

CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Monday, March 14, 2016

4:30 PM

City Hall, Conference Room 2A

Council Sustainability Committee

CALL TO ORDER**ROLL CALL****PUBLIC COMMENTS:**

(The Public Comment section provides an opportunity to address the City Council Sustainability Committee on items not listed on the agenda as well as items on the agenda. The Committee welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Committee is prohibited by State law from discussing items not listed on the agenda, any comments on items not on the agenda will be taken under consideration without Committee discussion and may be referred to staff.)

APPROVAL OF MINUTES

1. [MIN 16-021](#) Approval of the Minutes of the City Council Sustainability Committee Meeting on December 10, 2015

REPORTS/ INFORMATIONAL ITEMS

2. [RPT 16-038](#) Solid Waste Franchise Agreement Annual Report
Attachments: [Attachment I Tables](#)
3. [RPT 16-036](#) Municipal Regional Stormwater Permit
Attachments: [Attachment I](#)
4. [RPT 16-037](#) Update on East Bay Community Energy
Attachments: [Attachment I 2016-2017 Timeline](#)
[Attachment II JPA Overview & Recommendations](#)
[Attachment III EBCE Priorities](#)
[Attachment IV Communications and Outreach Plan](#)

5. [RPT 16-035](#) Update on City-Wide Water Conservation and Revised
Emergency Regulations for Statewide Urban Water
Conservation

Attachments: [Attachment I Water Consumption \(2013-2014-2015\)](#)
[Attachment II Water Consumption \(8-year comparison\)](#)
[Attachment III Water Consumption \(June 2015-Feb 2016\)](#)
[Attachment IV BAWSCA-Wide Conservation \(Jan 2016\)](#)

6. [RPT 16-039](#) Suggested Sustainability Committee Meeting Topics

FUTURE AGENDA ITEMS

COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS

ADJOURNMENT

NEXT REGULAR MEETING, 4:30 PM, MONDAY, MAY 9, 2016



CITY OF HAYWARD

Hayward City Hall
777 B Street
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Staff Report

File #: MIN 16-021

CITY COUNCIL SUSTAINABILITY COMMITTEE MEETING
Hayward City Hall - Conference Room 2A
777 B Street, Hayward, CA 94541-5007

December 10, 2015
4:30 p.m. - 6:30 p.m.

MEETING MINUTES

CALL TO ORDER: Meeting called to order at 4:33 p.m. by Chair Al Mendall, Council Member.

ROLL CALL:

Members

- Al Mendall, City Council Member /CSC Chair
- Greg Jones, City Council Member
- Francisco Zermeño, City Council Member

Staff:

- Kelly McAdoo, Assistant City Manager
- Alex Ameri, Utilities & Environmental Services Director
- Erik Pearson, Environmental Services Manager
- Elisa Wilfong, WPSC Administrator
- Jennifer Yee, Sustainability Technician
- Gillian Corral, Civic Spark Fellow
- Carol Lee, Administrative Secretary (Recorder)

Others:

- Ben Nash, Revolutionaries Advocating for Greener Ecosystems (R.A.G.E.), Student group, Chabot College
- Ernest Pacheco, Hayward Resident
- Kelly Fergusson, Business Development Manager, Public Sector, OpTerra Energy Services
- Sasha Stackhouse, Public Services Sector Manager, Waste Management of Alameda County

PUBLIC COMMENTS

None.

1. Approval of Minutes of Council Sustainability Meeting on September 10, 2015

The Committee unanimously approved the minutes of the Council Sustainability Committee meeting on September 10, 2015.

CSC Chair Mendall suggested discussing a portion of item# 12, 2016 Agenda Topics, at this time due to Council Member Zermeño needing to leave at 5:50 pm. CSC Chair Mendall suggested the Committee meet the second Monday of every other month after reviewing the calendar that staff had created.

Director Ameri suggested scheduling meetings in odd months to avoid scheduling a meeting in August and having to find an alternate date.

Erik Pearson, Environmental Services Manager, noted that in 2016 there would be five meetings, as the Committee would not meet in January. The Committee would meet six times per year starting in 2017.

The Committee unanimously agreed to meet between 4:30 p.m. and 6:30 p.m. on every second Monday of odd months starting in March 2016.

2. Addressing Sustainability Impacts in Staff Reports

Erik Pearson, Environmental Services Manager, presented the report and staff's recommendation that sustainability be addressed in a separate section in most staff reports. He explained the six areas that the proposed Sustainability Impact section should address.

Council Member Zermeño was in favor of staff's recommendation, but recommended that staff use a different word in place of "Procurement." Director Ameri suggested, "Purchasing." Council Member Zermeño also expressed concern over the added work load that this may cause Utilities & Environmental Services staff. Director Ameri explained that the work load would increase primarily right after implementation, and that staff's guidance might be most needed during the first year.

CSC Chair Mendall requested that both positive and negative impacts be addressed in the proposed section. He further requested that staff use approximations instead of presenting exact numbers in this section to increase readability.

Council Member Zermeño made a motion recommending the policy, CSC Chair Mendall seconded the motion suggesting that staff provide an update in twelve months, and it was passed unanimously.

3. Photo Contest: #HaywardFresh & Upcoming Outreach Campaigns

Alex Ameri, Director of Utilities & Environmental Services, introduced Jennifer Yee, Sustainability Technician, who presented on behalf of Mary Thomas.

Erik Pearson noted that this report addresses the implementation of the Sustainability Outreach Plan presented to the Committee in September. Additionally, he introduced Gillian Corral, CivicSpark Fellow, who along with three interns from Cal State East Bay's (CSEB) Pioneers for Change Program, are working with staff in this outreach campaign.

Ms. Yee presented the report, highlighting the #HaywardFresh photo contest, and invited the Committee to be judges at the conclusion of the event in early February, which may require up to two hours of the Committee's time.

Council Members Zermeño expressed interest in judging the contest. He recommended that staff consider expanding the photo contest to include other platforms such as Flickr, Snapchat, and Twitter. He further requested that staff expand the involvement to more educational institutions.

Council Member Jones noted that over time using bill inserts may not be an effective means of advertising since more customers are switching to paperless billing and encouraged staff to also inform those who utilize electronic billing. He further suggested involving Hayward Arts Council and Sun Gallery in the photo contest.

CSC Chair Mendall suggested involving Hayward Area Recreation & Park District (H.A.R.D.) so they can feature some of their parks and expressed interest in judging.

In response to the Committee's question, Ms. Yee explained that Committee Members are welcome to participate in the contest, but their entries will be excluded from judging.

4. Bicycle Sharing

Director Ameri introduced the item. He noted that the item was in response to the Committee's request earlier this year and expressed that the City needs to implement programs that encourage bike usage, including making biking within the City safer before we can establish a bike sharing program. Erik Pearson, Environmental Services Manager, presented the report.

Council Member Zermeño expressed support for a bike share program but agreed with staff that Hayward lacks the bike ridership necessary for the program to be successful. He suggested improving the infrastructure needed for a more bike friendly city.

Council Member Jones concurred and emphasized that for the program to be successful, it needs to provide an enjoyable experience for those who utilize it, which is not currently the case in parts of the City.

CSC Chair Mendall commented that program is not cost effective at this point and reiterated that the next step requires making changes to increase Hayward's bike ridership, such as the new bike lines on Mission Blvd. which are separated from traffic lanes with landscaping. He closed by stating that as the City moves toward a more inviting and safer place for bicyclists, a bike share program will become more feasible.

5. Update on Car Sharing Grant

Erik Pearson provided a brief update on the car sharing grant and sought the Committee's input on the development of the request for proposals, which is expected to be released in February. He indicated that Zipcar and City Carshare have expressed interest in working with the City.

Council Member Jones commented favorably on staff's suggestion to eliminate electric cars, and supported the consideration of a hybrid vehicle. He further suggested that staff challenge the car sharing service to include more diverse station locations in addition to those presumed at both BART stations and the downtown location.

Council Member Zermeño suggested including Chabot College, CSEB, and Southland Mall, as they have charging stations on site. He noted that there are not yet charging stations at Amtrak, and that there would be potential in including that as a location as well.

CSC Chair Mendall mentioned that at some point when self-driving cars are available for mass market, car sharing programs will really take off, however he was still in favor of the City implementing the program.

6. Update on East Bay Community Energy

Erik Pearson presented the report. He mentioned that Alameda County's Board of Supervisors authorized the contract with MRW to complete a technical study which will be the basis for the County to decide whether or not to pursue forming a community choice energy program. He also spoke about Pacific Gas & Electric's (PG&E) request to the California Public Utilities Commission (CPUC) to increase the monthly charge for customers leaving PG&E and opting for services by a Community Choice Aggregation (CCA), as known as a Power Charge Indifference Adjustment Fee (PCIA).

Under Public Comment, Mr. Ernie Pacheco spoke about PG&E's effort to increase the PCIA from the current \$6.70 per month to \$13 per month. He requested that the Committee send a letter in opposition to the CPUC.

Council Member Jones motioned to have the Mayor prepare a letter in opposition of increasing the PCIA, Council Member Zermeño seconded the motion, and it was passed unanimously.

7. Annual Update: Administrative Rule 3.9 - Environmentally Preferred Purchasing Policy

Jennifer Yee presented a short update summarizing current efforts by City Departments in purchasing to minimize adverse environmental impacts.

Council Member Jones expressed his support with the process, noting that it can serve as a reminder for departments to review and remain consistent with the City policy.

CSC Chair Mendall mentioned that he found the larger projects with policy components, such as the co-generation, more impactful and requested that staff highlight these projects in the future are they are of more interest to Council Members.

8. Update on EPA Trash Reduction Grant

Elisa Wilfong, WPSC Administrator, provided a short presentation describing the project's first quarter accomplishments and outlined activities planned for early next year.

Council Member Zermeño commended staff for the level of involvement of students in the project.

CSC Chair Mendall requested that staff sort a portion of the trash collected in order to make an inventory of the different kinds of trash, so that staff can isolate common sources that generate trash. Ms. Wilfong responded that part of the students' participation will address this request.

9. Briefing on the 2015 California Youth Energy Services (CYES) Program

Jennifer Yee made a presentation highlighting the energy and water savings achievements as a result of the CYES program. She noted that Hayward was confirmed to host CYES again in 2016.

The Committee expressed their support for the program.

10. Reusable Bag Ordinance - Potential Expansion

Erik Pearson, Environmental Services Manager, presented a report indicating that StopWaste was assessing the implications of a possible expansion of the current reusable bag ordinance.

Council Member Jones stated that StopWaste is currently reviewing the matter, noting that a large component limiting the expansion of the program will be enforcement.

CSC Chair Mendall expressed his support for the expansion.

11. Update on PAYS Implementation

Erik Pearson presented a report indicating a lack of sufficient progress in implementing the PAYS program.

CSC Chair Mendall stated that when the program was being launched the Council was told that property owners were ready to implement the energy and water efficiency programs; however that has not come to fruition. He commented that if staff did not see sufficient progress, he would in favor of not pursuing the program. Council Member Jones also expressed some disappointment with the lack of progress.

Staff suggested that the lack of progress could be related to the time of year, around various holidays, and projected that the program could pick up after the New Year.

12. 2016 Agenda Topics

CSC Chair Mendall appreciated staff dividing the items between Action Items and Informational Items, and requested staff to continue to do so. He further asked staff to consider scheduling an item related to renewable energy use and provide a timeline for achieving Zero Net Energy for City facilities.

Council Member Jones urged staff to schedule an item to provide an update on the City's Climate Action Plan noting that the City was not adhering to scheduled goals.

COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS:

ADJOURNMENT: 6:03 p.m.

Attendance	Present 12/10/15 Meeting	MEETINGS		
		Present to Date This Year	Excused to Date This Fiscal Year	Absent to This Fiscal Year
Greg Jones	✓	2	0	0
Al Mendall*	✓	2	0	0
Francisco Zermeño	✓	2	0	0

✓ = Present 0 = absent X = excused

* Chair



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Staff Report

File #: RPT 16-038

DATE: March 14, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities and Environmental Services

SUBJECT

Solid Waste Franchise Agreement Annual Report

RECOMMENDATION

That the Committee reviews and comments on this report.

