



## **ORANGE COUNTY SANITATION DISTRICT SPECIAL NOTICE REGARDING CORONAVIRUS (COVID-19) AND ATTENDANCE AT PUBLIC MEETINGS**

Governor Newsom signed Assembly Bill (AB) 361 on September 16, 2021, which, in part, addresses the conduct of public meetings in light of the continued State of Emergency order.

Effective October 1, 2021, AB 361 suspends the requirements located in California Government Code, Section 54953, Subdivision (b), Paragraph (3) specifically pertaining to the conduct of public meetings. As such, the Orange County Sanitation District (OC San) Board of Directors has determined that due to the size of OC San's Board of Directors (25), and the health and safety of the members, the Board of Directors will be participating in meetings of the Board telephonically and via Internet accessibility.

### **PUBLIC PARTICIPATION**

Your participation is always welcome. OC San offers several ways in which to interact during meetings. You will find information as to these opportunities below.

#### **ONLINE MEETING PARTICIPATION**

You may join the meeting live via Teams on your computer or similar device or web browser by using the link below:

[Click here to join the meeting](#)

We suggest testing joining a Teams meeting on your device prior to the commencement of the meeting. For recommendations, general guidance on using Teams, and instructions on joining a Teams meeting, [please click here](#).

Please mute yourself upon entry to the meeting. Please raise your hand if you wish to speak during the public comment section of the meeting. The Clerk of the Board will call upon you by using the name you joined with.

Meeting attendees are not provided the ability to make a presentation during the meeting. Please contact the Clerk of the Board at least 48 hours prior to the meeting if you wish to present any items. Additionally, camera feeds may be controlled by the meeting moderator to avoid inappropriate content.

## **HOW TO PARTICIPATE IN THE MEETING BY TELEPHONE**

To join the meeting from your phone: Dial (213) 279-1455  
When prompted, enter the Phone Conference ID: 883 410 612#

All meeting participants may be muted during the meeting to alleviate background noise. If you are muted, please use \*6 to unmute. You may also mute yourself on your device.

Please raise your hand to speak by use \*5, during the public comment section of the meeting. The Clerk of the Board will call upon you by using the last 4 digits of your phone number as identification.

**NOTE: All attendees will be disconnected from the meeting at the beginning of Closed Session. If you would like to return to the Open Session portion of the meeting, please login or dial-in to the Teams meeting again and wait in the Lobby for admittance.**

## **VIEW THE MEETING ONLINE ONLY**

The meeting will be available for online viewing only at:

<https://ocsd.legistar.com/Calendar.aspx>

## **HOW TO SUBMIT A COMMENT**

You may provide verbal comment in real time during the meeting. In order to provide a verbal comment, please raise your hand as described above or alert the Clerk of the Board before or during the public comment period.

You may also submit your comments and questions in writing for consideration in advance of the meeting by using the eComment feature available online at: <https://ocsd.legistar.com/Calendar.aspx> or sending them to [OCSanClerk@ocsan.gov](mailto:OCSanClerk@ocsan.gov) with the subject line "PUBLIC COMMENT ITEM # (insert the item number relevant to your comment)" or "PUBLIC COMMENT NON-AGENDA ITEM".

You may also submit comments and questions for consideration during the meeting by using the eComment feature available online at: <https://ocsd.legistar.com/Calendar.aspx>. The eComment feature will be available for the duration of the meeting.

All written public comments will be provided to the legislative body and may be read into the record or compiled as part of the record.

## **TECHNICAL SUPPORT PRIOR TO AND DURING MEETINGS**

For technical assistance before and during the meeting, please call 714-593-7431. For any other questions and/or concerns, please contact the Clerk of the Board's office at 714-593-7433. Thank you, in advance, for your patience in working with these technologies. We appreciate your interest in OC San!

