



**ITEM NO. 11**

**OPERATIONS & MAINTENANCE COMMITTEE AGENDA**

**Tuesday, February 13, 2024**

**2:00 PM**

**East Bay Dischargers Authority  
2651 Grant Avenue, San Lorenzo, CA**

**This meeting will be teleconferenced from the following location:  
Guest Parking Area Located on Ocaso Camino, West of and Closest to the  
Intersection of Paseo Padre Parkway**

**Teleconference link: <https://us02web.zoom.us/j/88293365682>  
Call-in: 1(669) 900-6833 and enter Meeting ID number: 882 9336 5682**

**Committee Members: Johnson (Chair); Lathi**

**OM1. Call to Order**

**OM2. Roll Call**

**OM3. Public Forum**

**OM4. EBDA Permit Compliance**

(The Committee will be updated on EBDA's NPDES compliance.)

**OM5. Status Report**

(The Committee will be updated on EBDA's O&M activities.)

**OM6. Motion Approving Public Access to Authority Property Policy**

(The Committee will consider the motion.)

**OM7. Adjournment**

Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, contact Juanita Villasenor at [juanita@ebda.org](mailto:juanita@ebda.org) or (510) 278-5910. Notification of at least

Agenda Explanation  
East Bay Dischargers Authority  
O&M Agenda  
February 13, 2024

48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.

**Next Scheduled Operations and Maintenance Committee is  
Tuesday, March 19, 2024, at 2:00 pm**

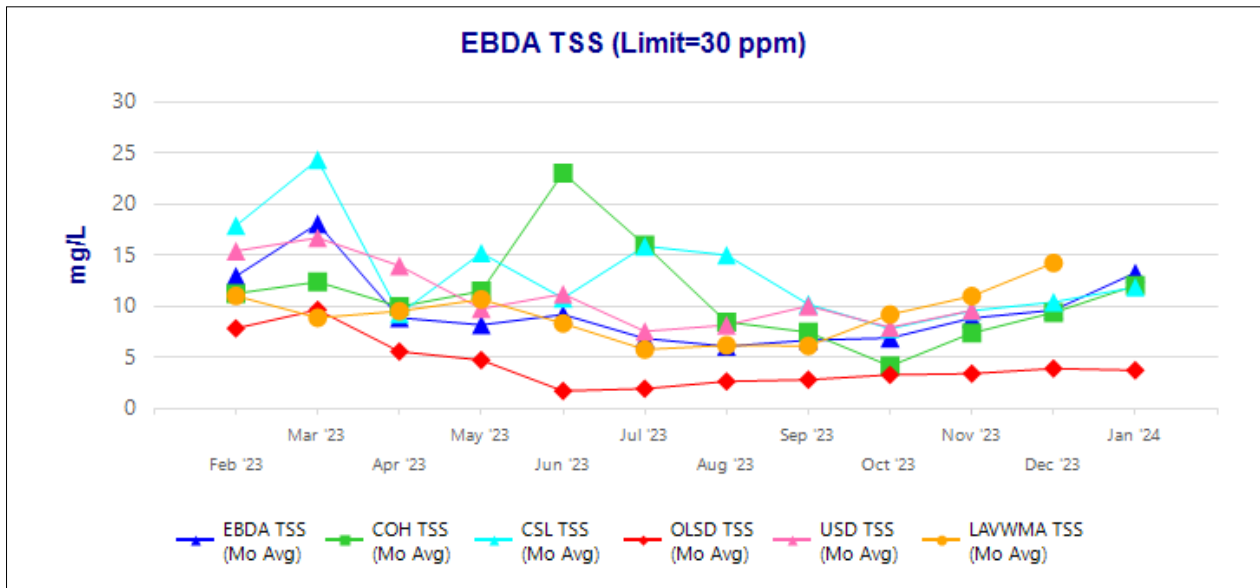
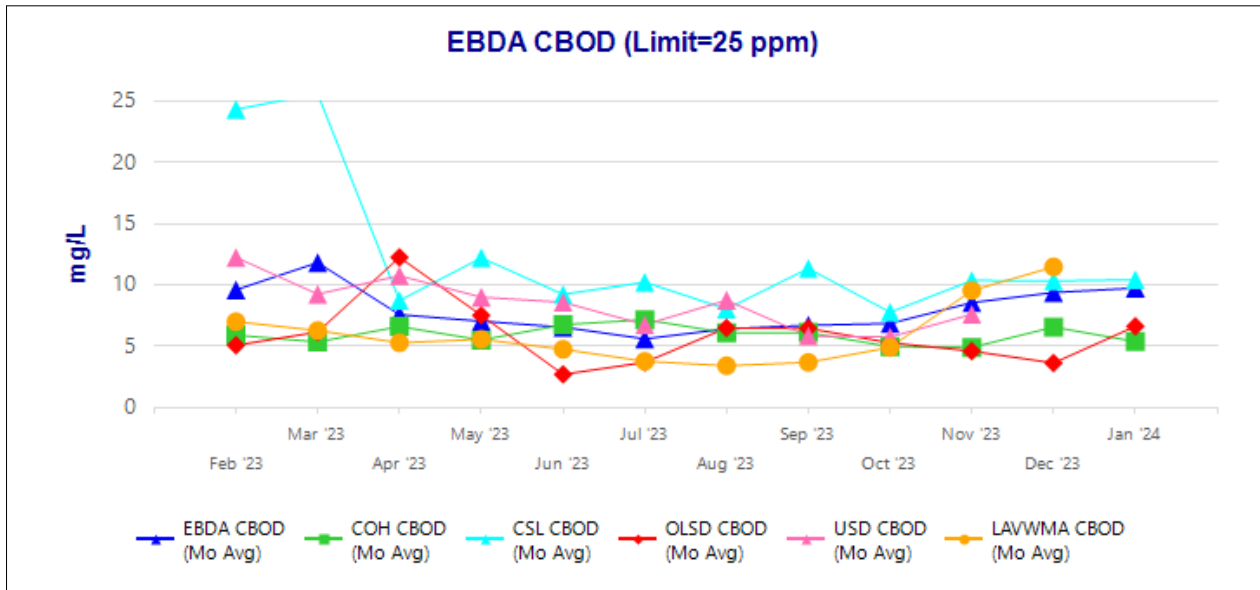
**ITEM NO. OM4 EBDA PERMIT COMPLIANCE**

