

AGENDA

BOARD OF DIRECTORS MEETING DELTA DIABLO (a California Special District)

2500 Pittsburg-Antioch Highway | Antioch, CA 94509
(Note: There will be no in-person meeting at the District.)
WEDNESDAY, October 13, 2021
4:30 P.M.

In lieu of a public gathering, the Board of Directors meeting will be accessible via ZOOM to all members of the public as permitted by the Government Code Section 54953(e).

The Board of Directors Meeting on October 13, 2021 will not be physically open to the public and all Board Members will be teleconferencing into the meeting. Members of the public can observe the meeting by following the steps listed below to view and listen to the Board Meeting.

Persons who wish to address the Board during the Public Comment period or with respect to an item on the Agenda will be limited to two (2) minutes. The Secretary to the Board will call on members of the public at the beginning of the meeting to establish a speaking order. Please indicate whether you wish to speak during the Public Comment period or on a specific Agenda item at that time.

The Board Chair may reduce the amount of time allotted to provide comments at the beginning of each item or public comment period depending on the number of comments and the business of the day. Your patience is appreciated.

Presentations will be made available online at <https://www.deltadiablo.org/board-meetings> approximately one hour prior to the start of the Board meeting.

How to view, listen to, and provide a Public Comment during the meeting via ZOOM:

Using your computer, access the Zoom meeting at: <https://us02web.zoom.us/j/81114020288>

How to listen and provide a Public Comment during the meeting via ZOOM:

§ **Using your telephone, access the Zoom meeting by dialing (669) 900-6833**

§ **Meeting ID: 811 1402 0288**

The District will provide reasonable accommodations for persons with disabilities who plan to participate in Board (or committee) meetings by contacting the Secretary to the Board 24 hours prior to the scheduled meeting at (925) 756-1927. Disclosable public records related to an open session item on a regular meeting agenda and distributed by the District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspection on the District website at www.deltadiablo.org

AGENDA

BOARD OF DIRECTORS MEETING

DELTA DIABLO

(a California Special District)

2500 Pittsburg-Antioch Highway | Antioch, CA 94509

(Note: There will be no in-person meeting at the District.)

WEDNESDAY, OCTOBER 13, 2021

4:30 P.M.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENTS

D. RECOGNITION

- 1) **Adopt** Resolution Commending and Congratulating Regina Cartwright-Morales, Administrative Assistant III, on Her Retirement from the District (Cecelia Nichols-Fritzler)
- 2) **Adopt** Resolution Commending and Congratulating Darrell Cain, Laboratory Manager, on His Retirement from the District (Dean Eckerson)
- 3) **Adopt** Resolution Commending and Congratulating Tim Hammett, Collection Systems Worker II, on His Retirement from the District (Dustin Bloomfield)

E. CONSENT CALENDAR

- 1) **Approve** Minutes of the Regular Board of Directors Meeting, September 8, 2021 (Cecelia Nichols-Fritzler)
- 2) **Approve** Minutes of the Special Board of Directors Meeting, September 17, 2021 (Cecelia Nichols-Fritzler)
- 3) **Receive** District Monthly Check Register for August 2021 (Eka Ekanem)
- 4) **Receive** Fiscal Year 2020/2021 Report on Surplus District Property (Anika Lyons)
- 5) **Receive** Annual Report on Collection of Capital Facilities Capacity Charges for Fiscal Year 2020/2021 (Carol Margetich)
- 6) **Authorize** General Manager to Approve Contract Change Orders in an Amount Not to Exceed 19% of the Contract Amount, for a New Total Authorization of \$3,233,230; and **Accept** and **Authorize** General Manager to File Notice of Completion, W.M. Lyles Co., Primary Clarifier Area Improvements, Project No.17140 (Sean Williams)
- 7) **Receive** Delta Household Hazardous Waste Collection Facility Fiscal Year 2020/2021 Report (Amanda Roa)
- 8) **Authorize** General Manager to Execute Amendment No. 1 to General Services Contract in the Amount of \$36,400 for a New Total Contract Amount Not to Exceed \$136,399, Liebert Cassidy Whitmore, Labor Negotiation Services (Brian Thomas)

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- 9) **Receive** Report on National Pollutant Discharge Elimination System Permit Violations (Dean Eckerson)

F. DELIBERATION ITEMS

- 1) **Consider** Adopting a Resolution to Authorize the Board of Directors, in all its Capacities, and its Subcommittees, to Conduct Teleconference Meetings under Government Code Section 54953(e) and **Make** Related Findings; **Determine** that These Bodies Will Hold Virtual Meetings for the Next 30 Days; and **Direct** the General Manager to Return This Matter to the Board for Reconsideration as to All Bodies Covered by the Resolution (Cecelia Nichols-Fritzler)
- 2) **Consider** Implementation of a Mandatory COVID-19 Vaccination Policy for All District Employees, and **Consider** Making Related Findings in Support Thereof; and **Consider** Adopting a Resolution Confirming Existence of a COVID-19 Emergency and Authorizing General Manager to Contract for Supplies and Services (Dean Eckerson)

G. PRESENTATIONS AND REPORTS

None.

H. MANAGER'S COMMENTS

I. DIRECTORS' COMMENTS

J. CORRESPONDENCE

Receive Monthly Lobbyist Report Dated September 2021, Key Advocates, Inc., Western Recycled Water Coalition, Project No. 90024 (Jayne Strommer)

K. CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS (GOV. CODE, SECTION 54957.6)

Agency Negotiators: Vince De Lange, Michael Jarvis

Employee Organizations: Operations and Maintenance Unit, Public Employees Union, Local One; Professional & Technical Unit, Public Employees Union, Local One; Management Association

Unrepresented Employees: All unrepresented employees

L. ADJOURNMENT

The next Board of Directors meeting will be held on November 10, 2021, at 4:30 p.m.

The District will provide reasonable accommodations for persons with disabilities who plan to participate in Board (or committee) meetings by contacting the Secretary to the Board 24 hours prior to the scheduled meeting at (925) 756-1927. Disclosable public records related to an open session item on a regular meeting agenda and distributed by the District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspection on the District website at www.deltadiablo.org

October 13, 2021

ADOPT RESOLUTION COMMENDING AND CONGRATULATING REGINA
CARTWRIGHT-MORALES, ADMINISTRATIVE ASSISTANT III, ON HER RETIREMENT
FROM THE DISTRICT

Recommendation

Adopt Resolution commending and congratulating Ms. Regina Cartwright-Morales, Administrative Assistant III, on her retirement from the District.

Background Information

Ms. Cartwright-Morales began her career with the District as a temporary employee in November 2007. She was hired as an Administrative Assistant II in June 2008 and was promoted to Administrative Assistant III in January 2013.

Analysis

Ms. Cartwright-Morales retired on September 3, 2021, after serving over 13 years with the District. She was instrumental in providing administrative support to the Laboratory and Maintenance Divisions during her tenure. In addition, she was the primary point of contact at the Plant Operations Center Administration Building and provided good customer service to the District's internal and external customers, while effectively conducting additional follow-up activities address outstanding items. She received two peer recognition awards—the 2013 Employee Choice Award for Customer Service and the 2014 Employee Recognition Award for Teamwork. Ms. Cartwright-Morales was a valuable team member, who made significant contributions to operational excellence. She is well respected among her peers and made a positive impact, both professionally and personally, with her coworkers. The District wishes her well in her future endeavors.

Financial Impact

None

Attachments

Resolution Commending and Congratulating Regina Cartwright-Morales on Her Retirement

Prepared by: _____



Cecelia Nichols-Fritzler
Office Manager/Secretary to the Board

cc: Ms. Regina Cartwright-Morales
District File BRD.01-ACTS



BEFORE THE BOARD OF DIRECTORS
OF
DELTA DIABLO

Re: **Commending and Congratulating)**
Regina Cartwright-Morales on Her)
Retirement from the District)

RESOLUTION NO. 12/2021

THE BOARD OF DIRECTORS OF DELTA DIABLO HAS DETERMINED THAT:

WHEREAS, Ms. Regina Cartwright-Morales served the District from November 2007 until her retirement on September 3, 2021, which is a period of over 13 years; and

WHEREAS, during that period, she held the positions of Administrative Assistant II and Administrative Assistant III; and

WHEREAS, during that period, she effectively supported the Laboratory and Maintenance Divisions, while providing good customer service to customers;

WHEREAS, she received two peer recognition awards—the “2013 Employee Choice Award for Customer Service” and the “2014 Employee Recognition Award for Teamwork”; and

WHEREAS, she was a valuable team member, who made significant contributions to operational excellence; and

WHEREAS, Ms. Cartwright-Morales is well respected among her peers and made a positive impact, both professionally and personally, and will be greatly missed at the District.

NOW THEREFORE, the Board of Directors of Delta Diablo DOES HEREBY RESOLVE AND ORDER as follows:

Ms. Regina Cartwright-Morales is hereby commended and thanked for over 13 years of outstanding service and dedication to the District. The Board of Directors and staff wish her well in all her future endeavors.

PASSED AND ADOPTED on October 13, 2021, by the following vote:

AYES:
NOES:

ABSENT:
ABSTAIN:

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Board of Directors of Delta Diablo on October 13, 2021.

ATTEST:
Board Secretary

By: _____

October 13, 2021

ADOPT RESOLUTION COMMENDING AND CONGRATULATING DARRELL CAIN,
LABORATORY MANAGER, ON HIS RETIREMENT FROM THE DISTRICT

Recommendation

Adopt Resolution commending and congratulating Mr. Darrell Cain, Laboratory Manager, on his retirement from the District.

Background Information

Mr. Cain began his employment with the District as Laboratory Manager on August 15, 1997. Prior to joining the District, he earned a Bachelor's Degree in Physiology from University of California, Davis and gained water and wastewater regulatory monitoring and testing experience while working in private-sector contract laboratories. Mr. Cain is retiring with over 24 years of service with the District.

Analysis

Mr. Cain directly contributed to building an exemplary regulatory compliance record at the District by ensuring laboratory monitoring, testing, and analyses, and pollution prevention requirements remained consistent with industry standards and permit requirements. Over the years, he effectively adapted the Laboratory Division to meet challenges posed by increased regulatory oversight, while using his leadership skills and the lab certification and audit processes to drive sustained organizational improvement.

During his career, Mr. Cain exemplified leadership by bringing a group of individuals with different personalities, skill sets, and interests to effectively work toward achieving a common goal as a team that leveraged individual talents. He was recognized by his peers for his contributions to the wastewater community by being named "2007 Supervisor of the Year" by the California Water Environment Association (CWEA) San Francisco Bay Section. He prioritized self-improvement and continuing professional development during his time at the District, which was demonstrated in earning an Executive Master of Public Administration from Golden Gate University in December 2014. In 2016, he received the Delta Diablo "Employee Choice Award for Leadership."

The District thanks Mr. Cain for dedicating his career to public service and sharing valuable technical insights and leadership skills, good nature, commitment to teamwork, sense of humor, and positive attitude with so many of his co-workers over the years. The District wishes him all the best in his retirement years, and he will be greatly missed.

Attachment

Resolution Commending and Congratulating Mr. Darrell Cain on His Retirement

Prepared by: _____



Dean Eckerson
Resource Recovery Services Director

cc: Mr. Darrell Cain
District File No. BRD.01-ACTS



BEFORE THE BOARD OF DIRECTORS
OF
DELTA DIABLO

Re: **Commending and Congratulating)**
Mr. Darrell Cain on His)
Retirement from the District)

RESOLUTION NO. 13/2021

THE BOARD OF DIRECTORS OF DELTA DIABLO HAS DETERMINED THAT:

WHEREAS, Mr. Darrell Cain served the District as Laboratory Manager from August 15, 1997, until his retirement on September 29, 2021, which is a period of over 24 years; and

WHEREAS, he contributed to building an exemplary regulatory compliance record by ensuring laboratory monitoring, testing, and analyses, and pollution prevention requirements remained consistent with industry standards and permit requirements; and

WHEREAS, he effectively adapted the Laboratory Division to meet challenges posed by increased regulatory oversight, while using his leadership skills and the lab certification and audit processes to drive sustained organizational improvement; and

WHEREAS, he was named “2007 Supervisor of the Year 2007” by the California Water Environment Association (CWEA) San Francisco Bay Section in recognition of his significant contributions to the wastewater community as an outstanding wastewater professional; and

WHEREAS, he prioritized continuing professional development during his time at the District by earning an Executive Master of Public Administration from Golden Gate University in December 2014 and by receiving the 2016 Delta Diablo Employee Choice Award for Leadership; and

WHEREAS, Mr. Cain is well respected for dedicating his career to public service and sharing valuable technical insights and leadership skills, good nature, commitment to teamwork, sense of humor, and positive attitude with so many of his co-workers over the years.

NOW THEREFORE, the Board of Directors of Delta Diablo DOES HEREBY RESOLVE AND ORDER as follows:

Mr. Darrell Cain is hereby commended and thanked for over 24 years of outstanding service and dedication to the District. The Board of Directors and staff wish him well in his retirement.

PASSED AND ADOPTED on October 13, 2021, by the following vote:

AYES:
NOES:

ABSENT:
ABSTAIN:

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Board of Directors of Delta Diablo on October 13, 2021.

ATTEST:
Board Secretary

By: _____

October 13, 2021

ADOPT RESOLUTION COMMENDING AND CONGRATULATING TIM HAMMETT,
COLLECTION SYSTEM WORKER II, ON HIS RETIREMENT FROM THE DISTRICT

Recommendation

Adopt Resolution commending and congratulating Mr. Tim Hammett, Collection System Worker II, on his retirement from the District.

Background Information

Mr. Hammett began his employment with the District as a Utility Labor in August 1993 and was promoted to Operator-in-Training in March 1998. In March 2004, he was selected for the Collection Worker Training Program (Operator I/Collection System Worker I), which directly supported his promotion to Collection System Worker II in March 2005. Mr. Hammett retired on September 17, 2021, with 28 years of service with the District.

Analysis

In the role of Collection System Worker II, Mr. Hammett was instrumental in the success of the Collections Preventive Maintenance and Asset Management Programs. He helped maintain the effectiveness and reliability of the District's wastewater collection system in Bay Point through sewer inspection, cleaning, and repair activities, while also providing key support during capital projects. In addition, Mr. Hammett played a vital role in responding to Underground Service Alert notifications by properly marking District infrastructure to protect against damage due to outside construction activities. As part of his dedication to public service, he often responded during off hours and weekends to resolve issues in the Bay Point collection system to prevent service disruption to customers.

Mr. Hammett's high standards in association with his knowledge of the conveyance system helped ensure the District experienced limited sanitary sewer overflow events. He made significant contributions to the District's operational excellence. Mr. Hammett is well respected among his peers and has made a positive impact with his coworkers.

The District wishes him all the best in his future endeavors.

Financial Impact

None

Attachments

Resolution Commending and Congratulating Mr. Hammett on His Retirement

Prepared by:



Dean Eckerson
Resource Recovery Services Director

cc: Mr. Tim Hammett
District File No. BRD.01-ACTS



BEFORE THE BOARD OF DIRECTORS
OF
DELTA DIABLO

Re: **Commending and Congratulating)**
Tim Hammett on His Retirement)
from the District)

RESOLUTION NO. 14/2021

THE BOARD OF DIRECTORS OF DELTA DIABLO HAS DETERMINED THAT:

WHEREAS, Mr. Tim Hammett served the District from August 1993, until his retirement on September 17, 2021, which is a period of over 28 years; and

WHEREAS, during that period, he held the positions of Utility Labor, Operator I/Collection System Worker I, and Collection System Worker II; and

WHEREAS, he was instrumental in the success of the Collections Preventive Maintenance and Asset Management Programs; and

WHEREAS, he helped maintain the effectiveness and reliability of the District's wastewater collection system in Bay Point through sewer inspection, cleaning, and repair activities, while also providing key support during capital projects; and

WHEREAS, he played a vital role in responding to Underground Service Alert notifications by properly marking District infrastructure to protect against damage due to outside construction activities, and often responded during off hours and weekends to resolve issues in the Bay Point collection system to prevent service disruption to customers; and

WHEREAS, he was a valuable Maintenance Division team member who made significant contributions to operational excellence; and

WHEREAS, Mr. Hammett is well respected among his peers and made a positive impact, both professionally and personally, and will be greatly missed at the District.

NOW THEREFORE, the Board of Directors of Delta Diablo DOES HEREBY RESOLVE AND ORDER as follows:

Mr. Tim Hammett is hereby commended and thanked for over 28 years of outstanding service and dedication to the District. The Board of Directors and staff wish him all the best in his future endeavors.

PASSED AND ADOPTED on October 13, 2021, by the following vote:

AYES:
NOES:

ABSENT:
ABSTAIN:

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Board of Directors of Delta Diablo on October 13, 2021.

ATTEST:
Board Secretary

By: _____

October 13, 2021

APPROVE MINUTES OF THE BOARD OF DIRECTORS MEETING, SEPTEMBER 8, 2021

Recommendation

Approve Minutes of the Board of Directors Meeting held on September 8, 2021.

DRAFT
Minutes of the Board of Directors Meeting

DELTA DIABLO
September 8, 2021

The meeting was called to order by Chair Glover at 4:30 p.m., on Wednesday, September 8, 2021, via Zoom. Present were Vice Chair Monica Wilson and Director Juan Banales. Also present were: Mary Ann Mason, District Counsel; Vince De Lange, General Manager; Cecelia Nichols-Fritzler, Office Manager/Secretary to the Board; Brian Thomas, Acting Business Services Director; Dean Eckerson, Resource Recovery Services Director; and Thanh Vo, Acting Engineering Services Director.

Chair Glover read the following statement: “To slow the spread of COVID-19, in lieu of a public gathering, the Board of Directors meeting will be accessible via teleconference to all members of the public as permitted by the Governor’s Executive Order 08-21, which suspends certain requirements of the Ralph M. Brown Act to allow for greater flexibility in conducting public hearings.”

Ms. Nichols-Fritzler read a statement regarding the process for receiving public comments and the availability of presentations on the District’s website.

PUBLIC COMMENTS

None.

RECOGNITION

Receive Presentation of Utility of the Future Today Award and Silver Peak Performance Award from National Association of Clean Water Agencies

Mr. Eckerson presented the NACWA Utility of the Future Today (UOTFT) Award and the Silver Peak Performance Award. The UOTFT award recognizes the District for its outstanding leadership and commitment to innovation and resource recovery. This is the fifth time the District has received this prestigious award. In addition, Mr. Eckerson presented the NACWA Silver Peak Performance Award, which recognizes water resource recovery facilities for outstanding permit compliance for the 2020 calendar year. The Board congratulated staff on these outstanding achievements.



CONSENT CALENDAR

Prior to approval of the Consent Calendar, Vice Chair Glover requested to pull Item E/7 (Authorize General Manager to Transfer Monies to Bridgehead Pipeline Replacement Project from Emergency Retention Basin Improvements Project within Wastewater Capital Asset Replacement Fund in the Amount of \$300,000, for a Total Project Budget of \$3,800,000; Authorize General Manager to Execute Consulting Services Contract in an Amount Not to Exceed \$280,421, Construction Management Services, Psomas; and Authorize General Manager to Execute License Agreement with BNSF Railway Company, Pay License Fee of \$14,744, and License Use of Property for 25 Years Commencing on September 8, 2021, Bridgehead Pipeline Replacement, Project No. 21123).

Vice Chair Wilson moved approval of the Consent Calendar, seconded by Director Banales, and by a roll call vote (Ayes: *Banales, Glover, and Wilson*, Noes: *None*; Absent: *None*, Abstain: *None*); the following Consent items were approved: Approve Minutes of the Special Board of Directors Meeting, August 18, 2021; Receive District Monthly Check Register for July 2021; Receive Fourth Quarter Fiscal Year 2020/2021 District Investment Report; Accept and Authorize General Manager to File Notice of Completion, Pacific Infrastructure Corporation, Sodium Bisulfite Tank Replacement, Project No. 17139; Reject All Bids Received on July 30, 2021, Order any Bid Bonds Posted by Bidders to be Exonerated; and Direct General Manager to Return to Bidders Any Checks or Cash Submitted for Bid Security, Onsite Fueling Station Replacement, Project No. 19112; Adopt Resolution Updating the District's Records Retention Schedule; and Authorize General Manager to Establish a New Fiscal Year 2021/2022 Project in the Wastewater Capital Asset Replacement Fund and to Transfer Monies to this Project from Arcy Lane Junction Structure Rehabilitation Project within Wastewater Capital Asset Replacement Fund in the Amount of \$300,000, for a Total Project Budget of \$300,000; and Authorize General Manager to Execute General Services Contract in a Total Amount Not to Exceed \$220,805, Pacific Coast Trane Service, POC Chiller Improvements, Project No. 22128.