December 8, 2021

## **NOTICE OF MEETING**

STEERING COMMITTEE  
ORANGE COUNTY SANITATION DISTRICT

**REGULAR MEETING – 5:00 P.M.**

**Wednesday, December 15, 2021**

### **ACCESSIBILITY FOR THE GENERAL PUBLIC**

**Your participation is always welcome. Specific information as to how to participate in this meeting is detailed in the Special Notice attached to this agenda. In general, OC San offers several ways in which to interact during meetings: you may join the meeting live via Teams on your computer or similar device or web browser, join the meeting live via telephone, view the meeting online, and/or submit comments for consideration before or during the meeting.**

The Regular Meeting of the Steering Committee of the Orange County Sanitation District will be held in the manner indicated above on Wednesday, December 15, 2021 at 5:00 p.m.

*Serving:*

Anaheim  
Brea  
Buena Park  
Cypress  
Fountain Valley  
Fullerton  
Garden Grove  
Huntington Beach  
Irvine  
La Habra  
La Palma  
Los Alamitos  
Newport Beach  
Orange  
Placentia  
Santa Ana  
Seal Beach  
Stanton  
Tustin  
Villa Park  
County of Orange  
Costa Mesa Sanitary District  
Midway City Sanitary District  
Irvine Ranch Water District  
Yorba Linda Water District

**STEERING COMMITTEE AND  
BOARD MEETING DATES**

January 26, 2022

February 23, 2022

March 23, 2022

April 27, 2022

May 25, 2022

June 22, 2022

July 27, 2022

August 24, 2022

September 21, 2022

October 26, 2022

***November 16, 2022 \****

***December 21, 2022 \****

***\* Meeting will be held on the third Wednesday of the month***

**STEERING COMMITTEE**

(1) Roll Call:

Meeting Date: December 15, 2021

Meeting Time: 5:00 p.m.

**Committee Members**

John Withers, Board Chair..... \_\_\_\_\_  
Chad Wanke, Board Vice-Chair..... \_\_\_\_\_  
Brooke Jones, Operations Committee Chair..... \_\_\_\_\_  
Glenn Parker, Administration Committee Chair..... \_\_\_\_\_  
Jesus J. Silva, LaPA Committee Chair..... \_\_\_\_\_  
Ryan Gallagher, Member-At-Large..... \_\_\_\_\_  
Sandra Massa-Lavitt, Member-At-Large..... \_\_\_\_\_

**Others**

Brad Hogin, General Counsel..... \_\_\_\_\_

**Staff**

Jim Herberg, General Manager..... \_\_\_\_\_  
Rob Thompson, Assistant General Manager..... \_\_\_\_\_  
Lorenzo Tyner, Assistant General Manager..... \_\_\_\_\_  
Celia Chandler, Director of Human Resources..... \_\_\_\_\_  
Kathy Millea, Director of Engineering..... \_\_\_\_\_  
Lan Wiborg, Director of Environmental Services..... \_\_\_\_\_  
Kelly Lore, Clerk of the Board..... \_\_\_\_\_

**Other Staff Present**

**ORANGE COUNTY SANITATION DISTRICT**  
**BOARD OF DIRECTORS**  
**Complete Roster**

Effective 7/13/2021

<b>AGENCY/CITIES</b>	<b>ACTIVE DIRECTOR</b>	<b>ALTERNATE DIRECTOR</b>
Anaheim	Stephen Faessel	Jose Diaz
Brea	Glenn Parker	Steven Vargas
Buena Park	Art Brown	Connor Traut
Cypress	Paulo Morales	Anne Hertz
Fountain Valley	Patrick Harper	Glenn Grandis
Fullerton	Jesus J. Silva	Nick Dunlap
Garden Grove	Steve Jones	John O'Neill
Huntington Beach	Kim Carr	Dan Kalmick
Irvine	Anthony Kuo	Farrah N. Khan
La Habra	Rose Espinoza	Jose Medrano
La Palma	Marshall Goodman	Nitesh Patel
Los Alamitos	Mark A. Chirco	Ron Bates
Newport Beach	Brad Avery	Joy Brenner
Orange	Kim Nichols	Chip Monaco
Placentia	Chad Wanke	Ward Smith
Santa Ana	Johnathan Ryan Hernandez	Nelida Mendoza
Seal Beach	Sandra Massa-Lavitt	Schelly Sustarsic
Stanton	David Shawver	Carol Warren
Tustin	Ryan Gallagher	Austin Lumbard
Villa Park	Chad Zimmerman	Robert Collacott

