00 75.00 75.00

Late Rent/Returned Check Fee

40.00 40.00 40.00

FACILITY RENTAL

Lakeside Hall Daily (hall only)

~~600.00~~ 650.00 700.00

Lakeside Hall Daily (kitchen & serviceware
included)

~~850.00~~ 925.00 1,000.00

Lakeside Hall Cleaning and Equipment Deposit

1,000.00 1,000.00 1,000.00

Camanche Clubhouse Rental Daily

150.00 150.00 150.00

Camanche Clubhouse Rental

100.00 100.00 100.00

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



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations.

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

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

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

Senior/Disabled/~~Former POW/Disabled Veterans~~ – 50% Discount on annual entry and boat launch fees, and on ~~non-weekend~~, non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

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

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

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

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

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

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

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

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



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations (continued).

Fishing access permits are valid until midnight of said day.

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

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

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

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

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

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



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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LAFAYETTE RECREATION AREA	<u>Current CY15</u>	<u>Proposed CY16</u>	<u>Proposed CY17</u>
ENTRY AND PARKING - CAR/MOTORCYCLE/SMALL VAN			
Daily	7.00	7.00	7.00
Annual (new; includes \$25 access card)	145.00	145.00	145.00
Annual (renewal, using existing access card)	120.00	120.00	120.00
Replacement access card (gate card)	25.00	25.00	25.00
Parking Meters ½ hour (may be increased up to a maximum rate of 0.75 per ½ hour prior to CY13)	.75	.75	.75
Senior/Disabled/ Former POW/Disabled Veteran Season (new)	105.00	105.00	105.00
Senior/Disabled/ Former POW/Disabled Veteran Season (renewal upon existing access card)	80.00	80.00	80.00
ENTRY AND PARKING LARGE VANS AND BUSES			
Large Vans - 10-20 Passengers	18.00	18.00	18.00
Buses – 21+ Passengers	33.00	33.00	33.00
DOG (no charge)			
COMMERCIAL USES (in addition to the base fee noted below, the Director of Water and Natural Resources may set an additional fee to recover District's direct costs plus overhead.)			
Commercial Use			
Small (up to 10 people)	100.00	100.00	100.00
Medium (from 11 to 50 people)	500.00	500.00	500.00
Large (from 51 to 150 people)	1,000.00	1,000.00	1,000.00
BOAT LAUNCH			
Daily	4.00	4.00	4.00
Annual	50.00	50.00	50.00
Boat Inspection Fee	6.00	6.00	6.00
FISHING ACCESS			
Daily	5.00	5.00	5.00
GROUP PICNIC			
Small Site (Weekend/Holiday)	200.00	200.00	200.00
Small Site (Weekday/Non-Holiday)	100.00	100.00	100.00
Large Site (Weekend/Holiday)	350.00	350.00	350.00
Large Site (Weekday/Non-Holiday)	175.00	175.00	175.00
Special Events Fee	500.00	500.00	500.00
	+ \$1/ participant	+ \$1/ participant	+ \$1/ participant



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Lafayette Reservoir – Discounts, Special Programs, Limitations.

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

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

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



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PARDEE RECREATION AREA

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

Daily/Nightly (Non-Camping)
Season
Combined Car/Boat Daily

<u>Current CY15</u>	<u>Proposed CY16</u>	<u>Proposed CY17</u>
9.00	<u>9.50</u>	<u>10.00</u>
104.00	<u>110.00</u>	<u>112.00</u>
15.00	<u>16.00</u>	<u>17.00</u>

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

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

20.00	<u>21.00</u>	<u>22.00</u>
35.00	<u>36.00</u>	<u>38.00</u>

DOG

4.00	<u>5.00</u>	5.00
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STANDARD BOAT LAUNCH

Daily (Weekend included)
Season

8.00	<u>8.50</u>	<u>9.00</u>
90.00	<u>95.00</u>	<u>100.00</u>

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

Daily
Season

4.00	<u>4.50</u>	<u>5.00</u>
40.00	<u>42.00</u>	<u>44.00</u>

BOAT MOORING

Monthly
Season

120.00	120.00	120.00
420.00	420.00	420.00

BOAT SLIP (excl. park entry)

Daily
Weekly
Monthly
Season
Season (concurrent with season RV)

9.00	<u>9.50</u>	9.50
43.50	<u>45.00</u>	45.00
132.00	<u>135.00</u>	135.00
660.00	<u>680.00</u>	680.00
610.00	<u>630.00</u>	630.00

FISHING ACCESS

Daily
Annual

5.00	<u>5.50</u>	<u>6.00</u>
140.00	<u>195.00</u>	195.00

MISCELLANEOUS

RV/Campsite Reservation Fee

9.00	<u>10.00</u>	10.00
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PARDEE RECREATION AREA (continued)

STANDARD CAMPSITE (w/vehicle parking)

	<u>Current</u> <u>CY15</u>	<u>Proposed</u> <u>CY16</u>	<u>Proposed</u> <u>CY17</u>
Nightly	24.00	<u>26.00</u>	<u>28.00</u>
Second Car Parking	12.00	<u>10.00</u>	<u>10.00</u>
Weekly	144.00	<u>156.00</u>	<u>168.00</u>
Second Car Parking	72.00	<u>60.00</u>	<u>60.00</u>

PREMIUM CAMPSITE (w/vehicle parking)

Nightly	27.00	<u>29.00</u>	<u>31.00</u>
Weekly	162.00	<u>174.00</u>	<u>186.00</u>

**CAMPSITE (walk-in/bicycle parking)
(8 person/8 bike maximum)**

Nightly	18.00	<u>20.00</u>	<u>22.00</u>
Weekly	108.00	<u>120.00</u>	<u>132.00</u>

DOUBLE CAMPSITE (16 people/ 2 vehicles)

Nightly	48.00	<u>50.00</u>	<u>52.00</u>
Third or Fourth Vehicle	12.00	<u>10.00</u>	<u>10.00</u>

RV SITE

Nightly	33.00	<u>36.00</u>	<u>38.00</u>
Weekly	198.00	<u>216.00</u>	<u>228.00</u>
Monthly	430.00	<u>490.00</u>	<u>500.00</u>
Season	2,350.00	<u>2,850.00</u>	<u>3,050.00</u>
Season – Premium Site	2,650.00	<u>2,950.00</u>	<u>3,150.00</u>

RV/TRAILER/BOAT STORAGE (Excl. park entry)

Weekly	26.00	<u>20.00</u>	<u>20.00</u>
Monthly	60.00	<u>60.00</u>	<u>60.00</u>
Season	480.00	<u>490.00</u>	<u>490.00</u>
Season – concurrent with season RV Site	430.00	<u>440.00</u>	<u>440.00</u>
<u>12 Month Consecutive</u>	<u>N/A</u>	<u>660.00</u>	<u>660.00</u>

TOWING

80.00	80.00	80.00
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RESERVABLE SITE/FACILITY (charges in addition to above fees)

Small (25 or less persons)	55.00	<u>58.00</u>	<u>60.00</u>
Medium (26-100 persons)	80.00	<u>85.00</u>	<u>90.00</u>
Large (101-150 persons)	110.00	<u>115.00</u>	<u>120.00</u>
Over 150 persons	220.00	<u>225.00</u>	<u>235.00</u>
Café/Pool Day Use Area (refundable deposit)	50.00	50.00	50.00



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PARDEE RESERVOIR - DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS.

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

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

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

Senior/Disabled/~~Former POW/Disabled Veterans~~ – 50% Discount on annual entry and boat launch fees, and on ~~non-weekend~~, non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

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

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

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

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

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

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

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

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

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

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

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



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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SAN PABLO RECREATION AREA	<u>Current CY15</u>	<u>Proposed CY16</u>	<u>Proposed CY17</u>
ENTRY AND PARKING – CAR/MOTORCYCLE/SMALL VAN			
Daily	7.00	7.00	7.00
Daily (Special Events)	5.00	5.00	5.00
Season	110.00	110.00	110.00
3-Month Season	36.00	36.00	36.00
ENTRY AND PARKING LARGE VANS AND BUSES			
Large Vans - 10-20 Passengers	22.00	22.00	22.00
Buses – 21+ Passengers	40.00	40.00	40.00
DOG	4.00	<u>2.00</u>	2.00
COMMERCIAL USE (in addition to the base fee noted below, the Director of Water and Natural Resources may set an additional fee to recover District's direct costs plus overhead.)			
Small (up to 10 people)	120.00	120.00	120.00
Medium (11 to 50 people)	600.00	600.00	600.00
Large (51 to 150 people)	1,200.00	1,200.00	1,200.00
STANDARD BOAT LAUNCH			
Daily	8.00	8.00	8.00
Season (Entry & Boat Launch)	163.00	163.00	163.00
3-Month Season (Entry & Boat)	62.00	62.00	62.00
Boat Inspection Fee	6.00	6.00	6.00
CARTOP BOAT LAUNCH (Float Tube, Kayak, Canoe, Scull)			
Daily	4.00	4.00	4.00
Season (Entry and Cartop Launch)	124.00	124.00	124.00
3-Month Season (Entry & Cartop Launch)	41.00	41.00	41.00
FISHING ACCESS			
Daily	5.00	5.00	5.00
GROUP PICNIC			
Large Sites (Oaks) daily	260.00	260.00	260.00
Large Sites (Pines) daily	260.00	<u>150.00</u>	150.00
GAZEBO	60.00	60.00	60.00
TOWING	65.00	<u>50.00</u>	50.00



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
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SAN PABLO RECREATION AREA (continued) VISITOR CENTER & DECK RENTAL	<u>Current CY15</u>	<u>Proposed CY16</u>	<u>Proposed CY17</u>
WEEKDAY EVENING VISITOR CENTER & DECK (Minimum charge for up to 3 hours)	250.00	250.00	250.00
Extra hours	70.00	70.00	70.00
WEEKEND EVENING VISITOR CENTER & DECK (Minimum charge for up to 5 hours)	400.00	400.00	400.00
Extra hours	70.00	70.00	70.00
Evening Event Cleaning and Damage Deposit			
Events ending before 7:00 pm	150.00	150.00	150.00
Events ending after 7:00 pm	350.00	350.00	350.00
WEEKDAY VISITOR CENTER & DECK (8:00am-4:00pm)	200.00	200.00	200.00
2 consecutive days	350.00	350.00	350.00
3 consecutive days	500.00	500.00	500.00
Daytime Event Cleaning and Damage Deposit	125.00	125.00	125.00



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SAN PABLO RESERVOIR – Discounts, Special Programs, Limitations.

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

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

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

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

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

Senior/Disabled/~~Former POW/Disabled Veterans~~ – 50% Discount on ~~annual~~seasonal, ~~6-month~~ and 3-month entry and boat launch fees, and on ~~non-weekend~~, non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

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

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



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WATERSHED TRAIL SYSTEM

Current Proposed Proposed
CY15 CY16 CY17

WATERSHED TRAILS

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

EXHIBIT D

Public Records Act Fee Schedule

FY16



PUBLIC RECORDS ACT FEE SCHEDULE

INTRODUCTION

The following Fee Schedule has been established by the ~~East Bay Municipal Utility~~ District to cover the costs for duplicating District documents, drawings, maps, recordings, and other records, as required by the Public Records Act.

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

CHARGES

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

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

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

Photocopies of non-District materials housed in the District Library or in other areas are charged at the same rate as District documents.

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

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

PAYMENT

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

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

**PUBLIC RECORDS ACT FEE SCHEDULE**

(Continued)

INSPECTION/DELIVERY/PICK UP

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

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

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

LEGAL COMPLIANCE OBLIGATIONS

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

CATEGORIES

This Fee Schedule covers the following categories of document types or formats:

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

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

**PUBLIC RECORDS ACT FEE SCHEDULE**

(Continued)

I. PAPER BASED RECORDS**A. GENERAL BUSINESS DOCUMENTS & ENGINEERING DRAWINGS**

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

Fee = Labor Cost (\$~~0.51~~ 0.52 per minute duplicating time)
+ Materials & Equipment Cost (e.g., cost per sheet or media)
+ Postage (if applicable)

- **Labor Costs:** Labor costs for duplication time is charged at the rate of \$0.51 per minute. Labor costs ~~are~~ is based on the labor rate of a clerical employee and is charged only for the actual time spent on duplication.
- **Material & Equipment:** The duplicating cost per sheet or media type is based on the actual cost of materials and equipment needed to reproduce documents. As detailed below, fees will vary depending on the type and size of documents and the method used for duplication.

1) Regular copies

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

2) Color copies

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

3) Facsimile copies within the continental U.S.

8-1/2 x 11 0.50/pg

**PUBLIC RECORDS ACT FEE SCHEDULE**

(Continued)

4) ENGINEERING DRAWINGS

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

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

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

B. PRINTED MAPS

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

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

C. BID DOCUMENTS FOR PUBLICLY BID PROJECTS

Copies of plans and specifications for publicly bid construction projects are available through the District's EBMUD's Specifications, Cost Estimating, and Engineering Standard Records (ESR) Section at a per set cost established as each project is issued for bid. The fee will

be based on the cost for duplication at the District's EBMUD's print shop or an outside copy service and postage, if applicable.

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

**PUBLIC RECORDS ACT FEE SCHEDULE**

(Continued)

Contract Documents are also available for viewing and downloading online at EBMUD's public website: www.ebmud.com, via the "Business Opportunities" and "Construction Bid Opportunities" Link.

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

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

II. ELECTRONICALLY STORED OR GENERATED DATA

The fees in this section apply to records stored electronically.

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

A. RECORDS THAT ALREADY EXIST

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

**Fee = Labor Cost (\$~~0.51~~0.52 per minute duplicating time)
Materials & Equipment Cost
+ Postage (if applicable)**

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

1) Digital copies – PDF Files of B-maps

Cost of Media:

▪ CD	\$ 3.05
▪ DVD	6.35
▪ Electronic transfer	N/C



PUBLIC RECORDS ACT FEE SCHEDULE
(Continued)

2) Maps on Demand

Cost per copy:

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

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

3) Other Electronic Records

Description	Charge Per Unit
- 8-1/2 x 11 (PC Printer)	\$0.09/pg
- CD	3.05/ea
- DVD	6.35/ea

B. RECORDS THAT DO NOT ALREADY EXIST

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

Fee = Labor Cost (\$~~0.96~~ 0.99 per minute production time)
+ Materials & Equipment Cost (rates specified in Section II.A)
+ Postage (if applicable)

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

**PUBLIC RECORDS ACT FEE SCHEDULE**

(Continued)

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

C. AUDIO CASSETTE TAPES

Regular meetings of the Board of Directors are recorded on audiotape. Copies of tapes are available upon request.

Fee = Labor Cost (\$~~0.51~~ 0.52 per minute duplicating time)
Cost per tape (90-minute cassette tape = \$1.68/tape)
+ Postage (if applicable)

D. COMPACT DISCS (CDs)

Fee = Labor Cost (\$~~0.51~~ 0.52 per minute duplicating time)
Cost per disc (CD-R Disc, Write-Once, 700MB, 80 Minute, 52X = \$3.05/disc)
+ Postage (if applicable)

E. DIGITAL VERSATILE DISCS (DVDs)

Fee = Labor Cost (\$~~0.51~~ 0.52 per minute duplicating time)
Cost per disc (DVD+R, 16X, Single Sided, 4.7 GB/120 Minutes = \$6.35/disc)
+ Postage (if applicable)

**DISTRICT PUBLICATIONS FEES**

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

- ~~MUD~~Municipal Utility District ACTct \$5.15
- Rules and Regulations (Customer Service Book) 8.12
- Water Conserving Plants and Landscape for the Bay Area (Water Conservation Section)
 - 1 – 4 copies (EBMUD pickup) 12.00
 - 1 – 4 copies (mailed) 15.00
 - 5 or more copies 11.00
- Its Name Was MUD 18.00
- Educational Materials (Outside of District's Service Area)
 - Teachers Guides
 - 1 – 50 copies \$2.00 each
 - 51 – 1,500 copies 1.75 each
 - Student Workbooks
 - 1 – 5,000 copies 0.50 each
 - 5,001 – 50,000 copies 0.43 each
 - Captain Hydro Posters
 - 1 – 1,000 copies 0.70 each
 - 1,001 and up 0.50 each
- Plants and Landscapes for Summer Dry Climates of the San Francisco Bay Region
 - Soft cover
 - \$34.95 each
 - District customer and employee \$24.95 each
 - Hardcover
 - 49.95 each
 - District customer and employee ~~39.95~~ 29.95 each
 - Wholesalers up to ~~55~~ 60% discount
 - Vendors up to ~~40~~ 50% discount

AGENDA NO.
MEETING DATE

June 9, 2015

TITLE WATER AND WASTEWATER SYSTEM BUDGETS FOR FISCAL YEAR 2016 and 2017☐ MOTION ☒ RESOLUTION ☐ ORDINANCE**RECOMMENDED ACTION**

Adopt, in accordance with the provisions of the Municipal Utility District Act, the Fiscal Year 2016 (FY16) and Fiscal Year 2017 (FY17) Operating and Capital Budgets for the Water and Wastewater Systems as recommended in the FY16 and FY17 Proposed Biennial Budget.

SUMMARY

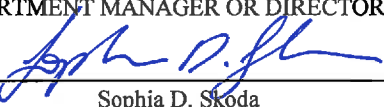

The recommended action will ensure that adequate funding is in place on July 1 of each fiscal year funding the highest priority activities of the District.

DISCUSSION

The FY16 and FY17 Proposed Budget appropriation is \$1.83 billion. Of that amount, \$1.71 billion is for water system and wastewater system operations, debt service, and the capital program. The remaining appropriation amount is the Water System drought contingency of \$126.3 million to manage the impacts of the extended drought. This drought appropriation includes funding for expenses such as purchasing, treating and delivering supplemental supplies, customer outreach, additional limited-term staff, and development of education materials for drought-related activities.

The FY16 and FY17 Proposed Biennial Budget was submitted to the Board of Directors on March 19, 2015. Subsequently, two workshops were held on March 24 and April 14 to review the proposed operating and capital budgets as well as rates and charges including a staged system of drought surcharges. On March 24, the Board requested that staff provide a sensitivity analysis regarding rates and charges in addition to responding to various questions raised during the workshop.

The proposed budget reflects regular rate increases and a staged system of temporary drought surcharges. The regular rate increases are 8.0% and 7.0% for the Water System, and 5.0% and 5.0% for the Wastewater System for Fiscal Years 2016 and 2017, respectively. The drought surcharges are up to 8%, 20%, and 25% for drought stages 2, 3, and 4, respectively. The system of drought surcharges applies to each unit of potable water consumed and may be applied in this or future droughts.

Funds Available FY16 and FY17		Budget Code:
DEPARTMENT SUBMITTING: Finance	DEPARTMENT MANAGER OR DIRECTOR:  Sophia D. Skoda	APPROVED:  General Manager

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

Water and Wastewater System Budgets For Fiscal Years 2016 and 2017
Board of Directors Meeting
June 9, 2015
Page 2

Implementation of the FY16 and FY17 Operating and Capital Budgets effective July 1 of each fiscal year assumes the adoption of rates and charges for FY16 and FY17 that provide adequate funding to support the budgets. The proposed budget resolution would adopt Operating and Capital Budgets for Fiscal Year 2016 and 2017 for both the Water and the Wastewater System. In compliance with Section 11891.5 of the Public Utilities Code, the FY16 and FY17 budget is shown in major groups of accounts as follows:

WATER SYSTEM:	<u>FY16</u>	<u>FY17</u>
Operating Budget	\$248,264,050	\$262,232,152
Debt Service	169,893,834	180,191,474
Capital Budget	<u>249,042,000</u>	<u>290,392,000</u>
Sub-Total Water System	\$667,199,884	\$732,815,626
Drought Contingency	<u>64,206,610</u>	<u>62,077,841</u>
Total Water System	<u>\$731,406,494</u>	<u>\$794,893,467</u>
WASTEWATER SYSTEM		
Operating Budget	\$65,448,427	\$70,717,054
Debt Service	33,692,738	33,955,928
Capital Budget	<u>70,536,000</u>	<u>32,583,000</u>
Total Wastewater System	<u>\$169,677,165</u>	<u>\$137,255,982</u>

The attached budget resolution authorizes certain actions and delegates certain powers to the General Manager and the Director of Finance to facilitate ongoing administration of the District budget. This includes the authority to appropriate and spend any grant funds awarded and to reimburse the District for capital expenditures from the proceeds of tax-exempt debt.

Attachment

ARC:SDS:JC

 
Office of General Counsel

RESOLUTION NO. _____

APPROVING THE BUDGET OF THE EAST BAY MUNICIPAL UTILITY DISTRICT
WATER AND WASTEWATER SYSTEMS FOR FY16 AND FY17 AND ESTABLISHING
THE TERMS AND CONDITIONS FOR THE PAYMENT OF
DEMANDS AGAINST THE DISTRICT

Introduced by Director

; Seconded by Director

WHEREAS, the General Manager has prepared an estimate of all expenditures necessary and advisable for the proper conduct of the activities of the East Bay Municipal Utility District and submitted the estimate to the Board of Directors in the Proposed Biennial Budget Fiscal Years 2016 – 2017 (“Proposed Biennial Budget”); and

WHEREAS, the Proposed Biennial Budget reflects proposed regular rate increases and a proposed staged system of temporary drought rates. The proposed regular rate increases are 8.0% and 7.0% for the Water System, and 5.0% and 5.0% for the Wastewater System for Fiscal Years 2016 and 2017, respectively. The proposed drought surcharges are up to 8%, 20%, and 25% for drought stages 2, 3, and 4, respectively, which would apply to each unit of potable water consumed; and

WHEREAS, workshops were held on March 24 and April 14, 2015, at which time the members of the Board of Directors and members of the public were provided an opportunity to review and ask questions about the recommended budget prepared by the General Manager; and

WHEREAS, the Board has considered all the oral and written information presented to it;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District as follows:

1. The budget for Fiscal Year 2016 and Fiscal Year 2017 presented by the General Manager is hereby approved and adopted as the Fiscal Year 2016 and Fiscal Year 2017 budget for the East Bay Municipal Utility District. Copies of the budget documents are on file in the Office of the Secretary and are made a part of this resolution as though set forth in full.

2. For the purposes of complying with Section 11891.5 of the Public Utilities Code, the Fiscal Year 2016 and Fiscal Year 2017 budget is expressed in major groups of accounts as indicated below. The following amounts are hereby appropriated for expenditure:

WATER SYSTEM:	<u>FY16</u>	<u>FY17</u>
Operating Budget	\$248,264,050	\$262,232,152
Debt Service	169,893,834	180,191,474
Capital Budget	<u>249,042,000</u>	<u>290,392,000</u>
Sub-Total Water System	\$667,199,884	\$732,815,626
Drought Contingency	<u>64,206,610</u>	<u>62,077,841</u>
Total Water System	<u>\$731,406,494</u>	<u>\$794,893,467</u>
WASTEWATER SYSTEM		
Operating Budget	\$65,448,427	\$70,717,054
Debt Service	33,692,738	33,955,928
Capital Budget	<u>70,536,000</u>	<u>32,583,000</u>
Total Wastewater System	<u>\$169,677,165</u>	<u>\$137,255,982</u>

3. The General Manager is authorized to approve the payment of demands against the District in Fiscal Year 2016, without further Board authorization, so long as the demands are incurred for purposes and within the amounts set forth in the projection of the District's operations set forth above with respect to Fiscal Year 2016. Projection of the District's operations with respect to Fiscal Year 2017 will be resubmitted to the Board in June 2016 for review and approval, consistent with Public Utilities Code Section 11891.5.
4. The General Manager is authorized for Fiscal Year 2016 and Fiscal Year 2017 to transfer funds between the Capital Budget and the Operating Budget in both the water and wastewater budgets as required, but not to exceed a variance of five percent and provided that the total budget for each of the two systems remains unchanged.
5. Subject to compliance with section 12751 of the Public Utilities Code, authority is hereby delegated to incur obligations for the purposes and within the amounts specified for such purposes in the budget hereby approved under such terms and conditions as the General Manager shall establish.

6. In order to provide for completion of work on projects authorized but not completed as of the close of the fiscal year, balances remaining at the close of Fiscal Year 2015 and Fiscal Year 2016, respectively, are hereby appropriated for expenditure in the subsequent fiscal year, in addition to the applicable fiscal year appropriations for capital and operating expenditures.
7. The Director of Finance is hereby authorized and directed to distribute the Fiscal Year 2016 and Fiscal Year 2017 appropriations to the various accounts of the District in accordance with generally accepted accounting practices and consistent with the purposes and objectives identified in the approved budget. The Director of Finance is further authorized to apply surplus revenues above the targeted reserve levels identified in the approved budget to retire currently outstanding bonds where it is cost-effective to do so, fund capital expenditures in Fiscal Year 2016 and Fiscal Year 2017, or set aside revenues in a restricted fund to fund capital expenditures. Directors and Department Head managers are authorized to transfer unexpended funds to other approved operations or capital projects, provided that the total Capital Budget and Operating Budget for the water and wastewater systems remain unchanged, except for the five percent variance authorized for the General Manager in this Resolution. An annual report of the transferred unexpended funds will be submitted by the Budget Office to the General Manager.
8. Any monies received during Fiscal Year 2016 and Fiscal Year 2017 as a consequence of a grant approved for acceptance by the Board of Directors are hereby appropriated for the purposes for which the grant has been approved. Such appropriation includes authorization for the General Manager to expend such monies and for the Director of Finance to make payments therefore in accordance with the terms and conditions and for the purposes of the grant.
9. The Board hereby declares the District's intent to reimburse itself with the proceeds of one or more issues of tax-exempt bonds, commercial paper notes or other indebtedness (collectively, the "Obligations") for a portion of the costs of the District's capital improvement program for its Water System and Wastewater System, as set forth in the budget for Fiscal Years 2016 and 2017. The maximum principal amount of the Obligations expected to be issued to finance the costs of such capital improvement program, as set forth in the District's capital budget is \$249.0 million in Fiscal Year 2016

and \$290.4 million in Fiscal Year 2017 in the Water System, and \$70.5 million for Fiscal Year 2016 and \$32.6 million in Fiscal Year 2017 for the Wastewater System.

ADOPTED this 9th day of June, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



15.

AGENDA NO. _____

MEETING DATE June 9, 2015TITLE FY16/17 POSITION RESOLUTION☐ MOTION _____ ☒ RESOLUTION _____ ☐ ORDINANCE _____**RECOMMENDED ACTION**

Adopt the Position Resolution for Fiscal Year 2016 to implement necessary staffing and classification changes.

SUMMARY

The recommended action will ensure that position changes funded in the FY16 budget and on the Board's agenda for consideration on June 9, 2015 are in place for implementation on July 1, 2015 and July 1, 2016.

DISCUSSION

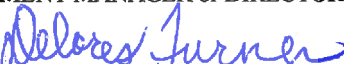

The Position Resolution reflects those staffing and classification changes requiring Board approval that will implement the update to the Operating and Capital Budget for FY16. Proposed staffing changes are consistent with the FY16/17 Strategic Plan goals and business plans to achieve them.

Exhibit A summarizes the number of estimated staff years and net change in overall staffing for each department for FY16 and FY17. Staffing needs for FY17 will be re-evaluated when Mid-Cycle Budget changes are considered in May 2016.

Exhibit B itemizes the specific additions, deletions, reallocations and flex-staffing changes to positions by organization in FY16.

Proposed staffing for FY16 is 2056 full-time equivalents (FTE), a net increase of 37 FTEs from FY15. The additions are necessary for staffing the Pipeline Infrastructure Renewal Program and for the drought.

Proposed staffing for FY17 is 2059 FTEs, a net increase of three FTEs from FY16.

Funds Available: FY16/17		Budget Code:
DEPARTMENT SUBMITTING <u>Human Resources</u>	DEPARTMENT MANAGER or DIRECTOR  Delores Turner	APPROVED  General Manager

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

The recommended staffing actions contained in Exhibits A and B are consistent with changes included in the proposed budget documents discussed at the Board Budget Workshop on March 24, 2015.

Following the March 24, 2015 Budget Workshop, changes were made to the proposed Position Resolution. The first change added three regular Water Distribution Plumber I/II/III positions instead of three TC Water Distribution Plumber I positions in Maintenance and Construction to help facilitate staffing for the Pipeline Infrastructure Renewal Program. The second change removed the proposed deletion of the LT Assistant Engineer and LT Wastewater Control Representative positions in Wastewater in order to utilize the positions in a different capacity.

Exhibit C includes the addition of new classes and the deletion of obsolete classes. Additions typically occur when current job classifications do not appropriately cover the existing or planned scope of work and the required knowledge, skills and abilities necessary to perform the scope of work. In FY16/17, three classes will be added: Risk Management Analyst, Business Development Representative and Human Resources Regulatory Coordinator. These classes are being added to more accurately reflect the duties of incumbents of these positions.

Deletions typically occur when the classifications are deemed no longer necessary to fulfill District business and/or are not being utilized. In FY16, six classes will be deleted: Audio/Visual Coordinator, Classification and Pay Administrator, Cost Estimator, Employee Transportation Coordinator and Organizational Development Specialist.

FISCAL IMPACT

The estimated FY16 net salary and benefit impact for staffing changes reflected in Exhibits A and B of this Position Resolution is a cost and fiscal impact of approximately \$1,971,634, in Water System. These amounts are included in the District's Proposed FY16 Operating and Capital budgets.

UNION NOTIFICATION

The proposed Position Resolution changes to union represented positions and classifications have been reviewed with Local 444, Local 2019 and Local 21. No staffing changes were proposed for positions or classifications represented by Local 39.

AFSCME Local 2019 objected to the deletion of a Water System Inspector position. The District explained that a position was being added that could perform a wider range of duties that include some of the duties performed by a Water System Inspector. The union was also notified of the District's decision to not delete two LT positions in Wastewater included for deletion in the Board's budget document included in the March 19th Board materials. To date, the union has not responded. The District will meet with the union if they raise any concerns.

AFSCME Local 444 objected to Water Distribution Plumber I positions being added as Temporary Construction (TC) status instead of Regular status positions. The District explained that the positions were being added to support the Pipeline Infrastructure Renewal Program and that the renewal program is a pilot to evaluate and determine methods and means to increase pipeline infrastructure

renewal over the long term. As such, the District planned to hire TC positions in the short term. Subsequent to when Local 444 was notified about filling the positions as TC positions, the District reconsidered and three of six positions are proposed to be staffed as Regular Water Distribution Plumber I/II/III positions. Local 444 has been notified and a meeting will be scheduled if the union has concerns regarding this change.

IFPTE Local 21 raised concerns regarding the titling of the proposed Business Development Representative classification. The District sent a response to their concern and is available to discuss any further concerns about the title.

ALTERNATIVE

Do not adopt the FY16/17 Position Resolution. This alternative is not recommended because it would prevent authorization of staffing changes that are critical to the accomplishment of the District's Strategic Plan and Capital Improvement Program as described in the Proposed Budgets for FY16/17.

Attachments

EXHIBIT "A"
SUMMARY OF STAFF CHANGES
(June 9, 2015)

Group/Department	FY15	FY16	FY17	FY16 Net Change	FY17 Recommended Staff Years ⁽²⁾	FY17 Net Change
	Amended Staff Years ⁽¹⁾	Recommended Staff Years ⁽²⁾				
ADMINISTRATION	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>0.0</u>	<u>2.0</u>	<u>0.0</u>
CUSTOMER AND COMMUNITY SERVICES	<u>142.5</u>	<u>154.5</u>	<u>156.5</u>	<u>12.0</u>	<u>156.5</u>	<u>2.0</u>
ENGINEERING AND CONSTRUCTION	<u>250.5</u>	<u>256.5</u>	<u>257.5</u>	<u>6.0</u>	<u>257.5</u>	<u>1.0</u>
FINANCE	<u>189.5</u>	<u>190.5</u>	<u>190.5</u>	<u>1.0</u>	<u>190.5</u>	<u>0.0</u>
Finance	97.5	97.5	97.5	0.0	97.5	0.0
Information Systems	92.0	93.0	93.0	1.0	93.0	0.0
HUMAN RESOURCES	<u>58.0</u>	<u>58.0</u>	<u>58.0</u>	<u>0.0</u>	<u>58.0</u>	<u>0.0</u>
OFFICE OF THE GENERAL COUNSEL	<u>17.0</u>	<u>17.0</u>	<u>17.0</u>	<u>0.0</u>	<u>17.0</u>	<u>0.0</u>
OFFICE OF THE GENERAL MANAGER	<u>26.5</u>	<u>25.5</u>	<u>25.5</u>	<u>-1.0</u>	<u>25.5</u>	<u>0.0</u>
MAINTENANCE AND CONSTRUCTION	<u>682.5</u>	<u>701.5</u>	<u>701.5</u>	<u>19.0</u>	<u>701.5</u>	<u>0.0</u>
OPERATIONS & MAINTENANCE SUPPORT	<u>50.0</u>	<u>50.0</u>	<u>50.0</u>	<u>0.0</u>	<u>50.0</u>	<u>0.0</u>
WATER OPERATIONS	<u>196.5</u>	<u>197.5</u>	<u>197.5</u>	<u>1.0</u>	<u>197.5</u>	<u>0.0</u>
WATER AND NATURAL RESOURCES	<u>107.5</u>	<u>107.5</u>	<u>107.5</u>	<u>0.0</u>	<u>107.5</u>	<u>0.0</u>
Water Resources	38.0	38.0	38.0	0.0	38.0	0.0
Natural Resources	69.5	69.5	69.5	0.0	69.5	0.0
WATER RECYCLING PROGRAM	<u>8.0</u>	<u>8.0</u>	<u>8.0</u>	<u>0.0</u>	<u>8.0</u>	<u>0.0</u>
WATER SYSTEM TOTAL	1730.5	1768.5	1771.5	38.0	1771.5	3.0
WASTEWATER	<u>288.5</u>	<u>287.5</u>	<u>287.5</u>	<u>-1.0</u>	<u>287.5</u>	<u>0.0</u>
DISTRICT-WIDE TOTAL IN FTEs ⁽³⁾	2019.0	2056.0	2059.0	37.0	2059.0	3.0

Notes ⁽¹⁾, ⁽²⁾, ⁽³⁾ - See page 2

EXHIBIT "A"
SUMMARY OF STAFF CHANGES
(June 9, 2015)

TOTAL POSITIONS AUTHORIZED BY TYPE OF STATUS	FY16		FY16		FY17	
	Positions	Net Change	Positions	Net Change	Positions	Net Change
Full-Time	1970	27	1971			1
Temporary	59	2	59			0
Part-Time	17	0	17			0
Intermittent	4	0	4			0
Temporary Construction and Limited-Term	45	9	47			2
DISTRICT-WIDE TOTAL IN POSITIONS⁽³⁾	2095	38	2098			3

Notes to Exhibit A:

- (1) Amended staffing applies mid-year Board actions, changes to the FY15 position Resolution under the General Manager's authority, position transfers, and administrative corrections.
- (2) Regular Full-Time, Temporary Construction, and Limited Term Positions = 1.0 staff year
Part-Time and Temporary = .5 staff year
Intermittent = .75 staff year
- (3) The District-wide full-time equivalent (FTE) total takes into account that temporary, part-time and intermittent positions are valued at less than 1.0 staff years each. The District-wide position total does not make that distinction.

EXHIBIT "B1"
FY16
POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)

Customer and Community Services

					Representation Change						
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
314	1.0	None	1.0 LT Associate Civil Engineer	76	1.0						Needed staffing to fulfill Automated Meter Reading Infrastructure (AMI) position in Water Conservation Master Plan implementation includes program management, information technology, product research and water demand analyses focused on water loss control, AMI strategic plan and complex commercial audits.
314/ 871	None	2.0 Water Conservation Representative	2.0 Water Conservation Representative / LT Water Conservation Representative	64	X						Needed for advance drought actions
325	1.0	None	1.0 New Business Representative I/II / LT New Business Representative I/II	62	1.0						Support needed during strong economic time and development and potential on-going projected work need.
338/ 873	None	1.0 Field Service Representative I/II	1.0 Field Service Representative I/II / LT Field Service Representative I/II	57	X						Needed for advance drought actions
871	1.0	None	1.0 LT Administrative Clerk	49	1.0						
871	2.0	None	2.0 LT Water Conservation Technician	57	2.0						
872	6.0	None	6.0 LT Customer Service Representative I	43	6.0						Needed for advance drought action. Limited Term position. (Positions to be funded 9 months only in a Fiscal Year 2016)
873	1.0	None	1.0 LT Field Service Representative I	53	1.0						

EXHIBIT "B1"

FY16

POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)**Engineering**

Representation Change						Explanation					
ORG	FTE Change	From	To	Monthly Salary Range	2019		444	21	39	MC	NR/ Exempt
534	-1.0	1.0 TC Associate Civil Engineer	None	76	-1.0						Mokelumne Aqueduct Interconnection Project Completion
534	1.0	None	1.0 Associate Civil Engineer	76	1.0						Large Diameter Pipeline and Aqueduct Replacement projects
535	-1.0	1.0 TC Associate Civil Engineer	None	76	-1.0						Mokelumne Aqueduct Interconnection Project Completion
535	1.0	None	1.0 Associate Civil Engineer	76	1.0						To support the 10 to 40 Pipeline Infrastructure Renewal Program
535	1.0	None	1.0 Sr. Pipeline Designer	71	1.0						To support the 10 to 40 Pipeline Infrastructure Renewal Program
555	1.0	None	1.0 Assistant Engineer / Jr. Engineer	72	1.0						Additional electrical engineering support needed on Pumping Plant Upgrades Program - Diablo Vista, Country Club, Schapiro, Road 24, Fay Hill, Encinal; and Reservoir Rehab Upgrades - Bacon, Mendocino, and Pearl; and Water Treatment Plant Upgrades projects
562	-1.0	1.0 TC Associate Civil Engineer	None	76	-1.0						Dam Safety Program
562	1.0	None	1.0 Associate Civil Engineer	76	1.0						
563	-1.0	1.0 Administrative Clerk	None	49	-1.0						Position no longer needed and has been vacant since 2007.
563	1.0	None	1.0 Sr. Administrative Clerk	55	1.0						To support the 10 to 40 Pipeline Infrastructure Renewal Program

EXHIBIT "B1"
FY16
POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)

Engineering

Representation Change											
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
572	-1.0	1.0 TC Sr. Construction Inspector / TC Assistant Engineer / TC Construction Inspector	None	72	-1.0						Increase in baseline work needed and continued projected need.
572	1.0	None	1.0 Assistant Engineer / Jr. Engineer / Sr. Construction Inspector	72	1.0						
572	1.0	None	1.0 Construction Inspector	67	1.0						
573	-1.0	1.0 TC Assistant Engineer / Jr. Engineer / Sr. Construction Inspector / Construction Inspector / Survey Technician III / Chief of Party	None	72	-1.0						Increase in baseline work needed and continued projected need.
577	1.0	None	1.0 Assistant Engineer / Jr. Engineer / Sr. Construction Inspector	72	1.0						
575	-1.0	1.0 TC Construction Inspector / Assistant Engineer / Sr. Construction Inspector	None	72	-1.0						Increase in baseline work needed and continued projected need.
575	1.0	None	1.0 Assistant Engineer / Jr. Engineer / Sr. Construction Inspector	72	1.0						

EXHIBIT "B1"

FY16

POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)

Engineering

ORG	FTE Change	From	To	Monthly Salary Range	Representation Change						Explanation
					2019	444	21	39	MC	NR/ Exempt	
576	-1.0	1.0 TC Sr. Construction Inspector / Assistant Engineer	None	72	-1.0						Increase in baseline work needed and continued projected need.
576	1.0	None	1.0 Assistant Engineer / Jr. Engineer / Sr. Construction Inspector	72	1.0						
577	1.0	None	1.0 Associate Civil/Electrical/Mechanical Engineer	76	1.0						To support the 10 to 40 Pipeline Infrastructure Renewal Program
577	1.0	None	1.0 Sr. Construction Inspector	71	1.0						
577	1.0	None	1.0 Construction Inspector	67	1.0						

Finance

ORG	FTE Change	From	To	Monthly Salary Range	Representation Change						Explanation
					2019	444	21	39	MC	NR/ Exempt	
202/ 220	None	1.0 Management Analyst I/II	1.0 Management Analyst I/II / LT Management Analyst I/II / Information Systems Administrator / LT Information Systems Administrator	73			X				FIS Project - flex existing position to assist with project; Fill only 6 mos in FY16.
202/ 220	None	1.0 Management Analyst I/II	1.0 Management Analyst I/II / LT Management Analyst I/II	69			X				

EXHIBIT "B1"
FY16
POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)

Finance

					Representation Change						
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
230	None	1.0 Administrative Clerk	1.0 Administrative Clerk / Information Systems Support Analyst I/II	70	X						MMIS Project - for Vendor Management Lead; Fill only 6 mos in FY16.
230	None	1.0 Purchasing Contract Supervisor	1.0 Purchasing Contract Supervisor / LT Purchasing Contract Supervisor	74			X				MMIS Project - flex existing positions for Purchasing Lead; Fill only 6 mos in FY16.
230	None	1.0 Stores Supervisor	1.0 Stores Supervisor / LT Stores Supervisor	76			X				MMIS Project - flex existing positions for Inventory Lead; Fill only 6 mos in FY16.

Information Systems

					Representation Change						
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
252	-1.0	1.0 Computer Operations Supervisor	None	69			-1.0				Position no longer needed and has been vacant since 2006.
252	1.0	None	1.0 Sr. Systems Programmer	75	1.0						Staffing needed management of business net-work servers
252	1.0	None	1.0 Sr. Systems Programmer	75	1.0						Staffing needed for security of control systems

EXHIBIT "B1"

FY16

POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)

Office of the General Manager

					Representation Change						Explanation
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	
116	-1.0	1.0 Administrative Clerk	None	49	-1.0						Workload efficiencies. Position is no longer needed and has been vacant since 2012.

Maintenance & Construction

					Representation Change						
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
736/ 741	None	1.0 Sr. Administrative Clerk	1.0 Sr. Administrative Clerk / LT Sr. Administrative Clerk / LT Administrative Clerk	55	X						Admin Support for 10 to 40 Pipeline Infrastructure Renewal project
741	-1.0	1.0 TC Pipeline Welder I/II/III	None	61		-1.0					Position was supporting East Bayshore Recycled Water Project; hasn't been filled since 2005.
741	5.0	None	5.0 TC Water Distribution Plumber I	51		5.0					Water Distribution Plumber TC Labor Pool – 10 to 40
746	1.0	None	1.0 Administrative Clerk	49	1.0						
746	2.0	None	2.0 General Pipe Supervisor	72			2.0				
746	2.0	None	2.0 Heavy Transport Operator	58		2.0					
746	4.0	None	4.0 Heavy Equipment Operator	60		4.0					2 Add'l Pipeline Crews – Infrastructure Renewal Project
746	3.0	None	3.0 TC Water Distribution Plumber I	51		3.0					
746	3.0	None	3.0 Water Distribution Plumber I/II/III	59		3.0					

EXHIBIT "B1"

FY16

POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)

Water Operations

					Representation Change						
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
762	-1.0	1.0 Water System Inspector II	None	62	-1.0						Current Water System Inspector II position is vacant and no longer needed.
762	1.0	None	1.0 Treatment Plant Specialist	62		1.0					Business need for this classification based on projected work.
772	1.0	None	1.0 Associate Electrical Engineer / Associate Control System Engineer	76	1.0						Add to implement the Honeywell Experion DCS system which will be implemented at all the water treatment plants. Work at Orinda WTP is underway and the system at Walnut Creek WTP will be upgraded. The DCS systems will require additional staff resources to maintain.

EXHIBIT "B1"

FY16

POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)**Wastewater**

Representation Change										
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt
900	-1.0	1.0 Administrative Services Supervisor	None	61			-1.0			Position is no longer needed and has been vacant since 2009
911	1.0	None	2.0 Temp Gardener I/II	52						Utilize resource in a manner consistent with the seasonal nature of the work.
926	-1.0	1.0 TC Sr. Civil Engineering	None	82			-1.0			Work on joint wastewater implementation study for the Richmond wastewater services project has been completed. This TC position is to be deleted in FY16
927	-1.0	1.0 TC Sr. Construction Inspector	None	71	-1.0					Position is no longer needed and has been vacant since 2012.
942	1.0	None	1.0 Wastewater Control Inspector I/II	62	1.0					Position need to replace loaned position (re-turned to Water Conservation) to continue performing work. Position was originally loaned to support expansion of the Regional Private Sewer lateral program to Albany and Alameda, a 20% increase in workload.
Total FY16 Representation Change					20.0	20.0	-2.0	0.0	0.0	0.0

Notes to Exhibit B1:

1. "X" in the "Representation Change" column indicates no change

EXHIBIT "B2"
FY17
POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)

Customer and Community Services

				Representation Change							
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
314	1.0	None	1.0 LT Water Conservation Representative	64	1.0						Needed for advance drought actions
314	1.0	None	1.0 LT Water Conservation Technician	57	1.0						

Water Operations

Representation Change											
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
772	1.0	None	1.0 Associate Electrical Engineer / Associate Control Systems Engineer	76	1.0						Add Associate Electrical Engineer flexed with an Associate Control System Engineer to implement and maintain cyber security for the industrial control systems (ICS) (such as SCADA) identified as part of the current cyber security vulnerability assessment.
Total FY17 Representation Change					3.0	0.0	0.0	0.0	0.0	0.0	

EXHIBIT “C”
FY16 – FY17
CLASSIFICATION PLAN CHANGES
(June 9, 2015)

CLASSIFICATION ADDITIONS

Class Code	Class Title	Monthly Salary Range	Rep. Unit	Explanation
4717	Risk Management Analyst	R 73 (\$8,475 - \$9,811)	21	New classification more appropriately reflect the assigned duties of the position
4719	Business Development Representative	R 69 (\$7,679 - \$8,889)	21	New classification more appropriately reflect the assigned duties of the position
4615	Human Resources Regulatory Coordinator	MSP 77 (\$8,331 - \$12,033)	MGR	New classification more appropriately reflect the assigned duties of the position

CLASSIFICATION DELETIONS

Class Code	Class Title	Monthly Salary Range	Rep. Unit	Explanation
4638	Audio/Visual Coordinator	R 74 (\$8,688 - \$10,057)	21	Classification is obsolete and has been not been used since 1995
4623	Classification and Pay Administrator	R 77 (\$8,331 – \$12,033)	CNF	Classification is obsolete and has been vacant since 2011
4172	Cost Estimator	R 76 (\$8,694 - \$10,567)	2019	Classification is obsolete and has been not been used since 2002
2589	Employee Transportation Coordinator	R 59 (\$5,713 - \$6,945)	2019	Classification has never been used/filled
4639	Organizational Development Specialist	MSP 81 (\$9,191-13,276)	MGR	Classification has never been used/filled

OTHER CLASSIFICATION PLAN CHANGES

FROM		TO		Rep Unit	Explanation
Class Code	Class Title	Salary Range	Class Title		
1590	Affirmative Action Officer	MSP 77 (\$8,331 - \$12,033)	Diversity and Inclusion Officer	MSP 77 (\$8,331 - \$12,033)	Title more accurately reflects the duties of the class
4865	Senior HRIS Analyst	R 74 (\$8,688 - \$10,057)	Senior HRIS Analyst	MSP 73 (\$7,545 - \$10,899)	Moving to Management Salary Plan (MSP) range 73 from Step range 74. Compensation needs to be changed as the duties of the position have evolved such that MSP range is more appropriate to the class

RESOLUTION NO. _____

AUTHORIZING THE NUMBER AND CHARACTER OF POSITIONS
AND AUTHORIZING THE GENERAL MANAGER TO TAKE
ACTION IN CONNECTION THEREWITH

Introduced by Director

; Seconded by Director

WHEREAS, the Board of Directors of the East Bay Municipal Utility District is charged with the responsibility to determine and create the number and character of positions required to carry on the functions of the District; and

WHEREAS, the General Manager has filed a report with the Board of Directors recommending that 2,056 full-time equivalent (FTE) positions be authorized to carry on the functions of the District in Fiscal Year 2016 and 2,059 FTE positions be authorized to carry on the functions of the District in Fiscal Year 2017;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District as follows:

1. That 2,056 FTE positions be and hereby are authorized for Fiscal Year 2016 and 2,059 FTE positions be and hereby are authorized for Fiscal Year 2017, and that said positions are hereby converted, reallocated, created, deleted, and/or flexibly staffed in accordance with Exhibits A, B1, B2 and C, which are attached hereto and incorporated herein by this reference, and that the character of the positions (Full-Time Civil Service, Full-Time Civil Service Exempt, Limited Term, Temporary Construction, Temporary, Intermittent, and Part-Time) so authorized shall be as set forth in said exhibits.
2. That the necessary amounts for salaries and benefits for the positions authorized in Section 1 of this Resolution for Fiscal Year 2016 and Fiscal Year 2017, which include the classification plan changes set forth in Exhibit C, are hereby authorized and appropriated, and that the salary schedules and monthly salary or wage rates for the positions authorized in this Resolution are approved.
3. That the Board of Directors hereby authorizes the General Manager to determine the specific classification and organizational placement within the District for each of the authorized positions and authorizes the General Manager to reallocate, flexibly staff, reassign and/or transfer said existing positions and personnel within the District, provided that (1) the total number of positions that are represented remains unchanged for each fiscal year; (2) the character of the positions as enumerated above and as set forth in Exhibits A, B1, B2 and C is not changed provided, however, that the General Manager is authorized to flexibly staff regular full-time civil service positions with intermittent civil service positions consistent with procedures adopted by the General Manager for that purpose; (3) the total approved salaries and benefits for Fiscal Year 2016 and Fiscal Year 2017 are not exceeded; (4) this authority is exercised in accordance with applicable District rules, regulations, policies and procedures, including those adopted to implement

the District's civil service system set forth at section 12051 *et seq.* of the Municipal Utility District Act and any applicable provisions of relevant Memoranda of Understanding between the District and AFSCME Local 444, AFSCME Local 2019, IFPTE Local 21, and Stationary Engineers Local 39; and (5) the General Manager post notice of such proposed changes in a conspicuous place at the District, and also notify the Board of Directors, AFSCME Local 444, AFSCME Local 2019, IFPTE Local 21, and Stationary Engineers Local 39 of such proposed changes at least seven (7) calendar days prior to making any such change.

4. That the continuing operational need for any and all Limited Term and Temporary Construction positions included in the budget for Fiscal Year 2016 and Fiscal Year 2017 be evaluated and reported on by departments as part of their budget request for Fiscal Year 2016 and Fiscal Year 2017. Departments are responsible for ensuring that Limited Term and Temporary Construction positions are terminated at the end of their assigned project and are not reassigned without obtaining approval from the General Manager and the Board.
5. That Resolution No. 33990-14, and Resolution No. 33936-13, as amended and all other resolutions or motions or parts thereof in conflict with this Resolution are revoked, provided that the authority of the General Manager or the General Manager's designee to create special replacement positions (Section 4, Resolution No. 30950-84; Section 3, Resolution No. 31904-87, and Section 4, Resolution No. 32084-88 as amended by Resolution No. 33425-04) and to transfer functions and positions (Section 5, Resolution No. 30950-84) and to approve special replacement positions/classifications for Limited Term and Temporary Construction positions (Section 3, Resolution No. 31303-85) and to temporarily replace full-time employees who are absent or are on approved leave as a result of participation in the District's drug and alcohol testing program, not to exceed a maximum of six (6) months and in accordance with applicable District Civil Service Rules (Section 8, Resolution No. 32926-96) and to designate the classification, organizational assignment, duration, and appointments for up to ten (10) Workforce Transition (WT) positions to mitigate near term retirements (Resolution 33678-08) in accordance with applicable District Civil Service Rules shall remain in full force and effect.

BE IT FURTHER RESOLVED by the Board of Directors of the East Bay Municipal Utility District that, in accordance with Exhibit C, attached hereto and incorporated herein:

1. The classification of Risk Management Analyst shall be created and added; and
2. The classification of Business Development Representative shall be created and added; and
3. The classification of Human Resources Regulatory Coordinator shall be created and added; and

4. The classifications of Audio/Visual Coordinator, Classification and Pay Administrator, Cost Estimator, Employee Transportation Coordinator, and Organizational Development Specialist shall be deleted; and
5. The classification title of Affirmative Action Officer shall be changed to Diversity and Inclusion Officer; and
6. The Management Salary Plan Range for the Senior HRIS Analyst classification shall be changed from Step Range 74 to Step Range 73.

BE IT FURTHER RESOLVED that this Resolution shall become effective July 1, 2015.

