

**LAS VIRGENES – TRIUNFO
JOINT POWERS AUTHORITY
MINUTES
REGULAR MEETING**

5:00 PM

August 2, 2021

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Len Polan.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Chair Tjulander via teleconference in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road, Calabasas, CA 91302. The meeting was conducted via teleconference pursuant to the provisions of the Governor’s Executive Order, N-29-20, which suspended certain requirements of the Ralph M. Brown Act to support social distancing guidelines associated with response to the coronavirus (COVID-19) outbreak. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, and Wall.

Absent: None.

2. APPROVAL OF AGENDA

Director Orkney moved to approve the agenda. Motion seconded by Director Polan. Motion carried unanimously.

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A Minutes: Regular Meeting of July 6, 2021: Approve

Director Renger moved to approve the Consent Calendar. Motion seconded by Director Polan. Motion carried unanimously.

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A State and Federal Legislative Update

Ana Schwab, federal lobbyist for the JPA with Best Best & Krieger LLP (BBK), presented the federal legislative update. She noted that the Senate introduced its infrastructure package, which included funding for water, wastewater, and large scale water recycling projects. She stated that the infrastructure package would have Title XVI programs available for projects such as the Pure Water Project Las Virgenes-Triunfo. She also stated that the Senate would likely pass the infrastructure package and subsequently negotiate with the House of Representatives. She noted that the House would return in September to consider increasing the debt ceiling, passing all 12 appropriations bills, and passing an infrastructure package. She stated that BBK would monitor whether Title XVI Water Infrastructure Improvements for the Nation (WIIN) would be included in an infrastructure package. She noted that the WIIN Program would expire on September 30th, and unless reauthorized, Title XVI would revert to the traditional Title XVI in which every program would need Congressional authorization to be eligible. She noted that Congresswoman Grace Napolitano released her plans to reauthorize Title XVI; however, Senator Dianne Feinstein's plan was not yet released. She provided an update regarding H.R. 2467, the Per- and Polyfluoroalkyl Substances (PFAS) in Action Act, and stated that this bill would make PFAS/Perfluorooctanoic Acid (PFOA) hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which would include responsibility for cleanup by all responsible parties under the superfund program. She stated that MWD, the Association of California Water Agencies (ACWA), and other agencies expressed concern that should a PFAS issue arise in an area, agencies could potentially be considered responsible parties and the ratepayers would be subsidizing manufacturers' cleanup. She noted that airports received an exemption from being a responsible party under CERCLA if they use the fire-fighting foam agent in a Federal Aviation Administration (FAA) regulated manner under FAA orders and within FAA code; therefore, a precedent had been set for an exemption under CERCLA. She stated that BBK would monitor this bill to protect water and wastewater agencies, together with their respective ratepayers, from having to pay for PFAS/PFOA cleanup. She addressed a question regarding an article in the *Los Angeles Times* regarding San Diego receiving federal funding for desalination and whether San Diego would recycle water and capture and treat stormwater by stating that she would follow-up and provide additional information. She also responded to a question regarding whether the JPA could alert all ratepayers regarding concerns with H.R. 2467 by stating that BBK could continue voice concerns regarding this bill.

Syrus Devers, state lobbyist for the JPA with Best Best & Krieger LLP (BBK), presented the state legislative update. He stated that BBK was continuing to pursue meetings with legislators to discuss the need to increase funding for recycled water projects. He also stated that BBK prepared a letter requesting \$500

million for recycled water projects and received commitments from legislators to sign the letter; however, BBK was experiencing difficulties in circulating the letter for signatures due to social distancing restrictions at the State Capitol.

Ms. Schwab noted that she reviewed the article in the *Los Angeles Times* and noted that the article addressed new legislation introduced by Congressman Mike Levin that would create a new program to support desalination projects over five years.

B Pure Water Project Las Virgenes-Triunfo: Update

Eric Schlageter, Principal Engineer, presented the report. He responded to a question regarding the status of the Agoura Road property by stating that the two alternative sites would need to go through a California Environmental Quality Act (CEQA) process before the JPA could select a site. He stated that staff was looking at completing the CEQA process over the next 18 months, as well as developing all of the bridging documents for alternative delivery.

6. ACTION ITEMS

A Pump Replacement for Westlake Well No. 1: Authorization

Authorize the Administering Agent/General Manager to approve a change order to General Pump Company, in the amount of \$33,302.10, for pump replacement at Westlake Well No. 1.

Administering Agent/General Manager David Pedersen presented the report.

Director Polan moved to approve Item 6A. Motion seconded by Director Caspary.

A discussion ensued regarding identifying the typical life cycle for pumps.

Motion carried unanimously.

B Bioassessment Monitoring Report: Approval of Contract and Purchase Order

Authorize the Administering Agent/General Manager to execute a four-year contract with Aquatic Bioassay Consulting Laboratories, Inc., in the annual amount of \$50,487 with one-time 2% escalator after the second year, for Bioassessment monitoring and reporting, and approve an annual purchase order, in the amount of \$155,000, for toxicity testing and reporting.

