

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

06/08/2023
Item No.: 2.4
RS/pcm

Hea

**RESOLUTION APPROVING THE PORT OF OAKLAND'S
SANITARY SEWER SYSTEM CORRECTIVE ACTION WORK
PLAN AND FINDING THAT THE PROPOSED ACTION IS
EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item No. 2.4 dated June 8, 2023, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, and in related agenda materials and in testimony received; and

WHEREAS, the Board adopted the Port Private Sewer Lateral ("PSL") Ordinance (Ordinance 4474) on May 10, 2018, which requires Port tenants to comply with PSL regulations promulgated by the City of Oakland ("City") and the East Bay Municipal Utility District ("EBMUD") as modified to apply to the Port Area and Port-owned land; and

WHEREAS, the PSL Ordinance requires both the preparation of a Port Condition Assessment Plan ("CAP") to assess Port-controlled PSLs and a Port Corrective Action Work Plan ("CAWP") upon completion of the CAP; and

WHEREAS, on June 13, 2019, the Board, by Resolution No. 19-45, approved and adopted the Port CAP; and

WHEREAS, the CAWP, which is dated May 24, 2023, reflects the approximate timeline to rehabilitate and replace specific sewer segments, the rehabilitation and replacement of which is also programmed in the FY 2024-2028 Capital Improvement Plan ("CIP");

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The approval and adoption of the sewer lateral CAWP have been determined to be exempt from the California Environmental Quality Act ("CEQA") Guidelines pursuant to Section 15302 of the CEQA Guidelines, which states that replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced is exempt under CEQA. The action, which entails approval of a work plan that includes the type, quantity, and schedule of work needed to rehabilitation sewer laterals, does not result in a serious or major disturbance to an environmental resource. The work plan is for replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

Section 2. The Board hereby approves the 2023 CAWP, dated May 24, 2023.

Section 3. The Board hereby authorizes the Executive Director to make necessary administrative and procedural changes to implement the 2023 CAWP, and further authorizes the Executive Director to approve future amendments to the CAWP, including but not limited to, changes to the project status, changes to scheduled completion dates, changes to method of rehabilitation, and the additions or deletions of sewer segments.

Section 4. This resolution shall become effective immediately upon adoption by the Board.