ADOPTED this 9th day of June, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

EXHIBIT "A"
SUMMARY OF STAFF CHANGES
(June 9, 2015)

Group/Department	FY15	FY16	FY16	FY16	FY17	FY17
	Amended Staff Years ⁽¹⁾	Recommended Staff Years ⁽²⁾	Recommended Staff Years ⁽²⁾	Net Change	Recommended Staff Years ⁽²⁾	Net Change
ADMINISTRATION	<u>2.0</u>	<u>2.0</u>		<u>0.0</u>	<u>2.0</u>	<u>0.0</u>
CUSTOMER AND COMMUNITY SERVICES	<u>142.5</u>	<u>154.5</u>		<u>12.0</u>	<u>156.5</u>	<u>2.0</u>
ENGINEERING AND CONSTRUCTION	<u>250.5</u>	<u>256.5</u>		<u>6.0</u>	<u>257.5</u>	<u>1.0</u>
FINANCE	<u>189.5</u>	<u>190.5</u>		<u>1.0</u>	<u>190.5</u>	<u>0.0</u>
Finance	97.5	97.5		0.0	97.5	0.0
Information Systems	92.0	93.0		1.0	93.0	0.0
HUMAN RESOURCES	<u>58.0</u>	<u>58.0</u>		<u>0.0</u>	<u>58.0</u>	<u>0.0</u>
OFFICE OF THE GENERAL COUNSEL	<u>17.0</u>	<u>17.0</u>		<u>0.0</u>	<u>17.0</u>	<u>0.0</u>
OFFICE OF THE GENERAL MANAGER	<u>26.5</u>	<u>25.5</u>		<u>-1.0</u>	<u>25.5</u>	<u>0.0</u>
MAINTENANCE AND CONSTRUCTION	<u>682.5</u>	<u>701.5</u>		<u>19.0</u>	<u>701.5</u>	<u>0.0</u>
OPERATIONS & MAINTENANCE SUPPORT	<u>50.0</u>	<u>50.0</u>		<u>0.0</u>	<u>50.0</u>	<u>0.0</u>
WATER OPERATIONS	<u>196.5</u>	<u>197.5</u>		<u>1.0</u>	<u>197.5</u>	<u>0.0</u>
WATER AND NATURAL RESOURCES	<u>107.5</u>	<u>107.5</u>		<u>0.0</u>	<u>107.5</u>	<u>0.0</u>
Water Resources	38.0	38.0		0.0	38.0	0.0
Natural Resources	69.5	69.5		0.0	69.5	0.0
WATER RECYCLING PROGRAM	<u>8.0</u>	<u>8.0</u>		<u>0.0</u>	<u>8.0</u>	<u>0.0</u>
WATER SYSTEM TOTAL	<u>1730.5</u>	<u>1768.5</u>		<u>38.0</u>	<u>1771.5</u>	<u>3.0</u>
WASTEWATER	<u>288.5</u>	<u>287.5</u>		<u>-1.0</u>	<u>287.5</u>	<u>0.0</u>
DISTRICT-WIDE TOTAL IN FTEs⁽³⁾	<u>2019.0</u>	<u>2056.0</u>		<u>37.0</u>	<u>2059.0</u>	<u>3.0</u>

Notes⁽¹⁾, (2), (3) - See page 2

EXHIBIT "A"
SUMMARY OF STAFF CHANGES
(June 9, 2015)

TOTAL POSITIONS AUTHORIZED BY TYPE OF STATUS	FY16		FY16		FY17	
	Positions	Net Change	Positions	Net Change	Positions	Net Change
Full-Time	1970	27	1971	1		
Temporary	59	2	59	0		
Part-Time	17	0	17	0		
Intermittent	4	0	4	0		
Temporary Construction and Limited-Term	45	9	47	2		
DISTRICT-WIDE TOTAL IN POSITIONS⁽³⁾	2095	38	2098	3		

Notes to Exhibit A:

- (1) Amended staffing applies mid-year Board actions, changes to the FY15 position Resolution under the General Manager's authority, position transfers, and administrative corrections.
- (2) Regular Full-Time, Temporary Construction, and Limited Term Positions = 1.0 staff year
Part-Time and Temporary = .5 staff year
Intermittent = .75 staff year
- (3) The District-wide full-time equivalent (FTE) total takes into account that temporary, part-time and intermittent positions are valued at less than 1.0 staff years each. The District-wide position total does not make that distinction.

POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)

Customer and Community Services

ORG	FTE Change	From	To	Monthly Salary Range	Representation Change						Explanation
					2019	444	21	39	MC	NR/ Exempt	
314	1.0	None	1.0 LT Associate Civil Engineer	76	1.0						Needed staffing to fulfill Automated Meter Reading Infrastructure (AMI) position in Water Conservation Master Plan implementation includes program management, information technology, product research and water demand analyses focused on water loss control, AMI strategic plan and complex commercial audits.
314/ 871	None	2.0 Water Conservation Representative	2.0 Water Conservation Representative / LT Water Conservation Representative	64	X						Needed for advance drought actions
325	1.0	None	1.0 New Business Representative I/II / LT New Business Representative I/II	62	1.0						Support needed during strong economic time and development and potential on-going projected work need.
338/ 873	None	1.0 Field Service Representative I/II	1.0 Field Service Representative I/II / LT Field Service Representative I/II	57	X						
871	1.0	None	1.0 LT Administrative Clerk	49	1.0						Needed for advance drought actions
871	2.0	None	2.0 LT Water Conservation Technician	57	2.0						
872	6.0	None	6.0 LT Customer Service Representative I	43	6.0						
873	1.0	None	1.0 LT Field Service Representative I	53	1.0						Needed for advance drought action. Limited Term position. (Positions to be funded 9 months only in a Fiscal Year 2016)

EXHIBIT "B1"

FY16

POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)

Engineering

ORG	FTE Change	From	To	Monthly Salary Range	Representation Change						Explanation
					2019	444	21	39	MC	NR/ Exempt	
534	-1.0	1.0 TC Associate Civil Engineer	None	76	-1.0						Mokelumne Aqueduct Interconnection Project Completion
534	1.0	None	1.0 Associate Civil Engineer	76	1.0						Large Diameter Pipeline and Aqueduct Replacement projects
535	-1.0	1.0 TC Associate Civil Engineer	None	76	-1.0						Mokelumne Aqueduct Interconnection Project Completion
535	1.0	None	1.0 Associate Civil Engineer	76	1.0						To support the 10 to 40 Pipeline Infrastructure Renewal Program
535	1.0	None	1.0 Sr. Pipeline Designer	71	1.0						To support the 10 to 40 Pipeline Infrastructure Renewal Program
555	1.0	None	1.0 Assistant Engineer / Jr. Engineer	72	1.0						Additional electrical engineering support needed on Pumping Plant Upgrades Program - Diablo Vista, Country Club, Schapiro, Road 24, Fay Hill, Encinal; and Reservoir Rehab Upgrades - Bacon, Mendocino, and Peart; and Water Treatment Plant Upgrades projects
562	-1.0	1.0 TC Associate Civil Engineer	None	76	-1.0						Dam Safety Program
562	1.0	None	1.0 Associate Civil Engineer	76	1.0						
563	-1.0	1.0 Administrative Clerk	None	49	-1.0						Position no longer needed and has been vacant since 2007.
563	1.0	None	1.0 Sr. Administrative Clerk	55	1.0						To support the 10 to 40 Pipeline Infrastructure Renewal Program

EXHIBIT "B1"

FY16

POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)**Engineering**

				Representation Change							
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
572	-1.0	1.0 TC Sr. Construction Inspector / TC Assistant Engineer / TC Construction Inspector	None	72	-1.0						Increase in baseline work needed and continued projected need.
572	1.0	None	1.0 Assistant Engineer / Jr. Engineer / Sr. Construction Inspector	72	1.0						
572	1.0	None	1.0 Construction Inspector	67	1.0						
573	-1.0	1.0 TC Assistant Engineer / Jr. Engineer / Sr. Construction Inspector / Construction Technician I/II / Chief of Party	None	72	-1.0						Increase in baseline work needed and continued projected need.
577	1.0	None	1.0 Assistant Engineer / Jr. Engineer / Sr. Construction Inspector	72	1.0						
575	-1.0	1.0 TC Construction Inspector / Assistant Engineer / Sr. Construction Inspector	None	72	-1.0						Increase in baseline work needed and continued projected need.
575	1.0	None	1.0 Assistant Engineer / Jr. Engineer / Sr. Construction Inspector	72	1.0						

EXHIBIT "B1"

FY16

POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)

Engineering

ORG	FTE Change	From	To	Monthly Salary Range	Representation Change						Explanation
					2019	444	21	39	MC	NR/ Exempt	
576	-1.0	1.0 TC Sr. Construction Inspector / Assistant Engineer	None	72	-1.0						Increase in baseline work needed and continued projected need.
576	1.0	None	1.0 Assistant Engineer / Jr. Engineer / Sr. Construction Inspector	72	1.0						
577	1.0	None	1.0 Associate Civil/Electrical/Mechanical Engineer	76	1.0						To support the 10 to 40 Pipeline Infrastructure Renewal Program
577	1.0	None	1.0 Sr. Construction Inspector	71	1.0						
577	1.0	None	1.0 Construction Inspector	67	1.0						

Finance

ORG	FTE Change	From	To	Monthly Salary Range	Representation Change						Explanation
					2019	444	21	39	MC	NR/ Exempt	
202/ 220	None	1.0 Management Analyst I/II	1.0 Management Analyst I/II / LT Management Analyst I/II / Information Systems Administrator	73			X				FIS Project - flex existing position to assist with project; Fill only 6 mos in FY16.
202/ 220	None	1.0 Management Analyst I/II	1.0 Management Analyst I/II / LT Management Analyst I/II	69			X				

POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)

Finance

Representation Change											
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
230	None	1.0 Administrative Clerk	1.0 Administrative Clerk / Information Systems Support Analyst I/II	70	X						MMIS Project - for Vendor Management Lead; Fill only 6 mos in FY16.
230	None	1.0 Purchasing Contract Supervisor	1.0 Purchasing Contract Supervisor / LT Purchasing Contract Supervisor	74			X				MMIS Project - flex existing positions for Purchasing Lead; Fill only 6 mos in FY16.
230	None	1.0 Stores Supervisor	1.0 Stores Supervisor / LT Stores Supervisor	76			X				MMIS Project - flex existing positions for Inventory Lead; Fill only 6 mos in FY16.

Information Systems

Representation Change											
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
252	-1.0	1.0 Computer Operations Supervisor	None	69			-1.0				Position no longer needed and has been vacant since 2006.
252	1.0	None	1.0 Sr. Systems Programmer	75	1.0						Staffing needed management of business network servers
252	1.0	None	1.0 Sr. Systems Programmer	75	1.0						Staffing needed for security of control systems

POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)

Office of the General Manager

ORG	FTE Change	From	To	Monthly Salary Range	Representation Change						Explanation
					2019	444	21	39	MC	NR/ Exempt	
116	-1.0	1.0 Administrative Clerk	None	49	-1.0						Workload efficiencies. Position is no longer needed and has been vacant since 2012.

Maintenance & Construction

ORG	FTE Change	From	To	Monthly Salary Range	Representation Change						Explanation
					2019	444	21	39	MC	NR/ Exempt	
736/ 741	None	1.0 Sr. Administrative Clerk	1.0 Sr. Administrative Clerk / LT Sr. Administrative Clerk / LT Administrative Clerk	55	X						Admin Support for 10 to 40 Pipeline Infrastructure Renewal project
741	-1.0	1.0 TC Pipeline Welder I/II/III	None	61		-1.0					Position was supporting East Bayshore Recycled Water Project; hasn't been filled since 2005.
741	5.0	None	5.0 TC Water Distribution Plumber I	51		5.0					Water Distribution Plumber TC Labor Pool - 10 to 40
746	1.0	None	1.0 Administrative Clerk	49	1.0						
746	2.0	None	2.0 General Pipe Supervisor	72			2.0				
746	2.0	None	2.0 Heavy Transport Operator	58		2.0					
746	4.0	None	4.0 Heavy Equipment Operator	60		4.0					2 Add'l Pipeline Crews - Infrastructure Renewal Project
746	3.0	None	3.0 TC Water Distribution Plumber I	51		3.0					
746	3.0	None	3.0 Water Distribution Plumber I/II/III	59		3.0					

EXHIBIT "B1"

FY16

POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)**Water Operations**

				Representation Change							
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
762	-1.0	1.0 Water System Inspector II	None	62	-1.0						Current Water System Inspector II position is vacant and no longer needed.
762	1.0	None	1.0 Treatment Plant Specialist	62		1.0					Business need for this classification based on projected work.
772	1.0	None	1.0 Associate Electrical Engineer / Associate Control System Engineer	76	1.0						Add to implement the Honeywell Experion DCS system which will be implemented at all the water treatment plants. Work at Orinda WTP is underway and the system at Walnut Creek WTP will be upgraded. The DCS systems will require additional staff resources to maintain.

EXHIBIT "B1"

FY16

POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)**Wastewater**

				Representation Change							
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
900	-1.0	1.0 Administrative Services Supervisor	None	61			-1.0				Position is no longer needed and has been vacant since 2009
911	1.0	None	2.0 Temp Gardener I/II	52						1.0	Utilize resource in a manner consistent with the seasonal nature of the work.
926	-1.0	1.0 TC Sr. Civil Engineering	None	82			-1.0				Work on joint wastewater implementation study for the Richmond wastewater services project has been completed. This TC position is to be deleted in FY16
927	-1.0	1.0 TC Sr. Construction Inspector	None	71	-1.0						Position is no longer needed and has been vacant since 2012.
942	1.0	None	1.0 Wastewater Control Inspector I/II	62	1.0						Position need to replace loaned position (re-turned to Water Conservation) to continue performing work. Position was originally loaned to support expansion of the Regional Private Sewer lateral program to Albany and Alameda, a 20% increase in workload.
Total FY16 Representation Change					20.0	20.0	-2.0	0.0	0.0	0.0	

Notes to Exhibit B1:

1. "X" in the "Representation Change" column indicates no change

**POSITION ADDITIONS/DELETIONS/CONVERSIONS/REALLOCATIONS/FLEX STAFFING
(June 9, 2015)**

Customer and Community Services

		Representation Change				Monthly Salary Range	To	From	FTE Change					Explanation
ORG		2019	444	21	39	MC	NR/ Exempt							
314	1.0	1.0						None		64	1.0 LT Water Conservation Representative			
314	1.0	1.0						None		57	1.0 LT Water Conservation Technician			Needed for advance drought actions

Water Operations

		Representation Change				Monthly Salary Range	To	From	FTE Change					Explanation
ORG		2019	444	21	39	MC	NR/ Exempt							
772	1.0	1.0						None		76	1.0 Associate Electrical Engineer / Associate Control Systems Engineer			Add Associate Electrical Engineer flexed with an Associate Control System Engineer to implement and maintain cyber security for the industrial control systems (ICS) (such as SCADA) identified as part of the current cyber security vulnerability assessment.
Total FY17 Representation Change		3.0	0.0	0.0	0.0	0.0	0.0							

EXHIBIT "C"
FY16 – FY17
CLASSIFICATION PLAN CHANGES
(June 9, 2015)

CLASSIFICATION ADDITIONS

Class Code	Class Title	Monthly Salary Range	Rep. Unit	Explanation
4717	Risk Management Analyst	R 73 (\$8,475 - \$9,811)	21	New classification more appropriately reflect the assigned duties of the position
4719	Business Development Representative	R 69 (\$7,679 - \$8,889)	21	New classification more appropriately reflect the assigned duties of the position
4615	Human Resources Regulatory Coordinator	MSP 77 (\$8,331 - \$12,033)	MGR	New classification more appropriately reflect the assigned duties of the position

CLASSIFICATION DELETIONS

Class Code	Class Title	Monthly Salary Range	Rep. Unit	Explanation
4638	Audio/Visual Coordinator	R 74 (\$8,688 - \$10,057)	21	Classification is obsolete and has been not been used since 1995
4623	Classification and Pay Administrator	R 77 (\$8,331 - \$12,033)	CNF	Classification is obsolete and has been vacant since 2011
4172	Cost Estimator	R 76 (\$8,694 - \$10,567)	2019	Classification is obsolete and has been not been used since 2002
2589	Employee Transportation Coordinator	R 59 (\$5,713 - \$6,945)	2019	Classification has never been used/filled
4639	Organizational Development Specialist	MSP 81 (\$9,191-13,276)	MGR	Classification has never been used/filled

OTHER CLASSIFICATION PLAN CHANGES

FROM		TO		Rep Unit	Explanation
Class Code	Class Title	Salary Range	Class Title		
1590	Affirmative Action Officer	MSP 77 (\$8,331 - \$12,033)	Diversity and Inclusion Officer	MSP 77 (\$8,112 - \$12,033)	Title more accurately reflects the duties of the class
4865	Senior HRIS Analyst	R 74 (\$8,688 - \$10,057)	Senior HRIS Analyst	MSP 73 (\$7,545 - \$10,899)	Moving to Management Salary Plan (MSP) range 73 from Step range 74. Compensation needs to be changed as the duties of the position have evolved such that MSP range is more appropriate to the class



AGENDA NO.
MEETING DATE

16.1-16.2
June 9, 2015

TITLE **FARIA PRESSURE ZONE IMPROVEMENTS PROJECT**

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTIONS

- Adopt findings and the Mitigation Monitoring and Reporting Program (MMRP), as a Responsible Agency, under the California Environmental Quality Act (CEQA) for the Faria Pressure Zone Improvements Project.
- Approve the major new water facilities needed to serve the Northwest Specific Plan (Faria Preserve and Western Plan Area) located in the City of San Ramon (City), as shown on Attachment A and described in the Faria Pressure Zone Facilities Plan (Attachment B).

SUMMARY

The Faria Pressure Zone Improvements Project includes construction of a new 1.6-million-gallons-per-day Faria Pumping Plant to be located at the District's existing San Ramon Reservoir site, new 0.5-million-gallon twin Faria Reservoirs and associated inlet/outlet (I/O) pipeline to be located within the northwest portion of the Faria Preserve, and approximately 10,000 feet of transmission pipeline, which includes relocating a portion of the existing San Ramon Reservoir I/O pipeline (see Attachment A). Additional distribution pipeline will be installed by the developer as the individual neighborhoods are constructed under separate water main extension agreements with the District.

Pursuant to CEQA, as a Responsible Agency, the Board of Directors is required to make findings for impacts related to construction of the proposed District facilities. The accompanying resolution presents the findings in detail.

A presentation on this project was provided to the Planning Committee on June 9, 2015.

DISCUSSION

The purpose of the Faria Pressure Zone Improvements Project is to plan, design and construct major new water storage, pumping, and transmission pipeline improvements needed to serve city-approved growth in the Northwest Specific Plan (NWSP), located in the City within the District's service area, by creating a

Funds Available: FY14-15, CIP #2003495		Budget Code: WSC/ENG/521/7999/2003516
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR Xavier J. Irias	APPROVED General Manager

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

new Faria Pressure Zone (PZ). The major new water facilities in the new Faria PZ were sized to provide adequate storage and pumping capacity for daily and emergency operations. The Faria PZ will serve the entire NWSP area, which includes the Faria Preserve and the Western Plan Area. The Faria Preserve is located west of San Ramon Valley Boulevard, north of Crow Canyon Road, and east of Bollinger Canyon Road and includes 740 single- and multi-family homes, a community park, a rose garden, a pool facility, an educational facility and a house of worship. The Western Plan Area is located west of Bollinger Canyon Road; no development is proposed at this time, although the NWSP projects 44 homes on this site.

Environmental Documentation

The major new water facilities required to serve the NWSP have been adequately addressed in two different environmental documents (available for review at the Secretary's Office) that collectively address, avoid and/or mitigate all potentially significant impacts. The Northwest Specific Plan/Faria Preserve Community Environmental Impact Report (EIR), certified by the City of San Ramon in November 2006, analyzed potential impacts and identified mitigation measures associated with construction of the development project including the District's tanks, pumping plant and pipelines necessary to provide water service to the development. The Faria Preserve Community Mitigated Negative Declaration (MND), approved by the City in May 2014, addressed changes (reductions) to the development plan in response to lawsuits filed over the original development plan.

District staff completed the Faria Pressure Zone Facilities Plan (Attachment B), which includes an Environmental Checklist to identify the impacts and mitigation measures applicable to the construction of the major new water facilities required to serve the project. The Environmental Checklist provides the foundation for the District, as a Responsible Agency, to reference the City's certified EIR and MND in addressing the environmental impacts related to construction of the major new water facilities. Staff concluded that all potential impacts related to the construction of the major new water facilities to serve the NWSP will be mitigated to a level of less than significant and no other mitigations are required. All applicable mitigation measures associated with the construction of the major new facilities outlined in the City's EIR and MND will be incorporated into the District's facility specifications for design and construction.

Project Schedule

Design and construction of the Faria Pressure Zone Improvements will be in FY16/FY17, respectively.

Costs

Estimated project costs for the major new water facilities is approximately \$4.5 million. The developer is required to pay in advance the full cost of planning, design and construction of the major new water facilities. As new water meters are installed and the corresponding System Capacity Charges (SCCs)

are collected, the developer will be refunded the collected SCC costs on an annual basis up to the costs paid for the planning, design and construction of the major new water facilities.

FISCAL IMPACTS

Funds for the Faria Pressure Zone Improvements are included in the FY14-15 Capital Improvement Program under the Purdue PZI Project.

ALTERNATIVES

Do not make findings or approve the project. This alternative is not recommended because the City's EIR and MND adequately address potential impacts related to the construction of District facilities (as described in the Facilities Plan) that are required to serve an approved development within the District's service area.

Do not proceed with the project. This alternative is not recommended as this alternative does not satisfy the project objectives.

Attachments: A. Vicinity Map
B. Faria Pressure Zone Facilities Plan

Danville

Faria Reservoirs

Faria Preserve

San Ramon Res
I/O Pipeline Relocation

Faria Preserve Parkway

Transmission
Pipeline

Western Plan Area
of
Northwest
Specific Plan

San Ramon Reservoir (existing)
and Faria Pumping Plant

San Ramon

**Vicinity Map
Faria Pressure Zone Improvements**



0 500 1,000 2,000 Feet
1 inch = 1,000 feet

FARIA PRESSURE ZONE

FACILITIES PLAN



EAST BAY MUNICIPAL UTILITY DISTRICT

April 2015

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7. Faria Reservoirs Access Road Profile

INTRODUCTION

This Facilities Plan provides a description of the East Bay Municipal Utility District (EBMUD) major potable water facilities required to serve the Northwest Specific Plan (NWSP) area including the Faria Preserve Community Project (Faria Preserve) by creating a new Faria Pressure Zone (PZ). EBMUD's major water facilities for the Faria PZ were included in the environmental documentation for the NWSP/Faria Preserve Community Project prepared by the City of San Ramon (City).

Project Objective

The project objective is to provide planning-level information necessary for the design and construction of new potable water facilities to serve planned growth within the EBMUD service area and to provide adequate capacity for daily operation, fire storage and emergency reserve. The new Faria PZ will serve the entire 350-acre NWSP: the Faria Preserve (286.5 acres) and the Western Plan Area (63.5 acres). The Faria Preserve is a 740-unit development on a 65-acre footprint of the 286.5-acre site. The Faria Preserve includes a combination of single and multifamily homes, a 12.7-acre community park, a 0.5-acre rose garden, a pool facility, an educational facility and a house of worship. No development is proposed for the Western Plan Area at this time, though the NWSP calls for 44 homes on 0.25-acre to 0.5-acre lots. The project may also serve adjacent existing customers in the San Ramon PZ, as outlined in this Facilities Plan, whose level of service will improve by being rezoned to the new Faria PZ.

The project includes construction of a new 1.6-million-gallons-per-day (mgd) Faria Pumping Plant and new 0.5-million-gallon (MG) twin Faria Reservoirs and associated inlet/outlet (I/O) pipeline by EBMUD and construction of approximately 10,000 feet of transmission/distribution pipeline by the developer. Additional distribution pipeline will be installed by the developer as the individual neighborhoods are constructed under separate water main extension agreements.

Background

The Faria Preserve has been an ongoing project for EBMUD since the early 2000s. The following section outlines the work EBMUD has reviewed or completed throughout the planning process for the Faria PZ facilities.

Water Supply Assessment (WSA)

In October 2004, the Board of Directors approved the WSA for the NWSP area including the Faria Preserve. The WSA concluded that EBMUD has, and will have, adequate water supplies to serve existing and projected demand within the Ultimate Service Boundary during normal and wet years, but that deficits are projected for drought years. EBMUD's Drought Management Program (DMP) Guidelines establish the level of water use restrictions that EBMUD may consider based on the projected total system storage at the end of the water year. Up to a Stage 3 Drought, EBMUD-wide water use reduction goals of up to 15 percent may be required. In a Stage 4 Drought, EBMUD-wide mandatory water use reduction goals can exceed 15 percent. The project will be subject to the same drought restriction as all EBMUD customers.

The WSA states that the City Municipal Code already includes requirements for water-efficient landscapes, though additional opportunities should be taken to maximize conservation via early consideration of EBMUD's conservation programs (Section 31 of the Regulations Governing Water Service to Customers of the EBMUD) and State and Federal best management practices. The NWSP Area is located outside EBMUD's recycled water project service area, so recycled water is not available to serve the development.

NWSP/Faria Preserve Community Environmental Impact Report (EIR)

The City prepared the NWSP/Faria Preserve Community EIR and Mitigation Monitoring and Reporting Program (MMRP), which analyzed potential impacts and identified mitigation measures associated with construction of the development project including EBMUD's tanks, pumping plant and pipelines necessary to provide water service to the development. The City approved the NWSP/Faria Preserve Community EIR and MMRP in November 2006.

2005 Advanced Payment Agreement (APA)

In February 2005, EBMUD entered into an APA Preliminary Work Deposit with the developer for the Faria Preserve to conduct a planning assessment of the major new facilities required to serve the NWSP area including the Faria Preserve. Lawsuits filed against the City on the adequacy of the EIR by the East Bay Regional Park District and the Sierra Club delayed the project. In 2008, the lawsuits were settled, which resulted in an EIR addendum describing a reduced development footprint (number of dwelling units reduced from 786 to 740), shifting development away from the northwest corner of the site, and enhanced landscaping in specific areas. By 2011, with the development stalled in the economic recession, the project was cancelled, and the unspent remainder of the planning deposit was refunded to the developer.

Mitigated Negative Declaration (MND)

In 2012, the project was purchased by a new developer, and the City subsequently prepared an MND for the Faria Preserve Community Project describing the reduced development footprint. The City approved the Faria Preserve Community Project MND and provided Conditions of Approval under Resolution 05-14 in May 2014.

2014 Advanced Payment Agreement

In June 2014, EBMUD entered into an APA Preliminary Work Deposit with the new developer for the Faria Preserve to finalize the planning assessment that was initiated in 2005. This Facilities Plan is a product of the 2014 APA, providing the foundation for EBMUD, as a responsible agency, to reference the City's certified EIR and MND in addressing the environmental impacts related to construction of EBMUD's major new facilities.

CEQA Analysis

Although not required, EBMUD prepared a CEQA Analysis (Appendix A) to identify the impacts and mitigation measures applicable to the construction of EBMUD's major new facilities required to serve the project. The CEQA Analysis and this Facilities Plan provide the foundation for EBMUD, as a responsible agency, to reference the City's certified EIR and MND in addressing the environmental impacts related to EBMUD's major new facilities. All applicable mitigation measures associated with the construction of the major new facilities outlined in the City's EIR and MND will be incorporated into EBMUD facility specifications for design and construction.

Annexation and U.S. Bureau of Reclamation (USBR) Inclusion

The Faria Preserve was located within EBMUD's Ultimate Service Boundary, but outside of its current service area. By application from the City, the Faria Preserve was annexed to EBMUD's service area in February 2009 by Contra Costa County Local Agency Formation Commission Resolution No. 08-27. Separate from the annexation, EBMUD must apply for USBR inclusion of the Faria Preserve into EBMUD's Central Valley Project Contractor Service Area. EBMUD will provide water service to the Faria Preserve only after USBR has consented to the inclusion of the annexation into the Contractor Service Area. In June 2009, EBMUD's Board of Directors authorized staff to apply for USBR inclusion of the Faria Preserve, but inclusion has not yet been completed. EBMUD and the developer are coordinating with USBR on this effort on behalf of and at the expense of the developer.

Project Location

The Faria PZ is located in the City of San Ramon, west of Interstate 680, north of Crow Canyon Road, and east of Bollinger Canyon Road (Figure 1). If and when the Western Plan Area of the NWSP is developed, the Faria PZ will cross Bollinger Canyon Road to serve this area as well.

Access to the Faria PZ major new facilities will be from Faria Preserve Parkway via Bollinger Canyon Road and from Purdue Road via San Ramon Valley Boulevard.

Environmental Setting

The NWSP area is contiguous to and located north of an existing urbanized area of the City of San Ramon and south of the Town of Danville. Existing land uses consist of residential development to the south (across Crow Canyon Road and along Deerwood Drive and Deerwood Road) and commercial development to the east (self-storage, office buildings and other light industrial uses accessible from Purdue Road). Open space/undeveloped lands extend to the west and north of the NWSP area. EBMUD's existing 5-MG San Ramon Reservoir property is entirely surrounded by the Faria Preserve. The Faria Preserve today consists primarily of annual grasslands with pockets of oak woodlands and chaparral and valley foothill riparian corridors along ephemeral drainages. Bollinger Creek runs in a north-south direction through the center of the Western Plan Area of the site. Rugged topography is a prominent characteristic of the project area including the three northwest-southeast trending ridges that range in elevation between about 500 feet and 1,000 feet.

DEMANDS AND FACILITY SIZING

Existing Facilities

The nearest pressure zone to the Faria Preserve is the San Ramon PZ, which serves an elevation range of 450 feet to 650 feet. The Faria Preserve is located at an elevation range between 650 feet and 865 feet. As the Faria Preserve is located above the upper elevation limit of the San Ramon PZ (i.e., 650-foot elevation), a new Faria PZ is required to provide water service to the Faria Preserve and NWSP area. The Faria PZ will draw water from the San Ramon PZ, specifically, from the San Ramon Reservoir via a new Faria Pumping Plant to be located on existing EBMUD property at the southeast corner of the Faria Preserve.

The Peters Ranch neighborhood to the north of the Faria Preserve is located at a similar elevation range and served by the existing Apollo PZ (elevation range of 650 feet to 850 feet). The Apollo PZ was sized to serve only 14 customers and, as such, is not suitable to serve the Faria Preserve. Connecting the Faria PZ to the Apollo PZ is not recommended at this time as it would require at least 1,500 feet of cross-country pipeline through designated open space in a difficult and hard to maintain right-of-way.

Water Demands and Facility Sizing

The new Faria PZ will serve the entire 350-acre NWSP: the Faria Preserve (286.5 acres) and the Western Plan Area (63.5 acres). The NWSP was included in EBMUD's 2040 Demand Study, which evaluated projected future demands within the service area. Demand calculations are based on EBMUD's land use demands for comparable areas including representative water conservation landscape water use estimates and compared with the applicant's water demand estimate. Section 31 of the Regulations Governing Water Service to Customers of the EBMUD identifies water efficiency requirements for indoor and outdoor water use. Per the regulation, water service will not be furnished until the development's water efficiency measures have been reviewed and approved by EBMUD.

The Faria PZ water demands include the Faria Preserve, service to five existing customers along Bollinger Canyon Road, north of Deerwood Drive, and the future portion of the NWSP located west of Bollinger Canyon Road (see Figure 2). Projected 2030 maximum day demand for the Faria PZ is estimated to be 0.85 MGD.

In 2005, the San Ramon Valley Fire Protection District submitted requirements for fire protection to the Faria Preserve. The requirement at that time was 2,000 gallons per minute (gpm) flowing for 120 minutes. Given that residential fire sprinklers are now required in all one- and two-family dwellings, the fire department's hydrant fire flow requirement is now 1,000 gpm at a residual pressure of 20 psi from a single hydrant flowing.

EBMUD facilities are sized for the future maximum day water demand, including allowances for emergency and fire flow storage. EBMUD's Engineering Standard Practice (ESP) 492.2 recommends storage sizing equal to the maximum day demand and pumping equal to 1.5 times the maximum day demand. See Appendix B for water demand calculations.

Table 1 summarizes the demands and resulting storage and pumping requirements to serve the Faria PZ.

TABLE 1
DEMAND AND FACILITY SIZE REQUIREMENTS – NWSP ONLY

	Average Day Demand (MGD)	Maximum Day Demand (MGD)	Storage Requirement (MG)	Pumping Requirement (MGD)
<i>Faria PZ</i>				
Faria Preserve	0.29	0.73	0.73	1.09
Existing Customers on Bollinger Canyon and Future NWSP Area ¹	0.05	0.12	0.12	0.18
Required Fire Storage ²			0.12	
Total (Faria PZ + Fire Storage)	0.34	0.85	0.97	1.27

¹*Demands based on actual water use from billing data.*

²*Per ESP 492.2, if required storage is less than 1.0 MG, a fire storage component must be included. If adding fire storage to demand storage exceeds 1.0 MG, no more than 1.0 MG is needed.*

Approximately 150 services located off of Promontory Circle and Woodcrest Drive in the adjacent San Ramon PZ have low pressure and could be rezoned to increase the water service pressure (see Figure 2). Some of these customers have low-pressure agreements with EBMUD or have filed low-pressure complaints in the past. Allowing these customers to be rezoned to the Faria PZ could also be advantageous in that it would provide an immediate water demand for the new Faria PZ facilities. The Promontory and Woodcrest neighborhoods would have to organize and agree to install individual house pressure regulators as a neighborhood, as the full length of water mains through the neighborhoods would be rezoned from the San Ramon PZ to the Faria PZ. Rezoning will only be feasible once the entire neighborhood has installed pressure regulators.

Table 2 shows the resulting demand and facility sizing requirements with rezoning the existing low-pressure Promontory and Woodcrest neighborhoods.

TABLE 2
DEMAND AND FACILITY SIZE REQUIREMENTS – NWSP + REZONING

	Average Day Demand (MGD)	Maximum Day Demand (MGD)	Storage Requirement (MG)	Pumping Requirement (MGD)
<i>Faria PZ plus Rezoning from San Ramon PZ¹</i>				
Faria Preserve	0.29	0.73	0.73	1.09
Existing Customers on Bollinger Canyon ² and Future NWSP Area	0.05	0.12	0.12	0.18
Woodcrest Neighborhood ²	0.04	0.10	0.10	0.14
Promontory Neighborhood ²	0.03	0.09	0.09	0.13
Total (Faria PZ + Rezoning)	0.41	1.03	1.03	1.55

¹If two low-pressure San Ramon PZ neighborhoods are rezoned to the Faria PZ, the required storage exceeds 1.0 MG, and no additional fire storage component is required.

²Demands based on actual water use from billing data.

For either demand method, the storage requirement converges on 1.0 MG. Therefore, a 1.0-MG storage facility and a 1.6-MGD pumping plant are recommended to accommodate the various demand scenarios to be served by the Faria PZ. While the storage and pumping capacities are sized to accommodate maximum day demands, facilities must also be sized to maintain water quality through lower-demand winter months. For operational flexibility and water quality purposes, dual tanks (i.e., twin 0.5-MG tanks) are recommended.

SELECTED PROJECT ALTERNATIVE

Three tank site alternatives were evaluated along with alternatives for a pumping plant and related pipeline improvements in preparing this Facilities Plan. The preferred tank site alternative is along the western ridgeline. This location will require more excavation (by the developer) than a tank site on the eastern or western slope of the ridge but is the geotechnically superior alternative due to nearby landslides. The preferred pumping plant site is at EBMUD's existing San Ramon Reservoir property. Locating the supply reservoir, pumping plant, and discharge reservoir all on the same side of the Calaveras Fault improves the operational redundancy of the PZ during and after a major seismic event. Reduced overall site maintenance is also a benefit of collocated facilities. A summary of the preliminary assessment of both the storage and pumping plant site options is presented in Appendix C. The preferred sites have been refined further, and details of the selected facilities are presented in the following sections and figures.

Storage

Two new 0.5-MG Faria Reservoirs (1.0-MG total storage) are recommended to be located along the ridgeline, as shown in Figure 3. The bottom water level of the tanks will be 946 feet, and the reservoir overflow elevation will be 970 feet. The tanks will be constructed at grade in an earthen bowl excavated out of the ridgeline to improve visual screening. Conceptual plan and profile layouts for the tanks site are shown in Figure 4.

The elevation of the natural ridgeline is approximately 1,000 feet. Finished grading at the site will lower the natural ridgeline profile approximately 20 to 30 feet along the north-south axis. However, the depth of the excavation for construction of the tank foundations will reach about 55 feet (i.e., top of the existing ridgeline to base of the tanks). The site will be graded to recreate a natural looking ridgeline at a lower elevation than the existing profile.

Access to the tanks site will be from a 1,600-foot-long access road from Via Vicenza at the western side of the Faria Preserve. The access road will be maintained by EBMUD but will be shared by agreement with the existing East Bay Regional Park District trail and will include pedestrian access. The I/O pipeline and drain line will be constructed in the access road.

Pumping

A new 1.6-MGD Faria Pumping Plant is recommended to be located at the lower part of the San Ramon Reservoir property near the valve pit (at approximately 671 feet elevation) as shown on Figure 3. The pumping plant will take suction from the San Ramon Reservoir (749 feet operating elevation) on the reservoir property and will discharge to a 12-inch pipeline in Faria Preserve Parkway (to be installed by the developer).

Screening using grading or drought-tolerant landscaping may be considered for the pumping plant site as needed and coordinated with the developer. No additional screening is recommended for the San Ramon Reservoir, as the development is being constructed around an existing facility. New security fencing is required for the new pumping plant site.

The conceptual pumping plant layout and architectural elevations are shown on Figure 5..

Pipelines

Pipelines associated with the Faria PZ will include a transmission pipeline, a new I/O pipeline to the Faria tanks, and various distribution pipelines (to be installed by the developer). In addition, to accommodate the development plan, the San Ramon Reservoir I/O and drain lines must be relocated. Proposed transmission and I/O pipeline realignments along Purdue Road are shown on Figure 6.

The transmission portion for the Faria PZ improvements includes approximately 6,300 feet of 12-inch pipe from the new Faria Pumping Plant in Faria Preserve Parkway (proposed) to Bollinger Canyon Road, and in Appian Way (proposed) through to the end of Via Vicenza (proposed). The Faria Reservoir I/O line is an additional 1,500 feet of 12-inch pipe to be installed from the end of Via Vicenza to the new tanks in the new access road shared with the East Bay Regional Parks trail. The I/O pipeline near the new tanks will not be installed higher than 946 feet elevation at any point (see Figure7).

The existing San Ramon Reservoir I/O and drain line are located in EBMUD right-of-ways (R/Ws) 1910, 1911-A, and 1911-B, which traverse southeast from the reservoir site, connecting to pipelines and drains in Deerwood Road, approximately 900 feet west of Omega Road/Old Crow Canyon Road. The proposed Faria Preserve includes an educational facility at the location of these pipelines with significant grading (as much as 20 feet cut) that would expose the pipes. The developer must relocate the I/O and drain line to a new location approved by EBMUD. The I/O line (approximately 2,200 feet of 24-inch pipe) will be relocated to Faria Preserve Parkway and Purdue Road, connecting to the 36-inch transmission main in San Ramon Valley Boulevard. The 16-inch drain line will connect to a new storm drain system in Faria Preserve Parkway. Approximately 700 feet of the old I/O and drain line will be killed and demolished. The R/Ws will be quit claimed to the developer.

Two standard dewatering hydrants will be placed at the Faria Reservoir site, and two standard pumper hydrants will be placed at the Faria Pumping Plant site. The preferred location for these hydrants will be determined during the design phase.

Access Roads

A new 12-foot-wide paved all-weather access road will be constructed by the developer for the Faria Reservoirs from the end of Via Vicenza (proposed). The access road for the new Faria Pumping Plant will utilize the same access driveway that is being constructed by the developer for the San Ramon Reservoir from Faria Preserve Parkway (proposed). The access road and driveway cross-sections will be prepared by the developer and reviewed by EBMUD during the design phase. The access road profile is shown in Figure 7.

Environmental Review

EBMUD is relying on the City's analysis and conclusions regarding environmental impacts of the Faria Preserve. EBMUD prepared a CEQA Analysis to evaluate the City's EIR and MND with respect to the proposed EBMUD major new water facilities. The City's EIR and MND include mitigation measures that will be incorporated into the design and construction of EBMUD facilities. EBMUD concludes that all potential impacts related to the construction of the major new water facilities to serve the Faria Preserve will be mitigated to a level of less than significant. The CEQA Analysis and MMRP are included in Appendix A.

Construction and Construction Schedule

Mass grading of the access roads, reservoir site and pumping plant site will be completed by the developer prior to EBMUD construction. The remainder of cut soils/rock excavated at the reservoir and pumping plant sites will be incorporated into the grading plan for the Faria Preserve development as a whole. No off-haul of excavated soils/rock is proposed. Project work hours are 7:30 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays per the City's Conditions of Approval.

The estimated timeline for design and construction of the major potable water facilities is two years from approval by the EBMUD Board of Directors.

Cost Estimates

Per EBMUD's Regulations Governing Water Service, Section 3B: Major Facilities Capacity for Standard Service regarding Advanced Payment Agreements, the estimated cost of major facilities to be constructed for the development shall be due and payable by the developer prior to award of a contract or commencement of work by EBMUD forces for construction of the major facilities. A planning-level estimate of the cost of these facilities is provided below and will be refined after detailed design is complete.

Planning	\$220,000	(complete)
Design	\$750,000	
Construction		
Storage	\$2,000,000	Two 0.5-MG tanks
Pumping	\$1,500,000	1.6-MGD pumping plant
Pipeline ¹	\$1,500,000	San Ramon Reservoir I/O (2,200 feet of 24-inch steel) and drain line relocation, Faria PZ transmission pipeline (7,700 feet of 12-inch steel)
Total	\$4,500,000	

¹Pipelines to be installed by developer; not included in EBMUD's construction cost.

Faria Pressure Zone Facilities Plan
Appendix A – CEQA Analysis

CEQA ANALYSIS

PREVIOUS ANALYSES

The environmental impacts of the major new water facilities proposed in the Faria Pressure Zone (PZ) Facilities Plan were previously analyzed in two CEQA documents: the City of San Ramon's (City's) certified Northwest Specific Plan (NWSP)/Faria Preserve Community Environmental Impact Report (EIR) and its subsequent Faria Preserve Community Project Mitigated Negative Declaration (MND). Though not required by CEQA, as a responsible agency, East Bay Municipal Utility District (EBMUD) prepared this CEQA Analysis to assist in understanding the potentially significant effects of the major new water facilities so that it could ensure all necessary mitigation measures would be implemented.

As a result of the review and comparison, EBMUD determined that implementation of the mitigation measures discussed below will ensure that all potentially significant environmental impacts associated with the construction of the major new water facilities identified in the Facilities Plan will be mitigated to less-than-significant levels.

- A. **Previous Analyses Used.** The City prepared two CEQA documents that analyze the impacts of developing the EBMUD facilities included in the Faria PZ Facilities Plan: the EIR, certified by the City in November 2006, and the subsequent MND for the Faria Preserve Community Project, adopted by the City in May 2014. All documents and other resources used to prepare this CEQA Analysis are listed in the reference page included at the end of this report. The referenced documents are available for review at East Bay Municipal Utility District, 375 11th Street, Oakland, CA 94607.
- B. **Impacts Adequately Addressed.** As explained in the analysis found in the checklist below, EBMUD has determined that the City's EIR and MND adequately addressed all impacts associated with the construction of the major new water facilities identified in the Facilities Plan. Table 1 includes a comparison between the major new water facilities analyzed in the EIR and MND versus those included in the Facilities Plan. As explained in the checklist analysis, EBMUD determined that certain mitigation measures specified in the MND must be implemented to address potentially significant impacts resulting from the major new water facilities identified in the Facilities Plan. With implementation of the mitigation measures identified in the checklist analysis, all impacts associated with the facilities included in the Facilities Plan would be less than significant.
- C. **Mitigation Measures.** Exhibit A, the Mitigation Monitoring and Reporting Plan (MMRP) for the Facilities Plan, includes mitigation measures that would be implemented to ensure that any impacts associated with the major new water facilities identified in the Facilities Plan would be mitigated to less-than-significant levels. Exhibit A includes applicable mitigation measures from the City's MND.

**TABLE 1
Comparison of Proposed Facilities Between
EIR and MND Versus Facilities Plan**

Elements	EIR and MND	Faria PZ Facilities Plan
Reservoirs	Two new Faria tanks in a new Faria PZ.	Included in City's EIR and MND.
Location	Faria tanks located at top of northwesterly ridgeline of Faria Preserve Development property, in an above- or below-grade configuration.	Included in City's EIR and MND.
Size	Two potable 0.6-MG tanks.	Reduced to two 0.5-MG tanks.
Pumping Plant	One 1.6-mgd capacity, located either on the San Ramon Reservoir site (preferred site) or at the corner of Purdue Road and the Faria Development site (alternative site).	Included in City's EIR and MND.
Pipelines	<p>Inlet/Outlet (I/O) and transmission mains required, to be installed by developer:</p> <p>Approximately 7,700 feet of 12-inch I/O and transmission pipeline between the Faria PP, the Faria tanks, and Bollinger Canyon Road.</p> <p>Relocation of approximately 2,200 feet of 24-inch I/O pipeline from San Ramon Reservoir to San Ramon Valley Boulevard via Faria Preserve Parkway and Purdue Road.</p> <p>Connections to transmission pipelines as neighborhoods are constructed.</p>	Included in City's EIR and MND.

The facilities contemplated in this Facilities Plan are consistent with and substantially similar to the facilities analyzed in the City's EIR and MND, and none of the triggers for completion of subsequent environmental review have been met. Specifically, there are no substantial changes to the facilities which require major revisions to either the EIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of the effects. In addition, there have been no substantial changes in the circumstances under which the facilities will be constructed and operated that would cause new significant environmental effects or a substantial increase in the severity of effects. While EBMUD is currently experiencing drought conditions, those conditions would not cause changes in the impacts analyzed in the EIR and MND and do not affect EBMUD's long-term ability to provide water service to customers within the Faria PZ. There is no new information of substantial importance that was not known at the time that the EIR and MND were prepared. All environmental effects of the facilities were fully analyzed in the EIR and MND, and additional environmental review is not required.

CEQA ANALYSIS

1. Project Title: Faria Pressure Zone Improvements
2. Responsible Agency Name and Address: East Bay Municipal Utility District
Water Distribution Planning Division – MS 701
375 11th Street
Oakland, CA 94607
3. Contact Person: Jose L. Rios, Senior Civil Engineer (510) 287-1091
4. Project Location: East of Bollinger Canyon Road and north of Crow Canyon Road in San Ramon (see Facilities Plan Figures 1-7)
5. Project Sponsor's Name and Address: East Bay Municipal Utility District
Water Distribution Planning Division – MS 701
375 11th Street
Oakland, CA 94607
6. General Plan Designation: Single-family and multi-family residential, public, parks, and open space
7. Zoning: Planned Development
8. Description of Project and Existing Environmental Review Documents (*Describe the whole action involved including, but not limited to, later phases of the project and any secondary support or off-site features necessary for its implementation. Attach additional sheets if necessary*):

EBMUD will construct a 1.6-million-gallon-per-day Faria Pumping Plant and 0.5-million-gallon twin Faria tanks for Faria Pressure Zone Improvements Project. The tanks site will be rough graded by the developer. EBMUD will finish grade the tanks site and construct the water facilities. EBMUD will construct the pumping plant at EBMUD's existing San Ramon Reservoir property. Approximately 10,000 feet of I/O and transmission pipeline will be constructed by the developer. The Faria Preserve is a 740-unit residential subdivision located in the City, west of San Ramon Valley Boulevard and north of Crow Canyon Road. An additional 44 units may be developed on the west side of Bollinger Canyon Road per the NWSP, and these water facilities are sized to serve that planned development as well. A detailed description of the required storage and pumping facilities is included in the Selected Project Alternative section of the Facilities Plan.

9. Surrounding land uses and setting (*briefly describe project's surroundings*):
The surrounding land uses are residential to the south, mixed use to the east, and open space and rural conservation to the north and west.
10. Other public agencies whose approval is required (*e.g., permits, financing approval, or participation agreement*):

City of San Ramon – Encroachment Permit

As explained in detail in this CEQA Analysis, EBMUD has determined that the facilities included in the Facilities Plan were adequately analyzed as part of the City's EIR and MND, both of which were adopted/certified pursuant to the CEQA Guidelines. The facilities included in the Facilities Plan are a component of the whole action analyzed in those documents, and the mitigation measures discussed in the analysis below and included in the MMRP found in Exhibit A will mitigate the environmental impacts of the proposed facilities to less-than-significant levels.

I. Aesthetics/Visual Quality				
Would the Project:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact
a)	Have substantially adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Damage scenic resources, including but not limited to, trees, rock outcropping, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the Site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a.-c. Impacts related to scenic vistas, scenic resources, or visual character were discussed in the EIR under Aesthetics on pages 4.1-19 to 37, Alternative EBMUD Water Tank Sites on pages 7-41 through 49, and in the MND beginning on page 3.1-8.

The site for the tanks is located on a westerly ridgeline on the Faria Preserve, about 3,000 feet northwest of EBMUD's existing San Ramon Reservoir and 2,000 feet west of the Calaveras Fault, surrounded by undeveloped canyons to the north and west, and suburban residential development to the east and south in the Town of Danville and City of San Ramon (see Figure 1 of the Facilities Plan). The visual character of the site is rural, natural and grassland. Based on photo simulations presented in the City's EIR, the tanks and access road would not be visible from Bollinger or Crow Canyon Roads or San Ramon Valley Boulevard. To the maximum extent feasible, grading for the access road and at the tank site will ensure that the shape of cut or fill slopes resemble existing natural contours and the natural terrain of the site, with vertical or horizontal rounding and blending. Cut slopes around the tank site will be visible from both short- and long-term views until planted grasses are fully established. Graded, cut or exposed surfaces at the tank site and along the access road will be replanted/hydroseeded with a mixture of non-native and native, drought-tolerant grasses. Trees and shrubs will not be planted, because they are not naturally occurring on the ridge and would instead draw attention to the tanks. Views from the nearest homes within the Faria Preserve would

be further screened by intervening slopes/hills and, once constructed, fences and typical backyard vegetation (trees and shrubs). Site-sensitive grading and berming, as well as planting of grasses after construction, will facilitate visual integration of the access road, tanks and tank site with the existing landscape over time.

The pumping plant will be located adjacent to the existing San Ramon Reservoir and is discussed in the EIR under Aesthetics on page 4.1-28. The existing 5-MG domed concrete reservoir will dominate views of the site; the smaller pumping plant will have a less-than-significant visual impact and only be visible from within the Faria Preserve. The development plan includes site contouring, retaining walls, and landscaping that will screen the new pumping plant and the existing San Ramon Reservoir to some extent. In addition, the developer will install the pipelines included in the Facilities Plan. Because the pipelines would be located below ground, they would not cause aesthetic impacts.

Consistent with this analysis, development of EBMUD's planned major new water facilities would not cause impacts related to scenic vistas, scenic resources, or visual character of the site, because the facilities will not be prominent, will not require the removal of scenic resources, and will not significantly alter the existing visual landscape. Therefore, no mitigation measures are required.

- d. Construction of the tanks and pumping plant by EBMUD and installation of the pipelines by the developer will not create a new source of substantial light or glare, because no exterior light fixtures are proposed, and the facilities will not be painted with reflective paint.

II. Agriculture Resources In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use? (The Farmland Mapping and Monitoring Program in the California Resources Agency, Dept. of Conservation, maintains detailed maps of these and other categories of farmland.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]) or timberland (as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could individually or cumulatively result in loss of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a.-e. Impacts related to agricultural resources were discussed in the City's MND on page 3.2-2. The Faria Preserve is primarily undeveloped grassland used for cattle grazing and is not prime farmland or forest land. The San Ramon City Council has amended the General Plan designations for the Faria Preserve from open space to allow a variety of residential and public/open space uses. Zoning designations have also been changed from Agricultural/Resource Conservation to Planned Unit District to allow residential and non-residential public development.

Construction of two tanks and a pumping plant in an open space area of the site where suburban development is not proposed, and the developer's installation of the pipelines included in the Facilities Plan would have only a minor impact on remaining grasslands or other agricultural or forest resources, and this is not considered significant.