BACKGROUND

On January 20, 2015, Council authorized a new Franchise Agreement between the City and Waste Management of Alameda County (WMAC). The Agreement became effective on March 1, 2015.

Hayward's General Plan includes the following policies and implementation programs related to solid waste and recycling.

Policy PFS-7.4 Solid Waste Diversion - The City shall comply with State goals regarding diversion from landfill, and strive to comply with the provisions approved by the Alameda County Waste Management Authority.

Policy PFS-7.12 Construction and Demolition Waste Recycling - The City shall require demolition, remodeling and major new development projects to salvage or recycle asphalt and concrete and all other non-hazardous construction and demolition materials to the maximum extent practicable.

Policy PFS-7.13 Residential Recycling - The City shall encourage increased participation in residential recycling programs, and strive to comply with the recycling provisions approved by the Alameda County Waste Management Authority Board. The City shall work with StopWaste.org to monitor participation in residential recycling programs and educate the community regarding actual composition of waste sent to landfills.

Policy PFS-7.16 Organics Collection - The City shall encourage residents and businesses to separate for collection food and food-soiled paper using organics collection services provided by the City's franchisee.

Policy PFS-7.21 Mandatory Recycling - The City shall implement mandatory recycling for commercial

and multifamily uses and work with StopWaste.org to increase participation in this program.

Regarding Policy 7.4 (solid waste diversion) above, AB 939, which became law in 1989, mandates that, beginning in calendar year 2000, all municipalities divert at least 50% of all waste generated from the landfill. The City met the requirement by recording a 52% diversion rate for 2000. Pursuant to local Alameda County Measure D, the Board of the Alameda County Waste Management Authority (ACWMA) set 2010 as the date by which Alameda County would strive to achieve a 75% diversion rate. In 2011, AB 341 established a state-wide goal of 75% diversion by 2020. In addition, ACWMA adopted a 2020 goal of reducing the amount of readily recyclable and compostable materials deposited in landfills to no more than 10% of total materials originating in Alameda County.

DISCUSSION

The current Franchise Agreement (FA) includes several provisions that are new or different from the previous Agreement:

- Goals for increased diversion of material from the landfill
- Organics collection service for multi-family properties
- Participation in Phase 2 of the County's Mandatory Recycling Ordinance (MRO)
- Significant increase in outreach to comply with the MRO and to meet diversion goals
- Additional bulky pickups for single-family properties
- New bulky service for multi-family properties
- Removal of abandoned debris

Landfill Diversion - CalRecycle (California's Department of Resources Recycling and Recovery) requires local jurisdictions to submit annual reports to calculate and document diversion rates in order to demonstrate compliance with AB 939. In August 2015, staff calculated and submitted the City's 2014 diversion rate of 76%. Previous years' diversion rates are listed in (see Table 1 in Attachment I). These rates are calculated using CalRecycle's formula and are based on total tons originating from the City and landfilled at WMAC's facility or other disposal sites. However, staff received notice from CalRecycle in December that the calculated rate of 76% had been rejected and that the rate should be 72%.

As noted in the January 20, 2015 Council report (<http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2015/CCA15PDF/cca012015full.pdf>), CalRecycle has been considering changes to the method used to calculate the annual diversion rate and that those changes could lower the City's diversion rate. When preparing each annual report for CalRecycle's review, City staff appropriately deducts certain tonnage of special wastes that cannot be recycled, such as treated wood waste, contaminated soil and asbestos, from total tons disposed. City staff has submitted records supporting those deductions since 2001 with CalRecycle's approval. CalRecycle recently contacted City staff to advise that, to continue to deduct these materials, documents specifying that special wastes must be landfilled are now required. Such documents vary from region to region and have proved challenging to obtain; however, staff is preparing a response to CalRecycle.

CalRecycle's diversion rate is calculated using a formula that takes into consideration all wastes generated within Hayward's boundaries - some of which, such as self-hauled waste, is not hauled by

Waste Management. The Franchise Recovery Rate (FRR) is a benchmark included in the FA to track WMAC's performance by measuring only the material collected and managed by Waste Management. The current FA includes FRR goals that WMAC agreed to meet. The required FRR for 2015 was 46% and is required to gradually increase to 80% by 2024, the final year of the FA (see Table 2 in Attachment I).

Staff anticipates that the agreed-upon FRR goals will help the City achieve an 80% diversion rate (per CalRecycle) by 2018. The FRR goals are based, in large part, on tons of franchised waste collected by WMAC that would yield an additional annual diversion of 13,500 tons in 2016 and 15,000 tons in 2017. In calendar year 2015, WMAC achieved a FRR of 37.4%. This rate is short of the 46% contractual requirement.

Staff is working with WMAC to confirm its calculation of the FRR Performance in the first year of the contract has certainly not met the requirements. WMAC faced some delays in getting their new outreach positions filled and in 2016, expects to assist many more business and multi-family properties to implement programs that comply with the MRO. Staff will continue to work closely with WMAC and their outreach team to improve the FRR and the state-recognized diversion rate.

As specified in the contract, WMAC was required to hire a full-time staff person and three part-time temporary staff, all of whom are dedicated to outreach and education focused on increased diversion. While the current contract took effect on March 1, 2015, WMAC hired one temporary, part-time staff person in July. That individual left after approximately four weeks. The current full-time staff (Public Sector Service Manager, Sasha Stackhouse), began on September 1, 2015. Ms. Stackhouse's primary responsibility is to promote and implement diversion programs for businesses and multi-family properties in Hayward. Ms. Stackhouse is attending today's meeting and is available for questions. The three part-time temporary staff, hired in December, will assist the Public Sector Service Manager during the first couple years of the contract.

Mandatory Recycling Ordinance - Council authorized Hayward's participation in the County's mandatory recycling ordinance, which was adopted by the Waste Management Authority of Alameda County, also known as StopWaste. Phase 1 of the ordinance, which became effective in July 2012, required all commercial customers with weekly trash collection service of four cubic yards or more to subscribe to recycling service. Phase 2 of the ordinance is being implemented in Hayward as follows:

- Businesses that generate a substantial amount of organics (e.g., restaurants, food processors, and florists) and all multi-family properties were required to implement organics collection service by July 1, 2015. StopWaste began enforcement of this requirement on January 1, 2016.
- All businesses (regardless of size), must begin recycling service by July 1, 2016. StopWaste will begin enforcement of this requirement on January 1, 2017.

The previous contract did not provide for collection of organic materials from multi-family properties. Organics service became available on March 1, 2015, and is now required. There are approximately 453 multi-family properties in Hayward subject to these requirements. Since September 2015, WMAC outreach staff has visited seventy-four multi-family properties and started organics service for seventy of them. In addition, they have called and emailed seventy-four properties offering technical assistance. There are approximately 3,000 commercial accounts in Hayward. WMAC has visited forty-eight

businesses to offer organics and recycling services - all of whom have started organics service. In addition, StopWaste's consultant, Cascadia, has provided approximately 200 businesses with organics and recycling technical assistance.

In addition to the outreach efforts listed above, a variety of letters, brochures, and bill inserts have been mailed by Hayward, WMAC and StopWaste. These mailings have resulted in some customers calling WMAC and requesting new services. Table 3 in Attachment I shows that 55% of required business are participating in organics collection and that 57% of multi-family properties are participating in organics collection. As noted above, significant outreach efforts will be made in 2016 to increase participation in organics service. Organics are typically heavier than other materials and can make a big difference in the overall tonnage diverted from the landfill.

StopWaste Enforcement - The ACWMA, also known as StopWaste, has been enforcing the mandatory recycling ordinance. StopWaste provides two warning notices before a citation is issued. Lists of the customers that have received warnings are provided to StopWaste's contractor, Cascadia, and to WMAC. Outreach staff from Cascadia and WMAC use the lists to focus their efforts, providing assistance to entities with setting up new services and to help them avoid fines. In 2015, StopWaste issued 458 warnings (280 to multi-family and 178 to commercial customers) and two citations to commercial customers.

Additional Bulky Pickups for Single-Family Properties - The previous contract provided for one bulky collection per single-family household per year. In 2014, approximately 17% of single-family households (5,191) used the bulky pickup collection service. In an effort, to increase participation, the new contract allows for two pick-ups per year. In 2015, approximately 30% (8,995) of single family households used the bulky pickup collection service. Of the appointments scheduled in 2015, 61% occurred during the second half of the year, which may be the result of increased outreach announcing the availability of the service. Staff will continue to promote this service through direct-mail brochures, informational literature in garbage bills, including an insert in water bills, highlighting the service on the City's new website, and working with California Youth Energy Services.

New bulky service for multi-family properties - The new contract allows for collection of bulky items from multi-family properties - up to four cubic yards per dwelling unit per year, which is equivalent to the volume of two bulky pickups for single-family properties. Since March 1, 2015, sixty-five properties (approximately 14%) have taken advantage of this service. This level of participation is lower than anticipated. Of the appointments scheduled in 2015, 66% occurred during the second half of the year. Staff has announced the new service in multiple letters, bill inserts, brochures, and postcards. Some property managers have expressed interest in utilizing the service, but do not have adequate space to locate a roll-off container. Staff will be working with WMAC to explore additional options for properties with space constraints. Options may include locating a container in the public right-of-way for a very limited period of time. If it is not possible or desired to set up a bulky appointment, staff can provide self-haul coupons to residents and property managers.

Removal of Abandoned Trash - During the last few years of the previous FA, WMAC agreed to a pilot program where they would remove abandoned trash from an average of four different single- or multi-family properties each day, Monday through Friday for a total of forty cubic yards per week. In 2015,

WMAC picked up only twenty-four occurrences of illegal dumping compared with over 230 allowed under the contract or just over 10% of the frequency allowed under the contract. Staff has communicated the availability of this service to Maintenance Services staff who continues to bear the brunt of picking up abandoned trash. The FA specifies that WMAC's drivers report locations of abandoned trash to their dispatch office so that the appropriate truck and driver removes the abandoned trash on the same day or within twenty-four hours of the initial date of recognition. Staff is not aware of any cases that were reported by WMAC drivers.

Public Trash Containers - As has been the case in the past, WMAC is responsible for servicing the public litter containers throughout Hayward. Downtown containers are scheduled to be serviced five times per week and all other containers are to be serviced three times per week. WMAC's performance has been spotty and inconsistent. Staff has determined that, in many cases, drivers do not empty containers that are a quarter to half full, which can, later in the week, result in overflowing containers. Drivers have been instructed to empty containers even when they are not full. The new Big Belly containers, received and installed in September, have been working well. The electronic sensors installed in each container and the Big Belly website allow City and WMAC staff to monitor each container's fill rate in order to ensure that the containers are serviced, as needed. Delivery of the new exposed aggregate containers has taken much longer than anticipated. The first half of the delivery was received in February and those containers will be placed in the near future at locations previously discussed with the Committee.

Placement of Carts for Collection

Hayward's Municipal Code (Section 5-1.15) states that "containers shall not be placed curbside or streetside earlier than 6:00 a.m. the day before scheduled Collection." This means that carts can be put out twenty-four hours before they are serviced. In response to a recent comment by a Council Member, staff is considering bringing a proposed ordinance amendment to Council to change the setout time from 6:00 a.m. to 6:00 p.m. to limit the time that carts can be in or adjacent to the public right-of-way and in view. The ordinance also states that carts shall be retrieved and placed out of public view no later than midnight on collection day. Staff does not recommend any change to the retrieval time, but would appreciate feedback from the Committee on the possible change to the set-out time.

NEXT STEPS

Staff has and will continue to meet with WMAC twice each month to monitor progress. Staff will continue to work closely with WMAC to maximize participation in recycling and organics services to maximize material diverted from the landfill. If the Committee agrees, staff will prepare an ordinance amendment for Council's consideration regarding hours for cart placement.