**Recommendation**

For the Committee’s information only; no action is required.

**Discussion**

There were no NPDES permit violations in December. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators follows. Staff notes that in late January, Oro Loma Sanitary District experienced a high TSS event. Final data from January 30 samples was not yet available at the time this agenda was compiled and is therefore not reflected in the graphs below. Additional information on this event and final numbers will be included in next month’s agenda.



## EBDA Bacterial Indicators

| Date                          | FECAL      | ENTERO     |
|-------------------------------|------------|------------|
|                               | MPN/ 100mL | MPN/ 100mL |
| Limit (90th Percentile)       | 1100       | 1100       |
| Limit (Geomean)               | 500        | 280        |
| <b>February 2023 Geomean</b>  | <b>4</b>   | <b>2</b>   |
| <b>March 2023 Geomean</b>     | <b>3</b>   | <b>2</b>   |
| <b>April 2023 Geomean</b>     | <b>10</b>  | <b>7</b>   |
| <b>May 2023 Geomean</b>       | <b>15</b>  | <b>122</b> |
| <b>June 2023 Geomean</b>      | <b>8</b>   | <b>83</b>  |
| <b>July 2023 Geomean</b>      | <b>7</b>   | <b>18</b>  |
| <b>August 2023 Geomean</b>    | <b>17</b>  | <b>5</b>   |
| <b>September 2023 Geomean</b> | <b>47</b>  | <b>4</b>   |
| <b>October 2023 Geomean</b>   | <b>18</b>  | <b>3</b>   |
| <b>November 2023 Geomean</b>  | <b>8</b>   | <b>8</b>   |
| 12/4/2023                     | 4          | 8          |
| 12/5/2023                     | 13         | < 2        |
| 12/6/2023                     | NA         | 6          |
| 12/11/2023                    | 23         | 15         |
| 12/12/2023                    | 13         | 8          |
| 12/13/2023                    | NA         | 6          |
| 12/18/2023                    | 11         | 14         |
| 12/19/2023                    | 8          | 2          |
| 12/25/2023                    | 2          | 2          |
| 12/26/2023                    | 2          | 2          |
| <b>December 2023 Geomean</b>  | <b>7</b>   | <b>5</b>   |
| 1/1/2024                      | 4          | 4          |
| 1/2/2024                      | 2          | 2          |
| 1/8/2024                      | 27         | 2          |
| 1/9/2024                      | 11         | < 2        |
| 1/15/2024                     | 8          | < 2        |
| 1/16/2024                     | 79         | 8          |
| 1/22/2024                     | 13         | 22         |
| 1/23/2024                     | 49         | 17         |
| 1/29/2024                     | 13         | 2          |
| 1/30/2024                     | 7          | 6          |
| <b>January 2024 Geomean</b>   | <b>12</b>  | <b>4</b>   |

## **ITEM NO. OM5 STATUS REPORT**

### **Union Effluent Pump Station (UEPS)**

No change; all equipment is operational.