III. Air Quality Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable Air Quality Attainment Plan or Congestion Management Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any stationary source air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a.-c. The MND includes a refined discussion of potential air quality impacts based on current regulatory thresholds and requirements, see MND pages 3.3-7 through 18. Construction activities associated with the pumping plant, tanks, access road, and the developer's installation of the Facilities Plan pipelines include excavation, grading and construction. Both tanks will be constructed at the same time. The developer will be responsible for rough grading the sites and installing the pipelines included in the Facilities Plan. Discussion of air quality impacts related to grading and construction activities are addressed in the City's MND, pages 3.3-7 through 8.

Consistent with this analysis, construction of EBMUD's proposed facilities could cause impacts to air quality. However, with implementation of the mitigation measures identified in the MND, the developer will mitigate any impacts to less-than-significant levels. These mitigation measures would require the developer to implement construction control measures as outlined in Mitigation Measure 3.3-1a. EBMUD will also implement Mitigation Measure 3.3-1a during final grading and construction of the tanks and pumping plant by incorporating the construction control measures found in the mitigation measure into project specifications.

Additionally, construction of the overall Faria Preserve would have daily construction emissions exceeding the Bay Area Air Quality Management District threshold of significance for oxides of nitrogen (NOx). However, with the implementation of the mitigation measures identified in the MND, impacts would be mitigated to less-than-significant levels through an offset buyback program. Mitigation Measure 3.3-1b requires the developer to offset NOx emissions for the Faria Preserve (of which EBMUD's planned facilities are included) that exceed the 2010 threshold after Mitigation Measure 3.3-1a has been implemented. Through its approval of the Faria Project, the City has required the developer to implement these mitigation measures.

- d.-e. The developer plans to mass grade the entire property. Construction of the two tanks and pumping plant will be concurrent with other construction by the developer, which would include the developer's installation of the pipelines included in the Facilities Plan. It is possible that construction and occupancy of a limited number of homes would occur before construction of the tanks and pumping plant is complete. EBMUD's facilities will be located at least 500 feet from the nearest home. Therefore, construction of the tanks and pumping plant would cause less-than-significant impacts on sensitive receptors/residences with regard to air quality.

IV. Biological Resources Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse impact, either directly or through habitat modifications on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Dept. of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Dept. of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse impact on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) either individually or in combination with the known or probable impacts of other activities through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IV. Biological Resources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project: wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a. Impacts related to candidate, sensitive, or special status species were discussed in the City's MND on pages 3.4-1 through 15. The conclusion of the studies/assessments is that the project could disrupt/impact wildlife and riparian habitats, would result in a net loss of and modifications to jurisdictional wetlands, would require removal of native habitat and natural community types, and could have a substantive effect on special status species.

Congdon's tarplant was observed in the southeast corner of the Faria Preserve during vegetative mapping, not in the area of the tanks or pumping plant or pipelines; therefore, no mitigation measures are required to address impacts to Congdon's tarplant.

The loggerhead shrike is known to winter in the ridgeline area proposed for construction of the new tanks, and suitable habitat exists onsite for other special status or migratory bird species. Construction activity during the nesting cycle can disrupt nesting. However, with implementation of mitigations in the City's MND, these impacts will be mitigated to less-than-significant levels. Mitigation Measure 3.4-2 requires preconstruction surveys to ensure that any nesting birds found to be present will not be harmed during construction. If nests are found in the pre-construction survey, the construction plan will include measures to facilitate successful nesting. The developer will be mass grading the tank site and will have completed the preconstruction surveys before construction begins for EBMUD facilities. If delayed, construction of the Faria tanks could still cause impacts to the loggerhead shrike or other special status bird species. If tank construction immediately follows rough grading, preconstruction surveys completed prior to grading would suffice. Otherwise, an additional preconstruction survey will be performed consistent with the requirements of Mitigation Measure 3.4-2. Through its approval of the project, the City required the developer to implement this mitigation measure.

The Faria Preserve is located within the designated critical habitat for the Alameda whipsnake. Mitigation Measure 3.4-3 in the City's MND includes measures to

minimize the impacts to the habitat and avoid impacts on the Alameda whipsnake during construction. Under Mitigation Measure 3.4-3, the developer will be required to complete the federal and state incidental take authorization process, implement conservation measures identified by U.S. Fish and Wildlife Service (FWS) and California Department of Fish and Wildlife (CDFW), and provide compensatory mitigation for loss of Alameda whipsnake habitat. Habitat-related impacts associated with development of EBMUD's planned facilities would be addressed through the developer's compensatory mitigation. While the developer will be mass grading the site before construction of EBMUD facilities begins, EBMUD will comply with avoidance and minimization measures required by Mitigation Measure 3.4-3 during construction of the tanks and pumping plant. Those measures will be approved by FWS and CDFW, will be applicable to all construction activities associated with the project, and shall address but not be limited to the following:

- work periods and hours
- qualifications and responsibilities of monitoring biologists
- preconstruction training and environmental awareness programs
- preconstruction surveys
- exclusion fencing to prevent entry during construction
- actions to avoid animal entrapment
- actions for encounters with the listed species
- actions and communication protocols for accidental kill or injury of the listed species.

Through its approval of the project, the City required the developer to implement this mitigation measure.

- b.-f. The tanks site supports non-native, annual grassland which is typical for the hill areas surrounding the property. The pumping plant will be located at the existing San Ramon Reservoir site. The planned EBMUD facilities are not located in a riparian habitat or other sensitive natural community, protected wetland, wildlife corridor, nor within any drafted or adopted conservation plan areas. Construction of these facilities will not require the removal of trees. Therefore, there would be no impact, and EBMUD would not be required to implement any mitigation measures. However, it is possible that installation of the pipelines by the developer could cause impacts to riparian and wetland features or trees within the project area. Through its approval of the project, the City required the developer to implement Mitigation Measures 3.4-4 (Preserve, Restore, and Create Adjacent Riparian and Wetland Features) and 3.4-5 (Prepare and Implement Tree Mitigation and Replacement Plan), which require the developer to mitigate for impacts to wetlands and riparian corridors and trees. Implementation of those mitigation measures would ensure that wetlands and tree-related impacts resulting from pipeline installation, if any, would be less than significant.

V. Cultural Resources				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of a unique archaeological resource as defined in section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

a.-d. Impacts related to cultural resources were discussed in the City's MND on pages 3.5-7 through 10. Several cultural resources surveys have been performed in and around the Faria Project area. The most recent study, completed in 2008, found two historic resources – two homesteads and a historic-period barn – and no archaeological sites. These resources would not be affected by the project. To address the potential for unanticipated discovery of cultural resources during construction, the MND includes construction mitigations; however, mass grading and pipeline installation will be completed by the developer, so EBMUD would not discover subsurface cultural or paleontological resources during mass grading or pipeline installation. Through its approval of the Faria Project, the City has required the developer to implement MND Mitigation Measures 3.5-1 and 3.5-2, which would ensure that impacts to cultural or paleontological resources would be less than significant.

For the minor excavation and grading work that would occur during construction of the tanks and pumping plant, significant impacts are not anticipated. However, EBMUD will comply with MND Mitigation Measures 3.5-1 and 3.5-2 to protect any subsurface cultural or paleontological resources if encountered during construction. These mitigations will be incorporated into the project and reduce the impacts to less than significant.

VI. Geology and Soils				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VI. Geology and Soils				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?				
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on strata or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code 1994, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

a.-e. As part of the City's NWSP/Faria Preserve Community EIR, geological evaluation of landslides, cut and fill maps and detailed geologic constraints were reviewed and analyzed on pages 4.5-1 through 20 and 7-41 through 45. A refined analysis of geology and soils impacts, based on current development plans and more recent geotechnical studies of the project site, is included in the City's MND on pages 3.6-6 through 17. A Preliminary Geotechnical Feasibility Study (ESCNC 2005) and Geologic Hazards Evaluation (ESCNC 2004) were conducted for EBMUD to select a preferred tank site. Based on those reports, from a geological and geotechnical feasibility perspective, two tanks can be built at the preferred site. In addition, a more recent Geotechnical Recommendations Report (ENGEO 2012), referenced in the City's MND, identified practices that would ensure any impacts associated with project development would be less-than-significant.

Implementation of several mitigation measures identified in the City's MND would reduce impacts to less-than-significant levels. For example, MND mitigation measure 3.6-6 requires implementation of all recommendations from geological and geotechnical investigations performed for the project. In addition to mitigation measure

3.6-6, other MND mitigation measures would ensure that impacts resulting from the EBMUD tanks, pumping plant, and pipelines would be less than significant. These include measures 3.6-3 (Use Protective Design for Infrastructure that Crosses Fault Lines), 3.6-5 (Implement Seismic Design Standards for Structures), 3.6-11 (Implement Grading and Erosion Control Plan), 3.6-12 (Implement Geotechnical Recommendations to Stabilize Soils), and 3.6-13 (Implement Geotechnical Recommendations for Expansive Soils).

The developer will mass grade the site prior to construction of EBMUD facilities, implementation of additional mitigations identified in the City's MND by the developer would reduce impacts to less-than-significant, including 3.6-4 (Conduct Geological Monitoring During Grading), 3.6-7 (Replace Holocene Alluvium with Compacted Fill), 3.6-8 (Remove Landslide Deposits), 3.6-9 (Implement Recommended Slope Stabilization Techniques), and 3.6-10 (Construct Retaining Structures or Use Other Means to Secure Bedrock Slopes).

All these mitigation measures will be incorporated into the project and would reduce the impacts to less than significant levels.

VII. Greenhouse Gas Emissions				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a.-b. Impacts related to greenhouse gas (GHG) emissions are short term and temporary and are discussed in the City's MND on pages 3.7-6 and 7. Construction activities associated with the pumping plant, tanks, and pipeline include excavation, grading and construction. Overall construction GHG emissions are relatively minor, and operation of the EBMUD facilities would not be expected to generate significant GHG emissions. Beyond construction, for operation of the Faria Preserve, the developer will be required to incorporate sustainability measures consistent with the San Ramon Climate Action Plan, as described in Mitigation Measure 3.7-1. Through its approval of the Faria Project, the City has required the developer to implement this mitigation measure, which would ensure that GHG impacts related to the Faria Project are less than significant. Because construction and operation of the EBMUD facilities would not be likely to generate substantial amounts of GHGs, they would not make a considerable contribution to the Faria Project's GHG-related impacts.

VIII. Hazards and Hazardous Materials				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a.-b. Impacts related to hazards and hazardous materials were discussed in the City's MND on pages 3.8-4 through 6. A small risk for release of hazardous materials exists as fuel and supplies are transported to the sites during construction of the planned facilities.

The City's MND includes Mitigation Measure 3.9-1, which requires the developer to prepare and implement a site-specific Storm Water Pollution Prevention Plan (SWPPP) in compliance with the National Pollutant Discharge Elimination System (NPDES) permit. Through its approval of the Faria Project, the City has required the developer to implement this mitigation measure, and EBMUD would comply with the SWPPP during its construction activities. During operation, no unregulated hazardous substances will be used for EBMUD's facilities. Therefore, no upset or accident conditions involving the release of hazardous materials or waste would occur during operation of EBMUD's facilities.

- c.-d. The planned facilities would not cause hazardous emissions or waste.
- e.-f. The planned facilities are not located on a hazardous materials site, within an airport use plan, nor is there an airport or airstrip within two miles of the site.
- g. The project would not affect implementation of any emergency response or evacuation plan (installation of pipes and construction of tanks and pumping plant would occur prior to construction and occupation of homes).
- h. The project has the potential for a small risk with respect to fires during construction. EBMUD will comply with the construction-related measures in the Open Space Management Plan required by the City's MND Mitigation Measure 3.8-1, which requires the developer to implement an Open Space Management Plan approved by the San Ramon Valley Fire Protection District. Through its approval of the Faria Project, the City has required the developer to implement this mitigation measure.

IX. Hydrology and Water Quality		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Violate Regional Water Quality Control Board water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. Hydrology and Water Quality	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project: through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite?				
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems to control?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood plain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood plain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

a.-b., f.-h.

Operation of the tanks, pumping plant, and pipelines would not violate any water quality standards or waste discharge requirements, substantially deplete groundwater supplies or otherwise degrade water quality. As a result, EBMUD would not be required to implement any mitigation measures to ensure that operational impacts remain less than significant.

Impacts related to water quality standards and waste discharge requirements are discussed in the MND on pages 3.9-10 through 13. Though unanticipated, during construction, accidental spills of construction-related contaminants could occur. However, with implementation of the mitigation measure identified in the MND, Mitigation Measure 3.9-1, impacts would be mitigated to less-than-significant levels through the site-specific SWPPP in compliance with the NPDES permit. Construction of the tanks and pumping plant will not interfere with groundwater movement. However, pipeline installation by the developer could affect groundwater movement in areas with natural springs and seeps within the project area. Implementation of Mitigation Measure 3.9-3 (Prepare and Implement Provisions for Dewatering) by the

developer would ensure that impacts would be less than significant. Through its approval of the Faria Project, the City has required the developer to implement this mitigation measure.

- c.-e. Construction of the two tanks and pumping plant would result in small localized changes in the rate and pattern of surface runoff. The tanks site is located on a northwest trending ridge with down slopes towards open space areas of Bollinger Canyon. Because of the small impervious surface and the planned drainage improvements for the Faria Preserve as a whole, the impact for the tanks site is considered de minimus. The pumping plant will be located on a portion of the existing San Ramon Reservoir property and, as such, is also considered de minimus. EBMUD will comply with the SWPPP required by Mitigation Measure 3.9-1, which would ensure that any impacts resulting from construction of the tanks and pumping plant would be less than significant. In addition, the developer would comply with Mitigation Measure 3.9-1 as well to minimize impacts of pipeline installation to less-than-significant levels.

Normal operations of the tanks, pumping plant, and pipelines would not increase flows into the watershed or alter the drainage pattern. As a result, no mitigation measures are necessary to minimize drainage-related impacts resulting from EBMUD's facilities.

- i. Complete and sudden failure of the tanks due to an earthquake or other condition is extremely unlikely. If the tanks did rupture, the release of water would be gradual, and would result in very slow soil saturation rather than a catastrophic release. Consistent with routine EBMUD practice, regular inspections would alert Maintenance of leakage, and appropriate remediation would be applied. No mitigation measures are required.
- j. The facilities would not be located within a 100-year flood hazard area, or be subject to or cause inundation by seiche, tsunami or mudflow. The developer will perform mass grading of EBMUD facility sites, and is required to comply with Mitigation Measures 3.6-4 and 3.6-8 through 3.6-10 to stabilize slopes and reduce the potential for landslides. As a result, mudflow- and landslide-related impacts resulting from EBMUD facilities would be less than significant.

X. Land Use and Planning		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. Land Use and Planning				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a. Construction of the tanks, pumping plant, and pipelines will not divide an established community.
- b. Tanks, pumping plants, and pipelines are low-intensity land uses that do not generate physical environmental impacts typically associated with land use incompatibilities such as traffic and noise. The City's MND (pages 3.10-14 and 15) evaluated whether the Faria Preserve conformed to the City's plans and policies and, through certification of the MND, determined that the proposed uses would not require rezoning, variances, or conditional use permits and would not conflict with the zoning ordinance. EBMUD's facilities would serve land uses approved by the City as being consistent with applicable land use plans and policies.
- c. The Faria Preserve is not governed by a habitat conservation plan or natural community plan (City's MND, page 3.10-19), thus, there is no impact.

The tanks site is currently used for grazing and is located adjacent to proposed open space/conservation easements along the ridge. The easement will exclude the tanks site and access road and, thus, no anticipated interruption to open space or recreational (trail) uses is associated with the tanks site.

XI. Mineral Resources				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a.-b. There will be no significant loss of mineral resources on the Faria Preserve. No mineral deposits of economic significance are known to exist, and no mining activities are

known to have occurred on the project site (City's MND, page 3.11-2). The site is also not designated as a locally important resource recovery site. No impact to mineral resources would occur.

XII. Noise				
Would the project result in :	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a.-d. Impacts related to noise were discussed in the City's MND on pages 3.12-13 through 22. Construction activities associated with the tanks, pumping plant, and pipelines will generate noise which will increase over the ambient level during construction. The City's MND includes Mitigation Measure 3.12-1 to address this short-term impact by requiring mufflers and acoustical shields for construction equipment, construction routes that avoid residential streets, locating stationary construction equipment away from sensitive receptors/neighborhoods, shutting down motorized construction equipment when not in use, requiring written notification of heavy construction activities to noise-sensitive receptors in the area, and constructing temporary noise barriers if required. Through its approval of the Faria Project, the City has required the developer to implement this mitigation measure. EBMUD will incorporate this noise mitigation measure into its design and construction specifications for its facilities. This would ensure that impacts would be less than significant.

Infrequent noise associated with EBMUD facilities operations and maintenance will be barely, if at all, audible and would include standard design elements to minimize impacts on neighboring receptors. The nearest homes will be located approximately 550 feet northwest of the pumping plant (across Faria Preserve Parkway) and 700 feet southeast of the tanks site; therefore, no significant noise impact is anticipated.

- e.-f. The project is not within two miles of any airport or private airstrip.

XIII. Population and Housing				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a.-b. Impacts related to population and housing were discussed in the City's MND on pages 3.13-4 and 5. Regarding population growth and growth inducing impacts, the City's MND notes that the project would introduce approximately 1,620 residents to the City, which is included within City and regional projections for development through the year 2020. Furthermore, the comparative environmental impacts of the development envisioned by the NWSP are less than would be associated with this amount of development in another area of San Ramon, because the NWSP/Faria Preserve are located within the City's Urban Growth Boundary and designated for annexation by the City's General Plan. The City's MND concludes that these factors constitute a less-than-significant effect.

The NWSP (including the Faria Preserve) is located within EBMUD's Ultimate Service Boundary. The NWSP was annexed to EBMUD by the Local Agency Formation Commission (LAFCO) in 2009 and is now within EBMUD's current service area. The Faria Preserve area has also been annexed to the City congruent with policies in the City's General Plan and a voter-approved Urban Growth Boundary. EBMUD's major new water facilities will extend water service west from San Ramon Valley Boulevard to the Faria Preserve.

The water service facilities proposed by EBMUD are designed to provide service to the NWSP and are sized to accommodate existing low-service customers within the San Ramon PZ that are within defined EBMUD service area boundaries. As such, they

would only provide water service to existing and planned development, would only remove one of several obstacles to development, and would not induce significant new unplanned growth.

- c. No housing presently exists on the tanks or pumping plant sites; therefore, the project will not displace housing.

XIV. Public Services				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a. Construction of the tanks and pumping plant will not increase the need for public services for fire, police, schools, parks or any other public facilities. EBMUD's facilities would be maintained using existing maintenance crews. Furthermore, as demonstrated by the MND, EIR, and this analysis, construction and operation of EBMUD facilities necessary to provide water service to the Faria Preserve would not cause any significant environmental impacts.

XV. Recreation				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a.-b. Page 3.15-8 of the City's MND states that the project would not generate significant impacts to recreation, because the recreation/open space facilities proposed by the development exceed the criteria established by the City's General Plan.

A conservation easement along the westerly ridgeline of the Faria Preserve (in the vicinity of the tanks site) is proposed for trails. The proposed conservation easement will exclude the tanks site. Operation or maintenance of the tanks and site will not affect use of any trail or conservation easement.

XVI. Transportation / Traffic				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service demands and travel demand measures, or other standards established by the county congestion management agency for designated roads and or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. Transportation / Traffic				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a.-b. Impacts related to transportation and traffic were discussed in the City's MND on pages 3.16-8 through 17. While construction of the facilities included in the Facilities Plan could contribute to construction-related traffic impacts, as unmanned facilities that would not generate substantial traffic or alter or affect circulation patterns, they would not cause any operations-related impacts to traffic and transportation. The City's MND estimates that the number of vehicle trips to the Faria Preserve during construction will total approximately 25 trips per day on average. When considered in the aggregate traffic analysis associated with the Faria Preserve construction, the increment due to construction of the tanks and pumping plant is considered de minimis. Construction materials and construction personnel vehicles to build the tanks and pumping plant will access the site via San Ramon Valley Boulevard or Crow Canyon Road. Increase in vehicle trips by construction workers during the construction phase are considered short term and insignificant (City's MND, page 3.16-8). Excess soils excavated from the construction effort related to construction of the tank and pumping plant will be incorporated within the mass grading for the Faria Preserve construction. Therefore, the project will not generate significant transportation/traffic associated with soil off haul.
- c.-f. The project will not result in a change in air traffic patterns or increase hazards to a design feature. The access road to the Faria tanks will improve emergency access along the trail system. Since the planned pumping plant and tanks will be located on EBMUD property, they will not conflict with any plans for public transit or pedestrian/bicycle facilities.

XVII. Utilities and Service Systems				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a.-g. Impacts related to utilities and service systems were discussed in the City's MND on pages 3.17-9 through 14. The planned facilities would generate negligible wastewater compared to the day-to-day production of the Faria Preserve. Furthermore, wastewater from the proposed project would be treated by Central Contra Costa Sanitary District (which has sufficient treatment capacity) according to requirements enforced by the Regional Water Quality Control Board.

Construction of the tanks, pumping plant, and pipelines would temporarily increase water demand. No disruption of water service to existing customers is expected. EBMUD's Water Supply Assessment (WSA) for the NWSP, which includes the Faria Preserve, concluded that the water demands associated with development of the NWSP are accounted for in EBMUD's demand projections for development within the Ultimate Service Boundary. EBMUD's water demand projections account for anticipated future water demands within EBMUD's service area and for changes in demand resulting from changes in development patterns. The WSA was approved by EBMUD's Board of Directors on October 12, 2004. Since that time, water demands associated with the NWSP, which includes the Faria Preserve have not changed substantially and, if anything, have decreased slightly due to a reduction in the number of residences proposed to be developed for the Faria Preserve. Anticipated water demands for the NWSP (including the Faria Preserve) continue to fall within EBMUD's overall projected demand and, as such, have been adequately addressed in EBMUD's water planning studies and activities. As with all EBMUD customers, residents of the NWSP (including the Faria Preserve) would be subject to the requirements of EBMUD's water service regulations, including mandatory water use restrictions that may apply in times of drought.

Storm drain facilities installed for the Faria Preserve will accommodate EBMUD's planned facilities. While the planned facilities are not anticipated to generate landfill waste during operation, the existing landfill has adequate capacity to accommodate solid waste generated by the planned facilities.

Therefore, there is no impact and no mitigation measures are required.

XVIII. Mandatory Findings of Significance Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. Mandatory Findings of Significance	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project: project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. As discussed in Section IV, Biological Resources, the proposed project would have the potential to result in a disturbance to sensitive biological resources. Implementation of identified mitigation measures would reduce the proposed project's impact on these resources to less than significant.
- b. The proposed EBMUD facilities, in combination with the Faria Preserve and other past, present, and foreseeable projects, could result in potentially significant cumulative effects. However, given the overall small size of the facilities, with implementation of the identified mitigation measures as discussed above, the proposed project's contribution to cumulative impacts would not be cumulatively considerable, and cumulative impacts would be less than significant.
- c. As discussed above, the proposed project has the potential to adversely impact human beings. Implementation of the identified mitigation measures would reduce the proposed project's effects to less-than-significant levels. Thus, implementing the proposed project would not result in environmental impacts that would cause substantial adverse effects on human beings.

MATERIALS AND RESOURCES CONSULTED

City of San Ramon Faria Preserve Community Project Draft Initial Study/Mitigated Negative Declaration, December 2013.

City of San Ramon Faria Preserve Community Project Final Initial Study/Mitigated Negative Declaration, May 2014.

City of San Ramon Northwest Specific Plan/ Faria Preserve Community Draft Environmental Impact Report, July 2006.

City of San Ramon Northwest Specific Plan/ Faria Preserve Community Environmental Impact Report Response to Comments, October 2006.

Geotechnical Recommendations Report, ENGEO Incorporated, October 2012.

Memorandum: San Ramon Faria Community Preserve IS/MND Changes Summary, from Kelsey Bennet (AECOM) to Cindy Yee (City of San Ramon), March 13, 2014.

Preliminary Geotechnical Feasibility Study, EarthSystems Consultants of Northern California, March 2005.

Geologic Hazards Evaluation and Preliminary Geotechnical Engineering Study, EarthSystems Consultants of Northern California, October 2004.

sb15_057h Appendix A CEQA Analysis

Exhibit A
Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan

Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
Air Quality					
3.3-1a	<p>Implement BAAQMD Basic and Additional Construction Control Measures.</p> <p><i>BAAQMD recommends that all projects, regardless of significance, implement the Basic Construction Control Measures during construction. Because the proposed project would also exceed the threshold of significance for NO_x, additional measures are recommended to reduce NO_x emissions. The Applicant and its construction contractor shall implement the following Basic Construction Control Measures during all construction activities:</i></p> <ul style="list-style-type: none">• <i>All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</i>• <i>All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</i>• <i>All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</i>• <i>All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</i>• <i>Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure, Title 13, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.</i>• <i>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</i>• <i>A publicly visible sign shall be posted at the soil transfer site within the BAAQMD, with the telephone number and person to contact at the City of San Ramon regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number also shall be</i>	Construction	EBMUD and Developer to implement EBMUD to incorporate into design specifications Developer to share with EBMUD MMRP compliance documentation provided to City		

Exhibit A Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan					
Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
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	<p><i>visible, to ensure compliance with applicable regulations.</i></p> <p><i>Because the proposed project would exceed the NO_x threshold of significance, would include a substantial amount of cut/fill operations, and would be located approximately 0.5 mile from the nearest sensitive receptor, additional mitigation measures are prescribed to reduce emissions and avoid exposing nearby receptors to substantial construction emissions. BAAQMD has developed Additional Construction Mitigation Measures for those projects that either will include extensive earth-moving activities or will be located near sensitive receptors. The following measures from BAAQMD's Additional Construction Measures also shall be implemented during construction:</i></p> <ul style="list-style-type: none"><i>• All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12%. Moisture content can be verified by lab samples or moisture probe.</i><i>• All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour.</i><i>• Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks shall have at maximum 50% air porosity.</i><i>• Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and shall be watered appropriately until vegetation is established.</i><i>• The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities 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.</i><i>• All trucks and equipment, including their tires, shall be washed off before leaving the site.</i><i>• Site accesses to a distance of 100 feet from the paved road shall be treated</i>				

Exhibit A Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan					
Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
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	<p>with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.</p> <ul style="list-style-type: none"> Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1%. The idling time of diesel-powered construction equipment shall be minimized to 2 minutes. Low-volatile organic compounds (i.e., ROG [reactive organic gases]) coatings shall be used, beyond local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings). All contractors shall be required to use equipment that meets ARB's most recent certification standard for off-road heavy duty diesel engines. 				
3.3-1b	<p>Use BAAQMD CMP or Another Verifiable Offset Program to Offset Regional Off-Site Emissions.</p> <p>The Applicant shall use BAAQMD's CMP or another verifiable program to offset the proposed project's NOx emissions that exceed the BAAQMD 2010 threshold after implementation of Mitigation Measure 3.3-1a, above. The Applicant may achieve the required offset through payment to BAAQMD on a per ton of NOx amount (i.e., dollars per ton of NOx to offset) for emission reduction projects that will be funded by BAAQMD. The price of NOx emission offsets shall be determined by BAAQMD on an annual basis and shall be paid prior to construction grading permits issuance. The types of projects that would be funded by BAAQMD could include:</p> <ul style="list-style-type: none"> Projects within the City of San Ramon, Contra Costa County, and/or the SFBAAB that are eligible for funding under the CMP guidelines that are real, surplus, quantifiable, and enforceable Projects to replace older, high-emitting construction equipment operating in the City of San Ramon, Contra Costa County, and/or the SFBAAB with newer, cleaner, retrofitted, or more efficient equipment <p>The proposed project's construction activities are anticipated to last approximately</p>	Preconstruction/ Construction	<p>Developer to implement</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		

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Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
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	1,140 workdays, which equates to approximately 30.78 tons of NOx as a threshold (i.e., 54 pounds per day over 1,140 work days). The proposed project would generate approximately 44.42 total tons of NOx during construction after implementation of Mitigation Measure 3.3-1a. Therefore, the Applicant shall be required to offset approximately 13.64 tons of NOx as described above.				
Biological Resources					
3.4-2	<p>Mitigation Measure 3.4-2: Conduct a Preconstruction Nesting Bird Survey and Implement Protective Actions if Active Nest Detected.</p> <p>A preconstruction survey shall be conducted by a qualified biologist for nesting raptors and other special-status bird species a maximum of 2 weeks before any new construction activities (i.e., ground clearing and grading, staging of equipment, ground disturbance) during the breeding season (February 1–August 31) to ensure that there are no nesting migratory birds within or adjacent to the construction area. Should active nests be found during the preconstruction survey, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist has determined that the young have fledged. The no-disturbance buffer zone shall be a minimum of 250 feet from active raptor nests, 100 feet from special-status species, and 50 feet from non-special-status nesting bird species until chicks have fledged. Reductions in the size of the buffer zones and or allowances of limited types of construction activities within the buffer zone shall be determined by a qualified biologist through coordination with CDFW and shall be based on existing noise and human disturbance levels at the project site and observed evidence of disturbance to birds.</p>	Preconstruction/ Construction	<p>EBMUD and Developer to implement</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		
3.4-3	<p>Mitigation Measure 3.4-3: Complete Compensatory Mitigation Plans Pursuant to the State and Federal Endangered Species Acts and Comply with</p>	Preconstruction/	Developer to comply with		

Exhibit A

Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan

Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
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	<p>Conservation Measures.</p> <p><i>The Applicant shall complete the ESA Section 7 or Section 10 consultation process with USFWS and the State's 2081 Incidental Take Permit process for the Alameda whipsnake. The Applicant shall comply with the conservation measures identified by USFWS and the CDFW to mitigate impacts on critical habitat and avoid impacts on Alameda whipsnake during construction. At a minimum, compensatory mitigation for loss of Alameda whipsnake shall include permanent preservation and management of suitable habitat in the Open Space Preserve and other available sites within the critical habitat designated by the USFWS. A long-term resource management plan shall be prepared to specify the management activities to protect the habitat for Alameda whipsnake. Avoidance and minimization measures shall be included in the resource management plan and subject to the approval of the USFWS and CDFW. These measures shall address, but not be limited to:</i></p> <ul style="list-style-type: none"> • <i>work periods and hours</i> • <i>qualifications and responsibilities of monitoring biologists</i> • <i>pre-construction training and environmental awareness programs</i> • <i>pre-construction surveys</i> • <i>exclusion fencing to prevent entry during construction</i> • <i>actions to avoid animal entrapment</i> • <i>actions for encounters with the listed species</i> • <i>actions and communication protocols for accidental kill or injury of the listed species</i> 	Construction	<p>measure in its entirety</p> <p>EBMUD to comply with avoidance and minimization measures</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		
3.4-4	Mitigation Measure 3.4-4: Preserve, Restore, and Create Adjacent Riparian and Wetland Features.	Preconstruction/ Construction	Developer EBMUD to		

Exhibit A Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan					
Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
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	Through the CWA Section 404/401 permitting processes with USACE and the San Francisco Bay Regional Water Quality Control Board, as well as the Lake and Streambed Alteration Agreement with CDFW, the Applicant shall mitigate the fill or loss of wetlands and riparian corridors within the construction area. At a minimum, 2,120 linear feet of new ephemeral drainage channel shall be restored or created, 1,115 linear feet of existing drainage channel habitat shall be enhanced, and 0.81 acre of seasonal wetlands shall be created. In addition, 2.18 acres of existing seasonal wetland habitat and 3.60 acres of ephemeral drainage habitat that currently occur within the project site shall be preserved. In consultation with USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW, the Applicant shall develop and comply with mitigation measures, permit conditions, and conservation measures identified in the permits, including the creation or restoration of wetlands at an appropriate ratio within the Faria project. Prior to site development permit issuance, the Applicant shall provide to the City all permits issued by the USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW as evidence of the agencies' acceptance of the mitigation plans by the permitting agencies. The permits may modify and would supersede the mitigation linear feet and acreages identified above. Securing the permits and compliance with permit conditions and measures stipulated by the permits shall be conditions of the City's project approval.		incorporate into design specifications Developer to share with EBMUD MMRP compliance documentation provided to City		
3.4-5	<p>Mitigation Measure 3.4-5: Prepare and Implement Tree Mitigation and Replacement Plan.</p> <p>The Applicant shall prepare a tree mitigation and replacement plan in accordance with Division D5 "Resource Management," of the City of San Ramon Zoning Ordinance. The plan shall include all of the following elements:</p> <p>(1) An inventory of trees planned for removal and any work planned within the dripline of protected trees</p> <p>(2) Replacement of trees at a ratio agreed upon with the City of San Ramon and in accordance with the tree protection ordinance</p>	Preconstruction/ Construction	Developer EBMUD to incorporate into design specifications Developer to share with EBMUD MMRP compliance documentation		

Exhibit A Mitigation Monitoring and Reporting Plan for the Farla Pressure Zone Facilities Plan					
Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
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	<p>(3) <i>The specific locations of the tree planting, (including a map and planting plan)</i></p> <p>(4) <i>Schedules and methodologies for maintaining and monitoring the success of the plan</i></p> <p>(5) <i>Performance standards</i></p> <p><i>This plan shall be reviewed and approved by the City prior to site development permit issuance, and the plan shall be implemented throughout construction.</i></p>		provided to City		
Cultural Resources					
3.5-1	<p>Mitigation Measure 3.5-1: Implement Measures to Protect Subsurface Cultural Resources</p> <p><i>The City of San Ramon shall require implementation of a monitoring and response procedure during construction of the proposed project in order to avoid adverse effects on potentially significant archaeological resources. Specific steps in the procedure are as follows:</i></p> <ul style="list-style-type: none"> <i>Prior to construction, the construction contractor and subcontractors shall be informed of the legal and regulatory consequences of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other significant cultural materials from the site. Significant cultural materials include but are not limited to aboriginal human remains; chipped stone; groundstone; shell and bone artifacts (both human and animal); concentrations of fire-cracked rock; bottle glass; ceramics; ash and charcoal; and historic features such as privies or building foundations/remains.</i> <i>If an inadvertent discovery of cultural materials is made during</i> 	Preconstruction/ Construction	<p>EBMUD and Developer to implement</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		

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Mitigation Monitoring and Reporting Plan for the Farla Pressure Zone Facilities Plan

Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
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	<p>construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per the California Register of Historical Resources and develop appropriate mitigation. The Applicant shall comply with the mitigation requirements identified by the archaeologist and approved by the City.</p> <ul style="list-style-type: none"> • All artifacts or samples collected as part of the initial discovery, monitoring, or mitigation shall be properly preserved, catalogued, analyzed, evaluated, and curated along with the associated documentation in a professional manner consistent with current archaeological standards. • If human remains are uncovered during construction, the construction contractors shall stop potentially damaging work, assess the significance of the find, and pursue appropriate management. California law recognizes the need to protect interred human remains, particularly Native American burials and associated items of patrimony, from vandalism and inadvertent destruction. The procedures for the treatment of discovered human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097. <p>In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, all such activities in the vicinity of the find shall be halted immediately and the City's designated representative shall be notified. The City shall immediately notify the Contra Costa County coroner and a qualified</p>				

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Mitigation Monitoring and Reporting Plan for the Farla Pressure Zone Facilities Plan

Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
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	<p><i>professional archaeologist. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code, Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code, Section 7050[c]). The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in detail in California Public Resources Code Section 5097.9. The City or its appointed representative and the professional archaeologist shall consult with a Most Likely Descendent (MLD) determined by the NAHC regarding the removal or preservation and avoidance of the remains and determine if additional burials could be present in the vicinity.</i></p> <p><i>Assuming an agreement can be reached between the MLD and the City or their representative with the assistance of the archaeologist, these steps would result in minimizing or eliminating adverse impacts on the uncovered human remains.</i></p>				
3.5-2	<p>Mitigation Measure 3.5-2: Implement Measures to Protect Unique Paleontological Resources</p> <p><i>To minimize potential adverse impacts on previously unknown potentially unique, scientifically important paleontological resources during earth-moving activities at the project site, the Applicant shall do the following:</i></p> <ul style="list-style-type: none"> <i>Before the start of any earth-moving activities at the project site, the</i> 	Preconstruction/ Construction	EBMUD and Developer to implement EBMUD to incorporate into design specifications		

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Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan

Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
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	<p><i>Applicant shall retain a paleontologist to train all construction personnel involved with earth-moving activities, including the project superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.</i></p> <ul style="list-style-type: none"> <i>If paleontological resources are discovered during earth-moving activities, the construction crew shall immediately cease work in the vicinity of the find and notify a qualified paleontologist and the City of San Ramon Planning Services Division. The paleontologist shall evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan may include, but shall not be limited to, an intensive field survey in the vicinity of the find, sampling and data recovery, museum storage coordination for any specimen recovered, and a report of findings. All feasible recommendations contained in the recovery plan shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.</i> 		Developer to share with EBMUD MMRP compliance documentation provided to City		
Geology and Soils					
3.6-3	<p>Mitigation Measure 3.6-3: Use Protective Design for Infrastructure That Crosses Fault Lines.</p> <p><i>The Applicant shall design utilities and road facilities that cross the Calaveras Fault to include additional protective features to reduce damage associated with fault rupture, as directed by a geotechnical or civil engineer. Protective features include but are not limited to:</i></p> <ul style="list-style-type: none"> <i>using welded steel pipe with butt electric arc welded joints;</i> <i>designing pipeline geometry so the pipe will go into tension if the fault</i> 	Preconstruction/ Construction	<p>EBMUD and Developer to implement</p> <p>EBMUD to incorporate into design specifications</p>		

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	<p><i>moves;</i></p> <ul style="list-style-type: none"> <i>installing pipe with a coating/covering to minimize soil pipe friction, allowing the pipe to easily slide through the ground;</i> <i>avoiding use of “anchors” (e.g., valves, sharp bends), thereby allowing the pipe to move so that pipe stresses can be distributed along the pipe; and</i> <i>designing the backfill to allow the pipe to move laterally in the trench if required to accommodate the fault movement.</i> <p><i>Utility lines shall also be equipped with shutoff valves on each side where the lines cross faults.</i></p>		Developer to share with EBMUD MMRP compliance documentation provided to City		
3.6-4	<p>Mitigation Measure 3.6-4: Conduct Geological Monitoring during Grading.</p> <p><i>The Applicant shall retain a licensed geologist to be present during all on-site grading activities. As grading activities progress, the licensed geologist shall map the landslide deposits along the western edge of the Calaveras Fault setback zone to more precisely locate the disturbed deposits and to assess the character of the shearing logged in the exploratory trenches. These features shall be shown on the as-built plans. Any changes in the nature of the shearing that might indicate they are related to active features of the Calaveras Fault shall be addressed by the licensed geologist. Any changes made during grading to the precise location of active fault-related features, the accompanying setback zone, or the location of the residential units shall be updated in the final development plan.</i></p>	Construction	<p>Developer to implement</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		
3.6-5	<p>Mitigation Measure 3.6-5: Implement Seismic Design Standards for Structures.</p> <p><i>The Applicant shall implement seismic design standards of the CBC that are in</i></p>	Preconstruction/ Construction	EBMUD and Developer to implement		

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Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
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	<i>force at the time improvement plans and/or tentative subdivision maps are submitted to the City to reduce damage to structures and injury to people associated with ground shaking. Structures shall be designed to accommodate seismic vibrations. Design and construction of all roads, infrastructure (such as bridges), and buildings shall be in accordance with the CBC. All project designs and proposed earthwork shall be reviewed by the City of San Ramon to verify compliance with the CBC.</i>		EBMUD to incorporate into design specifications Developer to share with EBMUD MMRP compliance documentation provided to City		
3.6-6	Mitigation Measure 3.6-6: Implement Recommendations Contained in Geotechnical Reports. <i>The Applicant shall ensure that construction is performed in strict accordance with approved plans and details, and according to all recommendations contained in the geologic and geotechnical investigations. A licensed civil or geotechnical engineer shall be on-site during all grading activities to ensure that earthwork is performed in compliance with the plans.</i>	Preconstruction/ Construction	EBMUD and Developer to implement EBMUD to incorporate into design specifications Developer to share with EBMUD MMRP compliance documentation provided to City		

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3.6-7	<p>Mitigation Measure 3.6-7: Replace Holocene Alluvium with Compacted Fill.</p> <p><i>The Applicant shall remove all areas of colluvium and Holocene-age alluvium on the project site and replace them with engineered, compacted fill material. The full extent of the actual locations and amounts to be removed shall be determined by a licensed geotechnical engineer based on the review of 40-scale grading plans, as well as observations made in the field during grading.</i></p>	Preconstruction/ Construction	<p>Developer to implement</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		
3.6-8	<p>Mitigation Measure 3.6-8: Remove Landslide Deposits.</p> <p><i>Areas of landslide deposits on the project site shall be removed. Deep-seated landslide areas that involve displaced blocks of bedrock may be left in place if the landslide would be buttressed by engineered fill. It is also anticipated that portions of some landslide areas that extend upslope of the development area may be left in place where appropriate buttresses fills and debris catchment areas would be designed and constructed. The extent of the actual removals shall be determined by a licensed geotechnical engineer based on the review of 40-scale grading plans, as well as observations made in the field during grading.</i></p>	Construction	<p>Developer to implement</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		
3.6-9	<p>Mitigation Measure 3.6-9: Implement Recommended Slope Stabilization Techniques.</p> <p><i>The Applicant shall implement specific stabilization techniques to address landslide potential as recommended by a licensed geotechnical engineer. These techniques include but are not limited to:</i></p> <ul style="list-style-type: none"> <i>• buttressing or encapsulating landslides using engineered, compacted</i> 	Construction	<p>Developer to implement</p> <p>Developer to share with EBMUD MMRP compliance</p>		

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	<p>fill material;</p> <ul style="list-style-type: none">performing corrective grading and recompaction with engineered fill in shallow cut or natural areas of the project site;installing catchment basins and berms to contain potential debris flows that might occur on the steep areas upslope from planned development (berms may be up to 15 feet tall);installing additional buttress fill at the toe of the large deep-seated landslide in the northwestern portion of the project site; andinstalling drainage mechanisms, such as subdrains, concrete-lined channels, finger drains, hydroaugers, or gallery drains, within the slopes to move shallow subsurface water away from unstable slopes.		documentation provided to City		
3.6-10	<p>Mitigation Measure 3.6-10: Construct Retaining Structures or Use Other Means to Secure Bedrock Slopes.</p> <p>To address rock slide hazards associated with unfavorably oriented bedrock dip slopes (which are prone to landslides), the Applicant shall construct retaining structures or use other means to hold bedrock slopes in place as recommended by a civil or structural engineer and indicated on the final grading plans. Retaining structures could include retaining walls. Slopes also could be secured using rock bolts and/or soil nailing.</p>	Construction	Developer to implement	Developer to share with EBMUD MMRP compliance documentation provided to City	
3.6-11	<p>Mitigation Measure 3.6-11: Implement Grading and Erosion Control Plan.</p> <p>Before grading permits are issued, the Applicant shall retain a California Registered Civil Engineer to prepare a grading and erosion control plan. The grading and erosion control plan shall be submitted to the City of San Ramon for</p>	Preconstruction/ Construction	Developer to comply with measure in its entirety	EBMUD to	

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Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan

Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
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	<p>review and approval before issuance of grading permits for all new development. The plan shall be consistent with the City's Grading Ordinance and the state's National Pollutant Discharge Elimination System permit and shall include the site-specific grading associated with development for all project phases.</p> <p>The plans referenced above shall identify the location, implementation schedule, and maintenance schedule of all erosion and sediment control measures; describe measures designed to control dust and stabilize the construction-site road and entrance; and identify the location and methods of storage and disposal of construction materials. Erosion and sediment control measures could include the use of detention basins, berms, swales, wattles, and silt fencing, and the covering or watering of stockpiled soils to reduce wind erosion. Stabilization measures on steep slopes could include construction of retaining walls. Stabilization of construction entrances to minimize trackout (control dust) is commonly achieved by installing filter fabric and crushed rock to a depth of approximately 1 foot. The Applicant shall ensure that the construction contractor is responsible for securing a source of transportation and deposition of excavated materials.</p> <p>After construction activities are completed, bare steep slopes shall be reseeded with vegetation and/or planted with shrubs and trees. Because the existing bedrock is relatively nutrient-poor, it may be difficult for vegetation to become properly established, resulting in a potential for slope erosion. Revegetation of graded slopes can be aided by retaining the topsoil and spreading these materials in a thin layer (approximately 6 inches thick) on the graded slopes before the winter rains and following rough grading. When this method is used, hydroseeding can sometimes be avoided. All landscaped slopes shall be maintained in a vegetated state after project completion. The use of drought-tolerant vegetation requiring infrequent drip irrigation during summer is recommended. No pressurized</p>		<p>comply with erosion and sediment control measures during construction</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		

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Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
	irrigation lines shall be placed on or near the tops of graded slopes.				
3.6-12	<p>Mitigation Measure 3.6-12: Implement Geotechnical Recommendations to Stabilize Soils.</p> <p><i>The Applicant shall implement all recommendations contained in the geotechnical engineering reports that have been conducted for the project site (e.g., ENGEO, 2012) to reduce hazards from construction in unstable soils. These recommendations include but are not limited to the following:</i></p> <ul style="list-style-type: none"> <i>• Reduce settlement of native soil deposit by removing the potentially compressible soils (colluvial, alluvial, and landslide deposits) down to bedrock and replacing it with compacted fill.</i> <i>• Reduce hydro-consolidation and seismically induced settlement by including higher compaction effort and higher moisture content at the time of placement, conducting contour grading of the underlying ground surface, and stiffening foundations to accommodate the anticipated settlements.</i> <i>• Reduce differential settlement through contour grading and use of support structures on stiffened foundation systems that can withstand differential settlement (e.g., slab foundation, a post-tensioned mat foundation with stiffener ribs, or a stiffened foundation with underpinning piers).</i> <i>• Remove landslide areas in the deeper fill areas (more than 50–60 feet deep) to reduce potential settlement.</i> <i>• Install subsurface drainage systems in all keyways and in swales or natural drainage ways that are to be filled. The approximate locations</i> 	Preconstruction/ Construction	<p>EBMUD and Developer to implement</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		

Exhibit A Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan					
Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
	<p><i>of the recommended subdrains shall be determined by a licensed civil or geotechnical engineer and shown on the final 40-scale grading plans.</i></p> <ul style="list-style-type: none"> <i>Provide drainage courses that are to be filled with adequate subsurface drainage before placement of any fill. Swales shall be cleaned to a firm soil or rock base before subdrains are installed.</i> <i>Remove desiccated, cracked surface clays and slumping soils located along the swale areas, and bench the slopes before the fill is placed. Actual limits of subexcavation shall be determined in the field at the time of grading by the civil or geotechnical engineer.</i> <i>Add subdrains where seepage or wet conditions are encountered during excavation. Subdrain systems shall consist of a minimum 6-inch-diameter perforated pipe encased in an 18-inch minimum thickness of Caltrans Class 2 permeable material or coarse rock wrapped in geotextile filter fabric (or as determined otherwise by a licensed geotechnical or civil engineer). All subdrains on the project site shall ultimately drain into the storm drainage system.</i> <i>Construct a drained, buttressed debris bench for all cut or natural slopes that are immediately adjacent to the development as directed by a licensed geotechnical engineer. The drained, buttressed debris bench shall consist of a drained keyway excavated into firm bedrock and engineered fill with a debris bench. The outboard side of the debris bench shall be provided with a concrete v-ditch discharging into an approved outlet.</i> 				
3.6-13	Mitigation Measure 3.6-13: Implement Geotechnical Recommendations for	Preconstruction/	EBMUD and Developer to		

Exhibit A Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan					
Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
	<p>Expansive Soils.</p> <p><i>The Applicant shall implement all recommendations contained in the geotechnical engineering reports that have been conducted for the project site (e.g., ENGEO, 2012) to reduce hazards from construction in expansive soils. These recommendations include but are not limited to:</i></p> <ul style="list-style-type: none"><i>removing expansive soil and replacing it with engineered fill;</i><i>conducting engineered preparation of building and roadway subgrades, including using lime treatment of expansive deposits, where deemed necessary by the geotechnical engineer;</i><i>installing drainage systems;</i><i>strengthening shallow foundation systems (i.e., using post-tensioned slab) to resist the movements associated with the volume changes; and/or</i><i>installing deep foundation systems to support structures below the zones of severe moisture change (e.g., pier and grade beam, waffle slab, and thick mat slab foundations).</i>	Construction	implement EBMUD to incorporate into design specifications Developer to share with EBMUD MMRP compliance documentation provided to City		
Hazards and Hazardous Materials					
3.8-1	<p>Mitigation Measure 3.8-1: Develop and implement a San Ramon Valley Fire Protection District-approved Open Space Management Plan.</p> <p><i>The Applicant shall develop an open space management plan, for submittal to and approval by the San Ramon Valley Fire Protection District before approval of the updated Faria Preserve Community Final Map. The plan will include specific measures to be implemented during project construction to reduce potential fire hazards, including construction of buffers between the homes, and regular</i></p>	Preconstruction/ Construction	EBMUD and Developer to implement EBMUD to incorporate into design		

Exhibit A

Mitigation Monitoring and Reporting Plan for the Farla Pressure Zone Facilities Plan

Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
	<i>maintenance and disking of property lines.</i>		specifications Developer to share with EBMUD MMRP compliance documentation provided to City		
Hydrology and Water Quality					
3.9-1	<p>Mitigation Measure 3.9-1: Prepare and Implement a Site-Specific SWPPP in compliance with the NPDES Permit.</p> <p><i>During project construction, the Applicant or its consultant shall prepare a site-specific SWPPP for coverage under the "General Permit for Discharges Related to Construction Activity" (Construction General Permit), for submittal to the San Francisco Bay RWQCB before any construction, demolition, or grading activities begin. For the proposed project, the SWPPP will cover pre- and post-construction activities and describe site-specific and construction phase-specific activities detailing the following:</i></p> <ul style="list-style-type: none"> <i>activities that may cause pollutant discharge (including sediment);</i> <i>BMFs, consistent with the requirements of the NPDES permit, to reduce the potential for contaminated runoff, such as limiting ground-disturbing activities during the winter rainfall period, minimizing exposure of disturbed areas and soil stockpiles to rainfall, and minimizing construction activities near or within drainage facilities;</i> 			Preconstruction/ Construction	EBMUD and Developer to implement EBMUD to incorporate into design specifications Developer to share with EBMUD MMRP compliance documentation provided to City

Exhibit A

Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan

Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
	<ul style="list-style-type: none"> erosion and sedimentation control measures to be implemented, such as soil stabilization, mulching, siltfencing, or temporary desilting basins; good housekeeping practices, such as road sweeping and dust control; and diversion measures, such as use of berms to prevent clear runoff from contacting disturbed areas; and hazardous materials spill prevention and response measure requirements, including Lists of materials proposed for use, handling, and storage practices, identification of spill response equipment, spill containment and cleanup procedures, and identification of regulatory notification protocols and contact phone numbers to be used in the event of a spill. <p>The Applicant shall implement the SWPPP, monitoring all BMPs and the parties responsible for them, in conformance with the guidelines set forth in the SWRCB's Construction General Permit.</p>				
3.9-3	<p>Mitigation Measure 3.9-3: Prepare and Implement Provisions for Dewatering.</p> <p>The Applicant or its consultant shall prepare and implement provisions for dewatering during construction, in accordance with local and San Francisco Bay RWQCB requirements, to minimize adverse water quality impacts on surface water and groundwater. Provisions may include preparation of a dewatering plan that details procedures for removing groundwater, methods of temporary water treatment/retention facility, and water disposal procedures.</p>	Preconstruction/ Construction	Developer to implement EBMUD to incorporate into design specifications Developer to share with EBMUD MMRP compliance documentation provided to		

Exhibit A Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan					
Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
			City		
Noise					
3.12-1	Mitigation Measure 3.12-1: Implement Best Management Practices to Control Construction Noise. <i>To reduce impacts associated with noise generated during construction activities, the Applicant shall conform to the following requirements during construction:</i> <ul style="list-style-type: none"> • <i>Fixed/stationary equipment (e.g., generators, compressors, cement mixers) will be located as far as possible from noise-sensitive receptors. All impact tools will be shrouded or shielded, and all intake and exhaust ports on powered construction equipment will be muffled or shielded.</i> • <i>All construction equipment will be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds will be closed during equipment operation.</i> • <i>All motorized construction equipment will be shut down when not in use, to prevent excessive idling noise.</i> • <i>Written notification of heavy construction activities (heavy earth-moving) will be provided to all noise-sensitive receptors located adjacent to the project site and heavy construction operations, or within 500 feet of such operations. Notification will include anticipated dates and hours during which construction activities are anticipated to occur and contact information, including a daytime telephone number, for the project representative to be contacted in the event that noise</i> 	Construction	EBMUD and Developer to implement EBMUD to incorporate into design specifications Developer to share with EBMUD MMRP compliance documentation provided to City		

Exhibit A

Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan

Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
	<p><i>levels are deemed excessive. Recommendations to assist noise-sensitive land uses in reducing interior noise levels (e.g., closing windows and doors) will be included in the notification.</i></p> <ul style="list-style-type: none"> <i>Temporary property line barriers (e.g., sound blankets) will be installed to reduce construction-generated noise levels at affected noise-sensitive land uses. The barriers will be designed to obstruct the line of sight between the noise-sensitive land use (adjacent, ground level backyards receptors) and on-site construction equipment within 100 feet of the property line. When installed properly, these barriers will be expected to reduce construction noise levels by no less than 5 dB.</i> 				

Faria Pressue Zone Water Demands

Residential	Units	gpd	Notes
Single Family		580	Average demand for 5/8-inch meter (from SCC calcs sheet)
Neighborhood I	121	70,180	
Neighborhood II	72	41,760	
Neighborhood III	63	36,540	
Single Family Total	256	148,480	
Multi-Family		199	Average demand for multi-family (from SCC calcs sheet)
Neighborhood IV	182	36,218	
Neighborhood V	302	60,098	
Multi-Family Total	484	96,316	
Faria Total Residential Demand		244,796	
Parks	Acres	ft^2	gpd
Neighborhood Park	12.9	561,924	36,830
Rose Garden	0.7	30,492	1,874
Pool	1.4	60,984	2,498
Parks Total	15		41,202
Community Resources	Users	gpd/user	gpd
Church (incl. outdoor)	100	15	1,500
School (incl. outdoor)	300	13	3,900
Community Resources Total			5,400
Adjacent Neighborhoods	Units	gpd	
+ NWSP		870	Average demand for 3/4-inch meter (from SCC calcs sheet)
<i>Chu Property</i>	44	38,280	
<i>Exist Cust Boll Cnyn</i>	5	9,903	Exist cust 2006 Annual Avg ¹ (large rural parcels)
		48,183	
+ Woodcrest rezoning	128	38,037	Exist cust 2006 Annual Avg ¹ (single-family subdivision)
+ Promontory rezoning	14	34,942	Exist cust 2006 Annual Avg ¹ (large meters serving multi-family units)

	Average Annual Demands		Max Day Required Capacity ³			Min Day Required Capacity ³		
	gpd	MGD	MDD (2.5) ⁴	Storage, MG	Pumping, MGD	AWD (0.5) ⁴	Storage, MG	Pumping, MGD
Faria	291,398	0.29	0.73	0.73	1.09	0.15	0.15	0.22
+ NWSP	48,183	0.05	0.12	0.12	0.18	0.02	0.02	0.04
+ Fire Storage ²	N/A	N/A	N/A	0.12	N/A	N/A	0.12	N/A
Faria and NWSP only (rounded)	339,581	0.34	0.85	0.97	1.27	0.17	0.29	0.25

Alternatively

Faria	291,398	0.29	0.73	0.73	1.09	0.15	0.15	0.22
+ NWSP	48,183	0.05	0.12	0.12	0.18	0.02	0.02	0.04
+ Woodcrest rezoning	38,037	0.04	0.10	0.10	0.14	0.02	0.02	0.03
+ Promontory rezoning	34,942	0.03	0.09	0.09	0.13	0.02	0.02	0.03
Total Including Rezoning (rounded)⁵	412,560	0.41	1.03	1.03	1.55	0.21	0.21	0.31

Facility Sizing Recommendation (rounded)	1.0	1.6
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Notes

- 2006 Annual Avg accounts for water use when demands were not depressed, neighborhoods as outlined on Figure 2 of the Facilities Plan.
- 1,000 gpm x 120 minutes = 0.12 MG requirement from SRVFPD, but only up to 1.0 MG total storage.
- S:D = 1:1 P:D = 1.5:1
- MDD Factor = 2.5
AWD Factor = 0.5
- Does not include Fire Storage. Per ESP 492.2, Fire Storage needs to be included when MDD is less than 1.