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Utilities and Environmental Services

Approved by:

File #: RPT 16-038



Fran David, City Manager

Attachments:

Attachment I

Tables

Table 1: Diversion Rates: 2000-2014

Year	Rate
2000	52%
2005	62%
2006	65%
2007	56%
2008	63%
2009	68%
2010	67%
2011	71%
2012	72%
2013	74%
2014	76%

Table 2: Franchise Recovery Rates (FRR) required per the Franchise Agreement between the City and Waste Management of Alameda County (WMAC)

Timeframe	Required Franchise Recovery Rate
Calendar Year (2015)	46%
Calendar Year (2016)	50%
Calendar Year (2017)	54%
Rate Period 4 (2018)	58%
Rate Period 5 (2019)	62%
Rate Period 6 (2020)	66%
Rate Period 7 (2021)	70%
Rate Period 8 (2022)	74%
Rate Period 9 (2023)	78%
Rate Period 10 (2024)	80%

Table 3: Mandatory Recycling Ordinance: Summary of Participation

Collection of Recyclables: Large Businesses	Accounts	Percent
Total	1235	
Subscribed to Recycling	761	62%

Collection of Recyclables: Small Businesses	Accounts	Percent
Total	1855	
Subscribed to Recycling	1263	68%

Collection of Organics: Businesses	Accounts	Percent
Total	612	
Currently subscribing to service	339	55%

Collection of Organics: Multi-Family Properties	Accounts	Percent
Total	453	
Currently subscribing to service	259	57%



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Staff Report

File #: RPT 16-036

DATE: March 14, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Municipal Regional Stormwater Permit

RECOMMENDATION

That the Committee reviews and comments on this report.

SUMMARY

This report provides an overview of the newly adopted Municipal Regional Permit (MRP 2.0), which provides the City's stormwater regulatory requirements from the San Francisco Bay Regional Water Quality Control Board.

BACKGROUND

Background of the Municipal Regional Permit - The National Pollutant Discharge Elimination System (NPDES) program was established in 1972 by the federal Clean Water Act (CWA). In 1986, the NPDES program was amended in 1986 to regulate stormwater runoff and established a permitting structure for municipal discharge to the waters of the state. From 1990 to 2009, each municipality was regulated under countywide stormwater permits with individual requirements specific to each county. On October 14, 2009, the first regional stormwater permit, the Municipal Regional Permit (MRP), was adopted by the San Francisco Bay Regional Water Quality Control Board. The MRP regulated municipalities within Alameda, Contra Costa, Santa Clara, San Mateo counties as well as the cities of Fairfield, Suisun, and Vallejo and the Vallejo Sanitation and Flood Control District. Municipalities and local agencies included in the MRP are referred to as 'Permittees'. The MRP was adopted as a five-year permit. The MRP requires stormwater pollution prevention control measures for both public and private properties and activities including municipal operations, development, inspections, response to illicit discharges, education and outreach, water quality monitoring, and specific controls for pollutants of concern identified by the San Francisco Regional Water Quality Control Board.

Re-Issuance of the MRP

The MRP expired December 1, 2014 but was administratively extended to July 1, 2015 and then again through December of 2015 as the adoption schedule of the new permit was unknown at the time. San Francisco Regional Water Quality Control Staff and the Bay Area Stormwater Management Agencies

Association (BASMAA), a consortium of all Bay Area Stormwater programs, have conducted meetings since August 2013 to discuss the next permit (commonly called MRP 2.0) and the implications of any proposed changes. After two years of meetings and work between BASMAA and Water Board staff, the MRP 2.0 was adopted on November 19, 2015.

DISCUSSION

MRP 2.0

The MRP 2.0, as with the first MRP, consists of provisions prescribing best management practices (BMPs) that each municipality must implement to comply with stormwater pollution prevention requirements. The MRP 2.0 provisions are listed below:

- C.2. Municipal Operations
- C.3. New Development and Redevelopment
- C.4. Industrial and Commercial Site Controls
- C.5. Illicit Discharge Detection and Elimination
- C.6. Construction Site Control
- C.7. Public Information and Outreach
- C.8. Water Quality Monitoring
- C.9. Pesticides Toxicity Control
- C.10. Trash Load Reduction
- C.11. Mercury Controls
- C.12. Polychlorinated Biphenyls (PCBs) Controls
- C.13. Copper Controls
- C.14. Bacteria Controls (applicable to the City of Pacifica and San Mateo County only)
- C.15. Exempted and Conditionally Exempted Discharges

The MRP also requires annual reporting on all stormwater management and control measures and all Permittees are subject to audits at any time by the Water Board during which all current implementation programs and efforts can be assessed to determine a Permittee's compliance status.

The newly adopted MRP 2.0 includes significant changes in stormwater program implementation compared to the first MRP (see link under Attachment I). Some of the changes included are program deletions such as control measures for Polybrominated Diphenyl Ethers (PBDEs), which are chemical flame retardants used in the manufacturing of many products such as couches, computers, and clothing; Legacy Pesticides; and Selenium as well as potable water discharge requirements (now regulated through a State program). However, the majority of the changes are enhancements of currently implemented programs as well as the creation of new programs. Each significant change is highlighted in the sections below.

Green Infrastructure

Within the C.3 New Development and Redevelopment provision is a new requirement to develop a green infrastructure plan. This plan is intended as a framework, developed by municipalities, to guide development and redevelopment to include the treatment of stormwater (capture for reduction, filtration and absorption or recharging of groundwater). The purpose of this plan is to, over time, reduce

the adverse water quality impacts of urbanization and urban runoff on receiving waters as well as to meet wasteload allocations specifically identified in the MRP 2.0 for PCBs and mercury. The requirements for the plan include a description of how the Permittee will shift their impervious surfaces and stormwater drain infrastructure from gray, or traditional storm drain infrastructure where runoff flows directly into the storm drain and then the receiving water, to a green, more sustainable system that slows runoff by dispersing it to vegetated areas, harvests and uses runoff, promotes infiltration and evapotranspiration, and uses bioretention and other green infrastructure practices to clean stormwater runoff. The Water Board will require a workplan that details the process and schedule to develop the green infrastructure plan. This workplan is to be developed and approved by the Permittee's governing body, mayor, city manager, or county manager by June 30, 2017. The plan as well as its proposed implementation schedule is due in September of 2019.

Stormwater Inspection Program

The current industrial/commercial and construction inspection programs will now include not only actual but also potential discharges to the storm drain within the City's current routine practice of reviewing each business or construction site for pollution controls. Potential discharges include any and all sources of pollution that are exposed to stormwater (outside areas). The City's current enforcement response plan and inspection plans need to be modified by July 1, 2016 to include potential discharges and the number of enforcement actions and follow up inspections to ensure compliance with stormwater BMPs will be increased.

Trash Reduction in Storm Drains

The trash reduction goals from the first MRP included reducing trash by 70% by the year 2017 and 100% by the year 2022 remain with a new interim mandate to reduce trash by 80% by the year 2019. In addition, Permittees are expected to achieve trash reduction by 60% by the year 2016 or explain why this deadline was not achieved as this is not a mandated goal. Permittees are allowed a chance to revise their trash generation maps (a visually graded system to note where the low, medium, high, and very high areas of trash are found) by September 2016 if improved information is found by conducting trash assessments in the storm drain system (sidewalks, curbs, and gutters). Permittees are encouraged to revise their maps to ensure that trash generation rates are representative of their jurisdiction and trash control measures are conducted appropriately to address a jurisdiction's specific sources of trash. The methodology for trash assessments is written in the MRP 2.0 as well as the frequency that is allowed to demonstrate that trash control measures are working. Permittees have a new requirement to develop receiving water monitoring to sample and test for trash, due by July 1, 2020. Reporting the process to comply with trash reduction requirements is mandatory and an updated map of the areas where trash has been controlled is required annually.

PCB and Mercury Controls

All Permittees under the regulation of the MRP 2.0 have a new wasteload allocation of forty-eight grams per year of mercury to the San Francisco Bay by the year 2020 with each City given its share based on population. Permittees are expected to implement green infrastructure projects during the term of the permit to achieve the mercury load reductions. In addition, Permittees are required to develop a mercury control measure implementation plan to identify the means and schedule to ensure the mercury reduction will be achieved. The mercury implementation plan is due in September 2020 with the annual stormwater report.

Similarly, all Permittees have a new PCB wasteload allocation of 1.6 kilograms per year. Permittees are required to implement PCBs source and treatment control measures and pollution prevention strategies to achieve the PCBs load reductions. By April 1, 2016, all Permittees shall report progress toward developing a list of the watersheds and management areas where PCBs control measures are currently being implemented and those in which control measures will be implemented. Permittees have to develop, document, and implement an assessment methodology and data collection program to quantify PCBs load reduced through their selected control measures by September 2016. Permittees are required to collect samples of caulk and other sealants used in storm drains, concrete curbs, and street pavement (at least 20 composite samples) to test for PCBs. The results are due in the 2018 annual report (September 2018). Permittees are required to develop and implement a protocol for managing materials with PCBs (fifty parts per million or greater) during demolition of buildings so the polluted material does not enter the storm drain system. This protocol is due June 30, 2019. Green infrastructure is a requirement to reduce PCBs. The MRP defines green infrastructure as “Infrastructure that uses vegetation, soils, and natural processes to manage water and create healthier urban environments.” At the scale of a city or county, green infrastructure refers to the patchwork of natural areas that provides habitat, flood protection, cleaner air, and cleaner water. At the scale of a neighborhood or site, green infrastructure refers to stormwater management systems that mimic nature by soaking up and storing water.

Collectively, Alameda County has to reduce PCBs by 37grams per year by June 30, 2020 with green infrastructure. Permittees are required to develop a plan and schedule for PCBs control measure implementation and reasonable assurance analysis demonstrating that sufficient control measures will be implemented to attain the PCBs wasteload allocations by 2030 (1.6 kilograms per year). The plan and schedule are due in the 2020 annual report (September 2020). Within this protocol is the requirement to record and track each demolition and the control measures that were taken to control PCBs for every applicable building (those built pre-1980). Permittees are also required to develop an assessment methodology and data collection program to quantify PCBs load reduced through implementation of the protocol for controlling PCBs during building demolition.

In addition to the above mentioned requirements for PCBs reduction is the requirement to study the fate and transport of PCBs in urban runoff (the bioaccumulation of PCBs) as well as implement a risk reduction program to conduct ongoing public health outreach on the impacts of consuming PCBs in fish. In the fourth year of the permit Permittees are required to assess the effectiveness of the risk reduction program. Permittees are to report their findings in the 2020 annual report (September 2020).

Petitioning of the MRP 2.0

Since its adoption in November last year, the MRP 2.0 has been highly scrutinized by both the Permittees and the interested NGOs for various reasons. Most notably, Water Board staff inserted a supplemental document into the MRP 2.0 the day the permit was adopted. The document, which lists additional trash reduction requirements, was not available for public review and comment before the MRP 2.0 was adopted. Also, the numeric allocation wasteload reductions for PCBs and mercury were not addressed during the hearings for the MRP 2.0 and Permittees believe the characterization of the reductions were created without proper scientific review. In December, Hayward and the majority of the Permittees,

representing 74 municipalities, submitted petitions to the California State Water Quality Control Board requesting that MRP 2.0 be held in abeyance. In February, the same Permittees activated their petitions requesting that the State Water Resources Control Board take up review of MRP 2.0.

ECONOMIC IMPACT

The enhanced stormwater inspection enforcement will result in costs to some Hayward businesses. These enhanced enforcement actions will include implementation of routine stormwater inspection requirements with a strong emphasis on trash, PCB, and mercury controls. The development community will also be impacted with additional cost to include green infrastructure as deemed fit by the City's yet-to-be developed green infrastructure plan. The development community will also share in the cost of implementing green infrastructure and other control measures to ensure PCBs and mercury do not enter the storm drain system.

