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MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: Jason Mitchell
Director, OPW

SUBJECT: Update on OPW Sewer Program

DATE: January 16, 2018

City Administrator

Date

Approval

/s/

1/17/18

INFORMATION

This memo is to provide the Oakland City Council, the Mayor's Office, City staff and the community with information about the Oakland Public Works sewer maintenance program, regarding topics recently covered in local media.

General Overview

The City of Oakland owns and operates a sanitary sewer collection system that is approximately 160 years old, including seven pump stations and more than 929 miles of pipe. Most pipes are decades old at least. Oakland Public Works (OPW) is charged with the maintenance of this system. OPW reports to multiple regulatory agencies on our work to comply with maintenance requirements, including the federal Environmental Protection Agency (EPA), under a 2014 consent decree that included the EPA, the California State Water Resources Control Board, nongovernmental organizations (NGOs), East Bay Municipal Utility District (EBMUD), the City of Oakland and several other East Bay cities. OPW has submitted Annual Reports to the EPA summarizing implementation of the decree's requirements since September 30, 2015.

Information about the consent decree, including all of OPW's Annual Reports, is available on the City's website:

<http://www2.oaklandnet.com/government/o/PWA/s/Sewer/ConsentDecree/index.htm>

Under this agreement, the City's Capital Improvement Program (CIP) has spent an average of \$17 million a year to rehabilitate 13 miles annually – this includes work to renovate pump stations, root-foam sanitary sewer pipes, rehabilitate city-owned sewer laterals, and upgrade sewer capacity where needed. New problems will arise over time, and in addition to responding to residents' requests for service, OPW conducts our own proactive inspection work regularly to identify those problems as early as possible.

The City is in overall compliance with the Consent Decree. The two primary goals of the Consent Decree are to reduce sanitary sewer overflows (SSOs) and to reduce infiltration and inflow (I&I) within the system, to relieve EBMUD's treatment plant. Since entering the consent

decree in 2014, OPW's work has helped reduce SSOs in Oakland by 16%, and the average reduction of I&I from Oakland and East Bay cities is 6% -- on target with the consent decree goals. Our pipe rehabilitation efforts are ahead of schedule.

Sanitary Sewer Overflow Notifications

In any large sanitary sewer system, let alone one as old as ours, sanitary sewer overflows – SSOs, or what some in the community would probably just call spills – are possible. When they occur, OPW is responsible for addressing the overflow as well as notifying regulatory agencies and the community. OPW strives to perform all those notifications in a timely, effective way. In July 2017, OPW provided extensive documentation to the San Francisco Bay Regional Water Quality Control Board regarding our practices, and OPW has not received a violation connected to that inspection.

Generally, OPW notifies the community when a risk of exposure or contamination is high or imminent. Notifications take the form of limiting access in the contaminated areas with safety barricades and caution tape, posting warning signs in prominent locations.

Record-keeping and Reporting of SSOs

OPW maintains accurate documentation of overflows. There are several inter-departmental points of contact and oversight that help ensure intake, dispatch, response, and reporting of overflows is accurate and meets regulatory compliance. As a common practice in the City's chain of command, supervisors are responsible for ensuring reports from the staff they manage are accurate. In some cases that requires supervisors to make corrections to staff work, as was reported in recent media coverage. Two levels of supervision and an operations manager review these reports for accuracy, and they are submitted by a designated Legally Responsible Official (within the City) to state regulators. These reports are provided under penalty of perjury.

There is no evidence of current falsification of records. OPW submits these reports and any available documentation to the California Integrated Water Quality System Project (CIWQS); those reports are all available online at this link: <https://www.waterboards.ca.gov/ciwqs/>

A core value of OPW is transparency and accountability to the community we serve. We work with our stakeholders to continually improve our practices and services, and we appreciate the strong oversight of the regulatory agencies we report to, including the state and federal levels.

Specific Resident Concerns

Recent media coverage has largely focused on issues at the property owned by Oakland resident Terry Tobey. OPW continues to work with Ms. Tobey regarding her concerns with the publicly-owned sewer system that flows through her property. The City, with technical assistance from several contractors and in consultation with the Regional Water Board, has extensively reviewed the sewer and surrounding watershed. While conducting this work, OPW found and repaired minor issues with the public assets. However, this investigation was unable to substantiate the

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landowner's claims, or identify any major problems with the sewer system that would have caused long-term sewage leaks or overflows on her property.

The City is also working with Ms. Tobey and her neighboring property owners to ensure that that necessary improvements are made to the privately-owned portions of the sewer that could also be affecting the system. It is the property owners' responsibility to address private sewer defects; as such, last fall the City informed the property owners of their need to make repairs, including the property owner at a property leased by Councilmember Annie Campbell Washington. Councilmember Campbell Washington is not the property owner at that site.

Finally, OPW is currently exploring hiring a third party to do an independent investigation of the issues at the property. We will also continue to work at this site with the regulatory agencies we report to on these kinds of issues.

Audit and Whistleblower Update

OPW leadership was notified when a recent City Auditor's Office audit investigation was opened, and the department is cooperating fully with that audit, but contrary to recent media reports, no whistleblowers were named. OPW does not allow or condone any retaliatory activity relating to whistleblowers or any other employee raising concerns.

Respectfully submitted,

/S/

Jason Mitchell
Director, Oakland Public Works

For questions please contact Sean Maher, Public Information Officer for OPW, at 510-238-6358.