

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

5:00 PM

November 1, 2021

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Charles Caspary.

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 Assembly Bill 361, which exempts certain requirements of the Ralph M. Brown Act to support social distancing guidelines associated with response to the coronavirus (COVID-19) outbreak. Susan Brown, Administrative Assistant, conducted the roll call.

Present: Directors Caspary, Lewitt, Lo-Hill, Nye (via teleconference), Orkney (via teleconference), Polan, Renger, Shapiro (via teleconference), and Tjulander.

Absent: Wall

2. APPROVAL OF AGENDA AND APPROVAL OF FINDINGS OF RESOLUTION NO. 13 (AB 361) REGARDING THE USE OF TELECONFERENCING

Director Caspary moved to approve the agenda and approve the findings of Resolution No. 13 (AB 361) regarding the use of teleconferencing. Motion seconded by Director Renger. Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, and Tjulander

NOES: None

ABSTAIN: None

ABSENT: Wall

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A **Minutes: Special Meetings of October 14, 2021 and October 20, 2021: Approve**

Director Caspary moved to approve the Consent Calendar. Motion seconded by Director Polan. Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, and Tjulander

NOES: None

ABSTAIN: None

ABSENT: Wall

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A **State and Federal Legislative Update**

Lowry Crook, federal lobbyist for the JPA with Best Best & Krieger LLP (BBK), presented the federal legislative update, and noted that the House of Representatives was continuing to work on a \$1.75 trillion spending proposal for the Build Back Better Plan. He stated that it was likely that an infrastructure bill and funding for water projects would pass later in the month.

Ana Schwab, federal lobbyist for the JPA with BBK, provided an update regarding the U.S. Environmental Protection Agency's (EPA) Per- and Polyfluoroalkyl Substances (PFAS) Strategic Roadmap, including placing PFAS under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Superfund Law. She noted that the EPA released a final toxicity assessment on GenX PFAS and responded to New Mexico Governor Michelle Lujan Grisham's petition to place PFAS regulations under the Resource Conservation and Recovery Act (RCRA). Mr. Crook noted that GenX chemicals were meant to be the replacement in manufacturing; however, these chemicals were also determined to be hazardous.

Ms. Schwab provided an update regarding drought mitigation efforts and noted that BBK was continuing to formulate a strategy to meet with Congressional delegates to address the JPA's concerns. She responded to a question regarding a \$252 million loan for upgrades to the Tillman Water Reclamation Plant by stating that the loan was from the Water Infrastructure Finance and Innovation Act (WIFIA), which included certain eligibility criteria. She noted that WIFIA could fund up to 49 percent of the eligible project cost, which would include monetary size requirements, a five-year deferment, and a 35-year maximum repayment term. She also responded to a question regarding engaging Senator Dianne Feinstein

on PFAS regulations. Mr. Crook suggested that Senator Feinstein might be better positioned to assist with funding of the Pure Water Project Las Virgenes-Triunfo.

Ms. Schwab responded to a question regarding H.R. 535 and S. 91, the Special Districts Provide Essential Services Act, for Coronavirus Relief Act funding, by stating that these bills were introduced during the height of the COVID-19 pandemic; however, they were pulled from the CARES Act and American Rescue Plan Act. She stated that BBK could follow-up with the offices of Representative John Garamendi and Senator Krysten Sinema regarding whether they were still pursuing these bills.

Administering Agent/General Manager David Pedersen noted that special districts were successful in receiving COVID-19 relief funding to address the arrearages issue throughout the state.

Ms. Schwab responded to a question regarding federal earmarked funding for specific projects by stating that the cap for state and tribal assistance grants was \$3.5 million, and the funds would need to be used in the current year. She noted that the environmental review for eligible projects needed to be completed and would need to be further along to use the funding immediately. She stated that BBK would continue to monitor the application period for WIFIA and other federal funding opportunities.

Syrus Devers, state lobbyist for the JPA with Best Best & Krieger LLP (BBK), presented the state legislative update, and noted that funding was available in the state budget for water recycling projects. He also noted that draft regulations were released for a multi-benefit project program. He provided an update regarding the arrearages program for past due accounts and noted that the State Water Resources Control Board would provide arrearages funding for past due water accounts first followed by funding for past due wastewater accounts.