### **Hayward Effluent Pump Station (HEPS)**

#### **PG&E Power Outage**

On Sunday, February 4, 2024, at 10:32 am, a PG&E power failure occurred at HEPS. The power was out for over 12 hours, and the HEPS generator operated without any issues. Initially, the power failure affected 420 customers, including the Hayward Water Pollution Control Facility (WPCF). The power was restored relatively quickly to most of the customers. Unfortunately, a power wire at the end of West Winton Avenue in Hayward was blown down due to high winds, causing seven customers to remain without power. The seven customers included HEPS and the 60-inch valve vault on the EBDA force main. The downed wire was repaired and power was restored by 10:42 pm.

#### **Effluent Pump No. 2 Motor Failure**

On January 31, 2024, the HEPS Effluent Pump No. 2 motor failed. The City of Hayward Maintenance staff tested the motor, and it was shorted internally. As part of the Effluent Pump Replacement Project, Effluent Pump No. 4 was previously removed, and the pump and motor were stored at the Hayward WPCF. On February 6, 2024, Pump Repair Service Company, Inc. (PRS) and City of Hayward Maintenance staff installed the Effluent Pump No. 4 motor on Effluent Pump No. 2. Pump No. 2 is currently in service and operating without any issues.

#### **Effluent Pump Replacement Project**

The new pumps and motors were delivered in December and are being stored at the Hayward Water Pollution Control Facility until they are installed. The concrete subcontractor plans to start work in mid-February on the new concrete base for Effluent Pump No. 4. Because Effluent Pump No. 4 had previously been removed, starting this work during wet weather will not decrease the current capacity of the pump station. This work will involve demolishing the old concrete pump base, coring holes in the pump station to install new threaded rod pump anchors, installing new rebar, and pouring the new concrete pump base. The work also includes coating of the metal sleeve around the hole in the pump station that the pump sits in. Depending on the condition of the metal sleeve, it may need to be replaced with a new stainless-steel sleeve. Once the new Effluent Pump No. 4 is installed, it will be put in service and tested for several weeks before work is started on the next pump.

#### **Pond 3 Valve Actuator Replacement**

As part of the FY 2022/2023 RRF project list, EBDA has agreed to split the cost of a new Pond 3 valve actuator with the City of Hayward. The actuator is the property of the City of Hayward, but replacing it will benefit both the City and EBDA. The current actuator

does not have a feedback loop, so the information displayed on SCADA is limited. During wet weather storm events, having better information on SCADA will greatly improve EBDA operations. The ability to automatically divert flow to Pond 3 will save EBDA the cost of pumping the flow to Pond 7, which requires using the HEPS pumps. The ability to automatically divert flow to Pond 3 will also save the City the cost of adding sodium hypochlorite to the diverted flow. This project also includes the programming necessary to add the valve operations to SCADA. The new valve actuator was delivered in late 2023, and EBDA is coordinating the installation with the City of Hayward staff. Calcon, EBDA's contract electrical and instrumentation contractor, has already begun work on the project, including procuring the radios and Programmable Logic Controller (PLC) that will communicate with and control the new valve actuator.

### **Oro Loma Effluent Pump Station (OLEPS)**

#### **PG&E Power Outage**

On Friday, January 5, 2024, at 12:57 pm, a truck hit a power pole in front of the EBDA and OLSD Administration Buildings. On Saturday, January 6, at 7:02 pm, over 18 hours after the pole was hit, PG&E turned off the power to the end of Grant Avenue. They did not provide any notice to customers, and they kept the power off for 10 hours, much longer than was needed to fix the pole. This power outage affected OLEPS, the OLSD/CVSan Treatment Plant, and the EBDA and OLSD Administration Buildings. During the outage, the OLEPS generator and one diesel pump operated without any issues.

#### **Automatic Transfer Switch Upgrade**

Todd Beecher, EBDA's contract electrical engineer, has commenced the design of two new automatic transfer switches (ATs) at OLEPS. The two new ATs will improve reliability of the pump station in the event of a power outage. If the PG&E power fails, the OLEPS emergency generator is the primary source of backup power. Currently, if the emergency generator fails to start, operators can manually switch to the secondary source of backup power from OLSD. The installation of two new ATs will allow the switch from primary to secondary backup to occur automatically. This ATs work is being completed as part of Phase Two of the OLEPS Electrical Upgrades. Replacement of the breakers and refurbishment of the Main Switchboard was completed in Phase One of the OLEPS Electrical Upgrades last year.

