

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

5/25/2023
Item No.: 2.1
RS/pcm

HEP

**RESOLUTION APPROVING AND RE-CERTIFYING THE
PORT OF OAKLAND'S SEWER SYSTEM MANAGEMENT
PLAN DATED MAY 2023.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item No. 2.1 dated May 25, 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, 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; and

WHEREAS, on December 6, 2022, the State Water Board adopted WDR Order No. 2022-0103-DWQ for all publicly owned sanitary sewer collection systems, which superseded the previous Order No. 2006-0003 and is effective June 5, 2023; and

WHEREAS, 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; and

WHEREAS, an SSO occurs when sewage spills onto a public right of way and/or private property because sewer lines are blocked, clogged, or obstructed; and

WHEREAS, 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") which must be updated every five years following the original adoption date and must include any significant program changes and re-certification by the governing board when significant updates to the SSMP are made; and

WHEREAS, on May 18, 2010, the Port adopted its first Sewer System Management Plan ("2010 SSMP") pursuant to the requirements of the State Water Board's WDR; and

WHEREAS, on July 9, 2015, the Board, by Port Resolution No. 15-073, approved an Update to the 2010 SSMP ("2015 SSMP") in compliance with the WDR requirements including the amended Monitoring and Reporting Plan ("MRP") which became effective on September 9, 2013; and

WHEREAS, on January 28, 2021, the Board, by Resolution No. 21-01, approved an update to the 2020 Sewer System Management Plan dated September 2020 ("2020 SSMP"); and

WHEREAS, in 2023, Port staff performed updates to the SSMP including an updated Sewer Spill Emergency Response ("SERP"), resulting in the finalization of the May 2023 Sewer System Management Plan ("2023 SSMP");

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The proposed updates to the SSMP as documented in the 2020 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 SSMP 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 2023 SSMP, are not projects under CEQA pursuant to Section 15378(b)(2) of the CEQA Guidelines. Individual rehabilitation and maintenance projects proposed for implementation pursuant to the 2023 SSMP would be subject to CEQA review at the time they are proposed.

Section 2. The Board hereby approves and re-certifies the 2023 SSMP, including the Spill Emergency Response Plan and Other Program Elements Therein in compliance with the WDR.

Section 3. The Board hereby authorizes the Executive Director to make necessary administrative and procedural changes to implement the 2023 SSMP program elements, including the Spill Emergency Response Plan, and further authorizes the Executive Director to amend the list of position classifications that are the designated Legally Responsible Official in Element 2 of the SSMP.

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