



AGENDA REPORT

PROPOSED ACTION: Resolution: Approve and Re-certify the Port of Oakland's Updated Sewer System Management Plan, Including Spill Emergency Response Plan and Other Program Elements Therein, and Delegate Authority to the Executive Director to Make the Associated Necessary Administrative and Procedural Changes **(Engineering)**

Submitted By: Kristi McKenney, Chief Operating Officer; Danny Wan, Executive Director

Parties Involved:

California Environmental Protection Agency (CalEPA)

State Water Resources Control Board

Amount: None for FY 2023¹

EXECUTIVE SUMMARY:

Port of Oakland (Port) Staff maintain and periodically update the Port's Sewer System Management Plan (SSMP). Staff have drafted several updates based on recent regulatory guidance resulting in the proposed 2023 SSMP. Board of Port Commissioners (Board) certification is required to update the Port's SSMP.

BACKGROUND & ANALYSIS

On May 2, 2006, the State Water Resources Control Board (State Water Board) adopted the Statewide General Waste Discharge Requirements (WDR) Order No. 2006-0003 for all publicly owned sanitary sewer collection systems. The intent of the WDR is to collect information on the causes and sources of sanitary sewer overflows (SSO) statewide to determine the full impact on public health and the environment. An SSO occurs when sewage spills onto a public right of way and/or private property because sewer lines are blocked, clogged, or obstructed. Under the terms of the WDR, publicly owned collection systems that own and operate more than one mile of pipes are required to take necessary steps to prevent SSOs, to comply with the reporting requirements, and to implement a Sewer System Management Plan (SSMP).

The Port adopted the first Sewer System Management Plan on May 18, 2010 (2010 SSMP) pursuant to the requirements of the State Water Board's WDR.

On July 9, 2015, the Board, by Resolution 15-073, approved an Update to the 2010 SSMP (2015 SSMP) in compliance with the WDR requirements, including the amended Monitoring and Reporting Plan which had previously become effective on September 9, 2013 (WQ 2013-0058-EXEC).

¹ There is no immediate fiscal impact associated with the approval and re-certification of the Port's 2023 SSMP. However, implementation of sanitary sewer program audits (expense funded) may require additional funding sources in the future.

On January 28, 2021, the Board, by Resolution 21-01, approved another update to the (2020 SSMP) in compliance with the WDR requirements, including the added references to the Port's Private Sewer Lateral (PSL) Ordinance 4474 adopted by the Board in May 2018 and the Port's Condition Assessment Plan (CAP) approved by the Board in June 2019 and the Port's performance indicators for tracking SSOs and measuring the effectiveness of the SSMP implementation.

The proposed 2023 SSMP is updated to include program changes since 2020, as required by the new General Order 2022-0103-DWQ and will supplement all prior versions of the SSMP. Staff will complete the re-certification process with the State Water Board upon final approval of the 2023 SSMP.

The following is a summary of changes that are included in the Port's 2023 SSMP:

1. Update the Port's goals for Sewer Spill Emergency Response (SERP),
2. Update the Port's contact information for Port staff responsible for sewer spill response, and for submitting and certifying spill data, and
3. Update the Spill Emergency Response requirements for response, recordkeeping, and reporting to meet the newly adopted State Water Board Order for sewer system management.

In addition to approving the 2023 Spill Emergency Response Plan, the Board is being requested to delegate authority to the Executive Director to make necessary administrative and procedural changes associated with the implementation of Spill Emergency Response Plan program elements. These may include the following actions:

1. Appoint/change Legally Responsible Officer (LRO), as needed
2. Make organizational changes to implement the SERP

Attachment:

1. Port of Oakland Sewer System Management Plan, May 2023

OTHER FINDINGS AND PROVISIONS

ENVIRONMENTAL REVIEW

The proposed action was analyzed under the California Environmental Quality Act (CEQA) and was found to be:

- ☒ Categorically exempt under the following CEQA Guidelines Section:

15061(b)(3) (Common Sense)

- ☐ Not a "Project" under CEQA, as defined in Public Resources Code § 21065.

- ☒ Other/Notes:

The proposed updates to the SSMP have been determined to be exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. Updating the plan itself will not result in a physical change in the environment, and therefore this action is not subject to CEQA and no further environmental review is required. In addition, continuing administrative or maintenance activities, personnel-related actions, and general policy and procedure making, such as the proposed administrative and procedural changes to implementation of the SMMP, are not projects under CEQA pursuant to Section 15378(b)(2) of the CEQA Guidelines. Individual rehabilitation and maintenance projects proposed for implementation per the updated 2020 SSMP would be subject to CEQA review at the time they are proposed.

BUDGET

- ☒ Administrative (No Impact to Operating, Non-Operating, or Capital Budgets); OR
- ☐ Operating ☐ Non-Operating ☐ Capital

Analysis: There is no immediate fiscal impact associated with the approval and re-certification of the SSMP. However, implementation of sanitary sewer programs may result in additional capital expenditures, require additional funding sources and potentially impact staffing requirements. Any future increase in budget and staffing required to implement the SSMP would be brought to the Board for consideration and approval at a future date.

STAFFING

- ☒ No Anticipated Staffing Impact.
- ☐ Anticipated Change to Budgeted Headcount.
- Reason:
- ☐ Other Anticipated Staffing Impact (e.g., Temp Help).
- Reason:

**MARITIME AND AVIATION PROJECT
LABOR AGREEMENT (MAPLA):**

Applies? No (Not Aviation or Maritime CIP Project) – proposed action is not covered work on Port's Capital Improvement Program in Aviation or Maritime areas above the threshold cost.

- ☐ Additional Notes:

LIVING WAGE (City Charter § 728):

Applies?

No (No Covered Agreement) – proposed action is not an agreement, contract, lease, or request to provide financial assistance within the meaning of the Living Wage requirements.

- ☐ Additional Notes:

SUSTAINABLE OPPORTUNITIES:

Applies? **No.**

Reason:

Port Staff reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form for the SSMP update. However, the SSMP itself helps protect the environment and human health. When individual sewer rehabilitation or maintenance projects are considered for implementation, staff will review each project for sustainability opportunities.

GENERAL PLAN (City Charter § 727):

Conformity Determination:

No Project – conformity determination not required because proposed action does not change use of or make alterations to an existing facility, or create a new facility.

STRATEGIC PLAN. The proposed action would help the Port achieve the following goal(s) and objective(s) in the Port's Strategic Business Plan:

- | | |
|--------------------------------------------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> Grow Net Revenues | <input checked="" type="checkbox"/> Modernize and Maintain Infrastructure |
| <input checked="" type="checkbox"/> Improve Customer Service | <input type="checkbox"/> Pursue Employee Excellence |
| <input type="checkbox"/> Strengthen Safety and Security | <input type="checkbox"/> Serve Our Community |
| <input checked="" type="checkbox"/> Care for Our Environment | |