FISCAL IMPACT

The future impacts of implementing the MRP 2.0 are unknown including the staff resources to implement the new requirements described above. As the impact of the new regulations is understood, work plans and cost for implementation of C.3, C.10, C.11 and C.12 will be developed. The funding for MRP-related activities is currently provided from the stormwater enterprise fund. The City's local stormwater program is funded by property tax revenue; however, expenditures have been and are expected to increase every year. Water Pollution Source Control (the division within Environmental Services) is challenged with finding the innovative tools and other resources to complete the above mentioned tasks. Funding is also a challenge to implement the current aggressive trash reduction activities to reach 100% trash reduction by the year 2022 as well as the new numeric requirements for PCBs and mercury. To comply with the MRP 2.0 requirements, WPSC staff has pursued grant funding opportunities both locally and regionally to offset some of these costs. Staff will continue to pursue funding opportunities to meet the MRP requirements. Staff will continue to work collaboratively as a member of the Alameda Countywide Clean Water Program to comply with the MRP 2.0 as regional projects can satisfy some of the MRP requirements.

PUBLIC CONTACT

Public hearings were conducted for the adoption of the MRP 2.0 on November 18, 2015 and November 19, 2015. City staff attended the hearings as along with other permittee municipal staff and Non-Government Organizations (NGOs) and provided testimony.

NEXT STEPS

Staff will continue to enhance the current stormwater program to comply with the MRP 2.0 requirements as detailed in each permit provision, and will continue to proactively pursue funding opportunities to assist with implementing the MRP 2.0 requirements. Water Pollution Source Control will continue to engage with other departments, namely Planning, Building, Streets and Maintenance, Engineering and Transportation, and Economic Development to develop the above mentioned required plans and to develop protocols for implementing control measures specifically for trash, PCBs, and

mercury contamination. The City will continue to participate in countywide and regional collaborations to support stormwater regulation. Staff will also support the collective effort of all Permittees to petition the State to review the MRP 2.0 and provide documentation and resources to continue this process.

Following is a summary of the key requirements and deadlines included in the MRP 2.0:

Modify enforcement response plan and inspection plans	July 1, 2016
Prepare a Green Infrastructure Plan (requires Council adoption)	September 2019
Develop stormwater monitoring to sample for trash	July 1, 2020
Develop a mercury control measure implementation plan	September 2020
PCBs:	
Report on current and proposed PCBs control measures	April 1, 2016
Develop data collection program to quantify reduction in PCB load	September 2016
Collect samples of caulk and sealants to test for PCBs	September 2018
Implement a protocol for managing demolition materials with PCBs	June 30, 2019
Reduce PCBs by 37grams per year with green infrastructure	June 30, 2020
Develop a plan to attain the PCBs wasteload allocation of 1.6 kilograms per year by 2030	September 2020
Assess and report findings on effectiveness of a public outreach campaign about the impacts of consuming fish with PCBs	September 2020

Prepared by: Elisa Wilfong, Water Pollution Control Administrator

Recommended by: Alex Ameri, Director Utilities & Environmental Services

Approved by:



Fran David, City Manager

Attachment:

Attachment I

Web-links

Municipal Regional Stormwater Permit Report – Web-link

Link to MRP permit on the Regional Board's website:

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/R2-2015-0049.pdf



CITY OF HAYWARD

Hayward City Hall
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Hayward, CA 94541
www.Hayward-CA.gov

Staff Report

File #: RPT 16-037

DATE: March 14, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities and Environmental Services

SUBJECT

Update on East Bay Community Energy

RECOMMENDATION

That the Committee reviews and comments on this report.

BACKGROUND

In June 2014, the Alameda County Board of Supervisors, allocated \$1.3 million to explore the possibility of establishing a community choice aggregation (CCA) program, which is being called East Bay Community Energy (EBCE). If established, EBCE would be a joint powers authority that aggregates electricity demand within participating Alameda County jurisdictions in order to procure more sustainable electricity for its customers. Pacific Gas & Electric Company would continue to provide customer billing, transmission, and distribution services.

On December 8, 2015, the Board of Supervisors authorized a contract with a consultant team led by MRW and Associates for preparation of the technical study, which will include analysis of possible energy portfolio scenarios, related greenhouse gas emissions and projected rates. Staff provided its most recent update to the Committee on December 10, 2015. The Alameda County CCA Steering Committee has thirty-nine members. It is comprised of elected officials, six staff members from Alameda County jurisdictions, several residents, and representatives from organized labor, environmental groups, and community groups.

DISCUSSION

Since December, the Steering Committee has met on January 6, February 3, and March 10, 2016.

January 6, 2016 - At the January meeting, it was announced that MRW had started to analyze load data and Mark Fulmer of MRW presented an overview of their coming work. A new, more aggressive timeline was presented (see Attachment I), which noted a new goal of launching EBCE in the spring of 2017 and the following points:

- Because of the aggressive timeline, the formation of the Joint Powers Authority (JPA) needs to

start before the technical study is completed and before a decision can be made whether or not to actually launch the program.

- County staff will draft the JPA agreement and an ordinance in the first quarter of 2016.
- Public outreach and education would begin in the spring of 2016.
- The Alameda County Board of Supervisors hopes to adopt the JPA and ordinance in June 2016.
- A tentative deadline of September 1 for cities to join the JPA was set.
- The first JPA Board meeting would be in October.

Some meeting attendees expressed serious concern that there will not be a plan in place when the County is trying to get public buy-in for EBCE. One Steering Committee member noted that the timeline is not realistic because there will need to be significant education and discussion before city councils are asked to vote to join the program.

February 3, 2016 - At the February meeting, the Steering Committee received a presentation about the formation of the JPA (see Attachment II). Slides five through eight of the presentation include recommendations regarding the structure, powers and expectations for the JPA. The recommendations include:

- The Board would be served by one member and one alternate from each member agency. The primary Board member would be an elected official.
- Voting would be by simple majority for most votes, except that members may call for weighted voting based on a city's population.
- The JPA would have the power to contract, employ, incur debt, and issue bonds.
- Member agencies would not be expected to contribute to start-up costs.
- Member agencies would not be liable for agency debt unless otherwise specified in writing.

Our Steering Committee Member noted that he supported all the recommendations in the presentation. Another member asked if cities can join the JPA and then, before the program becomes operational, choose to opt out. The County indicated that, given that there will be some time between adoption of the JPA and the finalizing of program details, cities will have the chance to opt out before the program launches.

County staff presented a revised set of program goals and priorities (see Attachment III), which included revisions based on responses to a survey that Steering Committee members responded to in October/November 2015. According to the survey results, Committee members ranked the following policy issues as the most important: "East Bay Community Energy should offer..."

- An electric supply portfolio with a lower greenhouse gas (GHG) intensity than PG&E.
- An electric supply portfolio that has a higher renewable energy content than is offered by PG&E and also meets or exceeds the State's renewable portfolio standard.

- An electric supply portfolio and CCE program offerings that support the achievement of city and county Climate Action Plan goals.

The following two issues roughly tied for fourth:

- Overall rates and customer bills that are lower than or competitive with those offered by PG&E.
- An administering Agency that is financially sustainable, responsive to County and regional priorities, and well managed.

A communications and outreach plan (see Attachment IV) was presented. The first phase will focus on presentations to local governments and key stakeholder organizations, work on branding, and development of a website. A consultant will be retained for phases two and three, which will include tabling at events, community meetings, direct mail, radio and print advertising, and customer notices.

March 2, 2016 - At the March meeting, the County's consultant, MRW & Associates, provided an update on progress of the technical study and included information about the State's Renewable Portfolio Standard and other policy mandates that influence energy supply decisions. MRW is currently forecasting PG&E rates and is researching the energy prices that EBCE would likely need to pay. Preliminary findings of the technical study will be presented at the April Steering Committee meeting.

There are many communities in California working on and in various stages of establishing CCAs. They include:

- Humboldt County (Redwood Coast Energy Authority)
- City of San Jose. Decided on March 1 to issue a RFP for a technical study.
- Silicon Valley Clean Energy. First JPA Board meeting is scheduled for April.
- Peninsula Clean Energy. Launching in October with 50% renewable default product and some cities using a 100% renewable default product.
- Lake County. Issued an RFP in February.
- City of Davis and unincorporated Yolo County are currently exploring.
- Santa Barbara County is leading a tri-county JPA with Ventura and San Luis Obispo Counties.
- Contra Costa County is looking into joining Marin Clean Energy, forming its own CCA, or maybe joining EBCE. Board of Supervisors will consider options on March 15.
- Monterey Bay (includes Monterey, Santa Cruz, and San Benito Counties). Expecting technical study in mid-March. Hoping to launch in summer 2017.
- Los Angeles County. Technical study is complete. Sixty-two of eighty cities are participating.
- San Bernadino & Riverside Counties. The Western Riverside Council of Governments recently issued an RFP for a study.
- San Diego is currently exploring the idea of establishing a CCA.

Default Option for Renewables - Finally, the cities of Berkeley and Albany have asked the County to study the possibility of having their customers join EBCE with 100% renewable energy as the default option. Customers would have the option of opting down to a less green, but more cost-competitive option (maybe 50% renewable) or they could opt out of the program completely. Staff would like the Committee's thoughts on this idea and what Hayward's position should be.

PG&E's Solar Choice Program - In February, 2016, PG&E began offering Solar Choice, which may be seen as a competitor to a community choice energy program. PG&E was required to establish this program per Senate Bill 43, which established the Green Tariff Shared Renewables Program in 2013. Solar Choice allows customers to choose electricity that is either 50% or 100% from solar sources to choose either "PG&E's Solar Choice" (electricity from a pool of solar projects in Northern and Central California) or "Regional Choice" (where customers can choose from a specific project within PG&E's service territory). The rate premium will range from \$0.0358 per kWh for residential customers to \$0.028 per kWh for small commercial customers.

NEXT STEPS

The County expects to send the draft JPA agreement to cities in March. County staff and consultants will make a presentation to Council during a work session on April 5, 2016. Staff may bring the draft JPA agreement and ordinance to Council for adoption in July or September. Staff will continue to provide regular updates to the Committee including a review of the draft JPA agreement at the May meeting.

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Utilities and Environmental Services

Approved by:



Fran David, City Manager

Attachments:

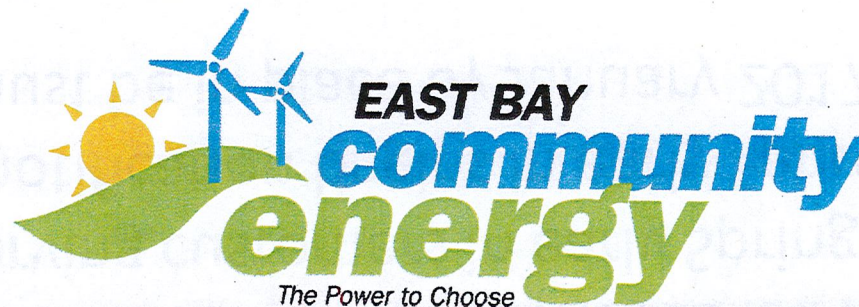
Attachment I	2016-2017 Timeline
Attachment II	JPA Overview & Recommendations
Attachment III	EBCE Priorities
Attachment IV	Communications and Outreach Plan

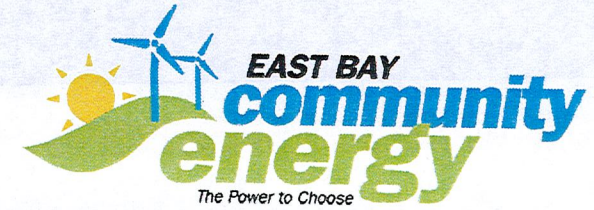


Community Choice Energy (CCE) in the East Bay

2016/2017 Timeline & Major Milestones

Alameda County CCE Steering Committee
January 6, 2016





The 2016 Planning Context

Goal is to begin serving customers in early Spring 2017, which means customer notification begins in early February 2017. All major elements must be in place by January 2017.

