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September 18, 2018

SENT VIA U.S. MAIL

Received
Alameda County Grand Jury
Date Sept. 20, 2018
Ack Sent? Y N

Alameda County Grand Jury
1401 Lakeside Drive
Suite 1104
Oakland, California 94612

RE: Response to Alameda County 2017-2018 Final Grand Jury Report Relating to the East Bay Regional Park District

Dear Members of the Alameda County Grand Jury:

The East Bay Regional Park District (Park District) appreciates the Grand Jury's thorough assessment of the sewage overflows from the City of Oakland's sewer system into Lake Temescal. We share the Grand Jury's concern about the recurring sewer overflows into Lake Temescal and their impact on the recreational uses and water quality of this important community resource. We have requested that the City of Oakland prioritize providing needed repairs to the sewer infrastructure in the Lake Temescal watershed.

Cyanobacteria (also called blue-green algae) is naturally occurring in most waterbodies, and the scientific community is still uncertain as to the cause(s) of the increasing incidence of harmful algal blooms now seen around the world. The Park District understands that there are many factors at Lake Temescal that may contribute to cyanobacteria blooms. Among these are the large volume of sediment in Lake Temescal and the many nutrients attached to the sediment.

The Park District has taken steps to address harmful cyanobacteria blooms in Lake Temescal including: 1) increased water quality and fish tissue monitoring; 2) physical removal of filamentous algae and other nuisance aquatic vegetation; and 3) treatment. Recently, the Park District has initiated a dredging feasibility study to develop a long-term solution for reducing cyanobacteria blooms in the lake. Dredging the lake would be a multi-year project requiring complex permitting. Dredging would also be expensive, requiring grant and other funding sources. The Park District placed a tax extension measure on the November ballot that includes seed funding for a dredging project at Lake Temescal, which could be used to leverage other funds for this project.

Below are our responses to the Grand Jury's findings and recommendations specifically directed to the East Bay Regional Park District:

Board of Directors

Dennis Waespi President Ward 3	Ayn Wieskamp Vice-President Ward 5	Ellen Corbett Treasurer Ward 4	Dee Rosario Secretary Ward 2	Whitney Dotson Ward 1	Beverly Lane Ward 6	Colin Coffey Ward 7	Robert E. Doyle General Manager
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Finding 18-30:

The lack of clear lines of responsibility and communication between Oakland Public Works and the East Bay Regional Park District in notifying the public about Lake Temescal closures and the reasons for those closures gives the perception that the public agencies are keeping important information from the community.

Park District Response to Finding 18-30:

Public health and safety is a top priority at the Park District. When notified of a City of Oakland sewer overflow, the Park District: 1) immediately closes Lake Temescal to all public access; 2) posts signage indicating Lake Temescal is closed; (3) posts closure information on the Lake Temescal and Water Quality pages of the Park District's website; and 4) begins testing the water quality. The Park District and the City of Oakland have also developed a written notification protocol, described further below.

Recommendation 18-26:

Oakland Public Works and the East Bay Regional Park District must establish clear lines of responsibility between both agencies, and establish a clear written protocol for communications with the public concerning sewage spills or lake closures, including reasons for the closures.

Park District Response to Recommendation 18-26:

Per the Grand Jury's recommendation, the Park District and the City of Oakland have developed a "*Sanitary Sewer Overflow Notification Protocol*" (attached) to ensure effective communication between agencies and ensure the public health and safety of our park visitors.

Per the *Notification Protocol*, the Park District and the City of Oakland have agreed that when there is a sewer overflow into Lake Temescal, the City of Oakland will post signs indicating there has been a sewer spill. These signs will be removed once water quality testing has shown Lake Temescal meets recreational standards for contact. The signage indicating a sewer spill will inform the public about what is causing the closure of Lake Temescal. The Park District will continue to post its own, specific signage for cyanobacteria, as needed.

Recommendation 18-27:

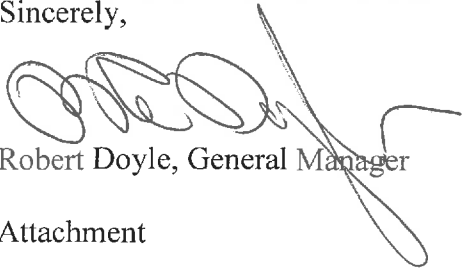
Both Oakland Public Works and the East Bay Regional Park District must study the feasibility of using push alerts to nearby neighborhoods in the event of a spill or closure, and explore use of the web and social media for emergency communications for implementation in the winter of 2019.