### **Skywest Pump Station**

#### **Recycled Water Production**

During the month of January 2024, the Skywest Recycled Water System did not produce any recycled water.

## **Marina Dechlorination Facility (MDF)**

### **Total Residual Chlorine (TRC) Effluent Limit Implementation and Automation Upgrades**

As discussed previously, EBDA's new NPDES permit effluent limit for Total Residual Chlorine, which took effect on January 1, 2024, is a one-hour average of 0.98 mg/L. On January 2, 2024, EBDA turned off its continuous feed of sodium bisulfite (SBS).

The permit further specifies that EBDA is required to have a Chlorine Process Control Plan that targets zero residual at the discharge point, which is EBDA's outfall diffuser, seven and a quarter miles out into the Bay. Based on field testing and literature, EBDA has established that targeting a one-hour average of 0.60 mg/L at the compliance point (effluent of MDF) ensures that a residual of zero is achieved at the discharge point. Targeting 0.6 mg/L also provides a factor of safety that ensures effluent never exceeds the limit of 0.98 mg/L.

EBDA has analyzers that continuously monitor chlorine residual at the influent and effluent of MDF. The Programmable Logic Controller (PLC) that controls the operations at MDF will automatically start an SBS pump once the MDF influent chlorine residual is above 0.50 mg/L for 30 seconds. The PLC is constantly calculating the amount of SBS necessary to reduce the influent chlorine residual to 0.50 mg/L. The SBS Pump will operate at the calculated value or the minimum pump speed, whichever is greater. Once the influent chlorine residual drops below 0.50 mg/L for 30 seconds, the SBS Pump will turn off. As a secondary fail-safe, in case something goes wrong with this system, the PLC will automatically start an SBS Pump once the effluent chlorine residual is above 0.60 mg/L for 30 seconds. Once the effluent chlorine residual drops below 0.50 mg/L for 30 seconds, the SBS Pump will reduce its speed until it turns off.

The reduction in SBS usage is estimated to result in a cost savings of approximately \$250,000 annually.

### **Force Main**

No change; all equipment is operational.

### **Operations Center**

#### **PG&E Power Outage**

The power outage described in the OLEPS section of this agenda also affected the EBDA Administration Building. The EBDA office generator operated for several hours during the power outage. As a result of this power outage, EBDA upgraded the battery capacity of the SCADA Server Uninterruptable Power Supply (UPS).

**Miscellaneous Items**

**Underground Service Alerts**

EBDA received eight (8) Underground Service Alert (USA) tickets during the month of January 2024. 7 tickets were renewals. One required an Electronic Positive Response (EPR), a call, and an email to the excavator.

**Wet Weather**

During the month of January 2024, there were several significant rain events, and one OLEPS diesel pump was required to operate for 8.1 hours on 1/22/24 and for 3.7 hours on 1/24/24. During the significant rain events, when extra pumping capacity was available with the equipment already online, EBDA requested extra flow from all Member Agencies. There were no capacity exceedance events during the month of January.

Total rainfall for the month of January 2024 (in inches) was as follows:

| Oakland | Hayward | Livermore |
|---------|---------|-----------|
| 4.04    | 6.60    | 3.21      |

Significant daily rainfall for the month of January 2024 (in inches) was as follows:

| Date      | Oakland | Hayward | Livermore |
|-----------|---------|---------|-----------|
| 1/02/2024 | 0.23    | 0.80    | 0.49      |
| 1/13/2024 | 0.45    | 0.78    | 0.23      |
| 1/16/2024 | 0.40    | 0.55    | 0.42      |
| 1/21/2024 | 0.51    | 0.49    | 0.00      |
| 1/22/2024 | 0.77    | 1.22    | 0.80      |
| 1/24/2024 | 0.43    | 0.74    | 0.23      |
| 1/31/2024 | 0.55    | 0.76    | 0.17      |

The MDF peak flow of 160.1 MGD was recorded at 1:05 pm on January 22, 2024, and the average daily flow at MDF was 121.9 MGD on that day. For reference, the average daily flow for the month of January 2024 was 81.5 MGD, and the average daily flow for December 2023 was 66.6 MGD.

Overall, the EBDA system performed well, once again demonstrating the value of EBDA. There was consistent communication and cooperation between the Member Agencies, LAVWMA, and EBDA to manage flows.



