

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

5:00 PM

September 6, 2022

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Oliver Slosser.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Chair Lewitt 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 suspended 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, Orkney, Polan, Renger, Shapiro, Tjulander (via teleconference), and Wall.

Absent: None

2. APPROVAL OF AGENDA AND ADOPTION OF RESOLUTION NO. 19 (AB 361)

Approve the agenda, and pass, approve, and adopt proposed Resolution No. 19, reauthorizing the revised use of teleconferencing for public meetings pursuant to the Brown Act provisions enacted by Assembly Bill 361.

RESOLUTION NO. 19

A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY REAUTHORIZING THE REVISED USE OF TELECONFERENCING FOR PUBLIC MEETINGS

(Reference is hereby made to Resolution No. 19 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

Director Caspary moved to approve the agenda and pass, approve, and adopt proposed Resolution No. 19 (AB 361). Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

3. PUBLIC COMMENTS

Andy Coradeschi introduced himself and stated that he would be honored to serve as the next LVMWD and JPA Director following Director Lynda Lo-Hill, who chose not to run for reelection. He noted that he previously worked for a water company in New Jersey, and he moved to Agoura Hills in the 1990s. He also noted that he met MWD Representative Glen Peterson and Director Lo-Hill, and that he impressed with LVMWD, the JPA, and Calleguas Municipal Water District.

4. CONSENT CALENDAR

A Minutes: Regular Meeting of July 5, 2022: Approve

Director Renger moved to approve the Consent Calendar. Motion seconded by Director Orkney. Motion carried unanimously by roll call vote.

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), reported that Congress passed the Inflation Reduction Act, which included an appropriation of \$4 billion for the U.S. Bureau of Reclamation to address the drought in the Colorado River and other western drought-ridden areas. Lowry Crook, federal lobbyist for the JPA with BBK, noted that the \$4 billion would be for the Colorado River Basin and other basins with similar long-term drought impacts.

Ms. Schwab also reported that Congress would be working on finalizing the federal budget and setting appropriations by September 30th; however, it was anticipated that Congress would pass a continuing resolution and omnibus package. She also reported that the U.S. Bureau of Reclamation announced the Title XVI awards, and noted that the JPA received an award of \$10.2 million towards construction of the Pure Water Project Las Virgenes-Triunfo. She also reported that the U.S. Environmental Protection Agency (EPA) announced proposed rules designating per- and polyfluoroalkyl substances (PFAS) and perfluorooctanoic acid (PFOA) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) – the Superfund Law. She noted there would be a 60-day comment period, and BBK would work with staff on providing comments or sending a coalition letter. She responded to a question regarding municipalities and special districts facing liability as potentially responsible parties due to the proposed EPA rule by stating that BBK would meet with staff to discuss liability. Mr. Crook added that this concern was raised with the EPA and the Office

of Management and Budget before the rule was proposed due to potential impacts to the water community. He stated that BBK was seeking a legislative exemption to avoid this liability.

Syrus Devers, state lobbyist for the JPA with BBK, provided an update regarding SB 1157 (Hertzberg), which would lower the existing indoor gallons per capita daily (GPCD) water use efficiency standard. He noted that the Assembly Committee added language to the bill to call for a quantitative analysis, adverse impacts, stranded assets, and waiver of a program specifically tied to water recycling projects. He also noted that the more influential associations and many others were neutral on the bill with these additions; however, questions were raised after the bill was sent to the Appropriations hearing on August 15th, and there were reports that Governor Gavin Newsom wanted the study to be removed from the bill. He stated that the bill passed with 42 votes, and the Association of California Water Agencies (ACWA) was circulating a veto request letter to the Governor. He suggested that a better strategy might be to ask the Governor for a signing message related to water recycling.

A discussion ensued regarding concerns with SB 1157 requiring the reduction of indoor water usage to 42 GPCD by 2030,

Administering Agent/General Manager David Pedersen noted that in addition to the quantitative study, SB 1157 also included variances to avoid impacts to water recycling. He also noted that the water efficiency standard was not intended to apply to indoor water usage only as a formula would be used for a combination of indoor and outdoor water usage. He stated that an agency could apply savings to outdoor water use while maintaining 55 GPCD for indoor water use. He also stated that the key study would be for cost implications, the effect to wastewater systems and water recycling, and whether the cost outweighs the benefits. He noted that there would be a process where the implementation date could be pushed back.

Administering Agent/General Manager David Pedersen responded to a question regarding the science on toxicity of PFAS and PFOA by stating that this was still an emerging area, and decisions were being made based on the best science and best data available.

Administering Agent/General Manager David Pedersen addressed the state budget and noted that \$210 million was allocated for competitive grants for potable reuse projects. He stated that the JPA could compete for these funds for the Pure Water Project Las Virgenes-Triunfo. He also noted that \$80 million was earmarked for MWD's Pure Water Southern California Project, as well as \$25 million for MWD infrastructure improvements for water conveyance throughout the MWD service area.

Mr. Devers responded to a question regarding SB 222 related to Low Income Rate Assistance Programs by stating that this bill was experiencing continued

resistance, and ACWA remained opposed because the enrollment would be based on existing utilities' low income rate assistance programs. He also responded to a question regarding whether the state could pursue a water tax under this bill by stating that the state could pursue a water tax regardless of the bill.