Director Caspary noted that the Association of California Water Agencies (ACWA) State Legislative Committee discussed potential legislation for 2022, including a bill to clarify prevailing wage interpretations. He noted that ACWA was not interested in pursuing a legislative proposal with Eastern Municipal Water District (EMWD) related to improving water use efficiency through non-functional turf management; however, it would monitor the proposal during the legislative session. He also noted that ACWA discussed illegal cannabis water diversion issues and would address legislative proposals submitted by the Mohave Water Agency.

B Pure Water Project Las Virgenes-Triunfo: Update

Eric Schlageter, Principal Engineer, provided a summary of the report, including the completion of the 30-day regulatory and environmental public scoping period; regulatory update meeting with the State Water Resources Control Board Division

of Drinking Water; recent topographic survey of proposed sites; and continuing efforts on the assessment of the proposed sites. He also provided a summary of worked planned in November, including meeting with staff regarding facility requirements; continuing to coordinate with the City of Thousand Oaks regarding the brine line conveyance alignment; and preparing a benchtop study for pipe run testing at the Pure Water Demonstration Facility to understand brine line concentrate and scaling effects. He noted that staff met with representatives from the City of Thousand Oaks and Calleguas Municipal Water District to discuss regional water resource collaboration and preparation of a draft Memorandum of Understanding. He responded to questions regarding the process and timeline to determine the best site for the advanced water treatment facility.

6. ACTION ITEMS

A Proposed 2022 JPA Board Meeting Calendar

Review the proposed 2022 Board Meeting Calendar and make any scheduling adjustments.

Susan Brown, Administrative Assistant, presented the report.

The Board agreed to cancel the May 2, 2022 Regular Meeting and schedule a Special Meeting on May 9, 2022; cancel the June 6, 2022 Regular Meeting and schedule a Special Meeting on June 13, 2022; cancel the October 3, 2022 Regular Meeting and schedule a Special Meeting on October 12, 2022; and continue to meet in the Board Room at Las Virgenes Municipal Water District.

B Carbon Tower Carbon Replacement: Authorization of Purchase Order

Authorize the Administering Agent/General Manager to issue a purchase order to Karbonous, Inc., in the amount of \$41,953, for carbon tower media replacement.

Brett Dingman, Water Reclamation Manager, presented the report.

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

Director Caspary asked staff to ensure they report the recycling credit to the local cities to support them in meeting their recycling mandates.

Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, and Tjulander

NOES: None

ABSTAIN: None

ABSENT: Wall

7. **BOARD COMMENTS**

Director Lo-Hill referred to the non-functional turf management proposal and noted that the MWD Board and the General Manager from Southern Nevada Water Authority recently discussed this issue and turf replacement in housing developments in Nevada. Director Caspary noted that the proposal to ACWA was to study non-functional turf regulations; however, it was likely that discretion would fall under a state agency for implementation. He expressed concern that it would not be beneficial to have a state agency dictate issues currently under local control.

8. **ADMINISTERING AGENT/GENERAL MANAGER REPORT**

Administering Agent/General Manager David Pedersen reported that 1.77 inches of rain was measured at the Tapia Water Reclamation Facility (Tapia) and peak flow measured 14 million gallons per day. He noted that demand for recycled water had decreased following the rain and cooler weather, and staff would operate the sprayfields until the November 15th end of the creek avoidance period. He also noted that some wastewater was diverted to the City of Los Angeles to help reduce the amount of excess water coming into Tapia. He reported that flow in Malibu Creek measured 5.8 cubic feet per second following the recent rain, and there remained no need for water augmentation. He also reported that demand for compost had decreased, and staff would implement measures to make use of excess compost material, including making a delivery to the Oak Park Community Garden. He responded to a question regarding discussions with the Los Angeles Regional Water Quality Control Board to increase chloride concentration limits for water discharged to the Los Angeles River.

9. **FUTURE AGENDA ITEMS**

None.

10. **INFORMATION ITEMS**

A Constituents of Emerging Concern (CECs): Comparison of Pure Water and Imported Water Sources

Administering Agent/General Manager David Pedersen noted that the report included comparisons of the concentrations of certain constituents of emerging concern (CECs) and logarithmic removal equivalents.

11. **PUBLIC COMMENTS**

None.

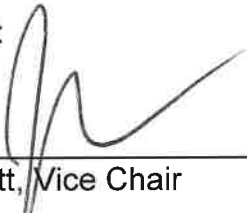
12. **ADJOURNMENT**

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:18 p.m.**



Ray Tjulander, Chair

ATTEST:



Jay Lewitt, Vice Chair