Faria Pressure Zone Facilities Plan

Appendix C – Reservoir and Pumping Plant Alternatives

Appendix C

Faria Reservoirs Alternatives

Alternative	Advantages	Disadvantages
<p><u>Tank Site A4</u> above grade Dual above-grade steel tanks located in 20- to 30-foot earthen bowl excavated at top of ridgeline</p> <p>Recommended Project</p>	<p><u>Environmental</u>: Finished contour grading will largely screen tanks from onsite and offsite views from Bollinger and Crow Canyon Roads and San Ramon Valley Boulevard. Developer will provide visual simulations.</p> <p><u>Geotechnical</u>: Located furthest from slides and on best foundation material.</p> <p><u>Construction</u>: Both tanks and access road at top of/along the ridgeline. Most favorable construction and maintenance access.</p> <p><u>O&M</u>: Good access to both tanks.</p>	<p><u>Construction</u>: Deep excavation for tank and I/O pipeline (77,000 CY). Requires most earthwork of all Alternatives A2 and A3.</p> <p><u>O&M</u>: Longer access road (1,600 feet) along ridgeline and existing trail.</p>
<p><u>Tank Site A4</u> (buried) Dual partially buried concrete tanks located in 20- to 30-foot earthen bowl excavated at top of ridgeline</p>	<p><u>Environmental</u>: Finished contour grading will largely screen tanks from onsite and offsite views from Bollinger and Crow Canyon Roads and San Ramon Valley Boulevard.</p> <p><u>Geotechnical</u>: Located furthest from slides and on best foundation material.</p> <p><u>Construction</u>: Both tanks and access road at top of/along the ridgeline. Good construction and maintenance access. Minimized seismic risk from overturning.</p> <p><u>O&M</u>: Good access to both tanks.</p>	<p><u>Construction</u>: Deep excavation for tank (50,000 CY) and I/O pipeline. Requires more earthwork than Alternatives A2 and A3.</p> <p><u>O&M</u>: Longer access road (1,600 feet) along ridgeline and existing trail. More difficult to inspect or detect leaks with buried tanks.</p>

Appendix C

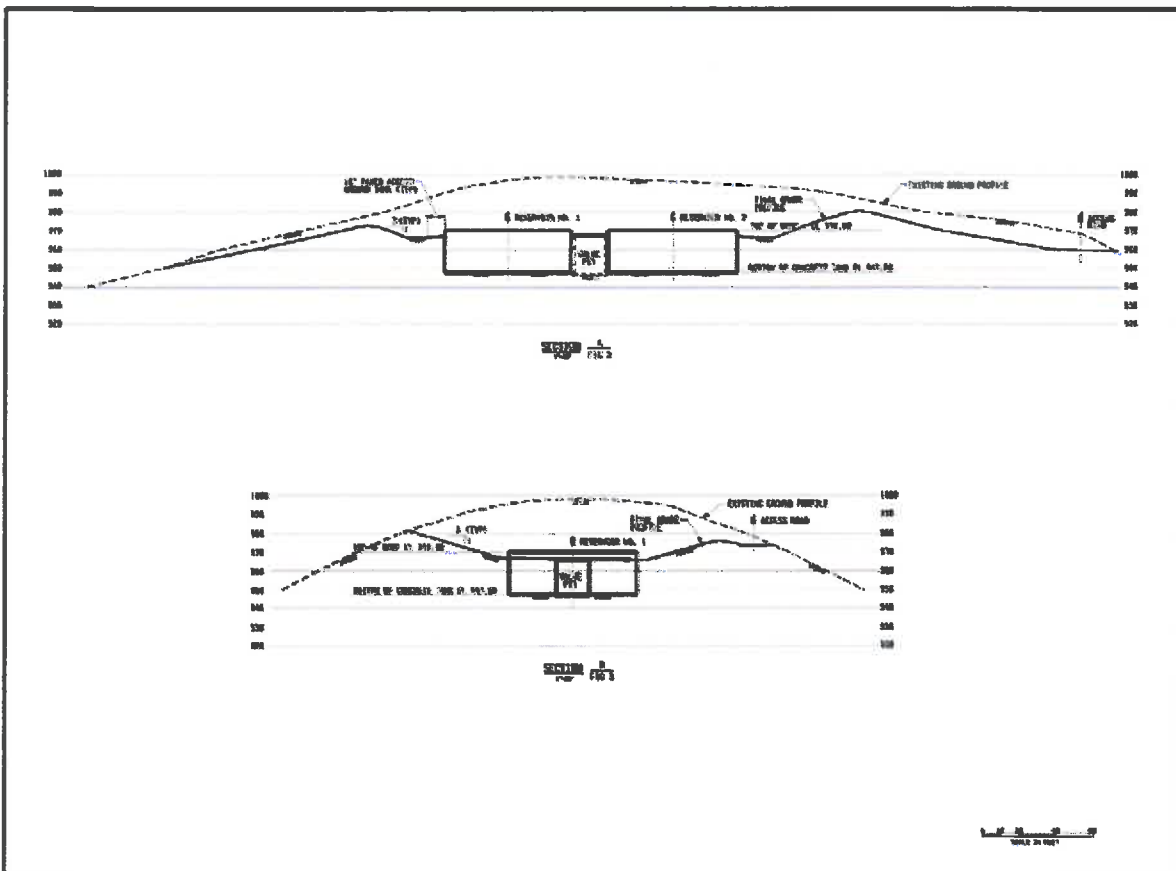
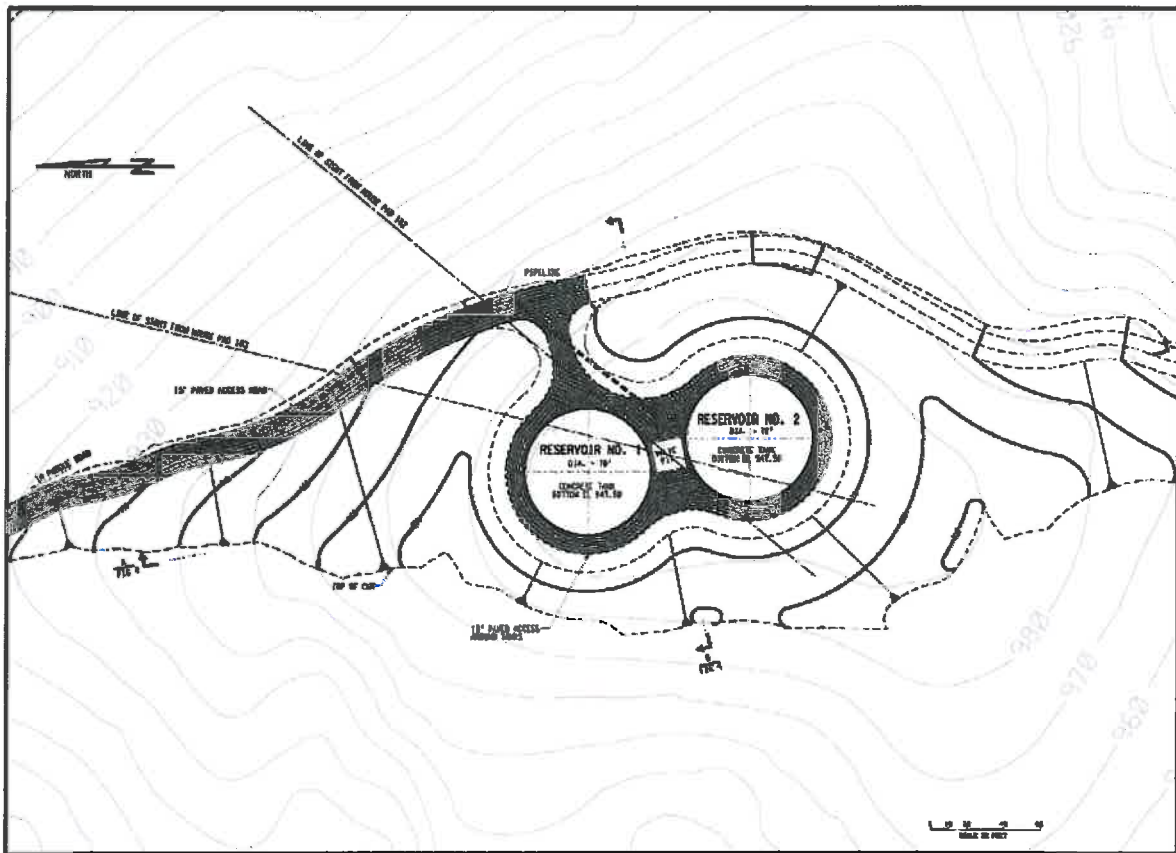
Faria Reservoirs Alternatives

Alternative	Advantages	Disadvantages
Tank Site A2 Dual steel tanks on bench excavated into eastern slope of ridgeline	<p><u>Environmental</u>: Views of tanks and finished cut slopes from Bollinger and Crow Canyon Roads and San Ramon Valley Boulevard partially screened by engineered fill/berm.</p> <p><u>Construction</u>: Moderate earthwork (60,000-CY cut) compared to Alternatives A4 (above grade) and A4 (buried).</p>	<p><u>Environmental</u>: Eastern exposure: Tops of tanks visible from within Faria Development and distant views from I-680. Access road requires grading along the flanks of the ridgeline; therefore, more visible cut slopes.</p> <p><u>Geotechnical</u>: Located 60 feet from landslides; bedrock more likely to be weathered. Subsurface work required. Drilled pier foundation likely required.</p> <p><u>Construction</u>: Access more difficult.</p> <p><u>O&M</u>: More difficult to access against the hillside. More difficult to inspect or detect leaks with buried tanks.</p>
Tank Site A3 Dual steel tanks on bench excavated into western slope of ridgeline	<p><u>Environmental</u>: Views of tanks and finished cut slopes from Bollinger and Crow Canyon Roads and San Ramon Valley Boulevard partially screened by engineered fill/berm.</p> <p><u>Construction</u>: Moderate earthwork (60,000 CY cut) compared to Alternatives A4 (above grade) and A4 (buried).</p>	<p><u>Environmental</u>: Western exposure: Distant views of tanks from south and southwest. Access road requires grading alongside and top of ridgeline; therefore, greatest potential for visible cut slopes.</p> <p><u>Geotechnical</u>: Located approximately 40 feet from landslides. Higher risk and repair costs than for Alternative A2. Weathered soils deepest at this site. Drilled pier foundation likely required.</p> <p><u>Construction</u>: Access more difficult. May require separate alignments for access road and I/O line due to slides.</p> <p><u>O&M</u>: More difficult to access against the hillside. More difficult to inspect or detect leaks with buried tanks.</p>

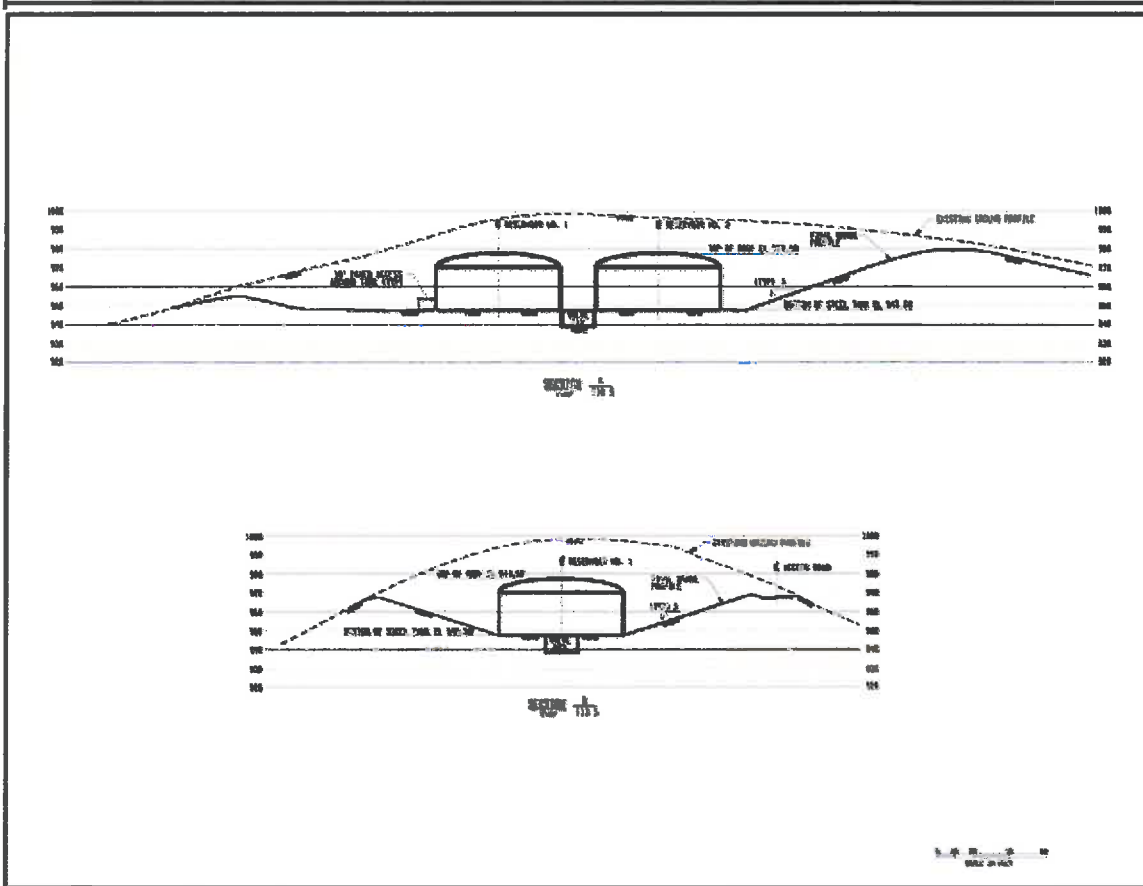
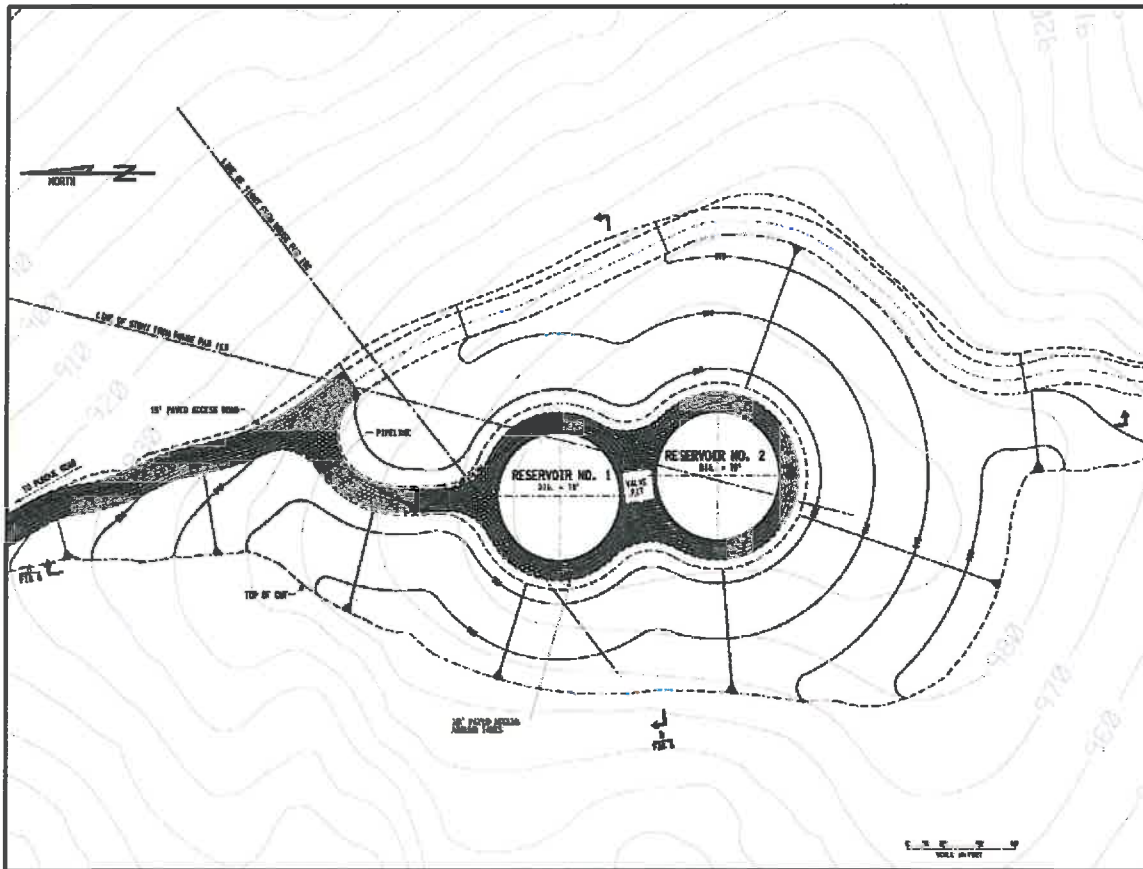
General Notes: All tank alternatives have the following elements in common:

- Dual-tank configuration with 0.5-MG storage, 65-foot diameter, with 24.5-foot water depth.
- Surrounding cut slope 3:1 or 2:1.
- Distant views of the various orientations are not significantly different once the grasses re-establish.
- The tank structures are not visible offsite given the proposed profile and long distances involved and also not visible from the roads or residences within the development.
- Consider locating valve pit at grade upstream of the tanks to minimize excavation, reduce costs and simplify O&M.
- I/O line and roadway not to exceed 946 feet in elevation.
- Roadway shared with trail users; may involve added maintenance.

Appendix C Faria Reservoir - Site A4 Partially Buried



Appendix C Faria Reservoir - Site A4 Above Grade



Appendix C

Faria Pumping Plant Site Alternatives

EBMUD Alternatives	Facility Description & Location	Pros	Cons	Geotechnical Evaluation
On-Site: San Ramon Reservoir	<ul style="list-style-type: none"> Located in the N/E quadrant of the San Ramon Reservoir site, at the top of the access road. Improvements can be part of relocating the San Ramon Reservoir I/O pipeline and access road. Pad elevation approximately 670 feet. 	<ul style="list-style-type: none"> Site can accommodate either an above-ground or buried pumping plant structure. Pumping plant located on same side of the Calaveras Fault as water source (San Ramon Reservoir) and destination (Faria Reservoirs). 	<ul style="list-style-type: none"> Requires onsite suction pipeline San Ramon Reservoir I/O line and about 150 feet of 12-inch discharge pipeline from the pumping plant to the proposed transmission mains. 	<ul style="list-style-type: none"> Not within the Calaveras Fault or AP Zone; therefore, no seismic design considerations are necessary.
Recommended Project				
On-Site: Purdue Road Pumping Plant Alternative	<ul style="list-style-type: none"> Level pad situated just off the Purdue Road extension into the east entrance of the Faria Preserve; pad elevation approximately 560 feet. Improvements can be part of upsizing San Ramon Reservoir I/O pipeline in Purdue. 	<ul style="list-style-type: none"> Site can accommodate either an above-ground or buried pumping plant structure. Flexibility to coordinate placement with that of the entry signage and adjacent landscaping. 	<ul style="list-style-type: none"> Requires 1,000 feet of 16-inch offsite pipeline improvements to connect to the 36-inch San Ramon PZ transmission main in San Ramon Valley Boulevard. Pumping plant located across the Calaveras Fault from water source (San Ramon Reservoir) and destination (Faria Reservoirs). 	<ul style="list-style-type: none"> Additional field exploration shows signs of the Calaveras Fault trace more to the east than previously noted, i.e., further from the pumping plant site. Based on the geologic map of ESCNC 2005, the site is approximately 150 feet from the Calaveras Fault trace as located by CDMG, 1982 and Hart, 1981.
Alternative Project				
Off-Site Not Recommended	<ul style="list-style-type: none"> City-owned landscape strip on Deerwood west of Omega. 	<ul style="list-style-type: none"> Level pad. 	<ul style="list-style-type: none"> Property is too narrow and difficult to access. Requires 1,500 feet of pipeline improvements in Omega and Purdue to enter development. 	

(1.6 MGD rated capacity, exact configuration to be determined in design phase; approximately 30-foot by 40-foot structure.)

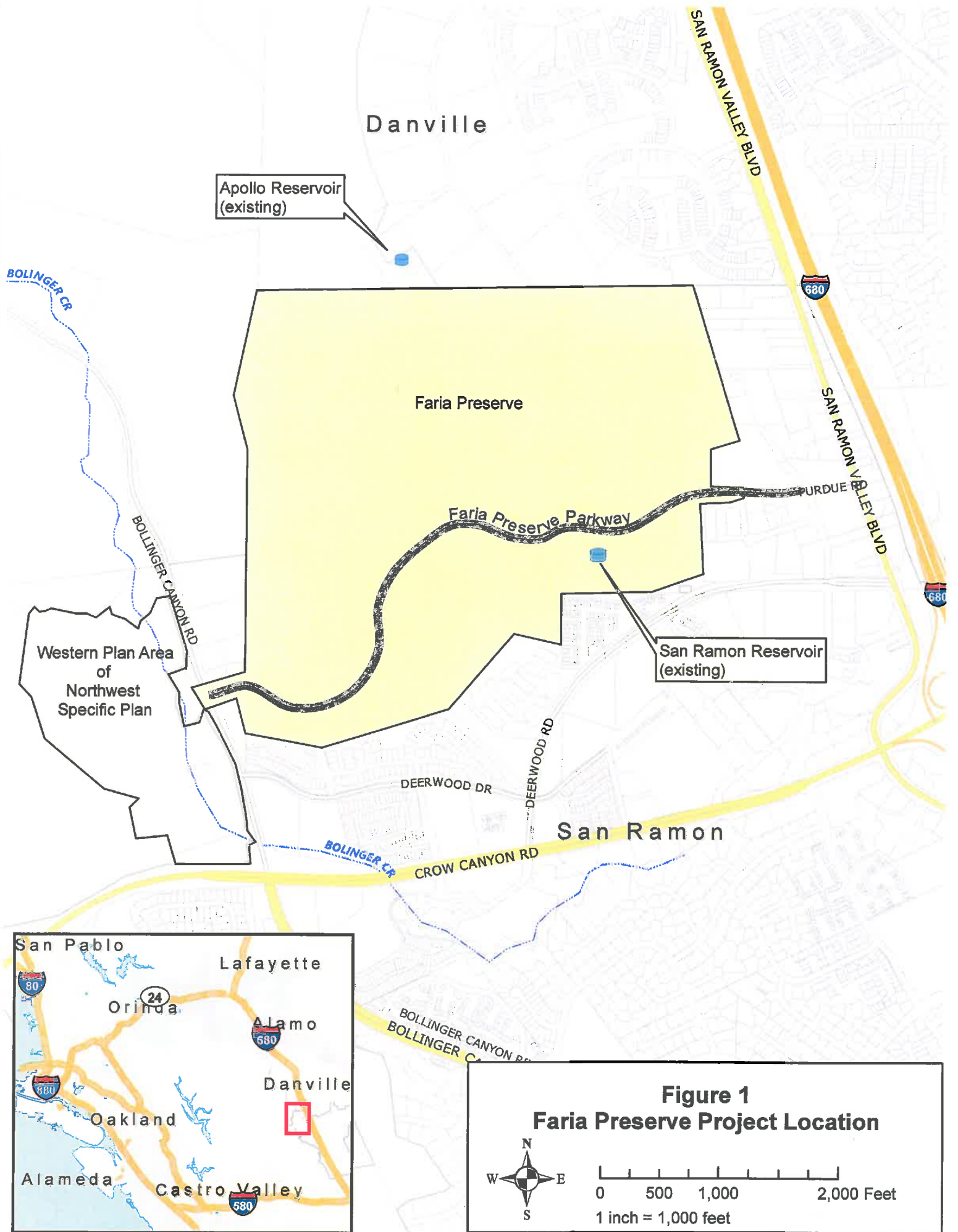
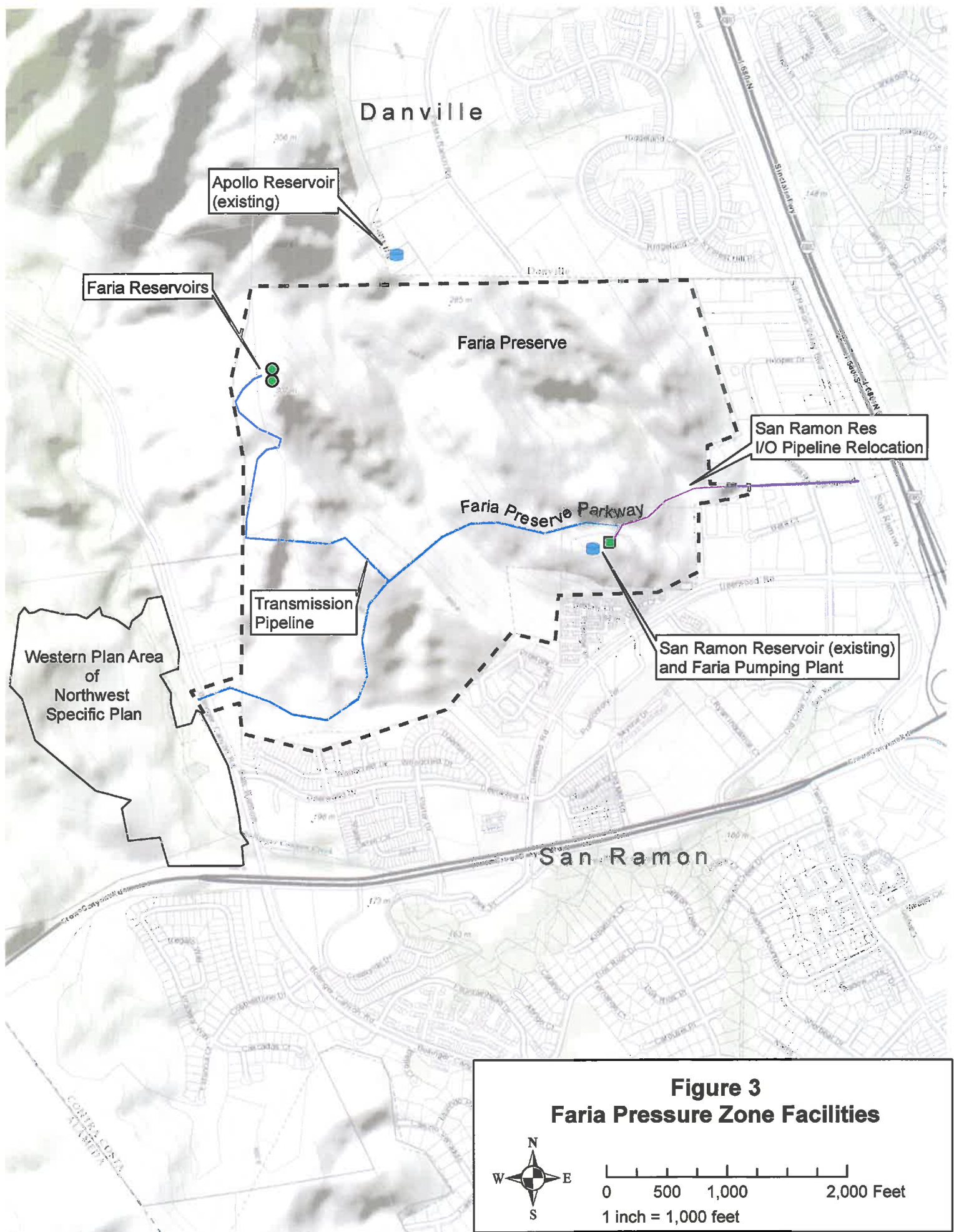




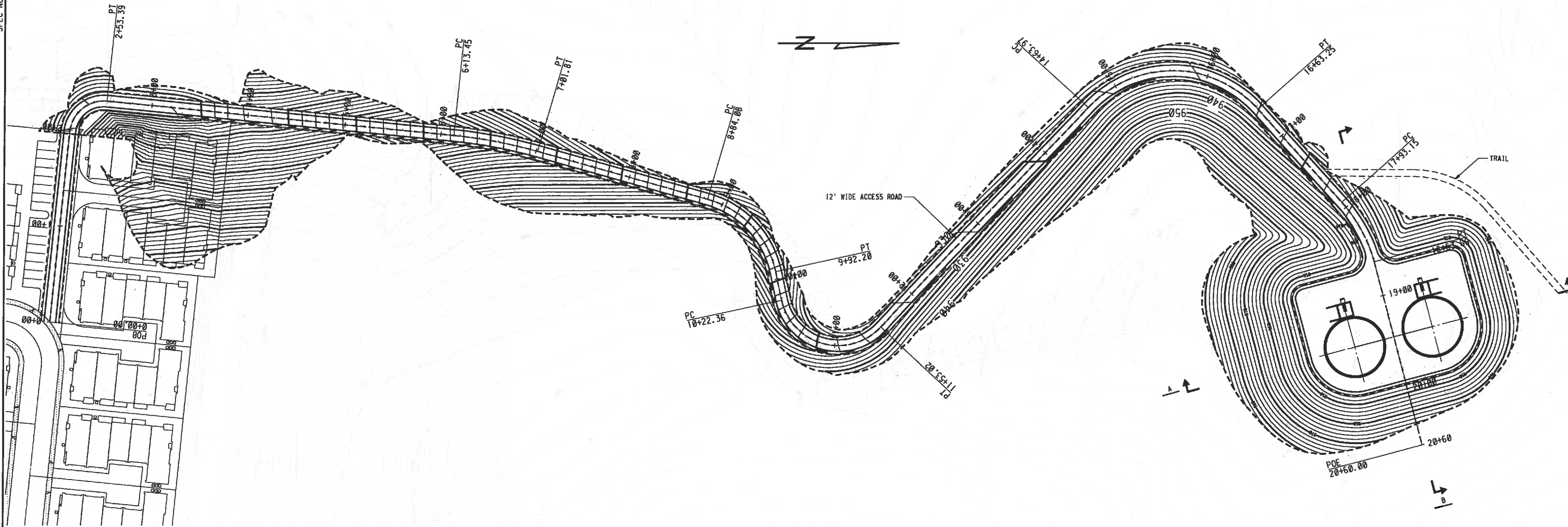
Figure 2
Additional Areas to be Served by
Faria Pressure Zone



0 500 1,000 2,000 Feet
1 inch = 1,000 feet

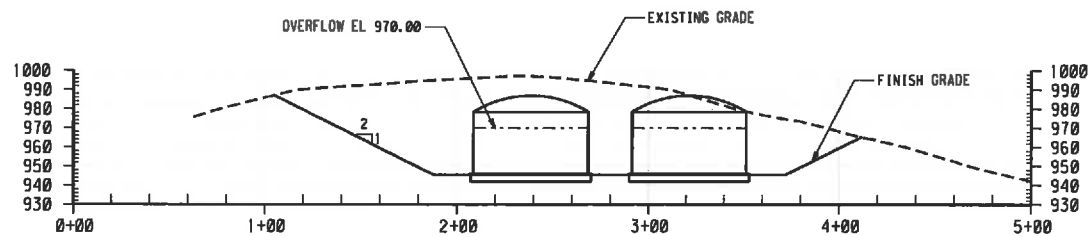


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SPEC NO.



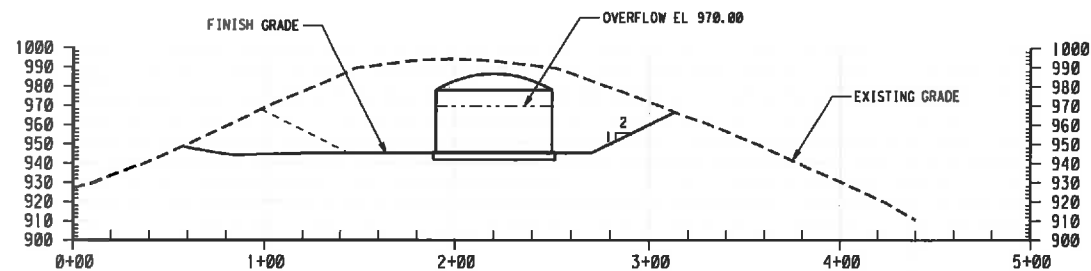
SITE PLAN

1"=50'



SECTION A

1"=50'



SECTION B

1"=50'

3" ON ORIGINAL DOCUMENT
0 1 2 3

NO.	DATE	REVISION	BY	REC.	APP.

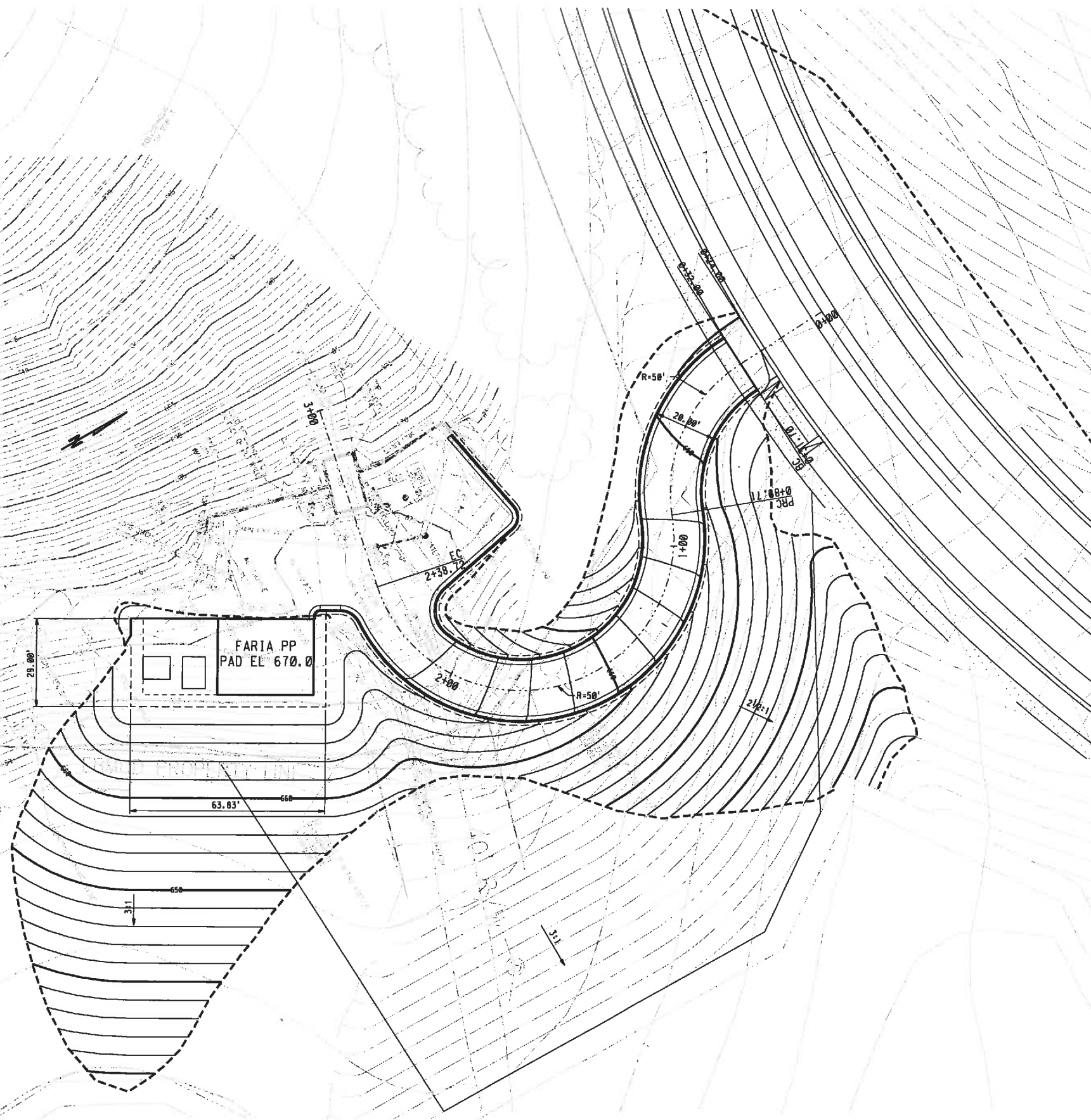
DESIGN	DESIGNED BY	EAST BAY MUNICIPAL UTILITY DISTRICT OAKLAND, CALIFORNIA FARIA RESERVOIRS 2 - 0.50 MG STEEL CIVIL SITE PLAN AND SECTIONS Figure 4			
	DESIGN CHECKED BY				
	DRAWN BY				
	PROJECT ENGINEER R.P.E. NO.				
REVIEW	RECOMMENDED S.E. NO.	PROJ. NO.	SCALE	1"=50'	
	APPROVED NO. OF DESIGN R.P.E. NO. C39051	DATE	STRUCT.	DISC.	NUMBER REV.

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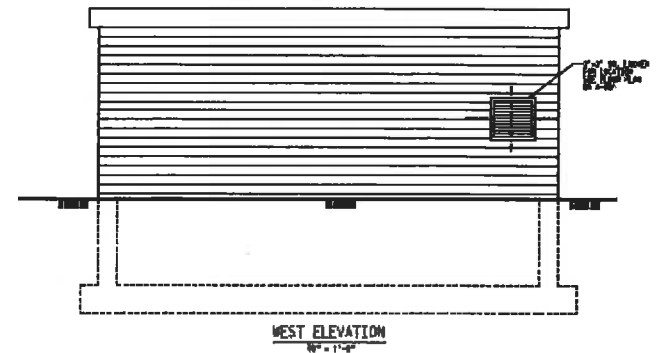
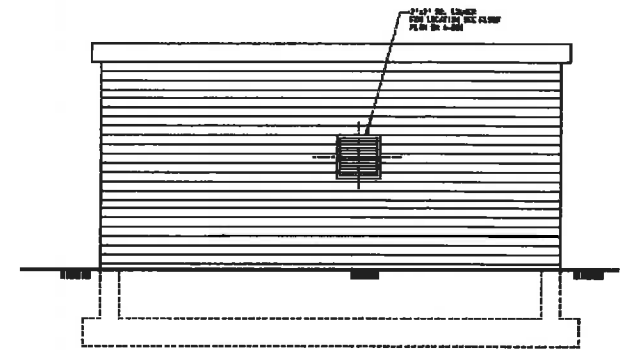
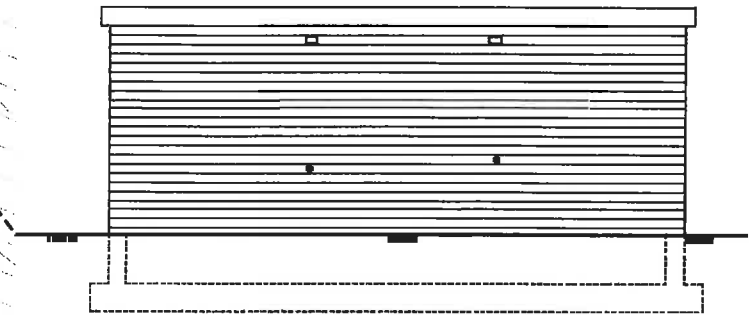
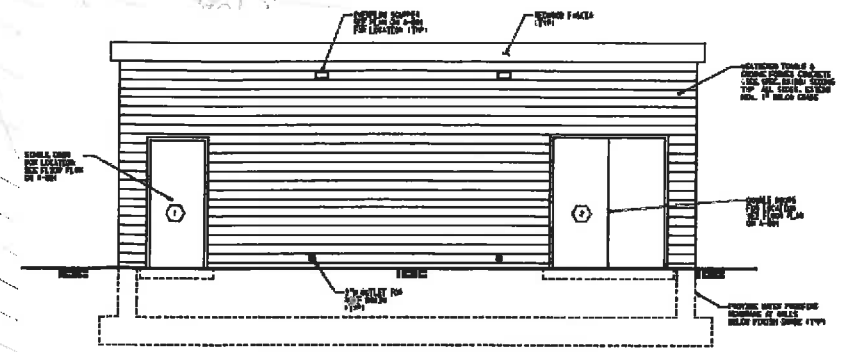
REF 1:
REF 2:

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REF 4:

SPEC NO.



3" ON ORIGINAL DOCUMENT
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DESIGNED BY				EAST BAY MUNICIPAL UTILITY DISTRICT OAKLAND, CALIFORNIA			
DESIGN CHECKED BY				FARIA PUMPING PLANT CIVIL			
DRAWN BY				PROPOSED FARIA PUMPING PLANT SITE LAYOUT			
PROJECT ENGINEER R.P.E. NO.				Figure 5			
RECOMMENDED R.P.E. NO.				PROJ. NO.			
APPROVED R.P.E. NO. C39851				SCALE 1"=20'			
NO.				DATE			
DATE				STRUCT.			
REVISION				DISC.			
BY				NUMBER			
REC.				REV.			
APP.							

Danville

Relocate existing San Ramon Res I/O:
~2,200 feet of 24-inch to
San Ramon Valley Blvd via Purdue Rd

Faria
Reservoirs

Faria Preserve

New transmission pipeline:
~7,800 feet of 12-inch
to Bollinger Canyon Rd

BOLLINGER CANYON RD

Western Plan Area
of
Northwest
Specific Plan

Faria Preserve Parkway

Faria
Pumping Plant

Kill existing San Ramon Res
I/O and quit claim easement

DEERWOOD RD

DEERWOOD DR

CROW CANYON RD

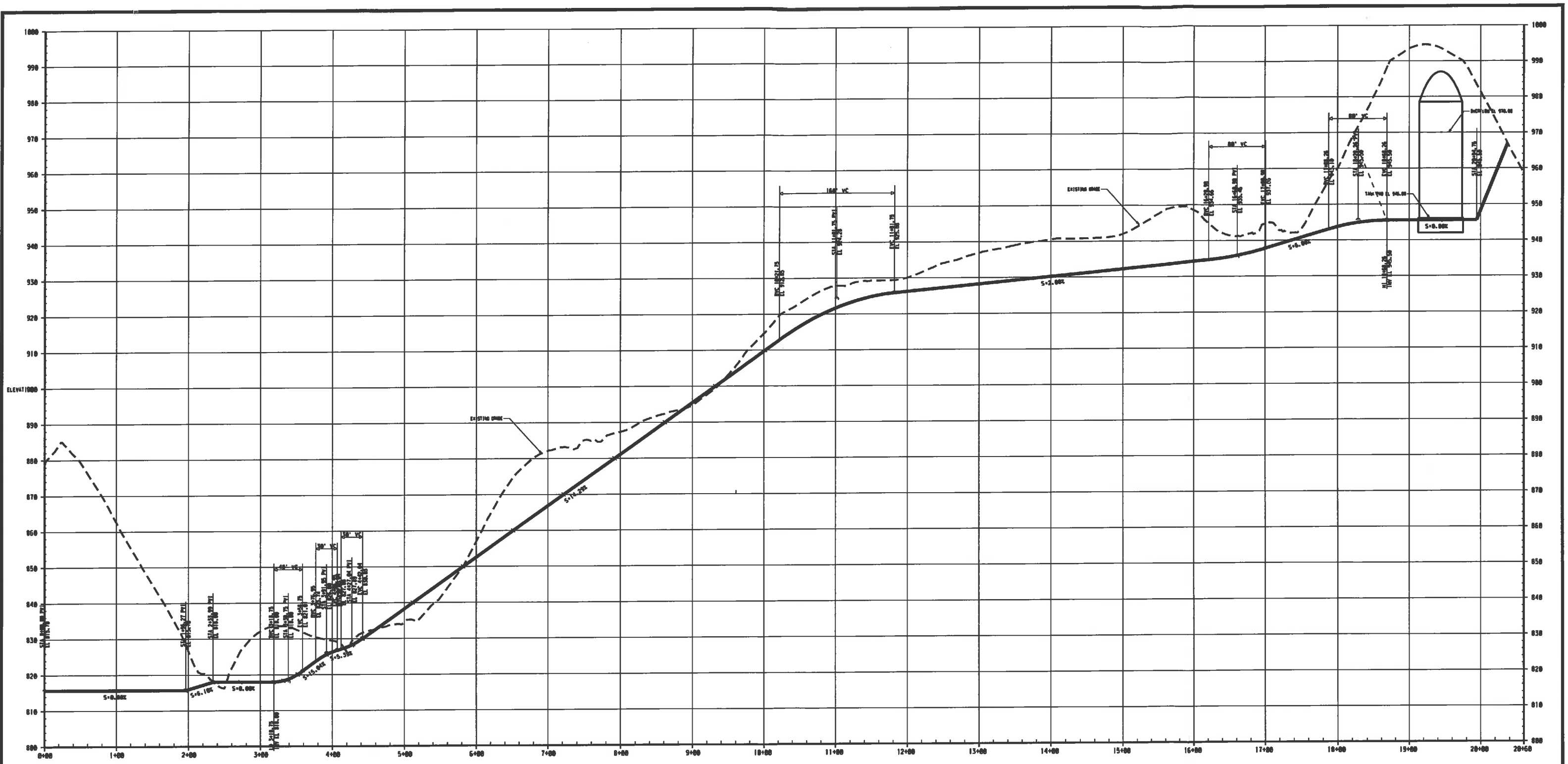
San Ramon

BOLLINGER CANYON RD
BOLLINGER C

Figure 6
Pipeline Improvements



0 500 1,000 2,000 Feet
1 inch = 1,000 feet



<table border="1"> <tr> <td>DESIGNED BY</td> <td></td> </tr> <tr> <td>DESIGN CHECKED BY</td> <td></td> </tr> <tr> <td>DRAWN BY</td> <td></td> </tr> <tr> <td>PROJECT ENGINEER R.P.E. NO.</td> <td></td> </tr> </table>					DESIGNED BY		DESIGN CHECKED BY		DRAWN BY		PROJECT ENGINEER R.P.E. NO.		EAST BAY MUNICIPAL UTILITY DISTRICT OAKLAND, CALIFORNIA FARIA RESERVOIRS 2 - 0.50 MG STEEL CIVIL ACCESS ROAD PROFILE Figure 7			
					DESIGNED BY											
					DESIGN CHECKED BY											
					DRAWN BY											
PROJECT ENGINEER R.P.E. NO.																
RECOMMENDED S.E. NO.																
APPROVED NO. OF DESIGN R.P.E. NO. C39851																
PROJ. NO. SCALE DATE																
NO.	DATE	REVISION	BY	REC.	APP.	STRUCT.	DISC.	NUMBER	REV.							

RESOLUTION NO. _____

ADOPTING FINDINGS AND A MITIGATION MONITORING AND REPORTING
PROGRAM AS A RESPONSIBLE AGENCY UNDER CEQA AND APPROVING THE FARIA
PRESSURE ZONE FACILITIES PLAN

Introduced by Director

; Seconded by Director

WHEREAS, on November 28, 2006, acting as the California Environmental Quality Act (CEQA) lead agency, the City of San Ramon (City) certified the Northwest Specific Plan/Faria Preserve Community Environmental Impact Report ("NWSP EIR"), adopted findings and a statement of overriding considerations, and approved the NWSP and related pre-zonings for the Faria Preserve; and

WHEREAS, following City's approval of the Faria Preserve, the project was modified to comply with certain settlement agreements entered into among the City and various opponents of the Faria Preserve, and development of the project subsequently stalled; and

WHEREAS, in 2012 the Faria Preserve project was acquired by Lafferty Communities (Developer), which filed updated applications for City approval of a revised Faria Preserve Community Project; and

WHEREAS, following project refinement, on May 6, 2014, again acting as CEQA lead agency, City adopted the Initial Study/Mitigated Negative Declaration for the Faria Preserve Community Project (IS/MND), approved the refined Revised Faria Preserve Community Project, and adopted findings and a mitigation monitoring and reporting program for the Project; and

WHEREAS, the Revised Faria Preserve Community Project approved by City is a 740-unit development on a 94-acre development footprint of the 286.5-acre site located in the City of San Ramon, including a combination of single and multi-family homes, a community park, a rose garden, a pool facility, an educational facility and a house of worship; and

WHEREAS, as a responsible agency under CEQA, the East Bay Municipal Utility District (District) has prepared a Faria Pressure Zone Facilities Plan (Facilities Plan), which describes the major new water facilities necessary to serve planned development in the Faria Preserve Community Project area and the NWSP; and

WHEREAS, the Facilities Plan includes construction of a new 1.6 million gallons per day (mgd) Faria Pumping Plant and new 0.5 million gallon (MG) twin Faria Reservoirs and associated inlet/outlet (I/O) pipeline by EBMUD and construction by Developer of approximately 10,000 feet

of transmission/distribution pipeline and necessary piping to connect residences and other structures within the development to the transmission pipeline; and

WHEREAS, because the District is a responsible agency under CEQA, the District's Board of Directors has considered the City's NWSP EIR and Faria Preserve Community Project IS/MND as those environmental documents relate to the District's Facilities Plan, and has reached its own conclusion on whether and how to approve the Facilities Plan; and

WHEREAS, though not required by CEQA, the District has completed a CEQA Analysis, attached to the Facilities Plan as Appendix A, to assist in understanding the potentially significant effects of the major new water facilities included in the Facilities Plan to ensure that all necessary mitigation measures were properly identified;

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 Board of Directors hereby finds and determines that the above recitals are true and correct and are incorporated herein.
2. The Board of Directors has reviewed and considered the information in the City's NWSP EIR and Faria Preserve Community Project IS/MND as those environmental documents relate to the proposed District facilities described in the Facilities Plan, including the environmental effects and mitigation measures applicable to those facilities.
3. The Board of Directors has reviewed the District-prepared CEQA Analysis document, which is attached to the Facilities Plan as Appendix A, which Plan including all appendices thereto is hereby incorporated by reference, and finds that the CEQA Analysis accurately identifies all potentially significant effects of the major new water facilities included in the Facilities Plan, and further identifies all necessary mitigation measures to minimize those impacts to less-than-significant levels.
4. In deciding whether to approve the Facilities Plan, the District is acting as a responsible agency under CEQA. The facilities included in the Facilities Plan are a small part of the larger NWSP/Faria Preserve Community which was reviewed in the City's NWSP EIR and Faria Preserve Community Project IS/MND. As a responsible agency, the District's authority with respect to the adoption and implementation of mitigation measures is limited to those mitigation measures necessary to mitigate potential impacts of the facilities included within the Facilities Plan. Accordingly, the Board of Directors hereby makes Findings under CEQA only as to those impacts that would result from the facilities included within the Facilities Plan. Said findings are attached hereto as Exhibit A and incorporated herein by this reference.
5. Acting as a responsible agency under CEQA, EBMUD is responsible for ensuring compliance with the mitigation measures identified in said Findings. The Board of Directors hereby approves, adopts, and imposes the Mitigation Monitoring and Reporting Program (MMRP) attached hereto as Exhibit B and incorporated herein by this reference. The Board imposes as conditions of approval on the Facilities Plan the mitigation measures included in the MMRP.