Administering Agent/General Manager David Pedersen responded to a question regarding the \$10.2 million Title XVI grant funding for the Pure Water Project Las Virgenes-Triunfo by stating that the funds could be used for any type of eligible project costs, including past expenses going back to a certain date. Ms. Schwab added that the eligibility date would be when the feasibility study was approved by Congress.

B Pure Water Project Las Virgenes-Triunfo: Update

Oliver Slosser, Engineering Program Manager, presented the report. He noted that a Pure Water Brew Event would be held offsite at a brewery in October.

Director Orkney requested that a presentation be provided to the Oak Park Municipal Advisory Council regarding the project.

Mr. Slosser responded to a question regarding any possible issues identified in the Public Draft Programmatic Environmental Impact Report (PEIR) Pure Water Project Las Virgenes-Triunfo by stating that the document covered all aspects of potential environmental impacts. He noted there were no environmental impacts identified that were project ending or that could not be mitigated. He also noted that he had not heard much opposition to the project especially due to the current drought and the benefits that the project would bring. He stated that the public meeting for the PEIR would be held on September 8th in-person and online, and presentations would also be provided to the cities. He responded to a question regarding outreach efforts for the PEIR public meeting by stating that a Notice of Availability was sent through email and by letter to certain key agencies. He also stated that information was posted on social media and posted on the www.ourpureh20.com website, outreach was provided to the City Councils, and advertisements were placed in *The Acorn* and other publications. He also stated that California Environmental Quality Act (CEQA) requirements were met.

A discussion ensued regarding noticing the public PEIR meeting as a JPA Special Meeting in case a quorum of the Board was present.

Administering Agent/General Manager David noted that the PEIR was a draft document, and the public would have an opportunity to provide input. He stated that staff would respond to the publics' comments, and bring back the document in its entirety in December for the Board's consideration.

5. ACTION ITEMS

A Tapia Water Reclamation Facility 003 Outfall Rehabilitation Project: Environmental Permitting Support

Authorize the Administering Agent/General Manager to approve a contract amendment with Rincon Consultants, Inc., in the amount of \$9,890, to provide additional environmental permitting support for the Tapia Water Reclamation Facility 003 Outfall Rehabilitation Project

Brett Dingman, Water Reclamation Manager, presented the report.

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

Motion carried unanimously by roll call vote.

B. Rancho Las Virgenes Composting Facility: Replacement of Existing Agitators and Dollies

Authorize the administering Agent/General Manager to execute an agreement with BDP Industries, Inc., in the amount of \$1,254,000, plus tax and unloading costs, for replacement of two existing agitators and dollies at the Rancho Las Virgenes Composting Facility.

Shawn Triplett, Facilities Maintenance Supervisor, presented the report.

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

Mr. Triplett responded to questions regarding the new tubular conveyor frame design members in place of channel steel, which would be more corrosion resistant; reaching out to other users of BDP Industries' agitators to determine other cleaning practices; and keeping the old agitators for spare parts.

Motion carried unanimously by roll call vote.

7. BOARD COMMENTS

Director Lo-Hill noted that she did not file for reelection for her seat on the LVMWD Board of Directors, and she expressed her interest in being appointed as the MWD Representative in the future. She suggested that LVMWD and the JPA encourage the public to consider serving on Board positions.

8. ADMINISTERING AGENT/GENERAL MANAGER REPORT

Administering Agent/General Manager David Pedersen reported that the flow in Malibu Creek measured 14 cubic feet per second (CFS), and there was no need for potable water supplement. He also reported there was continued public interest in picking up free recycled water at the Rancho Las Virgenes Recycled Water

Filling Station. He noted that the Tapia Water Reclamation Facility Time Schedule Order for chloride discharge from recycled water to the Los Angeles River was renewed by the Regional Water Quality Control Board for another five years with additional work to support a regulatory change to the standard for chloride to 190 parts per million. He also reported that the final insurance reimbursement of approximately \$1 million was received for damages caused by the Woolsey Fire. He noted that the total reimbursement received was approximately \$4.6 million, with \$2.1 million for damages at the Rancho Las Virgenes Composting Facility. He stated that LVMWD would hold a fire preparedness webinar on September 7th, and a public meeting would be held on September 8th for the Public Draft Programmatic Environmental Impact Report (PEIR) Pure Water Project Las Virgenes-Triunfo. He also reported that Governor Newsom declared a state of emergency on August 31st due to an Extreme Heat Event throughout the state, and water and wastewater agencies were asked to shift energy demands off the grid. He noted that the Governor's declaration relaxed air quality standards, which would allow operating portable generators without counting against run-time limits. He also noted that California Independent Systems Operator (CAISO) issued an Energy Emergency Alert (EEA) 3, and the Tapia Water Reclamation Facility was switched to emergency generator backup power. He stated that a program was available to reimburse fuel and labor costs as a result of the EEA 3 declaration. Lastly, he reminded the Board that the next JPA meeting would be held on October 12th.

9. FUTURE AGENDA ITEMS

None.

10. INFORMATION ITEMS

A Tapia WRF Summer Season TMDL Compliance and Meter Replacement Project: Construction Change Order No. 4

B Pure Water Project Las Virgenes-Triunfo: Award of USBR Title XVI Water Reclamation and Reuse Program Grant

11. PUBLIC COMMENTS

None.

12. ADJOURNMENT

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



Jay Lewitt, Chair

ATTEST:



Leon E. Shapiro, Vice Chair