**Sanitary/Water Districts**

Costa Mesa Sanitary District	Bob Ooten	Art Perry
Midway City Sanitary District	Andrew Nguyen	Sergio Contreras
Irvine Ranch Water District	John Withers	Douglas Reinhart
Yorba Linda Water District	Brooke Jones	Phil Hawkins

**County Areas**

Board of Supervisors	Doug Chaffee	Donald P. Wagner
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**STEERING COMMITTEE**  
**Regular Meeting Agenda**  
**Wednesday, December 15, 2021 - 5:00 PM**  
**Board Room**  
**Administration Building**  
**10844 Ellis Avenue**  
**Fountain Valley, CA 92708**  
**(714) 593-7433**

**AGENDA POSTING:** In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted outside the main gate of the Orange County Sanitation District's Administration Building located at 10844 Ellis Avenue, Fountain Valley, California, and on the Orange County Sanitation District's website at [www.ocsan.gov](http://www.ocsan.gov) not less than 72 hours prior to the meeting date and time above. All public records relating to each agenda item, including any public records distributed less than 72 hours prior to the meeting to all, or a majority of the Board of Directors, are available for public inspection in the office of the Clerk of the Board.

**AGENDA DESCRIPTION:** The agenda provides a brief general description of each item of business to be considered or discussed. The recommended action does not indicate what action will be taken. The Board of Directors may take any action which is deemed appropriate.

**MEETING AUDIO:** An audio recording of this meeting is available within 24 hours after adjournment of the meeting at <https://ocsd.legistar.com/Calendar.aspx> or by contacting the Clerk of the Board at (714) 593-7433.

**NOTICE TO DIRECTORS:** To place items on the agenda for a Committee or Board Meeting, the item must be submitted in writing to the Clerk of the Board: Kelly A. Lore, MMC, (714) 593-7433 / [klore@ocsan.gov](mailto:klore@ocsan.gov) at least 14 days before the meeting.

**FOR ANY QUESTIONS ON THE AGENDA, BOARD MEMBERS MAY CONTACT STAFF AT:**

General Manager: Jim Herberg, [jherberg@ocsan.gov](mailto:jherberg@ocsan.gov) / (714) 593-7300  
Asst. General Manager: Lorenzo Tyner, [ltyner@ocsan.gov](mailto:ltyner@ocsan.gov) / (714) 593-7550  
Asst. General Manager: Rob Thompson, [rthompson@ocsan.gov](mailto:rthompson@ocsan.gov) / (714) 593-7310  
Director of Human Resources: Celia Chandler, [cchandler@ocsan.gov](mailto:cchandler@ocsan.gov) / (714) 593-7202  
Director of Engineering: Kathy Millea, [kmillea@ocsan.gov](mailto:kmillea@ocsan.gov) / (714) 593-7365  
Director of Environmental Services: Lan Wiborg, [lwiborg@ocsan.gov](mailto:lwiborg@ocsan.gov) / (714) 593-7450

**CALL TO ORDER****ROLL CALL AND DECLARATION OF QUORUM:**

Clerk of the Board

**PUBLIC COMMENTS:**

*Your participation is always welcome. Specific information as to how to participate in a meeting is detailed in the Special Notice attached to this agenda. In general, OC San offers several ways in which to interact during meetings: you may join the meeting live via Teams on your computer or similar device or web browser, join the meeting live via telephone, view the meeting online, and/or submit comments for consideration before or during the meeting.*