District staff is hereby directed to incorporate the mitigation measures found in the MMRP into facility design and construction documents and to monitor compliance pursuant to the MMRP.

6. The Board of Directors finds that the mitigation measures identified in the MMRP will reduce the potentially significant environmental impacts of the facilities included in the Facilities Plan to a level of insignificance.
7. The Board of Directors finds and determines that development of the Facilities Plan does not trigger the need for subsequent environmental review under CEQA Guidelines § 15162.

BE IT FURTHER RESOLVED that based on the information contained in the City's NWSP EIR and Faria Preserve Community Project IS/MND, and the CEQA Analysis attached as Appendix A to the Facilities Plan, there is no substantial evidence that the Facilities Plan will have a significant effect on the environment.

BE IT FURTHER RESOLVED that the facilities (two tanks, pumping plant, access road and related pipelines) described in the Facilities Plan are hereby approved, and the General Manager is hereby directed to implement this determination to carry out the Facilities Plan, subject to compliance with all mitigation measures in the MMRP.

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 Clerks of the counties of Contra Costa and Alameda.

ADOPTED this 9th day of June, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

Exhibit A

EBMUD Board of Directors Findings Regarding Faria Pressure Zone Facilities Plan

1.0 Introduction

This is the findings document adopted by the East Bay Municipal Utility District (EBMUD) Board of Directors for the proposed Faria Pressure Zone Facilities Plan (Project). As approved by the Board, the Project includes construction of a new 1.6 million gallons per day (mgd) Faria Pumping Plant, new 0.5 million gallon (MG) twin Faria Reservoirs and associated inlet/outlet (I/O) pipeline, and approximately 10,000 feet of transmission/distribution pipeline and necessary piping to connect residences and other structures within the Faria Preserve Community development to the transmission pipelines. EBMUD would construct the pumping plant, twin reservoirs and associated I/O pipeline, and the Faria Preserve Community Developer (Developer) would construct all other pipelines included in the Facilities Plan.

Section 1.1, "The Project," describes the Project.

Section 1.2, "Relevant Environmental Documentation," describes the environmental documents upon which EBMUD is relying in approving the Project as a CEQA responsible agency.

Section 2, "Findings Regarding the Project," contains the findings regarding potential impacts of the Project.

Section 3, "Findings Related to Potential Growth Inducing Impacts," contains the findings concerning potential growth-inducing impacts of the Project. The Board of Directors finds that the Project would not indirectly or directly support unplanned growth.

Section 4, "Findings Regarding Subsequent Environmental Review" concludes that no subsequent or supplemental environmental review is required.

Section 5, "Project Approval," contains the findings regarding approval of the Project.

1.1 The Project

The Project includes the major potable water facilities required to serve the Northwest Specific Plan (NWSP) area including the Faria Preserve Community Project (Faria Preserve) within the City of San Ramon. To serve this area, a new Faria Pressure Zone (PZ) will be created. The new Faria PZ will serve the entire 350-acre NWSP: the Faria Preserve (286.5 acres) and the Western Plan Area (63.5 acres). The Faria Preserve Community is a 740-unit development on a 94-acre development footprint within the 286.5-acre Faria Preserve site. The Faria Preserve Community includes a combination of single and multifamily homes, a community park, a rose garden, a pool facility, an educational facility and a house of worship. No development is proposed for the Western Plan Area at this time, though the NWSP calls for up to 44 residential units on 0.25-acre to 0.5-acre lots. The project may also serve adjacent existing customers in the San Ramon PZ, as

outlined in this Facilities Plan, whose level of service will improve by being rezoned to the new Faria PZ.

The Project includes EBMUD's construction of a new 1.6 mgd Faria Pumping Plant and new 0.5 MG twin Faria Reservoirs and associated I/O pipeline by EBMUD, and construction by the Developer of approximately 10,000 feet of transmission/distribution pipeline and necessary piping to connect residences and other structures within the development to the transmission pipelines.

The Project is described in more detail in the Facilities Plan itself, which is herein incorporated by reference.

1.2 Relevant Environmental Documentation

EBMUD has determined that the potential environmental impacts of the Project are adequately analyzed in two environmental documents prepared by the City of San Ramon (City): the Northwest Specific Plan/Faria Preserve Community Environmental Impact Report ("NWSP EIR") certified by the City in 2006, and the Initial Study/Mitigated Negative Declaration for the Faria Preserve Community Project (Faria Project IS/MND) adopted by the City in 2014. The NWSP EIR analyzed the potential environmental impacts resulting from the Faria Preserve project and the Northwest Specific Plan, which encompasses 354 acres of land in western San Ramon. As originally proposed, the Faria Preserve project covered approximately 291 acres of the 354-acre Northwest Specific Plan. However, the Faria Preserve project changed over time as the result of various settlement agreements and changes in ownership of the project. As a result, in 2014 the City adopted the Faria Project IS/MND, which includes a refined analysis of the most recent iteration of the Faria Preserve project (described above) approved by the City in 2014. Because the Faria Project IS/MND's analysis considers the most recent version of the Faria Preserve project and is based on current regulatory thresholds and requirements, EBMUD relies primarily on the IS/MND to identify mitigation measures applicable to the Facilities Plan. However, the NWSP EIR's analysis is also relevant, and where appropriate, EBMUD has relied on the EIR to understand impacts of the Facilities Plan. The Facilities Plan includes the water facilities necessary to serve this development, and facilities such as the tanks and pumping plant have been sized to eventually serve the Western Plan area of the Northwest Specific Plan, though no development is proposed for that area at this time.

2.0 Findings Regarding the Project

Having reviewed and considered the information contained the NWSP EIR, Faria Project IS/MND, and the Mitigation Monitoring and Reporting Program attached as Exhibit B to the EBMUD Board of Director's Resolution entitled "Adopting Findings And A Mitigation Monitoring And Reporting Programs As A Responsible Agency Under CEQA And Approving The Faria Pressure Zone Facilities Plan" (MMRP), the EBMUD Board of Directors hereby adopts the following findings regarding the impacts of the Project and measures that would mitigate those impacts to less-than-significant levels.

2.1 *Findings Regarding Significant and Unavoidable Effects*

EBMUD's Board of Directors finds that there are no significant and unavoidable impacts that would result from the Project. All potentially significant impacts would be mitigated to less-than-significant levels, as detailed below.

2.2 *Findings Regarding Potentially Significant Effects Mitigated to Less-Than-Significant Levels*

It has been determined that mitigation measures set forth in the MMRP will avoid or mitigate the following effects to a less-than-significant level.

A. Air Quality Impacts

Potentially Significant Impact: The Project could lead to significant air quality impacts.

Findings: Dust generation from short-term construction activities associated with development of the Project could cause potential health and nuisance air quality impacts to adjacent land uses. While the Developer will be completing the mass grading, EBMUD will conduct fine grading of the facility sites. MND Mitigation Measure 3.3-1a, adopted by the City for the Faria Preserve Community, will be implemented by the Developer and EBMUD during the construction phase to address potential health and nuisance air quality impacts to adjacent land uses. The mitigation includes various measures to reduce dust and equipment exhaust emissions and watering sites as required. In addition, the Developer will implement MND Mitigation Measure 3.3-1b, which requires the purchase of NOx emissions offsets, to ensure that construction NOx emissions will be mitigated to less-than-significant levels. Through its approval of the Faria Project, the City has required Developer to implement these mitigation measures. EBMUD will incorporate these same measures into the Facilities Plan design specifications to ensure their implementation. Implementation of these measures will reduce the potential air quality impacts to a less-than-significant level.

For these reasons, EBMUD hereby finds that implementation of the mitigation measures specified above would reduce air quality impacts to less-than-significant levels.

Facts in Support of Findings: The mitigation measures specified above will be implemented as set forth in the MMRP and in the City's project approvals for the Faria Preserve Community project. These mitigation measures require implementation of best practices to reduce dust and equipment emissions and purchase of NOx emissions offset credits in BAAQMD's CMP or another verifiable program to ensure that NOx emissions beyond the BAAQMD 2010 threshold are offset.

B. Biological Resources Impacts

Potentially Significant Impact: The Project could lead to significant impacts to biological resources.

Findings: The MND concludes that development of the Faria Project could disrupt/impact wildlife and riparian habitats, would result in a net loss of and modifications to jurisdictional wetlands, would require removal of native habitat and natural community types, and could have a substantive effect on special status species.

The loggerhead shrike is known to winter in the ridgeline area proposed for construction of the new tanks, and suitable habitat exists on-site for other special status or migratory bird species. Construction activity during the nesting cycle can disrupt nesting. However, with implementation of a mitigation measure found in the City's MND, these impacts will be mitigated to less-than-significant levels. MND Mitigation Measure 3.4-2 requires pre-construction surveys to ensure that any nesting birds found to be present will not be harmed during construction. If nests are found in the pre-construction survey, the construction plan will include measures to facilitate successful nesting. Through its approval of the Faria Project, the City has required Developer to implement this mitigation measure.

The Faria Preserve is located within the designated critical habitat for the Alameda Whipsnake. MND Mitigation Measure 3.4-3 in the City's MND includes measures to minimize the impacts to habitat and avoid impacts on the Alameda Whipsnake during construction. Under MND Mitigation Measure 3.4-3, the Developer will be required to complete the federal and state incidental take authorization process, implement conservation measures identified by U.S. Fish and Wildlife Service (FWS) and California Department of Fish and Wildlife (CDFW), and provide compensatory mitigation for loss of Alameda Whipsnake habitat. Through its approval of the Faria Project, the City has required Developer to implement this mitigation measure. Habitat-related impacts associated with development of EBMUD's planned facilities would be addressed through the Developer's compensatory mitigation. While the Developer will be mass grading the site before construction of EBMUD facilities begins, EBMUD will comply with avoidance and minimization measures required by MND Mitigation Measure 3.4-3 during construction of the tanks and pumping plant.

The tanks site supports non-native, annual grassland which is typical for the hill areas surrounding the property. The pumping plant will be located at EBMUD's San Ramon Reservoir site. These facilities would not be located in a riparian habitat or other sensitive natural community, protected wetland, wildlife corridor, nor within any drafted or adopted conservation plans areas. Construction of these facilities will not require the removal of trees. Therefore, there would be no impact, and EBMUD would not be required to implement any mitigation measures. However, it is possible that installation of the Facilities Plan pipelines by the Developer could cause impacts to riparian and wetland features or trees within the project area. Through its approval of the project, the City required the Developer to implement Mitigation Measures 3.4-4 (Preserve, Restore, and Create Adjacent Riparian and Wetland Features) and 3.4-5 (Prepare and Implement Tree Mitigation and Replacement Plan), which require the Developer to mitigate for impacts to wetlands, riparian corridors, and trees. Implementation of those mitigation measures would ensure that wetlands and tree-related impacts resulting from pipeline installation, if any, would be less than significant.

Through its approval of the Faria Project, the City has required Developer to implement these mitigation measures. EBMUD will incorporate these same measures into the Facilities Plan design specifications to ensure their implementation. Implementation of these measures will reduce impacts to biological resources impacts to a less-than-significant level.

For these reasons, EBMUD hereby finds that implementation of the mitigation measures specified above would reduce impacts on biological resources to less-than-significant levels.

Facts in Support of Findings: The mitigation measures specified above will be implemented as set forth in the MMRP and in the City's project approvals for the Faria Preserve Community project. These mitigation measures require completion of preconstruction nesting bird surveys and implementation of protective actions for active nests, completion of the federal and state incidental take authorization process for Alameda whipsnake, compensatory mitigation for impacts to whipsnake habitat, implementation of whipsnake avoidance and minimization measures, compensatory mitigation for impacts to riparian and wetland resources, and preparation and implementation of a tree mitigation and replacement plan.

C. Cultural Resources Impacts

Potentially Significant Impact: The Project could lead to significant impacts to cultural or paleontological resources.

Findings: Although no known cultural or paleontological resources would be affected by the Project, it is possible that unanticipated cultural or paleontological resources will be encountered during construction. The MND includes two mitigation measures—MND Mitigation Measures 3.5-1 and 3.5-2—designed to minimize the impacts of unanticipated discovery of cultural or paleontological resources. Through its approval of the Faria Project, the City has required the Developer to implement MND Mitigation Measures 3.5-1 and 3.5-2, which would ensure that impacts to cultural or paleontological resources would be less-than-significant. EBMUD will comply with MND Mitigation Measures 3.5-1 and 3.5-2 to protect any subsurface cultural or paleontological resources encountered during construction.

Through its approval of the Faria Project, the City has required Developer to implement these mitigation measures. EBMUD will incorporate these same measures into the Facilities Plan design specifications to ensure their implementation. Implementation of these measures will reduce impacts to cultural resources to a less-than-significant level.

For these reasons, EBMUD hereby finds that implementation of the mitigation measures specified above would reduce impacts on cultural and paleontological resources to less-than-significant levels.

Facts in Support of Findings: The mitigation measures specified above will be implemented as set forth in the MMRP and in the City's project approvals for the Faria Preserve Community project. These mitigation measures require education of

contractors and subcontractors regarding the legal consequences of knowingly destroying cultural resources or removing artifacts or human remains, set forth measures to be implemented in the event of unanticipated discovery of cultural resources or human remains, require construction personnel training regarding fossils, and set forth measures to be implemented in the event of discovery of paleontological resources during construction.

D. Geology and Soils Impacts

Potentially Significant Impact: The Project could lead to significant geology and soils impacts.

Findings: Due to the presence of steep slopes, geologic faults, and certain soil types in the vicinity, the Project could cause significant geology and soils impacts without appropriate design practices and facility siting. However, as a result of geological and geotechnical studies performed in the area, necessary precautions and appropriate siting for EBMUD's facilities have been identified. Implementation of several mitigation measures identified in the MND would reduce potential geology and soils impacts to less-than-significant levels. For example, MND Mitigation Measure 3.6-6 requires implementation of all recommendations from geological and geotechnical investigations performed for the project. In addition to MND Mitigation Measure 3.6-6, other MND mitigation measures would ensure that impacts resulting from the EBMUD tanks, pumping plant, and pipelines would be less than significant. These include Mitigation Measures 3.6-3 (Use Protective Design for Infrastructure that Crosses Fault Lines), 3.6- 5 (Implement Seismic Design Standards for Structures), 3.6-11 (Implement Grading and Erosion Control Plan), 3.6-12 (Implement Geotechnical Recommendations to Stabilize Soils), and 3.6-13 (Implement Geotechnical Recommendations for Expansive Soils). In addition, during mass grading, Developer's implementation of mitigation measures 3.6-4 (Conduct Geological Monitoring During Grading), 3.6-7 (Replace Holocene Alluvium with Compacted Fill), 3.6-8 (Remove Landslide Deposits), 3.6-9 (Implement Recommended Slope Stabilization Techniques), and 3.6-10 (Construct Retaining Structures or Use Other Means to Secure Bedrock Slopes) would help ensure impacts would be less-than-significant.

Through its approval of the Faria Project, the City has required Developer to implement these mitigation measures. EBMUD will incorporate these same measures into the Facilities Plan design specifications to ensure their implementation. Implementation of these measures will reduce the potential geology and soils impacts to a less-than-significant level.

For these reasons, EBMUD hereby finds that implementation of the mitigation measures specified above would reduce geology and soils impacts to less-than-significant levels.

Facts in Support of Findings: The mitigation measures specified above will be implemented as set forth in the MMRP and in the City's project approvals for the Faria Preserve Community project. Among other things, these mitigation measures require

implementation of all recommendations from the geological and geotechnical investigations performed for the project, as well as the use of protective design for fault-crossing infrastructure, implementation of seismic design standards, use of grading and erosion control plans, implementation of recommendations for soil stabilization, and construction of retaining structures to secure certain slopes.

E. Hazards and Hazardous Materials Impacts

Potentially Significant Impact: The Project could lead to significant hazards and hazardous materials impacts.

Findings: A small risk for release of hazardous materials exists as fuel and supplies are transported to the sites during construction of the planned facilities. The City's MND includes MND Mitigation Measure 3.9-1, which requires the Developer to prepare and implement a site specific Storm Water Pollution Prevention Plan (SWPPP) in compliance with National Pollutant Discharge Elimination System permit requirements. Through its approval of the Faria Project, the City has required the Developer to implement this mitigation measure, and EBMUD would comply with the SWPPP during its construction activities. During operation, no unregulated hazardous substances will be used for EBMUD's facilities. Therefore, no upset or accident conditions involving the release of hazardous materials, or waste would occur during operation of EBMUD's facilities.

The project has the potential for a small risk with respect to fires during construction. EBMUD will comply with the construction-related measures in the Open Space Management Plan required by the City's MND Mitigation Measure 3.8-1, which requires the Developer to implement an Open Space Management Plan approved by the San Ramon Valley Fire Protection District. Through its approval of the Faria Project, the City has required the Developer to implement this mitigation measure.

Through its approval of the Faria Project, the City has required Developer to implement these mitigation measures. EBMUD will incorporate these same measures into the Facilities Plan design specifications to ensure their implementation. Implementation of these measures will reduce the potential hazards and hazardous materials impacts to a less-than-significant level.

For these reasons, EBMUD hereby finds that implementation of the mitigation measures specified above would reduce hazards and hazardous materials impacts to less-than-significant levels.

Facts in Support of Findings: The mitigation measures specified above will be implemented as set forth in the MMRP and in the City's project approvals for the Faria Preserve Community project. These mitigation measures require development and implementation of a SWPPP, which would include pre- and post-construction best management practices such as procedures for equipment and materials management, hazardous materials storage, and spill response and prevention. The mitigation measures also require development and implementation of an open space management

plan which would include specific construction measures to be implemented to reduce fire hazards.

F. Hydrology and Water Quality Impacts

Potentially Significant Impact: The Project could lead to significant hydrology and water quality impacts.

Findings: Though unanticipated, during construction, accidental spills of construction-related contaminants could occur. However, with implementation of MND Mitigation Measure 3.9-1, impacts would be mitigated to less than significant levels through the site-specific SWPPP discussed above.

Pipeline installation by the Developer could affect groundwater movement in areas with natural springs and seeps within the project area. Implementation of MND Mitigation Measure 3.9-3 (Prepare and Implement Provisions for Dewatering) by the Developer would ensure that impacts would be less-than-significant. Through its approval of the Faria Project, the City has required the Developer to implement this mitigation measure.

Although impacts resulting from construction of the two tanks and pumping plant are not likely to be significant, EBMUD will comply with the SWPPP required by MND Mitigation Measure 3.9-1, which would ensure that any impacts would be less than significant. In addition, the Developer would comply with MND Mitigation Measure 3.9-1 to minimize impacts of pipeline installation to less-than-significant levels. Through its approval of the Faria Project, the City has required the Developer to implement this mitigation measure.

Through its approval of the Faria Project, the City has required Developer to implement these mitigation measures. EBMUD will incorporate these same measures into the Facilities Plan design specifications to ensure their implementation. Implementation of these measures will reduce the potential hydrology and water quality impacts to a less-than-significant level.

For these reasons, EBMUD hereby finds that implementation of the mitigation measures specified above would reduce hydrology and water quality impacts to less-than-significant levels.

Facts in Support of Findings: The mitigation measures specified above will be implemented as set forth in the MMRP and in the City's project approvals for the Faria Preserve Community project. These mitigation measures require development and implementation of a SWPPP, which would include pre- and post-construction best management practices such as procedures for equipment and materials management, hazardous materials storage, and spill response and prevention. The mitigation measures also require implementation of dewatering procedures during construction

that are consistent with applicable regulatory requirements, including preparation of a dewatering plan with procedures for groundwater removal, temporary water treatment and retention, and water disposal.

G. Noise Impacts

Potentially Significant Impact: The Project could lead to significant noise impacts during construction.

Findings: Construction activities associated with the tanks, pumping plant, and pipelines will generate noise which will increase over ambient levels during construction. The City's MND includes MND Mitigation Measure 3.12-1 to address this short-term impact by requiring mufflers and acoustical shields for construction equipment, construction routes that avoid residential streets, locating stationary construction equipment away from sensitive receptors/neighborhoods, shutting down motorized construction equipment when not in use, requiring written notification of heavy construction activities to noise-sensitive receptors in the area, and constructing temporary noise barriers, if required. Through its approval of the Faria Project, the City has required the Developer to implement this mitigation measure. EBMUD will incorporate these noise mitigation measures into its design and construction specifications for its facilities.

Through its approval of the Faria Project, the City has required Developer to implement this mitigation measure. EBMUD will incorporate this mitigation measure into the Facilities Plan design specifications to ensure their implementation. Implementation of this measure will reduce the potential noise impacts to a less-than-significant level.

For these reasons, EBMUD hereby finds that implementation of the mitigation measure specified above would reduce noise impacts to less-than-significant levels.

Facts in Support of Findings: The mitigation measure specified above will be implemented as set forth in the MMRP and in the City's project approvals for the Faria Preserve Community project. This mitigation measure addresses construction noise by requiring mufflers and acoustical shields for construction equipment, requiring construction routes that avoid residential streets, locating stationary construction equipment away from sensitive receptors/neighborhoods, shutting down motorized construction equipment when not in use, requiring written notification of heavy construction activities to noise-sensitive receptors in the area, and constructing temporary noise barriers, if required.

2.3 Findings Regarding Less-Than-Significant Effects

As explained in Appendix A to the Facilities Plan, all other impacts of the Project would be less-than-significant and do not require the implementation of mitigation. The Board of Directors hereby incorporates Appendix A to the Facilities Plan by reference and finds that its conclusions regarding the potential impacts of the Project are accurate and comprehensive.

3.0 Findings Related to Potential Growth Inducing Impacts

The EBMUD Board of Directors hereby finds and determines that the Project is designed to serve planned growth within the City of San Ramon. The water service facilities proposed by EBMUD are designed to provide service to the NWSP, and are sized to accommodate existing low pressure service customers within the San Ramon PZ that are within defined EBMUD service area boundaries. As such, the facilities would only provide water service to existing and planned development, would only remove one of several obstacles to future development, and would not induce significant new unplanned growth.

4.0 Findings Related to Subsequent Environmental Review

The EBMUD Board of Directors hereby finds that the Project does not present any of the circumstances requiring subsequent environmental review under CEQA Guidelines § 15162. The facilities contemplated in this Facilities Plan are consistent with and substantially similar to the facilities analyzed in the City's EIR and MND, and none of the triggers for completion of subsequent environmental review have been met. Specifically, there are no substantial changes to the facilities which require major revisions to either the EIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of the effects. In addition, there have been no substantial changes in the circumstances under which the facilities will be constructed and operated that would cause new significant environmental effects or a substantial increase in the severity of effects. While EBMUD is currently experiencing drought conditions, those conditions would not cause changes in the impacts analyzed in the EIR and MND and do not affect EBMUD's long-term ability to provide water service to customers within the Faria Pressure Zone. There is no new information of substantial importance that was not known at the time that the EIR and MND were prepared. All environmental effects of the facilities were fully analyzed in the EIR and MND, and additional environmental review is not required.

5.0 Project Approval

Based upon the NWSP EIR, Faria Project IS/MND and the Findings contained herein, the Board hereby finds and declares that the Project is approved.

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Exhibit B

Faria Pressure Zone Facilities Plan Mitigation Monitoring and Reporting Program

Introduction

Development of the facilities included in the Faria Pressure Zone Facilities Plan (Project) could result in significant environmental impacts. However, with implementation of certain mitigation measures identified in the City of San Ramon's Faria Preserve Community Project IS/MND, all impacts would be mitigated to less-than-significant levels. This exhibit constitutes the Mitigation Monitoring and Reporting Program (MMRP) for the Project, and it identifies all mitigation measures from the IS/MND that are applicable to the Project. The MMRP is presented in a table showing the applicable mitigation measures, the responsible parties, time frame for implementation, and the monitoring parties.

Exhibit B Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan					
Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
Air Quality					
3.3-1a	<p>Implement BAAQMD Basic and Additional Construction Control Measures. <i>BAAQMD recommends that all projects, regardless of significance, implement the Basic Construction Control Measures during construction. Because the proposed project would also exceed the threshold of significance for NO_x, additional measures are recommended to reduce NO_x emissions. The Applicant and its construction contractor shall implement the following Basic Construction Control Measures during all construction activities:</i></p> <ul style="list-style-type: none">• <i>All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</i>• <i>All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</i>• <i>All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</i>• <i>All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</i>• <i>Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure, Title 13, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.</i>• <i>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</i>• <i>A publicly visible sign shall be posted at the soil transfer site within the</i>	Construction	EBMUD and Developer to implement EBMUD to incorporate into design specifications Developer to share with EBMUD MMRP compliance documentation provided to City		

Exhibit B Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan

Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
	<p><i>BAAQMD, with the telephone number and person to contact at the City of San Ramon regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number also shall be visible, to ensure compliance with applicable regulations.</i></p> <p><i>Because the proposed project would exceed the NO_x threshold of significance, would include a substantial amount of cut/fill operations, and would be located approximately 0.5 mile from the nearest sensitive receptor, additional mitigation measures are prescribed to reduce emissions and avoid exposing nearby receptors to substantial construction emissions. BAAQMD has developed Additional Construction Mitigation Measures for those projects that either will include extensive earth-moving activities or will be located near sensitive receptors. The following measures from BAAQMD's Additional Construction Measures also shall be implemented during construction:</i></p> <ul style="list-style-type: none"> <i>All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12%. Moisture content can be verified by lab samples or moisture probe.</i> <i>All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour.</i> <i>Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks shall have at maximum 50% air porosity.</i> <i>Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and shall be watered appropriately until vegetation is established.</i> <i>The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed</i> 				

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	<p><i>surfaces at any one time.</i></p> <ul style="list-style-type: none"> <i>All trucks and equipment, including their tires, shall be washed off before leaving the site.</i> <i>Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.</i> <i>Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1%.</i> <i>The idling time of diesel-powered construction equipment shall be minimized to 2 minutes.</i> <i>Low-volatile organic compounds (i.e., ROG [reactive organic gases]) coatings shall be used, beyond local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).</i> <i>All contractors shall be required to use equipment that meets ARB's most recent certification standard for off-road heavy duty diesel engines.</i> 				
3.3-1b	<p>Use BAAQMD CMP or Another Verifiable Offset Program to Offset Regional Off-Site Emissions.</p> <p><i>The Applicant shall use BAAQMD 's CMP or another verifiable program to offset the proposed project's NOx emissions that exceed the BAAQMD 2010 threshold after implementation of Mitigation Measure 3.3-1a, above. The Applicant may achieve the required offset through payment to BAAQMD on a per ton of NOx amount (i.e., dollars per ton of NOx to offset) for emission reduction projects that will be funded by BAAQMD. The price of NOx emission offsets shall be determined by BAAQMD on an annual basis and shall be paid prior to construction grading permits issuance. The types of projects that would be funded by BAAQMD could include:</i></p>	Preconstruction/ Construction	<p>Developer to implement</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD</p>		

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Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
	<ul style="list-style-type: none"> • <i>Projects within the City of San Ramon, Contra Costa County, and/or the SFBAAB that are eligible for funding under the CMP guidelines that are real, surplus, quantifiable, and enforceable</i> • <i>Projects to replace older, high-emitting construction equipment operating in the City of San Ramon, Contra Costa County, and/or the SFBAAB with newer, cleaner, retrofitted, or more efficient equipment</i> <p><i>The proposed project's construction activities are anticipated to last approximately 1,140 workdays, which equates to approximately 30.78 tons of NOx as a threshold (i.e., 54 pounds per day over 1,140 work days). The proposed project would generate approximately 44.42 total tons of NOx during construction after implementation of Mitigation Measure 3.3-1a. Therefore, the Applicant shall be required to offset approximately 13.64 tons of NOx as described above.</i></p>		MMRP compliance documentation provided to City	Action	Date Completed
Biological Resources					

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Mlt. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
3.4-2	<p>Mitigation Measure 3.4-2: Conduct a Preconstruction Nesting Bird Survey and Implement Protective Actions if Active Nest Detected.</p> <p><i>A preconstruction survey shall be conducted by a qualified biologist for nesting raptors and other special-status bird species a maximum of 2 weeks before any new construction activities (i.e., ground clearing and grading, staging of equipment, ground disturbance) during the breeding season (February 1–August 31) to ensure that there are no nesting migratory birds within or adjacent to the construction area. Should active nests be found during the preconstruction survey, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist has determined that the young have fledged. The no-disturbance buffer zone shall be a minimum of 250 feet from active raptor nests, 100 feet from special-status species, and 50 feet from non-special-status nesting bird species until chicks have fledged. Reductions in the size of the buffer zones and or allowances of limited types of construction activities within the buffer zone shall be determined by a qualified biologist through coordination with CDFW and shall be based on existing noise and human disturbance levels at the project site and observed evidence of disturbance to birds.</i></p>	Preconstruction/ Construction	<p>EBMUD and Developer to implement</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		
3.4-3	<p>Mitigation Measure 3.4-3: Complete Compensatory Mitigation Plans Pursuant to the State and Federal Endangered Species Acts and Comply with Conservation Measures.</p> <p><i>The Applicant shall complete the ESA Section 7 or Section 10 consultation process with USFWS and the State's 2081 Incidental Take Permit process for the Alameda whipsnake. The Applicant shall comply with the conservation measures identified</i></p>	Preconstruction/ Construction	Developer to comply with measure in its entirety EBMUD to comply with avoidance and		

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Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
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	<p>by USFWS and the CDFW to mitigate impacts on critical habitat and avoid impacts on Alameda whipsnake during construction. At a minimum, compensatory mitigation for loss of Alameda whipsnake shall include permanent preservation and management of suitable habitat in the Open Space Preserve and other available sites within the critical habitat designated by the USFWS. A long-term resource management plan shall be prepared to specify the management activities to protect the habitat for Alameda whipsnake. Avoidance and minimization measures shall be included in the resource management plan and subject to the approval of the USFWS and CDFW. These measures shall address, but not be limited to:</p> <ul style="list-style-type: none"> • work periods and hours • qualifications and responsibilities of monitoring biologists • pre-construction training and environmental awareness programs • pre-construction surveys • exclusion fencing to prevent entry during construction • actions to avoid animal entrapment • actions for encounters with the listed species • actions and communication protocols for accidental kill or injury of the listed species 		<p>minimization measures</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		
3.4-4	<p>Mitigation Measure 3.4-4: Preserve, Restore, and Create Adjacent Riparian and Wetland Features.</p> <p><i>Through the CWA Section 404(d)(1) permitting processes with USACE and the San Francisco Bay Regional Water Quality Control Board, as well as the Lake and</i></p>	Preconstruction/ Construction	Developer EBMUD to incorporate into design		

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Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
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	<i>Streambed Alteration Agreement with CDFW, the Applicant shall mitigate the fill or loss of wetlands and riparian corridors within the construction area. At a minimum, 2,120 linear feet of new ephemeral drainage channel shall be restored or created, 1,115 linear feet of existing drainage channel habitat shall be enhanced, and 0.81 acre of seasonal wetlands shall be created. In addition, 2.18 acres of existing seasonal wetland habitat and 3.60 acres of ephemeral drainage habitat that currently occur within the project site shall be preserved. In consultation with USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW, the Applicant shall develop and comply with mitigation measures, permit conditions, and conservation measures identified in the permits, including the creation or restoration of wetlands at an appropriate ratio within the Faria project. Prior to site development permit issuance, the Applicant shall provide to the City all permits issued by the USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW as evidence of the agencies' acceptance of the mitigation plans by the permitting agencies. The permits may modify and would supersede the mitigation linear feet and acreages identified above. Securing the permits and compliance with permit conditions and measures stipulated by the permits shall be conditions of the City's project approval.</i>		specifications Developer to share with EBMUD MMRP compliance documentation provided to City		
3.4-5	Mitigation Measure 3.4-5: Prepare and Implement Tree Mitigation and Replacement Plan. <i>The Applicant shall prepare a tree mitigation and replacement plan in accordance with Division D5 "Resource Management," of the City of San Ramon Zoning Ordinance. The plan shall include all of the following elements:</i> <i>(1) An inventory of trees planned for removal and any work planned within the dripline of protected trees</i> <i>(2) Replacement of trees at a ratio agreed upon with the City of</i>	Preconstruction/ Construction	Developer EBMUD to incorporate into design specifications Developer to share with EBMUD MMRP compliance documentation		

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Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
	<p><i>San Ramon and in accordance with the tree protection ordinance</i></p> <p><i>(3) The specific locations of the tree planting, (including a map and planting plan)</i></p> <p><i>(4) Schedules and methodologies for maintaining and monitoring the success of the plan</i></p> <p><i>(5) Performance standards</i></p> <p><i>This plan shall be reviewed and approved by the City prior to site development permit issuance, and the plan shall be implemented throughout construction.</i></p>		provided to City		
Cultural Resources					
3.5-1	<p>Mitigation Measure 3.5-1: Implement Measures to Protect Subsurface Cultural Resources</p> <p><i>The City of San Ramon shall require implementation of a monitoring and response procedure during construction of the proposed project in order to avoid adverse effects on potentially significant archaeological resources. Specific steps in the procedure are as follows:</i></p> <ul style="list-style-type: none"> <i>Prior to construction, the construction contractor and subcontractors shall be informed of the legal and regulatory consequences of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other significant cultural materials from the site. Significant cultural materials include but are not limited to aboriginal human remains; chipped stone; groundstone; shell and bone artifacts (both human and animal); concentrations of fire-cracked rock; bottle</i> 	Preconstruction/ Construction	<p>EBMUD and Developer to implement</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to</p>		

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	<p><i>glass; ceramics; ash and charcoal; and historic features such as privies or building foundations/remains.</i></p> <ul style="list-style-type: none"> <i>If an inadvertent discovery of cultural materials is made during construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per the California Register of Historical Resources and develop appropriate mitigation. The Applicant shall comply with the mitigation requirements identified by the archaeologist and approved by the City.</i> <i>All artifacts or samples collected as part of the initial discovery, monitoring, or mitigation shall be properly preserved, catalogued, analyzed, evaluated, and curated along with the associated documentation in a professional manner consistent with current archaeological standards.</i> <i>If human remains are uncovered during construction, the construction contractors shall stop potentially damaging work, assess the significance of the find, and pursue appropriate management. California law recognizes the need to protect interred human remains, particularly Native American burials and associated items of patrimony, from vandalism and inadvertent destruction. The procedures for the treatment of discovered human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097.</i> 		City		

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Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
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	<p><i>In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, all such activities in the vicinity of the find shall be halted immediately and the City's designated representative shall be notified. The City shall immediately notify the Contra Costa County coroner and a qualified professional archaeologist. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code, Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code, Section 7050[c]). The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in detail in California Public Resources Code Section 5097.9. The City or its appointed representative and the professional archaeologist shall consult with a Most Likely Descendent (MLD) determined by the NAHC regarding the removal or preservation and avoidance of the remains and determine if additional burials could be present in the vicinity.</i></p> <p><i>Assuming an agreement can be reached between the MLD and the City or their representative with the assistance of the archaeologist, these steps would result in minimizing or eliminating adverse impacts on the uncovered human remains.</i></p>				

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Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
3.5-2	<p>Mitigation Measure 3.5-2: Implement Measures to Protect Unique Paleontological Resources</p> <p><i>To minimize potential adverse impacts on previously unknown potentially unique, scientifically important paleontological resources during earth-moving activities at the project site, the Applicant shall do the following:</i></p> <ul style="list-style-type: none"> • <i>Before the start of any earth-moving activities at the project site, the Applicant shall retain a paleontologist to train all construction personnel involved with earth-moving activities, including the project superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.</i> • <i>If paleontological resources are discovered during earth-moving activities, the construction crew shall immediately cease work in the vicinity of the find and notify a qualified paleontologist and the City of San Ramon Planning Services Division. The paleontologist shall evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan may include, but shall not be limited to, an intensive field survey in the vicinity of the find, sampling and data recovery, museum storage coordination for any specimen recovered, and a report of findings. All feasible recommendations contained in the recovery plan shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.</i> 	Preconstruction/ Construction	<p>EBMUD and Developer to implement</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		

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Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification Action	Date Completed
Geology and Soils					
3.6-3	<p>Mitigation Measure 3.6-3: Use Protective Design for Infrastructure That Crosses Fault Lines.</p> <p><i>The Applicant shall design utilities and road facilities that cross the Calaveras Fault to include additional protective features to reduce damage associated with fault rupture, as directed by a geotechnical or civil engineer. Protective features include but are not limited to:</i></p> <ul style="list-style-type: none"> <i>• using welded steel pipe with butt electric arc welded joints;</i> <i>• designing pipeline geometry so the pipe will go into tension if the fault moves;</i> <i>• installing pipe with a coating/covering to minimize soil pipe friction, allowing the pipe to easily slide through the ground;</i> <i>• avoiding use of “anchors” (e.g., valves, sharp bends), thereby allowing the pipe to move so that pipe stresses can be distributed along the pipe; and</i> <i>• designing the backfill to allow the pipe to move laterally in the trench if required to accommodate the fault movement.</i> <p><i>Utility lines shall also be equipped with shutoff valves on each side where the lines cross faults.</i></p>	Preconstruction/ Construction	<p>EBMUD and Developer to implement</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		
3.6-4	<p>Mitigation Measure 3.6-4: Conduct Geological Monitoring during Grading.</p> <p><i>The Applicant shall retain a licensed geologist to be present during all on-site grading activities. As grading activities progress, the licensed geologist shall map the landslide deposits along the western edge of the Calaveras Fault setback zone to more precisely locate the disturbed deposits and to assess the character of the shearing logged in the exploratory trenches. These features shall be shown on the</i></p>	Construction	<p>Developer to implement</p> <p>EBMUD to incorporate into design</p>		

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	<i>as-built plans. Any changes in the nature of the shearing that might indicate they are related to active features of the Calaveras Fault shall be addressed by the licensed geologist. Any changes made during grading to the precise location of active fault-related features, the accompanying setback zone, or the location of the residential units shall be updated in the final development plan.</i>		specifications Developer to share with EBMUD MMRP compliance documentation provided to City		
3.6-5	Mitigation Measure 3.6-5: Implement Seismic Design Standards for Structures. <i>The Applicant shall implement seismic design standards of the CBC that are in force at the time improvement plans and/or tentative subdivision maps are submitted to the City to reduce damage to structures and injury to people associated with ground shaking. Structures shall be designed to accommodate seismic vibrations. Design and construction of all roads, infrastructure (such as bridges), and buildings shall be in accordance with the CBC. All project designs and proposed earthwork shall be reviewed by the City of San Ramon to verify compliance with the CBC.</i>	Preconstruction/ Construction	EBMUD and Developer to implement EBMUD to incorporate into design specifications Developer to share with EBMUD MMRP compliance documentation provided to City		

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3.6-6	<p>Mitigation Measure 3.6-6: Implement Recommendations Contained in Geotechnical Reports.</p> <p><i>The Applicant shall ensure that construction is performed in strict accordance with approved plans and details, and according to all recommendations contained in the geologic and geotechnical investigations. A licensed civil or geotechnical engineer shall be on-site during all grading activities to ensure that earthwork is performed in compliance with the plans.</i></p>	Preconstruction/ Construction	<p>EBMUD and Developer to implement</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		
3.6-7	<p>Mitigation Measure 3.6-7: Replace Holocene Alluvium with Compacted Fill.</p> <p><i>The Applicant shall remove all areas of colluvium and Holocene-age alluvium on the project site and replace them with engineered, compacted fill material. The full extent of the actual locations and amounts to be removed shall be determined by a licensed geotechnical engineer based on the review of 40-scale grading plans, as well as observations made in the field during grading.</i></p>	Preconstruction/ Construction	<p>Developer to implement</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		

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3.6-8	Mitigation Measure 3.6-8: Remove Landslide Deposits. <i>Areas of landslide deposits on the project site shall be removed. Deep-seated landslide areas that involve displaced blocks of bedrock may be left in place if the landslide would be buttressed by engineered fill. It is also anticipated that portions of some landslide areas that extend upslope of the development area may be left in place where appropriate buttresses fills and debris catchment areas would be designed and constructed. The extent of the actual removals shall be determined by a licensed geotechnical engineer based on the review of 40-scale grading plans, as well as observations made in the field during grading.</i>	Construction	Developer to implement		
			Developer to share with EBMUD MMRP compliance documentation provided to City		
3.6-9	Mitigation Measure 3.6-9: Implement Recommended Slope Stabilization Techniques. <i>The Applicant shall implement specific stabilization techniques to address landslide potential as recommended by a licensed geotechnical engineer. These techniques include but are not limited to:</i> <ul style="list-style-type: none"> • <i>buttressing or encapsulating landslides using engineered, compacted fill material;</i> • <i>performing corrective grading and recompaction with engineered fill in shallow cut or natural areas of the project site;</i> • <i>installing catchment basins and berms to contain potential debris flows that might occur on the steep areas upslope from planned development (berms may be up to 15 feet tall);</i> • <i>installing additional buttress fill at the toe of the large deep-seated</i> 	Construction	Developer to implement		
			Developer to share with EBMUD MMRP compliance documentation provided to City		

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	<p><i>landslide in the northwestern portion of the project site; and</i></p> <ul style="list-style-type: none"> <i>installing drainage mechanisms, such as subdrains, concrete-lined channels, finger drains, hydroaugers, or gallery drains, within the slopes to move shallow subsurface water away from unstable slopes.</i> 				
3.6-10	<p>Mitigation Measure 3.6-10: Construct Retaining Structures or Use Other Means to Secure Bedrock Slopes.</p> <p><i>To address rock slide hazards associated with unfavorably oriented bedrock dip slopes (which are prone to landslides), the Applicant shall construct retaining structures or use other means to hold bedrock slopes in place as recommended by a civil or structural engineer and indicated on the final grading plans. Retaining structures could include retaining walls. Slopes also could be secured using rock bolts and/or soil nailing.</i></p>	Construction	<p>Developer to implement</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		
3.6-11	<p>Mitigation Measure 3.6-11: Implement Grading and Erosion Control Plan.</p> <p><i>Before grading permits are issued, the Applicant shall retain a California Registered Civil Engineer to prepare a grading and erosion control plan. The grading and erosion control plan shall be submitted to the City of San Ramon for review and approval before issuance of grading permits for all new development. The plan shall be consistent with the City's Grading Ordinance and the state's National Pollutant Discharge Elimination System permit and shall include the site-specific grading associated with development for all project phases.</i></p> <p><i>The plans referenced above shall identify the location, implementation schedule,</i></p>	Preconstruction/ Construction	<p>Developer to comply with measure in its entirety</p> <p>EBMUD to comply with erosion and sediment control measures during construction</p>		

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	<p>and maintenance schedule of all erosion and sediment control measures; describe measures designed to control dust and stabilize the construction-site road and entrance; and identify the location and methods of storage and disposal of construction materials. Erosion and sediment control measures could include the use of detention basins, berms, swales, wattles, and silt fencing, and the covering or watering of stockpiled soils to reduce wind erosion. Stabilization measures on steep slopes could include construction of retaining walls. Stabilization of construction entrances to minimize trackout (control dust) is commonly achieved by installing filter fabric and crushed rock to a depth of approximately 1 foot. The Applicant shall ensure that the construction contractor is responsible for securing a source of transportation and deposition of excavated materials.</p> <p>After construction activities are completed, bare steep slopes shall be reseeded with vegetation and/or planted with shrubs and trees. Because the existing bedrock is relatively nutrient-poor, it may be difficult for vegetation to become properly established, resulting in a potential for slope erosion. Revegetation of graded slopes can be aided by retaining the topsoil and spreading these materials in a thin layer (approximately 6 inches thick) on the graded slopes before the winter rains and following rough grading. When this method is used, hydroseeding can sometimes be avoided. All landscaped slopes shall be maintained in a vegetated state after project completion. The use of drought-tolerant vegetation requiring infrequent drip irrigation during summer is recommended. No pressurized irrigation lines shall be placed on or near the tops of graded slopes.</p>		<p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		
3.6-12	Mitigation Measure 3.6-12: Implement Geotechnical Recommendations to	Preconstruction/	EBMUD and Developer to		

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	<p>Stabilize Soils.</p> <p><i>The Applicant shall implement all recommendations contained in the geotechnical engineering reports that have been conducted for the project site (e.g., ENGEO, 2012) to reduce hazards from construction in unstable soils. These recommendations include but are not limited to the following:</i></p> <ul style="list-style-type: none"> • <i>Reduce settlement of native soil deposit by removing the potentially compressible soils (colluvial, alluvial, and landslide deposits) down to bedrock and replacing it with compacted fill.</i> • <i>Reduce hydro-consolidation and seismically induced settlement by including higher compaction effort and higher moisture content at the time of placement, conducting contour grading of the underlying ground surface, and stiffening foundations to accommodate the anticipated settlements.</i> • <i>Reduce differential settlement through contour grading and use of support structures on stiffened foundation systems that can withstand differential settlement (e.g., slab foundation, a post-tensioned mat foundation with stiffener ribs, or a stiffened foundation with underpinning piers).</i> • <i>Remove landslide areas in the deeper fill areas (more than 50–60 feet deep) to reduce potential settlement.</i> • <i>Install subsurface drainage systems in all keyways and in swales or natural drainage ways that are to be filled. The approximate locations of the recommended subdrains shall be determined by a licensed civil</i> 	Construction	<p>implement</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		

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	<p>or geotechnical engineer and shown on the final 40-scale grading plans.</p> <ul style="list-style-type: none"> • Provide drainage courses that are to be filled with adequate subsurface drainage before placement of any fill. Swales shall be cleaned to a firm soil or rock base before subdrains are installed. • Remove desiccated, cracked surface clays and slumping soils located along the swale areas, and bench the slopes before the fill is placed. Actual limits of subexcavation shall be determined in the field at the time of grading by the civil or geotechnical engineer. • Add subdrains where seepage or wet conditions are encountered during excavation. Subdrain systems shall consist of a minimum 6-inch-diameter perforated pipe encased in an 18-inch minimum thickness of Caltrans Class 2 permeable material or coarse rock wrapped in geotextile filter fabric (or as determined otherwise by a licensed geotechnical or civil engineer). All subdrains on the project site shall ultimately drain into the storm drainage system. • Construct a drained, buttressed debris bench for all cut or natural slopes that are immediately adjacent to the development as directed by a licensed geotechnical engineer. The drained, buttressed debris bench shall consist of a drained keyway excavated into firm bedrock and engineered fill with a debris bench. The outboard side of the debris bench shall be provided with a concrete v-ditch discharging into an approved outlet. 				

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3.6-13	<p>Mitigation Measure 3.6-13: Implement Geotechnical Recommendations for Expansive Soils.</p> <p><i>The Applicant shall implement all recommendations contained in the geotechnical engineering reports that have been conducted for the project site (e.g., ENGEO, 2012) to reduce hazards from construction in expansive soils. These recommendations include but are not limited to:</i></p> <ul style="list-style-type: none"> • <i>removing expansive soil and replacing it with engineered fill;</i> • <i>conducting engineered preparation of building and roadway subgrades, including using lime treatment of expansive deposits, where deemed necessary by the geotechnical engineer;</i> • <i>installing drainage systems;</i> • <i>strengthening shallow foundation systems (i.e., using post-tensioned slab) to resist the movements associated with the volume changes; and/or</i> • <i>installing deep foundation systems to support structures below the zones of severe moisture change (e.g., pier and grade beam, waffle slab, and thick mat slab foundations).</i> 	Preconstruction/ Construction	<p>EBMUD and Developer to implement</p> <p>EBMUD to incorporate into design specifications</p> <p>Developer to share with EBMUD MMRP compliance documentation provided to City</p>		
Hazards and Hazardous Materials					
3.8-1	<p>Mitigation Measure 3.8-1: Develop and implement a San Ramon Valley Fire Protection District-approved Open Space Management Plan.</p> <p><i>The Applicant shall develop an open space management plan, for submittal to and approval by the San Ramon Valley Fire Protection District before approval of the</i></p>	Preconstruction/ Construction	EBMUD and Developer to implement		

Exhibit B Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan					
Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
	updated Faria Preserve Community Final Map. The plan will include specific measures to be implemented during project construction to reduce potential fire hazards, including construction of buffers between the homes, and regular maintenance and diskling of property lines.		EBMUD to incorporate into design specifications Developer to share with EBMUD MMRP compliance documentation provided to City		
Hydrology and Water Quality					
3.9-1	<p>Mitigation Measure 3.9-1: Prepare and Implement a Site-Specific SWPPP in compliance with the NPDES Permit.</p> <p><i>During project construction, the Applicant or its consultant shall prepare a site-specific SWPPP for coverage under the "General Permit for Discharges Related to Construction Activity" (Construction General Permit), for submittal to the San Francisco Bay RWQCB before any construction, demolition, or grading activities begin. For the proposed project, the SWPPP will cover pre- and post-construction activities and describe site-specific and construction phase-specific activities detailing the following:</i></p> <ul style="list-style-type: none"> activities that may cause pollutant discharge (including sediment); BMPs, consistent with the requirements of the NPDES permit, to 	Preconstruction/ Construction	EBMUD and Developer to implement EBMUD to incorporate into design specifications Developer to share with EBMUD MMRP compliance		

Exhibit B Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan

Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
	<p><i>reduce the potential for contaminated runoff, such as limiting ground-disturbing activities during the winter rainfall period, minimizing exposure of disturbed areas and soil stockpiles to rainfall, and minimizing construction activities near or within drainage facilities;</i></p> <ul style="list-style-type: none"> <i>erosion and sedimentation control measures to be implemented, such as soil stabilization, mulching, silt-fencing, or temporary desilting basins; good housekeeping practices, such as road sweeping and dust control; and diversion measures, such as use of berms to prevent clear runoff from contacting disturbed areas; and</i> <i>hazardous materials spill prevention and response measure requirements, including Lists of materials proposed for use, handling, and storage practices, identification of spill response equipment, spill containment and cleanup procedures, and identification of regulatory notification protocols and contact phone numbers to be used in the event of a spill.</i> <p><i>The Applicant shall implement the SWPPP, monitoring all BMPs and the parties responsible for them, in conformance with the guidelines set forth in the SWRCB's Construction General Permit.</i></p>		documentation provided to City		
3.9-3	<p>Mitigation Measure 3.9-3: Prepare and Implement Provisions for Dewatering.</p> <p><i>The Applicant or its consultant shall prepare and implement provisions for dewatering during construction, in accordance with local and San Francisco Bay RWQCB requirements, to minimize adverse water quality impacts on surface water</i></p>	Preconstruction/ Construction	Developer to implement EBMUD to incorporate into design		

Exhibit B

Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan

Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
	<i>and groundwater. Provisions may include preparation of a dewatering plan that details procedures for removing groundwater, methods of temporary water treatment/retention facility, and water disposal procedures.</i>		specifications Developer to share with EBMUD MMRP compliance documentation provided to City		
Noise					
3.12-1	<p>Mitigation Measure 3.12-1: Implement Best Management Practices to Control Construction Noise.</p> <p><i>To reduce impacts associated with noise generated during construction activities, the Applicant shall conform to the following requirements during construction:</i></p> <ul style="list-style-type: none"> <i>Fixed/stationary equipment (e.g., generators, compressors, cement mixers) will be located as far as possible from noise-sensitive receptors. All impact tools will be shrouded or shielded, and all intake and exhaust ports on powered construction equipment will be muffled or shielded.</i> <i>All construction equipment will be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds will be closed during equipment operation.</i> 	Construction	EBMUD and Developer to implement EBMUD to incorporate into design specifications Developer to share with EBMUD MMRP compliance documentation provided to City		

Exhibit B Mitigation Monitoring and Reporting Plan for the Faria Pressure Zone Facilities Plan

Mit. No.	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
	<ul style="list-style-type: none"> <i>All motorized construction equipment will be shut down when not in use, to prevent excessive idling noise.</i> <i>Written notification of heavy construction activities (heavy earth-moving) will be provided to all noise-sensitive receptors located adjacent to the project site and heavy construction operations, or within 500 feet of such operations. Notification will include anticipated dates and hours during which construction activities are anticipated to occur and contact information, including a daytime telephone number, for the project representative to be contacted in the event that noise levels are deemed excessive. Recommendations to assist noise-sensitive land uses in reducing interior noise levels (e.g., closing windows and doors) will be included in the notification.</i> <i>Temporary property line barriers (e.g., sound blankets) will be installed to reduce construction-generated noise levels at affected noise-sensitive land uses. The barriers will be designed to obstruct the line of sight between the noise-sensitive land use (adjacent, ground level backyards receptors) and on-site construction equipment within 100 feet of the property line. When installed properly, these barriers will be expected to reduce construction noise levels by no less than 5 dB.</i> 				

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 4, 2015

MEMO TO: Board of Directors

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

SUBJECT: Legislative Report No. 06-15

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.