After receiving clarification to questions regarding Item E/7, Vice Chair Wilson moved approval of Item E/7, seconded by Director Banales, and by a roll call vote: (Ayes: *Banales, Glover, and Wilson*, Noes: *None*; Absent: *None*, Abstain: *None*;) the item was approved.

DELIBERATION

None.

PRESENTATION AND REPORTS

Receive Update on Fiscal Year 2021/2022 Strategic Initiatives to Support Strategic Plan Implementation

Mr. Eckerson presented an update on the FY21/22 Strategic Initiatives to support implementation of the District's Strategic Plan. He provided an overview of the ten strategic initiatives that support the Infrastructure Investment, Environmental Stewardship, Fiscal Responsibility, Organizational Change, Workforce Development, and Customer Services and Engagement goal areas. Mr. Eckerson noted that following completion of FY21/22, staff will provide a report on the District's progress in completing these initiatives, as well as achieving the Key Success Indicators included in the Strategic Plan.



MANAGER'S COMMENTS

Mr. De Lange provided a brief overview regarding two recent NPDES permit violations involving effluent mercury and copper concentration exceedances at the District's Wastewater Treatment Plant. In response to questions from Chair Glover, Mr. De Lange provided clarification regarding use of the District's on-site laboratory and test equipment, as well as outside contract laboratory resources.

DIRECTORS' COMMENTS

None.

CORRESPONDENCE

Receive Monthly Lobbyist Report dated August 2021, Key Advocates, Inc., Western Recycled Water Coalition, Project No. 90024

The Board received and filed the report.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS (GOV. CODE, SECTION 54957.6)

Agency Negotiators: Vince De Lange, Michael Jarvis

Employee Organizations: Operations and Maintenance Unit, Public Employees Union, Local One; Professional & Technical Unit, Public Employees Union, Local One; Management Association

Unrepresented Employees: All unrepresented employees

Before adjourning to Closed Session, the Secretary to the Board asked if there were any public comments on the Closed Session item. No comments were made. At 5:05 p.m., Chair Glover convened the Board of Directors meeting to Closed Session. Following Closed Session, Chair Glover reconvened the Board of Directors meeting in open session at 5:55 p.m. and stated there was nothing to report from Closed Session.

ADJOURNMENT

Chair Glover adjourned the meeting at 5:56 p.m. and noted the next meeting will be held on October 13, 2021, at 4:30 p.m.

Juan Banales
Board Secretary

(Recording Secretary:
Cecelia Nichols-Fritzler)



October 13, 2021

APPROVE MINUTES OF THE SPECIAL BOARD OF DIRECTORS MEETING,
SEPTEMBER 17, 2021

Recommendation

Approve Minutes of the Special Board of Directors Meeting held on September 17, 2021.

**DRAFT
Minutes of the Special Board of Directors Meeting**

**DELTA DIABLO
September 17, 2021**

The meeting was called to order by Chair Glover at 10:02 a.m., on Friday, September 17, 2021, via Zoom. Present were Vice Chair Monica Wilson and Director Juan Banales. Also present were: Stephen Siptroth, Deputy County Counsel; Vince De Lange, General Manager; Cecelia Nichols-Fritzler, Office Manager/Secretary to the Board; and Brian Thomas, Engineering Services Director/District Engineer.

Chair Glover read the following statement: “To slow the spread of COVID-19, in lieu of a public gathering, the Board of Directors meeting will be accessible via teleconference to all members of the public as permitted by the Governor’s Executive Order 08-21, which suspends certain requirements of the Ralph M. Brown Act to allow for greater flexibility in conducting public hearings.”

Ms. Nichols-Fritzler read a statement regarding the process for receiving public comments.

PUBLIC COMMENTS

None.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS (GOV. CODE, SECTION 54957.6)

Agency Negotiators: Vince De Lange, Michael Jarvis

Employee Organizations: Operations and Maintenance Unit, Public Employees Union, Local One; Professional & Technical Unit, Public Employees Union, Local One; Management Association

Unrepresented Employees: All unrepresented employees

Before adjourning to Closed Session, the Secretary to the Board asked if there were any public comments on the Closed Session item. No comments were made. At 10:06 a.m., Chair Glover convened the Board of Directors meeting to Closed Session. Following Closed Session, Chair Glover reconvened the Board of Directors meeting in open session at 10:53 a.m. and stated there was nothing to report from Closed Session.



ADJOURNMENT

Chair Glover adjourned the meeting at 10:53 a.m. and noted the next meeting will be held on October 13, 2021, at 4:30 pm.

Juan Banales
Board Secretary

(Recording Secretary:
Cecelia Nichols-Fritzler)

DRAFT



October 13, 2021

RECEIVE DISTRICT MONTHLY CHECK REGISTER, AUGUST 2021

Recommendation

Receive District Monthly Check Register for the month ending August 31, 2021.

Background Information

Attached is the Check Register for the month of August 2021. The report reflects payments to the District's suppliers, consultants, service providers, and contractors. A total of \$1,898,733.09 was disbursed in the month of August 2021, which includes 126 checks.

Financial Impact

All payments made during the month are within funding levels included in the adopted Fiscal Year 2021/2022 Budget.

Attachment

Check Register for month ending August 31, 2021

Reviewed by: 
Carol Margetich
Business Services Director



CHECK REGISTER
DELTA DIABLO
CASH DISBURSEMENTS FOR THE MONTH OF AUGUST 2021

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
8/5/2021	ADVANTAGE ELECTRIC SUPPLY	55434	36001	2,106.62	FEB RETURN VFD1601 REPLACEMENT VFD	2,106.62
8/5/2021	ALLIANT INSURANCE SERVICES	55449	36002	7,666.31	INSURANCE - OTHER	7,666.31
8/5/2021	AT&T	55464	36003	1,556.19	PHONE EXP	1,556.19
8/5/2021	CONCENTRA/OCCUPATIONAL HEALTH CENTERS	55406	36004	105.00	OCCUP SAFETY	105.00
8/5/2021	CONTRACT SWEEPING SERVICES	55452	36005	29,655.86	STREET SWEEPING SERVICES	29,655.86
8/5/2021	CSRMA	55447	36006	145,030.78	PROPERTY INSURANCE	145,030.78
8/5/2021	EVOQUA WATER TECHNOLOGIES, LLC	55336	36007	323.60	SUPPORT & MAINTENACE FOR DI WATER SYSTEM FOR LAB	323.60
8/5/2021	FEDERAL EXPRESS	55453	36008	44.23	OE POSTAGE	44.23
8/5/2021	FRESCHI AIR SYSTEMS	55435 55436 55440	36009	152.00 152.00 6,035.62	GDRY8701 GAS CHILLER REPAIR GDRY8701 GAS CHILLER REPAIR GDRY8701 GAS CHILLER REPAIR	6,339.62
8/5/2021	GENERAL ELECTRIC COMPANY	55370	36010	18,735.86	SCADA SOFTWARE RENEWAL	18,735.86
8/5/2021	GOLDEN STATE WATER CO.	55445 55446	36011	1,390.57 857.68	UTILITIES UTILITIES	2,248.25
8/5/2021	KEMIRA WATER SOLUTIONS, INC.	55420	36012	5,884.58	FERROUS CHLORIDE	5,884.58
8/5/2021	KOA HILLS CONSULTING LLC.	55355	36013	743.75	ERP FUNCTIONALITY IMPROVEMENTS	743.75
8/5/2021	MOSS ADAMS LLP	55463	36014	2,480.00	IT ASSESSMENT, POLICY, & PROCEDURE	2,480.00
8/5/2021	PACIFIC GAS & ELECTRIC COMPANY	55422	36015	66,956.93	UTILITIES	66,956.93
8/5/2021	POLYDYNE INC	55424	36016	14,539.68	DRY POLY	14,539.68
8/5/2021	PRESIDIO SYSTEMS	55459	36017	4,900.00	FLT8703 CARBON MEDIA CHANGE OUT	4,900.00
8/5/2021	SMITH & LOVELESS, INC	55478	36018	3,580.75	INVENTORY	3,580.75
8/5/2021	THATCHER COMPANY OF CALIFORNIA, INC	55468 55469 55470 55471	36019	3,345.74 3,342.84 3,337.01 3,344.29	ALUMINUM SULFATE ALUMINUM SULFATE ALUMINUM SULFATE ALUMINUM SULFATE	13,369.88
8/5/2021	THERMO ELECTRON NORTH AMERICA LLC	55450	36020	4,328.00	ANNUAL MAINTENANCE CONTRACT FOR IC	4,328.00
8/5/2021	STACY TUCKER	55432	36021	101.00	REIMBURSEMENT	101.00
8/5/2021	UNDERGROUND SERVICE ALERT	55437	36022	2,060.48	underground service alert Billable tickets	2,060.48
8/5/2021	UNIFIRST CORPORATION	55407 55408 55409 55410 55411 55412	36023	128.50 223.33 31.74 128.50 214.87 57.16	UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE	783.90
8/5/2021	UNIVAR USA INC	55306 55311 55429	36024	4,246.34 3,556.00 3,554.57	SODIUM BISULFITE SODIUM HYPOCHLORITE SODIUM HYPOCHLORITE	11,356.91

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
8/5/2021	VAL SECURITY, INC	55454 55455	36025	11,145.15 10,268.10	Security Patrol Services Security Patrol Services	21,413.25
8/5/2021	VERIZON WIRELESS	55458	36026	2,405.23	PHONE EXP	2,405.23
8/12/2021	AIRGAS USA, LLC	55560 55561 55562 55563	36027	1,378.89 279.93 91.93 2,206.23	INVENTORY INVENTORY INVENTORY INVENTORY	3,956.98
8/12/2021	ALHAMBRA & SIERRA SPRGS WATER	55507	36028	228.07	BOTTLED WATER SERVICE	228.07
8/12/2021	ALPHA MEDIA II LLC	55448	36029	750.00	RADIO ADS BY KUIC FOR POLLUTION PREVENTION	750.00
8/12/2021	APG NEUROS INC.	55480 55519 55520	36030	8,840.00 5,990.00 12,352.50	NEUROS BLOWER REPAIRS NEUROS BLOWER REPAIRS AREATION BLOWER FACTORY MAINT	27,182.50
8/12/2021	AQUA METRIC SALES COMPANY	55509	36031	2,922.65	RW METERS TO REPLACE EXISTING OLD STYLE METERS	2,922.65
8/12/2021	BATTALION ONE FIRE PROTECTION, INC	55444 55457	36032	2,728.43 3,420.00	TEST, CLEAN AND INSPECT FIRE PROTECTION SYSTEMS TEST, CLEAN AND INSPECT FIRE PROTECTION SYSTEMS	6,148.43
8/12/2021	C.W.ROEN CONSTRUCTION COMPANY	55482	36033	278,526.49	CONSTRUCTION SVCS, HEADWORKS IMPROVEMENTS PN 17117	278,526.49
8/12/2021	C.W.ROEN CONSTRUCTION COMPANY	55524	36034	241,278.51	CONSTRUCTION SVCS, HEADWORKS IMPROVEMENTS PN 17117	241,278.51
8/12/2021	CALIFORNIA BANK OF COMMERCE	55483 55525	36035	14,659.29 12,698.87	RETENTION RETENTION	27,358.16
8/12/2021	CALIFORNIA PRODUCT STEWARDSHIP COUNCIL	55481	36036	1,010.00	ASSIST WITH IMPLEMENTATION OF CALRECYCLE GRANT -	1,010.00
8/12/2021	CALTEST ANALYTICAL LABORATORY	55439 55441 55442 55443	36037	960.30 436.50 336.60 336.60	PROVIDE LAB TESTING FOR NPDES PERMIT COMPLAINE PROVIDE LAB TESTING FOR NPDES PERMIT COMPLAINE PROVIDE LAB TESTING FOR NPDES PERMIT COMPLAINE PROVIDE LAB TESTING FOR NPDES PERMIT COMPLAINE	2,070.00
8/12/2021	CDW GOVERNMENT, INC.	55330 55331 55465 55472 55473 55474	36038	(21,258.00) 21,258.00 34,097.54 (592.65) 592.65 37,685.64	CREDIT MEMO O/S IT EQUIPMENT REPLACEMENT CREDIT MEMO IT EQUIPMENT REPLACEMENT SOCAAS LICENSE RENEWAL	71,783.18
8/12/2021	CONTRACT SWEEPING SERVICES	55510	36039	32,508.64	STREET SWEEPING SERVICES	32,508.64
8/12/2021	CORELOGIC INFORMATION SOLUTIONS, INC	55538	36040	165.00	REALQUEST PROPERTY INFORMATION	165.00
8/12/2021	CUPERTINO ELECTRIC, INC	55511	36041	155,758.26	CONSTRUCTION SERVICES FOR PROJECT NO. 17120	155,758.26
8/12/2021	FASTENAL COMPANY	55451	36042	2,679.27	FALL PROTECTION HARNESSSES	2,679.27
8/12/2021	GRAINGER	55475 55476	36043	787.22 264.07	INVENTORY INVENTORY	1,051.29
8/12/2021	IFM EFECTOR INC	55477	36044	479.48	INVENTORY	479.48
8/12/2021	IN SHAPE HEALTH CLUBS	55551	36045	584.00	GYM	584.00
8/12/2021	INFERRERA CONSTRUCTION MANAGEMENT GROUP INC.	55466	36046	32,758.10	CSC PN 80008 (17128, 17129, 17	32,758.10

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
8/12/2021	JOHN MUIR HEALTH	55537	36047	853.16	2021 WELLNESS AGREEMENT WITH JOHN MUIR HEALTH	853.16
8/12/2021	KEMIRA WATER SOLUTIONS, INC.	55421	36048	6,157.01	FERROUS CHLORIDE	6,157.01
8/12/2021	KEY ADVOCATES INC.	55535	36049	7,083.33	FEDERAL ADVOCACY FOR WRWC PN	7,083.33
8/12/2021	KOA HILLS CONSULTING LLC.	55438	36050	481.25	ERP FUNCTIONALITY IMPROVEMENTS	481.25
8/12/2021	LEGAL SHIELD	55550	36051	122.15	LEGAL MEMBERSHIPS	122.15
8/12/2021	MANAGED HEALTH NETWORK	55547	36052	379.85	EAP AUGUST	379.85
8/12/2021	MDRR PITTSBURG	55527 55544	36053	1,202.20 3,241.45	WASTE WASTE	4,443.65
8/12/2021	MDRR-PARK (MT. DIABLO RESOURCE RECOVERY PARK)	55526	36054	212.12	WASTE	212.12
8/12/2021	NWN CORPORATION	55555	36055	4,170.80	PHONE EXP	4,170.80
8/12/2021	PACIFIC ECO-RISK LABORATORIES	55528	36056	3,436.00	QUARTERLY CHRONIC TOXICITY TESTING	3,436.00
8/12/2021	PACIFIC GAS & ELECTRIC COMPANY	55529 55530	36057	58.09 345.15	UTILITIES utilities	403.24
8/12/2021	PHIL'S DIESEL CLINIC INC.	55462	36058	1,285.16	ENGINE AND ASSOC. COMPONENTS INSPECTION/TUNE-UP	1,285.16
8/12/2021	POLYDYNE INC	55423	36059	53,746.77	DRY POLY	53,746.77
8/12/2021	PUBLIC EMPLOYEES UNION	3163374	36060	1,235.15	UNION DUES P&T	1,235.15
8/12/2021	PUBLIC EMPLOYEES UNION	3163274	36061	3,476.31	UNION DUES O&M	3,476.31
8/12/2021	QUENVOLD'S	55548 55549	36062	192.62 219.37	SAFETY SHOES - A. RODRIGUEZ SAFETY SHOES - M. SKILLINGS	411.99
8/12/2021	RH TECHNOLOGY	55557 55558	36063	4,510.80 1,804.32	O/S TEMP O/S TEMP	6,315.12
8/12/2021	THE SEGAL COMPANY	55543	36064	2,063.75	Total Compensation Study Services	2,063.75
8/12/2021	SIERRA OFFICE SUPPLY & PRINTING	55382 55512	36065	52.31 293.30	OFFICE SUPPLIES OFFICE SUPPLIES	345.61
8/12/2021	CA STATE DISBURSEMENT UNIT	CS9648334	36066	750.00	GARNISHMENT	750.00
8/12/2021	STREAMLINE	55539	36067	550.00	SUBSCRIPTION	550.00
8/12/2021	SYSTEM 1 STAFFING	55485 55486 55487 55488 55489 55490 55491 55515 55516 55517 55518	36068	2,626.60 2,626.60 2,626.60 2,626.60 2,626.60 2,074.60 2,626.60 2,074.60 2,626.60 2,626.60 2,626.60 2,626.60	O/S TEMP O/S TEMP O/S TEMP O/S TEMP O/S TEMP O/S TEMP O/S TEMP O/S TEMP O/S TEMP O/S TEMP O/S TEMP O/S TEMP	27,788.60
8/12/2021	THATCHER COMPANY OF CALIFORNIA, INC	55531 55536 55540 55541 55542	36069	3,335.56 3,351.56 3,348.65 3,345.74 3,353.01	ALUMINUM SULFATE ALUMINUM SULFATE ALUMINUM SULFATE ALUMINUM SULFATE ALUMINUM SULFATE	16,734.52
8/12/2021	UNIFIRST CORPORATION	55413 55414 55415 55416 55417 55418	36070	128.50 181.61 31.74 155.56 196.56 31.74	UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE	725.71

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
8/12/2021	UNIVAR USA INC		36071			15,454.88
		55425		3,923.36	SODIUM HYPOCHLORITE	
		55426		5,349.42	SODIUM BISULFITE	
		55427		3,552.91	SODIUM HYPOCHLORITE	
		55428		2,629.19	SODIUM BISULFITE	
8/12/2021	VISION SERVICE PLAN		36072			1,784.37
		55552		31.27	COBRA VISION	
		55553		1,753.10	VISION INSURANCE	
8/12/2021	WECO INDUSTRIES		36073			19,854.70
		55532		19,854.70	AIR / GAS MONITORS	
8/12/2021	WEX HEALTH INC.		36074			94.50
		55556		94.50	FSA MAY	
8/12/2021	WILLDAN FINANCIAL SERVICES		36075			6,855.79
		55433		6,855.79	SEWER AND STREET SWEEPING ADMINISTRATION	
8/12/2021	WORKERS.COM		36076			2,055.39
		55533		2,055.39	Temp Labor service for Utility worker	
8/12/2021	ZORO TOOLS, INC		36077			3,033.48
		55554		1,809.78	TEMPORARY COOLING FOR COP LUNCHROOM	
		55559		1,223.70	FLUKE 789 PROCESS METER FOR JOSEPH VASSAR	
8/19/2021	CITY OF ANTIOCH- WATER		36078			5,032.18
		55570		94.60	AC# 013-00021-00	
		55571		94.60	AC# 013-00022-00	
		55573		72.76	AC# 013-00023-00	
		55574		94.60	AC# 013-00024-00	
		55575		4,675.62	AC# 013-00110-00	
8/19/2021	CAROLLO ENGINEERS		36079			18,636.50
		55624		18,636.50	CONSULTING SERVICES HEADWORK I	
8/19/2021	CONTRA COSTA WATER DISTRICT		36080			47.92
		55576		47.92	UTILITIES	
8/19/2021	DEE CONSULTANTS		36081			7,020.00
		55619		7,020.00	INSPECTION SERVICES	
8/19/2021	DIABLO WATER DISTRICT		36082			151.65
		55577		151.65	UTILITIES	
8/19/2021	DXP ENTERPRISES, INC		36083			2,900.63
		55617		2,900.63	MECHANIC LABOR BACKFILL FROM 5/14/21 TO 6/30/21	
8/19/2021	FLYERS ENERGY LLC		36084			479.55
		55580		479.55	ENG 8903 LUBE OIL	
8/19/2021	MCCAMPBELL ANALYTICAL, INC.		36085			1,095.80
		55567		1,095.80	CONTRACT LAB SUPPORT FOR PRETREATMENT	
8/19/2021	McCAULEY AGRICULTURAL & PEST SERVICES		36086			11,475.00
		55582		75.00	PEST CONTROL	
		55583		60.00	PEST CONTROL	
		55584		60.00	PEST CONTROL	
		55585		60.00	PEST CONTROL	
		55586		60.00	PEST CONTROL	
		55587		60.00	PEST CONTROL	
		55588		75.00	PEST CONTROL	
		55589		60.00	PEST CONTROL	
		55590		60.00	PEST CONTROL	
		55591		60.00	PEST CONTROL	
		55592		60.00	PEST CONTROL	
		55593		60.00	PEST CONTROL	
		55598		3,500.00	VEGETATION MANAGEMENT FOR THE DISTRICT	
		55599		1,250.00	VEGETATION MANAGEMENT FOR THE DISTRICT	
		55601		3,500.00	PEST CONTROL	
		55604		825.00	PEST CONTROL	
		55605		825.00	VEGETATION MANAGEMENT FOR THE DISTRICT	
		55606		825.00	VEGETATION MANAGEMENT FOR THE DISTRICT	
8/19/2021	MT DIABLO UNIFIED SCHOOL DIST.		36087			300.00
		55618		300.00	O/S	
8/19/2021	PACIFIC GAS & ELECTRIC COMPANY		36088			122,566.15
		55615		52,329.64	AC #4835091675-4 UTILITIES	
		55616		70,236.51	AC# 4887173962-8 UTILITIES	
8/19/2021	PSOMAS		36089			78,185.25
		55620		900.00	CONSULTING SERVICES BRIDGEHEAD PIPELINE PN 21123	
		55621		44,799.75	CONSTRUCTION MGMT & INSPECTION PN 17117	
		55622		5,715.00	CONSULTING SERVICES BRIDGEHEAD PIPELINE PN 21123	
		55623		26,770.50	CONSTRUCTION MGMT & INSPECTION PN 17117	
8/19/2021	REPUBLIC SERVICES #210		36090			4,738.94
		55579		4,738.94	WASTE	
8/19/2021	REPUBLIC SERVICES #210		36091			1,107.13
		55578		1,107.13	WASTE	
8/19/2021	STANDARD INSURANCE COMPANY		36092			3,758.45
		55626		3,758.45	LIFE & LTD INS	