*You may provide verbal comment in real time during the meeting. In order to provide a verbal comment, please raise your hand (directions provided in the Special Notice attached to this agenda) or alert the Clerk of the Board before or during the public comment period.*

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*All written public comments will be provided to the legislative body and may be read into the record or compiled as part of the record.*

**REPORTS:**

*The Board Chairperson and the General Manager may present verbal reports on miscellaneous matters of general interest to the Directors. These reports are for information only and require no action by the Directors.*

**CONSENT CALENDAR:**

*Consent Calendar Items are considered to be routine and will be enacted, by the Committee, after one motion, without discussion. Any items withdrawn from the Consent Calendar for separate discussion will be considered in the regular order of business.*

**1. APPROVAL OF MINUTES****[2021-2006](#)****RECOMMENDATION:**

Approve Minutes of the Regular Meeting of the Steering Committee held November 17, 2021.

**Originator:** Kelly Lore

**Attachments:** [Agenda Report](#)  
[11-17-2021 Steering Committee Minutes](#)



**NON-CONSENT:****2. DIRECT ACCESS ENERGY PURCHASE PROGRAM [2021-2032](#)**

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Approve Orange County Sanitation District's participation in the Southern California Edison Direct Access Program;
- B. Authorize the General Manager to select an energy service provider and execute a Direct Access Purchase Contract with a registered vendor for the period of January 11, 2022 to June 30, 2022, in a form approved by General Counsel; and
- C. Direct staff to initiate the procurement of a long-term direct access purchase agreement for continuation of service, for Board approval by June 30, 2022.

**Originator:** Rob Thompson

**Attachments:** [Agenda Report](#)

**3. BAY BRIDGE PUMP STATION FORCE MAIN ISOLATION VALVE REPLACEMENT, PROJECT NO. FRC-0013 [2021-1923](#)**

RECOMMENDATION: Recommend to the Board of Directors to:

Ratify approval of a contingency increase of \$52,118 (18%) to the Emergency Repair Service Contract with Charles King Company for Bay Bridge Pump Station Force Main Isolation Valve Replacement, Project No. FRC-0013, for a total contingency of \$196,911 (68%).

**Originator:** Kathy Millea

**Attachments:** [Agenda Report](#)

**INFORMATION ITEMS:**

None.

**DEPARTMENT HEAD REPORTS:****CLOSED SESSION:**

*During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chairperson may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters, pursuant to Government Code Sections 54956.8, 54956.9, 54957 or 54957.6, as noted.*

*Reports relating to (a) purchase and sale of real property; (b) matters of pending or potential litigation; (c) employment actions or negotiations with employee representatives; or which are exempt from public disclosure under the California Public Records Act, may be reviewed by the Board during a permitted closed session and are not available for public inspection. At such time the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information.*

**CONVENE IN CLOSED SESSION.**

**CS-1 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - [2021-2036](#)  
GOVERNMENT CODE SECTION 54956.9(d)(1)**

RECOMMENDATION: Convene in Closed Session:

Number of Cases: 1

Arlin Blazevic v. Orange County Sanitation District; Natasha Dubrovski; Lorenzo Tyner; and Does 1-100, inclusive, Superior Court of California, County of Orange, Case No. 30-2020-01149812-CU-WT-CJC.

**Attachments:** [Agenda Report](#)  
[General Counsel Memo re Blazevic Litigation Steering 12-15-21](#)

**RECONVENE IN CLOSED SESSION.**

**CONSIDERATION OF ACTION, IF ANY, ON MATTERS CONSIDERED IN CLOSED SESSION:**

**OTHER BUSINESS AND COMMUNICATIONS OR SUPPLEMENTAL AGENDA ITEMS, IF ANY:**

**BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:**

At this time Directors may request staff to place an item on a future agenda.

**ADJOURNMENT:**

Adjourn the Committee meeting until the Regular Meeting of the Steering Committee on January 26, 2022 at 5:00 p.m.