RECOMMENDED ACTION

Receive update on the federal Clean Water Rule and approve positions on the following bills:
 1) Support AB 291 (Medina) California Environmental Quality Act: Local Agencies: Notice of Determination: Water; 2) Support and Amend SB 471 (Pavley) Water, Energy, and Reduction of Greenhouse Gas Emissions: Planning; and 3) Support if Amended Draft Trailer Bill 826 (Author To Be Decided) Drought Submetering.

STATE LEGISLATION

RECOMMENDED POSITION

AB 291 (Medina)	CALIFORNIA ENVIRONMENTAL QUALITY ACT: LOCAL AGENCIES: NOTICE OF DETERMINATION: WATER	SUPPORT
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The California Environmental Quality Act (CEQA) requires a lead agency to prepare an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. When a project is approved or carried out by a local agency, the local agency is required to file the notice of approval or determination within five working days after the approval or determination becomes final with the county clerk of each county in which the project will be located and requires the county clerk to make the notice available for public inspection. When a project is carried out by a state agency, the state agency must file the notice of approval or determination with the Office of Planning and Research (OPR).

AB 291 (Medina), as amended on April 23, 2015, would establish an alternative procedure for the filing of CEQA notices of approval or determination for multi-county water projects, such as water transfers. Specifically, within five days of the approval or determination of a project, AB 291 would allow a local agency to meet CEQA notice requirements by doing all of the following: 1) filing the notice with the clerk of the county in which the agency's office is located, 2) filing the notice with OPR, and 3) mailing notices to the clerks of all the affected counties. In

addition, AB 291 specifies that the start of the statute of limitations to challenge a project begins on the date the notice is filed with OPR. AB 291 does not create any new exemptions or otherwise change how local agencies analyze the environmental impacts of water projects under CEQA. AB 291 is co-sponsored by the Association of California Water Agencies and the McGeorge Law School Legislative and Public Policy Clinic.

AB 291 is intended to increase transparency and clarify when the statute of limitations to challenge a CEQA decision related to multi-county water projects begins. Currently, a local agency is required to post CEQA notices of approval or determination in each county in which a project will be located. While this is a straightforward requirement for land use projects, for a water project, notices must be posted on the same day in all counties through which the project's water flows. Each county clerk then must make these notices available to the public through bulletin board postings or other physical, paper-based means at the county clerk's office based on that particular clerk's practices. Local agencies face a myriad of different submission requirements from each county, posing substantial logistical burdens and must rely on each county clerk to promptly post notices and maintain proper posting for a minimum of 30 days. If a technical error or delay in a county clerk's posting process occurs, even in only one county, the timeframe to challenge the decision may be extended from the usually required 30-35 days to 180 days, potentially delaying a project through no fault of the local agency.

Multi-county water projects, such as water transfers, can be a way to promote regional cooperation and increase regional reliability. Some water transfers involve water flowing through five or more counties, which can require hand delivery of notices to each county clerk's office on the same day to meet filing requirements and reliance on each of the counties for the timely posting of the notices. Due to the geographic separation between the various county clerks' offices and the varying filing requirements and posting practices, this can add uncertainty to the transfer process and delay transfers, including those that are needed for drought supplies.

AB 291 would increase transparency and clarify what triggers the start of the statute of limitations to challenge a CEQA decision for a multi-county water project by providing an alternative CEQA notice filing procedure for multi-county water projects, such as those that may be undertaken by EBMUD in the future, while simplifying the posting requirements.

It is staff's understanding that the opposition would like to see the statute of limitations to challenge a project start on the date the final county receives their copy of a notice rather than the date the notice is filed with OPR. However, this is contrary to the intent of the bill and would not provide any additional certainty on the statute of limitations timeframe.

EBMUD has previously supported legislation to support transparency in CEQA noticing requirements. In 2011, EBMUD supported AB 209 (Ammiano) which required CEQA notices to include information on how the documents can be obtained electronically. AB 209 was signed into law (Chapter 171). In 2010, EBMUD supported AB 2565 (Ammiano) to authorize public

agencies to provide CEQA documents, such as notices, responses, and documents, in an electronic format. AB 2565 was signed into law (Chapter 210).
The current list of support and opposition to AB 291 is shown below.

Support

Association of California Water Agencies
Association of Environmental Professionals
California Municipal Utilities Association
California Special Districts Association
Eastern Municipal Water District
McGeorge Law School Legislative and Public Policy Clinic
Metropolitan Water District of Southern California
Mountain Counties Water Resources Association
San Diego County Water Authority
Valley Ag Water Coalition
Three individuals

Opposition

Sierra Club California

SB 471	WATER, ENERGY, AND REDUCTION OF	SUPPORT
(Pavley)	GREENHOUSE GAS EMISSIONS: PLANNING	AND AMEND

Existing law designates the California Air Resources Board (CARB) as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases and is authorized to include the use of market-based compliance mechanisms (e.g. cap and trade). Money collected by CARB from the auction or sale of allowances as part of the cap and trade program is to be deposited into the Greenhouse Gas Reduction Fund and be available upon appropriation by the legislature for projects that reduce greenhouse gas emissions.

SB 471 (Pavley), as amended on May 5, 2015, would require CARB, in cooperation with other state agencies, to develop an inventory of greenhouse gas emissions from the water system in the state and clarify that water projects, including, but not limited to, water use, water supply, and water treatment projects, that reduce greenhouse gas emissions are eligible for cap and trade funding. The measure also states that it is the intent of the legislature that this water-energy nexus information be used to inform the next AB 32 scoping plan update. However, the measure does not specify what methodology will be used for developing the greenhouse gas emissions inventory, whether water agencies would be required to provide data to CARB for inclusion in the inventory, or how project eligibility will be determined and whether a water agency would need to document that a water supply or treatment project reduces greenhouse gas emissions in general or as compared to other options.

There is a clear nexus between water and energy use, with the California Energy Commission and Department of Water Resources estimating that 12 percent of the state's total energy is used for the transportation, treatment, distribution and end uses of water. However, according to the author's office, "accurate local data remains sparse given the current state of water metering and the lack of [greenhouse gas] emissions information related to the water-energy use." The author's office also notes that "while some water-energy related climate pollution is already covered in the state's cap-and-trade program by the electricity generation sector, water suppliers, treaters [sic], distributors and end users currently lack the information and opportunity to do their part in advancing our climate and water conservation goals. As a result, a variety of projects that might reduce climate pollution from the water system do not currently qualify for project funding" from cap and trade revenues.

EBMUD's energy policy (Policy 7.07) was updated in 2013 to establish a goal to be carbon free for indirect greenhouse gas emissions and reduce direct emissions by 50 percent compared to 2000 levels by 2040. To measure progress towards its 2040 goals, EBMUD conducts an annual inventory of greenhouse gas emissions using the Climate Registry's General Reporting Protocol. Though EBMUD's diverse water supply portfolio includes projects, such as the Freeport Regional Water Facility and water recycling projects, that are more energy intensive and have higher greenhouse gas emissions than the use of EBMUD's Mokelumne River supply, EBMUD uses significantly less energy than the average California utility to deliver water and continues to find ways to use less energy and reduce its carbon footprint.

According to the author's office, SB 471 is intended to quantify "the Water-Energy-Climate Nexus – the connection between the greenhouse gas emissions generated from the energy required by our water system, to simultaneously advance solutions to climate change and drought" and allow water projects that reduce greenhouse gas emissions, such as those that EBMUD may undertake in the future, to be eligible for funding from cap and trade revenue. The measure is consistent with EBMUD's sustainability program and efforts to reduce greenhouse gas emissions and would potentially provide future opportunities for grant funding of EBMUD projects that reduce greenhouse gas emissions. However, the measure would be strengthened with the inclusion of language to clarify what methodology or greenhouse gas emissions protocol will be used to develop the water system inventory.

EBMUD has previously supported efforts to reduce greenhouse gas emissions and advance water and wastewater eligibility for cap and trade revenue. In 2014, EBMUD was supportive of AB 1970 (Gordon), which would have provided direct investments to local governments to assist them in implementing greenhouse gas emissions reducing projects. AB 1970 failed to advance out of the legislature. In 2013, the Board voted to "support" the concept of providing cap and trade revenue eligibility for water and wastewater agencies.

The current list of support and opposition to SB 471 is shown below.

Support

California Association of Sanitation Agencies
California League of Conservation Voters
City of Pasadena Water and Power Department
Clean Water Action
Coastal Environment Rights Foundation
Environmental Entrepreneurs
LA River Revitalization Corporation
Las Virgenes Municipal Utility District
Mono Lake Committee
Nexus eWater
Sonoma County Water Agency
The Climate Registry
The Energy Coalition
The River Project
TreePeople
Union of Concerned Scientists
US Green Buildings Council

Opposition

None listed

**Draft Trailer Bill 807
(Author TBD)**

**WATER BOARD DRINKING
WATER PROGRAM FEE
REGULATIONS**

**OPPOSE UNLESS
AMENDED**

Existing law imposes various responsibilities and duties on the State Water Resources Control Board (SWRCB) with regard to regulating drinking water and establishes a fee program by which public water systems pay the SWRCB for their activities related to drinking water regulation.

Draft Trailer Bill 807 (TB 807) is one of 11 drought budget trailer bills for which draft language has been posted on the California Department of Finance's website. Though none of the bills have been formally introduced, the language is under active consideration by the legislature as part of the budget process which is scheduled to conclude June 15th.

TB 807 would substantially change the current funding structure for the state's drinking water program by repealing most of the existing fee program and authorizing the adoption of a new fee schedule by emergency regulation.

California's drinking water program is administered by the SWRCB and currently funded in large part through "operating fees" paid by public water systems. Currently, fees for large water systems, those with 1,000 or more service connections, must be based on the actual costs incurred in relation to the public water system in question (i.e. fee for service model) and there is a cap on the total fees that must be paid as well as a cap on annual increases. However, concerns have arisen that the current fee schedule is not generating sufficient revenues to support the drinking water program.

Under TB 807, the SWRCB would be required to "set the amount of total revenue collected each year through the fee schedule at an amount equal to the amount appropriated by the Legislature in the annual budget act" for the drinking water program and to review and revise the fee schedule annually. In addition, the SWRCB would be authorized to adopt new fees by emergency regulation. The amount of fees charged to each large system, such as EBMUD, would not have to be based on the actual costs for that particular system, there would be no overall cap on the total amount of fees each system would have to pay, and there would not be a cap on annual fee increases.

While the drinking water program is an important program that needs to be adequately funded, TB 807 would result in fee increases for large water systems, which would not necessarily be related to the costs of regulating those systems, without the same due process and public participation that is currently required.

According to the Association of California Water Agencies (ACWA), there are "significant concerns related to the current language. Not only does the proposed emergency regulatory authority circumvent the public process in raising fees on drinking water systems throughout the state, but many questions remain unanswered related to the Program's financial structure that is being used as context" for language in TB 807. ACWA has been working with the SWRCB and the administration to solve the drinking water program's budget shortfall and has offered an alternative that would raise fees to fully fund the drinking water program for the 2015-2016 budget year and provide assurances of sufficient funding in future years, but would maintain the existing cap on future annual increases and retain a transparent and public rulemaking process for the fees. ACWA has also suggested that the current structure remain in place for one year while the stakeholders continue to work with the SWRCB on this issue. However, if a bill is to move forward this year, at a minimum it should include the elements of ACWA's alternative proposal discussed above.

**Draft Trailer Bill 825
(Author TBD)**

**DROUGHT WATER SYSTEM
CONSOLIDATION**

OPPOSE

Existing law prohibits a person from operating a public water system unless the person first submits an application to the State Water Resources Control Board (SWRCB) and receives a

permit issued by the SWRCB and requires the SWRCB to implement and administer various water quality control programs to protect public health and preserve sources of water in the state.

Drought Budget Trailer Bill 825 (TB 825) is one of 11 drought budget trailer bills for which draft language has been posted on the California Department of Finance's website. Though none of the bills have been formally introduced, the language is under active consideration by the legislature as part of the budget process which is scheduled to conclude June 15th.

TB 825 would allow the SWRCB to force consolidations of public water systems "if a public water system fails to reliably provide an adequate supply of safe, potable water." No definitions or other language is provided to clarify the conditions under which a consolidation could be mandated. The phrase "if a public water system fails to reliably provide an adequate supply of safe, potable water" is sufficiently broad that it could apply to any agency in the state with limited water supplies during a drought.

Additional language is being discussed in the legislature that would further broaden the scope of the bill in two major ways: (1) to allow the SWRCB to require a public water system to extend service to domestic well users; and (2) allow the SWRCB to require a public water system to provide "technical, managerial, or financial management assistance" to another public water system.

The draft bill and language under discussion are overly broad and fail to adequately and reasonably define those circumstances under which a consolidation could be mandated by the SWRCB. This proposed authority to require consolidation or extension of services would not be limited based on need or any other clearly defined factor and thus would expose any water agency in the state to a mandated consolidation as the consolidator or as a subsumed system. In addition, it would provide developers with a "free pass" for inadequate and underperforming water systems.

The measure bypasses existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Cortese-Knox-Hertzberg), that, among other things, provides a clear framework for consolidations and the extension of services and provides protections for local agencies. As an indication of the complexity of consolidations, in at least one instance additional legislation, SB 1130 (Roth – 2014) was needed to provide the consolidating agency with adequate liability protections prior to subsuming a small water system that was failing to provide safe drinking water.

TB 825 raises numerous significant questions and issues that include but are not limited to:

- 1) The proposed bill expands the authority to require consolidation well beyond existing law, and gives that authority to a state agency.

Under current law the SWRCB may “*encourage* consolidation of *small community water systems* that serve *disadvantaged communities*.” Additionally, community water systems also may be encouraged to consolidate where at least one of them is a small community water system that serves a disadvantaged community. The proposed bill allows the SWRCB to *require* consolidation, extension of service, provision of technical, managerial, or financial management assistance to another public water system. Thus, as proposed, the SWRCB would have far-ranging powers beyond “encouragement through funding” and instead have the authority to consolidate public water systems with no guidance, except “consultation”, as to what conditions should be met before consolidation is required.

This power to require consolidation completely shifts control over such decisions away from local legislative bodies and citizens and gives it to an administrative agency that is part of the executive branch. Under current law, local agencies and/or citizens have the right to form water districts and define the areas to be served. Local Area Formation Commissions (LAFCOs) and provisions under Cortese-Knox-Hertzberg that allow annexations or consolidations are subordinate to the local water agency’s determination, based on substantial evidence, that annexation or consolidation would create financial or service related concerns.

- 2) The proposed bill expands the intent of existing law, which is designed to assist disadvantaged communities.

Under current law the focus of the SWRCB’s power to “encourage consolidation” is to provide assistance to disadvantaged communities. This concept is lost in the current proposal which is designed to assist water users that do not have an adequate supply of safe potable water, even if the lack of a safe supply is the result of mismanagement of the public water system. Thus, conceivably, advantaged communities that mismanage their water supplies are provided relief through the SWRCB’s powers to order consolidation with a properly managed and financed water system.

- 3) The proposed bill puts the financial burden on state taxpayers and the customers of the properly managed receiving water system.

Under the proposed bill the SWRCB must make funds available to the receiving water system to pay for capacity charges and other loss of assets. Funding for payment of these charges/compensation does not come from the parties that benefit from the expanded water system. Instead, they will ostensibly come from the state’s taxpayers. Given the fact that the proposed bill is not limited to disadvantaged communities, the possibility exists for an advantaged community that mismanages its water supply to be consolidated with a receiving water system with the state taxpayers footing the bill.

- 4) The proposed bill does not take into account the water right limitations or the water supply conditions of the receiving water system.

The proposed bill is silent as to how water rights would be affected, including limitations on place of use and purpose of use. Additionally, no consideration is given to the receiving water system's ability to provide additional water, particularly where surplus supplies do not exist.

- 5) The proposed bill does not address additional financial burdens, beyond the payment of capacity charges, placed on the receiving water system.

Adding communities to service areas requires extension of infrastructure, more operations and maintenance costs, as well administrative costs. These costs are not addressed in the proposed bill. Given the fact that the bill takes away local control from legislative bodies and citizens, authority to require that such costs be paid from local revenue, not from state funds raises issues regarding unfunded state mandates.

In addition to these issues there are major constitutional considerations under Proposition 218 and the prohibition on the gift of ratepayer funds. All of these issues, as well as others that are not identified here, will require the input of many stakeholders including, but not limited to, other water agencies, special districts, LAFCOs, cities and counties.

Consolidations are a complicated policy area that does not lend itself to the budget trailer bill process, which is a fast track process that bypasses legislative policy committees. Sufficient time must be afforded for stakeholders, including EBMUD, to work together to find an acceptable approach. Staff stands ready to work with the administration, the legislature, and other stakeholders, including ACWA and the California Special District's Association, on this issue, however significantly more time is needed than the expedited budget trailer bill process provides.

**Draft Trailer Bill 826
(Author TBD)**

DROUGHT SUBMETERING

**SUPPORT IF
AMENDED**

The Water Measurement Law requires every water purveyor to require, as a condition of new water service on and after January 1, 1992, the installation of a water meter to measure water service. That law also requires urban water suppliers to install water meters on specified service connections, and to charge water users based on the actual volume of deliveries as measured by those water meters in accordance with a certain timetable.

Draft Trailer Bill 826 (TB 826) is a proposed budget trailer bill that, if introduced and enacted, would require every water purveyor that provides water service to a newly constructed multi-unit residential structure or newly constructed mixed-use residential and commercial structure that submits an application for a water connection after January 1, 2017, to require the installation of

meters or submeters on each individual rental unit as a condition of new water service to that property. TB 826 would require the landlord to charge tenants based on the actual volume of water delivered as measured by the submeter, and to charge tenants at the same rate charged by the water purveyor. Under TB 826, a landlord could also charge tenants a portion of any recurring fixed charge billed to the property, if the tenant's portion of the recurring charge is proportional to the amount of water the tenant uses. TB 826 would also authorize, but not require, the adoption of building standards to require submeters in multiunit residential buildings.

Submetering is a third-party billing mechanism used by building owners and operators to resell water that is delivered to the master meter to individual units based on the actual amount of water delivered to the unit as measured by the submeter. For a submetering program to be both effective and fair, protections must be in place to ensure water is not resold to tenants at a profit and administrative billing standards must be included so that tenants are provided with the necessary information to determine what they are being billed for. A properly crafted submetering program will promote conservation by providing tenants the information they need to conserve water and enabling tenants to benefit from their water conservation efforts because they are only charged for the water they actually use.

TB 826 would promote increased water conservation and contains appropriately rigorous administrative billing standards that would protect tenants from being charged inflated rates for the water they use, and would require detailed bills so charges would be clear to tenants. Consistent with EBMUD's existing metering/submetering program, TB 826 would provide water purveyors with the discretion to determine whether to require the installation of meters or submeters for a particular property. TB 826 also makes it clear that water purveyors would bear no responsibility for the installation, cost, or maintenance of submeters. These three issues have been critical for EBMUD in its consideration of prior submetering measures.

The measure also includes language to preserve existing local submetering programs, such as EBMUD's and enable local agencies to impose stricter requirements than those imposed by the bill. However, under TB 826 it is not clear whether building code standards adopted pursuant to the bill language would or would not preempt a local water agency's ability to impose more stringent submetering requirements. While cities and counties may adopt changes to building code standards if necessitated by local conditions, water agencies, including EBMUD, do not have that authority. It is critical that water conservation efforts are not hampered by future building standards that may impose a lesser conservation standard than those imposed by local water agencies. Accordingly, amendments are needed to clarify that the protections for local agency programs such as EBMUD's also apply once building standards are adopted.

EBMUD has consistently supported legislative efforts to increase water conservation through the use of submeters, as long as adequate tenant and local water agency program protections are included. In 2013, EBMUD supported SB 750 (Wolk) and worked with the author's office to ensure the bill protected existing submetering programs and ensured local agencies could continue to impose more stringent requirements. SB 750 failed to advance out of the legislature.

In 2011, EBMUD supported AB 19 (Fong) which was substantially similar to SB 750. AB 19 failed to advance out of the legislature. In 2010, EBMUD adopted a “support if amended” position on AB 1975 (Fong) in order to work with the author to address the tenant protection issues. AB 1975 failed to advance out of the legislature.

FEDERAL CLEAN WATER RULE UPDATE

INFORMATION

On May 27, 2015, the U.S. Environmental Protection Agency (U.S. EPA) and the U.S. Army Corps of Engineers (Corps) finalized the Clean Water Rule, formerly known as the Waters of the U.S. Rule, to protect the headwaters streams that supply drinking water and establish standards to determine when waters are subject to regulation under the Clean Water Act. According to U.S. EPA and the Corps, the rule will ensure that waters protected under the Clean Water Act are “more precisely defined and predictably determined” and the rule “maintains all previous exemptions and exclusions.”

EBMUD supported the rulemaking process and submitted comments during the public comment period. The finalized rule adequately addresses the issues of interest to EBMUD, specifically, the rule:

- Maintains the existing exemptions for wastewater treatment facilities as they are already subject to National Pollutant Discharge Elimination System permits,
- Excludes groundwater and recognizes that groundwater continues to be regulated by the states, and
- Exempts water delivery and conveyance facilities as well as water recycling facilities.

The rule will go into effect 60 days after it is published in the federal register. To date, the publication in the federal register is still pending.

ARC:MD:JF

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 291

Introduced by Assembly Member Medina

February 11, 2015

An act to amend Section 21152 of, and to add Section 21152.2 to, the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 291, as amended, Medina. California Environmental Quality Act: local agencies: notice of determination: water.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion ~~of~~, of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA requires a local agency that approves or determines to carry out a project subject to CEQA to file a notice of the approval or determination with the county clerk of each county in which the project will be located and requires the county clerk to make the notice available for public inspection.

This bill would authorize a local agency, for certain water projects, to file the notice with the county clerk of the county in which the local agency's principal office is located~~-in~~ and with the Office of Planning and Research, and to mail a copy of the notice to the county clerks of the counties in which the water project is located, as specified. The bill would require the notices to be available for public inspection or posted, 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:

1 SECTION 1. Section 21152 of the Public Resources Code is
2 amended to read:

3 21152. (a) Except as provided in Section 21152.2, if a local
4 agency approves or determines to carry out a project that is subject
5 to this division, the local agency shall file notice of the approval
6 or the determination within five working days after the approval
7 or determination becomes final, with the county clerk of each
8 county in which the project will be located. The notice shall
9 identify the person or persons in subdivision (b) or (c) of Section
10 21065, as reflected in the agency's record of proceedings, and
11 indicate the determination of the local agency whether the project
12 will, or will not, have a significant effect on the environment and
13 shall indicate whether an environmental impact report has been
14 prepared pursuant to this division. The notice shall also include
15 certification that the final environmental impact report, if one was
16 prepared, together with comments and responses, is available to
17 the general public.

18 (b) If a local agency determines that a project is not subject to
19 this division pursuant to subdivision (b) of Section 21080 and the
20 local agency approves or determines to carry out the project, the
21 local agency or the person specified in subdivision (b) or (c) of
22 Section 21065 may file a notice of the determination with the
23 county clerk of each county in which the project will be located.
24 A notice filed pursuant to this subdivision shall identify the person
25 or persons in subdivision (b) or (c) of Section 21065, as reflected
26 in the agency's record of proceedings. A notice filed pursuant to
27 this subdivision by a person specified in subdivision (b) or (c) of
28 Section 21065 shall have a certificate of determination attached

1 to it issued by the local agency responsible for making the
2 determination that the project is not subject to this division pursuant
3 to subdivision (b) of Section 21080. The certificate of
4 determination may be in the form of a certified copy of an existing
5 document or record of the local agency.

6 (c) A notice filed pursuant to this section shall be available for
7 public inspection, and shall be posted within 24 hours of receipt
8 in the office of the county clerk. A notice shall remain posted for
9 a period of 30 days. Thereafter, the clerk shall return the notice to
10 the local agency with a notation of the period it was posted. The
11 local agency shall retain the notice for not less than 12 months.

12 SEC. 2. Section 21152.2 is added to the Public Resources Code,
13 to read:

14 21152.2. (a) For purposes of this section, "water project"
15 means an activity undertaken pursuant to Sections 1011, 1011.5,
16 and 1211 of, Chapter 2 (commencing with Section 1250), Chapter
17 6.6 (commencing with Section 1435), Chapter 10 (commencing
18 with Section 1700), and Chapter 10.5 (commencing with Section
19 1725) of Part 2 of Division 2 of, the Water Code.

20 (b) Within five working days after a local agency has approved
21 or made a determination to carry out a water project, a local agency,
22 in lieu of the notice filing requirements of subdivision (a) of
23 Section 21152 for that water project, may take all of the following
24 actions:

25 (1) File the notice in the form required by subdivision (a) of
26 Section 21152 with the county clerk of the county in which the
27 local agency's principal office is located.

28 (2) File the notice with the Office of Planning and Research.

29 (3) Mail ~~copies~~ *a copy* of the notice through the United States
30 mail, first-class postage prepaid with return receipt requested, to
31 the county clerk of ~~all the counties~~ *each county* in which the water
32 project will be located.

33 (c) (1) The county clerk receiving a notice pursuant to paragraph
34 (1) of subdivision (b) shall comply with subdivision (c) of Section
35 21152.

36 (2) All notices filed pursuant to paragraph (2) of subdivision
37 (b) shall be available for public inspection, and a list of those
38 notices shall be posted on a weekly basis in the Office of Planning
39 and Research. Each list shall remain posted for a period of 30 days.

1 (3) As promptly as possible, a county clerk that receives a copy
2 of a notice pursuant to paragraph (3) of subdivision (b) shall post
3 that copy and shall not require an original of that notice or any
4 additional information from the local agency.

5 (d) The filing date of the notice specified in subdivisions (b) to
6 (e), inclusive, of Section 21167, Section 21167.10, and Section
7 21177 shall be the date on which the notice is filed with the Office
8 of Planning and Research pursuant to paragraph (2) of subdivision
9 (b).

10 (e) Nothing in this section affects the application of Section
11 21092.2.

AMENDED IN SENATE MAY 5, 2015
AMENDED IN SENATE APRIL 13, 2015
AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 471

Introduced by Senator Pavley

February 26, 2015

An act to *amend Section 39712 of, and to add Chapter 10* (commencing with Section 39950) to Part 2 of Division 26 ~~of of~~ the Health and Safety Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 471, as amended, Pavley. Water, energy, and reduction of greenhouse gas emissions: planning.

Existing law designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism relative to reduction of greenhouse gas emissions, commonly known as cap and trade revenues, to be deposited in the Greenhouse Gas Reduction Fund, and to be used, upon appropriation by the Legislature, for specified purposes, *including the reduction of greenhouse gas emissions associated with water use and supply*.

This bill would require the state board, in cooperation with various other agencies, to develop an emissions inventory of greenhouse gas emissions from the water system in the state, using best available data. The bill would ~~provide water recycling, wastewater treatment, water end-use efficiency, water technology improvements, best management~~

~~practices, and other projects that reduce water system greenhouse gas emissions shall be~~ *include reduction of greenhouse gas emissions associated with water treatment among the investments that are eligible* for funding from the Greenhouse Gas Reduction Fund. The bill would also make legislative findings and declarations, and a statement of legislative intent, with regard to the nexus between water and energy and water and reduction of greenhouse gas emissions.

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. (a) The Legislature finds and declares all of the
2 following:

3 (1) Water and energy resources are inextricably connected. This
4 relationship is known as the water-energy nexus.

5 (A) The energy used to drive California's water system,
6 including, but not limited to, the fuels used to power groundwater
7 pumps, transportation, treatment and disposal systems for water
8 and wastewater, heating and cooling of water in buildings and
9 other facilities, and the delivery of water to end users, accounts
10 for nearly 20 percent of the total electricity usage, 30 percent of
11 nonpower-related natural gas consumed, and an unknown quantity
12 of greenhouse gas emissions associated with that energy
13 production.

14 (B) The water used to drive California's energy system,
15 including, but not limited to, the water used to turn turbines for
16 hydropower, to produce steam and cooling systems for
17 thermoelectric power, and to extract and refine oil and gas,
18 represents a substantial portion of our state water demand.

19 (C) Consequently, saving water saves energy, and vice versa.

20 (D) Because the production of energy often results in the
21 emission of greenhouse gases, there is substantial potential for
22 emission reductions in the water system.

23 (2) Planning for water use is often conducted without
24 consideration of energy use or greenhouse gas emissions. Similarly,
25 planning for energy and reduction of greenhouse gas emissions is
26 often conducted without consideration of water resources. As a
27 result, local and state agencies may not be identifying projects that

1 best serve water and energy investments to maximize greenhouse
2 gas emissions reductions.

3 (b) It is the intent of the Legislature, in enacting this act, to:

4 (1) Provide the best available data on the water-energy nexus
5 so that it may be included in the scoping plan update prepared
6 pursuant to the California Global Warming Solutions Act of 2006
7 (Division 25.5 (commencing with Section 38500) of the Health
8 and Safety Code).

9 (2) More closely integrate the planning for water, energy, and
10 greenhouse gas emissions.

11 (3) Enable opportunities for innovative projects and programs
12 that reduce the greenhouse gas intensity of our water system in
13 order to access eligible funds.

14 *SEC. 2. Section 39712 of the Health and Safety Code is*
15 *amended to read:*

16 39712. (a) (1) It is the intent of the Legislature that moneys
17 shall be appropriated from the fund only in a manner consistent
18 with the requirements of this chapter and Article 9.7 (commencing
19 with Section 16428.8) of Chapter 2 of Part 2 of Division 4 of Title
20 2 of the Government Code.

21 (2) The state shall not approve allocations for a measure or
22 program using moneys appropriated from the fund except after
23 determining, based on the available evidence, that the use of those
24 moneys furthers the regulatory purposes of Division 25.5
25 (commencing with Section 38500) and is consistent with law. If
26 any expenditure of moneys from the fund for any measure or
27 project is determined by a court to be inconsistent with law, the
28 allocations for the remaining measures or projects shall be
29 severable and shall not be affected.

30 (b) Moneys shall be used to facilitate the achievement of
31 reductions of greenhouse gas emissions in this state consistent
32 with Division 25.5 (commencing with Section 38500) and, where
33 applicable and to the extent feasible:

34 (1) Maximize economic, environmental, and public health
35 benefits to the state.

36 (2) Foster job creation by promoting in-state greenhouse gas
37 emissions reduction projects carried out by California workers and
38 businesses.

39 (3) Complement efforts to improve air quality.

1 (4) Direct investment toward the most disadvantaged
2 communities and households in the state.

3 (5) Provide opportunities for businesses, public agencies,
4 nonprofits, and other community institutions to participate in and
5 benefit from statewide efforts to reduce greenhouse gas emissions.

6 (6) Lessen the impacts and effects of climate change on the
7 state's communities, economy, and environment.

8 (c) Moneys appropriated from the fund may be allocated,
9 consistent with subdivision (a), for the purpose of reducing
10 greenhouse gas emissions in this state through investments that
11 may include, but are not limited to, any of the following:

12 (1) Funding to reduce greenhouse gas emissions through energy
13 efficiency, clean and renewable energy generation, distributed
14 renewable energy generation, transmission and storage, and other
15 related actions, including, but not limited to, at public universities,
16 state and local public buildings, and industrial and manufacturing
17 facilities.

18 (2) Funding to reduce greenhouse gas emissions through the
19 development of state-of-the-art systems to move goods and freight,
20 advanced technology vehicles and vehicle infrastructure, advanced
21 biofuels, and low-carbon and efficient public transportation.

22 (3) Funding to reduce greenhouse gas emissions associated with
23 ~~water use and supply~~, land and natural resource conservation and
24 management, forestry, ~~and sustainable agriculture, and the water~~
25 *sector, including, but not limited to, water use, supply, and*
26 *treatment.*

27 (4) Funding to reduce greenhouse gas emissions through
28 strategic planning and development of sustainable infrastructure
29 projects, including, but not limited to, transportation and housing.

30 (5) Funding to reduce greenhouse gas emissions through
31 increased in-state diversion of municipal solid waste from disposal
32 through waste reduction, diversion, and reuse.

33 (6) Funding to reduce greenhouse gas emissions through
34 investments in programs implemented by local and regional
35 agencies, local and regional collaboratives, and nonprofit
36 organizations coordinating with local governments.

37 (7) Funding research, development, and deployment of
38 innovative technologies, measures, and practices related to
39 programs and projects funded pursuant to this chapter.

1 ~~SEC. 2.~~

2 *SEC. 3.* Chapter 10 (commencing with Section 39950) is added
3 to Part 2 of Division 26 of the Health and Safety Code, to read:

4
5 CHAPTER 10. EMISSIONS FROM THE WATER SYSTEM
6

7 39950. (a) The state board, in cooperation with the State
8 Energy Resources Conservation and Development Commission,
9 the Public Utilities Commission, the State Water Resources Control
10 Board, and the Department of Water Resources, shall develop an
11 emissions inventory of greenhouse gas emissions from the water
12 system in the state, using best available data.

13 ~~(b) Water recycling, wastewater treatment, water end-use~~
14 ~~efficiency, water technology improvements, best management~~
15 ~~practices, and other programs that reduce water system greenhouse~~
16 ~~gas emissions shall be eligible for funding from the Greenhouse~~
17 ~~Gas Reduction Fund.~~

Draft Trailer Bill 807

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An act to amend Section 6103.4 of the Government Code, and to amend Sections 116275, 116577, 116585, 116590, and 116595 of, to repeal Sections 116570 and 116580 of, and to repeal and add Section 116565 of, the Health and Safety Code, relating to the State Water Resources Control Board.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 6103.4 of the Government Code is amended to read:

6103.4. Section 6103 does not apply to any fee or charge for official services required by ~~Section 100860 of any of the following:~~

(a) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code).

(b) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1 of Division 104 of the Health and Safety Code.

(c) The California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12 of Division 104 of the Health and Safety Code).

(d) The Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760) of Part 12 of Division 104 of the Health and Safety Code).

(e) Article 2 (commencing with Section 116800) and Article 3 (commencing with Section 116825) of Chapter 5 of Part 12 of Division 104 of the Health and Safety Code, or Part Code.

(f) Part 5 (commencing with Section 4999) of Division 2, or 2 and Division 7 (commencing with Section 13000), of the Water Code.

SEC. 2. Section 116275 of the Health and Safety Code is amended to read:

116275. As used in this chapter:

(a) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.



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(b) "Department" means the ~~State Department of Public Health~~ state board.

(c) "Primary drinking water standards" means:

(1) Maximum levels of contaminants that, in the judgment of the ~~department~~ state board, may have an adverse effect on the health of persons.

(2) Specific treatment techniques adopted by the ~~department~~ state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.

(3) The monitoring and reporting requirements as specified in regulations adopted by the ~~department~~ state board that pertain to maximum contaminant levels.

(d) "Secondary drinking water standards" means standards that specify maximum contaminant levels that, in the judgment of the ~~department~~ state board, are necessary to protect the public welfare. Secondary drinking water standards may apply to any contaminant in drinking water that may adversely affect the odor or appearance of the water and may cause a substantial number of persons served by the public water system to discontinue its use, or that may otherwise adversely affect the public welfare. Regulations establishing secondary drinking water standards may vary according to geographic and other circumstances and may apply to any contaminant in drinking water that adversely affects the taste, odor, or appearance of the water when the standards are necessary to ensure a supply of pure, wholesome, and potable water.

(e) "Human consumption" means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes.

(f) "Maximum contaminant level" means the maximum permissible level of a contaminant in water.



(g) "Person" means an individual, corporation, company, association, partnership, limited liability company, municipality, public utility, or other public body or institution.

(h) "Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

(1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.

(2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.

(3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

(i) "Community water system" means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system.

(j) "Noncommunity water system" means a public water system that is not a community water system.

(k) "Nontransient noncommunity water system" means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over six months per year.

(l) "Local health officer" means a local health officer appointed pursuant to Section 101000 or a local comprehensive health agency designated by the board of supervisors pursuant to Section 101275 to carry out the drinking water program.



(m) "Significant rise in the bacterial count of water" means a rise in the bacterial count of water that the ~~department~~ state board determines, by regulation, represents an immediate danger to the health of water users.

(n) "State small water system" means a system for the provision of piped water to the public for human consumption that serves at least five, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year.

(o) "Transient noncommunity water system" means a noncommunity water system that does not regularly serve at least 25 of the same persons over six months per year.

(p) "User" means a person using water for domestic purposes. User does not include a person processing, selling, or serving water or operating a public water system.

(q) "Waterworks standards" means regulations adopted by the ~~department~~ state board that take cognizance of the latest available "Standards of Minimum Requirements for Safe Practice in the Production and Delivery of Water for Domestic Use" adopted by the California section of the American Water Works Association.

(r) "Local primacy agency" means a local health officer that has applied for and received primacy delegation ~~from the department~~ pursuant to Section 116330.

(s) "Service connection" means the point of connection between the customer's piping or constructed conveyance, and the water system's meter, service pipe, or constructed conveyance. A connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection in determining if the system is a public water system if any of the following apply:



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(1) The water is used exclusively for purposes other than residential uses, consisting of drinking, bathing, and cooking or other similar uses.

(2) The ~~department~~ state board determines that alternative water to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulation is provided for residential or similar uses for drinking and cooking.

(3) The ~~department~~ state board determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a passthrough entity, or the user to achieve the equivalent level of protection provided by the applicable primary drinking water regulations.

(t) "Resident" means a person who physically occupies, whether by ownership, rental, lease, or other means, the same dwelling for at least 60 days of the year.

(u) "Water treatment operator" means a person who has met the requirements for a specific water treatment operator grade pursuant to Section 106875.

(v) "Water treatment operator-in-training" means a person who has applied for and passed the written examination given by the ~~department~~ state board but does not yet meet the experience requirements for a specific water treatment operator grade pursuant to Section 106875.

(w) "Water distribution operator" means a person who has met the requirements for a specific water distribution operator grade pursuant to Section 106875.

(x) "Water treatment plant" means a group or assemblage of structures, equipment, and processes that treats, blends, or conditions the water supply of a public water system for the purpose of meeting primary drinking water standards.



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(y) "Water distribution system" means any combination of pipes, tanks, pumps, and other physical features that deliver water from the source or water treatment plant to the consumer.

(z) "Public health goal" means a goal established by the Office of Environmental Health Hazard Assessment pursuant to subdivision (c) of Section 116365.

(aa) "Small community water system" means a community water system that serves no more than 3,300 service connections or a yearlong population of no more than 10,000 persons.

(ab) "Disadvantaged community" means the entire service area of a community water system, or a community therein, in which the median household income is less than 80 percent of the statewide average.

(ac) "State board" means the State Water Resources Control Board.

SEC. 3. Section 116565 of the Health and Safety Code is repealed.

~~116565. (a) Each public water system serving 1,000 or more service connections, and any public water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption, shall reimburse the department for the actual cost incurred by the department for conducting those activities mandated by this chapter relating to the issuance of domestic water supply permits, inspections, monitoring, surveillance, and water quality evaluation that relate to that specific public water system. The amount of reimbursement shall be sufficient to pay, but in no event shall exceed, the department's actual cost in conducting these activities.~~



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~~(b) Each public water system serving fewer than 1,000 service connections shall pay an annual drinking water operating fee to the department as set forth in this subdivision for costs incurred by the department for conducting those activities mandated by this chapter relating to inspections, monitoring, surveillance, and water quality evaluation relating to public water systems. The total amount of fees shall be sufficient to pay, but in no event shall exceed, the department's actual cost in conducting these activities. Notwithstanding adjustment of actual fees collected pursuant to Section 100425 as authorized pursuant to subdivision (d) of Section 116590, the amount that shall be paid annually by a public water system pursuant to this section shall be as follows:~~

~~(1) Community water systems, six dollars (\$6) per service connection, but not less than two hundred fifty dollars (\$250) per water system, which may be increased by the department, as provided for in subdivision (f), to ten dollars (\$10) per service connection, but not less than two hundred fifty dollars (\$250) per water system.~~

~~(2) Nontransient noncommunity water systems pursuant to subdivision (k) of Section 116275, two dollars (\$2) per person served, but not less than four hundred fifty-six dollars (\$456) per water system, which may be increased by the department, as provided for in subdivision (f), to three dollars (\$3) per person served, but not less than four hundred fifty-six dollars (\$456) per water system.~~

~~(3) Transient noncommunity water systems pursuant to subdivision (e) of Section 116275, eight hundred dollars (\$800) per water system, which may be increased by the department, as provided for in subdivision (f), to one thousand three hundred thirty-five dollars (\$1,335) per water system.~~



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~~(4) Noncommunity water systems in possession of a current exemption pursuant to former Section 116282 on January 1, 2012, one hundred two dollars (\$102) per water system.~~

~~(c) For purposes of determining the fees provided for in subdivision (a), the department shall maintain a record of its actual costs for pursuing the activities specified in subdivision (a) relative to each system required to pay the fees. The fee charged each system shall reflect the department's actual cost, or in the case of a local primary agency the local primary agency's actual cost, of conducting the specified activities.~~

~~(d) The department shall submit an invoice for cost reimbursement for the activities specified in subdivision (a) to the public water systems no more than twice a year.~~

~~(1) The department shall submit one estimated cost invoice to public water systems serving 1,000 or more service connections and any public water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption. This invoice shall include the actual hours expended during the first six months of the fiscal year. The hourly cost rate used to determine the amount of the estimated cost invoice shall be the rate for the previous fiscal year.~~

~~(2) The department shall submit a final invoice to the public water system before October 1 following the fiscal year that the costs were incurred. The invoice shall indicate the total hours expended during the fiscal year, the reasons for the expenditure, the hourly cost rate of the department for the fiscal year, the estimated cost invoice, and payments received. The amount of the final invoice shall be determined using the total hours expended during the fiscal year and the actual hourly cost rate of the~~



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~~department for the fiscal year. The payment of the estimated invoice, exclusive of late penalty, if any, shall be credited toward the final invoice amount.~~

~~(3) Payment of the invoice issued pursuant to paragraphs (1) and (2) shall be made within 90 days of the date of the invoice. Failure to pay the amount of the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.~~

~~(c) Any public water system under the jurisdiction of a local primacy agency shall pay the fees specified in this section to the local primacy agency in lieu of the department. This section shall not preclude a local health officer from imposing additional fees pursuant to Section 101325.~~

~~(f) The department may increase the fees established in subdivision (b) as follows:~~

~~(1) By February 1 of the fiscal year prior to the fiscal year for which fees are proposed to be increased, the department shall publish a list of fees for the following fiscal year and a report showing the calculation of the amount of the fees.~~

~~(2) The department shall make the report and the list of fees available to the public by submitting them to the Legislature and posting them on the department's Internet Web site.~~

~~(3) The department shall establish the amount of fee increases subject to the approval and appropriation by the Legislature.~~

SEC. 4. Section 116565 is added to the Health and Safety Code, to read:

116565. (a) Each public water system shall submit an annual fee according to a fee schedule established by the state board pursuant to subdivision (c) for the purpose of reimbursing the state board for the costs incurred by the state board for conducting



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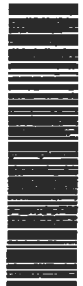
activities mandated by this chapter. The amount of reimbursement shall be sufficient to pay, but in no event shall exceed, the state board's costs in conducting these activities, including a prudent reserve in the Safe Drinking Water Account.

(b) Payment of the annual fee shall be due 90 calendar days following the due date established in the schedule. Failure to pay the annual fee within 90 calendar days shall result in a 10-percent late penalty that shall be paid in addition to the fee.

(c) The state board shall adopt, by emergency regulation, a schedule of fees, as authorized by this section. The emergency regulations may include provisions concerning the administration and collection of the fees.

(d) The state board shall set the amount of total revenue collected each year through the fee schedule at an amount equal to the amount appropriated by the Legislature in the annual Budget Act from the Safe Drinking Water Account for expenditure for the administration of this chapter, taking into account the reserves in the Safe Drinking Water Account. The state board shall review and revise the fees each fiscal year as necessary to conform with the amounts appropriated by the Legislature. If the state board determines that the revenue collected during the preceding year was greater than, or less than, the amounts appropriated by the Legislature, the state board may further adjust the fees to compensate for the over or under collection of revenue.

(e) (1) Except as provided in paragraph (2), the emergency regulations adopted pursuant to this section, any amendment thereto, or subsequent adjustments to the annual fees, shall be adopted by the state board in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and shall be considered by



the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare.

(2) Notwithstanding Section 116377, any emergency regulations adopted by the state board, or adjustments to the annual fees made by the state board pursuant to this section, shall not be subject to review by the Office of Administrative Law and shall remain in effect until revised by the state board.

(f) A public water system under the jurisdiction of a local primacy agency shall pay the fees specified in this section to the local primacy agency in lieu of the state board. This section does not preclude a local health officer from imposing additional fees pursuant to Section 101325.

SEC. 5. Section 116570 of the Health and Safety Code is repealed.

~~116570. (a) Each public water system serving less than 1,000 service connections applying for a domestic water supply permit pursuant to Section 116525 or 116550 shall pay a permit application processing fee to the department. Payment of the fee shall accompany the application for the permit or permit amendment.~~

~~(b) The amount of the permit application fee required under subdivision (a) shall be as follows:~~

~~(1) A new community water system for which no domestic water supply permits have been previously issued by the department shall pay an application fee of five hundred dollars (\$500).~~

~~(2) A new noncommunity water system for which no domestic water supply permits have been previously issued by the department shall pay an application fee of three hundred dollars (\$300).~~



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~~(3) An existing public water system applying for an amendment to a domestic water supply permit due to a change in ownership shall pay an application fee of one hundred fifty dollars (\$150).~~

~~(4) An existing public water system applying for an amendment to a domestic water supply permit due to an addition or modification of the source of supply, or an addition or change in the method of treatment of the water supply shall pay an application fee of two hundred fifty dollars (\$250).~~

~~(c) Any public water system under the jurisdiction of a local primacy agency shall pay the permit application fees specified in this section to the local primacy agency in lieu of the department.~~

SEC. 6. Section 116577 of the Health and Safety Code is amended to read:

116577. (a) Each public water system shall reimburse the department state board for actual costs incurred by the department state board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.
- (3) Conducting a hearing pursuant to Section 116625.

(b) The department state board shall submit an invoice for these enforcement costs to the public water system that requires payment ~~prior to~~ before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department state board. The costs set forth in the invoice shall not



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exceed the total actual costs to the ~~department~~ state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water systems system under the jurisdiction of the local primacy agency, a public water systems system shall also reimburse enforcement costs, if any, incurred by the ~~department~~ state board pursuant to this section.

(d) ~~"Enforcement costs"~~ costs, as used in this ~~section~~ section, does not include "litigation costs" pursuant to Section 116585.

(e) ~~The department~~ state board shall not be entitled to enforcement costs pursuant to this section if ~~either a court or the department~~ determines that enforcement activities were in error.

~~(f) The maximum reimbursement, pursuant to this section, by a public water system serving less than 1,000 service connections during any fiscal year shall not exceed one thousand dollars (\$1,000) or twice the maximum for that public water system as set forth in subdivision (c) of Section 116565, whichever is greater.~~

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

SEC. 7. Section 116580 of the Health and Safety Code is repealed.



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~~116580. (a) Each public water system that requests an exemption, plan review, variance, or waiver of any applicable requirement of this chapter or any regulation adopted pursuant to this chapter, shall reimburse the department for actual costs incurred by the department in processing the request.~~

~~(b) The department shall submit an invoice to the water system prior to October 1 of the fiscal year following the fiscal year in which the department's decision was rendered with respect to the request for a plan review, exemption, variance, or waiver. The invoice shall indicate the number of hours expended by the department and the department's hourly cost rate. Payment of the fee shall be made within 120 days of the date of the invoice. The department may revoke any approval of a request for an exemption, variance, or waiver for failure to pay the required fees.~~

~~(c) Notwithstanding subdivisions (a) and (b), requests for, and reimbursement of actual costs for, an exemption, variance, or waiver for public water systems under the jurisdiction of the local primacy agency shall, instead, be submitted to the local primacy agency pursuant to subdivision (c) of Section 116595.~~

SEC. 8. Section 116585 of the Health and Safety Code is amended to read:

116585. In any a civil court action brought to enforce this chapter, the prevailing party or parties shall be awarded litigation costs, including, but not limited to, salaries, benefits, travel expenses, operating equipment, administrative, overhead, other litigation costs, and attorney's fees, as determined by the court. Litigation costs awarded to the department state board by the court shall be deposited into the Safe Drinking Water Account. Litigation costs awarded to a local primacy agency by the court shall be used by that local primacy agency to offset the local primacy agency's litigation costs.



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SEC. 9. Section 116590 of the Health and Safety Code is amended to read:

116590. (a) ~~All funds~~ Funds received by the ~~department~~ state board pursuant to this chapter, including, but not limited to, all civil penalties collected by the department pursuant to Article 9 (commencing with Section 116650) and Article 11 (commencing with Section 116725), ~~chapter~~ shall be deposited into the Safe Drinking Water Account ~~that Account, which is hereby established~~ established, and shall be available for use by the state board, upon appropriation by the Legislature, for the purpose of providing funds necessary to administer this chapter. Funds in the Safe Drinking Water Account ~~may~~ shall not be expended for any purpose other than as set forth in this chapter. ~~All moneys collected by the department pursuant to Sections 116565 to 116600, inclusive, shall be deposited into the Safe Drinking Water Account for use by the department, upon appropriation by the Legislature, for the purpose of providing funds necessary to administer this chapter.~~

(b) ~~The department's hourly cost rate used to determine the reimbursement for actual costs pursuant to Sections 116565, 116577, and 116580 shall be based upon the department's salaries, benefits, travel expense, operating, equipment, administrative support, and overhead costs.~~

(c) ~~Notwithstanding Section 6103 of the Government Code, each public water system operating under a permit issued pursuant to this chapter shall pay the fees set forth in this chapter.~~

(b) ~~A public water system shall be permitted to~~ may collect a fee from its customers to recover the fees paid by the public water system pursuant to this chapter.



