

AGENDA REPORT

Resolution: Approval and Re-certification of the Port of Oakland's Sewer System Management Plan (2020 SSMP). **(Engineering/Legal)**

MEETING DATE: 1/28/2021

AMOUNT: None for FY20-21¹

PARTIES INVOLVED: California Environmental Protection Agency (CalEPA)
State Water Resources Control Board

SUBMITTED BY: Kristi McKenney, Chief Operating Officer

APPROVED BY: Danny Wan, Executive Director

ACTION TYPE: Resolution

EXECUTIVE SUMMARY

Staff is requesting approval and re-certification of the Port of Oakland's Sewer System Management Plan ("2020 SSMP") and delegation of authority to the Executive Director to make necessary administrative and procedural changes to implement the SSMP program elements.

BACKGROUND

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").

¹ There is no immediate fiscal impact associated with the approval and re-certification of the Port's 2020 SSMP. However, implementation of sanitary sewer projects and programs (both capital and expense funded) may require additional funding sources.

The Port of Oakland ("Port") adopted its first Sewer System Management Plan on May 18, 2010 ("2010 SSMP") pursuant to the requirements of the State Water Board's WDR. The SSMP must be updated every five years following the original adoption date and must include any significant program changes. Re-certification by the governing board is also required in accordance with section D.14 of the WDR when significant updates to the SSMP are made.

On July 9, 2015, the Board of Port Commissioners ("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 ("MRP") which became effective on September 9, 2013 (WQ 2013-0058-EXEC).

In 2020 staff performed the required five-year update to the 2015 SSMP including program changes since 2015, resulting in the attached SSMP ("2020 SSMP") which was uploaded to the State system. Staff will finalize the re-certification process with the State Water Board upon final approval of the 2020 SSMP.

ANALYSIS

The Port owns and operates a sanitary sewer collection system that serves the Oakland International Airport ("OAK"), the Port's maritime area ("Seaport"), and certain commercial real estate properties along the Oakland Estuary. The Port's collection system consists of approximately 26 miles of gravity sewer lines, 26 lift (pump/ejector) stations, and approximately 4 miles of force mains. All of the Port's sewer facilities ultimately discharge into East Bay Municipal Utility District's ("EBMUD") large-diameter interceptor systems, either directly at OAK or via the City of Oakland's ("City") collection system. The SSMP describes the Port's sanitary sewer collection system operations and maintenance program, SSO emergency response plan, sewer inspection and condition assessment program, sewer design and performance standards, and capital rehabilitation or replacement program. It is a tool for managing the Port's collection system.

The 2020 SSMP addresses changes in Port staff and the Port's organizational structure over the last five years and provides an update to the sewer program. In general, the proposed changes to the SSMP are minor and do not materially change the current operations of the Port's sanitary sewer system as described in the original 2010 SSMP. However, importantly, the proposed changes reflect a greater Port focus on the acceleration of the sewer inspections and condition assessment plan in order to build a robust Asset Management Program to ensure proper functioning of the system including compliance with all operational and regulatory requirements.

The following is a summary of changes that are included in the Port's 2020 SSMP:

1. Update the Port's goals for managing and operating a sanitary sewer collection system that services its tenants and customers and compliance with regulatory requirements,

2. Update the Port's organizational chart and all contact information for Port staff responsible for sewer system operations across all divisions,
3. Add 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,
4. Update the Port's operations and maintenance programs including new system mapping, gravity main and lift station inspections program,
5. Make corrections to the Port's design and performance standards by referencing the applicable design and construction standards maintained by the City and performance testing standards as specified in the EBMUD's Regional PSL Ordinance,
6. Add a new link to the City of Oakland who has jurisdictional authority to approve grease control devices for food services establishments,
7. Provide an update to the Port's capital improvement program for sanitary sewer system rehabilitation,
8. Update the Port's performance indicators for tracking SSOs and measuring the effectiveness of the SSMP implementation, and
9. Delete several appendices that are outdated and no longer applicable.

In addition to approving the 2020 SSMP, the Board is being requested to delegate authority to the Executive Director to make necessary administrative and procedural changes associated with the implementation of SSMP program elements such as changing the Legally Responsible Officer or other organizational and personnel changes.

BUDGET & STAFFING

There is no immediate fiscal impact associated with the approval and re-certification of the SSMP. However, implementation of sanitary sewer projects and programs as part of the Asset Management Program (both capital and expense funded) may require additional funding sources and impacts in staffing. 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.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The matters contained in this Agenda Report do not fall within the scope of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) and the provisions of the MAPLA do not apply.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Business Plan (2018-2022).

<https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

- Goal: *Modernize and Maintain Infrastructure*
- Goal: *Care for our Environment*
- Goal: *Improve Customer Service*

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply because the requested action is not an agreement, contract, lease, or request to provide financial assistance within the meaning of the Living Wage Regulations.

SUSTAINABILITY

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

ENVIRONMENTAL

CEQA Determination: 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. Typically, maintenance and rehabilitation projects as intended by the SSMP would be categorically exempt from CEQA per Guidelines Section 15301, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; or Guidelines Section 15302, which exempts the 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.

GENERAL PLAN

This action does not change the use of any existing facility, make alterations to an existing facility, or create a new facility; therefore, a General Plan conformity determination pursuant to Section 727 of the City of Oakland Charter is not required.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

The Owner Controlled Insurance Program (OCIP) does not apply to the matters addressed by this Agenda Report as they are not capital improvement construction projects.

OPTIONS

The following are options for the Board's consideration:

- 1) Approve and re-certify the 2020 Sewer System Management Plan in compliance with the Waste Discharge Requirements and to authorize the Executive Director to make necessary administrative and procedural changes to implement the SSMP program elements. **This is the recommended option.**
- 2) Do not approve the changes in the 2020 Sewer System Management Plan and provide direction to staff to prepare a different sewer system management plan update.

RECOMMENDATION

Staff recommends that the Board adopt a resolution for the following:

- 1) Approve and re-certify the 2020 Sewer System Management Plan in accordance with the State Water Board's Waste Discharge Requirements, and
- 2) Authorize the Executive Director to make necessary administrative and procedural changes to implement the SSMP program elements.

Attachment:

1. Port of Oakland Sewer System Management Plan, September 2020