# STEERING COMMITTEE

## Agenda Report

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
(714) 593-7433

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**File #:** 2021-2006

**Agenda Date:** 12/15/2021

**Agenda Item No:** 1.

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**FROM:** James D. Herberg, General Manager  
Originator: Kelly A. Lore, Clerk of the Board

**SUBJECT:**

**APPROVAL OF MINUTES**

**GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION:

Approve Minutes of the Regular Meeting of the Steering Committee held November 17, 2021.

**BACKGROUND**

In accordance with the Board of Directors Rules of Procedure, an accurate record of each meeting will be provided to the Directors for subsequent approval at the following meeting.

**RELEVANT STANDARDS**

- Resolution No. OC SAN 21-04

**ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Minutes of the Steering Committee meeting held November 17, 2021



## **CALL TO ORDER**

A regular meeting of the Steering Committee of the Orange County Sanitation District was called to order by Board Chairman John Withers on Wednesday, November 17, 2021 at 5:01 p.m. in the Administration Building of the Orange County Sanitation District. Chair Withers stated that the meeting was being held telephonically and via Internet accessibility in accordance with new provisions in California Government Code Section 54953 and Resolution No. OC SAN 21-15, due to the continued State of Emergency Order. Chair Withers announced the teleconference meeting guidelines.

## **ROLL CALL AND DECLARATION OF QUORUM:**

The Clerk of the Board declared a quorum present, as follows:

**PRESENT:** John Withers, Chad Wanke, Ryan Gallagher, Brooke Jones, Sandra Massa-Lavitt, Jesus Silva and Glenn Parker  
**ABSENT:** None

**STAFF PRESENT:** Kelly Lore, Clerk of the Board, and Joshua Martinez were present in the Board Room. Jim Herberg, General Manager; Rob Thompson, Assistant General Manager; Lorenzo Tyner, Assistant General Manager; Celia Chandler, Director of Human Resources; Kathy Millea, Director of Engineering; Lan Wiborg, Director of Environmental Services; Jennifer Cabral; Thys Devries; Brian Engeln; Tina Knapp; Laura Maravilla; Andrew Nau; Adam Nazaroff; Wally Ritchie; Thomas Vu; Eros Yong and Ruth Zintzun were in attendance telephonically.

**OTHERS PRESENT:** Brad Hogin, General Counsel, was present in the Board Room.

## **PUBLIC COMMENTS:**

No public comments were received.

Clerk of the Board Kelly Lore stated that she received indication from General Counsel that Closed Session Item Nos. CS-1 A & B on tonight's agenda would not be heard.

## **REPORTS:**

Chair Withers did not provide a report. General Manager Jim Herberg did not provide a report.

**CONSENT CALENDAR:****1. APPROVAL OF MINUTES**[2021-1940](#)**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Special Meeting of the Steering Committee held October 27, 2021.

**AYES:** John Withers, Chad Wanke, Ryan Gallagher, Brooke Jones, Sandra Massa-Lavitt, Jesus Silva and Glenn Parker**NOES:** None**ABSENT:** None**ABSTENTIONS:** None**2. AMENDMENT NO. 4 TO THE REAL PROPERTY LEASE AGREEMENT, SPECIFICATION NO. L-018, WITH TREESAP FARMS, LLC.**[2021-1951](#)**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO: Recommend to the Board of Directors to:

Approve Amendment No. 4 to the Real Property Lease Agreement, Specification No. L-018, with TreeSap Farms, LLC, providing for a lease extension effective December 1, 2021 through November 30, 2026, with the option to renew for one additional 5-year period, at an annual rate of \$8,623.74 plus the seasonally-adjusted change in the Consumer Price Index for all Urban Consumers.

**AYES:** John Withers, Chad Wanke, Ryan Gallagher, Brooke Jones, Sandra Massa-Lavitt, Jesus Silva and Glenn Parker**NOES:** None**ABSENT:** None**ABSTENTIONS:** None**NON-CONSENT:****3. AGREEMENT TO PROVIDE SEWERAGE SERVICES BY ORANGE COUNTY SANITATION DISTRICT TO A PORTION OF THE CITY OF LONG BEACH, CALIFORNIA**[2021-1897](#)**Originator:** Kathy Millea

Director of Engineering Kathy Millea provided a PowerPoint presentation and brief introduction to the item.