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~~(d) The fees collected pursuant to subdivision (b) of Section 116565 and subdivision (b) of Section 116570 shall be adjusted annually pursuant to Section 100425, and the adjusted fee amounts shall be rounded off to the nearest whole dollar.~~

~~(e) Fees assessed pursuant to this chapter shall not exceed actual costs to either the department or the local primacy agency, as the case may be, related to the public water systems assessed the fees.~~

~~(f) In no event shall the total amount of funds received pursuant to subdivision (a) of Section 116565, and subdivision (a) of Section 116577 from public water systems serving 1,000 or more service connections exceed the following:~~

~~(1) For the 2001-02 fiscal year, seven million dollars (\$7,000,000).~~

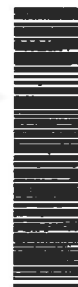
~~(2) For the 2002-03 fiscal year and subsequent fiscal years, the total amount of funds shall not increase by more than 5 percent of the amount collected for the previous fiscal year.~~

~~(g) The department shall develop a time accounting standard designed to do all of the following:~~

~~(1) Provide accurate time accounting.~~

~~(2) Provide accurate invoicing based upon hourly rates comparable to private sector professional classifications and comparable rates charged by other states for comparable services. These rates shall be applied against the time spent by the actual individuals who perform the work.~~

~~(3) Establish work standards that address work tasks, timing, completeness, limits on redirection of effort, and limits on the time spent in the aggregate for each activity.~~



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~~(4) Establish overhead charge-back limitations, including, but not limited to, charge-back limitations on charges relating to reimbursement of services provided to the department by other departments and agencies of the state, that reasonably relate to the performance of the function.~~

~~(5) Provide appropriate invoice controls.~~

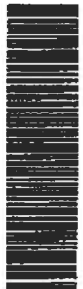
SEC. 10. Section 116595 of the Health and Safety Code is amended to read:

116595. (a) ~~Any~~ A public water system under the jurisdiction of a local primacy agency shall reimburse the local primacy agency for any enforcement cost incurred by the local primacy agency related to any of the following relating to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.
- (3) Conducting a hearing pursuant to Section 116625.

~~The~~

(b) ~~The~~ local primacy agency shall submit an invoice to the public water system that requires payment, ~~prior to~~ before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the local primacy agency. The invoice shall not exceed the total costs to the local primacy agency of enforcement activities specified in this subdivision. Notwithstanding the reimbursement to the ~~department~~ state board of enforcement costs, if any, pursuant to Section 116577, any public water system under the jurisdiction of the local primacy agency shall also reimburse the local primacy agency for enforcement costs incurred by the local primacy agency pursuant to this section. The local primacy agency shall not be entitled to



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enforcement costs pursuant to this subdivision if either a court or the local primacy agency determines that enforcement activities were in error. "Enforcement costs" as used in this subdivision does not include "litigation costs" as used in subdivision (d). ~~The maximum reimbursement, pursuant to this subdivision, by a public water system serving less than 1,000 service connections during any fiscal year shall not exceed twice the maximum for that public water system as set forth in subdivision (e) of Section 116565.~~ Section 116585.

~~(b) The local primacy agency may adopt a fee schedule for the processing of applications for a domestic water supply permit, submitted pursuant to subdivision (e) of Section 116570 by a public water system under the jurisdiction of the local primacy agency, in lieu of the fee schedule set forth in subdivision (b) of Section 116570, to recover its cost of processing the permit applications as specified in the primacy agreement. The fee shall not exceed the total costs to the local primacy agency of processing the permit application.~~

~~(c) Any public water system under the jurisdiction of a local primacy agency that requests an exemption, variance, or waiver of any applicable requirement of this chapter, or any regulation of the department adopted pursuant to this chapter, shall submit the request to the local primacy agency and shall reimburse the local primacy agency for any costs incurred by the local primacy agency in processing the request.~~

(c) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.



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(d) The local primacy agency may, in its sole discretion, waive payment by a public water system of all or any part of the invoice or the penalty.

SEC. 11. The repeal of Sections 116565, 116570, and 116580 of the Health and Safety Code pursuant to Sections 3, 5, and 7, respectively, does not terminate any obligations or authorities with respect to the collection of unpaid fees or reimbursements imposed pursuant to those sections, as those sections read before the date of their repeal, including any interest or penalties that occur before, on, or after that date, associated with those unpaid fees or reimbursements.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: State Water Resources Control Board: California Safe Drinking Water Act.

(1) Existing law generally prohibits the state, or a county, city, district, or other political subdivision, or any public officer or body acting in its official capacity on behalf of any of those entities, from being required to pay any fee for the performance of an official service. Existing law exempts from this provision any fee or charge for official services required pursuant to specified provisions of law relating to water use or water quality, including the fees charged to public water systems under the California Safe Drinking Water Act.

This bill would specifically exempt other provisions relating to water use and water quality, including the Safe Drinking Water State Revolving Fund Law of 1997 and provisions relating to cross-connections of water users, water treatment devices, and operator certification of water treatment plants and water distribution systems.



(2) The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various duties and responsibilities for the regulation and control of drinking water in the State of California. The act requires a public water system serving 1,000 or more service connections, and any public water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption, to reimburse the state board for the state board's actual costs of conducting specified mandated activities that relate to that specific public water system. The act requires the state board to submit an invoice to the public water system according to specified provisions. The act requires a public water system serving fewer than 1,000 service connections to pay an annual drinking water operating fee to the state board, as specified, for the state board's costs of conducting specified mandated activities relating to public water systems. The act authorizes the state board to increase this annual drinking water operating fee according to specified procedures. The act also requires a public water system serving less than 1,000 service connections applying for a domestic water supply permit to pay a permit application processing fee to the state board. The act requires a public water system under the jurisdiction of a local primacy agency to pay the above-described fees to the local primacy agency in lieu of the state board.

This bill would repeal the above-described reimbursement and fee provisions and instead require the state board to adopt, by emergency regulation, a fee schedule, to be paid annually by each public water system for the purpose of reimbursing the state board for specified activities. The bill would prohibit the reimbursement from



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exceeding the state board's cost of conducting the activities, as specified. The bill would require the state board to set the total amount of revenue collected through the fee schedule to be equal to the amount appropriated by the Legislature in the annual Budget Act from the Safe Drinking Water Account for expenditure for the administration of the act. The bill would require the state board to review and revise the fee schedule each fiscal year, as necessary, and, if the state board determines that the amount of revenue collected during the preceding year was greater than, or less than, the amounts appropriated by the Legislature, the bill would authorize the state board to further adjust the fees.

The bill would allow the emergency regulations to include provisions relating to the administration and collection of fees and would require that any emergency regulations adopted by the state board, or adjustments to the annual fees, not be subject to review by the Office of Administrative Law and remain in effect until revised by the state board. The bill would require a public water system under the jurisdiction of a local primacy agency to pay these fees to the local primacy agency in lieu of the state board.

The act also generally requires each public water system to reimburse the state board for actual costs incurred by the state board for specified enforcement activities related to that water system and, for a public water system serving less than 1,000 service connections, restricts the maximum reimbursement to specified amounts. Under the act, the state board is not entitled to these enforcement costs if either a court or the state board determines that the enforcement activities were in error. The act imposes



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similar provisions upon a public water system under the jurisdiction of a local primacy agency.

This bill would delete the maximum reimbursement limitation for public water systems serving less than 1,000 service connections and would not entitle the state board, or local primacy agency, if applicable, to enforcement costs if a court, not the state board or local primacy agency, determines that the enforcement activities were in error. The bill would require that payment of the invoice for reimbursement costs be made within 90 days of the date of the invoice, with a 10% late penalty, and would authorize the state board or local primacy agency to waive payment of all or any part of the invoice or penalty.

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



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Draft Trailer Bill 825

LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Public water systems: consolidation.

Existing law prohibits a person from operating a public water system unless the person first submits an application to the State Water Resources Control Board and receives a permit issued by the state board, as specified. Existing law requires the state board to implement and administer various water quality control programs to protect public health and preserve sources of water in the state.

This bill would authorize the state board, if a public water system fails to reliably provide an adequate supply of safe, potable water, to require consolidation of that water system with another public water system, if certain requirements are met. The bill would require the state board, if it requires the consolidation of public water systems, to provide financial assistance to the public water system that is incorporating the other public water system, upon appropriation for this purpose, as necessary to complete the consolidation. The bill would require the state board, if it requires a privately owned



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public water system to be taken over in a consolidation, to compensate the owner or owners of the privately owned public water system for the fair market value of that public water system.

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



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An act to add Section 116557 to the Health and Safety Code, relating to drinking water.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 116557 is added to the Health and Safety Code, to read:

116557. (a) Notwithstanding Section 56133 of the Government Code, if a public water system fails to reliably provide an adequate supply of safe, potable water, the state board may require the consolidation of that public water system with another public water system, if the state board does all of the following:

(1) Consults with the relevant local agency formation commission regarding all of the following:

(A) How the consolidation of the public water systems may affect water service in the affected area.

(B) Recommendations for improving water service in the affected area.

(C) Any other information relevant to the consolidation of the public water systems.

(2) Conducts a public hearing, in accordance with the requirements of Section 116545.

(3) Finds both of the following:

(A) Consolidation of the public water systems is feasible.

(B) Consolidation of the public water systems is the best means to provide an adequate supply of safe, potable water to the customers of those public water systems.

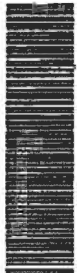
(b) If the state board requires the consolidation of public water systems pursuant to this section, the state board shall provide financial assistance to the public water system that is incorporating the other public water system, upon appropriation for this purpose, as necessary to complete the consolidation of the public water systems. In



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implementing this section, the state board shall act consistent with the state board's existing financial assistance guidelines and policies.

(c) If the state board requires the consolidation of public water systems pursuant to this section and the public water system that is to be taken over is privately owned, the state board shall compensate the owner or owners of the privately owned public water system for the fair market value of that public water system, evaluated with consideration for the inadequacies of the system.



Draft Trailer Bill 826

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An act to add Chapter 2.5 (commencing with Section 1954.201) to Title 5 of Part 4 of Division 3 of the Civil Code, to add Section 17922.14 to the Health and Safety Code, and to add Section 517 to, and to add Article 5 (commencing with Section 537) to Chapter 8 of Division 1 of, the Water Code, relating to housing.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 2.5 (commencing with Section 1954.201) is added to Title 5 of Part 4 of Division 3 of the Civil Code, to read:

CHAPTER 2.5. WATER SERVICE

1954.201. It is the intent of the Legislature in enacting this chapter to do both of the following:

(a) To encourage the conservation of water in multifamily residential rental buildings through means either within the landlord's or the tenant's control.

(b) To ensure that the practices involving the submetering of dwelling units for water service are just and reasonable, and include appropriate safeguards for both tenants and landlords.

1954.202. As used in this chapter:

(a) "Billing agent" means a person or entity who contracts to provide submetering services to a landlord, including billing.

(b) "Landlord" means an owner of residential rental property. "Landlord" does not include a tenant who rents all or a portion of a dwelling unit to subtenants. "Landlord" does not include a common interest development, as defined in Section 4100 of the Civil Code.

(c) "Property" means real property containing two or more dwelling units that is served by a single meter.

(d) "Rental agreement" includes a fixed-term lease.



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(e) "Renting" includes leasing, whether on a periodic or fixed-term basis.

(f) "Submeter" means a device that measures water consumption of an individual rental unit within a multiunit residential structure or mixed-use residential and commercial structure, and that is owned and operated by the owner of the structure or the owner's agent.

(g) "Water service" includes any charges, whether presented for payment on local purveyor bills, tax bills, or bills from other entities, related to water treatment, distribution, or usage, including, but not limited to, water, sewer, stormwater, flood control, and water treatment charges.

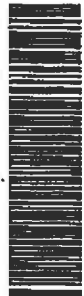
(h) "Water purveyor" means a water purveyor as defined in Section 512 of the Water Code.

1954.203. (a) A landlord subject to this chapter shall install and operate submeters as follows:

(1) The submeter is inspected, tested, and verified for commercial purposes pursuant to law, including, but not limited to, Section 12500.5 of the Business and Professions Code.

(2) The installation conforms to all laws, including, but not limited to, regulations established pursuant to Section 12107 of the Business and Professions Code.

(3) The submeter for a dwelling unit measures only water that is supplied for the exclusive use of the particular dwelling unit and only to an area within the exclusive possession and control of the tenant of the dwelling unit. However, the installation need not comply with a requirement that an outside faucet be under the exclusive use of the tenant, if the tenant is notified upon commencement of the tenancy that water



dispensed from the faucet shall be charged to the tenant. The landlord shall establish reasonable rules to prohibit the use of the faucet by any person other than the tenant.

(4) The submeter is capable of being accessed and read by the tenant of the dwelling unit, and read by the landlord without entering the dwelling unit. A submeter installed before January 1, 2017, may be read by the landlord after entry into the unit, in accordance with this chapter and Section 1954.

(5) Each submeter is reinspected and recalibrated within the time limits specified in law or regulation.

(6) All plumbing fixtures and fittings within each dwelling unit conform to all laws regarding water conservation.

(b) This section does not require a water purveyor to assume responsibility for ensuring compliance with any law or regulation governing installation, certification, maintenance, and testing of submeters and associated onsite plumbing.

1954.204. Prior to executing a rental agreement, a landlord that intends to charge a tenant separately from rent for water service in a property with submeters shall clearly disclose the following information to the tenant, in writing, in at least 10-point type, which may be incorporated into the rental agreement:

(a) That the tenant will be billed for water service separately from the rent.

(b) An estimate of the monthly bill for water service, determined by either of the following:

(1) The average or median bill for water service for comparative units at the property over any three of the past six months.



devices, and that the landlord is required to investigate, and if necessary, repair these problems.

(g) A statement that the landlord shall provide any of the following information if asked by the tenant:

- (1) The location of the submeter.
- (2) The calculations used to determine a monthly bill.
- (3) The date the submeter was last certified for use, and the date it is next scheduled for certification.

(h) A statement that if the tenant believes that the submeter reading is inaccurate or the submeter is malfunctioning, the tenant shall notify the landlord in writing, and may contact the local county sealer and request that the submeter be tested. Contact information for the county sealer shall be included in the disclosure to the tenant.

(i) A statement that this disclosure is only a general overview of the laws regarding submeters and that the laws can be found at Chapter 2.5 (commencing with Section 1954.201) of Title 5 of Part 4 of Division 3 of the Civil Code, available online or at most libraries.

1954.205. (a) As part of the regular bill for water service, the tenant shall only be charged for the following:

- (1) Volumetric usage of water service pursuant to subdivision (b).
- (2) Any recurring fixed charge for water service billed to the property by the water purveyor that, at the landlord's discretion, shall be calculated by either of the following:



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(A) The proportion of the tenant's volumetric water use, as shown on the submeter, in relation to the water use of the entire property, as shown on the property's water meter.

(B) Dividing the total fixed charge equally among the total number of residential units and nonresidential units served by a single meter operated by a water purveyor.

(3) A billing, administrative, or other fee for the landlord's and billing agent's costs, not to exceed four dollars and seventy-five cents (\$4.75) as adjusted pursuant to this section or 25 percent of the amount billed under paragraph (1), whichever is less. Beginning January 1, 2018, the maximum fee authorized by this paragraph may be adjusted each calendar year by the landlord, no higher than a commensurate increase in the California Fiscal Year Average for the previous fiscal year, for All Urban Consumers, as determined by the Department of Finance.

(4) A late charge as assessed pursuant to Section 1954.213.

(b) The monthly water charges for water service may only include the following charges:

(1) (A) Except as provided in subparagraph (B), payment due for the amount of usage as measured by the submeter, charged at the exact same rate or rates for commodity usage as the water purveyor.

(B) When a bill for water service or any of its components is presented to a property in a form that contains more than one rate and is based on usage by the property in its entirety without regard to the number of dwelling units, the volume of the initial block of usage shall be divided evenly among the number of dwelling units, and the rate applicable to the initial block of usage for the property shall be applied to the



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consumption recorded for each dwelling unit up to its apportioned share of the initial block of usage. If consumption of all dwelling units in the aggregate is less than the volume assigned to the initial rate block, the rate applicable to the initial block of usage shall be applied to the consumption recorded for each dwelling unit. If consumption of all dwelling units in the aggregate exceeds the volume assigned to the initial rate block, the preceding process shall be repeated in each successive block of usage and its associated rate.

(2) Payment of a portion of the fixed fee charged by the water purveyor for water service divided equally among all the units in the property.

(c) If the rate or rates established by the water purveyor change, the bill shall be prorated to reflect the time each rate was in effect. The landlord may assess charges for the entire billing period based on the lower rate.

(d) If a submeter reading for the beginning or end of a billing period is, in good faith, not available, the landlord shall bill the tenant according to Section 1954.212.

(e) This section does not prohibit a landlord or the landlord's billing agent from including any other lawful charges on the same bill.

1954.206. (a) Submeters shall be read within three days of the same point in each billing cycle.

(b) Payments shall be due at the same point in each billing cycle. A tenant may agree in writing to receive a bill electronically. A tenant may rescind authorization for electronic delivery of bills at any time. A tenant shall not be required to pay bills electronically.

(c) Bills shall include and separately set forth the following information:



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(1) The submeter readings for the beginning date and ending date of the billing cycle, the dates read, and the indicated consumption as determined by subtracting the amount of the beginning date submeter reading from the amount of the ending date submeter reading. If the unit of measure is in something other than gallons, the indicated consumption shall be expressed in gallons.

(2) The amounts charged pursuant to paragraphs (1) to (4), inclusive, of subdivision (a) of Section 1954.205.

(3) The rate or rates charged for the volumetric charge per unit of measure.

(4) The amount, if any, still owing from the previous month's bill.

(5) The amount, if any, still owing from bills prior to the previous month's bill.

(6) The late fee, if any, imposed on amounts specified in paragraph (4) or (5).

(7) The total amount due for the billing period.

(8) The due date for the payment.

(9) If a late fee is charged by the landlord, a statement of when the late fees would apply.

(10) The procedure to contact the landlord or billing agent with questions or concerns regarding the bill. The landlord or billing agent shall respond in writing to any questions or disputes from the tenant. If a billing agent is used the name of the billing agent shall be disclosed and the billing agent's mailing address, email address, telephone number, which shall be either a toll free or a local number, and the billing agent's regular telephone hours.



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(11) A statement that the landlord or billing agent is not the water purveyor that includes the name of the local water purveyor providing the water service to the master meter.

(d) Notwithstanding paragraphs (4) and (5) of subdivision (c), a separate bill may be provided for past due amounts if past due amounts are not included on the current month's bill.

1954.207. (a) At the beginning of a tenancy, a submeter shall be read after the tenant takes possession. If the regular reading occurs less than five days prior to the tenant taking possession, that reading may be substituted to establish usage. If the submeter is manually read, the first bill may be estimated based on the rate established in subdivision (b) of Section 1954.212.

(b) For a water-service bill at the end of a tenancy, the submeter shall be read within five days, if possible. If the submeter cannot be read within five days at the end of a tenancy, the bill amount for the final month shall be based on the bill amount for the previous month.

(c) The landlord may deduct an unpaid water service bill from the security deposit upon the ending of a tenancy, if the last water service bill showing the amount due is attached to the documentation required by Section 1950.5.

1954.208. Unless it can be documented that a penalty is solely the result of tenant's failure to comply with state or local water use regulations or restrictions, or both, regarding wasting of water, a landlord shall not charge or recover, or allow to be charged or recovered, fees incurred by the landlord from the water purveyor, billing



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agent, or any other person for any deposit, disconnection, reconnection, late payment, or any other penalty.

1954.209. The landlord shall maintain and make available in writing, at the tenant's written or electronic request, within seven days after the request, the following:

(a) The date the submeter was last inspected, tested, and verified, and the date by which it must be reinspected, tested, and verified under law, if available. If this information is not available, the landlord shall disclose that the information is not available.

(b) The data used to calculate the tenant's bill, as follows:

(1) The most recent water bill for the property's master water meter showing the recurring fixed charge for water service billed to the property by the water purveyor, and the usage charges for the property, including any tiered amounts.

(2) Any other bills for water service, as defined in subdivision (g) of Section 1954.202, for the property.

(3) The number of units in the property.

(4) If not shown on the bill for the property, the per unit charges for volumetric water usage, including any tiered amounts.

(5) The formula used to calculate the charge for the tenant's volumetric water usage.

(c) The location of the submeter.

1954.210. (a) If a tenant notifies the landlord in writing, or the landlord otherwise becomes aware of, a leak, a drip, a running toilet, or other problem, or a



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submeter reading indicates constant or abnormal water usage, the landlord shall have the condition investigated, and if warranted, rectify the condition.

(b) A tenant shall not remove any water fixtures or water conservation devices that have been installed by the landlord.

(c) If the condition is rectified more than 14 days after the tenant notifies the landlord in writing pursuant to subdivision (a), the tenant's volumetric usage for any month or months that include the period between 14 days after the initial investigation and the repair shall be deemed to be fifteen dollars (\$15) or actual usage, whichever is less. At the landlord's option, if submeter readings are available to determine the usage at a point prior to investigation and a point following repair, usage shall be deemed to be fifty cents (\$0.50) per day for those days between the two submeter readings or actual usage, whichever is less.

(d) If the condition remains unrectified for six months after investigation, no further volumetric usage charges may be imposed until the condition is repaired.

1954.211. In addition to the grounds for entry specified in subdivision (a) of Section 1954, the landlord may enter a unit as follows:

(a) For the purpose of installing, repairing, testing, and maintaining a submeter or for the purpose of repairing or testing any water fixture suspected by the landlord or reported by the tenant to be in need of repair, if the requirements of Section 1954 are met.

(b) To read a submeter, if the requirements of this chapter and Section 1954 are met. Notwithstanding paragraph (3) of subdivision (d) of Section 1954, notice shall be given only in writing.



1954.212. (a) If a monthly submeter reading necessary to measure volumetric usage is unavailable, the tenant may be charged 75 percent of the average amount billed for volumetric usage for the last three months for which complete billing information is available. The adjustment shall be disclosed on the bill.

(b) If no complete billing information is available for the prior three months, the volumetric usage charge shall be deemed to be fifty cents (\$0.50) per day that the data is not available.

(c) If monthly submeter readings remain unavailable for more than six months, the volumetric usage charge shall be deemed to be zero for any subsequent month that the data is not available.

1954.213. (a) A tenant may be charged a late fee for any water service bill not paid 25 days after mailing or other transmittal of the bill. If the 25th day falls on a Saturday, Sunday, or holiday, the late fee shall not be imposed until the day after the first business day following the 25th day.

(b) A late fee of up to seven dollars (\$7) may be imposed if any amount of a bill remains unpaid after the time described in subdivision (a). A late fee of up to ten dollars (\$10) may be imposed in each subsequent bill if any amount remains unpaid. If any partial payments are made, they shall be credited against the bill that has been outstanding the longest.

(c) In addition to the purposes specified in subdivision (b) of Section 1950.5, the landlord may, if a water service bill remains unpaid after the time described in subdivision (a) expires, also claim the amount of the unpaid bill from the security deposit.



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(d) If a water service bill remains unpaid for 30 days after the time described in subdivision (a) expires, the nonpayment shall constitute a curable material breach of the lease. The landlord shall have the right to terminate the tenancy in accordance with paragraph (3) of Section 1161 of the Code of Civil Procedure with the service of a three day notice to cure covenant or quit upon the tenant.

(e) Water service charges under this chapter shall not constitute rent.

(f) The water service to a dwelling unit shall not be shut off or otherwise interfered with by the landlord for any reason, including nonpayment of a bill.

1954.214. This chapter does not preclude or preempt an ordinance adopted prior to January 1, 2013, that regulates the approval of submeter types or the installation, maintenance, reading, billing, or testing of submeters and associated onsite plumbing.

1954.215. The rights or obligations established under this chapter shall not be waived. Any purported waiver is void.

1954.216. (a) This chapter applies to the following:

(1) All dwelling units offered for rent or rented in a building where submeters were required to be installed pursuant to Article 5 (commencing with Section 537) of Chapter 8 of Division 1 of the Water Code or a building standard adopted in accordance with Section 17922.14 of the Health and Safety Code.

(2) All dwelling units where submeters are used to charge a tenant separately for water service.

(b) Nothing in this chapter shall be construed as follows:

(1) To apply to any dwelling units other than those described in subdivision (a).



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(2) To enlarge or diminish the rights or obligations with respect to charges or allocation methods to determine water service costs to tenants in a building without submeters installed and in use.

1954.217. A submetering system that measures only a portion of a dwelling unit's water usage, including, but not limited to, a system that measures only hot water usage, shall not be subject to this chapter, if the system is first put in service before January 1, 2017.

1954.218. This chapter shall become operative on January 1, 2017.

SEC. 2. Section 17922.14 is added to the Health and Safety Code, to read:

17922.14. (a) During the next regularly scheduled triennial code cycle that commences on or after January 1, 2016, or during a subsequent code adoption cycle, the department may develop and propose for adoption by the California Building Standards Commission, pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, building standards requiring the installation of water submeters in multiunit residential buildings as prescribed in Sections 537 and 538 of the Water Code.

(b) The department shall determine whether and under what circumstances the installation of water submeters are infeasible and include in the building standards proposed in subdivision (a) the appropriate provision for exemption from this requirement. The department may consider whether there are any issues specific to high-rise multifamily buildings that would require an exemption from the requirement for the installation of water submeters.

(c) Moneys in the Building Standards Administration Special Revolving Fund established pursuant to Section 18931.7 shall be available, upon appropriation by the



Legislature, for the department's administrative costs associated with the development of building standards in accordance with this section.

SEC. 3. Section 517 is added to the Water Code, to read:

517. "Submeter" means a device that measures water consumption of an individual rental unit within a multiunit residential structure or mixed-use residential and commercial structure, and that is owned and operated by the owner of the structure or the owner's agent.

SEC. 4. Article 5 (commencing with Section 537) is added to Chapter 8 of Division 1 of the Water Code, to read:

Article 5. Multiunit Structures

537. (a) Structures in all of the following categories shall be exempt from this article:

- (1) Student dormitories.
- (2) Long-term health care facilities, as defined in Section 1418 of the Health and Safety Code.
- (3) Time-share property, as defined in subdivision (aa) of Section 11212 of the Business and Professions Code.
- (4) Residential care facilities, as defined in Section 1569.2 of the Health and Safety Code.

(b) A submeter used to measure water supplied to an individual residential unit that is required pursuant to this chapter shall be of a type approved pursuant to Section



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12500.5 of the Business and Professions Code and shall be installed and operated in compliance with regulations established pursuant to Section 12107 of the Business and Professions Code.

538. (a) Each water purveyor that sells, leases, rents, furnishes, or delivers water service to a newly constructed multiunit residential structure or newly constructed mixed-use residential and commercial structure for which an application for a water connection, or more than one connection, is submitted after January 1, 2017, shall require a measurement of the quantity of water supplied to each individual dwelling unit as a condition of new water service. The measurement may be by individual water meters or submeters.

(b) (1) The owner of the structure shall ensure that each submeter installed complies with all laws and regulations governing the approval of submeter types or the installation, maintenance, reading, billing, and testing of submeters, including, but not limited to, the California Plumbing Code.

(2) This subdivision does not require a water purveyor to fund or assume responsibility for ensuring compliance with any law or regulation governing the approval of submeter types or the installation, maintenance, reading, billing, and testing of submeters and associated onsite plumbing.

(c) A water purveyor shall not impose an additional capacity or connection fee or charge for a submeter that is installed by the owner, or his or her agent.

(d) This section shall remain operative until the date on which the California Building Standards Commission includes standards in the California Building Standards Code that conform to this section.



538.5. (a) This article does not preclude or preempt an ordinance or regulation that regulates the approval of submeter types or the installation, maintenance, reading, billing, or testing of submeters and associated onsite plumbing if the ordinance or regulation was adopted prior to January 1, 2015.

(b) This article does not restrict the authority of a water purveyor, city, county, city and county, or other local agency to adopt and implement a program to promote water conservation that includes the installation of water meters and submeters, as required pursuant to subdivision (a) of Section 538 if the program is at least as stringent as the requirements of this article.

539. It is the intent of the Legislature that this article should not be construed to impose costs on any local government agency, except to the extent that the local government agency is a water purveyor.

539.5. This article shall become operative on January 1, 2017.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Housing: water meters: multiunit structures.

(1) Existing law generally regulates the hiring of dwelling units and, among other things, imposes certain requirements on landlords and tenants. Among these requirements, existing law requires landlords to provide tenants with certain notices or disclosures pertaining to, among other things, pest control and gas meters.

This bill would, if the installation of a meter or submeter was required by specified law, or a submeter is used to charge a tenant separately for water service, impose requirements on landlords relating to submetered water service to individual dwelling units. The bill would require a landlord to install and operate submeters in prescribed dwelling units, as specified. The bill would require a landlord to make certain disclosures to the tenant prior to the execution of the rental agreement, if the landlord intends to charge a tenant separately from rent for water service in a property with submeters. The bill would specify that as part of the monthly bill for water service



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a landlord may only bill a tenant for volumetric water usage, as specified, a portion of any recurring fixed charge billed to the property by the water purveyor, as specified, a billing, administrative, or other fee, as prescribed, and a late charge. The bill would specify that payments are required to be due at the same point in each billing cycle, as prescribed, and that each bill must include and separately set forth certain information. The bill would prohibit a landlord from charging certain additional fees. The bill would require a landlord to maintain and make available in writing to a tenant, as specified, the date the submeter was last inspected, tested, and verified, the data used to calculate the tenant's bill, and the location of the submeter. The bill would require a landlord to investigate and, if warranted, rectify certain problems or a submeter reading that indicates constant or abnormal water usage. The bill would permit a landlord to enter a unit for specified purposes relating to a submeter or water fixture if certain requirements are met. The bill would permit a tenant to be charged late fees, as specified. The bill would provide that these provisions shall become operative on January 1, 2017.

(2) The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval and adoption. Existing law creates the Building Standards Administration Special Revolving Fund and requires that funds deposited into the fund be expended, upon appropriation by the Legislature, to carry out specified provisions of law that relate to building standards, with emphasis placed on certain activities relating to green building standards.



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This bill would authorize the Department of Housing and Community Development to develop and propose for adoption by the commission building standards that require the installation of water submeters in multiunit residential buildings, as specified. This bill would provide that moneys in the fund are available to the department, upon appropriation, for administrative costs associated with the development of building standards that require the installation of water submeters in multiunit residential buildings.

(3) The Water Measurement Law requires every water purveyor to require, as a condition of new water service on and after January 1, 1992, the installation of a water meter to measure water service. That law also requires urban water suppliers to install water meters on specified service connections, and to charge water users based on the actual volume of deliveries as measured by those water meters in accordance with a certain timetable.

This bill would add to the Water Measurement Law the requirement that a water purveyor that provides water service to a newly constructed multiunit residential structure or newly constructed mixed-use residential and commercial structure that submits an application for a water connection after January 1, 2017, measure the quantity of water supplied to each individual dwelling unit as a condition of new water service and permit the measurement to be by individual water meters or submeters, as defined. The bill would require the owner of the structure to ensure that a submeter installed for these purposes complies with laws and regulations governing the approval of submeter types or the installation, maintenance, reading, billing, and testing of submeters, including, but not limited to, the California Plumbing Code. The bill would



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exempt certain structures from these requirements. The bill would prohibit a water purveyor from imposing an additional capacity or connection fee or charge for a submeter that is installed by the owner, or his or her agent. The bill would provide that these provisions shall become operative on January 1, 2017.

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



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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 9, 2015

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *mc*

FROM: Cheryl A. Farr, Special Assistant to the General Manager *Chief*

SUBJECT: 2015 Critical Drought Action Plan Update

SUMMARY

Staff continues implementing the 2015 Critical Drought Action Plan to support customer conservation and customer compliance with drought-related regulations and ordinances adopted by the Board and the state. Based on water production, May demand was down 31 percent compared to the same time period in 2013, surpassing the 20 percent goal set by the Board and the 16 percent target EBMUD is required to achieve based on state requirements.

Water production from January through May averaged 143 million gallons per day, a 14 percent reduction compared to the same time period in 2013. Since the February 11, 2014 drought declaration the cumulative savings rate is 13 percent.

DISCUSSION

Customer Outreach and Activity. During May, we used an automated call to explain new drought restrictions to 145,065 households (we called residential customers with landlines). We are seeing high demand for water saving devices, for table tents/hotel cards/shower stickers and for nursery plant tags. Rebate activity continues to be strong and 986 rebates were issued this month, with the highest customer interest being in lawn conversions and toilet retrofits. Fiscal year to date more than 16,700 rebates have been distributed. Two types of lawn signs are now available for customers who are letting their lawns go brown and/or participating in landscape rebates. The Home Water Report availability to all customers has begun with a soft launch (via a web link) and to date more than 140 customers have signed up through the website. We now have 50,190 participating residential households. We anticipate this number will increase when we begin actively promoting it through *Pipeline*. Staff is responding to a high volume of water waste reports (692 were received in May and most involved residential properties). Water conservation activities completed in May are summarized in Attachment 1.

The District continues to work with community organizations and business partners to promote water-efficient practices and conservation services to customers. Ward briefings

were held in Wards 2, 3 and 4 to educate key stakeholders about drought and invite them to work with us on drought education and outreach. Mayor/Board President meetings were held in Berkeley, Piedmont, Pinole and Moraga. Staff also has made a number of key contacts with senior administrative officers in cities to discuss drought goals and provide training to assist them in meeting city water use reduction targets. Recent and upcoming speaking engagements are shown in Attachment 2.

Media attention moderated slightly during May. Staff responded to 60 drought-related media inquiries that addressed changes in taste and odor, customer conservation efforts and rebate programs, new excessive use and water theft penalties, per capita usage, the environmental impact of drought, and the purchase of supplemental supplies. The website was updated at the end of May and the overall refresh makes it easier for customers to access information about drought restrictions using smart phones and tablets.

District Operations. Staff continues to actively monitor and manage water use and to report to the state on water production and conservation savings compared to 2013. We also continue to monitor monthly water use at District facilities toward the goal of 20 percent water savings from 2013. Cumulative water savings at our facilities have fluctuated between 12 and 16 percent over the past several months. We expect additional savings in the coming months due to planned operational changes accommodated by recently completed facility improvements.

The Fixed Network Leak Detection Pilot Study in Kensington is continuing to operate with 49 acoustic loggers in Kensington and downtown Oakland. For the fiscal year to date, the District has deployed approximately 800 loggers, surveyed 500 miles of pipe, and found and fixed nearly 300 non-surfacing leaks.

Trucked Recycled Water Program. The amount of trucked recycled water used in May was 283,860 gallons from the East Bayshore station and 236,070 gallons from the North Richmond station, for a total of 519,930 gallons or an average of about 17,330 gallons per day. Trucked recycled water continues to be used for dust control and compaction at large construction projects near the Main Wastewater Treatment Plant, including the Oakland Army Base redevelopment and a Caltrans maintenance center. The Richmond campus of the California Department of Public Health laboratory continues to irrigate its landscaping with recycled water delivered by truck.

Staff worked with the Port of Oakland to set up temporary access to use recycled water for construction activities at the Oakland International Airport, estimated at 200,000 gallons per day. Recycled water use at the airport began in May and is expected to continue to the end of the year for soil compaction and construction dust control related to a runway improvement project. In response to interest in using trucked recycled water in San Leandro for construction activities and cleaning outdoor work areas, staff will be installing a recycled water fill station at the City's plant for commercial users in the area.

Staff is making progress on identifying suitable locations for residential recycled water fill stations where residents will be able to pick up recycled water for watering their yards. We expect the service will start this summer. Three possible locations include Point Isabel on the wet weather treatment plant property in Richmond, a site near the Lafayette filter plant, and a location to be determined in the City of Alameda. It is likely that the residential fill station at Point Isabel will open first and then the other stations will start up later. The anticipated schedule at Point Isabel will be one weekday and one weekend day for four to five hours each day. Staff is working through the many details required to get this up and running including creating training materials and user permits, getting regulatory approval, renting a water truck and planning for station attendants.

Supplemental Supply Actions. The Freeport pumping plants and facilities continued to be in service this month to deliver supplemental supply from the Sacramento River into the East Bay. Through May 31st, a total of 12,245 acre-feet or about 4 billion gallons of water have been delivered to local storage reservoirs this year.

NEXT STEPS

Staff will continue to monitor changes in water quality as supplemental supplies move into local reservoirs and as water is drawn from higher elevations at Pardee. In May the District received 11 taste and odor complaints, well below the key performance indicator of 25 complaints. Beginning June 10, customers who are near or who exceed the excessive use threshold will receive courtesy letters informing them of the District's excessive use ordinance and letting them know that the penalty will be applicable to water use starting July 1 and will show up on September bills. Work is underway on a June mailer to customers who do not receive water bills that describes drought restrictions in English, Spanish and Chinese (providing information similar to what is in the current edition of *Pipeline*). Also, beginning in July, a supersaver "thank you" bill insert will be sent to customers who are using eight units or less per bi-monthly bill to acknowledge their sustained low water use.

Attachments:

1. Water Conservation Outreach Update as of May 31, 2015
2. Speakers Bureau Update through May 31, 2015

FY15 Demand Reduction Program

As of May 31, 2015

Monthly Water Conservation Activity	Current Month	Activity Level to Date
Customer Outreach (on-site audits, self-survey kits, landscape consultations, high-bill inquiries, new account review, WaterSmart Home Water Reports¹) - Residential	27,466	183,362
<i>Single Family</i>	27,342	182,050
<i>Multi Family (number of dwelling units audited)</i>	124	1,312
Customer Outreach (on-site audits, landscape consultations, high bill inquiries) - Non Residential	1,381	23,328
<i>Commercial</i>	5	210
<i>Industrial</i>	1	4
<i>Institutional</i>	3	15
<i>Irrigation and IRIS Water Budget Program</i>	1,372	23,099
Devices, Materials and Information Distributed	1,930	29,943
Water Saving Devices (showerheads, aerators, dye tabs, toilet bags, hose nozzles)	458	6,958
Table tents, hotel cards, shower stickers	1,439	20,447
Plant Books	33	2,538
Water Waste Response	692	4,181
<i>Residential</i>	413	2,518
<i>Commercial</i>	128	771
<i>Institutional</i>	28	198
<i>Street and Misc. ²</i>	123	694
Rebates and Leak Adjustments (toilets, clotheswashers, irrigation controllers, landscape, etc.)	986	16,728
Rebates Paid (toilets, clotheswashers, irrigation controllers, landscape, etc.) :		-
<i>Residential</i>	942	15,430
<i>Non-Residential</i>	44	1,298
Community Outreach Presentations/Events	19	202
Contact Center Activity	Current Month	Activity Level to Date
No. of Leak Adjustments	234	5,264
Drought Related Calls	705	2,098
Drought Related Emails	158	577

¹ WaterSmart Home Water Reports added in September 2014

² Note this is a new category as of August 2014

³ Adjustment in plant book sales versus consignments occurred January 2015

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SPEAKERS' BUREAU and OUTREACH RECORD CY15

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
TBD	Ada Street Neighborhood Association	TBD	Presentation	Water conservation	22
TBD	Beth Chaim Congregation	TBD	Presentation	Water conservation and impact of drought	50
TBD	Chevron Refinery	Richard Sykes & Staff	Presentation	Drought, recycling, conservation	
TBD	Oakland City Council Desley Brooks	Ben Horenstein, Jackie Kepke, Sophia Skoda, Steve Sherman	Tour	Wastewater Treatment Plant - Food waste to energy tour	
TBD	One Kelton Court	TBD	Presentation	Water conservation	25
TBD	Rosie the Riveter National Historic Park and Eugene O'Neill National Historic Park, Richmond	Michelle Blackwell	Presentation	Overview of EBMUD, water supply, water conservation and California water issues	
TBD	San Pablo Police Department	TBD	Presentation	Water conservation, drought, emergency response	30
TBD	Satellite Affordable Housing, Inc.	TBD	Presentation	Water conservation	25
TBD	Scenic Avenue Neighborhood Association	TBD	Presentation	Water conservation	20
TBD	Water Conservation Committee/Solar Power Rossmoor	Scott Sommerfeld	Presentation	Plants and landscapes for Rossmoor	25
11/4/15 11:00am- 1:30pm	Lamorinda Sons In Retirement (Branch 171)	Director Coleman	Presentation	Water policy	150
9/19-20/15	Lafayette Chamber of Commerce's Lafayette Art & Wine Festival	TBD	Booth	Water conservation	
9/12-13/15 10am-6pm	Castro Valley Fall Festival	TBD	Booth	Water conservation	
8/4/15 12:30pm	Albany Rotary	TBD	Presentation	Water conservation	18

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
7/29/15 11:30am-2:00pm	Director Doug Linney's Ward Briefing EBMUD Administration Building	Director Linney	Presentation	EBMUD update on water supply, rates, water conservation, infrastructure, long term water supplies	
7/25-26/15 10am-6pm	Park Street Business Association, Alameda 31st Annual Art & Wine Festival	Salbra James, Joe Lerma, Nanci Miller, Rachel Garza	Booth	Drought strategies and water conservation	
7/14/15 1pm	Town of Danville	Charles Bohlig	Workshop	Water conservation	
6/30/15	Commonwealth Club	Director Young	Presentation	Climate One: environmental energy and climate change issues	
6/30/15 4:30pm-7:30pm	Berkeley Chamber of Commerce; Annual Joint Chamber Business Expo 2015	Rolando Gonzalez	Booth	Water conservation for businesses	
6/24/15 6:30pm	Copper Ridge HOA San Ramon	Richard Harris	Presentation	Rebates for multi-family	
6/24/15 12:30pm	Blackhawk Bloomers Garden Club	Scott Sommerfeld	Presentation	Drought, water smart gardening, tips and ideas for saving water	40
6/24/15 7:30am	Hercules Rotary Club	Richard Harris	Presentation	Water conservation and drought	
6/24/15 7:30am	Richmond Chamber of Commerce	Charles Bohlig	Presentation	Water conservation	
6/18/15 2pm	North Oakland Village Oakland	Rolando Gonzalez	Presentation	Drought and water restrictions	
6/17/15 2pm	Senior Advocacy Group Berkeley	Rachel Garza	Presentation	Drought and water restrictions	
6/17/15 10am-2pm	John Muir Health Green Fair Walnut Creek Medical Center	Jolene Bertetto	Booth	Water conservation and drought	
6/16/15 10am-2pm	John Muir Health Green Fair Outpatient Center	Salbra James	Booth	Water conservation and drought	
6/12/15 Evening	Alameda Rotary Club, EBRPD, and Regional Parks Foundation	Richard Harris	Presentation/ Booth	Water restrictions, drought, and tips for saving water	

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
6/12/15 4:30pm-7:30pm	Concerts at the Cove Alameda	Richard Harris	Booth	Drought and conservation	1500
6/11/15 7pm	Scenic Ave. Neighborhood Group	Richard Harris	Presentation	Water conservation and drought	
6/11/2015 10am-11am	Ronn Owens Talk Radio Show KGO 810 AM	Director Coleman	Presentation	Water Supply	
6/10/15 1:30pm	Contra Costa Local Agency Formation Commission (LAFCO)	Richard Harris	Presentation	Water use restrictions and drought update	
6/10/15 9am-1pm	Climate Readiness Institute Berkeley	Director Coleman	Presentation	Bay Area preparation for the water future	100
6/9/15 6pm	Crow Canyon Country Club Speaker Series	Richard Harris	Presentation	Water use restrictions, understanding general water usage, issues and policies at EBMUD	50
6/8/15	Berkeley Chamber of Commerce Government Affairs Committee Berkeley	Sherri Hong	Presentation	EBMUD update	
6/6/15 11am-6pm	City of San Leandro Cherry Festival	Salbra James Maureen O'Toole	Booth	Water conservation and drought	
6/3/15 12pm-2pm	Joint Genome Institute of Lawrence Berkeley National Labs	Jessica Woodard	Booth	Water conservation and drought	
6/3/15	Jackson Jr. High School Jackson, CA	Greg Francek	Presentation	Watershed ecology, EBMUD history, Pardee Dam construction, and Ranger duties	90
6/2/15 7pm	Pinole City Council	Director Young	Presentation	Drought	
6/2/15 1pm-4pm	Senior Helpers and Moraga Recreation Department - 7th Annual LaMorinda Senior Faire	Salbra James	Presentation	How seniors can save water in a drought	

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
6/2/15 11:30am - 1:30pm	Director Marguerite Young's Ward Briefing Orinda Library	Director Young	Presentation	EBMUD update on water supply, rates, water conservation, infrastructure, long term water supplies	50
5/31/15 2:30pm	Bayview States HOA	Richard Harris	Presentation	State and local regulations, drought status, water conservation programs	35
5/30/15 10am-3pm	Bringing Back the Natives EBMUD Sponsored Workshop	Scott Sommerfeld	Workshop	Installation of irrigation system at EBMUD customer residence	
5/29/15	Pioneer Elementary School	Stan Ali	Presentation	EBMUD and drought	30
5/29/15 9:30am-11am	Fredericia Utility - Denmark	TBD	Tour	MW/WTP tour	11
5/28/15 7:30pm-8:30pm	New Market Lofts HOA Oakland	Richard Harris	Presentation	Water consumption and usage, rate increases	15
5/28/15 8:30am-9:30am	San Ramon, Danville, Alamo Realtors Association	Director Coleman	Presentation	EBMUD update	
5/27/15 12pm	City of Piedmont Mayor Margaret Fujioka Meeting	Director Young, President Mellon	Presentation	EBMUD update	
5/27/15 12pm	DNV GL Corporation Oakland	Joseph Lerma	Presentation	Sustainability event for employees	100
5/27/15 11:30am-1:30pm	Director Andy Katz's Ward Briefing David Brower Center	Director Katz	Presentation	EBMUD update on water supply, rates, water conservation, infrastructure, long term water supplies	50
5/24-25/15 10am-5pm	City of San Ramon Art & Wind Festival	Rolando Gonzalez, Joseph Lerma, Salbra James, Maureen O'Toole	Booth	Water conservation and drought	30,000
5/23/15 7pm-9pm	ABAG Executive Board	Alex Coate	Presentation	Drought and long term water supply	

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
5/21/15	East Bay Escrow Association	Director Coleman	Presentation	EBMUD update	
5/22/15 3pm	City of Berkeley Mayor Tom Bates Meeting	Director Katz, President Mellon	Presentation	EBMUD update	
5/21/15 7pm	Rodeo MAC	Director McIntosh	Presentation	EBMUD update	15
5/20/15 7pm-8pm	Webster/College and Claremont Neighborhood Community Group	Richard Harris	Presentation	Water conservation, graywater, where water comes from	30-40
5/20/15 7:30am-9:00am	Director John Coleman's Ward Briefing Walnut Creek Library	Director Coleman	Presentation	EBMUD update	65
5/19/15	City of Pinole Mayor Peter Murray Meeting	Director McIntosh, Director Young, President Mellon	Presentation	EBMUD update	
5/18/15 7:30pm	Pleasant Hill Council Meeting	Director Coleman	Presentation	Water conservation and drought	
5/17/15 4:30pm	Albany Carbon Reduction Action Team	Nanci Miller	Presentation/ Booth	Kick-off for city-wide conservation campaign	100-125
5/16/15 6:00pm-8:30pm	Farms to Grow	TBD	Presentation	Water conservation and drought	
5/16/15 8:30am-1:30pm	Eden I & R Property Owners Appreciation Day	Richard Harris	Booth	Water conservation for HOA's	
5/14/15 5:30pm	Town of Moraga Mayor Roger Wykle Meeting	President Mellon	Presentation	EBMUD update	
5/14/15 12pm	West County Forum	Sharla Sullivan	Presentation	EBMUD update, water conservation, and drought rates	
5/14/15	El Sobrante MAC	Director Young	Presentation	EBMUD update	
5/13/15 7:45am	Castro Valley Sanitary District	President Mellon	Presentation	EBMUD update	
5/11/15 7pm	Walnut Forest HOA	Director Coleman	Presentation	EBMUD update	10

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
5/11/15 6:30pm-7:30pm	Alameda Backyard Growers	Scott Sommerfeld	Presentation	Irrigation tips and ideas for home gardeners	55
5/9/15 11am-4pm	City of Moraga Community Fair	Salbra James	Booth		
5/9/15 11am-3pm	Lafayette Rotary Concert	Director Patterson	Presentation	EBMUD update	
5/7/15 7pm	Longfellow Community Association	Director Young	Presentation	Drought	
5/7/15 1pm-5pm	California Roundtable on Agriculture and the Environment (CRAE)	Charles Bohlig	Presentation	Public attitudes related to water and drought	
5/6/15 6pm-8pm	ACWA African American Water Caucus	Director Patterson	Presentation	Presentation and receipt of award	
5/6/15 5:30pm	San Pablo Rotary	President Mellon	Presentation	Drought and EBMUD overview	40
5/6/15 7:30am	San Leandro Breakfast Rotary	President Mellon	Presentation	Drought and EBMUD overview	40
5/6/15	Castro Valley Rotary	President Mellon	Presentation	Drought and EBMUD overview	
5/4/15 1:00pm-2:30pm	UCSF School of Nursing	Carol Weir	Tour	MWWTP tour	10
5/3/15 11am-4pm	City of Albany Arts & Green Festival	Joseph Lerma	Booth	Water conservation and drought	500
5/3/15 10am-5pm	Bringing Back the Natives Garden Tour	Lauren de Boer, Scott Sommerfeld, Jolene Bertetto	Tour	Showcase of East Bay WaterSmart gardens	
4/30/15 2pm-3pm	Eden Housing Organization Oakland	Salbra James	Presentation	Water conservation and drought	20
4/30/15 11:30am-12:30pm	Lamorinda Republican Women Federated	Director Coleman	Presentation	EBMUD update	

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
4/29/15 1pm	Landscape Advisory Committee EBMUD Board Room	Scott Sommerfeld, Richard Harris	Presentation	Drought, water supply and landscape restrictions	
4/29/15	Castro Valley Realtors Group	Richard Harris	Presentation	Water conservation in the home	60
4/29/15	League of California Survey Organization - Northern California Section	Steven Martin	Presentation	San Pablo Dam Automated Survey System, Camanche and Pardee GPS monitoring project	25
4/28/15 7pm	Clarewood Townhouse Association	Director Young	Presentation	Cement Spill in Glen Echo Creek and drought	
4/28/15 3pm	Sustainability Circle, True Market Solutions Oakland	Charles Bohlig	Presentation	Indoor and outdoor water conservation	
4/28/15 11:30am- 1:30pm	Alameda County Social Services Earth Day Fair	Joseph Lerma	Presentation	Water conservation	250
4/27/15 2:30pm- 3:30pm	Eden Housing Organization Oakland	Joseph Lerma	Presentation	Water conservation	40
4/26/15 11am-3pm	Sustainable Lafayette 10th Annual Earth Day Celebration	Rolando Gonzalez Maureen O'Toole	Booth	Water conservation and drought	2000
4/25/15 9am-3pm	San Lorenzo Village Homes Landscape Expo	Nanci Miller Salbra James Richard Harris	Booth	Water conservation for HOA's	500-750
4/23/15 4pm	George Miller III Children Center - Latina Center Richmond	Rolando Gonzalez	Presentation	Drought	
4/23/15 12pm-2pm	URS Corporation Oakland	Jessica Woodward	Booth	Water conservation and sustainability	300
4/23/15 9am	Common Interest Management Danville	Dave Langridge	Presentation	Drought conditions and emergency restrictions	
4/23/15	Peralta Community College District EcoFest Sustainability Festival	Jolene Bertetto	Booth	Water conservation programs	2000

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
4/22/15 6pm-7pm	Piedmont Middle School Water Conservation Showcase	Joseph Lerma	Presentation	Water conservation in the home and Home Survey Kit exercise with children	80
4/22/15 2pm	Muirwood Elementary School	Rachel Garza	Presentation	Water conservation	
4/22/15 12pm	San Pablo Rotary	Sharla Sullivan	Presentation	Drought update	
4/22/15 11am-1pm	Nestle Dreyer's Ice Cream Co., Oakland Earth Day Fair	Rolando Gonzalez	Presentation	Earth day, conservation and sustainability	60
4/22/15	EBMUD Earth Day	Director Patterson	Presentation		
4/21/15 7pm	Walnut Creek City Council	Director Coleman	Presentation	Drought and rates	
4/21/15 11am-1pm	Kaiser Permanente Oakland Earth Day Waste to Fashion Show and Fair	Rolando Gonzalez	Booth	Water conservation and drought	200
4/21/15 11am-1pm	Quail Ridge HOA Walnut Creek	Dave Langridge	Presentation	Drought conditions and emergency restrictions	
4/21/15 10am-2pm	Kaiser Permanente Walnut Creek Earth Day Celebration	Nanci Miller	Booth	Water conservation and drought	150
4/21/15 9am	Greenwood HOA Walnut Creek	Dave Langridge	Presentation	Drought conditions and emergency restrictions	
4/21/15 8am	Pinole Chamber of Commerce	Sharla Sullivan	Presentation	EBMUD update	5
4/20/15 6pm	Danville Ranch HOA Board Meeting	Dave Langridge	Presentation	Water conservation for HOA's	
4/20/15	Danville 5th Annual Earth Day	Joseph Lerma	Booth	Water conservation and drought	300
4/19/15 11am-2pm	Town of Danville & Sustainable Danville	Joseph Lerma	Booth	Water conservation	150

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
4/19/15 9am-2pm	Pacific Coast Farmers' Markets Association Jack London Square Farmers Market	Jessica Woodward	Booth	Water conservation and drought	150
4/17/15	San Leandro High School Career Day	Boyce LeGrande	Presentation	EBMUD careers	50
4/16/15 4pm-5pm	Eden Housing Organization Fuller Lodge San Leandro	Joseph Lerma	Presentation	Water conservation, rebates, services, drought and the future outlook for water	11
4/16/15 2pm	State of the Rivers Symposium Stockton	Charles Bohlig	Presentation	Saving water for the Mokelumne River	
4/15/15 9am	Blackhawk Master Association Danville	Dave Langridge	Presentation	Current drought conditions, emergency regulations and restrictions on water use	
4/15/15 8:30am-9:30am	Central County Marketing Group - Realtors Group, Castro Valley	Richard Harris	Presentation	Water conservation in the home	60
4/15/15	Water Environment Federation Webinar	Sophia Skoda	Presentation	Food waste	800-900
4/14/15	City of San Ramon Engineering Services	Director Coleman	Presentation	Water update, precipitation for the year, summer conditions	
4/14/15	Hercules City Council	Director McIntosh	Presentation	EBMUD update	
4/13/15 7pm	Berkeley Student Cooperative UC Berkeley	Richard Harris	Presentation	Water conservation	5
4/13/15	Forest Creek HOA	Richard Harris	Presentation	Water conservation and drought	6
4/12/15	Environmental Protection Agency Webinar	Sophia Skoda	Presentation	Food waste	300-400
4/9/15	ACWA Drought Briefing	Alex Coate	Presentation	EBMUD and drought	
4/8/15 10am-2pm	City of Oakland Public Works Oakland Earth Expo	Salbra James	Booth	Water conservation	

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
4/8/15 9am	City of Albany Mayor Peter Maass Meeting	Director Katz, President Mellon	Presentation	EBMUD Update	
4/8/15	Governor Brown Drought Meeting	Alex Coate	Presentation	EBMUD and drought	
4/7/15 1:30pm	Eden Housing Organization The Altenheim, Oakland	Rolando Gonzalez	Presentation	Water conservation	10
4/7/15	City of Oakland Mayor Libby Schaaf Meeting	Director Patterson, Director Young, President Mellon	Presentation	EBMUD Update	
4/6/15	Berkeley Water Group Idea Lab	Mike Tognolini	Presentation	Water resources management	25
4/2/15 6pm-9pm	California Landscape Contractors Association - East Bay Chapter Meeting	Scott Sommerfeld	Presentation	Drought and green industry, irrigation	30
4/2/15	City of Oakland	President Mellon, Delores Turner	Presentation	Bay Area public entities in controlling health benefit costs	
4/1/15 10:30am- 12:00pm	Helms Middle School Career Fair	Lisa Sorani	Booth	EBMUD professional careers	
4/1/15	San Jose Sons in Retirement (Branch 74)	Hasan Abdullah	Presentation	Desalination/drought	50

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 9, 2015

MEMO TO: Board of Directors

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

SUBJECT: Monthly Report – May 2015

HIGHLIGHTS

Staff is working to secure additional supplemental supply water from multiple sellers in 2015. On May 12, the Board ratified agreements for EBMUD to purchase a total of approximately 13,250 acre-feet (AF) of water from two Sacramento River Settlement Contractors. In addition on May 26, EBMUD and Placer County Water Agency (PCWA) executed a one-year water purchase agreement for up to 12,000 AF. EBMUD and PCWA are currently working to complete the necessary approvals and environmental reviews by early July. Staff is coordinating with the Bureau of Reclamation and expects the transfer water to be delivered to EBMUD via the Freeport facility in the fall.