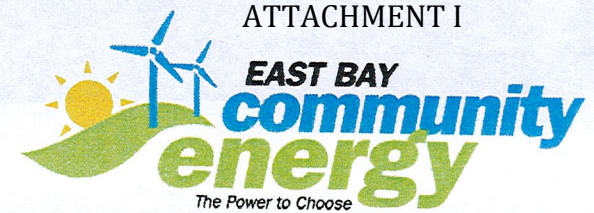
We've seen a number of delays since original timeline, including the tech study, which will take longer than originally anticipated (complete in mid-May 2016)

To stay on track and meet the proposed launch date, we need to start working on parallel paths

These paths include:

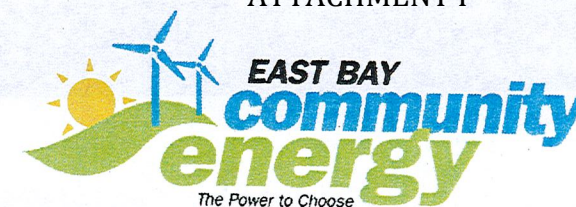
1. JPA formation and administration
2. Community outreach/marketing
3. CCE program design, financing, power supply, et al

JPA Formation Sooner than Later



1. County will begin JPA formation in Q1 and Q2 2016 with the idea of forming the JPA as a legal entity in late spring/early summer and seating the full Board in Fall of 2016.
2. Earlier formation of a JPA will position the CCE to take advantage of currently favorable energy pricing and potential renewable energy opportunities, such as Altamont wind and upcoming solar projects.
3. If the tech study results look good, the JPA infrastructure will be ready and the Agency can progress faster. If the results are unfavorable, the JPA will not likely move forward.

January – June 2016



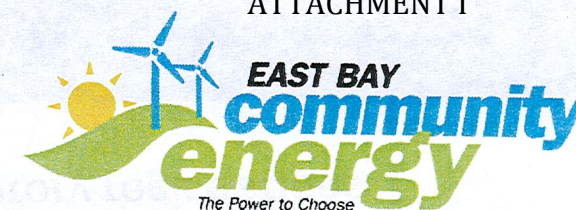
Quarter	Major Milestones
Q1 January - March	<ul style="list-style-type: none"> • Tech study underway • County to draft JPA agreement and CCE ordinance • City and County briefings to solicit feedback on JPA agreement, CCE ordinance and overall project plan through launch • Prepare and release public communications/marketing RFP
Q2 April - June	<ul style="list-style-type: none"> • Tech study results released and finalized • Continue City briefings to solicit feedback on JPA agreement and CCE ordinance • Hire marketing firm; begin public education/marketing • Develop short list of potential banking partners; begin bank outreach meetings • June BOS Meeting(s): Final Study results presented with implementation timeline, JPA agreement, CCE ordinance, request for Phase II funding, and any consulting contracts needed to continue work

July – December 2016



Quarter	Major Milestones
Q3 July – Sept.	<ul style="list-style-type: none">• Set deadline of September 1 for cities to join JPA• Schedule study sessions and distribute key documents to support decision-making• Ramp up marketing/public education campaign• Draft implementation plan and RFP for energy services and other major vendors• Continue bank/credit discussions• Prepare staffing plan and begin search for Agency CEO
Q4 October - December	<ul style="list-style-type: none">• October: First JPA Board Meeting (approve Imp Plan, Energy RFP)• Late October: Submit Implementation Plan to CPUC (90 days to certify)• Finalize credit needs; select banking partner• Negotiate energy supply and other major vendor contracts; select energy supplier and data manager by end of 2016• Hire Agency CEO and key staff; establish office and other admin.• Continue public education campaign; launch customer call center• Utility service agreement, post bond, regulatory registrations

January – June 2017



Quarter	Major Milestones
Q1 Jan-March	<ul style="list-style-type: none"> • January: JPA Board finalizes rates • February: first customer enrollment notices sent • Confirm remaining service vendors; continue with office and staffing • Public outreach and marketing continues
Q2 April-June	<ul style="list-style-type: none"> • Continue enrollment/opt-out notices (March/April) • Continue with any remaining utility or regulatory requirements • Program Launch -- Initial customer enrollment: April, 2017! • Continue post launch opt-out notifications (May/June) • Begin design and implementation of ancillary programs, continue to next enrollment phases



Community Choice Energy(CCE) in the East Bay

CCE Steering Committee – JPA Discussion
February 3, 2016



- “Joint Powers Authority” – Government agencies who agree to combine their powers and resources to work on their common problems or services; JPA agreement serves as interagency “contract”
- Government agencies that participate in a JPA are called member agencies
- JPA generally has officials from the member agencies on its governing board
- Allows the common program to be run independent of the policies, operations and general funds of its member jurisdictions
- The legal separation of powers, assets and liabilities between the JPA and its members mitigates the liability of member agencies

Governing Documents

- JPA Agreement – “the Constitution”
- CCA Ordinance
- Operating Guidelines or Board Bylaws
- Agency Policies (examples)
 - Board Governance
 - Personnel/Workforce
 - Agency Administration and Operations
 - Customer Related
(privacy, terms and conditions, delinquent accounts)
 - Financial
 - Procurement/Contracting

The Process

- Formation of a JPA occurs when public officials negotiate a formal agreement/pass resolution
- In Alameda County...
 - February - September 2016: JPA agreement preparation and negotiation; municipal approvals
 - October 2016: First Board meeting of the JPA (proposed)
- JPA must file a Notice of Joint Powers Agreement with the Secretary of State's Office. Once filed, the JPA can: incur debts, liabilities and obligations; exercise its powers; sue or be sued; hire staff; obtain financing; and manage property.

Issues for Discussion

Issue	Precedent	Recommendation
Agency Purpose Solely CCA or other purposes?	Both MCE and SCP have focused on CCA as the primary program	Focus on CCA and energy related programs
Municipal Membership Cities as full members or participants?	MCE – Cities as full members SCP – Cities as participants	Cities as full members
Board Representation Elected official and/or city appointed representatives?	MCE - elected member + alternate; both elected; no term limits SCP – City appointed rep permitted; current board members are electeds with one CM Monterey Bay is considering a mixed board of electeds and appointees	<ul style="list-style-type: none"> • 1 seat/ member • Elected Rep + alternate • Term limits TBD

Issues for Discussion (cont)

Issue	Precedent	Recommendation
Board Voting <ul style="list-style-type: none"> Size of member agencies Two tier structure; Supermajority for certain elements 	<p>MCE- Majority and weighted vote combined</p> <p>SCP- Majority vote with option to call for a weighted vote</p> <p>SVCCEP – Similar to SCP</p>	<ul style="list-style-type: none"> Majority vote with option to call for a weighted vote 2/3 supermajority for JPA agreement amendments or expulsion of members
Joint Powers Powers common to the parties/members and any addtl powers provided by law.	<ul style="list-style-type: none"> Power to contract Power to employ Power to acquire and maintain public works Power to incur debt and issue bonds Power to submit documents, adopt rules and regulations 	<p>Same</p>

Issues for Discussion (cont)

Issue	Precedent	Recommendation
New Members (post launch)	MCE – No cost within first year; incremental costs thereafter SCP – No cost within first 180 days; expansion currently under consideration	Possible modest fee after initial formation to cover costs of load analytics, procurement, customer enrollment.
Withdrawal of Membership Municipal accounts only or all community accounts?	MCE – Municipal accounts only; fee for departing load SCP – all accounts within two payout options for departing load PCE – three scenarios	Option to remove either municipal accounts and/or all accounts within two timing/payout options
Administration Self administered or outsourced ?	MCE/SCP: Self administered with option to appt. one or more administrative service providers	Same

Issues for Discussion (cont)

Issue	Precedent	Recommendation
JPA Committees Permissive or required?	MCE – Permissive; at discretion of the Board; currently have Executive and Technical committees plus ad hoc as needed SCP – external/stakeholder operations and rate setting committees required	<ul style="list-style-type: none"> • Permissive/at discretion of Board which allows for greatest flexibility • Codify in By-laws
Cost Recovery (for advanced program funds--County only)	Both MCE and SCP had cost recovery provisions, as does PCE and SVCCEP	<ul style="list-style-type: none"> • Cities not expected to contribute to CCE start up costs • Cities not liable for agency debt unless otherwise specified in writing

Goals of the CCA (draft), as approved by the Committee and as enumerated in the Technical Feasibility Study RFP:

1. Overall rates and customer bills that are lower or competitive with those offered by PG&E for similar products.
2. Differentiated energy options (e.g. 33% or 50% qualified renewable) for default service, and a 100% renewable content option in which customers may “opt-up” and voluntarily participate.
3. An electric supply portfolio with a lower greenhouse gas (GHG) intensity than PG&E, and one that supports the achievement of Alameda County’s Climate Action Plan greenhouse gas reduction goals and comparable goals of all participating jurisdictions.
4. An energy portfolio that prioritizes the use and development of local renewable resources and minimizes the use of unbundled renewable energy credits.
5. An energy portfolio that incorporates energy efficiency and demand response programs and has aggressive reduced consumption goals.
6. A program that demonstrates quantifiable economic benefits to the region (e.g. union and prevailing wage jobs, local workforce development, new energy programs, and increased local energy investments).
7. A program that promotes personal and community ownership of renewable resources, spurring equitable economic development and increased resilience, especially in low income communities and communities of color, which are most impacted by climate change.
8. An administering Agency that is financially sustainable, responsive to County and regional priorities, and well managed.

According to the October 2015 Survey, Committee members suggested that the following three Policy issues should be addressed first: “East Bay Community Energy should offer...”

2. An electric supply portfolio with a lower greenhouse gas (GHG) intensity than PG&E
3. An electric supply portfolio that has a higher renewable energy content than is offered by PG&E and also meets or exceeds the State's renewable portfolio standard
4. An electric supply portfolio and CCE program offerings that support the achievement of city and county Climate Action Plan goals

The following roughly tie for fourth, but are key to the CCE’s life:

1. Overall rates and customer bills that are lower than or competitive with those offered by PG&E
12. An administering Agency that is financially sustainable, responsive to County and regional priorities, and well managed

Statement of Goals from the Sonoma Clean Power Resource Plan, lightly edited:

- Reducing greenhouse gas emissions related to the use of power in Sonoma County and neighboring regions;
- Providing electric power and other forms of energy to customers at a competitive cost;
- Carrying out programs to reduce energy consumption;
- Stimulating and sustaining the local economy by developing local jobs in renewable energy;
- Promoting long-term electric rate stability and energy security and reliability for residents through local control of electric generation resources.¹
- "...Promote the development and use of a wide range of renewable energy sources and energy efficiency programs, including but not limited to solar, wind, and biomass energy production... purchase of [non-local] renewable power and use of [unbundled] renewable energy credits is intended only as a transitional method to decrease regional greenhouse gas emissions; local renewable projects are the preferred method."
- [As described in Chapter 2, SCP has already implemented overarching policies to address the use of "unbundled renewable energy credits", i.e. Category 3 RECs, through limiting Category 3 REC use to only that allowed under the California's Renewable Portfolio Standard (RPS) requirements.

¹ Second Amended and Restated Joint Powers Agreement Relating to and Creating the Sonoma Clean Power Authority, By and Among The County of Sonoma and The Sonoma County Water Agency, approved and effective July 25, 2013.