MOVED, SECONDED, AND DULY CARRIED TO: Recommend to the Board of Directors to:

Approve the Agreement between the City of Long Beach Board of Water Commissioners and Orange County Sanitation District to provide Out of Service Area sewage collection and treatment services, in a form approved by General Counsel.

**AYES:** John Withers, Chad Wanke, Ryan Gallagher, Brooke Jones, Sandra Massa-Lavitt, Jesus Silva and Glenn Parker

**NOES:** None

**ABSENT:** None

**ABSTENTIONS:** None

**INFORMATION ITEMS:**

None.

**DEPARTMENT HEAD REPORTS:**

None.

**CLOSED SESSION:**

**CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(1) & 54956.9(d)(4).**

The Committee convened in closed session at 5:14 p.m. Confidential minutes of the Closed Sessions have been prepared in accordance with the above Government Code Sections and are maintained by the Clerk of the Board in the Official Book of Confidential Minutes of Board and Committee Closed Session meetings.

**CS-1 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - [2021-1978](#)  
GOVERNMENT CODE SECTION 54956.9(d)(1)**

CONVENED IN CLOSED SESSION:

Item Nos. CS-1 A and CS-1B were not heard.

Number of Cases: 3

- A. ~~Gilbert Barela v. Orange County Sanitation District; Steve Thornburg; Roy Reynolds; and Does 1-100, inclusive. Superior Court of California, County of Orange, Case No. 30-2021-01220927-CU-WT-CJC.~~
- B. ~~Heidi M. Janz v. Orange County Sanitation District; Its Board of Directors, Officers, Officials, Agents and Celia Chandler, Director of Human Resources and Does 1 through 10, Superior Court of California, County of Orange, Case No. 30-2021-01208616-CU-OE-CJC.~~
- C. Raul Palazuelos v. Orange County Sanitation District, a government entity; Richard Kwiecien, an individual; and Does 1 through 100, inclusive. Superior Court of California, County of Orange, Case No. 30-2021-01217839-CU-OE-CJC.

**CS-2 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4)**

[2021-1979](#)

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 2

- A. Potential litigation - Initiation of Litigation - Claim against California Department of Tax and Fee Administration, for reimbursement of sales tax paid on chemical purchases.
- B. Potential litigation - Initiation of Litigation - Claim against USS Cal Builders Inc. for pipeline repair costs.

**RECONVENE IN REGULAR SESSION.**

The Committee reconvened in regular session at 5:40 p.m.

**CONSIDERATION OF ACTION, IF ANY, ON MATTERS CONSIDERED IN CLOSED SESSION:**

General Counsel Brad Hogin did not provide a report.

**OTHER BUSINESS AND COMMUNICATIONS OR SUPPLEMENTAL AGENDA ITEMS, IF ANY:**

Director Jesus Silva requested that staff and General Counsel come up with some ideas regarding appraisal options during acquisitions of real property parcels from another government agency; to not be forced to appraise parcels for their highest value and best use if not using to develop; and to bring options back to the Steering Committee for consideration.

**BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:**

None.

**ADJOURNMENT:**

Chair Withers declared the meeting adjourned at 5:44 p.m. to the next Regular Steering Committee meeting to be held on Wednesday, December 15, 2021 at 5:00 p.m.