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
8/19/2021	WORKERS.COM		36093			3,758.40
		55595		1,879.20	Temp Labor service for Utility worker	
		55596		1,879.20	Temp Labor service for Utility worker	
8/19/2021	ZORO TOOLS, INC		36094			3,056.83
		55569		1,535.41	MILWAUKEE HAND PIPE THREADER FOR IS DEPARTEMENT	
		55597		1,521.42	WIRE TRACING TOOL FOR THE IS SHOP	
8/26/2021	ALFA LAVAL INC.		36095			2,790.46
		55661		2,790.46	INVENTORY	
8/26/2021	MICHAEL AUER		36096			178.46
		55642		178.46	REIMBURSEMENT SEPT	
8/26/2021	MICHAEL BAKALDIN		36097			178.46
		55643		178.46	REIMBURSEMENT SEPT	
8/26/2021	BNSF RAILWAY CO.		36098			44.00
		55693		44.00	PERMIT & REGULATORY FEE	
8/26/2021	CODESP		36099			1,500.00
		55627		1,500.00	APPLICANT TESTING MATERIALS AND SERVICES	
8/26/2021	COMPLETE PAPERLESS SOLUTIONS, LLC		36100			4,800.00
		55688		4,800.00	LASERFICHE INFOLINX CONSOLIDATION CLOUD MIGRATION	
8/26/2021	CROPPER ACCOUNTANCY CORP		36101			2,500.00
		55656		2,500.00	AUDIT SERVICES FOR FYE 06/30/2021	
8/26/2021	DEE CONSULTANTS		36102			6,630.00
		55628		6,630.00	INSPECTION SERVICES	
8/26/2021	DXP ENTERPRISES, INC		36103			18,088.00
		55676		3,808.00	MECHANIC LABOR BACKFILL FROM 5/14/21 TO 6/30/21	
		55677		1,904.00	MECHANIC LABOR BACKFILL FROM 5/14/21 TO 6/30/21	
		55678		3,808.00	MECHANIC LABOR BACKFILL FROM 5/14/21 TO 6/30/21	
		55679		4,760.00	MECHANIC LABOR BACKFILL FROM 5/14/21 TO 6/30/21	
		55680		3,808.00	MECHANIC LABOR BACKFILL FROM 5/14/21 TO 6/30/21	
8/26/2021	EMPLOYMENT DEVELOPMENT DEPARTMENT		36104			1,832.02
		55657		1,832.02	EMPLOYMENT COSTS	
8/26/2021	EVOQUA WATER TECHNOLOGIES, LLC		36105			1,010.10
		55629		1,010.10	SUPPORT & MAINTENACE FOR DI WATER SYSTEM FOR LAB	
8/26/2021	FASTENAL COMPANY		36106			2,315.45
		55630		2,315.45	FALL PROTECTION HARNESSES	
8/26/2021	FASTSIGNS #65301		36107			1,695.80
		55687		1,695.80	RW RESIDENTIAL FILL STATION OPERATING MATERIAL	
8/26/2021	G3 ENGINEERING, INC		36108			2,800.00
		55631		2,800.00	RWF EVOQUA WATER CHAMP 5FX CHEMICAL INDUCTION UNIT	
8/26/2021	HACH COMPANY		36109			428.26
		55689		428.26	INVENTORY	
8/26/2021	KOA HILLS CONSULTING LLC.		36110			2,012.50
		55565		218.75	MUNIS CONTRACT SERVICES	
		55566		1,793.75	ERP FUNCTIONALITY IMPROVEMENTS	
8/26/2021	LIEBERT, CASSIDY, WHITMORE		36111			11,984.00
		55636		152.00	Labor Negotiations Services	
		55637		1,896.00	Labor Negotiations Services	
		55638		1,776.00	Labor Negotiations Services	
		55639		8,160.00	Labor Negotiations Services	
8/26/2021	MCCAMPBELL ANALYTICAL, INC.		36112			1,097.80
		55674		315.20	CONTRACT LAB SUPPORT FOR PRETREATMENT	
		55675		782.60	CONTRACT LAB SUPPORT FOR PRETREATMENT	
8/26/2021	MISSION COMMUNICATIONS, LLC		36113			5,400.75
		55653		2,728.80	Annual Service manhole monitor	
		55655		2,671.95	Annual Service manhole monitor	
8/26/2021	OEM AIR COMPRESSOR CORP.		36114			49.20
		55660		49.20	INVENTORY	
8/26/2021	ABEL PALACIO		36115			1,105.21
		55644		1,105.21	REIMBURSEMENT SEPT	
8/26/2021	SCHAAF & WHEELER CONSULTING		36116			23,740.31
		55694		23,740.31	DESIGN FOR PUMP STATION FACILI	
8/26/2021	SIERRA OFFICE SUPPLY & PRINTING		36117			395.92
		55514		13.59	OFFICE SUPPLIES	
		55534		382.33	OFFICE SUPPLIES	

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
8/26/2021	TERRY SPURGEON	55645	36118	332.20	REIMBURSEMENT SEPT	332.20
8/26/2021	CA STATE DISBURSEMENT UNIT	CS9648335	36119	750.00	GARNISHMENT	750.00
8/26/2021	SYNAGRO WEST, LLC	55594	36120	59,363.93	BIOSOLIDS HAULING	59,363.93
8/26/2021	SYSTEM 1 STAFFING	55665	36121	2,626.60	O/S TEMP	2,626.60
8/26/2021	THATCHER COMPANY OF CALIFORNIA, INC	55691 55692	36122	3,350.11 3,351.56	ALUMINUM SULFATE ALUMINUM SULFATE	6,701.67
8/26/2021	UNIVAR USA INC	55683 55684 55685 55686	36123	3,514.74 4,045.54 5,983.97 3,553.31	SODIUM HYPOCHLORITE SODIUM BISULFITE SODIUM BISULFITE SODIUM HYPOCHLORITE	17,097.56
8/26/2021	USA BLUEBOOK	55690	36124	2,913.39	INVENTORY	2,913.39
8/26/2021	WORKERS.COM	55640	36125	1,491.63	Temp Labor service for Utility worker	1,491.63
8/26/2021	YOURMEMBERSHIP.COM	55641	36126	349.00	AD	349.00
GRAND TOTAL						<u>1,898,733.09</u>

October 13, 2021

RECEIVE FISCAL YEAR 2020/2021 REPORT ON SURPLUS DISTRICT PROPERTY

Recommendation

Receive Fiscal Year 2020/2021 (FY20/21) Report on District Surplus Property.

Background Information

On January 14, 2009, the Board adopted “Administrative Handbook Policy No. 3070 – Surplus,” authorizing the General Manager or his designee to approve District property items deemed unsuitable or unnecessary for District purposes as surplus assets and dispose of these assets with the goal of maximizing surplus revenues in a manner that protects the best interests of the District, meets all statutes and regulations, and reflects a high level of environmental stewardship. In addition, the Policy directs staff to provide an annual report to the Board, which lists all assets disposed of in the previous fiscal year, the method of disposal, and the amount received (if any) for each item.

Analysis

During FY20/21, one surplus item within the Computer and Related Items category was disposed of through GovDeals, which is an online auction service that serves the United States, and a scrap metal company. The FY20/21 Surplus Assets Disposal Report (refer to attachment) provides additional detail on the disposal of this item.

Financial Impact

The net proceeds from the auction processes totaled \$517.20. This amount was deposited into the Regional Treatment and Conveyance (Wastewater O&M) Fund.

Attachment

FY20/21 Surplus Assets Disposal Report

Reviewed by: 
Carol Margetich
Business Services Director

cc: District File No. FIN.12-REP



SURPLUS ASSETS DISPOSAL REPORT FISCAL YEAR 2020/2021								
ID	PAID DATE	ITEM DESCRIPTION	MODEL OR SERIAL NUMBER	No. of Bids	TOTAL CUSTOMER PAYMENT	TAX	COMMISSION	DISTRICT RECEIVED (Total Customer Payment less Commission)
Disposals by Auction Service (GovDeals)								
132	4/21/2021	HP LASER JET PRINT CARTRIDGES	HP # 646A, 647A	1	\$120.18	\$10.18	\$10.00	\$100.00
SUBTOTAL								\$100.00
Disposals by Direct Sales (Scrap Metal Company)								
N/A	12/7/2020	METAL-FERROUS	NO INFO ON ITEM	N/A	\$417.20	N/A	N/A	\$417.20
SUBTOTAL								\$417.20
TOTAL								\$517.20

October 13, 2021

RECEIVE ANNUAL REPORT ON COLLECTION OF CAPITAL FACILITIES CAPACITY CHARGES FOR FISCAL YEAR 2020/2021

Recommendation

Receive annual report on collection of Capital Facilities Capacity Charges (CFCCs) for Fiscal Year 2020/2021 (FY20/21).

Background Information

The District collects CFCCs for new connections to the wastewater system. CFCCs fund the Wastewater Capital Expansion (WW Expansion) Fund, which is used to construct expansion projects to accommodate growth in the District's service area and repay associated annual debt service and/or outstanding interfund loans. Total payments from the WW Expansion Fund were approximately \$627,660 in FY20/21, which included approximately \$500,000 for an interfund loan repayment to the Wastewater Capital Asset Replacement Fund and approximately \$127,660 for debt service.

For financial planning purposes, annual CFCC revenue has been estimated at 400 equivalent residential units (ERUs) since FY11/12 with an associated annual CFCC revenue estimate of \$1,840,000. This growth assumption was most recently used during the FY21/22 long-term financial planning and budget development process.

Analysis

CFCC revenue in FY20/21 (\$6,705,786) was 264% higher (\$4,865,786) than the budgeted estimate of \$1,840,000 due to 1,407 ERU connections occurring in FY20/21 (252% more than the 400 ERU budget assumption). In contrast, CFCC revenue of \$1,465,391 in FY19/20 was lower than the budgeted estimate with 304 new ERUs. Temporary connections for special discharges that were subject to capacity rental charges generated additional revenue of \$51,557 in FY20/21. A summary of ERUs, CFCCs, and capacity rental by community/zone is provided in the table below, which does not include any ERUs related to temporary connections.

ERUs, CFCCs, and Capacity Rental by Community/Zone in FY20/21

Community/Zone	Total ERUs	Total CFCCs	Capacity Rental	Total Revenue
Bay Point - Zone 1	31	\$122,534	\$0.00	\$122,534
Pittsburg - Zone 2	481	\$2,095,326	\$6,047	\$2,101,373
Antioch - Zone 3	895	\$4,487,926	\$45,510	\$4,533,436
Totals	1,407	\$6,705,786	\$51,557	\$6,757,343

The breakdown of ERUs by residential, commercial, and industrial connections by zone for the past three fiscal years, which averaged 764 ERUs, is attached. In FY20/21, there were 1,376 total residential connections; in FY19/20, there were 303; and in FY18/19, there were 549. In



FY20/21, there were 31 commercial connections; in FY19/20, there was one; and in FY18/19, there were 33. There have been no industrial connections to report over the past three years.

Staff will continue to monitor growth in the service area and make necessary recommendations to the annual growth assumption of 400 ERUs as part of future long-term financial planning and budget development processes.

Financial Impact

CFCC revenue of \$6.8 million collected in FY20/21 was used to fund the wastewater program's growth-related interfund loan repayments of approximately \$500,000, and debt service of approximately \$127,660 within the WW Expansion Fund. As part of the FY21/22 Budget, approximately \$3.3 million of this CFCC revenue was allocated to fund growth-related interfund loan repayments in FY21/22.

Attachment

Connection Summary FY18/19-FY20/21

Reviewed by: 
Carol Margetich
Business Services Director

cc: District File CORP.06-REP-XX



CONNECTION SUMMARY
FISCAL YEARS 2018/2019 - 2020/2021

Total Connections			
<u>Community/Zone</u>	<u>FY18/19</u>	<u>FY19/20</u>	<u>FY20/21</u>
Bay Point - Zone 1	196	2	31
Pittsburg - Zone 2	135	97	481
Antioch - Zone 3	251	205	895
Total	582	304	1,407

Residential Connections			
<u>Community/Zone</u>	<u>FY18/19</u>	<u>FY19/20</u>	<u>FY20/21</u>
Bay Point - Zone 1	196	2	11
Pittsburg - Zone 2	129	97	479
Antioch - Zone 3	224	204	886
Total - Residential	549	303	1,376

Commercial Connections			
<u>Community/Zone</u>	<u>FY18/19</u>	<u>FY19/20</u>	<u>FY20/21</u>
Bay Point - Zone 1	-	-	20
Pittsburg - Zone 2	6	-	2
Antioch - Zone 3	27	1	9
Total Commercial	33	1	31

Industrial Connections			
<u>Community/Zone</u>	<u>FY18/19</u>	<u>FY19/20</u>	<u>FY20/21</u>
Bay Point - Zone 1	-	-	-
Pittsburg - Zone 2	-	-	-
Antioch - Zone 3	-	-	-
Total - Industrial	-	-	-

October 13, 2021

AUTHORIZE GENERAL MANAGER TO APPROVE CONTRACT CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 19% OF THE CONTRACT AMOUNT, FOR A NEW TOTAL AUTHORIZATION OF \$3,233,230; AND ACCEPT AND AUTHORIZE GENERAL MANAGER TO FILE NOTICE OF COMPLETION, W.M. LYLES CO., PRIMARY CLARIFIER AREA IMPROVEMENTS, PROJECT NO.17140

Recommendations

- 1) Authorize the General Manager to approve construction contract change orders up to 19% of the contract amount (i.e., up to an additional \$516,230) with W.M. Lyles Co. (WML), for a total authorization of \$3,233,230 for the Primary Clarifier Area Improvements (PCAI) Project.
- 2) Accept the PCAI Project as complete and authorize the General Manager to file a Notice of Completion (NOC) with the Contra Costa County Recorder's Office.

Background Information

In March 2018, the Board awarded a construction services contract to WML to replace and rehabilitate the primary clarifier solids handling equipment and piping, as well as other miscellaneous improvements at the District's Wastewater Treatment Plant. Additionally, the Board authorized the General Manager to execute change orders in an amount not to exceed 10% of the contract amount. In June 2019, the Board increased the contingency from 10% to 18% of the construction contract amount to address unforeseen costs associated with existing underground electrical conduits and pump controls, for a total authorization of \$3,202,060. Project construction commenced in April 2018 with field work completed in September 2021.

Analysis

The original contract completion date for the PCAI Project was October 2019. However, issues associated with pumping and instrumentation performance, project commissioning, and COVID-19 related materials supply and resource availability limitations significantly impacted the project schedule and costs. These factors extended the overall project duration and require an increase to the change order contingency limit from \$489,060 (18%) to \$516,230 (19%) to compensate the contractor for extended overhead and labor costs.

The project work has been inspected and found to meet contract requirements. Staff recommends acceptance of the project by the Board. In addition, staff recommends the Board authorize the General Manager to file the NOC for the project with the Contra Costa County Recorder's Office after execution of the final contract change order. Per California Civil Code Section 9204(a), filing the NOC will provide notification to subcontractors, vendors, and suppliers of the completion of work, and will require such parties to submit any claims within thirty (30) days of the notice. Staff is not aware of any existing claims or any unresolved issues that could lead to a future claim related to this project.

Financial Impact

The adopted Fiscal Year 2021/2022-2025/2026 (FY21/22-FY25/26) Capital Improvement Program includes a total project budget of \$4,510,614 for planned expenditures through FY21/22 for the PCAI Project. WML's final contract amount will be \$3,230,799, which includes the base



contract and 19% for construction change orders. Sufficient funding is available to fund the total project cost, including design, construction, and staff time, which is \$4.4 million.

Attachment

PCAI Project Notice of Completion

Reviewed by:



Brian Thomas

Engineering Services Director/District Engineer

cc: District File No. P.17170.11.04



When Recorded, Return to:

Delta Diablo
2500 Pittsburg-Antioch Highway
Antioch, CA 94509-1373

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is an owner of an interest or estate in the hereinafter-described real property, the nature of which interest or estate is fee simple.
2. The full name and address of the undersigned owner and of any and all co-owners is: Delta Diablo, 2500 Pittsburg-Antioch Highway, Antioch, CA 94509.
3. On the 13th day of October 2021, there was completed upon the hereinafter-described real property a work of improvement as a whole known as Primary Clarifier Area Improvements Project No. 17140.
4. The name of the original contractor for the work of improvement as a whole was W.M. Lyles Co.
5. The real property herein referred to is situated in the City of Antioch, County of Contra Costa, State of California, and described as follows:

Replace primary solids pumping systems, piping and other miscellaneous improvements in the primary clarifier area and dewatering building basement located at 2500 Pittsburg-Antioch Highway, Antioch, CA 94509.

DELTA DIABLO
(Owner)

By: _____
Vincent P. De Lange
General Manager

VERIFICATION

I, Vince De Lange, declare:

I hold the title of General Manager of Delta Diablo and am authorized to make this declaration on its behalf.

I have read the foregoing Notice of Completion and know the contents thereof. The Notice of Completion is true of my own knowledge, except as to those matters that are therein stated on information and belief, and as to those matters, I believe them to be true.

This declaration was signed on _____, at Antioch, California. I declare under penalty of perjury that the foregoing is true and correct.

Vincent P. De Lange
General Manager

October 13, 2021

RECEIVE DELTA HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY
FISCAL YEAR 2020/2021 REPORT

Recommendation

Receive Delta Household Hazardous Waste Collection Facility (DHHWCF) Fiscal Year 2020/2021 (FY20/21) Report.

Background Information

In partnership with the cities of Antioch, Brentwood, Oakley, and Pittsburg, and Contra Costa County, the District has operated a regional Household Hazardous Waste (HHW) Program since 1996. The HHW Program keeps hazardous waste out of landfills and the wastewater system in support of state regulations and the District's Pollution Prevention Program by accepting HHW and electronic waste (e-waste) free of charge for East Contra Costa County residents. Eligible small businesses may use the program for a fee.

The attached DHHWCF FY20/21 Report summarizes key facility operational information, including utilization, hazardous waste collected, and operating costs.