Ideas to Consider for Present and Future Policy Discussions:

1. Our current statement of goals and policy concepts is simple, overarching and would allow substantial flexibility for a JPA Board to deal with the intricacies of a CCE startup and ongoing operations.
2. Even well after startup, Sonoma Clean Power's Resource Plan appears to have adopted a similar philosophy and style for its goals and policies. This suggests that simplicity also helps in implementation beyond the basic planning. EBCE may choose a more or less detailed approach.
3. The Survey results indicate a strong preference to address issues of GHG reduction and strong renewable energy portfolio first, along with ensuring good program administration and competitive costs. Staff suggests that any Committee conversation begin with these issues, and then weave other issues into the policy fabric in subsequent discussions.
4. Each stated goal or policy, when implemented, has an associated cost that must be supported by a CCE revenue stream. Agency administration, power purchases, renewable versus nonrenewable energy, GHG reduction, local renewable energy development, local job creation, preference for union jobs, and reduction of billing rates – all of these have a great value and also a price associated with them.
5. In some cases, these goals and policies may be gently at odds with each other. One goal may not be in perfect harmony with another goal. Not only is this true for practical implementation, but it is also true in terms of costs. Emphasizing one goal may result in a trade-off with one or more other goals, and may require a JPA board to balance costs against one another. Balancing cost competitiveness against implementation of CCE goals/policies will be the Board's ongoing challenge and mandate.
6. Staff believes that it would be premature at this point to be overly proscriptive or to draft policy documents, given that we cannot predict our study results or market conditions when we go out to bid. We can, however, discuss these issues, articulate preferences and offer written feedback to the eventual Board for their use in crafting/implementing JPA policies. Tonight, let's open the conversation and see what areas of consensus or divergence exist, and work through those as the program evolves. In summation, the Committee may wish to consider:
 - a. Is there anything that needs to be further said about how we achieve these goals – thoughts, ideas and concerns
 - b. What are the committee's thoughts on the question of cost competitiveness and how that affects EBCE goals 2-4? Are we ok with generation rates/power products that are more expensive than PG&E?
 - c. Subsequently, what are the committee's thoughts with respect to costs and trade-offs so that implementation best serves the broadest number of community members, understanding the wide range of socioeconomic and policy preferences that exist in our County.
 - d. What are the committee's thoughts with respect to prioritization and implementation over time?

We also have Mark Landman, recent Chair of SCP, with us to discuss how their similar goals have manifested (or not) so far, and any thoughts about phased implementation and trade-offs that SCP has had to deal with since their program launch.



Community Choice Energy(CCE) in the East Bay

**CCE Steering Committee –
Communications and Outreach**
February 3, 2016



communications & education

PHASE 1

- Local Gov't
- Content Development
- Branding

PHASE 2

Community Outreach and Education

PHASE 3

Outreach and Marketing

Timeline: now through July outreach & education

Outreach Plan

- Provide 1:1 briefings/updates to City Councils and staff
 - Begin key stakeholder meetings (e.g. business, labor, community organizations)
 - Initial content development, website, and branding
 - Prepare & release marketing RFP



key messages



SILICON VALLEY
CCE PARTNERSHIP

Briefer's Book

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HOW TO USE THE BRIEFER'S BOOK

The Briefer's Book contains the information you need to talk with stakeholders, conduct both residential and community meetings, and answer media inquiries. As you read each key message topic, you'll find increasing As the Silicon Valley Community Choice Energy (SVCCE) Partnership progresses, you will receive revised talking messages as appropriate. This book is oriented around the following resources for your information and use:

1. Talking Points

These are the most important messages to communicate orally—in person, on the phone, in an elevator. They are just the gist of the message: a short introduction to Silicon Valley Community Choice Energy. Talking points are distribution (via email or print pieces).

2. Key Messages

These key messages are the basis of developing both the talking points (noted above) and all written communication: newsletter articles, web content and fact sheets. They use more precise language with more stats, fuller explanation. They also are not meant for distribution in this format but can be shared if you wish.

2a. Additional Messages

If you have more time when talking with someone or you are preparing a presentation, the additional provide more in-depth information, sorted by each key message topic. (Note: not all Key Message additional messages.)

2b. Related Questions

These are the types of questions you might need to field when speaking to the public or the media. necessarily information that should be provided, but is intended to help you answer questions that they are also sorted by each key message topic.

3. Tips for Successful Interviews and Engagement

Refer to the enclosed booklet for more guidance and helpful scenarios for providing interviews, conducting public engagement in online communications.

[Back to Top](#)



10/25/15

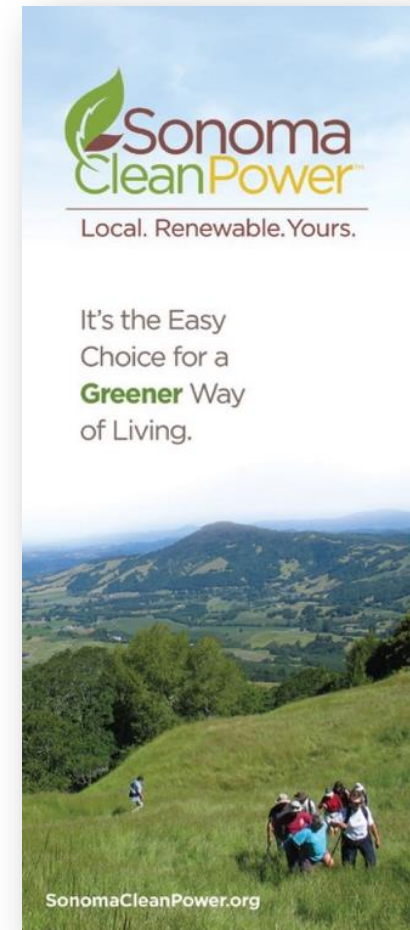


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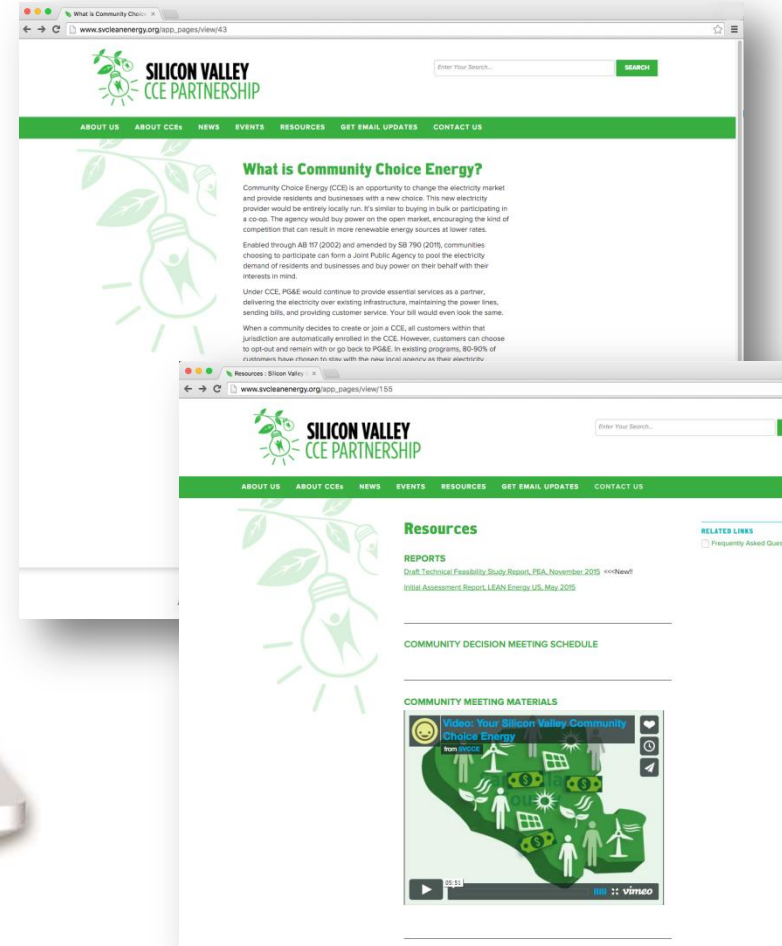




consistent materials



user-friendly website



phase 2: community outreach & education



- E-newsletter
- Social media campaign
- Tabling at events
- Webinars for commercial customers
- Presentations at civic groups
- Community meetings
- Direct mail
- Press releases and media pitching
- Brand guidelines

Advertising: radio, print,
digital

Social media

Continued presentations

Continued tabling

Media pitching

Customer notices



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

Staff Report

File #: RPT 16-035

DATE: March 14, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities and Environmental Services

SUBJECT

Update on City-Wide Water Conservation and Revised Emergency Regulations for Statewide Urban Water Conservation

RECOMMENDATION

That the Committee reviews and comments on this report.

SUMMARY

This report provides information on the City's water conservation efforts for 2015, as well as an overview of the City's compliance with the State's Emergency Regulations for Statewide Urban Water Conservation, initially adopted in July 2014, and recently extended through October 2016.

BACKGROUND

The past four years have seen exceptionally dry conditions throughout the State, prompting Governor Brown to call for a twenty percent reduction in state-wide water use in January 2014. At that time, the City's wholesale water supplier, the San Francisco Public Utilities Commission (SFPUC), asked its customers to reduce consumption by ten percent. The State Water Resources Control Board (also known as the State Water Board) determined that insufficient progress had been achieved throughout the State towards the twenty percent reduction goals, and in response, adopted Emergency Regulations for Statewide Urban Water Conservation (Emergency Regulations) on July 15, 2014, prohibiting wasteful outdoor water use, and requiring all urban water suppliers, including Hayward, to implement their Water Shortage Contingency Plan (WSCP). On September 23, 2014, the Council approved an amendment to the City's WSCP, which incorporated the State's mandatory prohibitions into the Stage I actions, and declared a Stage I water shortage.

On March 17, 2015, the State Water Board approved an extension of the Emergency Regulations and also included additional requirements for urban water suppliers, including more specific irrigation, food service, and hospitality restrictions, as well as increased reporting requirements. Shortly thereafter, on April 1, 2015, Governor Brown issued an Executive Order that required, for the first time in the State's history, mandatory conservation of potable urban water use. The State Water Board's actions prompted

the City to further amend the WSCP on April 7, 2015 to include new prohibitions to ensure compliance with the regulations. At that time, the implications of the Governor's Executive Order were yet to be defined. On May 5, 2015, the State Water Board again revised the Emergency Regulations in accordance with the Governor's directive, the provisions of which went into effect on May 15, 2015.

The Governor's April 1 Executive Order (B-29-15) directed the State Water Board to impose restrictions to achieve a statewide twenty-five percent reduction in potable urban water usage beginning in June 2015, as compared to the amount used in 2013. Urban water suppliers across the state were assigned a conservation standard between eight percent and thirty-six percent, based on their residential gallons per capita. Given its very low residential per capita consumption, the City was placed in the lowest assigned tier, requiring an eight percent reduction.

Beginning June 1, 2015, total monthly water production (or, in Hayward's case, total monthly water purchased from the San Francisco Public Utilities Commission) was compared to the same time in 2013. The State Water Board tracked water use on a cumulative basis from June 2015 through February 2016. To assess compliance, conservation savings were added together from one month to the next and compared to the total amount of water used during the same months in 2013.

DISCUSSION

Water Conservation Efforts in 2015

On November 13, 2015, the Governor issued Executive Order (B-36-15) directing the State Water Board to extend the existing urban water use restrictions through October 31, 2016 should drought conditions persist through January 2016. With California still experiencing severe drought despite recent rains, on February 2, 2016 the State Water Resources Control Board adopted revised Emergency Regulations to ensure that urban water conservation continues in 2016. The Office of Administrative Law approved and adopted the revised regulations February 11, 2015. The February 2016 Emergency Regulation essentially extends the existing May 2015 Emergency Regulation through October 2016 and maintains many of the same requirements. However, it also provides urban water suppliers more flexibility in meeting their conservation requirements through adjustments and credits that allow a supplier to modify its conservation standard up to eight percentage points.

The City's total water consumption decreased eight percent in 2015, as compared to 2014 (See Attachment I). This is in addition to an eleven percent decrease achieved in 2014, as compared to 2013. Water purchases have been steadily decreasing over the past few years for various reasons, including the economic downturn, housing crisis, increasing water costs, and, more importantly, public awareness of the drought, and water conservation programs and education (See Attachment II).

One of the most telling measures of water use efficiency is the average gallons of residential water used per capita per day. In 2015, Hayward's *residential* use was fifty-one gallons per capita per day. Hayward customers have been excellent stewards of water usage and continue to do their part during the current drought. This is in part demonstrated by the continued popularity of the City's water conservation programs. The number of applications received in 2015 for the lawn conversion rebate program, for example, more than tripled from the number received in 2014. Recognizing the importance of "practicing

what we preach,” in October, City staff replaced the existing ornamental lawn at the Utilities Center on Soto Road with a mix of California natives and drought tolerant plants as an example of how a water-efficient garden can replace a water-thirsty lawn.