Submitted by:

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Kelly A. Lore, MMC  
Clerk of the Board





# STEERING COMMITTEE

## Agenda Report

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
(714) 593-7433

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**File #:** 2021-2032

**Agenda Date:** 12/15/2021

**Agenda Item No:** 2.

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**FROM:** James D. Herberg, General Manager  
Originator: Rob Thompson, Assistant General Manager

**SUBJECT:**

**DIRECT ACCESS ENERGY PURCHASE PROGRAM**

**GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Approve Orange County Sanitation District's participation in the Southern California Edison Direct Access Program;
- B. Authorize the General Manager to select an energy service provider and execute a Direct Access Purchase Contract with a registered vendor for the period of January 11, 2022 to June 30, 2022, in a form approved by General Counsel; and
- C. Direct staff to initiate the procurement of a long-term direct access purchase agreement for continuation of service, for Board approval by June 30, 2022.

**BACKGROUND**

In 2009, California Senate Bill 695 established the Direct Access (DA) program, a retail electric service that allows customers to purchase electricity from a competitive provider, called an Electric Service Provider (ESP), instead of from a regulated electric utility. The utility delivers the electricity that the customer purchases from the ESP over its distribution system and collects a fee for doing so.

An ESP is a non-utility entity that offers electric generation service to customers within the service territory of an electric utility. The California Public Utilities Commission (CPUC) currently lists 20 ESPs for the Southern California Edison service territory.

The CPUC sets limits on the number of kilowatt hours a utility is required to accept from other providers. Since 2013, utilities have used a lottery system every six months to allocate their available load to customers who apply for the DA program. If there are more applicants than can be included, the unsuccessful applicants are put on a wait list.

The Orange County Sanitation District (OC San) has applied for the DA program multiple times in the past but has never been successful. The most recent application in August was initially unsuccessful and OC San was again put on a wait list. OC San was notified on November 24<sup>th</sup> that we have the

opportunity to transfer to the DA program starting in January 2022. The decision to accept or decline the transfer must be made by December 17, 2021.

OC San has budgeted \$5,453,700 for purchased electricity for the treatment plants. The electricity costs for DA customers are market-based contracts which may be higher or lower than the costs from the regulated utility, but over time most participants save money with this arrangement. There are more tariff options available ranging from fixed-price arrangement to real-time market rates. Southern California Edison will also charge fees if OC San chooses to move to the DA program to cover the cost of their stranded assets and long-term energy purchase agreements.

An additional long-term benefit to OC San moving to the DA program is the ability for OC San to move into different energy supply strategies. The use of energy storage devices, microgrid solutions, and lower carbon portfolios are possible.

## **RELEVANT STANDARDS**

- 24/7/365 treatment plan reliability
- Ensure the public's money is wisely spent

## **PROBLEM**

Transferring to the DA program may provide an opportunity to reduce OC San's electricity purchase costs and provide energy supply flexibility. However, the decision must be made carefully, and OC San must act quickly.

## **PROPOSED SOLUTION**

OC San is working with Aviva Energy to help with the transition to the DA program. Aviva Energy is a fiduciary that has helped the Orange County Water District, Irvine Ranch Water District, and many others through a similar transition.

Staff recommends that the Board of Directors approve the transition to the Southern California Edison Direct Access Program. The program is projected to provide long-term cost savings and make more innovative power wheeling and microgrid opportunities possible.

Due to the January 11, 2022 deadline, staff recommends that the Board of Directors delegate to the General Manager the authority to sign a Direct Access Energy Purchase Contract with one of the 20 approved ESPs for Southern California Edison. The Agreement would be a short-term bridge contract to allow for a longer-term procurement process in the spring.

Initial conversations with Aviva Energy have advised that OC San can expect to pay marginally high energy costs in the first six to 18 months due to various exit fees imposed by the CPUC to offset Southern California Edison long-term energy purchase contracts. The marginally higher costs depend on actual usage patterns. Staff will estimate these costs based on past usage patterns and vendor quotes and intends to present the information at the December 2021 Board of Directors meeting.

**TIMING CONCERNS**

OC San was notified by Southern California Edison of the opportunity to transition to the DA program on November 24, 2021. OC San must accept the offer by December 17, 2021, or lose the ability to participate. If OC San accepts participation by December 17, 2021, it must execute a Direct Access Energy Purchase Contract with a registered vendor by January 11, 2022. Not meeting the deadlines or renegeing on the decision to transfer to the DA program incurs severe financial penalties for the customer. Due to the critical time sensitive nature of this procurement, staff recommends proceeding with a contract award per Section 1.07.B of OC San's Purchasing Ordinance No. OC SAN-56.