Analysis

The DHHWCF was constructed adjacent to the District's Wastewater Treatment Plant in 2003 and provides service to the local community three days per week. During FY20/21, the DHHWCF experienced a significant increase in utilization due to a three-month facility closure related to the COVID-19 pandemic in the prior fiscal year. As a result, facility performance metrics for FY20/21 are substantially higher, including:


- § A total of 20,236 vehicles (49.6% increase) utilized the facility.
- § Approximately 640 tons of waste was delivered in FY20/21 (65.1% increase) with 68.5% of material collected being either reused or recycled.
- § Approximately 33.5 tons of waste was collected from small businesses (108% increase).
- § The reuse room was closed the entire fiscal year due to the pandemic, which increased the amount of waste that was sent for disposal.
- § Approximately 185 tons of e-waste was collected (51.1% increase). Although e-waste has been accepted at the DHHWCF for 14 years, the HHW Program no longer receives e-waste revenue to offset other HHW program costs due to disruption in global recycling markets and associated decreases in e-waste value.

Financial Impact

In FY20/21, DHHWCF expenses totaled \$931,442, which exceeded the operating budget (\$837,582) by 11.2% due to the significant increase in participation and waste collected; however, actual revenues also exceeded forecasted revenues and largely covered the increase in expenditures. The program's partners paid \$549,092 of the expenses and the remaining \$382,350 was paid by the District.

Attachment

DHHWCF FY20/21 Report

Reviewed by: 

Brian Thomas
Engineering Services Director/District Engineer

cc: District File No. HHW-01-REP-X

2020/21
Year-End Report



**Delta Household
Hazardous Waste
Collection Facility**

Introduction

The Delta Household Hazardous Waste Collection Facility (DHHWCF) is made possible through a joint effort between Delta Diablo (District), the cities of Antioch, Brentwood, Oakley and Pittsburg, and Contra Costa County. The facility is available to all residents of East Contra Costa County free of charge. This report summarizes the activities at the DHHWCF in fiscal year 2020/2021 (FY20/21).

HHW Program History

In 1993, Contra Costa County started the Mobile Household Hazardous Waste Collection Program. The program was multi-jurisdictional and sponsored eight one-day collection events per year - four events in West County and four in East County. The East County portion of the program was funded by the Cities of Antioch, Brentwood and Pittsburg, and Contra Costa County. Residents could bring the entire range of household hazardous waste (HHW), including pesticides, oil-based paints, solvents, old gasoline, aerosols and other toxics.



In 1996, Contra Costa County received a HHW Grant from CalRecycle (formerly the California Integrated Waste Management Board [CIWMB]) to set up a permanent recycle-only collection facility. The facility was located at Delta Diablo. The recycle-only facility was a joint effort between the District, the Cities of Antioch, Brentwood and Pittsburg, and Contra Costa County and the operation was funded by the participating jurisdictions. The facility was open to the public every Saturday from 9:00 am to noon and only accepted recyclable HHW (motor oil, filters, antifreeze, latex paint and lead-acid batteries). The recycle-only facility consisted of a small paved area, 4 modified 8-foot by 20-foot shipping containers, a hazardous waste storage locker and ancillary equipment for safety, supply storage and office space.

Because of the establishment of permanent facilities in Central and West Contra Costa County, the County discontinued the Mobile Program for the 1999/2000 fiscal year. The discontinuation of the mobile program left East County residents without an option to properly dispose of non-recyclable HHW. This gap in service prompted the District, along with the participating jurisdictions, to set up a series of temporary collection events held at the existing recycle-only facility site. The temporary collection events allowed residents to dispose of non-recyclable HHW during one-day events held on a quarterly basis.

The high costs and infrequent service associated with temporary collection events made it clear that a more cost-effective and user-friendly option was needed to serve East Contra Costa County residents. In November 1999, the District and the participating jurisdictions applied for a CIWMB HHW Grant to fund the construction of a full-scale permanent household hazardous waste collection facility. The CIWMB awarded the District \$150,796 of the requested \$300,000 for the regional project.

To meet the need of East County residents, the District established an Interim Permanent HHW collection facility for the 2000/2001 fiscal year. The acquisition of additional shipping containers led the District to file a Permit-By-Rule Notification for the operation of an interim permanent HHW collection facility in September 2000. This allowed the District to collect most forms of acceptable HHW (except compressed gas cylinders, asbestos and railroad ties) from residents on a weekly basis while the full-scale permanent facility was being designed and constructed. The Interim Permanent Facility was open on Saturdays from 9:00 am to 1:00 pm. Construction of the new permanent facility was completed in March 2003 and the grand opening was held on April 4, 2003.

With the sunset of the residential universal waste exemption on February 8, 2006, it became illegal for residents to throw universal waste such as batteries, fluorescent bulbs and e-waste into the trash. To accommodate this increase in waste volume the District and participating jurisdictions elected to apply for another CIWMB HHW Grant to expand the facility. The District and partners were awarded a \$300,000 grant from the CIWMB on August 15, 2006. The expansion project included additional square footage, construction of a permanent reuse room, and other miscellaneous improvements. The expanded facility opened to the public on September 9, 2009.

HHW Program Funding

The District is under contract to provide HHW management services for the City of Antioch, the City of Brentwood, the City of Pittsburg, the City of Oakley and the unincorporated areas of East Contra Costa County. Operating costs are split between the jurisdictions based on the actual usage of the DHHWCF by residents from those jurisdictions. The expenditures for Antioch, Pittsburg and Bay Point are capped at \$124,000, \$75,000, and \$27,500 respectively; the District pays for any operating costs over and above the caps.

Capital costs for the design and construction of the DHHWCF (\$947,372.73 after the grant) are based on the number of housing units in each jurisdiction. Capital costs are amortized over a 15-year period with interest at 6% per annum. The facility expansion totaled \$415,168.87 after a \$300,000 grant. The original facility cost was combined with the expansion costs and the total is amortized over a 25-year period with interest at 6% per annum. The District is paying for the jurisdictions within its service area (Antioch, Pittsburg and Bay Point) and the remainder of the partners are paying their share.

Current DHHWCF Operation

The DHHWCF accepts the full range of HHW (excluding radioactive waste and explosives) and expanded its hours to Thursdays, Fridays, and Saturdays from 9:00 am to 4:00 pm. While the facility is only open to the public for seven hours, technicians typically work an eight-hour day to accomplish all set-up and closing functions. The District manages the program by providing oversight of the contractors who operate the facility and conducting all program administration duties including permitting, reporting and contract administration.

Clean Earth currently holds the contract for Household Hazardous Waste Management Services at the DHHWCF. They are responsible for staffing the facility and handling a majority of the transportation and disposal of waste. Their contract currently runs from July 1, 2012 to June 30, 2021.



Special Programs

Electronic Waste

On February 8, 2006 when it became illegal for residents and small businesses to throw electronic waste (e-waste) in the trash. The HHW partners decided to explore the acceptance of e-waste at the DHHWCF as an additional e-waste disposal option for East County residents and small businesses.

Because of the newness of e-waste recycling industry and the number of variables that can affect program costs, the partners initially decided to charge customers for e-waste expenses for which there is no other funding source. This would give the program a chance to understand the e-waste market and collect data that would be valuable in determining future impacts to the HHW budget.

The facility began accepting electronic waste (e-waste) on May 15, 2006. The 2006/2007 fiscal year was the first full year of accepting e-waste. The following pricing structure was utilized to fund e-waste collection.

Waste Category	Description	Electronic Waste Recycling and Disposal Charge (EWRDC)
1	CRT monitors & TVs, LCD monitors & TVs, laptop computers, plasma TVs	No Charge
2	Small computer peripherals, portable electronic equipment, telephones, answering machines, cameras	\$1.00 per Item
3	Ink jet printers (including inkjet based all-in-ones), VCRs, DVD players/recorders, stereo equipment (excluding receivers/amplifiers), computer speakers, scanners, UPS devices	\$2.00 per Item
4	CPUs, office fax machines, A/V receivers/amplifiers, desktop printers/copiers/combos & microwave ovens	\$5.00 per Item
5	Large copiers/high-volume printers	\$0.20 per Pound

In April 2008, the District began utilizing a new e-waste recycler. The pricing from the new recycler allowed the District to accept all forms of electronic waste for no charge.

A summary of the e-waste program is included in the following table:

	Pounds of CEDs Collected	Pounds of UWEDs Collected	Total Pounds of E-waste Collected	Recycling Revenue (Expense)
2006/07	94,123	54,148	148,270	(\$6,123.37)
2007/08	118,212	59,851	178,063	\$8,796.04
2008/09	152,347	113,954	266,301	\$32,474.14
2009/10	171,357	136,107	307,464	\$36,127.44
2010/11	174,773	143,392	318,165	\$36,316.17
2011/12	147,456	114,505	261,961	\$30,169.27
2012/13	138,757	92,793	231,550	\$32,009.97
2013/14	111,643	83,241	194,884	\$26,385.87
2014/15	134,771	92,568	227,339	\$31,082.72
2015/16	180,470	123,600	304,070	\$12,379.49
2016/17	166,761	125,906	292,667	\$8,999.61
2017/18	177,825	138,886	316,711	\$5,758.63
2018/19	166,007	168,243	334,250	(\$625.03)
2019/20	110,265	134,846	245,111	\$0.00
2020/21	159,416	211,111	370,527	\$0.00

Sharps

A total of 175 sharps containers were mailed to resident in East County residents during FY20/21, a 48% decrease from the previous fiscal year. The number of sharps containers mailed normally represents “new” customers utilizing the sharps program, although this fiscal year, it also included containers mailed to existing customers in an effort to minimize in-person interactions at the facility. The total pounds of sharps disposed increased by 55.4%. Sharps containers were distributed via mail to each jurisdiction as shown in the following table:

Jurisdiction	2009/10 #Sharps Ctns Mailed	2010/11 #Sharps Ctns Mailed	2011/12 #Sharps Ctns Mailed	2012/13 #Sharps Ctns Mailed	2013/14 #Sharps Ctns Mailed	2014/15 #Sharps Ctns Mailed
Antioch	130	75	86	42	42	37
Bay Point	13	6	9	10	0	3
Bethel Island	3	2	2	3	1	1
Brentwood	42	35	38	34	12	14
Byron	1	0	0	1	0	0
Disco. Bay	20	6	8	9	9	0
Knightsen	1	0	1	2	0	0
Oakley	26	37	28	43	12	11
Pittsburg	65	29	33	33	17	28
Total	301	200	205	178	93	94
Total Lbs. Disposed	4,140	6,120	7,800	8,783	10,327	12,354
Jurisdiction	2015/16 #Sharps Ctns Mailed	2016/17 #Sharps Ctns Mailed	2017/18 #Sharps Ctns Mailed	2018/19 #Sharps Ctns Mailed	2019/20 #Sharps Ctns Mailed	2020/21 #Sharps Ctns Mailed
Antioch	68	46	39	47	155	78
Bay Point	8	5	4	2	10	5
Bethel Island	1	1	1	1	2	0
Brentwood	23	24	8	18	43	33
Byron	0	0	0	0	0	0
Disco. Bay	0	3	2	6	5	9
Knightsen	0	1	0	0	0	1
Oakley	15	11	13	9	32	25
Pittsburg	23	14	22	26	87	24
Total	138	105	89	109	334	175
Total Lbs. Disposed	12,937	10,172	10,333	9,362	7,011	10,896

Sharps/Pharmaceutical Take Back

Delta Diablo has partnered with several local retail and non-profit establishments to collect sharps and pharmaceutical waste from residents. These take back locations offer additional convenience to residents through increased collection locations and operating hours. Current take back partners include:

Sharps:

- City Center Pharmacy in Pittsburg-No longer in business
- Central RX Pharmacy in Brentwood (regularly scheduled pick-ups)

Pharmaceuticals:

- Office of Contra Costa County Supervisors Burgis-Closed since mid-March 2020
- Brighter Beginnings Family Health Clinic

This table shows DHHWCF's take back program for sharps and pharmaceuticals FY20/21. Disposal costs are funded through the HHW program.

Location	Sharps (pounds)	Pharmaceuticals (pounds)	Disposal Costs
Central RX Pharmacy-Brentwood	1,905	0	\$1,950.00
Office of Supervisor Diane Burgis	0	0	\$0.00
Brighter Beginnings Family Health Clinic	0	Service only	\$35.00
Total	1,905		\$1,985.00

Fluorescent Bulbs

Since mercury is a Pollutant of Concern in the San Francisco Bay, in 2003 the Regional Water Quality Control Board (RWQCB) put in a permit requirement for the District to implement an Advanced Mercury Source Reduction Project. Although the requirement specifically addressed fluorescent bulbs, the District sought to promote the proper management and disposal of all mercury-containing products including, but not limited to, mercury thermometers, thermostats, batteries and other novelty items. The District used the DHHWCF as the collection point for the waste received.

The District initially collected 600 pounds of fluorescent bulbs during the 2002/2003 fiscal year. The permit requirement was to increase the collection to 3,000 pounds in the 2005/2006 fiscal year. The District initiated an aggressive multi-media outreach campaign and well exceeded the goal of 3,000 pounds. In the 2005/2006 fiscal year the District collected and recycled 12,503 pounds fluorescent bulbs.

While the permit requirement has been satisfied, the District continues to collect fluorescent bulbs and mercury containing devices at the DHHWCF. In 2006, the District expanded its collection locations by partnering with the Contra Costa Clean Water Program to conduct a pilot program for the take-back of fluorescent bulbs and two local Orchard Supply Hardware (OSH) stores. The pilot program was so successful that the District continued to partner with the OSH's to collect bulbs after the end of the pilot program. In mid-2007, three additional Ace Hardware stores were added to the partnership

The table below shows the pounds collected over the life of the program. To date, the program has removed and estimated 11.82 pounds of mercury from the waste stream.

Fiscal Year	Note	DHHWCF (pounds)	Retail Take-Back (pounds)	Total Bulbs (pounds)	Estimated Pounds of Mercury
2000/01	Historical	295		295	0.01
2001/02	Historical	259		259	0.01
2002/03	Baseline	592		592	0.03
2003/04	Campaign Year 1	1,033		1,033	0.05
2004/05	Campaign Year 2	2,648		2,648	0.12
2005/06	Campaign Year 3	8,789	3,714	12,503	0.55
2006/07	Post Campaign	13,049	4,262	17,311	0.76
2007/08	Post Campaign	15,029	4,640	19,669	0.87
2008/09	Post Campaign	9,759	5,466	15,225	0.67
2009/10	Post Campaign	9,331	2,514	11,845	0.52
2010/11	Post Campaign	15,862	1,952	17,814	0.78
2011/12	Post Campaign	16,293	1,732	18,025	0.79
2012/13	Post Campaign	11,387	2,194	13,581	0.60
2013/14	Post Campaign	14,901	1,810	16,711	0.74
2014/15	Post Campaign	12,311	1,566	13,877	0.61
2015/16	Post Campaign	16,676	2,155	18,831	0.83

Fiscal Year	Note	DHHWCF (pounds)	Retail Take-Back (pounds)	Total Bulbs (pounds)	Estimated Pounds of Mercury
2016/17	Post Campaign	14,840	3,712	18,552	0.82
2017/18	Post Campaign	13,481	3,140	16,621	0.73
2018/19	Post Campaign	14,501	2,671	17,172	0.76
2019/20	Post Campaign	12,303	3,043	15,346	0.68
2020/21	Post Campaign	15,700	4,930	20,630	0.91
	Total	219,039	49,501	268,540	11.82

Public Outreach

The following table summarizes the public outreach efforts for FY20/21:

Description	Circulation/Quantity	Cost
Special Event Ad – Brentwood Temp Event (10/02/20 and 10/09/20) ½ page ad, one week, all Brentwood Press papers	96,775 Papers/week	\$1,098.00
Special Event Ad – Oakley Temp Event ½ page ad, Two weeks, all Brentwood Press papers	96,775 Papers/week	\$1,098.00
General HHW Ad – Welcome Magazine ½ page ad, 2019 Version (02/19/20)		\$999.50
Special Event Ad – Discovery Bay Temp Event ½ page ad, One week, all Brentwood Press papers	96,775 Papers/week	\$549.00
Total		\$3,744.50

HHW Website

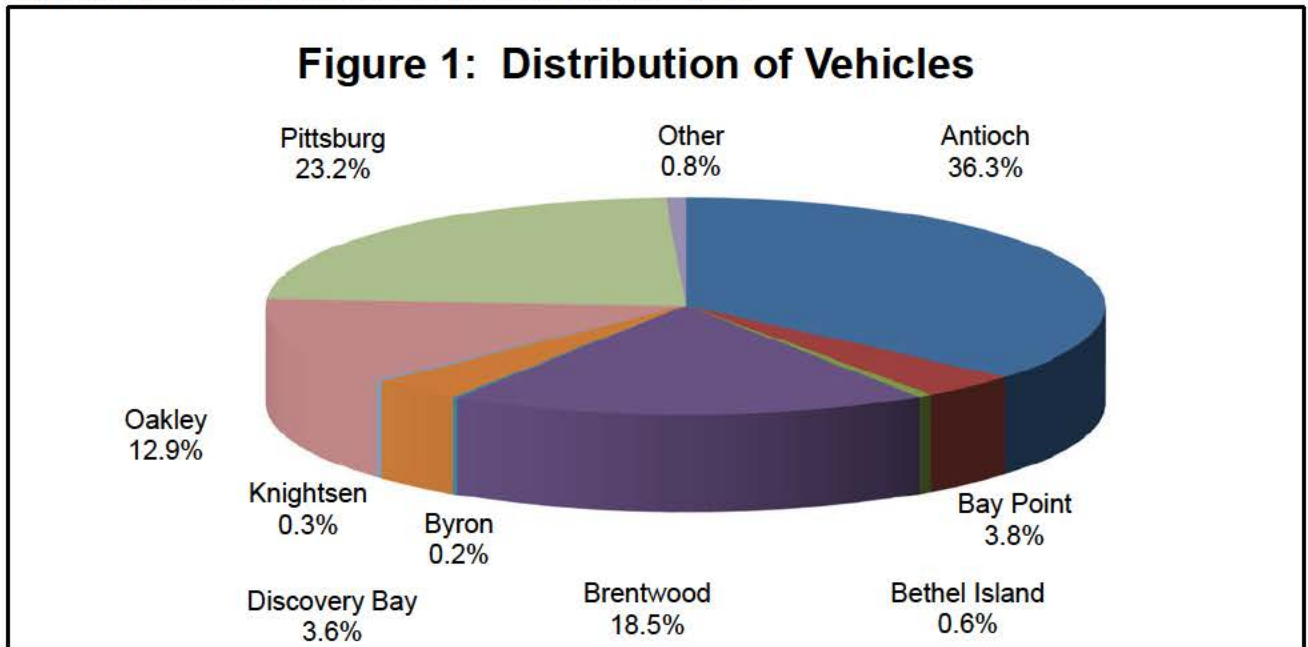
The public has access to general HHW facility, mercury, sharps, small business, and special event information at <http://www.deltadiablo.org/services/hhw>. The following table indicates the number of requests for the main HHW page per month. Note, the District launched a new website in September 2014 and the table only shows data since that point. Pageviews were significantly higher this fiscal year, most likely due to COVID-19 rules and air quality closure notifications that referred customers to our website for the current facility information.