Water Consumption through the First Emergency Regulation Reporting Period

As mentioned previously, the State Water Board tracked water usage for each urban water supplier across the state on a cumulative basis from June 2015 through February 2016. Conservation savings were added together from one month to the next and compared to the total amount of water used during the same months in 2013. Hayward far exceeded its mandated conservation level of eight percent by purchasing twenty-two percent less water as compared to the same time period in 2013 (See Attachment III). During the first reporting period, Hayward’s *residential* use was forty-eight gallons per capita per day.

The Bay Area Water Supply & Conservation Agency (BAWSCA), whose membership consists of wholesale purchasers of SFPUC water and of which Hayward is a member, has also exceeded its overall conservation standard of fifteen percent and reduced water consumption by twenty-seven percent through January 2016 (See Attachment IV).

Extended Water Conservation Regulations

As mentioned above, with California still experiencing severe drought, the State Water Board adopted revised Emergency Regulation to ensure that urban water conservation continues in 2016. The regulation extends restrictions on urban water use through October 2016 while providing urban water suppliers more flexibility in meeting their conservation requirements. It also directs Water Board staff to report back to the State on additional flexibility once more complete water supply information is known in April.

Under the revised regulation, a twenty percent statewide water conservation savings is expected compared to 2013 water use. The revised regulation allows for consideration of certain factors that influence water use in different parts of the state, including hotter-than-average climate, population growth, and significant investments in new local, drought resilient water sources, such as desalination and recycled water.

These credits and adjustments described below, will allow an urban water supplier to modify its conservation standard by up to eight percentage points. However, no suppliers may drop below an eight percent conservation standard. As Hayward was placed in the lowest assigned tier, requiring an eight percent conservation standard, the City is not eligible for the new credits or adjustments.

Climate Adjustment

The climate adjustment accounts for the climatic differences experienced throughout the state. The adjustment may reduce the conservation standard of those suppliers located in the warmer regions of the State by up to four percentage points. The adjustment is calculated as the percent deviation of the

supplier's average service area evapotranspiration (ET_o) for the months of July through September from the statewide average for the same months. The State Water Board has calculated the statewide average ET_o as 6.34 inches. The climate adjustment ranges from a two to four percentage point decrease in an urban water supplier's conservation standard based on an established deviation range.

Growth Adjustment

The growth adjustment accounts for water efficient growth experienced in a supplier's service area since 2013. The adjustment is calculated as the product of the supplier's conservation standard and the supplier's percent change in potable water production due to growth since 2013, rounded to the nearest percentage point.

New, Local, Drought-Resilient Supply Credit

Any supplier that obtains at least one percentage of its total potable water production from a qualifying new, local, drought-resilient water supply is eligible for a reduction to its conservation standard. The adjustment is calculated as an one percentage point reduction to an urban water supplier's conservation standard, up to an eight percentage point maximum reduction, for each percent of the urban water supplier's total potable water production that comes from a qualifying new, local, drought-resilient water supply. The supplier must demonstrate that the use of that supply does not reduce the water available to another legal user of water or the environment. One example is indirect potable reuse of wastewater in coastal regions where the water would not have otherwise been discharged into a body of water that others use as a source of supply.

The City has a long standing commitment to water conservation and has had an active conservation program for many years. In addition to existing programs and activities, the Emergency Regulations have also resulted in the need for enhanced conservation efforts to ensure compliance with the eight percent reduction requirement. These efforts include communicating the current drought restrictions using a variety of communication tools such billboard messages, social media, direct mail, email newsletters, and updated website information to inform and encourage customers to take the drought seriously and cut back where possible in order to delay more draconian mandatory reductions if the drought continues.

It is noteworthy that Hayward is one of the eight BAWSCA agencies that have already achieved their total water savings target through October 2016. In other words, as long as Hayward's water consumption continues to be at or lower than the consumption in 2013, Hayward will achieve the mandated conservation level of eight percent.

ECONOMIC IMPACT

Although not yet significant, the costs of implementing actions to meet the State Water Board's directive and achieve water use reductions will be included as future water rates are set.

FISCAL IMPACT

Water conservation program management staffing is provided by the Utilities & Environmental Services

Department and is funded entirely in the Water Operating Fund. There are no General Fund impacts. Staff is generally using readily available and low cost methods for outreach. Some staff time is needed to continue to follow up on reports of excessive use.

PUBLIC CONTACT

A strategic communications plan was developed in cooperation with the City's Communications & Media Relations Officer to raise awareness of the drought conditions, acknowledge the water savings that Hayward customers have achieved so far, and promote water conservation and best practices. A "Drought Watch" website has been developed to provide updated and relevant information about drought conditions locally and throughout the State and can be accessed at <http://www.hayward-ca.gov/droughtwatch/>. Additional communication will be delivered as necessary to maintain awareness of the drought and achieve water use reduction targets.

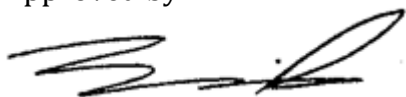
NEXT STEPS

Staff will continue to monitor the water supply situation and conservation data and provide periodic updates. Additional outreach and enforcement will also be implemented as needed.

Prepared by: Alicia Sargiotto, Senior Utility Service Representative

Recommended by: Alex Ameri, Director of Utilities and Environmental Services

Approved by:



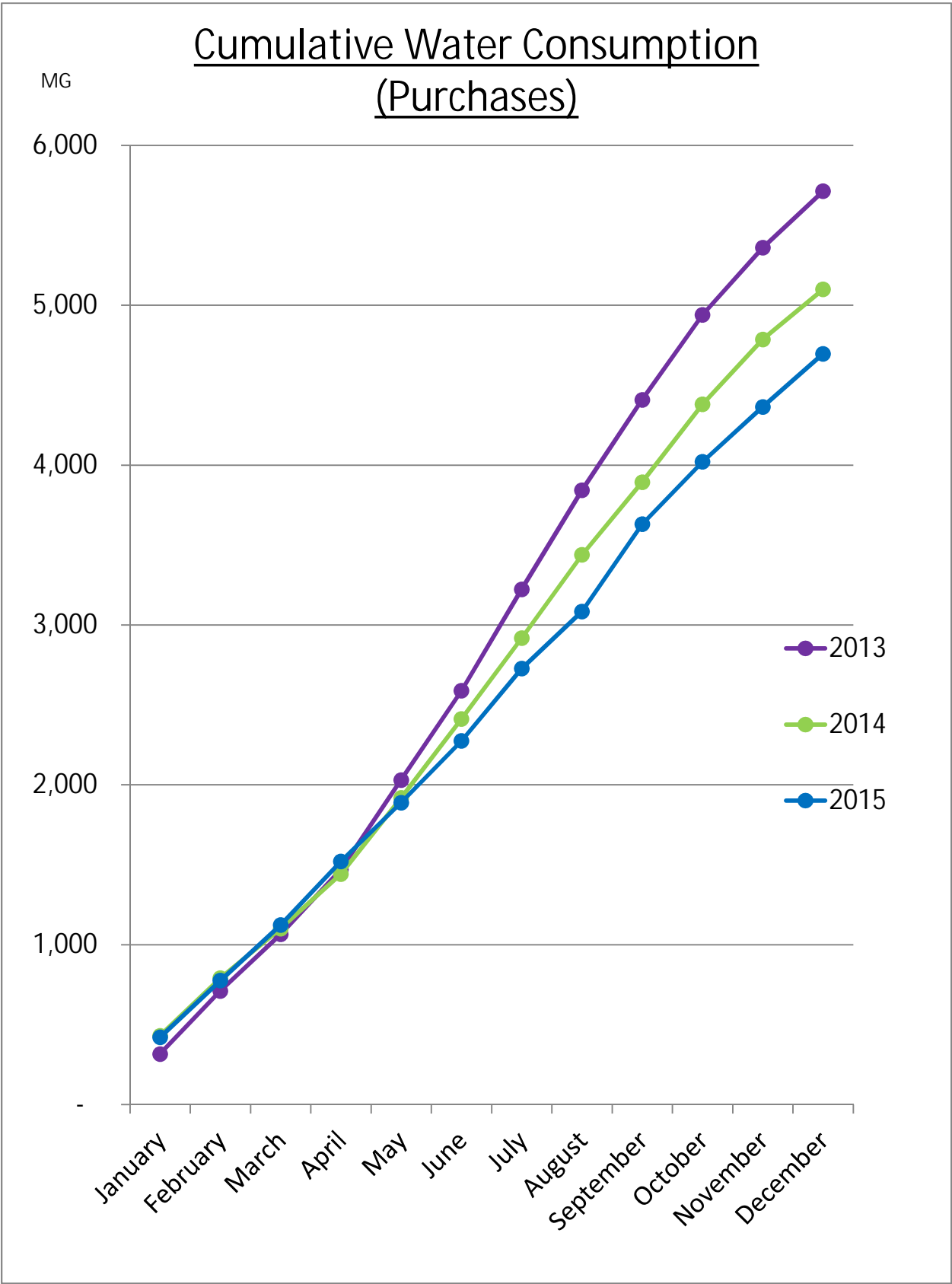
Fran David, City Manager

Attachments:

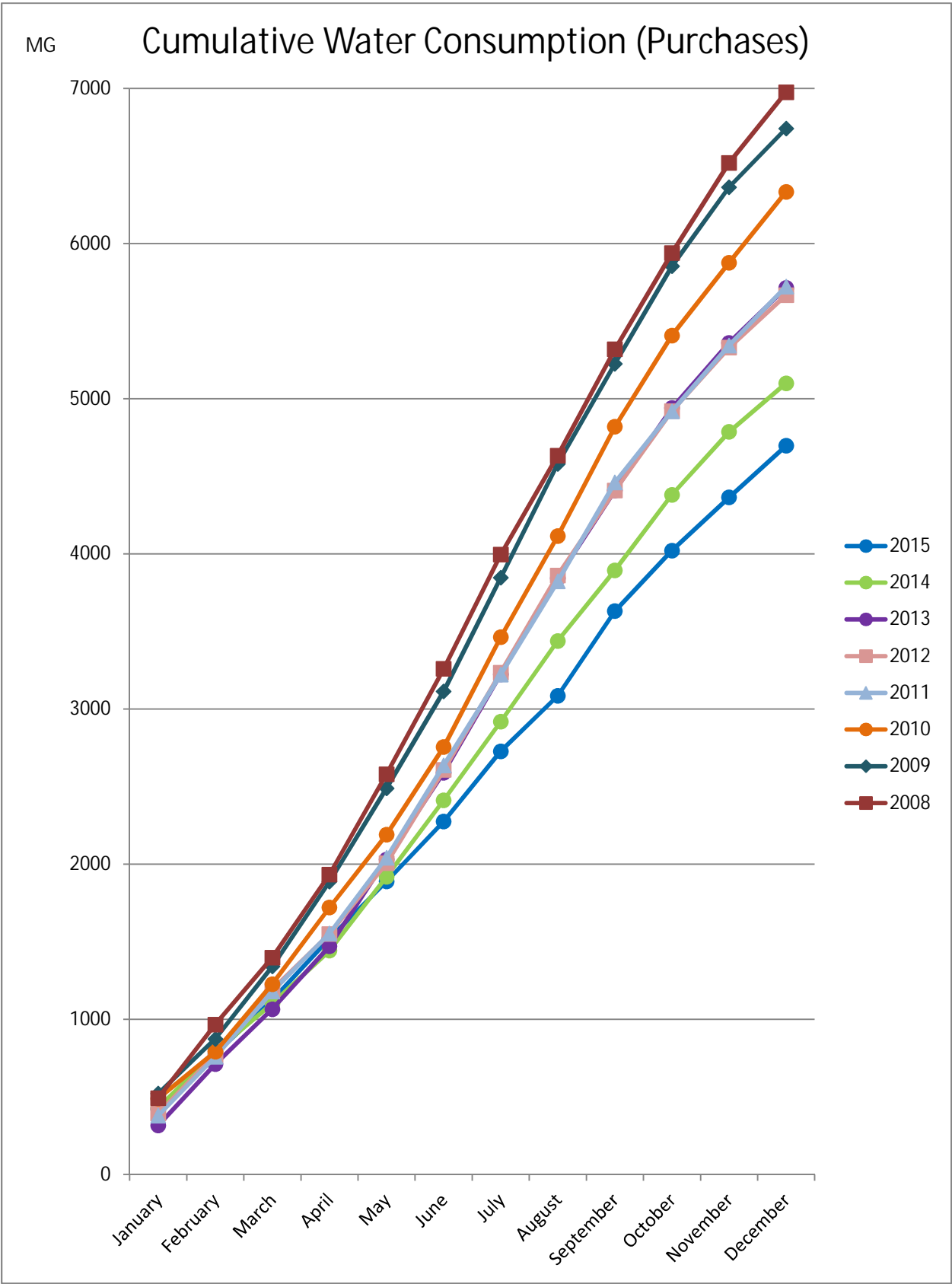
Attachment I	Water Consumption (2013-2014-2015)
Attachment II	Water Consumption (8-year comparison)
Attachment III	Water Consumption (June 2015-Feb 2016)
Attachment IV	BAWSCA-Wide Conservation (Jan 2016)