Brett Dingman, Water Reclamation Manager, presented the report and responded to questions regarding the toxicity testing process.

Director Orkney moved to approve Item 6B. Motion seconded by Director Caspary. Motion carried unanimously.

C Rancho Las Virgenes Composting Facility Woolsey Fire Repairs: Approval of Change Order

Authorize the Administering Agent/General Manager to approve Change Order No. 5 to Pacific Hydrotech Corporation, in the amount of \$33,046.29, for additional electrical and structural repairs at the Rancho Las Virgenes Composting Facility.

Mercedes Acevedo, Assistant Engineer, presented the report.

Director Polan moved to approve Item 6C. Motion seconded by Director Renger.

A discussion ensued regarding damages sustained to the rain gutter, downspouts, fascia board, and stucco, and expected reimbursement from the JPA's insurance carrier for costs related to the damages caused by the Woolsey Fire.

Motion carried unanimously.

D Rancho Solar Generation Project Phase I: Amendment to Performance Guarantee

Authorize the Administering Agent/General Manager to execute amendments to Solar Power Purchase Agreement and Performance Guarantee Agreement with Tesla, Inc., to update the guaranteed kilowatt hour production values based on the final as-built configuration of the Rancho Solar Generation Project Phase I.

John Zhao, Director of Facilities and Operations, presented the report.

A discussion ensued regarding the shortfall in the guaranteed kilowatt-hours production levels due to the reduction in the number of solar panels during final construction approval, and reduction to the guaranteed performance payment to the JPA over the 20-year period.

Director Caspary moved to approve Item 6D. Motion seconded by Director Polan. Motion carried unanimously.

E Centrate Treatment 24-inch Pump Suction Header and Valve Replacement Project: Final Acceptance

Approve Change Order No. 1 to J.R. Filanc Construction Company, Inc., in the amount of \$5,699.99, for additional work needed to complete construction; approve the execution of a Notice of Completion and have the

same recorded by the Los Angeles County Clerk; and, in the absence of claims from subcontractors and others, release the retention, in the amount of \$5,050.00, 30-calendar days after filing the Notice of Completion for the Centrate Treatment 24-inch Pump Suction Header and Valve Replacement Project.

Mercedes Acevedo, Assistant Engineer, presented the report.

Director Orkney moved to approve Item 6E. Motion seconded by Director Caspary. Motion carried unanimously.

F Digester No. 2 Rehabilitation Project: Final Acceptance

Approve the execution of a Notice of Completion and have the same recorded; waive liquidated damages associated with delays during construction; and, in the absence of claims from subcontractors and others, release the retention, in the amount of \$105,424.50, 30-calendar days after filing the Notice of Completion for the Digester No. 2 Rehabilitation Project.

Mercedes Acevedo, Assistant Engineer, presented the report and responded to questions regarding the depth of the temporary flooring and replacing the couplings for the sludge gas line with stainless steel couplings.

Director Polan moved to approve Item 6F. Motion seconded by Director Renger. Motion carried unanimously.

7. BOARD COMMENTS

Director Lo-Hill reported that she attended the WaterReuse Multi-Agency Water Reuse Programs Insights in Interagency Collaboration webcast on July 7th regarding the National Water Reuse Action Plan and interagency collaboration.

Director Polan reported that he also attended the WaterReuse webcast.

8. ADMINISTERING AGENT/GENERAL MANAGER REPORT

Administering Agent/General Manager David Pedersen reported that the flow in Malibu Creek was measuring 4.15 cubic feet per second, and there was no need for water augmentation. He noted that work on Centrifuge No. 1 was completed, and the centrifuge was placed back in operation on July 28th. He also noted that the facility's dewatered cake was 35 to 40 percent lower in moisture content. He provided an update regarding the JPA's participation in the on-going wastewater epidemiological study, and noted that staff was taking weekly samples of wastewater influent for COVID-19 testing as part of the study funded by the U.S. Department of Health and Human Services. He stated that values for COVID-19 were currently showing approximately 18 people per 100,000 at the time of the

sample, and staff was monitoring the trend. He also stated that he would share the data with the JPA Board. He noted that the trends were very reliable and good leading indicators of infections. He responded to a question regarding whether the JPA should share its participation in the study with the community by stating that the JPA could share that it was participating in a study and share the results. He noted that staff recognized that there were some limitations with the meaning of the data, and staff could follow how the Sanitation Districts of Los Angeles County shared its data on its website.

9. FUTURE AGENDA ITEMS

Director Polan requested a future agenda item regarding evaluation of technological advances on filtration and reverse osmosis for the Pure Water Project Las Virgenes-Triunfo.

Director Caspary noted that the Santa Monica Bay Restoration Commission Governing Board would receive a presentation at its August 19th meeting regarding the Hyperion Water Reclamation Plant sewage spill. He stated that he would share the meeting link with the JPA Board.

10. PUBLIC COMMENTS

There were no Public Comments.

Chair Tjulander stated that it was a pleasure having all of the Board Members present in the Board Room.

11. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:19 p.m.**



Ray Tjulander, Chair

ATTEST:



Jay Lewitt, Vice Chair