Month	14/15 Pageviews	15/16 Pageviews	16/17 Pageviews	17/18 Pageviews	18/19 Pageviews	19/20 Pageviews	20/21 Pageviews
Jul	NA	792	1,030	1,161	1,319	1,283	2,261
Aug	NA	795	943	1,116	1,271	463	2,381
Sep	NA	871	843	949	1,019	559	1,823
Oct	NA	910	791	1,013	1,309	762	1,603
Nov	256	749	830	939	928	705	1,392
Dec	323	745	805	826	944	569	1,548
Jan	578	996	869	969	1,157	1,092	1,678
Feb	428	863	674	938	931	901	1,292
Mar	529	927	948	994	1,043	703	1,432
Apr	496	885	1,020	1,065	1,307	710	1,455
May	608	892	1,015	1,099	1,340	1,210	1,547
Jun	642	997	945	1,197	1,259	1,901	1,416
Total	3,860+	10,422	10,713	12,236	13,827	10,858	19,828

Participation Summary

Vehicles by Jurisdiction

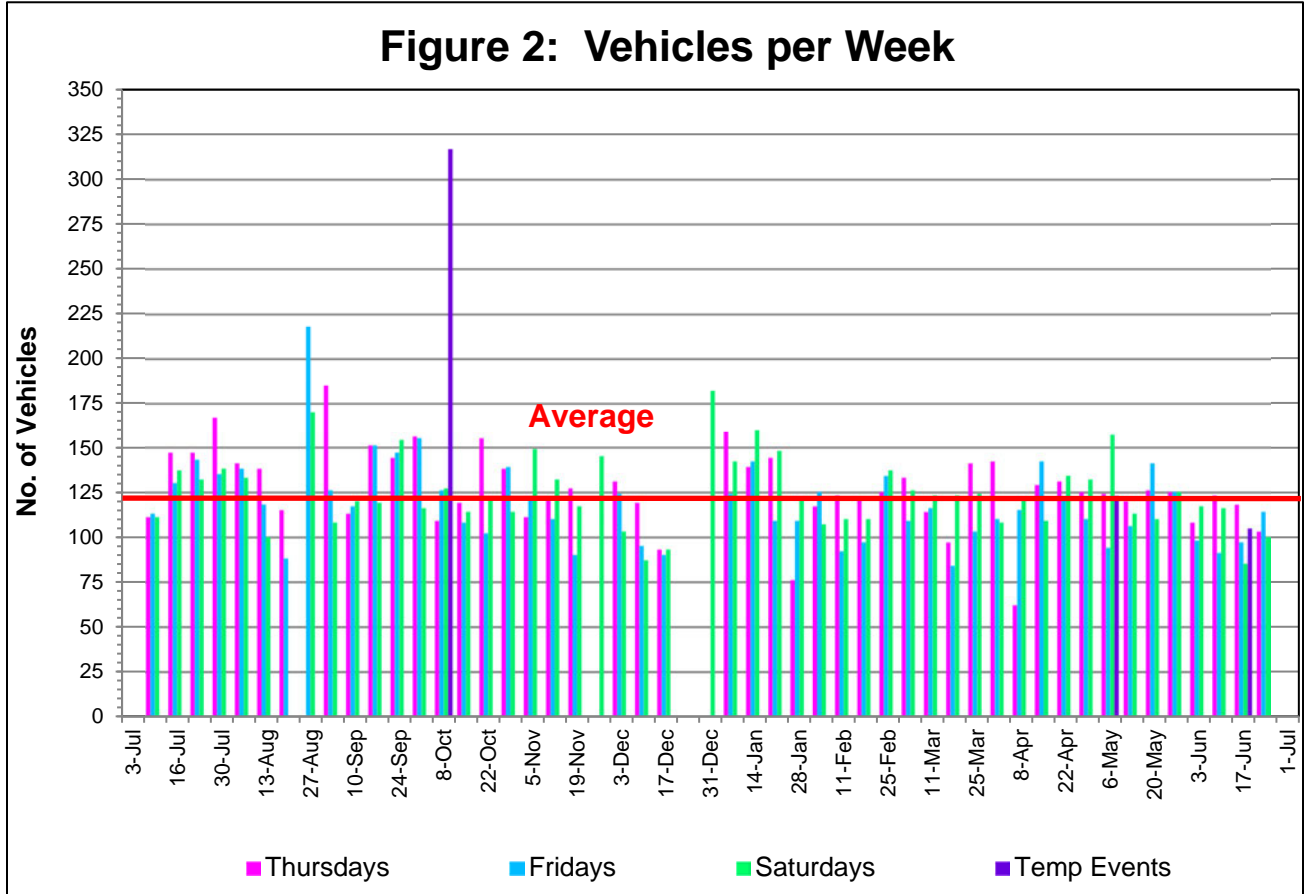
Figure 1 shows the distribution of vehicles per jurisdiction.



Jurisdiction	Q1	Q2	Q3	Q4	YTD	YTD%	HHW Total	E-waste Total	Grand Total
Antioch	1,666	1,521	1,704	1,722	6,613	36.28%	6,613	2,071	7,366
Brentwood	786	917	806	864	3,373	18.50%	3,373	1,229	3,785
County	360	336	394	442	1,532	8.40%	1,532	507	1,712
Bay Point	167	169	181	177	694	3.81%	694	199	767
Bethel Island	34	20	22	27	103	0.57%	103	38	117
Byron	4	4	7	16	31	0.17%	31	9	34
Discovery Bay	144	125	173	206	648	3.55%	648	246	733
Knightsen	11	18	11	16	56	0.31%	56	15	61
Oakley	576	582	563	625	2,346	12.87%	2,346	685	2,575
Pittsburg	1,138	971	1,060	1,054	4,223	23.17%	4,223	1,181	4,641
Other	79	30	20	13	142	0.78%	142	37	157
Total	4,605	4,357	4,547	4,720	18,229	100.00%	18,229	5,710	20,236

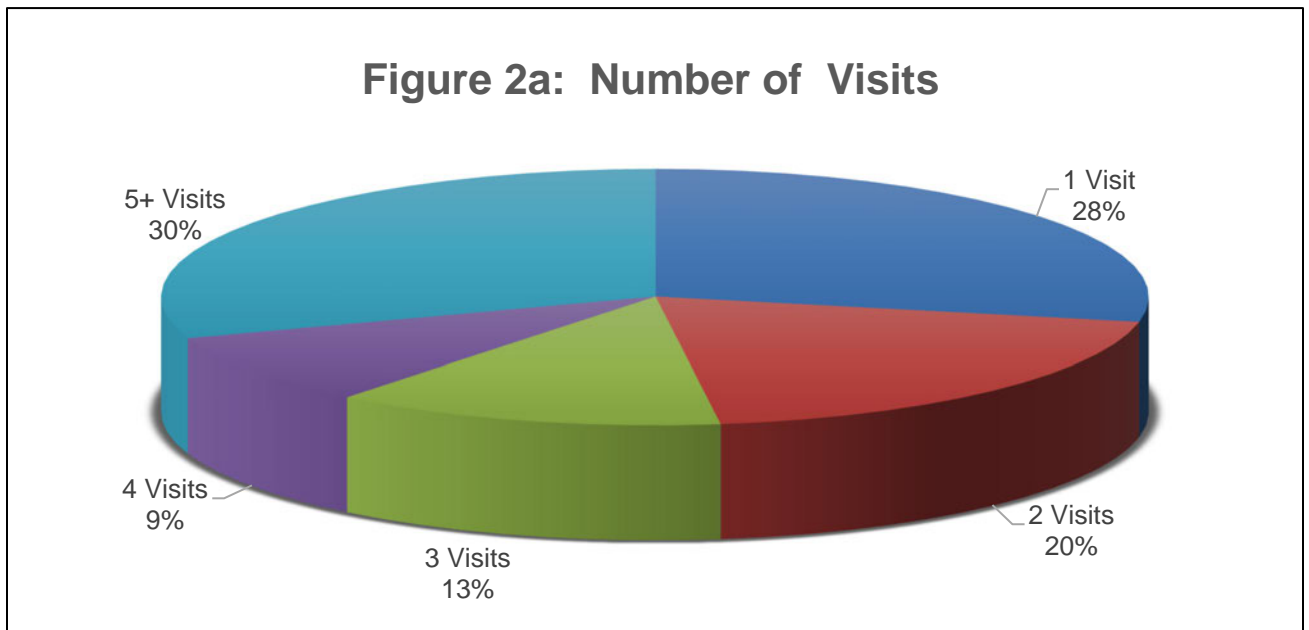
Vehicles by Week

Figure 2 shows the number of vehicles utilizing the DHHWCF per week. This count only includes vehicles that brought HHW. Customers who brought e-waste only are not included in Figures 2 or 2a.

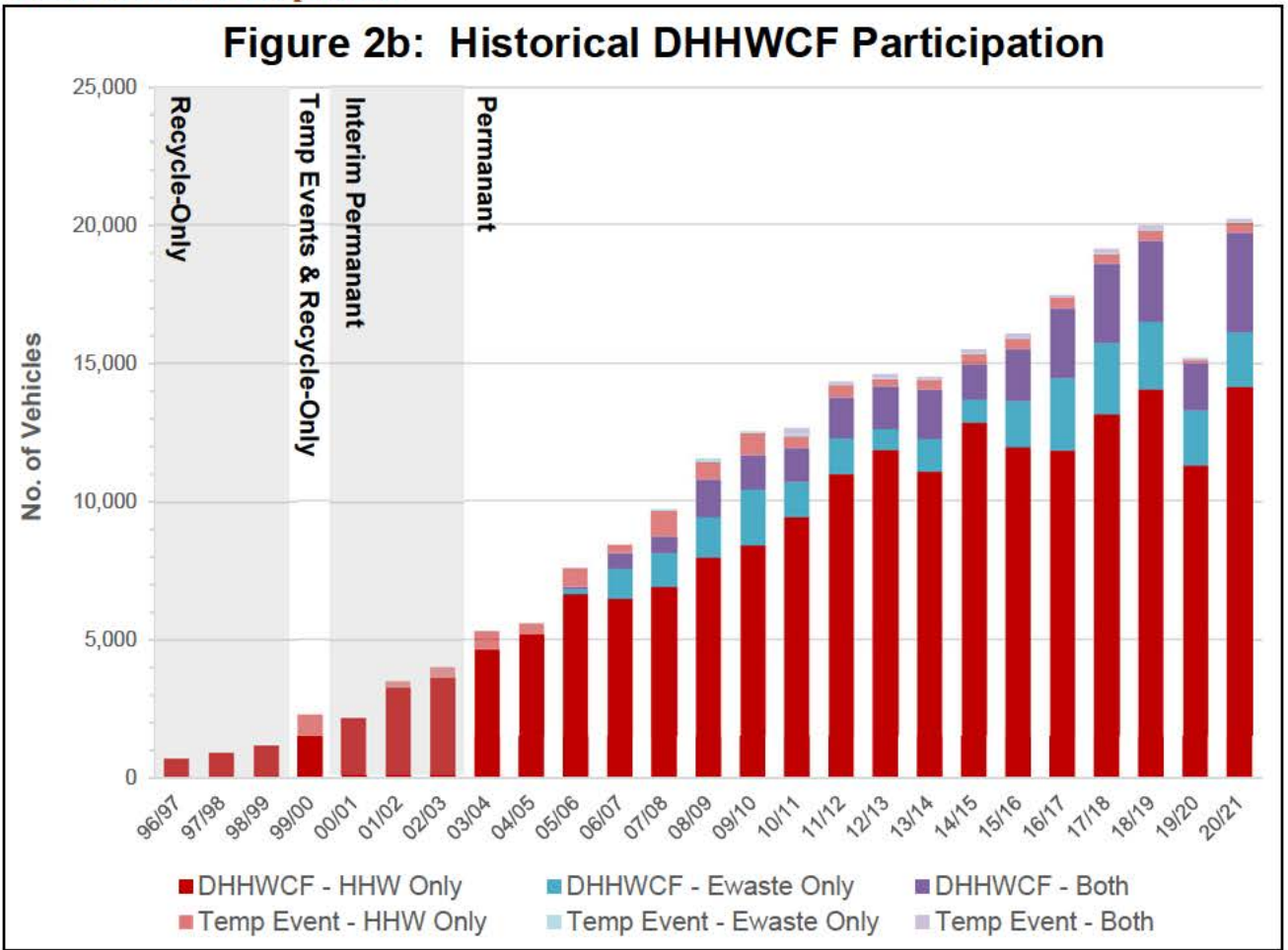


The average number of vehicles per week is 122 for Saturdays, 119 for Fridays, and 124 for Thursdays (HHW vehicles only, no e-waste)

Participation Statistics



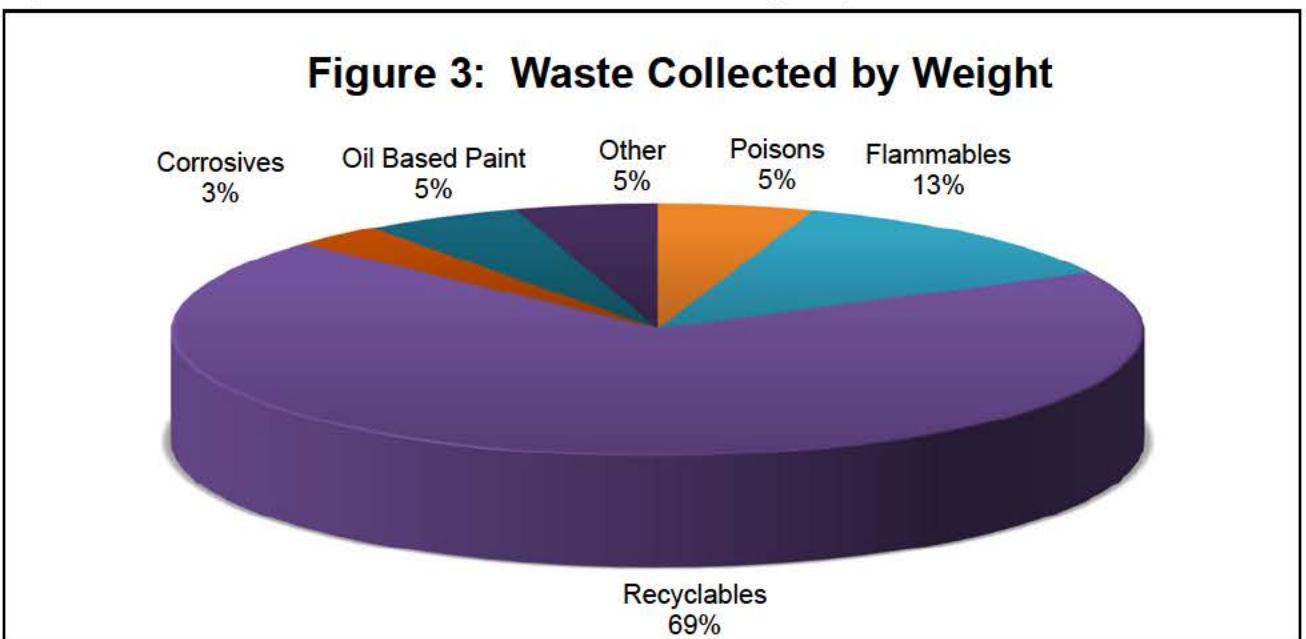
Historical Participation



Collection Summary

Waste by Weight

Figure 3 shows the distribution of waste classes collected by weight.



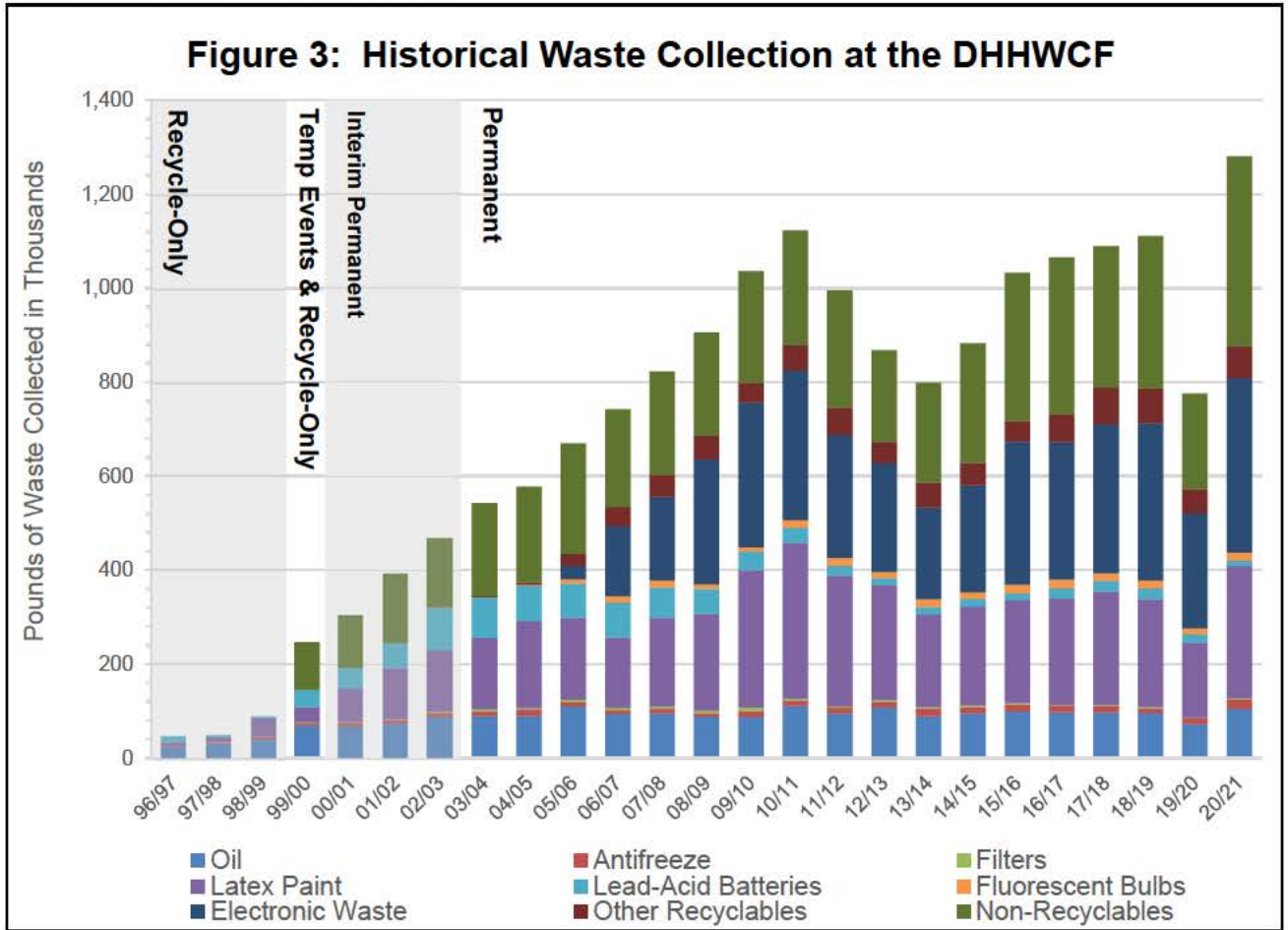
The following table shows the amount of hazardous waste collected through June 30, 2021, with the associated costs (transportation & disposal costs only, no associated labor or supplies). The pounds collected includes the weight of the container and packing material.

