



Office of the City Manager

CONSENT CALENDAR
March 19, 2013

To: Honorable Mayor and Members of the City Council
From:  Christine Daniel, City Manager
Submitted by: Andrew Clough, Director, Public Works
Subject: Funding for East Bay Communities and EBMUD Joint Exercise of Powers Agreement for Control of Wet Weather Overflows and Bypasses

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to make payments for the East Bay Communities and EBMUD Joint Exercise of Powers Agreement for Control of Wet Weather Overflows and Bypasses for the 5-year period FY 2013 – FY 2017 for a total not to exceed amount of \$900,000.

FISCAL IMPACTS OF RECOMMENDATION

Berkeley's share (currently about 12.7%) of the total costs for the East Bay Communities and EBMUD Joint Exercise of Powers Agreement (JPA) is assessed at \$178,848 for FY 2013. For the 5-year period through FY 2017 Berkeley's costs are estimated at about \$900,000. Funding is available in the FY 2013 Sewer Fund (830-5207-432-30-38), and will be subject to appropriation in future fiscal year budgets.

The contract management system number for this agreement is CMS No. C64FR

CURRENT SITUATION AND ITS EFFECTS

The current East Bay Communities and EBMUD Joint Powers Agreement (JPA) for the Control of Wet Weather Overflows and Bypasses was authorized by Council (Resolution No. 52,984-N.S.) and executed by the City Manager in January 1986, EBMUD, the Lead Agency, develops an implementation program, work plan and budget, on an annual basis for approval by the Communities. The program includes activities, studies and projects of general and special benefit for the communities' sewer system wet weather projects. In FY 2013, the approved annual budget is \$1,407,356 and member communities are paying their proportionate share in accordance with the calculated cost allocations. Berkeley's share is approximately 12.7% for an FY 2013 cost of \$178,848.

BACKGROUND

The City of Berkeley is a member agency of the Joint Exercise of Powers Agreement for Control of Wet Weather Overflows and Bypasses. The Agreement was originally executed in February 1979 by and between the owners and operators of community

sewer systems: City of Oakland, City of Piedmont, City of Emeryville, City of Alameda, City of Berkeley, City of Albany and the Stege Sanitary District (the Communities) and the East Bay Municipal Utility District (EBMUD). The 1979 Agreement (JPA) was to conduct studies for the Control of Wet Weather Overflow and Bypasses in the Communities' Sewer Systems and in the EBMUD interceptor system. The purpose is to establish the method by which infiltration and inflow would be reduced in order to control discharges from the communities' collection systems to the EBMUD WWF's; and to provide for a proper allocation of the portion of the cost of the study.

The current JPA created the East Bay Communities Wet Weather Program as a method for the parties to implement permit compliance measures for wastewater discharge, in conformance with the National Pollutant Discharge Elimination System (NPDES) permit, and to work collaboratively in implementing a number of permit requirements that could be done more cost-effectively as a group.

The original Agreement was amended in 1986, and amendments have been included: to establish the method by which the JPA programs will be carried on; to provide for programs of special benefit; and to provide for a proper allocation of that portion of the cost of the program that is not financed by grants funds; to coordinate the work of Communities and District in the implementation of wet weather programs in the interest of signatory agencies; to carry out other joint wet weather programs or projects for mutual interest and benefit when found necessary or desirable to implement.

RATIONALE FOR RECOMMENDATION

The most cost effective and reasonable approach to comply with the discharge permits is to work together collaboratively with the other member agencies.

ALTERNATIVE ACTIONS CONSIDERED

There are no feasible alternatives available.

CONTACT PERSON

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Kenneth Emeziem, Supervising Civil Engineer, Public Works, 981-6444
Adadu Yemane, Associate Civil Engineer, Public Works, 981-6413

Attachments:

1: Resolution

RESOLUTION NO. .-N.S.

FUNDING FOR THE EAST BAY COMMUNITIES AND EBMUD JOINT EXERCISE OF POWERS AGREEMENT FOR CONTROL OF WET WEATHER OVERFLOWS AND BYPASSES

WHEREAS, the City of Berkeley is required to obtain a National Pollutant Discharge Elimination System (NPDES) municipal wastewater discharge permit as prescribed by the 1972 Federal Clean Water Act; and

WHEREAS, the NPDES permit is administered by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board); and

WHEREAS, in November 2009, the Regional Board re-issued the permit as the Waste Discharge Requirements NPDES Permit No. CA0038466; and

WHEREAS, the City of Berkeley has received a Stipulated Order (SO) to eliminate sanitary sewer overflows and reduce its wet weather wastewater discharge to the East Bay Municipal Utilities District (EBMUD) Wet Weather Facilities; and

WHEREAS, various activities, benefits, duties, and responsibilities related to reducing wet weather discharges are implemented by member agencies through an agreement known as Joint Exercise of Powers Agreement for Control of Wet Weather Overflows and Bypasses (Agreement); and

WHEREAS, the City of Berkeley seeks to continue participation in the existing Agreement; and at its current cost share of approximately 12.7%; and

WHEREAS, funding is subject to appropriation in the future fiscal years' budgets in the Sewer Fund (830-5207-432-30-38) and the Agreement has been entered into the citywide contract database with CMS No. C64FR.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to make payments for the Joint Exercise Powers Agreement (JPA) for Control of Wet Weather Overflows and Bypasses for the 5-year period of FY 2013 – FY 2018 for a total not to exceed amount of \$900,000.