Average daily flow at MDF was as follows:

| Date                          | MDF Average Daily Flow - MGD |
|-------------------------------|------------------------------|
| July 2023 Monthly Average     | 54.1                         |
| December 2023 Monthly Average | 66.6                         |
| January 2024 Monthly Average  | 81.5                         |
|                               |                              |
| 1/22/2024                     | 121.9                        |
| 1/23/2024                     | 100.8                        |
| 1/24/2023                     | 105.7                        |
| 1/25/2023                     | 97.0                         |

**Special Projects**

**Cargill Brine Project**

As discussed at previous Commission Meetings, following certification of the Final Environmental Impact Report (EIR) for the proposed project, Cargill informed EBDA staff that they have made the decision to re-evaluate the “Bayside” pipeline route. Cargill is continuing to refine the route and expects it to be very similar to the Bayside alternative outlined in the EIR.

Cargill’s preliminary schedule shows revised CEQA analysis in 2025, and construction beginning sometime between 2027 and 2029 depending on permitting, with operation commencing between 2031 and 2033. Staff may bring an interim agreement between EBDA and Cargill to the Commission for consideration in 2024, as the parties continue to negotiate the final operating agreement.

**Advanced Quantitative Precipitation Information (AQPI) Project**

The regional AQPI project continues to move forward with a goal of improving prediction of rainfall events in the Bay Area. Following a series of delays, the East Bay radar was installed at [Rocky Ridge](#) in Las Trampas Regional Wilderness Park in December 2022. Data from the Rocky Ridge site finally became available in early December 2023, and can be viewed and downloaded from the AQPI [website](#). Program Management of AQPI is shifting from Colorado State University to the Center for Western Weather and Water Extremes (CW3E) at Scripps Institution of Oceanography, UC San Diego. CW3E will be developing an updated website and data management tools, which they expect to make available before the 2024-2025 wet season. CW3E has also developed an [Executive Summary](#) of the AQPI program. Sonoma Water and the AQPI team will also be seeking local funding to install a C-Band radar to complete the regional system. More information on the cost-share proposal will be provided in the coming months. Staff will also be planning a site visit to Rocky Ridge for interested Commissioners and other parties this Spring.

**ITEM NO. OM6 MOTION APPROVING THE PUBLIC ACCESS TO AUTHORITY PROPERTY POLICY**

**Recommendation**

Approve a motion adopting the Public Access to Authority Property Policy.

**Background**

As discussed in the January 2023 meeting, a trend has recently emerged of “First Amendment audits.” In a First Amendment audit, one or more individuals film public officials or employees to hold them accountable or “test” their right to film in public spaces like town halls, libraries, police stations, parking lots, or state and local agencies. In some instances, auditors seek to incite confrontation or aggression through harassing or argumentative behavior. The auditors then post the footage on YouTube. In some cases, public employees have responded to these auditors with some level of hostility, which increases the entertainment value and therefore profitability for the auditor, in terms of numbers of views.

While the public has a right to be present and even to film in public spaces, not all spaces owned or managed by public agencies have to be open to the public. For example, even though government offices may be publicly accessible to the public, that alone does not automatically render it a public forum. Certain spaces such as permit counters are public by their nature, whereas wastewater facilities and even administrative offices where a municipality conducts the business, do not need to be open to the public.

**Discussion**

EBDA is committed to protecting the rights of citizens under the First Amendment of the United States Constitution, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Authority’s employees and the general public. In efforts to do so and to provide clarity about where members of the public can be present and/or film, and for protection from potential First Amendment audits, staff recommends that the Commission adopt a Public Access Policy for the Authority. A draft Policy was reviewed by the Committee last month. The Committee recommended revisions to the definition of Authority Official, which have been incorporated. Track changes and clean versions of the updated Policy are attached.

As discussed, the Policy designates EBDA’s administrative offices as employee-only with limited public access. Members of the public that have business with EBDA can make an appointment to meet with staff. Following adoption of the proposed Policy, signage designating spaces as employee only will be placed on all outside doors. Signage indicating that areas are for authorized personnel only will also be placed at the Marina Dechlorination Facility. The Policy would not restrict the public’s access to Authority property that is generally open to general public access, including the Authority’s conference room during meetings subject to the Brown Act. EBDA’s other facilities are located on Member Agency sites.