Park District Response to Recommendation 18-27:

The Park District routinely posts closure information on the Lake Temescal and Water Quality pages of the Park District's website. For this upcoming winter, the Park District will test sending targeted local neighborhood social media notifications of any sewer overflow.

On behalf of the Board of Directors, we want to thank you for your attention to this important public health issue and your support for keeping Lake Temescal a recreational amenity for our community. If you have any questions, please contact Matt Gaul, Chief of Stewardship, at mgraul@ebparks.org or 510-544-2306.

Sincerely,



Robert Doyle, General Manager



Dennis Waespi, Board President

Attachment

cc: Board of Directors, East Bay Regional Park District
Matt Gaul, Chief of Stewardship, East Bay Regional Park District
The Honorable Libby Schaaf, Mayor of Oakland
Oakland City Council
Ronald Browder, Director, Alameda County Department of Environmental Health

City of Oakland

Public Works – Bureau of Infrastructure & Operations




East Bay Regional Park District

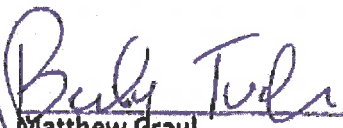
Acquisition, Stewardship & Design- Stewardship Department



Sanitary Sewer Overflow Notification Protocol City of Oakland and East Bay Regional Park District

Effective Date: July 16, 2018


Richard Battersby July 12, 2018
Interim Assistant Director Date
City of Oakland Public Works


Matthew Graul July 12, 2018
Chief, Stewardship Department Date
East Bay Regional Park District

Sewer Overflow Communication and Notification Protocol
for Lake Temescal

Oakland Public Works Department
Bureau of Infrastructure & Operations

&

East Bay Regional Park District
Stewardship Department



CITY OF OAKLAND



Emergency Operation and Notification Protocol

- A. Subject
- B. Intent
- C. Responsible Party
- D. Critical Timing
- E. Chain of Communication
- F. Emergency Response
- G. Review
- H. Attachments

A. Subject

This document is intended to clarify the interagency notification protocol in response to sanitary sewer overflows (SSOs) that discharge directly to, or otherwise affect, Temescal Regional Recreation Area (Lake Temescal).

Lake Temescal is part of the East Bay Regional Park District (Park District) and is open to the public for recreational swimming and fishing. The Park District regularly monitors the lake to ensure the water quality meets acceptable levels for recreational use. To address sanitary sewer overflows (or potential overflows) into Lake Temescal, the City of Oakland (City) and the Park District have developed this emergency communication and notification protocol.

B. Intent

The intent of this protocol is to:

- Ensure public health and safety of park visitors.
- Ensure effective communication between City and Park District in the event of sanitary sewer overflow, or potential thereof, into the lake by establishing a guideline for communication and clear notification protocols.
- Support environmental protection by facilitating a rapid response to contamination of the lake, or potential thereof, caused by sewer overflow from the City of Oakland's wastewater collection system.

C. Responsible Party(s)

The following personnel are responsible for development, review, and implementation of the emergency response protocol:

City of Oakland

Assistant Director, Public Works Agency
Public Works Operations Manager
Public Works Supervisor I & II

East Bay Regional Park District

Chief of Stewardship
Environmental Services Manager
Water Management Supervisor

D. Critical Timing

Year-round

E. Chain of Communication

In the event of contamination (or suspected contamination) of Lake Temescal from a sanitary sewer overflow the following person(s), and/or entities, should be notified immediately:

City of Oakland

1. City of Oakland Call Center (Oak311) - 311 or (510) 615-5566 from outside Oakland
2. City of Oakland Public Works Supervisor – (510) 615-5969
3. City of Oakland Public Works Operations Manager (Sewers Division) – (510) 615-5431

East Bay Regional Park District

1. Park District Dispatch Emergency – (510) 881-1121
2. Park District Dispatch Non-Emergency – (510) 881-1833
3. Park District Park Supervisor – (510) 544-3090
4. Park District Water Management Supervisor – (510) 544-2328