File #: RPT 16-035

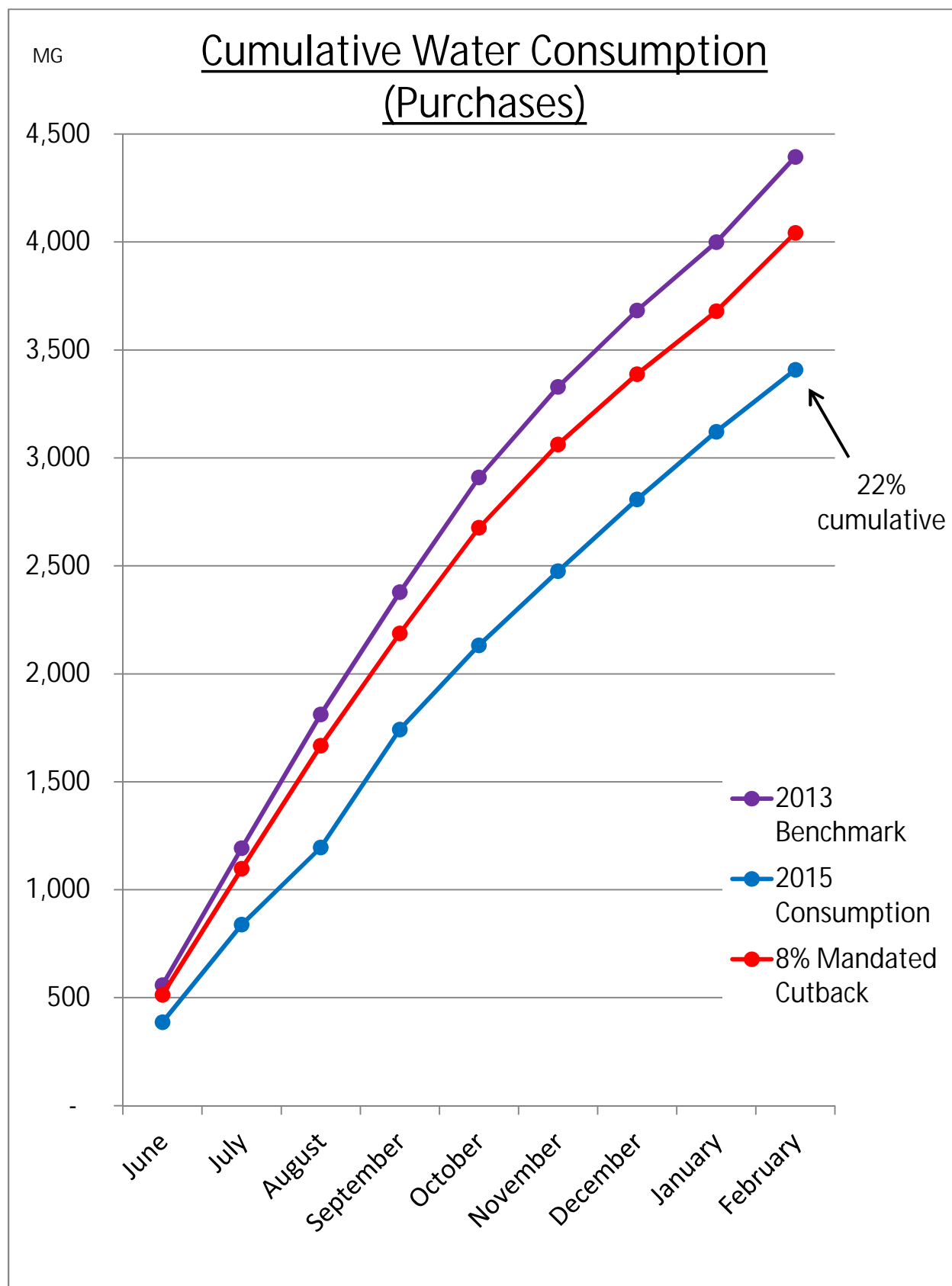
Water Consumption (2013-2014-2015)



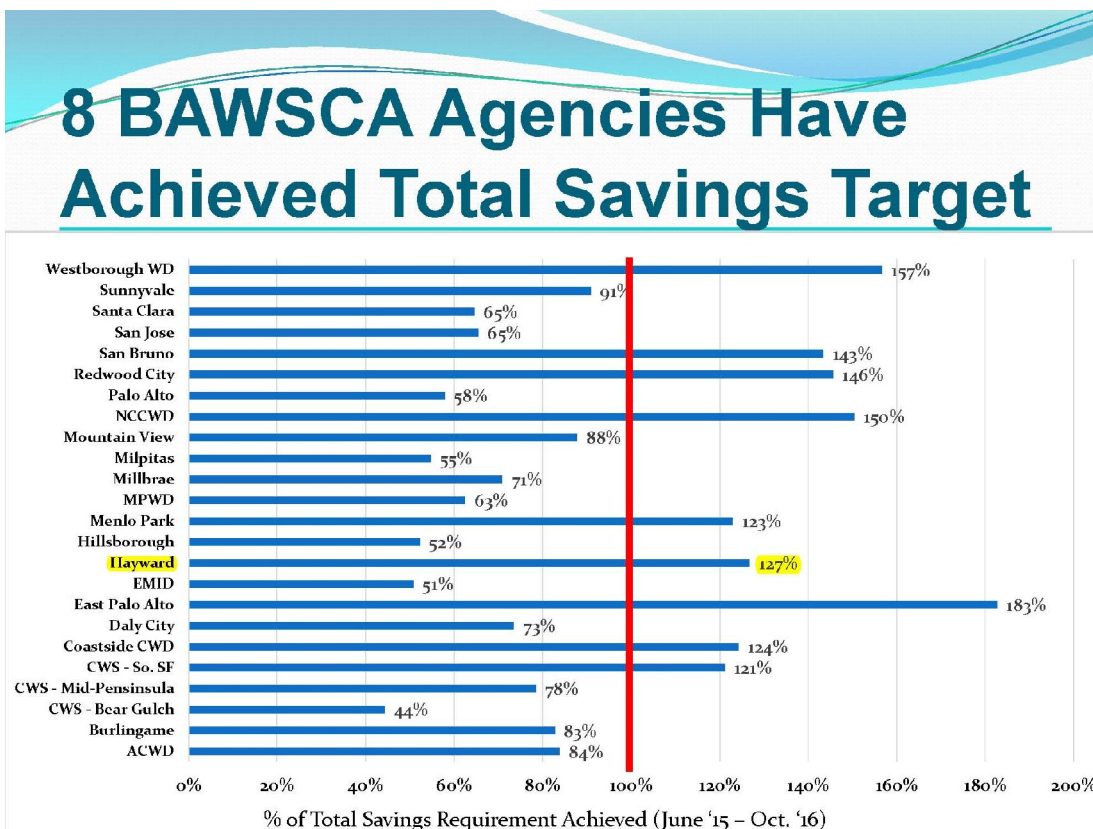
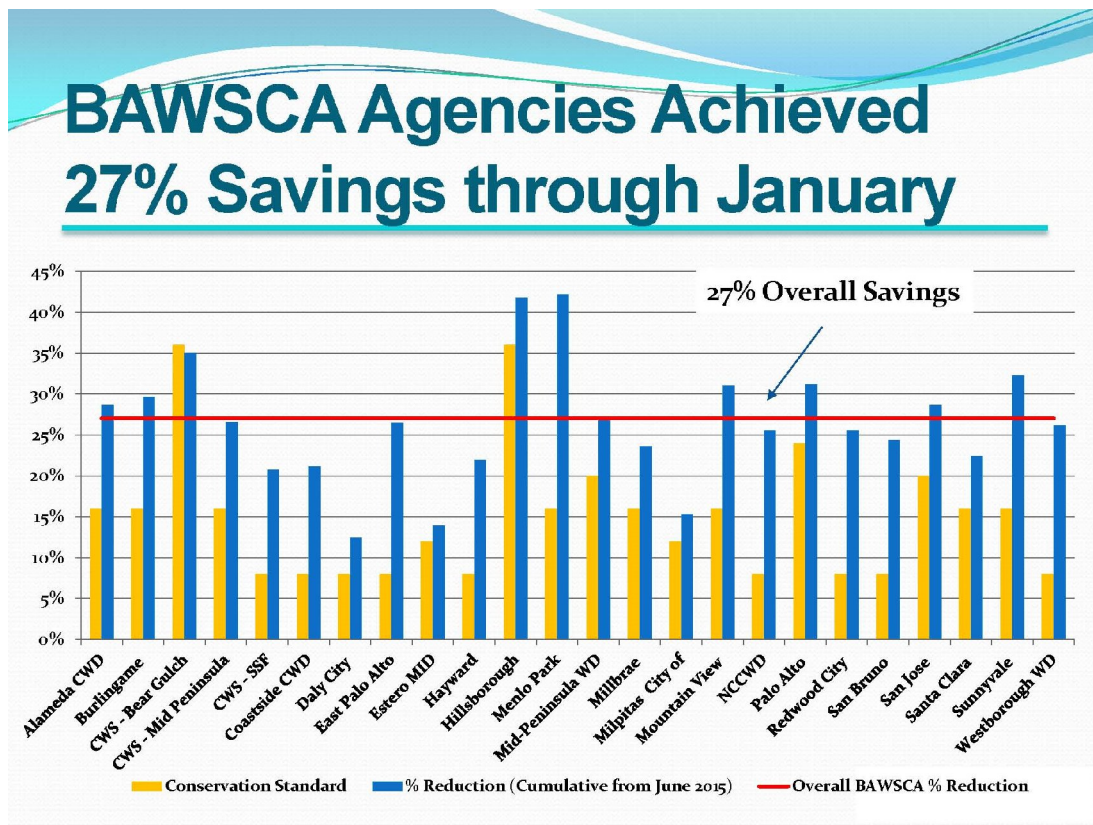
Water Consumption (8-year comparison)



Water Consumption (June 2015-Feb 2016)



BAWSCA-Wide Conservation (Jan 2016)





CITY OF HAYWARD

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www.Hayward-CA.gov

Staff Report

File #: RPT 16-039

March 14
Renewable Energy Generation Potential & Est. of a Municipal ZNE Goal
Municipal Regional Stormwater Permit
Update on Community Choice Energy
WMAC Contract - Annual Review
City Water Consumption and Water Conservation
May 9
Reusable Bag Ordinance Expansion - Review Draft Ordinance
Community Choice Energy - Review Draft Ordinance & JPA
Update on PAYS Program
July 11
GHG Inventory & Sustainability Metrics
Update on Water Supply, Outlook, Efficiency, and Conservation
Outreach Campaigns - Results
Solar Net Energy Metering (NEM) 2.0 Regulations
September 12
Downtown Specific Plan
Energy Performance and Disclosure (EPAD)
Car Sharing
November 14
Bicycle Master Plan
Addressing Sustainability Impacts in Staff Reports (implementation update)
Annual Update on Administrative Rule 3.9 - Environmentally Preferred Purchasing Policy (combine with CAP & General Plan Update)
Review Agenda Topics for 2017