**POLICY NUMBER:** 910

---

**NAME OF POLICY:** Public Access to Authority Property

---

**LAST REVISED:** ~~January 18, 2024~~ February 15, 2024

---

**PREVIOUSLY REVISED:** NA

---

**POLICY:** It is the policy of East Bay Discharges Authority (the “Authority”) to ensure the rights of citizens under the First Amendment of the United States Constitution are protected, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Authority’s employees and the general public who do business with or use the services of the Authority, as well as ensure the continued safe operation of Authority facilities. This policy (“Policy”) delineates portions of the Authority Property (as defined herein) that are accessible to and observable by the general public from those portions that are accessible on a limited basis, establish rules of conduct that are applicable to all Authority Property, and specify procedures for Authority employees who encounter those who wish to access Authority Property for observational purposes.

**RESPONSIBILITIES:** All general public members entering the Authority property are responsible for adhering to the rules of conduct at all Authority property as stated in this Policy in order to maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare, safety, and personal privacy of all persons at Authority Property as well as critical Authority facilities and infrastructure.

---

**DEFINITIONS:**

**Limited Access Area:** Any designated area on Authority Property that is not generally open to or occupied by the public shall be open to or occupied by the public on a limited, as-needed, or by-invitation basis. Limited Access Areas may be designated by doors, physical barriers, building design features, signage, reception desks or stations, or other visible indications. The lack of visible indications shall not prevent the Authority from considering or treating an area as a Limited Access Area. The Authority shall retain the right to verbally instruct third parties that an area is a Limited Access Area. Without limiting the generality of the foregoing, Limited Access Areas include but are not limited to the following:

- The Authority Administration Building;
- Employee offices;
- Employee workspaces including copy rooms, mailrooms, and break areas;

- Hallways, staircases, restrooms, and other areas by purpose or function restricted to providing access solely to other Limited Access Areas;
- Maintenance, storage, and warehousing facilities; and
- All wastewater treatment facilities.

**Authority Official:** For purposes of this Policy the Authority Official shall be:

- The Authority General Manager, or his or her designee;
- ~~- Authority staff;~~
- ~~- Member Agency staff performing work for or in collaboration with the Authority;~~
- ~~- Authority Commissioners and Alternates; and~~
- Any person providing security services in any Authority Property pursuant to contract with the Authority or with any person, firm, or corporation managing an Authority Property on the Authority's behalf; ~~and~~
- ~~- With respect to any building, facility, area, or space assigned to an Authority department, division, or agency, the director or manager of such department, division, or agency, or any person that such official specifically designates in writing.~~

**Authority Property:** Any real property owned or leased by the Authority or in which the Authority has a property interest or property management responsibility.

**Public Area:** Any area on Authority Property that is generally open to general public access and occupancy that is not otherwise designated as a Limited Access Area. The Public Area shall include the Authority's Conference Room when used as a meeting space for a meeting subject to the Ralph M. Brown Act, Government Code Section 54950 et seq.

**RULES OF CONDUCT:** Specific guidelines set forth in this Policy.

## POLICY:

### RULES OF CONDUCT ON AUTHORITY PROPERTY:

#### ALL AUTHORITY PROPERTY:

- (a) No person shall enter, attempt to enter, or remain in any areas of Authority Property for any purpose other than to conduct legitimate business with Authority offices located at Authority Property, or to exercise other constitutionally protected rights. The appropriate Authority Officials may adopt specific policies with respect to Authority Property under their custody and control to manage conditions for use of such Authority Property including without limitation to establish hours and terms of use, reservation protocols, use and user priority, and fees for use.

- (b) No person shall engage in any activity on Authority Property that would constitute a violation of federal, state, or local law or regulation.
- (c) No person shall engage in activity that disrupts or interferes with the normal operation or administration of Authority business at Authority Property, lawful use by Authority employees and authorized users at Authority Property, or Authority-permitted activities.
- (d) No person shall stalk, harass, threaten, intimidate, or otherwise compromise the wellbeing and safety of Authority employees, agents, volunteers or private third parties lawfully using Authority Property. Photography, audio recording, or video recording does not, in and of itself, violate this Rule of Conduct. Likewise, conduct that would otherwise violate this Rule of Conduct shall not be permitted merely because the conduct involves photography, audio recording, or video recording.
- (e) No person shall interfere or obstruct the free passage of any individuals in, on, to or through the Public Area, or Authority employees or authorized third parties in, on, to, or through any Authority Property, including without limitation Limited Access Areas. Interference or obstruction includes, but is not limited to, standing in, blocking access to, or occupying areas for purposes of photography, audio recording, or video recording.
- (f) No person shall photograph, audio record, or video record in such a manner that would allow capture of, access to, or disclosure of private, personal, confidential, sensitive, or privileged information of private third parties and Authority employees.