Description	DHHWCF Pounds Collected	Temp Event Pounds Collected	CESQG Pounds Collected	Retail Pounds Collected	Reuse Pounds Distributed	Total Pounds Disposed	Total Pounds Collected	Total Cost
Reclaimables								
Antifreeze	18,998.0	848.0	348.0			19,846.0	19,846.0	\$2,862.00
Auto Type Batteries	11,479.0	1,132.0	120.0			12,611.0	12,611.0	\$0.00
Latex Paint	269,567.0	11,200.0	18,940.0			280,767.0	280,767.0	\$0.00
Motor Oil/Oil Products	102,227.5	2,451.0	5,921.5			104,678.5	104,678.5	\$611.25
Used Oil Filters	2,803.0	141.0	311.0			2,944.0	2,944.0	\$724.50
Subtotal	405,074.5	15,772.0	25,640.5	0.0	0.0	420,846.5	420,846.5	\$4,197.75
Universal Waste								
Hg Containing Devices	0.0	0.0				0.0	0.0	\$0.00
Hg Containing Waste (other)	56.0	0.0				56.0	56.0	\$555.00
Fluorescent Tubes/Bulbs	15,700.0	942.0	2,978.0	1,952.0		16,642.0	16,642.0	\$22,798.66
Rechargeable Batteries	10,081.0	263.0	833.0			10,344.0	10,344.0	\$2,378.10
Other Batteries	32,269.0	2,396.0	2,302.0			34,665.0	34,665.0	\$27,065.94
Covered Electronic Devices	159,416.0	2,144.0	18,955.0			159,416.0	159,416.0	\$0.00
UWEDs	211,111.0	3,450.0	9,349.0			211,111.0	211,111.0	\$0.00
Empty Aerosol Containers	0.0					0.0	0.0	\$0.00
Other Universal Waste	301.0	0.0				301.0	301.0	\$483.75
Subtotal	428,934.0	9,195.0	34,417.0	1,952.0	0.0	432,535.0	432,535.0	\$53,281.45
Other Waste								
Home-generated Sharps	10,896.0	0.0		1,905.0		10,896.0	10,896.0	\$28,261.74
Pharmaceutical Waste	4,708.0	0.0		0.0		4,708.0	4,708.0	\$9,839.00
Compressed Gas Cylinders	16,998.0	1,210.0				18,208.0	18,208.0	\$15,247.80
Treated Wood	0.0	0.0				0.0	0.0	\$0.00
Non-UW Aerosols	24,315.0	1,469.0	199.0			25,784.0	25,784.0	\$31,191.98
Empty Drums	164.0	0.0				164.0	164.0	\$81.00
Cooking Oil	23,307.0	0.0	16.0			23,307.0	23,307.0	\$0.00
Subtotal	80,388.0	2,679.0	215.0	1,905.0	0.0	83,067.0	83,067.0	\$84,621.52
Non-Reclaimables								
Flammable Liquid/Solid	117,756.0	8,113.0	4,033.0			125,869.0	125,869.0	\$82,700.26
Bulked Flammable Liquids	33,698.0	0.0				33,698.0	33,698.0	\$10,428.00

Description	DHHWCF Pounds Collected	Temp Event Pounds Collected	CESQG Pounds Collected	Retail Pounds Collected	Reuse Pounds Distributed	Total Pounds Disposed	Total Pounds Collected	Total Cost
Oil-based Paints	64,919.0	3,932.0	236.0			68,851.0	68,851.0	\$0.00
Poisons	63,605.00	4,082.0	1,164.0			67,687.0	67,687.0	\$78,649.00
Reactive and Explosive	116.0	8.0				124.0	124.0	\$888.00
Acids	13,320.0	689.0	46.0			14,009.0	14,009.0	\$13,870.00
Bases	24,024.0	868.0	65.0			24,892.0	24,892.0	\$23,560.00
Oxidizers	6,337.0	417.0	938.0			6,754.0	6,754.0	\$12,042.00
PCB-containing Paint	0.0	0.0				0.0	0.0	\$0.00
Other PCB Waste	2,379.0	64.0	190.0			2,443.0	2,443.0	\$1,872.00
Asbestos	0.0	0.0				0.0	0.0	\$0.00
Subtotal	326,154.0	18,173.0	6,672.0	0.0	0.0	344,327.0	344,327.0	\$224,009.26
CESQG Revenue								(\$3,610.13)
Electronic Manifest Fees								\$2,475.00
Total	1,240,550.5	45,819.0	66,944.5	3,857.0	0.0	1,280,775.5	1,280,775.5	\$364,974.85

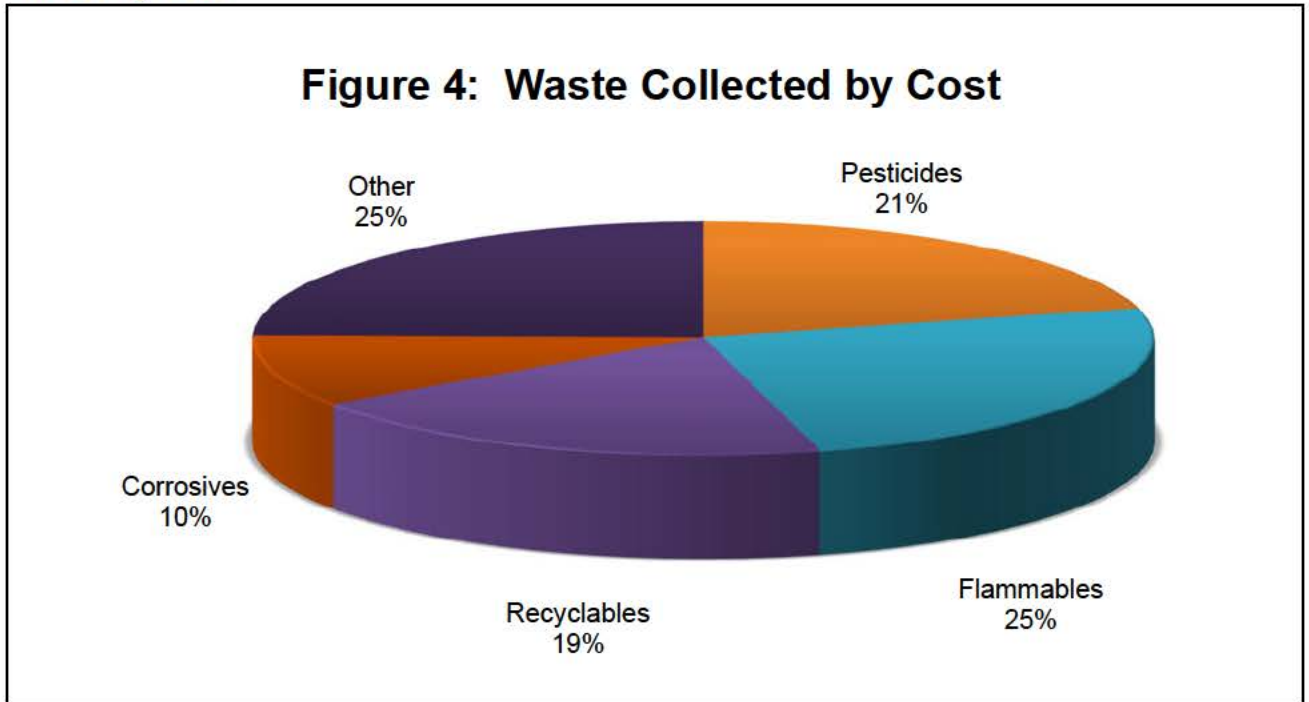
The average pounds of waste collected per vehicle was 65 pounds without e-waste and 63 pounds with e-waste (FY-To-Date).

Historical Waste Collection



Cost Summary

Waste by Cost



	Budget	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	YTD	% Rem.
District Salaries & Benefits	\$214,987.00	\$52,274.23	\$55,903.41	\$55,702.80	\$53,032.16	\$216,912.60	(0.9%)
Transportation & Disposal	\$319,050.00	\$101,022.09	\$83,879.97	\$84,430.86	\$95,641.93	\$364,974.85	(14.4%)
Temp Events	\$16,837.00	\$0.00	\$6,588.00	\$0.00	\$9,838.00	\$16,426.00	2.4%
Contract Labor	\$189,648.00	\$50,919.00	\$49,725.00	\$54,573.00	\$56,450.00	\$211,667.00	(11.6%)
PR/Outreach	\$10,976.00	\$0.00	\$1,098.00	\$0.00	\$2,646.50	\$3,744.50	65.9%
Utilities	\$26,658.00	\$8,843.84	\$9,704.32	\$9,862.32	\$10,084.98	\$38,495.46	(44.4%)
Maintenance & Repairs	\$16,318.00	\$2,698.61	\$2,484.29	\$2,385.00	\$8,913.54	\$16,481.44	(1.0%)
Materials & Supplies	\$6,150.00	\$1,822.37	\$2,436.34	\$194.18	\$406.65	\$4,859.54	21.0%
Other Costs	\$10,612.00	\$95.00	\$279.00	\$1,054.00	\$4,096.00	\$5,524.00	47.9%
Total	\$811,236.00	\$217,675.14	\$212,098.33	\$208,202.16	\$241,109.76	\$879,085.39	(8.4%)

	Budget 20/21	Actual 19/20	Actual 20/21	% Change	Explanation
Admin Costs	\$214,987	\$201,530	\$216,913	7.63%	
T&D	\$319,050	\$206,055	\$364,975	77.12%	With the 3-month closure of the facility due to the pandemic, participation and waste collection was up significantly (50% and 65%, respectively) and the Reuse room was closed.
Temp. Events	\$16,837	\$6,588	\$16,426	149.33%	Participation at the temp events also increased
Contract Labor	\$189,648	\$123,995	\$211,667	70.71%	For safety reasons, extra staff were brought in to accommodate the increase in participation and waste.
PR	\$10,976	\$5,902	\$3,745	(36.55%)	Pandemic decreased outreach activities.
Utilities	\$26,658	\$26,223	\$38,496	46.82%	Extra garbage/recycling bins required due to the increase in waste collection.
Maintenance	\$16,318	\$10,719	\$16,481	53.76%	Although an increase over the prior FY, expenditures in this category were at normal levels.
Materials & Supplies	\$6,150	\$5,309	\$4,860	(8.46%)	
Other	\$10,612	\$5,508	\$5,524	0.29%	
Total w/E-waste	\$811,236	\$591,829	\$879,085	48.54%	No longer receiving e-waste revenue
Total w/o E-waste	\$811,236	\$591,829	\$879,085	47.11%	
With E-waste					
Pounds		775,824	1,280,776	65.09%	
# Cars		13,521	20,236	49.66%	
Cost/Car		\$43.77	\$43.44	(0.75%)	
Lbs/Car		57.0	63.3	10.30%	
Without E-waste					
Pounds		530,713	1,192,860	71.51%	
# Cars		11,498	18,229	58.54%	
Cost/Car		\$43.77	\$43.44	(6.31%)	
Lbs/Car		46.2	65.4	8.18%	

Operating costs are split between the cities and the County according to the usage from each area.

Entity	Budget Allocation	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	YTD	% Rem.
Antioch	\$124,000.00	\$78,750.66	\$45,249.34	\$0.00	\$0.00	\$124,000.00	0.00%
Pittsburg	\$75,000.00	\$53,792.47	\$21,207.53	\$0.00	\$0.00	\$75,000.00	0.00%
Brentwood	\$143,264.28	\$37,153.67	\$44,639.47	\$36,905.86	\$44,135.35	\$162,834.35	(13.66%)
County	\$95,806.07	\$17,016.95	\$16,356.45	\$18,040.83	\$22,578.50	\$73,992.73	22.77%
District	\$278,981.15	\$3,734.27	\$56,313.84	\$127,476.32	\$142,469.30	\$329,993.73	(18.29%)
Oakley	\$94,184.50	\$27,227.12	\$28,331.70	\$25,779.15	\$31,926.61	\$113,264.58	(20.26%)
Total	\$811,236.00	\$217,675.14	\$212,098.33	\$208,202.16	\$241,109.76	\$879,085.39	(8.36%)

The average cost per vehicle comes to \$43 per vehicle. This price includes labor, supplies, other services, and transportation and disposal (with e-waste).

Historical Costs

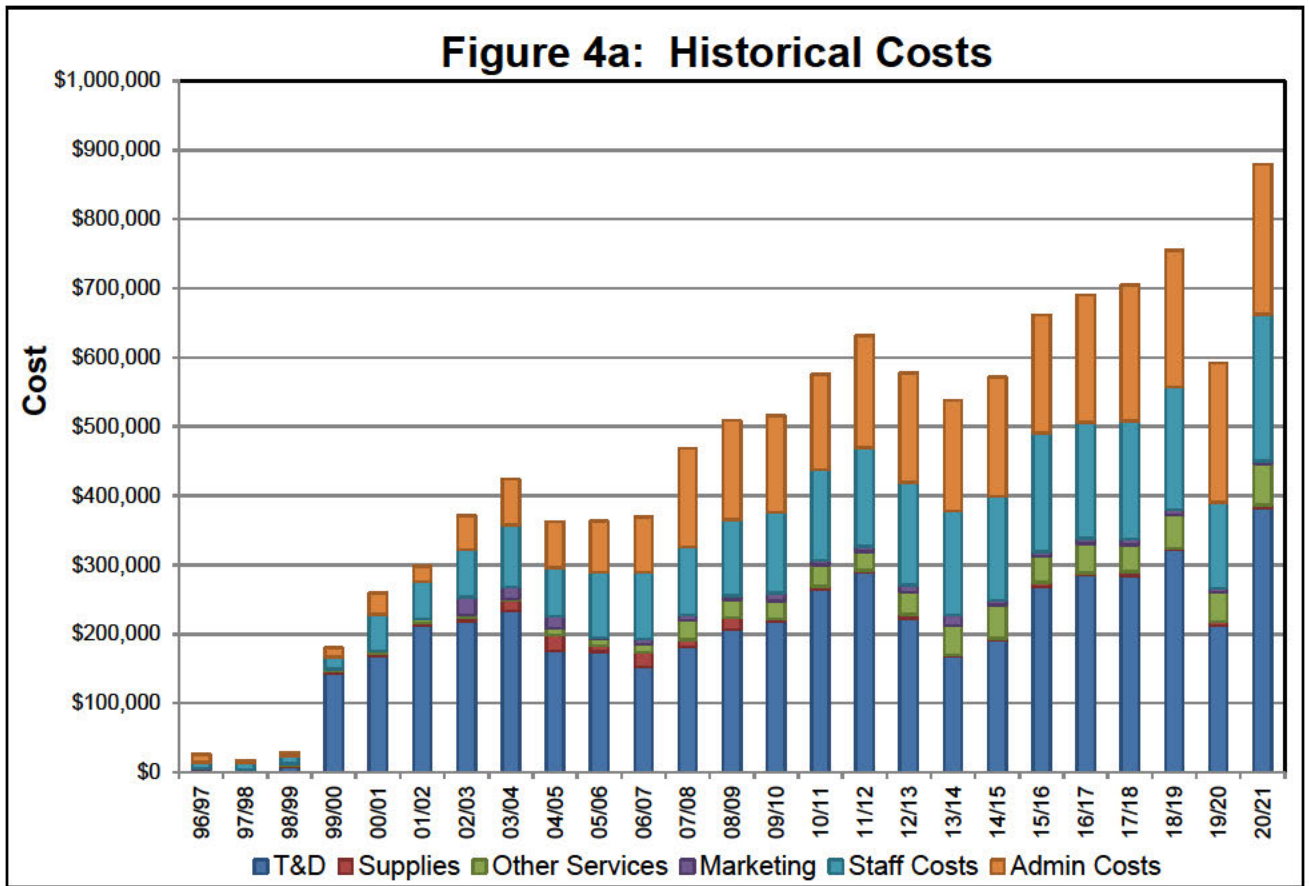
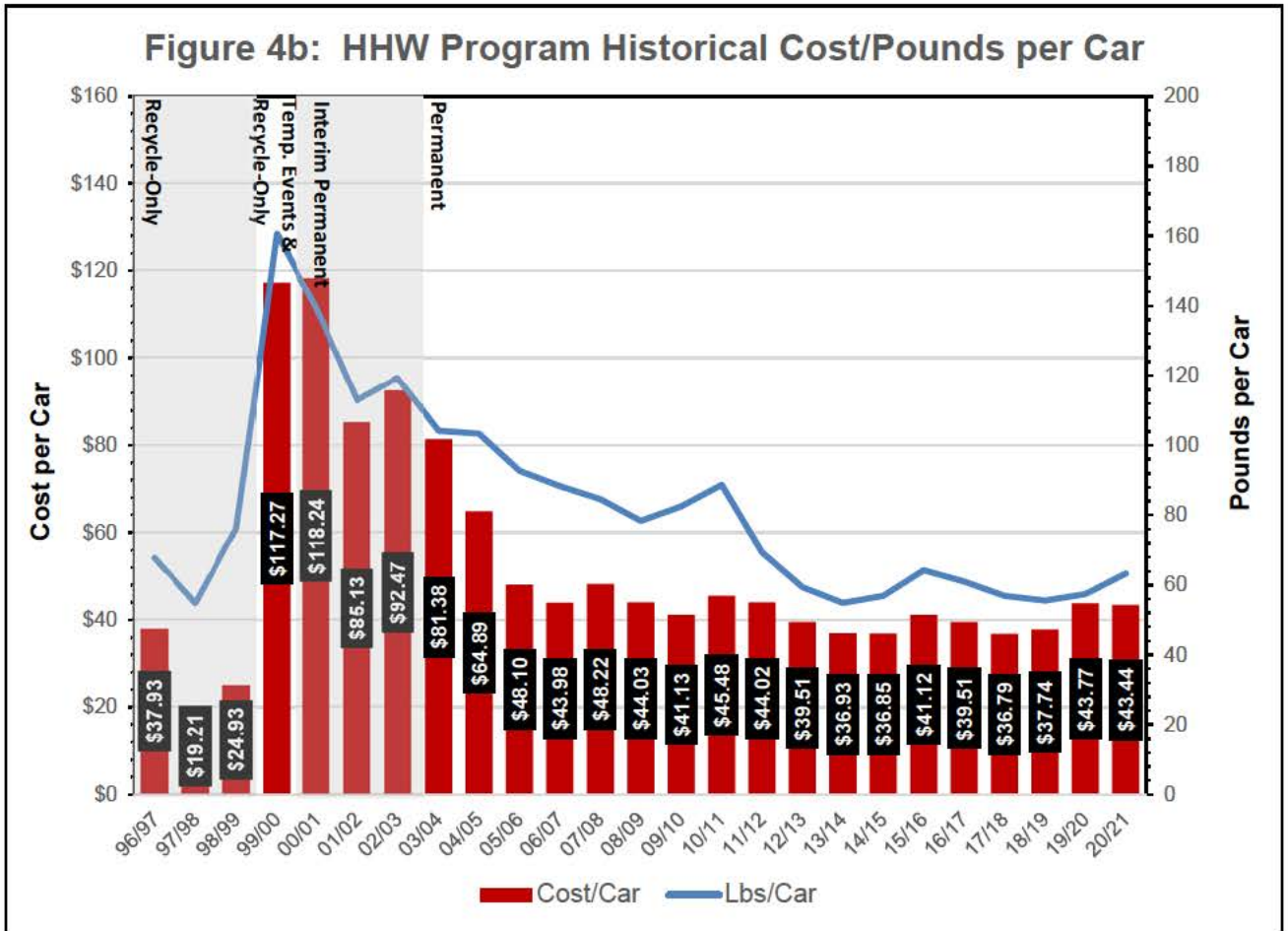


Figure 4b: HHW Program Historical Cost/Pounds per Car



Temporary Collection Events

The following table summarizes the temporary collection events for FY20/21:

Event Location EPA ID	Date	# Vehicles (prior year vehicles)	Pounds Collected	Cost
Brentwood – Transfer Station CAH 111 001 407	10/10/20	317 (207)	25,160	\$19,171.24
Oakley – Oakley City Hall Parking lot CAH 111 001 131	05/08/21	123 (0)	11,426	\$9,764.34
Far East – Discovery Bay Elem. School CAH 111 001 174	06/19/21	105 (0)	9,233	\$8,908.29
Total		545 (207)	45,819	\$37,843.87

https://deltadiablo889.sharepoint.com/sites/Eng/Shared Documents/Household Hazardous Waste/2020_21/2020_21_Year-End Report_rev.docx

ITEM E/8

October 13, 2021

AUTHORIZE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 1 TO GENERAL SERVICES CONTRACT IN THE AMOUNT OF \$36,400, FOR A NEW TOTAL CONTRACT AMOUNT NOT TO EXCEED \$136,399, LIEBERT CASSIDY WHITMORE, LABOR NEGOTIATION SERVICES

Recommendation

Authorize the General Manager to execute Amendment No. 1 to the general services contract with Liebert Cassidy Whitmore (LCW) to provide additional labor negotiation services in the amount of \$36,400, for a new total contract amount not to exceed \$136,399.

Background Information

On January 14, 2021, the District executed a general services contract with LCW for \$99,999 to provide labor negotiation services on behalf of the District with the Local One AFSCME Council 57 Representation Units (Operations and Maintenance, Professional and Technical) and the Management Association. The Memoranda of Understanding (MOUs) with each of the three bargaining units expired on June 30, 2021.

Analysis

Labor negotiations with bargaining units commenced in March 2021. Labor negotiations were originally expected to be completed before the MOUs expired on June 30, 2021. Because labor negotiations are still ongoing, staff is recommending this contract amendment for LCW to provide services through December 2021.

Financial Impact

Sufficient funding is available in the approved FY21/22 Budget.

Attachment

None.

Prepared by:



Brian Thomas
Engineering Services Director

cc: Liebert Cassidy Whitmore
District File No. HR.04



October 13, 2021

RECEIVE REPORT ON NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT VIOLATIONS

Recommendation

Receive and file report on two recent National Pollutant Discharge Elimination System (NPDES) permit violations at the District's Wastewater Treatment Plant (WWTP).

Background Information

During the month of July 2021, the District incurred an exceedance of the WWTP average monthly effluent limit for copper of 35 micrograms per liter ($\mu\text{g/L}$) and the maximum daily limit of 53 $\mu\text{g/L}$ in the NPDES permit issued by the Regional Water Quality Control Board (RWQCB) for the District's WWTP. The WWTP effluent copper concentration for July 14, 2021 was 63 $\mu\text{g/L}$, which exceeded these average monthly and daily limits. As required, staff notified RWQCB via the District's Self-Monitoring Report (SMR) for July 2021.