Update on cellular concrete spill in Glen Echo Creek. On April 8, approximately 170 cubic yards of cellular concrete was inadvertently spilled into the Rockridge Branch of Glen Echo Creek which flows in to Lake Merritt. The response was managed under Joint Incident Command by California Department of Fish and Wildlife (CDFW) and District staff. On May 4, District staff and CDFW conducted a site walk of the creek at which CDFW noted several areas that required additional cleanup. Staff continues to coordinate efforts with the City of Oakland to satisfy CDFW's request and complete the cleanup phase. On May 8, District staff found evidence of sewage (e.g., odors and materials) in the creek which was confirmed by the City of Oakland. The city posted warnings for the public near the creek and is continuing to investigate the source of sewage. Additionally, at CDFW's request, staff directed gravel enhancement efforts on the creek. Approximately 3 tons of gravel was placed at appropriate locations in the areas affected by the spill to replace substrate removed during the cleanup process and to enhance creek habitat. CDFW requested documents related to the spill and the District will meet with CDFW in June to discuss the information provided.

WATER SUPPLY AND WATER RIGHTS PROGRAMS AND ACTIVITIES

The District extended the Chabot Watershed lease with East Bay Regional Park District (EBRPD) for an additional six months. EBMUD and EBRPD continue to develop a new long-term lease for the Chabot Watershed. Final terms of the new lease are not expected to be completed until later this year. Under staff authority, the current lease was extended until November 30, 2015.

On April 23 and May 1, the State Water Resources Control Board issued curtailment orders to all post-1914 water rights holders within the Sacramento and San Joaquin River and Delta watersheds. The notices detailed the need to stop diverting water immediately under post-1914 water rights. The District received the orders on April 27 and May 4 and complied as required. On May 1 and May 7, the District submitted the required compliance certification forms confirming cessation of diversion under the District's post-1914 water rights for the Mokelumne and Bixler areas. The District is releasing all natural flow coming into Pardee Reservoir at Camanche Reservoir. Diversions from Pardee into the aqueducts consist of water stored prior to curtailment.

District water use data submitted to the State Water Resources Control Board (SWRCB) as part of state drought reporting requirements. Staff submitted water use data for the month of April. District's total production is approximately 18 percent lower as compared to April 2013. The residential water use for April 2015 is 67 gallons per capita per day (gpcd) as compared to 82 gpcd in April 2013.

Construction on the San Ramon Valley Recycled Water Program - Bishop Ranch recycled water pipeline is scheduled to start in early June 2015. On May 4, the request for proposals for the Labor Compliance Program (LCP) was advertised. The project, which is partially funded by a state grant, requires a LCP to be implemented during the construction period. On May 12, construction notices were sent to residences and business in the construction area. A preconstruction meeting was held on May 14 and was attended by District staff, the contractor, and staff from the Town of Danville and the City of San Ramon. The first phase of construction will be completed by July 15, 2015 and the remainder of the project is schedule to be completed by July 2016.

On May 8, the MokeWISE stakeholder group reached agreement on a list of projects for the San Joaquin-Amador-Calaveras region that will be broadly supported for future funding. The list includes studies for projects that were initially controversial (San Joaquin groundwater banking and raising Lower Bear Dam), but various interests were able to define the studies so that their concerns would be addressed. Among a total of 21 projects, the list includes a study and planning to reintroduce fall run chinook salmon above Pardee Dam. The final meeting of the stakeholder group will be held on June 12. An update on the MokeWISE effort is scheduled for the July 14, 2015 Planning Committee meeting.

FRWA/FSCC Operations. For the month of May, 8,449 acre-feet (AF) of supplemental supply has been delivered to storage in the service area at an average rate of 89 MGD, with delivery of 2,798 AF to San Pablo Reservoir and 5,651 AF to USL Reservoir. Since the start of FSCC operation on April 15, 2015, a total of 12,245 AF of supplemental supply has been delivered. Of the total, 5,164 AF has been delivered to San Pablo Reservoir and 7,081 AF has been delivered to USL Reservoir.

Precipitation. East Bay precipitation for May was 0.04 inches (5% of average) and the season total was 19.20 inches (72% of average). Mokelumne precipitation for May was 2.19 inches (97% of average) and the season total was 27.26 inches (57% of average).

Releases from Camanche Reservoir. The average rate of Camanche release for May was 221 cfs (35 cfs generation, 166 cfs sluice, and 21 cfs through the hatchery), and the average flow below Woodbridge Dam was 21 cfs, both in accordance with the Joint Settlement Agreement "Normal & Above" criteria.

Mokelumne reservoirs storage is 56% of average. As of May 31, 2015, Pardee was at 560.3 feet or 95% of average, and the Camanche was at 178.5 feet or 33% of average. Combined Pardee and Camanche reservoir storage was 285,000 AF compared to 328,000 AF last year.

Releases from East Bay Reservoirs. There were no East Bay reservoir releases in May.

East Bay reservoirs storage is 84% of average. As of May 31, 2015, USL was at 441.1 feet or 76% of average, San Pablo was at 290.9 feet or 65% of average, and Briones was at 572.5 feet or 99% of average. Total terminal reservoir storage was 117,000 AF compared to 126,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft for May 2015 was 86 MGD. Moraga Raw Water Pumping Plant (FSCC operation) pumped a total of 1,841 MG at an average of 59 MGD to refill USL Reservoir. Walnut Creek and Briones Raw Water Pumping Plants remained out of service for the month.

Water Production. Average rate of gross water production for May:

	May 2015	May 2014	May 2013	Average of FY 2005-2007
East of Hills	42 MGD	61 MGD	76 MGD	67 MGD
West of Hills	108 MGD	133 MGD	141 MGD	155 MGD
Total	150 MGD	194 MGD	217 MGD	222 MGD
Max Day Production	166 MGD (5/11/2015)	218 MGD (5/14/2014)	235 MGD (5/31/2013)	

Note: Data are all from preliminary daily operational reports and are subject to revision

CUSTOMER EVENTS AND PUBLIC OUTREACH

Three large events were held at the San Pablo Recreation Area in May. The Berkeley Bicycle Club held their annual group race (peloton) and over 350 racers participated. Wolfpack Events hosted a Mother's Day run at the main recreation area that included a 5k and 10k race with 100 participants and the Oakland Stokes Crew Rowing Club hosted the annual Youth and Masters Regatta which was attended by about 250 athletes from all over California and Arizona.

Mokelumne River art exhibit concludes at Pardee Recreation Area on May 9. The Mokelumne River Arts Project, a year-long endeavor that gave local artists of all disciplines opportunities to create, exhibit and sell beyond their usual sphere, ended with more than 200 people on site to celebrate the project's success and conclusion. The day featured an original dance about the Mokelumne and music composed about the river was also presented. The project

was funded by the California Arts Council, led by Amador Arts and co-sponsored by EBMUD, Foothill Conservancy and Calaveras Arts.

In May, District staff hosted Ranger-led Environmental Education Programs for upcountry and east bay students. Staff hosted 37 students from Jackson Elementary and Mountain Oaks Charter School. The theme of the program was watershed ecology and a guest speaker taught about native butterflies. Each student was given a native butterfly to release. In the East Bay, 20 students from Park Day School planted oaks while 50 students from Ecole Bilingual planted willows in three separate education programs.

On May 11, staff collaborated with other local water districts on pipeline replacement strategies. District staff met with Dublin San Ramon Services District (DSRSD) staff to discuss current pipeline replacement strategies and software, on the heels of a successful visit with Santa Clara Valley Water District in April. DSRSD was interested in learning about EBMUD's existing and future pipeline replacement software and methodology used to select pipelines for replacement. Staff discussed the District's existing Pipeline Replacement Program (PRP) software and the new InfoMaster software.

Contract Equity Outreach Events.

On May 8, staff attended the Western Regional Minority Supplier Development Council – 37th Annual Excellence in Supplier Diversity Awards Gala (San Francisco, CA). The District was nominated for Corporation of the Year for its efforts in CEP but Kaiser Permanente Medical Group received the award.

On May 28, the Bay Area Business Roundtable's monthly meeting included a panel discussion on responding to Request for Quotations/Proposals (Oakland, CA). Staff gave a presentation on how to use EBMUD's new RFP/RFQ template. Approximately 60 people attended the event.

Staff participated in the following business community events:

- May 14, San Francisco Public Utilities Commission (SFPUC) 9th Annual Contractors' Breakfast (San Francisco, CA)
- May 19, Port of Oakland Contracting 101 – Contract Administration and Management, (Oakland, CA)

Water Conservation Outreach Events.

On May 9, staff hosted a table at the Moraga Community Faire at the Rheem Shopping Center in Moraga. Information on water conservation programs and rebates was provided and staff worked with the Moraga Boy Scouts to distribute drought door hangers in the community. Approximately 350 people attended.

On May 11, staff presented on “Drought, Water Supply, and the Resilient Garden” to Alameda Backyard Growers at the Rhythmix Center in Alameda. The presentation focused on sustainable landscape and gardening principles for residential gardens and addressed the group’s specific interest of how to water fruit trees and vegetable gardens efficiently. Approximately 50 members attended.

On May 12, staff participated in a 4-member panel discussion at the Merritt College Landscape Forum. The discussion focused on the Governor’s water restrictions and how landscape professionals can address the challenges of the drought. Approximately 60 students, teachers, and professionals attended.

On May 15, staff hosted a table at an open house for landscape contractors at Devil Mountain Wholesale Nursery in San Ramon. Topics included how to transition to drought-resilient landscapes and information on sustainable landscaping, drought tolerant plant selection, mulching practices, products to improve soil health, low-water use irrigation systems and practices, and lawn conversion rebate programs. Approximately 200-300 landscape contractors and professionals attended.

On May 20, staff participated in a California Urban Water Conservation Council (CUWCC) Board Meeting in Santa Rosa. The meeting covered the CUWCC new strategic planning process, drought activities and state funding, proposed new CalGreen emergency landscape water use codes, and a pilot new best management practice for conservation pricing will be voted on by the CUWCC membership at its June Plenary meeting. Approximately 20 people attended.

On May 28 and 29, staff participated in a joint University of California Irvine and Department of Energy workshop in Irvine. The title of the workshop was “*The Water-Energy Nexus: Capturing the Benefits of Integrated Resource Manager for Water & Electrical Utilities and Their Partners.*” Staff gave an overview on EBMUD use of Automatic Metering Infrastructure technology and experience in partnering with PG&E on energy and water conservation projects. Approximately 300 professionals from the water and energy industry attended.

On May 31, staff assisted with an EBMUD-sponsored workshop organized by the Bringing Back the Natives Garden Tour in Lafayette. The hands-on workshop was an actual installation of a Netfim drip irrigation system at an EBMUD customer’s home in Lafayette. Approximately 35 homeowners attended.

Staff provided drought updates, conservation and rebate program information at the following events:

Date	Event/Location	Approximate # of Attendees
May 3	Arts and Green Festival, Memorial Park, Albany, CA	500
May 7	California Roundtable on Agriculture and the Environment (CREA), Davis	45
May 13	Alameda County Mayors Conference, San Leandro	35
May 14	Collins Management HOA, Hercules, CA	15
May 16	Property Owners Appreciation Day at Eden I & R, Oakland Housing Authority, Oakland, CA	100
May 17	Albany Carbon Reduction Action Team's kick-off event, "Every Drop Counts," Albany, CA	150
May 19	California Landscape Contractors Association "Smart Controller" workshop, Alameda, CA	50
May 20	Webster Street Community Group, Berkeley, CA	
May 24-25	Art and Wind Festival, San Ramon	10,000+
May 27	DNV GL (Maritime) Organization, Oakland, CA	70
May 28	New Market Lofts HOA Board Meeting, Oakland, CA	20
May 31	Bayview Estates HOA, Alameda, CA	30

CAPITAL IMPROVEMENTS AND FACILITY MAINTENANCE

Old and inefficient resident-owned and operated irrigation systems throughout Camanche North Shore Mobilehome Park have been replaced with a new state-of-the-art water conserving system that is operated by park management. Turf areas surrounding 45 homes will be maintained under the newly implemented water conservation program.

The Dingee Pipeline and Claremont Center Aqueducts (Oakland) replacement work continues. The 59th Street Aqueduct outage and tie-in work was completed on May 9, and the aqueduct was placed in service. The Sequoia Aqueduct outage started on May 20 and is scheduled to be completed in late June. District forces completed the Roble Road high-density polyethylene (HDPE) service transfers and placed the new line in service. The Erba Path HDPE sliplining work was completed and District forces completed the two distribution lines tied to the Erba Path line. The Tunnel Road HDPE installation is ongoing and the contractor, Ranger Pipelines, Inc., has completed the pipeline installation work. District forces completed the service transfers and tie-ins on Tunnel Road and the contractor will follow shortly with paving and striping. Dingee pipeline Reach 2 paving was performed the week of May 18.

On May 4, staff completed an analysis of the soil liquefaction susceptibility at the Oakport materials storage yard. The main structures at the storage yard are the office building and warehouses, which were constructed in the mid-1960s. The area was part of the tidal flats and fill

was placed there for the construction of the structures. Based on a review of the existing subsurface investigation reports, staff concluded that the site has a low susceptibility for liquefaction. The expected settlement at the site is calculated to be insignificant and the structures were designed to handle that level of anticipated ground movement.

On May 9, staff completed construction of the Main Wastewater Treatment Plant (MWWTP) Paving Rehabilitation Project. This project included repair of cracking and potholes covering approximately 60,000 square feet in roadways at various location throughout the MWWTP. Staff worked with the contractor to effectively stage the repair work, while redirecting and maintaining truck access to all receiving locations throughout the MWWTP.

On May 14, the California Geologic Services (CGS) completed installation of digital ground motion recorders and associated electrical and communication hardware at Camanche Main Dam. The Federal Energy Regulatory Commission had asked the District to upgrade the analog recorders which required manual readings of the records at the dam. The new digital recorders are connected to the California Seismic Motion Instrumentation Program network of recorders and the data are used to help in determining the seismic forces throughout the area in the event of a major earthquake. The recorders will also assist the District in understanding the dynamic response of earth dams during an earthquake and will assist in determining the appropriate earthquake forces to be used in engineering analyses of our facilities.

Paving. Staff completed 2,800 linear feet of paving on Contra Costa Road in the City of Oakland. This was a collaborative effort with the City of Oakland.

Pipeline. Staff completed the final phase of the Lincoln Project in Alameda. The crew installed two miles of 16 inch pipe. Staff also completed 1445 feet of 8 inch water main on Modoc Avenue in Oakland as a part of the Dingee Project.

WATER AND WASTEWATER SYSTEM OPERATIONS

The Recycled Water Truck Program is expanding to meet new demands. Interest in the District's program to provide recycled water for construction, irrigation and street cleaning via water trucks has increased substantially. Six permits for the Recycled Water Truck Program were issued this month, and several more are pending inspection of the vehicles and driver training. At the beginning of May for six days a week, 19,000 gallons per day of trucked recycled water was applied to landscape irrigation at the 30-acre campus of the California Department of Public Health's laboratory in Richmond. Plans are underway to expand use of trucked recycled water at the campus to include water for their cooling towers.

Recycled water being used for the Oakland Airport–North Field Runway Safety Area Project. Staff coordinated with the Port of Oakland to install a temporary recycled water fill station for the Port to use about 200,000 gallons per day of recycled water instead of potable water for grading, soil stabilization, and dust control until December 2015. In addition, staff is also working with the City of San Leandro to install a commercial fill station at the City's plant which will be available to other commercial truckers.

All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with the permit limits for the month of March. This is the 189th consecutive month that the Main Wastewater Treatment Plant experienced no exceedances.

One odor complaint was received at the MWWTP in May. An investigation into the cause of the odor emission concluded the likely source was the diversion of primary influent flow to the wet weather basin to draw down the interceptor level for interceptor re-lining work. Staff is evaluating design options for the installation of a physical barrier which will prevent future emissions from this location.

On May 13, the San Francisco Bay Regional Water Quality Control Board (RWQCB) approved reissuance of the District's MWWTP NPDES permit. The reissuance was approved on consent, with District and RWQCB staff having worked collaboratively through all issues that arose in the renewal application process. RWQCB Vice-Chair Jim McGrath commended the District for having achieved a perfect compliance record during the prior permit term. The new permit will be effective July 1, 2015 through June 30, 2020.

May main breaks. The attached table lists the main breaks that were repaired by staff in May, sorted by city and street. The associated map shows the locations of the breaks geographically.

ORGANIZATIONAL EFFECTIVENESS AND EFFICIENCY

Staff is revising the Mokelumne water temperature projections considering the effects of drought curtailments directed by SWRCB in late April. Cold water pool volume and release temperature projections will be regularly evaluated and updated as hydrologic conditions change with projections, and operations will be adjusted to optimize for fishery management.

EBMUD is working with other Bay Area water agencies to secure funding for a Bay Area Regional Reliability Drought Contingency Plan (BARR DC Plan). A cost share Memorandum of Agreement (MOA) has been provided to the other agencies for their review and adoption. Agencies are proposing to present the document to their respective governing bodies for approval by mid-June 2015. District staff, together with staff from Contra Costa Water District is leading the effort to prepare a grant application for Bureau of Reclamation funding for the BARR DC Plan. Grant applications are due on June 26, 2015.

Construction work to begin this summer on the Faria Reserve Project in San Ramon. Grading and soil compacting will begin this summer and continue until December 2016. The project will use up to 700,000 gallons per day of recycled water which will be trucked from various fill stations located nearby, reducing potable water demand.

Juvenile salmonid outmigration monitoring continued at the upstream (near Elliot Road) and downstream (near Woodbridge Irrigation District Dam) traps on the lower Mokelumne River. Through May 12, 22,457 naturally produced juvenile Chinook salmon have been caught at the upstream trap and 31,109 naturally produced juvenile Chinook salmon have been caught at the downstream traps.

Coded-wire tagging and net pen releases of naturally produced Chinook salmon smolts began in May. Chinook salmon smolts caught at the bypass trap were transported to the Mokelumne River Fish Hatchery, coded-wire tagged, and released on a weekly basis in net pens at Jersey Point. Through May 14, two net pens releases, consisting of roughly 9,500 and 11,500 tagged Chinook salmon smolts have been conducted.

Settlement agreement reached with the Contra Costa County District's Attorney's Office (DA) resolving the DA's investigation into the District's best management practices (BMPs) during a May 9, 2014, water main break on Truman Street in North Richmond. With assistance from the California Department of Fish and Wildlife (CDFW) and Contra Costa County Environmental Health Division, the DA inquired into the District's practices regarding the deployment and maintenance of gravel bags and dechlorination tablets. Under the letter agreement, the District will notify CDFW of each potable water discharge affecting surface water beneficial uses for a one-year period; implement certain agreed-upon modifications to the District's general work order database system to provide for consistent documentation of BMP deployment and maintenance activities during main break incidents; and continue to implement improved BMP training programs developed after the Truman Street incident and commission a third party audit of those training programs.

Expansion of food waste digestion at the Main Wastewater Treatment Plant through the Resource Recovery Program continues. Staff has been negotiating a subcontract with Waste Management (WM) following approval by the City of Oakland of a contract with WM that directs Oakland's food scraps to the District. District staff and WM have agreed on key terms and are in the process of finalizing contract language, which staff will bring to the Board for consideration in June. In addition, staff is negotiating a contract with Harvest Power for pre- and post-processing of Oakland food scraps as well as additional organic material that Harvest Power would source. Staff is also negotiating with Recology regarding sourced organics from San Francisco mixed solid waste.

Staff coordinated high-density polyethylene (HDPE) pipe electro-fusion process training. During the week of May 4, District staff received training in the HDPE electro-fusion process. Since the bulk of HDPE pipe failures have occurred on the electro-fusion service saddles, the training focused on the proper installation techniques of HDPE pipe electro-fusion to eliminate these failures.

Staff developed drought management project alternatives that will help the District cope with a prolonged drought. A list of 22 potential drought projects were developed that will allow the District to improve its drought water supply and treatment flexibility, improve water storage and treatment operations, increase internal water conservation, and improve taste and

odor issues associated with extended drought operations. Staff is preparing a preliminary scope, budget, and schedule for capital projects that would help meet these goals and prepare the District for an extended drought.

On May 21, staff represented the District at a speed networking event hosted by the American Water Works Association Student Chapter at University of California, Davis. Staff discussed careers in the water industry and provided information on the District's employment application process for entry-level engineering positions.

Staff participated in panel discussion with Pathways Academy participants. Staff from various departments participated in a lively and meaningful roundtable discussion with Pathways Academy participants that focused on the District's Strategic Plan and use of Key Performance Indicators (KPIs) as a management tool, and related issues and challenges. Other topics discussed included the impacts of the drought on the District's Strategic Plan and KPIs and associated shifts in priorities.

Tuition Reimbursement

	May	FY15 Total
# of Employees	23	213
# of Classes	25	252
Total Reimbursed	\$15,777	\$150,231

Employment Information

	May	FY15 Total
Retirements – Regular	5	82
Retirements – Vested	0	7
Hires	13	188
Other Separations	5	72

FINANCIAL NEWS

There were no contracts over \$70,000 and less than \$100,000 approved by the General Manager in May 2015.

The District approved subordination requests relating to proposed bond issues for the Oakland Redevelopment Successor Agency and for the Successor to the San Ramon Community Redevelopment Agency. Two successor redevelopment agencies requested that the District subordinate tax liens to allow them to refinance their existing debt for debt service savings. As a result of the dissolution of redevelopment agencies in California, redevelopment agencies must now request that agencies like EBMUD with senior tax liens subordinate their claim in order to conduct financing transactions that could affect shares of taxes received. Staff concluded it is reasonable for the District to expect it will continue to receive its tax increment

from these service areas while allowing for debt service savings to taxpayers and the requests were granted.

The net Mokelumne power revenue for May was \$148,207, vs. the \$564,857 planned.

Inflows into Pardee Reservoir for May were 45 percent of plan and generation was 36 percent of plan, with Pardee Reservoir volume increasing over the month. Renewable power and related Renewable Energy Credits (RECs) were sold to the Sacramento Municipal Utility District under the Power Purchase Agreement. The average electricity price was \$32/MWh. REC revenue for May was \$23,683. Total net revenue for FY15 to date is \$1,721,142 which is 49.2 percent of planned \$3,500,000 and 30.2 percent of the budgeted \$5,700,000.

FY15	Net Revenue		Inflow (Acre Feet)	
	Plan	Actual	Plan	Actual
Mar-15	\$575,380	\$42,367	59,100	15,834
Apr-15	\$467,426	-\$6,101	57,400	15,098
May-15	\$564,857	\$148,207	61,200	27,825
FY15 YTD Total	\$2,959,660	\$1,721,142	399,000	235,983

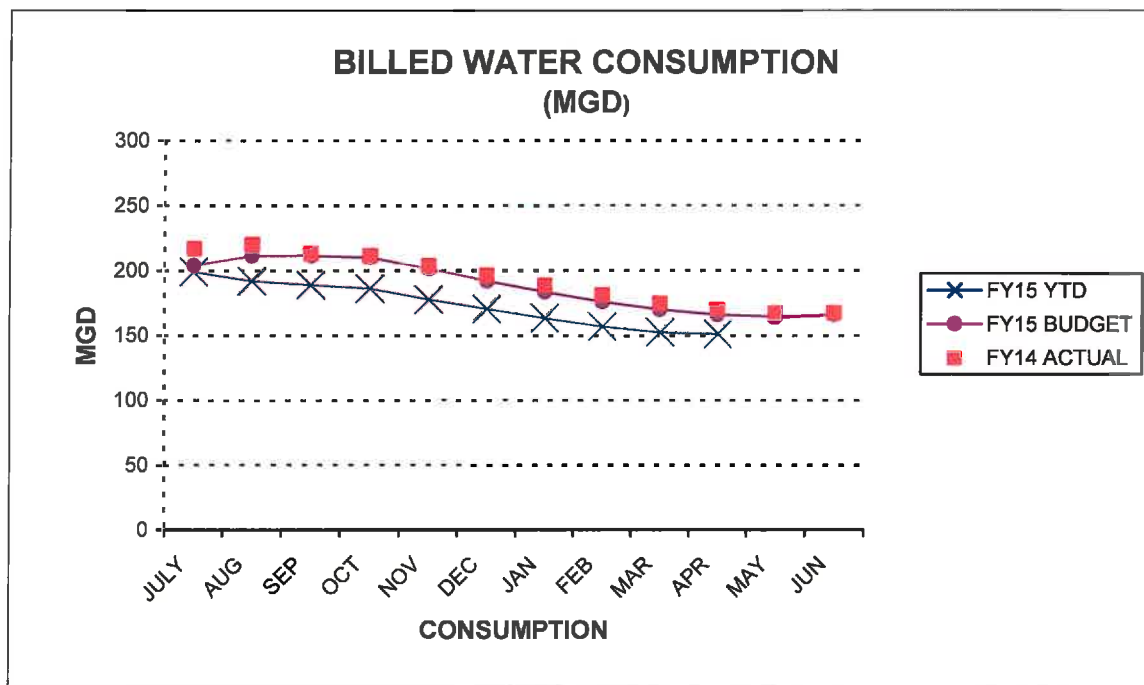
Bold items are estimated

Plant book activity for May 2015. Thirty three books were shipped in May 2015. As of the end of January, total revenues as a percentage of out-of-pocket book design and production cost is at 97%.

Water Sales. Overall billed water consumption for FY15 through April 2015 was 151.3 MGD. The table below breaks out this information by customer class with a comparison to FY14.

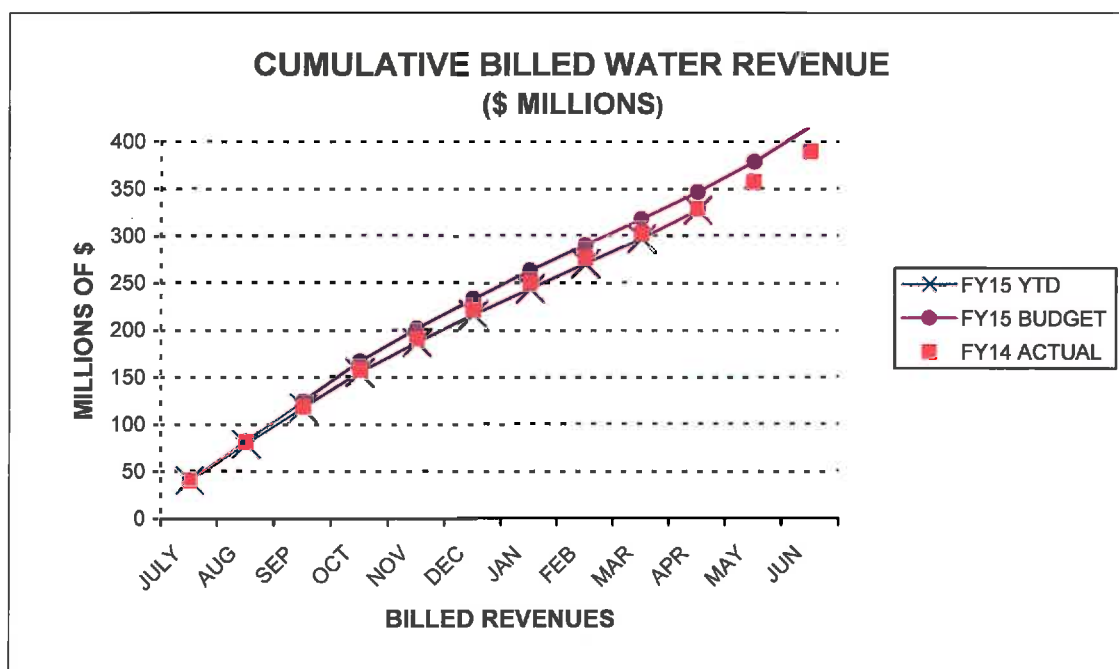
Billed Water Consumption		
Usage Type	FY15 (MGD)	FY14 (MGD)
Residential	78.4	91.2
Commercial	48.9	54.4
Industrial	17.5	16.7
Public Authority	6.5	7.6
Total Billed Water Consumption	151.3	169.9

Note: Drought reduction goals are expressed relative to CY13.



Source: Customer Information System

Water revenues billed for the fiscal year through April were \$327 million or 0.4% less than the FY14 revenue through April of \$328.2 million which reflects the net impact of lower current consumption and the 9.5% rate increase for services provided and billed starting July 1, 2014. Compared to the budgeted water revenue, actual water revenues are down \$19.2 million for this period or 5.5%.

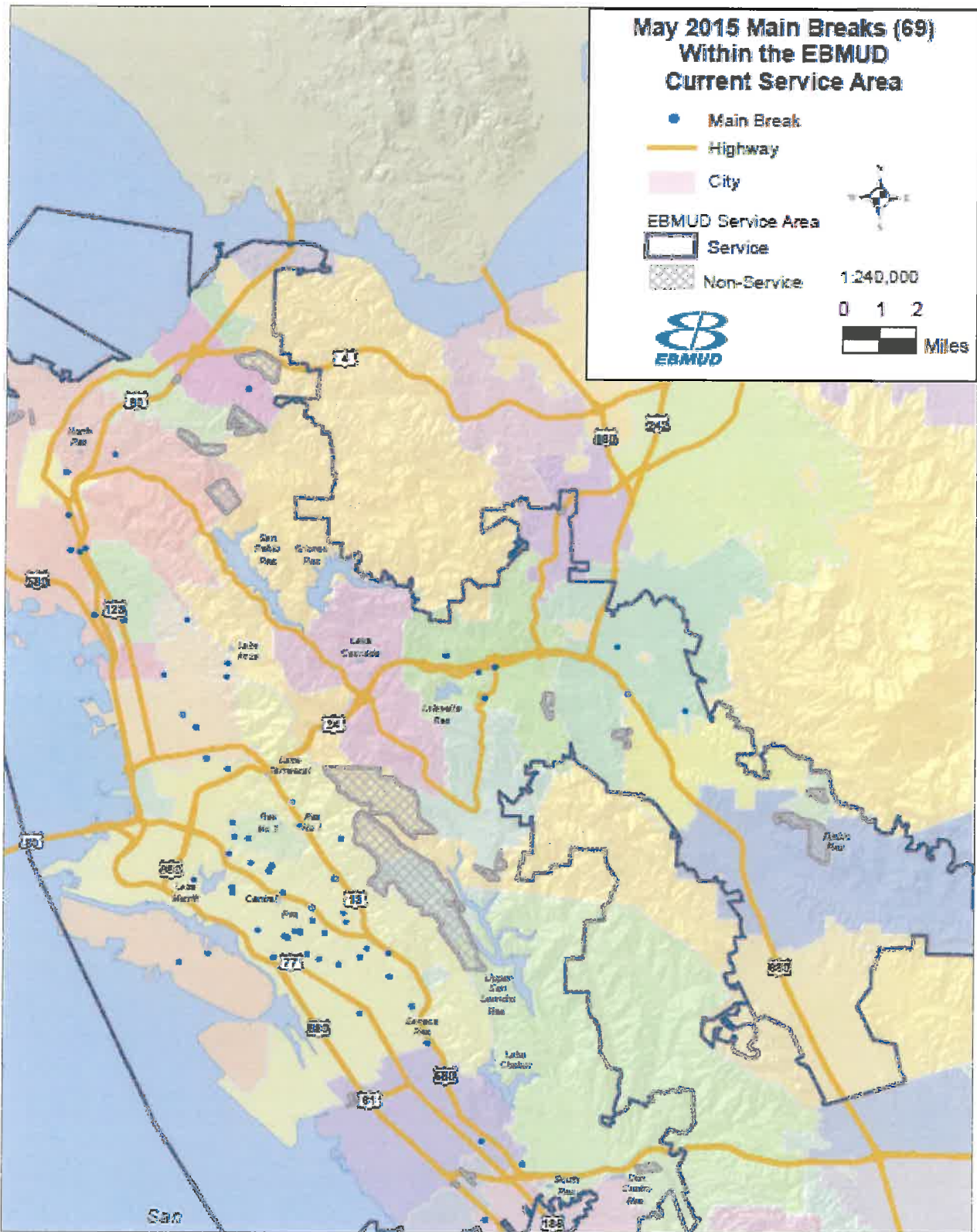


Source: Customer Information System

MAY 2015 MAIN BREAKS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ALAMEDA		BUENA VISTA	AVE	CAST IRON	6.00	1927	11,520	4/30/2015	5/1/2015	Yes
ALAMEDA		TAYLOR	AVE	ASBESTOS CEMENT	8.00	1960	90	5/20/2015	5/21/2015	Yes
ALBANY		VENTURA	AVE	CAST IRON	4.00	1933	18,000	5/18/2015	5/18/2015	Yes
BERKELEY		DEAKIN	ST	STEEL	2.00	1992	8,640	5/2/2015	5/7/2015	Yes
BERKELEY		GRIZZLY PEAK	BL	CAST IRON	6.00	1957	1,440	5/6/2015	5/6/2015	Yes
BERKELEY		MCKINLEY	AVE	CAST IRON	6.00	1929	7,200	5/22/2015	5/22/2015	Yes
BERKELEY		QUEENS	RD	CAST IRON	6.00	1937	1,440	5/7/2015	5/7/2015	Yes
BERKELEY		SHATTUCK	AVE	CAST IRON	4.00	1936	450	5/29/2015	5/29/2015	Yes
CASTRO VALLEY		170 TH	AVE	ASBESTOS CEMENT	6.00	1964	1,800	5/21/2015	5/21/2015	Yes
EL CERRITO		KEARNEY	ST	CAST IRON	6.00	1951	20,160	5/22/2015	5/28/2015	Yes
HAYWARD		PERKINS	DR	CAST IRON	8.00	1951	630	5/13/2015	5/13/2015	Yes
HERCULES		LUPINE	RD	STEEL	12.00	1979	2,880	5/4/2015	5/5/2015	Yes
KENSINGTON		COLGATE	AVE	CAST IRON	6.00	1938	8,640	5/15/2015	5/20/2015	Yes
LAFAYETTE		LOS ARABIS	DR	ASBESTOS CEMENT	6.00	1958	7,200	5/9/2015	5/13/2015	Yes
LAFAYETTE		MORAGA	RD	STEEL	12.00	1955	36,000	5/9/2015	5/10/2015	Yes
LAFAYETTE		MT DIABLO	BL	CAST IRON	4.00	1932	450	5/16/2015	5/16/2015	Yes
LAFAYETTE		WEST	RD	CAST IRON	4.00	1947	8,640	5/8/2015	5/13/2015	Yes
OAKLAND		23 RD	AVE	CAST IRON	4.00	1936	450	5/19/2015	5/19/2015	Yes
OAKLAND		35 TH	AVE	CAST IRON	12.00	1931	67,500	5/27/2015	5/28/2015	Yes
OAKLAND		39 TH	AVE	CAST IRON	4.00	1952	45,000	4/30/2015	5/1/2015	Yes
OAKLAND		51 ST	AVE	CAST IRON	6.00	1938	450	5/20/2015	5/20/2015	Yes
OAKLAND		76 TH	AVE	CAST IRON	6.00	1949	45,000	5/19/2015	5/19/2015	Yes
OAKLAND		82 ND	AVE	CAST IRON	4.00	1911	1,800	5/13/2015	5/13/2015	Yes
OAKLAND	E	21 ST	ST	CAST IRON	4.00	1930	9,000	5/19/2015	5/19/2015	Yes
OAKLAND		33 RD	AVE	WROUGHT IRON	2.00	1916	38,880	4/18/2015	5/14/2015	No
OAKLAND		ARMANINO	CT	ASBESTOS CEMENT	6.00	1978	9,000	5/3/2015	5/3/2015	Yes
OAKLAND		ATHOL	AVE	CAST IRON	4.00	1933	43,200	5/8/2015	5/13/2015	Yes
OAKLAND		CALMAR	AVE	CAST IRON	6.00	1925	6,300	5/11/2015	5/11/2015	Yes
OAKLAND		CUSTER	ST	CAST IRON	6.00	1927	2,700	5/19/2015	5/19/2015	Yes
OAKLAND		DAVIS	ST	CAST IRON	4.00	1938	1,800	5/19/2015	5/19/2015	Yes

MAY 2015 MAIN BREAKS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
OAKLAND		DELMONT	AVE	CAST IRON	6.00	1954	12,960	4/28/2015	5/6/2015	No
OAKLAND		ECHO	AVE	CAST IRON	6.00	1938	5,400	5/25/2015	5/25/2015	Yes
OAKLAND		ESTATES	DR	ASBESTOS CEMENT	8.00	1975	720	5/30/2015	5/30/2015	Yes
OAKLAND		FLORENCE	TER	CAST IRON	6.00	1923	2,700	5/19/2015	5/20/2015	Yes
OAKLAND		FOOTHILL	BL	CAST IRON	4.00	1936	450	5/12/2015	5/12/2015	Yes
OAKLAND		FOOTHILL	BL	CAST IRON	4.00	1937	1,800	5/20/2015	5/20/2015	Yes
OAKLAND		HARRISON	ST	CAST IRON	6.00	1894	900	5/18/2015	5/18/2015	Yes
OAKLAND		HIGH	ST	STEEL	2.00	1926	23,040	5/11/2015	5/18/2015	Yes
OAKLAND		HIGH	ST	CAST IRON	6.00	1924	45,000	5/18/2015	5/18/2015	Yes
OAKLAND		HUBERT	RD	CAST IRON	6.00	1929	1,350	5/4/2015	5/4/2015	Yes
OAKLAND		HUBERT	RD	CAST IRON	6.00	1949	11,520	5/11/2015	5/14/2015	Yes
OAKLAND		HUBERT	RD	CAST IRON	6.00	1929	180	5/14/2015	5/14/2015	Yes
OAKLAND		HUBERT	RD	CAST IRON	6.00	1949	7,200	5/15/2015	5/19/2015	Yes
OAKLAND		HUBERT	RD	CAST IRON	6.00	1989	450	5/21/2015	5/21/2015	Yes
OAKLAND		JEAN	ST	CAST IRON	6.00	1931	900	5/12/2015	5/12/2015	Yes
OAKLAND		LAVERNE	AVE	CAST IRON	4.00	1935	8,100	5/27/2015	5/28/2015	Yes
OAKLAND		LONDON	RD	NON METALLIC / PLASTIC	1.00	1971	1,440	5/29/2015	5/29/2015	Yes
OAKLAND		LONGCROFT	DR	ASBESTOS CEMENT	8.00	1958	34,560	5/11/2015	5/18/2015	Yes
OAKLAND		MACARTHUR	BL	NON METALLIC / PLASTIC	8.00	2006	900	5/4/2015	5/4/2015	Yes
OAKLAND		MAPLE	AVE	CAST IRON	6.00	1935	900	5/18/2015	5/18/2015	Yes
OAKLAND		MURDOCK	CT	ASBESTOS CEMENT	4.00	1955	900	5/8/2015	5/8/2015	Yes
OAKLAND		OUTLOOK	AVE	CAST IRON	4.00	1917	7,200	5/20/2015	5/21/2015	Yes
OAKLAND		PENNIMAN	AVE	CAST IRON	6.00	1924	2,700	5/26/2015	5/26/2015	Yes
OAKLAND		SALISBURY	ST	CAST IRON	6.00	1931	5,400	5/20/2015	5/20/2015	Yes
OAKLAND		SENECA	ST	CAST IRON	6.00	1946	8,640	4/26/2015	5/1/2015	Yes
OAKLAND		WOODRUFF	AVE	CAST IRON	6.00	1940	9,000	5/6/2015	5/6/2015	Yes
PIEDMONT		ARBOR	DR	CAST IRON	6.00	1951	900	5/20/2015	5/20/2015	Yes
PIEDMONT		OAKLAND	AVE	CAST IRON	12.00	1933	9,000	5/30/2015	5/31/2015	Yes

MAY 2015 MAIN BREAKS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
RICHMOND		39 TH	ST	CAST IRON	6.00	1937	900	5/27/2015	5/28/2015	Yes
RICHMOND		ANDRADE	AVE	CAST IRON	6.00	1941	3,600	5/24/2015	5/24/2015	Yes
RICHMOND		NEVIN	AVE	CAST IRON	4.00	1937	1,800	5/24/2015	5/24/2015	Yes
RICHMOND		ROLLINGWOOD	DR	CAST IRON	8.00	1943	17,280	5/13/2015	5/18/2015	Yes
RICHMOND		SAN PABLO	AVE	STEEL	12.00	1947	4,320	5/4/2015	5/6/2015	Yes
RICHMOND		SANTA MARIA	RD	CAST IRON	6.00	1946	4,320	5/13/2015	5/15/2015	Yes
RICHMOND		TEHAMA	AVE	ASBESTOS CEMENT	8.00	1960	1,350	5/19/2015	5/19/2015	Yes
SAN LEANDRO		THRUSH	AVE	CAST IRON	6.00	1938	9,000	5/6/2015	5/6/2015	Yes
WALNUT CREEK		CASTLE HILL	RD	ASBESTOS CEMENT	8.00	1959	450	5/13/2015	5/13/2015	Yes
WALNUT CREEK		LINCOLN	AVE	STEEL	6.00	1953	1,350	5/4/2015	5/5/2015	Yes
WALNUT CREEK		STEWART	AVE	ASBESTOS CEMENT	8.00	1975	180	5/11/2015	5/11/2015	Yes
						TOTAL	655,020			



EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 4, 2015

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *mc*

FROM: Lynelle M. Lewis, Secretary of the District *Lynelle*

SUBJECT: Sustainability/Energy Committee Minutes – May 26, 2015

Director Doug Linney called to order the Sustainability/Energy Committee meeting in the Training Resource Center at 8:51 a.m. Director Marguerite Young and Chair Andy Katz arrived at 9:01 a.m. and 9:02 a.m. respectively. Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Operations and Maintenance Michael J. Wallis, Director of Wastewater Bennett K. Horenstein, Manager of Regulatory Compliance Michael R. Ambrose, Manager of Wastewater Environmental Services Jacqueline T. Kepke, Senior Civil Engineer David V. Beyer, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

Update on Greenhouse Gas Emissions. Manager of Regulatory Compliance Michael R. Ambrose presented updates on statewide greenhouse gas (GHG) emission targets and on the District's efforts to reduce GHG emissions. He reported that Governor Jerry Brown recently signed an Executive Order aimed at reducing all GHG emissions by 2030. He pointed out that while the District continues to meet its GHG targets, the operation of the Freeport facilities in conjunction with the conventional water treatment plants during the drought in 2015 will require a significant amount of power. The increase in power use is estimated to exceed the overall GHG emissions goal for 2015. Consistent with the District's policy, staff proposed purchasing tradable renewable energy credits (TRECs) to offset the projected overage in calendar year 2015 with an estimated cost of between \$10,000 and \$50,000. These costs will be accommodated within the existing FY16 budget. There was discussion by the Committee regarding TRECs and the Committee requested that staff provide additional information about TRECs purchases (i.e. where they originate and whether they help offset GHGs in the specific air basins where EBMUD operates). Staff said the information would be provided if it was available.

Energy Strategy Update. Senior Civil Engineer David V. Beyer provided an update on the results of a feasibility study of the risks and benefits of adding photovoltaic projects to District facilities. The study identified five projects for consideration and in December 2014 a Request for Proposals was sent to fourteen photovoltaic vendors to secure both Power Purchase Agreement (PPA) bids and direct purchase bids for the five District sites. Eight vendors participated in the mandatory job walk and five submitted proposals. Four of the sites received bids. A fifth site did not receive any bids due to the difficulty of installing PV panels on top of a concrete reservoir's dome-shaped roof. SunEdison provided bids with the best overall value for three sites under a PPA (Norris Reservoir, North Richmond Water Reclamation Plant, and the Camanche Dam site). The fourth site, Oakport Storage

Facility/Oakport Wet Weather Treatment Plant, is a direct purchase. Next steps include negotiating the PPA and direct purchase agreement terms with SunEdison, completing environmental documentation and conducting site preparation. Board consideration is anticipated in September 2015. Construction is expected to take eight months with an estimated completion date of May 2016.

Next, Mr. Beyer reported on the Power and Water Resources Pooling Authority (PWRPA) evaluation of District facilities to receive PWRPA power. In December 2014 PWRPA submitted seven District electric accounts to PG&E for consideration for PWRPA electric service. In January 2015, PG&E tentatively accepted the seven accounts for PWRPA electric service but stated that it considered the request incomplete. PG&E is requiring a service initiation fee of approximately \$200,000, detail engineering drawings of proposed intervening facilities, and the execution of the agreements necessary for the District to join PWRPA. Mr. Beyer also highlighted the 2010 settlement agreement between PWRPA and PG&E, which temporarily resolved PG&E's challenge of PWRPA's right to exist. In January 2015, when PG&E tentatively accepted the District's request for PWRPA service, they simultaneously made an offer to PWRPA to extend the term of the existing PG&E/PWRPA settlement agreement until 2020. PWRPA's Board approved the agreement on May 16, 2015 and the agreement now requires approval by the Federal Energy Regulatory Commission before PG&E and PWRPA can execute the agreement. Following the approval of the PWRPA settlement agreement, staff will continue to evaluate the benefits and risks of joining and purchasing power through PWRPA.

Food Waste Update. Manager of Wastewater Environmental Services Jacqueline T. Kepke presented a status update on the food waste contracts with the City of Oakland, Waste Management (WM), Harvest Power and Recology. Staff is negotiating with Harvest Power for organics management services, including pre-processing of Oakland food scraps, and with Recology for a supply of organics sourced from San Francisco's municipal solid waste. Ms. Kepke reported that a District-only option for pre-processing was not feasible because of schedule constraints, specialized experience, materials sourcing and economics. However, staff is continuing to evaluate the role of District staff in the dewatering process. Next, she reported that the District and WM have reached agreement on key contract terms and are finalizing specific language related to material source and quantity, residual disposal and the startup period for pre-processing. As negotiations progress, staff will be updating the financial model to ensure there is a net value to manage the risks and uncertainties, as well as to provide a rate offset to District customers.

AFSCME Local 444 representatives John Briceno and Eric Larsen expressed concerns about the contracting out of biogas pretreatment and dewatering work as part of the food waste contracts. Following considerable discussion, the Committee asked for information regarding how disagreements with WM will be resolved, the District's staffing recommendations and the benefits of higher biogas generation in the context of grid peaking issues as more solar energy comes online. Due to time constraints, the presentation was not completed and will be continued at the June 9, 2015 Sustainability/Energy Committee meeting.

Adjournment. Chair Katz adjourned the Sustainability/Energy Committee meeting at 10:30 a.m.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 4, 2015

MEMO TO: Board of Directors

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

FROM: Lynelle M. Lewis, Secretary of the District *Lynelle*

SUBJECT: Finance/Administration Committee Minutes – May 26, 2015

Chair William B. Patterson called to order the Finance/Administration Committee in the Training Resource Center at 10:34 a.m. Directors Andy Katz and Marguerite Young were present at roll call. Staff present included: General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Internal Auditor Supervisor Barry N. Gardin, Director of Operations and Maintenance Michael J. Wallis, Senior Public Information Representative Andrea A. Pook, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

Adopt New Policy: Use of Social Media. Internal Auditor Supervisor Barry N. Gardin reported that the proposed new policy on social media accounts would codify the purpose of and organizational responsibility for managing social media accounts. The Committee questioned the need for Board level direction on social media accounts because of their constant evolution and suggested that instead staff provide updates to the Board before launching new or deleting existing EBMUD accounts. Local 2019 representative Mark Foley described union comments about the social media policy that had been discussed previously in a meeting with management. Following discussion, the Committee recommended that staff provide, for the full Board's consideration at its regular meeting, a proposed modification to the policy that would assign authority to staff to determine when to add or delete a specific social media site and direct staff to keep the Board informed of planned actions.

Update on EBMUD's Website. Senior Public Information Representative Andrea A. Pook presented the updated version of the District's website that will launch in early June. The aim of the update is to improve navigation and make it easier for mobile and tablet users to access information on the site. The update also will make it easier for customers to find information that has been difficult to locate. The Committee commended staff for the changes and suggested that staff revise the Board-related information to cluster Board meeting and committee events by date, and staff agreed to work on making this change after the launch is complete and the post-launch debugging phase wraps up.

Hydropower Contract Update. Director of Operations and Maintenance Michael J. Wallis reported that in July 2005, the District entered into a 10-year power sales agreement with Sacramento Municipal Utility District (SMUD) for energy produced at the District's Camanche and Pardee hydropower facilities. The agreement expires on June 30, 2015 and staff is negotiating a new long-term sales agreement for the sale of Pardee and Camanche hydropower. Staff will continue to work with Marin Clean Energy (MCE) to establish a 10-year power sales agreement and will present the agreement to the Board for consideration.

Adjournment. Chair Patterson adjourned the meeting at 11:16 a.m.