LIMITED ACCESS AREAS:

- (a) Limited Access Areas shall be accessible only to the following:
  - (i) Employees, elected officials, and appointed officials of the Authority;
  - (ii) Private parties but only on a limited, as-needed, or by-invitation basis, to include those private parties accessing a Limited Access Area for the express purpose of conducting business with Authority employees; and
  - (iii) Any member of the public wishing to access to Limited Access Area for the express purpose of conducting business with Authority employees, must schedule an appointment, by using the online contact form at <https://ebda.org/contact/> or calling (510) 278-5910.

- (b) Photography, audio recording, and video recording is prohibited in Limited Access Areas, except as follows:
  - (i) Any Authority Official may authorize audio or video recording or photography in Limited Access Areas, for good cause shown, with the consent of all parties to be recorded or photographed, provided that any Authority Official may impose appropriate and reasonable conditions on the recording or photography to prevent the unauthorized disclosure of confidential information; and
  - (ii) Audio and video recording and photography may be permitted in Limited Access Areas when specifically authorized by applicable law or agreements.
- (c) The restrictions in this section shall not apply to individuals who are filming a Limited Access Area from a publicly accessible location outside of the Limited Access Areas.
- (d) The Authority's Conference Room is located in the Authority's Administration Building. Without limiting the foregoing, if a meeting subject to the Ralph M. Brown Act, Government Code Section 54950 et seq., is noticed to occur in the Authority's Conference Room, any member of the public shall have the right to enter the Conference Room without prior approval, invitation, or accompaniment from an Authority Official. Individuals attending such meetings shall be limited to traveling directly from the Authority's entrance to the Authority's Conference Room. All other areas of the Authority's Administration Building shall remain Limited Access Areas at all times, unless otherwise specifically provided for herein.

**EXCLUSION:** If a person violates these Rules of Conduct while in or upon Authority Property, any Authority Official may eject and direct such person to leave Authority Property. It shall not be necessary for such Authority Official to allege any crime or other violation of applicable law other than these Rules of Conduct in order to support such exclusion; provided that violation of such exclusion may be deemed a trespass under applicable law. Individuals who repeatedly violate these Rules of Conduct may be excluded from Authority Property on a longer-term basis, as determined appropriate by the General Manager.

**POLICY NUMBER:** 10

---

**NAME OF POLICY:** Public Access to Authority Property

---

**LAST REVISED:** February 15, 2024

**PREVIOUSLY REVISED:** NA

---

**POLICY:** It is the policy of East Bay Discharges Authority (the “Authority”) to ensure the rights of citizens under the First Amendment of the United States Constitution are protected, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Authority’s employees and the general public who do business with or use the services of the Authority, as well as ensure the continued safe operation of Authority facilities. This policy (“Policy”) delineates portions of the Authority Property (as defined herein) that are accessible to and observable by the general public from those portions that are accessible on a limited basis, establish rules of conduct that are applicable to all Authority Property, and specify procedures for Authority employees who encounter those who wish to access Authority Property for observational purposes.

**RESPONSIBILITIES:** All general public members entering the Authority property are responsible for adhering to the rules of conduct at all Authority property as stated in this Policy in order to maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare, safety, and personal privacy of all persons at Authority Property as well as critical Authority facilities and infrastructure.

---

**DEFINITIONS:**

**Limited Access Area:** Any designated area on Authority Property that is not generally open to or occupied by the public shall be open to or occupied by the public on a limited, as-needed, or by-invitation basis. Limited Access Areas may be designated by doors, physical barriers, building design features, signage, reception desks or stations, or other visible indications. The lack of visible indications shall not prevent the Authority from considering or treating an area as a Limited Access Area. The Authority shall retain the right to verbally instruct third parties that an area is a Limited Access Area. Without limiting the generality of the foregoing, Limited Access Areas include but are not limited to the following:

- The Authority Administration Building;
- Employee offices;
- Employee workspaces including copy rooms, mailrooms, and break areas;

- Hallways, staircases, restrooms, and other areas by purpose or function restricted to providing access solely to other Limited Access Areas;
- Maintenance, storage, and warehousing facilities; and
- All wastewater treatment facilities.

**Authority Official:** For purposes of this Policy the Authority Official shall be:

- The Authority General Manager, or his or her designee;
- Authority staff;
- Member Agency staff performing work for or in collaboration with the Authority;
- Authority Commissioners and Alternates; and
- Any person providing security services in any Authority Property pursuant to contract with the Authority or with any person, firm, or corporation managing an Authority Property on the Authority's behalf.