During the month of August 2021, the District incurred an exceedance of the WWTP average weekly effluent limit for mercury of 0.072 $\mu\text{g/L}$. The WWTP effluent mercury concentration for August 5, 2021 was 0.086 $\mu\text{g/L}$, which exceeded the average weekly limit. Staff provided initial notification to RWQCB on August 19, 2021 and included a summary of the violation and initial response actions via the District's SMR for August 2021.

Analysis

WWTP Copper Effluent Limit Exceedance: The copper effluent sample result of 63 $\mu\text{g/L}$ is significantly higher than historical results. In addition to the high effluent result, the July 2021 copper sample result for the influent was also higher than normal. Preliminary information indicates the exceedance may be the result of additional copper that was discharged into the WWTP influent via the wastewater collection system. In response, staff has initiated additional sampling upstream of the WWTP to identify possible sources of elevated copper. This supplemental sampling has not yielded elevated copper concentrations to date and subsequent effluent samples for August and September 2021 have returned to typical levels.

WWTP Mercury Effluent Limit Exceedance: The mercury effluent sample result of 0.086 $\mu\text{g/L}$ far exceeded the historical average and triggered accelerated monitoring requirements (by exceeding 0.065 $\mu\text{g/L}$) in the Mercury Watershed Permit, as well as the average weekly and potentially the monthly effluent discharge limitation. Effluent discharge limitations for mercury are 0.066 $\mu\text{g/L}$ average monthly and 0.072 $\mu\text{g/L}$ average weekly. Accelerated monitoring of the WWTP effluent (minimum one sample per week until 6 samples have been obtained) was started on August 16, 2021. Sampling at other locations (i.e., WWTP influent, recycled water effluent, and blowdown from the Calpine power plants) was also started to determine the source of mercury. Sample test data indicates high mercury concentrations in the blowdown return water from both the Delta Energy Center (DEC) and Los Medanos Energy Center (LMEC) operated by Calpine. In addition, Calpine's self-monitoring data indicated elevated mercury concentrations in both the DEC and LMEC blowdown streams. Based on this information, staff began rerouting the blowdown return streams from Calpine to the WWTP influent for retreatment prior to recycled water production or discharge. Rerouting the blowdown to the influent allows for removal of the additional mercury through WWTP solids removal processes. This action along



with expanded mercury sampling and analysis allowed the District to remain compliant with the mercury monthly average limit in August and September 2021.

The accelerated monitoring required in the Mercury Watershed Permit, which was triggered by the high effluent mercury result, stipulates that an Action Plan for Mercury Reduction needs to be drafted if any of the six additional sample results are above the maximum daily trigger. One of the six samples collected by the District had a result above the maximum daily trigger. As such, the District must develop, submit, and implement an Action Plan that (1) evaluates the cause of trigger exceedances, (2) evaluates the effectiveness of existing pollution prevention or pretreatment programs and methods for preventing future exceedances, (3) evaluates the feasibility and effectiveness of technology enhancements to improve treatment plant performance, and (4) evaluates other measures for preventing future exceedances. In addition, the Action Plan should identify the mercury reduction measures to be implemented, along with an implementation schedule for those measures, to correct current and prevent future trigger exceedances. The Action Plan must be submitted to the RWQCB within 130 days of the initial trigger exceedance on August 5, 2021. Staff has begun preparation of the Action Plan to ensure it is ready for submission by the December 13, 2021 deadline.

Upon identifying the Calpine blowdown streams as containing additional mercury, staff began working collaboratively with Calpine to identify possible source(s) of mercury in the blowdown stream. Calpine examined its internal processes and has not yet determined how mercury is being introduced at its facilities. Calpine continues to investigate mercury sources, while evaluating options to mitigate elevated mercury levels, including rerouting blowdown to the WWTP influent, diversifying the water source at DEC and LMEC to include canal water, and altering DEC and LMEC processes to add new filtering systems to remove excess mercury. The District will continue to reroute the Calpine blowdown stream to the influent on a periodic basis to reduce the risk of another mercury exceedance until Calpine either identifies and removes the mercury source or implements an acceptable method to address this critical regulatory compliance issue.

Financial Impact

These two NPDES permit violations are each subject to the financial mandatory penalty provisions required by California Water Code Section 13385, subdivisions (h) and (i).

Attachments

None

Prepared by:



Dean Eckerson
Resource Recovery Services Director

cc: District File No. BRD.01-ACTS



October 13, 2021

CONSIDER ADOPTING A RESOLUTION TO AUTHORIZE THE BOARD OF DIRECTORS, IN ALL ITS CAPACITIES, AND ITS SUBCOMMITTEES, TO CONDUCT TELECONFERENCE MEETINGS UNDER GOVERNMENT CODE SECTION 54953(e) AND MAKE RELATED FINDINGS; DETERMINE THAT THESE BODIES WILL HOLD VIRTUAL MEETINGS FOR THE NEXT 30 DAYS; AND DIRECT THE GENERAL MANAGER TO RETURN THIS MATTER TO THE BOARD FOR RECONSIDERATION AS TO ALL BODIES COVERED BY THE RESOLUTION.

Recommendations

1. Consider adopting a Resolution to authorize the Board of Directors, in all its capacities, and its subcommittees, to conduct teleconference meetings under Government Code Section 54953(e) and make related findings;
2. Determine that these bodies will hold virtual meetings for the next 30 days; and
3. Direct the General Manager to return this matter to the Board for reconsideration as to all bodies covered by the resolution.

Background Information

When the COVID-19 pandemic began, Governor Newsom issued an executive order that allowed local agencies to meet remotely without complying with all teleconferencing requirements of the Brown Act. Executive Order N-29-20 suspended certain non-emergency teleconferencing rules, including the requirements that each teleconference location be listed on the agenda and be physically accessible to the public during the meeting and that the public must be given an opportunity to comment at each teleconference location. Since March 2020, the Board of Directors met virtually, as authorized by Executive Orders N-29-20, N-35-20, N-08-21, and N-15-21. This authority expired September 30, 2021.

Assembly Bill 361 (AB 361) recently amended the teleconferencing provision of the Brown Act, Government Code Section 54953. Effective October 1, 2021, Section 54953(e) authorizes a local agency to use special teleconferencing rules when a legislative body of a local agency holds a meeting during a state of emergency declared by the state and either: a) state or local health officials have imposed or recommended measures to promote social distancing, or b) the legislative body is meeting to determine whether, or has determined, by majority vote, that meeting in person would present imminent risks to the health or safety of meeting attendees.

When a legislative body uses the emergency teleconferencing provisions under Section 54953(e), the following rules apply:

- § The agency must provide notice of the meeting and post an agenda as required by the Brown Act and Better Government Ordinance, but the agenda does not need to list each teleconference location or be physically posted at each teleconference location.
- § The agenda must state how members of the public can access the meeting and provide public comment.
- § The agenda must include an option for all persons to attend via a call-in or internet-based service option.
- § The body must conduct the meeting in a manner that protects the constitutional and statutory rights of the public.



- § If there is a disruption in the public broadcast of the meeting or of the call-in or internet-based meeting service, the legislative body must stop the meeting and take no further action on agenda items until public access and ability to comment is restored.
- § Local agencies may not require public comments to be submitted in advance of the meeting and must allow virtual comments to be submitted in real time.
- § The body must allow a reasonable amount of time per agenda item to permit members of the public to comment, including time to register or otherwise be recognized for the purposes of comment.
- § If the body provides a timed period for all public comment on an item, it may not close that period before the time has elapsed.
- § The body must reconsider the circumstances of the state of emergency and the findings in support of emergency teleconference meetings every 30 days.
- § AB 361 sunsets on January 1, 2024.

Analysis

A Board resolution authorizing teleconferencing under Section 54953(e) is attached. It would determine that the State has declared a state of emergency related to COVID-19 and find that social distancing recommendations are in place and that there is an imminent risk of harm to the public, staff, and officials if live meetings are conducted. If adopted, for the next 30 days the resolution would require the Board of Directors, in all its capacities and subcommittees, to hold teleconference meetings consistent with the above described rules.

If the Board wishes to continue teleconferencing under Section 54953(e), at its next meeting, the Board must reconsider the circumstances of the state of emergency and find that one or both of the following circumstances exists: a) the state declared emergency continues to directly impact the ability of members to safely meet in person, or b) state or local officials continue to impose or recommend measures to promote social distancing. If the state declared emergency no longer exists, or if the Board does not make these findings by majority vote, then it and its subcommittees will no longer be exempt from the Brown Act's non-emergency teleconferencing rules. The attached resolution directs the General Manager to return at the next meeting with an item for the Board to consider whether to continue meeting under the provisions of Government Code Section 54953(e).

Fiscal Impact

None.

Attachment

Resolution Authorizing Teleconference Meetings (AB 361, Government Code Section 54953[e])

Prepared by:



Cecelia Nichols-Fritzler
Secretary to the Board/Office Manager

Reviewed by:



Vince De Lange
General Manager

**BEFORE THE BOARD OF DIRECTORS
OF DELTA DIABLO**

**Re: Authorizing Teleconference Meetings)
Under Government Code Section) **RESOLUTION NO. 15/2021**
54953(e), Assembly Bill 361)**

THE BOARD OF DIRECTORS OF DELTA DIABLO HAS DETERMINED THAT:

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq.; and

WHEREAS, on March 10, 2020, Contra Costa County proclaimed the existence of a local emergency throughout the county due to conditions of disaster or extreme peril to the safety of persons and property had arisen due to COVID-19; and

WHEREAS, on March 17 and 21, 2020, Governor Newsom issued Executive Orders N-29-20 and N-35-20, which suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code Section 54950 et seq. (the Brown Act), provided certain requirements were met and followed; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which clarified the suspension of the teleconferencing rules set forth in the Brown Act and further provided that those provisions would remain suspended through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361, which provides that under Government Code Section 54953(e), a legislative body subject to the Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code Section 54953(b)(3) if a state declared state of emergency exists and either state or local officials have imposed or recommended measures to promote social distancing or meeting in person would present imminent risks to health and safety of meeting attendees; and

WHEREAS, on September 20, 2021, Governor Newsom issued Executive Order N-15-21, which suspended the provisions of Assembly Bill 361 until October 1, 2021; and

WHEREAS, on September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings that include recommended measures to promote social distancing; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Delta Diablo Board of Directors, acting in all its capacities, intends to invoke the provisions of Government Code Section 54953(e), added by Assembly Bill 361, related to teleconferencing.

WHEREAS, among the Health Officer's recommendations: (1) on-line meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; (2) if a local agency determines to

hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended when possible to give those at higher risk of an/or higher concern about COVID-19 an alternative to participating in person; (3) a written safety protocol should be developed and followed, and it is recommended that the protocol require social distancing (i.e., six feet of separation between attendees) and face-masking of all attendees; (4) seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.

WHEREAS, the emergence of the Delta variant has led to a severe rise of COVID-19 infections, hospitalizations and deaths in Contra Costa County in the past two months. The Delta variant became the predominant strain among samples sequenced in Contra Costa County and California in early July 2021, and currently represents over 95% of samples sequenced both at the Contra Costa County Public Health lab and per reports of statewide sequencing.

WHEREAS, as of October 2, 2021, the seven-day rolling average of new cases in the County was 149 cases per day, a case rate that is in the “high” community transmission tier, the most serious of the CDC’s community transmission tiers.

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Board of Directors, acting in all of its capacities, intends to invoke the provisions of Government Code section 54953 (e), added by Assembly Bill 361, related to teleconferencing.

NOW THEREFORE, the Board of Directors of Delta Diablo DOES HEREBY RESOLVE AND ORDER as follows:

1. The state of emergency proclaimed by Governor Newsom on March 4, 2020 remains in place.
2. The Contra Costa County Health Officer has strongly recommended that public meetings be held by teleconferencing as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.
3. In-person meetings of the Board of Directors would present imminent risks to the health or safety of the public, staff and officials attending meetings, in light of the high case rate of COVID-19 infections in Contra Costa County.
4. As authorized by Assembly Bill 361, effective immediately and for the next 30 days the Board of Directors, acting in all its capacities, and its subcommittees will use teleconferencing for meetings in accordance with the provisions of Government Code Section 54953(e).
5. The Secretary to the Board and General Manager are authorized and directed to take all actions necessary to implement the intent and purpose of this resolution, including conducting open and public meetings in accordance with Government Code Section 54953(e) and all other applicable provisions of the Brown Act.
6. The Secretary to the Board and General Manager are directed to return to the Board acting in all of its capacities, at its next meeting if this resolution is adopted, with an item to reconsider the state of emergency and whether to continue meeting virtually under the

provisions of Government Code Section 54953 (e) and to make required findings as to all bodies covered by this resolution.

PASSED AND ADOPTED on October 13, 2021, by the following vote:

AYES:
NOES:

ABSENT:
ABSTAIN:

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Board of Directors of Delta Diablo on October 13, 2021.

ATTEST:
Board Secretary

By: _____

DRAFT

October 13, 2021

CONSIDER IMPLEMENTATION OF A MANDATORY COVID-19 VACCINATION POLICY FOR ALL DISTRICT EMPLOYEES, AND CONSIDER MAKING RELATED FINDINGS IN SUPPORT THEREOF; AND CONSIDER ADOPTING A RESOLUTION CONFIRMING EXISTENCE OF A COVID-19 EMERGENCY AND AUTHORIZING GENERAL MANAGER TO CONTRACT FOR SUPPLIES AND SERVICES

Recommendations

- 1) Consider directing staff to: a) prepare, execute, and implement a mandatory COVID-19 vaccination policy for all District employees with an effective date of December 1, 2021, with associated disciplinary actions for non-compliance and regular testing as an alternative for approved religious and medical exemptions only, and b) engage in an associated meet and confer process with the labor bargaining units regarding the impacts of this policy; and Consider making related findings, set forth in Attachment 1, in support thereof; and
- 2) Consider adopting a resolution (Attachment 2) to confirm the existence of a state and local emergency related to COVID-19 and authorizing the General Manager to contract for supplies and services during the emergency (under Government Code Section 53021).

Background Information

Since the onset of the COVID-19 pandemic, the District has proactively implemented a broad range of protective measures to ensure the safety of its employees in the workplace, while meeting applicable federal, state, and local requirements and guidelines. In response, District employees have effectively adapted to these workplace changes to achieve a remarkable outcome—only 1.5% of employees reported a confirmed positive COVID-19 infection over the first 16 months of the pandemic. However, as the COVID-19 delta variant has increased local infection rates, hospitalizations, and deaths in recent months, a cumulative total of 7.5% of District employees have now reported confirmed cases to date with associated operational impacts (in addition to the direct health impacts to infected employees). Although each of these exposures has occurred outside the workplace with no identified spreading to co-workers, these events continue to reinforce how vulnerable the District is to a potential COVID-19 outbreak.

Despite the widespread availability of COVID-19 vaccinations for employees beginning in late March 2021, the District's overall vaccination rate (62.7%) remains significantly lower relative to many peer agencies, as well as the vaccine-eligible population in both Contra Costa County and the District's service area. More importantly, vaccination rates in critical workgroups remain extremely low and continue to pose a significant operational threat to the District's core mission of protecting public health and the environment. In addition, the District's overall vaccination rate has plateaued in recent months with no employees electing to get vaccinated (and reporting it) after mid-July 2021, despite full FDA approval of a COVID-19 vaccine on August 23, 2021 (nearly seven weeks ago).

Multiple local public agencies (e.g., Contra Costa County, East Bay Municipal Utility District, Central Contra Costa Sanitary District, City and County of San Francisco, City of Oakland) are now conditioning continued employment on demonstrating vaccinated status (with weekly COVID-19 testing as an alternative if certain medical or religious exemptions are approved). Many public agencies are now requiring new employees to be vaccinated, which the District has also implemented, effective September 26, 2021.



Analysis

In support of the Board's consideration of this key policy decision at the District, the following key considerations should be noted:

- § **Effective Date:** An effective date of December 1, 2021 would provide unvaccinated employees with approximately seven weeks to get vaccinated and a similar time frame to meet and confer with represented bargaining units regarding potential impacts of the policy. This timing would also serve to safeguard District employees during and following an expected peak exposure period around the Thanksgiving holiday weekend period, which manifested in a significant increase in COVID-19 infections, hospitalizations, and deaths from late November 2020 through February 2021.
- § **Disciplinary Actions:** If a mandatory vaccination policy is directed by the Board, staff would implement corrective and disciplinary actions for non-compliance, consistent with bargaining unit memoranda of understanding (Section V – Disciplinary Procedure) for represented employees. Represented District employees who have gained a for-cause status have appeal rights in the event the District takes any of the following disciplinary actions: 1) discharges an employee, 2) imposes a suspension without pay, 3) demotes an employee, or 4) reduces an employee's pay.
- § **Medical/Religious Exemptions:** The District is required by law to provide exemptions and/or accommodation for bona-fide medical reasons and based on sincerely held religious beliefs that do not create an undue burden. If a mandatory vaccination policy is directed by the Board, staff would administer a process for reviewing exemption and accommodation requests with qualifying employees to be tested for COVID-19 on a regular basis in lieu of vaccination.
- § **No Regular Testing Alternative to Vaccination:** Because the District's overall and critical work group vaccination rates are low, staff is not recommending regular (e.g., weekly) COVID-19 testing as an alternative to a mandatory vaccination requirement for employees who do not have approved medical or religious exemptions. In addition, this allowance would create significant, ongoing operational disruption on a regular basis.
- § **Labor Relations Obligations:** The District is obligated to engage in a meet and confer process regarding the impacts of the mandatory vaccination policy (not the decision).

Staff is recommending adoption of a resolution to grant the General Manager authority to take necessary actions to contract for supplies and services required to respond to the effects of the state and local COVID-19 emergency on District operations and ensure the District will continue to meet regulatory requirements.

Financial Impact

Sufficient funding is available in the FY21/22 Budget, including a GM Contingency Allowance of \$310,000, to support near-term implementation of this policy; however, staff would recommend future budget actions as needed to support associated costs.

Attachments

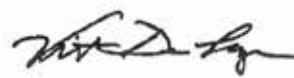
- 1) Board Consideration of Related Findings for Mandatory COVID-19 Vaccination Policy
- 2) Resolution Confirming Emergency and Authorizing GM to Contract for Supplies and Services

Prepared by:



Dean Eckerson
Resource Recovery Services Director

Reviewed by:



Vince De Lange
General Manager

cc: BRD.01-ACTS



Board Consideration of Related Findings for Mandatory COVID-19 Vaccination Policy

If the Board of Directors elects to direct staff to prepare, execute, and implement a mandatory COVID-19 vaccination policy for all District employees, the Board should consider making the following findings in support thereof:

- a. Under Health and Safety Code Section 4763, the Board of Directors exercises all powers of the District, and the Board may delegate certain powers to the General Manager.
- b. Subject to applicable legal requirements and delegations of authority by the Board of Directors, the General Manager has full charge and control of the works of the District and their maintenance and operations, including staffing.
- c. The General Manager has been delegated specific authority under Board of Directors Resolution No. 6/2001, and under other delegations of authority.
- d. On March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq., in response to the 2019 coronavirus disease (COVID-19). That state emergency remains ongoing.
- e. On March 10, 2020, the Contra Costa County Board of Supervisors found that due to the introduction of COVID-19 in the County, conditions of disaster or extreme peril to the safety of persons and property had arisen, commencing on March 3, 2020. Based on these conditions, pursuant to Government Code Section 8630, the Board adopted Resolution No. 2020/92, proclaiming the existence of a local emergency throughout the County. That local emergency remains ongoing.
- f. The emergence of the Delta variant has led to a severe rise of COVID-19 infections, hospitalizations, and deaths in Contra Costa County in the past two months. The Delta variant became the predominant strain among samples sequenced in Contra Costa County and California in early July 2021, and currently represents over 95% of samples sequenced both at the Contra Costa County Public Health lab and per reports of statewide sequencing.
- g. As of October 5, 2021, the seven-day rolling average of new cases in Contra Costa County was approximately 92.5 cases per day. As of October 6, 2021, the Centers for Disease Control and Prevention (CDC) reports that Contra Costa County is in the “substantial” community transmission tier, the second most serious of the CDC’s community transmission tiers.
- h. According to Contra Costa Health Services, as of October 4, 2021, there were over 96,000 active COVID-19 cases in Contra Costa County, including over 27,000 active cases in the District’s service area (14,100 cases in Antioch, 3,695 cases in Bay Point, and 9,237 cases in Pittsburg). As of October 4, 2021, the number of new COVID-19 cases in Contra Costa County increased by 1,571 cases over the prior 14 days. Those cases included 316 new cases in Antioch, 62 new cases in Bay Point, and 198 new cases in Pittsburg. As of October 4, 2021, 81 people in the County were hospitalized

with COVID-19, and 31 people were in an intensive care unit.