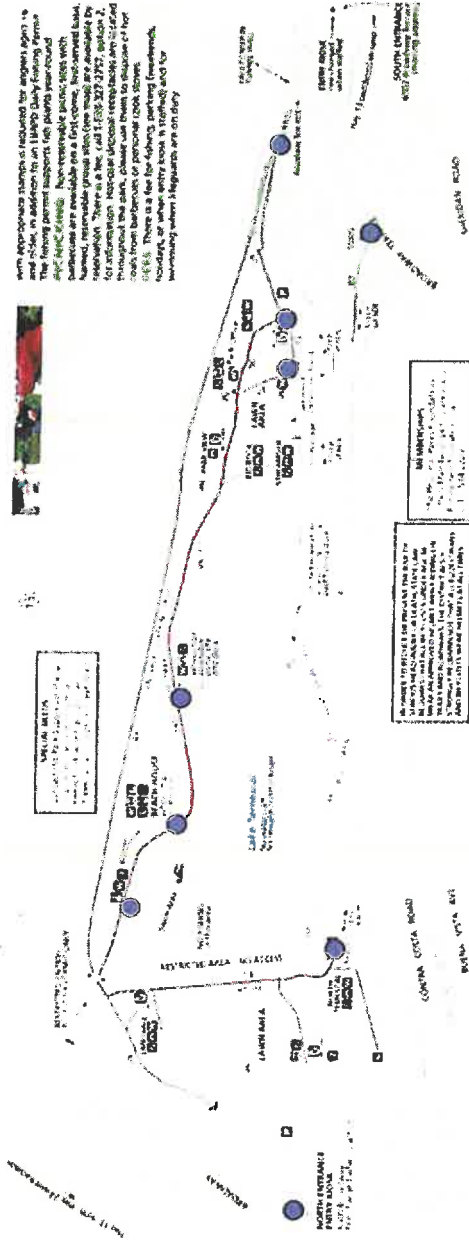
F. Emergency Response

In the event of sanitary sewer overflow (or suspected overflow) into Lake Temescal/Temescal Creek (above the lake), the following action shall be taken:

1. If an overflow or potential overflow is detected, or reported to either the City or Park District, then both entities will notify each other immediately, using the chain of communication indicated in *Item E. – Chain of Communication*.
2. Upon notification of a potential sewer overflow, the City will investigate the concern/complaint immediately. The investigation may include: dye-testing; and/or conducting water quality sampling and analysis for the following nutrients and/or bacteria: ammonia, fecal coliform, and E. coli. The purpose of the analysis is to confirm that a sanitary sewer overflow has occurred and resulted in contamination of the lake.
3. To facilitate spill response, the City will have the right and responsibility to enter Park District property for investigation and assessment, containment and mitigation of sewer overflow (if possible), and to post warning signs, as necessary.
4. City personnel will post warning signs at locations in/around the lake, at those locations pre-determined by Park District (see *Attachment A – Warning Sign Locations*).
5. The City will also post warning signs in/around waterways upstream of Lake Temescal, and will maintain signage until all mitigation efforts have been completed and water quality monitoring indicates typical background levels.
6. The Park District may elect to substitute their own warning signs to provide increased visibility and notice any closure of the Lake. In this case, the District may remove the City's warning posts in/around the lake at its sole discretion, and will notify the City accordingly.

Appendix A – Warning Sign Posting Locations

Lake Temescal SSO Sign Location Map



Sign Location List:

- North Entrance at Kiosk
- Swim Beach at Bulletin Board
- Swim Area at Water Fountain
- East Shore Trail at ADA Dock
- South Entrance at Broadway Terrace
- Trail Junction at Broadway Terrace
- South Parking Lot at Bulletin Board
- South start of West Shore Trail
- North start of West Shore Trail

NOTICE

**TEMPORARILY CLOSED
DUE TO WATER QUALITY**

 **No swimming, Fishing**
 **or Water Contact**

 **EAST BAY REGIONAL PARK DISTRICT**

Appendix C – Warning Sign (City of Oakland)

DANGER

RAW SEWAGE • AVOID CONTACT



PELIGRO

AGUA CONTAMINADA • EVITE TODO CONTACTO

For more information — Para más información

City of Oakland
Oakland Public Works Department
Bureau of Infrastructure & Operations
510-615-5566