**Authority Property:** Any real property owned or leased by the Authority or in which the Authority has a property interest or property management responsibility.

**Public Area:** Any area on Authority Property that is generally open to general public access and occupancy that is not otherwise designated as a Limited Access Area. The Public Area shall include the Authority's Conference Room when used as a meeting space for a meeting subject to the Ralph M. Brown Act, Government Code Section 54950 et seq.

**RULES OF CONDUCT:** Specific guidelines set forth in this Policy.

## **POLICY:**

### **RULES OF CONDUCT ON AUTHORITY PROPERTY:**

#### **ALL AUTHORITY PROPERTY:**

- (a) No person shall enter, attempt to enter, or remain in any areas of Authority Property for any purpose other than to conduct legitimate business with Authority offices located at Authority Property, or to exercise other constitutionally protected rights. The appropriate Authority Officials may adopt specific policies with respect to Authority Property under their custody and control to manage conditions for use of such Authority Property including without limitation to establish hours and terms of use, reservation protocols, use and user priority, and fees for use.
- (b) No person shall engage in any activity on Authority Property that would constitute a violation of federal, state, or local law or regulation.
- (c) No person shall engage in activity that disrupts or interferes with the normal operation or administration of Authority business at Authority



Property, lawful use by Authority employees and authorized users at Authority Property, or Authority-permitted activities.

- (d) No person shall stalk, harass, threaten, intimidate, or otherwise compromise the wellbeing and safety of Authority employees, agents, volunteers or private third parties lawfully using Authority Property. Photography, audio recording, or video recording does not, in and of itself, violate this Rule of Conduct. Likewise, conduct that would otherwise violate this Rule of Conduct shall not be permitted merely because the conduct involves photography, audio recording, or video recording.
- (e) No person shall interfere or obstruct the free passage of any individuals in, on, to or through the Public Area, or Authority employees or authorized third parties in, on, to, or through any Authority Property, including without limitation Limited Access Areas. Interference or obstruction includes, but is not limited to, standing in, blocking access to, or occupying areas for purposes of photography, audio recording, or video recording.
- (f) No person shall photograph, audio record, or video record in such a manner that would allow capture of, access to, or disclosure of private, personal, confidential, sensitive, or privileged information of private third parties and Authority employees.

LIMITED ACCESS AREAS:

- (a) Limited Access Areas shall be accessible only to the following:
  - (i) Employees, elected officials, and appointed officials of the Authority;
  - (ii) Private parties but only on a limited, as-needed, or by-invitation basis, to include those private parties accessing a Limited Access Area for the express purpose of conducting business with Authority employees; and
  - (iii) Any member of the public wishing to access to Limited Access Area for the express purpose of conducting business with Authority employees, must schedule an appointment, by using the online contact form at <https://ebda.org/contact/> or calling (510) 278-5910.
- (b) Photography, audio recording, and video recording is prohibited in Limited Access Areas, except as follows:

- (i) Any Authority Official may authorize audio or video recording or photography in Limited Access Areas, for good cause shown, with the consent of all parties to be recorded or photographed, provided that any Authority Official may impose appropriate and reasonable conditions on the recording or photography to prevent the unauthorized disclosure of confidential information; and
  - (ii) Audio and video recording and photography may be permitted in Limited Access Areas when specifically authorized by applicable law or agreements.
- (c) The restrictions in this section shall not apply to individuals who are filming a Limited Access Area from a publicly accessible location outside of the Limited Access Areas.
- (d) The Authority's Conference Room is located in the Authority's Administration Building. Without limiting the foregoing, if a meeting subject to the Ralph M. Brown Act, Government Code Section 54950 et seq., is noticed to occur in the Authority's Conference Room, any member of the public shall have the right to enter the Conference Room without prior approval, invitation, or accompaniment from an Authority Official. Individuals attending such meetings shall be limited to traveling directly from the Authority's entrance to the Authority's Conference Room. All other areas of the Authority's Administration Building shall remain Limited Access Areas at all times, unless otherwise specifically provided for herein.

**EXCLUSION:** If a person violates these Rules of Conduct while in or upon Authority Property, any Authority Official may eject and direct such person to leave Authority Property. It shall not be necessary for such Authority Official to allege any crime or other violation of applicable law other than these Rules of Conduct in order to support such exclusion; provided that violation of such exclusion may be deemed a trespass under applicable law. Individuals who repeatedly violate these Rules of Conduct may be excluded from Authority Property on a longer-term basis, as determined appropriate by the General Manager.