- i. According to Contra Costa Health Services, as of October 6, 2021, the percentage of the population in the District's service area that is fully vaccinated against COVID-19 includes 70.6% of the population of Antioch, 79.1% of the population of Bay Point, and 70.7% of the population of Pittsburg. As of October 6, 2021, 62.7% of District employees have been vaccinated against COVID-19 with extremely low vaccination rates in certain critical workgroups.
- j. Employees who are not fully vaccinated face a higher risk of severe COVID-19-related illness, hospitalization, and death when compared to fully-vaccinated persons. According to a CDC report, *Monitoring Incidence of COVID-19 Cases, Hospitalizations, and Deaths, by Vaccination Status — 13 U.S. Jurisdictions, April 4–July 17, 2021*, persons not fully vaccinated accounted for 92% of COVID-19 cases, 92% of COVID-19-related hospitalizations, and 91% of COVID-19-related deaths among the study population, whereas fully-vaccinated persons accounted for 8% of COVID-19 cases, 8% of COVID-19-related hospitalizations, and 9% of COVID-19-related deaths.
- k. A workforce that is not fully vaccinated threatens the District's ability to continue providing uninterrupted essential public services within its service area.

**BEFORE THE BOARD OF DIRECTORS
OF DELTA DIABLO**

**Re: Resolution Confirming the Existence of)
a State and Local Emergency Related to)
COVID-19 and Authorizing the)
General Manager to Contract for Supplies)
and Services during the Emergency under)
Government Code Section 53021)**

RESOLUTION NO. 16/2021

THE BOARD OF DIRECTORS OF DELTA DIABLO FINDS AS FOLLOWS:

- A. Under Health and Safety Code Section 4763, the Board of Directors exercises all powers of the District, and the Board may delegate certain powers to the General Manager.
- B. Subject to applicable legal requirements and delegations of authority by the Board of Directors, the General Manager has full charge and control of the works of the District and their maintenance and operations, including staffing.
- C. The General Manager has been delegated specific authority under Board of Directors Resolution No. 6/2001, and under other delegations of authority.
- D. On March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq., in response to the 2019 coronavirus disease (COVID-19). That state emergency remains ongoing.
- E. On March 10, 2020, the Contra Costa County Board of Supervisors found that due to the introduction of COVID-19 in the County, conditions of disaster or extreme peril to the safety of persons and property had arisen, commencing on March 3, 2020. Based on these conditions, pursuant to Government Code section 8630, the Board adopted Resolution No. 2020/92, proclaiming the existence of a local emergency throughout the County. That local emergency remains ongoing.
- F. The emergence of the Delta variant has led to a severe rise of COVID-19 infections, hospitalizations, and deaths in Contra Costa County in the past two months. The Delta variant became the predominant strain among samples sequenced in Contra Costa County and California in early July 2021, and currently represents over 95% of samples sequenced both at the Contra Costa County Public Health lab and per reports of statewide sequencing.
- G. As of October 5, 2021, the seven-day rolling average of new cases in Contra Costa County was approximately 92.5 cases per day. As of October 6, 2021, the Centers for Disease Control and Prevention (CDC) reports that Contra Costa County is in the “substantial” community transmission tier, the second most serious of the CDC’s community transmission tiers.
- H. According to Contra Costa Health Services, as of October 4, 2021, there were over 96,000 active COVID-19 cases in Contra Costa County, including over 27,000 active cases in the District’s service area (14,100 cases in Antioch, 3,695 cases in Bay Point,

and 9,237 cases in Pittsburg). As of October 4, 2021, the number of new COVID-19 cases in Contra Costa County increased by 1,571 cases over the prior 14 days. Those cases included 316 new cases in Antioch, 62 new cases in Bay Point, and 198 new cases in Pittsburg. As of October 4, 2021, 81 people in the County were hospitalized with COVID-19, and 31 people were in an intensive care unit.

- I. According to Contra Costa Health Services, as of October 6, 2021, the percentage of the population in the District's service area that is fully vaccinated against COVID-19 includes 70.6% of the population of Antioch, 79.1% of the population of Bay Point, and 70.7% of the population of Pittsburg. As of October 6, 2021, 62.7% of District employees have been vaccinated against COVID-19 with extremely low vaccination rates in certain critical workgroups.
- J. It is anticipated that the winter months could see higher levels of COVID-19 cases and hospitalizations. The District needs to continue meeting its legal, regulatory, and operational requirements, as it has done throughout this state and local emergency. This may require entering into new or modified supplies and services contracts to respond to the effects of the emergency on the District. Under Board of Directors Resolution 6/2001, the General Manager is authorized to contract for services and supplies where the payment limit of the contract is under \$100,000, and when the contract does not require the District to give indemnity. The Board of Directors desires for the General Manager to have temporary additional contracting authority to contract on an expedited basis when necessary to respond to the effects of the state and local COVID-19 emergency on District operations.

NOW, THEREFORE, the Board of Directors of Delta Diablo DOES HEREBY RESOLVE, ORDER, AND DETERMINE as follows:

1. Acknowledgement of state and local emergencies. The Board of Directors acknowledges the March 4, 2020 and March 10, 2020 proclamations by the Governor and the Contra Costa County Board of Supervisors declaring the state and local COVID-19 emergency. That emergency continues to exist within the District's service area.
2. General Manager's Authority to Contract for Temporary Personnel. The Board of Directors does hereby delegate to the General Manager the authority to contract for supplies and services required to respond to the effects of the state and local COVID-19 emergency on District operations, subject to the following requirements:
 - (a) A contract shall not require the District to indemnify and defend the contractor, its employees, subcontractors, or agents from liabilities other than the proportion of any liabilities arising from the negligence or willful misconduct of the District, its officers, employees, or agents.
 - (b) If a contract includes either a payment limit above \$100,000, or an indemnity clause requiring the District to give any indemnity, the General Manager shall obtain the Board Chair's concurrence prior to executing the contract, and the contract shall be presented to the Board of Directors for ratification at the next available Board meeting.

- (c) Any other legal requirements, including but not limited to any applicable meet and confer requirements, must be satisfied prior to entering into the contract. The authorization in this resolution does not extend to any contracts that must be awarded by the Board after competitive bidding.
3. Authority Cumulative. This resolution supersedes and replaces Resolution 6/2020, adopted on April 8, 2020. The authority delegated to the General Manager under this resolution shall be in addition to authority that this Board has previously delegated to the General Manager, including but not limited to delegations of authority under Board of Directors Resolution No. 6/2001.
4. Expiration. This authority delegated under this resolution expires on December 31, 2023, unless sooner renewed by the Board.

PASSED AND ADOPTED ON October 13, 2021, by the following vote:

AYES:
NOES:

ABSENT:
ABSTAIN:

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Board of Directors of Delta Diablo on October 13, 2021.

ATTEST: Juan Banales
Board Secretary

By: _____

ITEM J

October 13, 2021

RECEIVE MONTHLY LOBBYIST REPORT DATED SEPTEMBER 2021, KEY ADVOCATES, INC., WESTERN RECYCLED WATER COALITION, PROJECT NO. 90024

Recommendation

Receive and file report.

Background Information

As lead agency for the Western Recycled Water Coalition, the District administers a contract with a lobbyist, Key Advocates, Inc. (KA), and receives a monthly summary report regarding related lobbying activities.

Analysis

Attached is the report for September 2021, which was produced by KA and distributed to members of the Western Recycled Water Coalition.

Financial Impact

None

Attachment

KA Monthly Report, September 2021

Reviewed by:



Brian Thomas
Engineering Services Director/District Engineer

cc: Project File No. P.90024.06.01





(703) 340-4666

www.keyadvocates.com

September 30, 2021

To: Western Recycled Water Coalition
From: Sante Esposito
Subject: September Monthly Report

NOTE: Issue of the day – what will the House do with the bipartisan infrastructure bill (BIF) that passed the Senate? Will there be a delay in the vote? Or will the vote occur today and what will be the outcome given that Democratic progressives have stated that they will not vote for the bill unless it is either coupled with the \$3.5T “Build Back Better” bill (BBB) or a framework is agreed upon regarding consideration of BBB. In her press conference at 10:45AM today, the Speaker said that they are moving forward in a positive way; that the plan is to vote on BIF today; and that they will do the \$3.5T bill. Regarding the latter, she did not say when and regarding her comment on a vote today she seemed to hold the door open for a delay. We will provide updates. Pending that, the following report reflects the situation as of today, noon EST.

Infrastructure Bills

There are two Infrastructure Bills being considered. The first, the “Infrastructure Investment and Jobs Act” aka **BIF** (Bipartisan Infrastructure Framework) – a core infrastructure bill – passed by the Senate and is pending in the House. The second, the “Build Back Better” aka **BBB** - human infrastructure plus other core infrastructure items bill - is pending in both Houses given passage of the budget resolution which set in motion drafting of the bill.

BIF - Infrastructure Investment and Jobs Act: Core Infrastructure Bill

On August 10 the Senate passed its bipartisan core infrastructure bill - with all Democrats and 19 Republicans supporting - totaling \$550B in new spending for Fiscal Years (FYs) 22-26. The bill is both an authorization and an appropriation bill. That means that it will make “real” money available (not just authorize it).

Of interest: the bill appropriates for FYs 22-26 \$12.838B for the Clean Water State Revolving Fund (CWSRF,) starting at \$2.127B in FY22 and going up to \$2.828B in FY26, and \$35.713B over five years for the Drinking Water State Revolving Fund (DWSRF), starting at \$6.702B in FY22 and going up to \$7.403B in FY26. No appropriations are included for the Alternative Water Source Projects program (an authorization of \$125M over 5 fiscal years is). For the U.S. Bureau of Reclamation (USBR), the bill appropriates \$8.3B for FYs 22-26 with an annual cap of

\$1.66B per year. The bill lists a number of programs under USBR's jurisdiction with specific appropriated amounts but does not specify annual funding amounts for each program. Either the Interior Appropriations bill will make that decision or the USBR. For water recycling, the bill appropriates \$1B over 5 FYs, broken down to \$550M for Title XVI and WIIN Act grants and \$450M for "large scale" projects (those with project costs >\$500M). Again, regarding the \$550M, the bill doesn't break this down between the two programs, presumably leaving that to either the Interior Appropriations bill or the USBR. The bill also includes \$400M over 5 FYs for WaterSMART programs, \$1.2B for water storage and groundwater, and \$25M for desalination projects.

Other core infrastructure highlights include:

- \$110B for Roads, Bridges and Major Infrastructure Projects
- \$40B for Bridges
- \$16B for Major Surface Transportation Projects
- \$11B for Transportation Safety
- \$39B for Transit
- \$66B for Passenger and Freight Rail
- \$65B for Broadband
- \$17B for Ports
- \$25B for Airports
- \$7.5B for Zero and Low-Emission Buses and Ferries
- \$7.5B for Plug-In Electric Vehicle Chargers
- \$65B to Rebuild the Electric Grid
- \$21B for Superfund and Brownfield sites

Regarding the House, on August 24 the House agreed to vote on the Senate passed core infrastructure bill on September 27. That did not happen, and discussions have been ongoing since involving the President, the House Democratic leadership, various factions of the House Democrats and key senators, as noted above.

BBB - Build Back Better Act: Human Infrastructure Bill

Both Houses passed a \$3.5T budget resolution which unlocks the ability for Senate Democrats to use reconciliation (only requires a simple majority for passage, not 60 votes) to pass a human infrastructure bill on a party-line vote addressing health care, aid for families, the climate crisis and more (including funding for core infrastructure programs). With passage of the budget resolution by both chambers, bill drafting was set in motion with a due date of Sept.15.

In the House, all committees met the Sept. 15 deadline, none in the Senate. The issues with some Senate Democrats - Manchin, Sinema and Sanders, for example – are the \$3.5T cost of the bill (Manchin has proposed \$1.5T), the timing (Manchin has proposed starting debate tomorrow), and some of the policy assumptions (Sanders wants to expand Medicare coverage). The Senate is now waiting to see what the House does with BIF.

Of interest in the House, the Transportation and Infrastructure Committee included appropriations of \$125M for FY22 for the Alternative Water Source Project program and \$2B for sewer overflow and storm water reuse grants. No funding was included for the generic CWSRF program. The Natural Resources Committee included appropriations of \$100M for large scale water recycling and \$1.15B for emergency drought relief. The Energy and Commerce Committee included DWSRF appropriations of \$30B for lead service line replacement projects, \$100M for state public water systems, and \$700M to reduce lead in school drinking water.

To finance the committee proposals, the Ways and Means Committee adopted a number of major tax provisions.

Bills of Interest

Note: all bills listed here have some relation to what is going on with the infrastructure bill. If an agreement is reached that addresses many of the issues in these bills, then we don't expect to see these bills going forward.

H.R. 1015, "Water Recycling Investment and Improvement Act" and STREAM Act ("Support to Rehydrate the Environment, Agriculture and Municipalities Act")

The major issue with this bill is getting the \$500M program authorization (WIIN Act grants). Congresswoman Napolitano is also advocating for increased Title XVI funding in general. In the Senate core infrastructure bill, there is \$550M appropriated for Title XVI and WIIN, so not sure Napolitano will still continue pushing her bill if that is the outcome of the infrastructure bill. Likewise, for the STREAM Act with a \$250 M authorization. There are certainly other issues in these bills, but the pressure will be off on the authorization issue. To review, on February 11, Congresswoman Napolitano introduced H.R.1015, the same bill she introduced last Congress. It increases the WIIN Act recycled water grant program authorization to \$500M, strikes certain requirements, and increases the Federal share from \$20 to \$30 M. Last Congress, her bill did not move on its own but was included in H.R.2, the omnibus mega infrastructure bill that passed the House but not the Senate. A hearing is expected in the near future.

The STREAM Act is a draft by Senator Feinstein for which letters of support/comments were requested by April 15 – these are currently being reviewed. The Coalition sent a support letter noting the reauthorization of the Title XVI competitive grant program of \$250 million over 5 fiscal years, the increase in the per project maximum Federal funding contribution to \$30 million, and the elimination of the requirement that Congress must approve funding awards for specific projects through designating them by name in an enacted appropriations bill, the newly proposed Reclamation Infrastructure Finance Program and increased funding for, and expedited congressional approval for water shortage projects of \$750 million, and \$100 million for desalination projects, both over 5 fiscal years. This draft is viewed as the "son of S. 1932" which stalemated last Congress. The goal of this legislation is with Senate passage to conference with H.R.1015, the Napolitano bill, with the outcome hopefully closer to the higher Napolitano funding levels.

S. 914, “Drinking and Wastewater Infrastructure Act” and H.R. 1915, “Water Quality Protection and Job Creation Act of 2021”

S. 914 includes a \$14.6 B authorization for the CWSRF over 5 FYs. The entire text of this bill is in the Senate passed infrastructure bill. To review, on April 28, the Senate passed the bill which provides \$14.65B over five FYs for the CWSRF, the same for the DWSRF, and \$125M for the Alternative Water Source Program (AWSP) and which includes the Feinstein-Padilla amendment which limits the prohibition against applying for AWSP grants to USBR projects that received construction funds. Receipt of funds for other purposes - for example, feasibility studies - would no longer be a bar to application as they are in existing law.

On July 1, the House passed H.R. 3684, the “INVEST in America Act” - the House version of the highway bill. Included in that bill is H.R. 1915 which provides \$40B over five FYs for the Clean Water SRF and \$1B for the AWSP. It also includes the same prohibition language as S. 914 regarding eligibility for recycled water projects in the AWSP – that is, projects that have received USBR construction funds would not be eligible for AWSP grants. Lastly, it includes reauthorization of the Drinking Water SRF at \$52.94B over ten FYs starting in FY22 (H.R. 3291).

H.R. 3404, “FUTURE Western Water Infrastructure and Drought Resiliency Act”

Again, the primary issue of interest in this bill is the \$500M authorization for the WIIN Act grant program. Per above, that has been addressed in the Senate infrastructure bill. To review, on May 21, Congressman Huffman introduced the FUTURE Act (with 10 cosponsors, all California Dems), the same bill he drafted last Congress, and which was included in H.R. 2. The bill increases the authorization of the Title XVI WIIN grant program to \$500M and the Federal cap share from \$20M to \$30M – per the Napolitano bill above. It also includes a \$300M water trust fund with \$100M earmarked for recycled water projects. Plans going forward are unclear at this time.

H.R. 4099, the “Large Scale Water Recycling Project Investment Act”

The Senate infrastructure bill appropriates \$450M for large water recycling projects. To review, On June 24, Reps. Napolitano, Grijalva, Huffman and Lee introduced the above bill which establishes a competitive grant program within the Department of the Interior for large-scale water recycling projects that have a total estimated cost of at least \$500M. The bill authorizes \$750M for the program from FYs 23-27. Federal share is 25% but there is provision for increasing that. Projects must be within one of the USBR 17 western states.

Also, on July 14, the Senate Energy and Natural Resources Committee marked up its title to the infrastructure bill that includes the following: \$1B for water recycling and reuse projects, of which \$550M is for projects authorized by Congress or selected for funding under the Title XVI WIIN grant program, and \$450M is for large-scale recycling and reuse projects (total estimated cost of \$500M or more, 25 percent Federal cost share, no total dollar cap); \$400M for WaterSMART grants; \$1.15B for water storage, groundwater storage and conveyance projects; \$3.2B for aging water infrastructure; \$1B for rural water projects; \$250M for water desalination

projects; \$500M for dam safety programs; \$300M for implementing the Colorado River Basin Drought Plan; \$100M for watershed management projects; \$250M for aquatic ecosystems; \$100M for multi-benefit projects; and, \$50M for endangered species programs.

FY22 Appropriations Generally

Today, Congress is expected to pass a Continuing Resolution funding the government at current levels until Dec.3, thereby avoiding a government shutdown and allowing time for completion of individual FY22 appropriations bills. To date, the House has passed 9 of 12 FY22 appropriations bills, with one ready to go and 2 un-decided. The Senate Appropriations Committee has marked up its FY22 Energy and Water, Agriculture and Veterans Affairs bills.

FY22 “Water” Appropriations Bills

The House has passed its FY22 Energy and Water and Interior Appropriations Bills which provide \$1.871B for the Clean Water SRF, \$1.358B for the Safe Drinking Water SRF, \$75M for WaterSMART grants, and \$63.617M for Title XVI grants, of which \$10M is for Title XVI WIIN grants. Included in the Senate marked up Energy and Water bill is \$32M for Title XVI (of which \$20M is for WIIN grants) and \$48M for WaterSMART grants. No action to date on the Senate Interior Appropriations Bill.

H.R. 3112, To Amend the Reclamation Wastewater and Groundwater Study and Facility Act to Authorize Certain Recycled water Projects and for Other Purposes

On May 11, Congressman McNerney introduced the Coalition’s projects bill with three cosponsors – Reps. Swalwell, Eshoo and Panetta. On June 21 an email, with the official text of the bill, was sent to Angela Ebiner in Senator Padilla’s office with the request that the Senator introduce it. To date, no staff response to our request. Suggest a letter to the Senator.

Earmarks

In the House, Congressman McNerney submitted the Ironhouse \$3M State and Tribal Assistance Grant (STAG) request to the House Appropriations Committee and it was included in the House Interior Appropriations Bill. In the Senate, Ironhouse submitted the same request to Senator Feinstein. Feinstein did not submit the Ironhouse request to the Senate Appropriations Committee.

Also, in the Senate, Monterey One submitted to both Senators Feinstein and Padilla requesting \$7.2M to expand Pure Water. Feinstein did not submit the request to the Appropriations Committee. Senator Padilla did. The decision by the Appropriations Committee to include the Padilla Monterey request in its Interior Appropriations Bill is pending.

Bill Tracking

We are taking a different approach on bill tracking. Hundreds of bills (not counting numerous reports, markups, publications, and congressional record citations) are introduced, and the numbers increase daily. Many are not relevant to our issues and most never get beyond the

introduction stage. Therefore, what we are going to do is focus on bills that are marked up by committees and/or come to our attention and identify and report on those of interest.