**RAMIFICATIONS OF NOT TAKING ACTION**

Not switching to the DA program now will maintain Southern California Edison as OC San's electricity provider. There is no way to know when this opportunity will be available again.

**PRIOR COMMITTEE/BOARD ACTIONS**

N/A

**ADDITIONAL INFORMATION**

OC San's budget for electricity is \$6.7 million for FY 2021-22.

**CEQA**

N/A

**FINANCIAL CONSIDERATIONS**

This item has been budgeted. Staff anticipates marginally higher electrical unit rates for the rest of the fiscal year causing this line item to exceed the budgeted amount, but staff does not anticipate a significant impact to the overall operating budget. In the longer term, staff anticipates lower costs with DA program participation.

**ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

N/A



# STEERING COMMITTEE

## Agenda Report

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
(714) 593-7433

**File #:** 2021-1923

**Agenda Date:** 12/15/2021

**Agenda Item No:** 3.

**FROM:** James D. Herberg, General Manager  
Originator: Kathy Millea, Director of Engineering

**SUBJECT:**

**BAY BRIDGE PUMP STATION FORCE MAIN ISOLATION VALVE REPLACEMENT, PROJECT NO. FRC-0013**

**GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION: Recommend to the Board of Directors to:

Ratify approval of a contingency increase of \$52,118 (18%) to the Emergency Repair Service Contract with Charles King Company for Bay Bridge Pump Station Force Main Isolation Valve Replacement, Project No. FRC-0013, for a total contingency of \$196,911 (68%).

**BACKGROUND**

The Orange County Sanitation District (OC San) owns and operates pump stations and a force main network along Pacific Coast Highway in Newport Beach. The Bay Bridge Pump Station, Rocky Point Pump Station, and the Lido Pump Station all pump into, and pressurize, this two-pipe force main system. Each pump station has an isolation valve to each force main pipe to allow separation of the internal pump station systems from the other pump stations. This is necessary to isolate suction and discharge headers and common flow elements to be maintained or repaired. These pump station force main isolation valves are also necessary to install temporary bypass pumping systems at the individual pump stations and to stop flow to either force main pipe if it were compromised in some way.

The Bay Bridge Pump Station was originally constructed in 1965 and is near the end of its useful life. Bay Bridge Pump Station Replacement, Project No. 5-67, is in design and is scheduled to replace the pump station by 2027.

The pump isolation valves at the Bay Bridge Pump Station were in urgent need of replacement. Replacement could not wait until the new pump station is completed. In November 2020, the Board awarded a contract for Bay Bridge Pump Station Valve Replacement, Project No. FRC-0002, to replace the valves within the pump station. The work requires bypass pumping which depends on the two force main isolation valves.

In the course of setting up bypassing for the Bay Bridge Pump Station Valve Replacement, Project No. FRC-0002, these two force main isolation valves would not seal adequately, and therefore, the FRC-0002 contract work could not be performed. In August 2021, the Board ratified an emergency

contract to replace the force main isolation valves before the wet season. The work was completed on October 22, 2021.

## **RELEVANT STANDARDS**

- Achieve less than 2.1 sewer spills per 100 miles
- Comply with OC San Policy: Ordinance No. OC SAN-56, Article 5 - Public Works Projects, Section 5.03A - Exceptions, Emergencies and Calamities

## **PROBLEM**

Due to the high risk, complexity, and urgency of the work, some of the costs to complete the work successfully and safely were not foreseen at the time the emergency contract work was negotiated.

Some critical risk mitigation measures, such as multiple pump station bypasses, were implemented to reduce the chance that a failure that could have caused a large sewage spill to the ecologically sensitive Newport Back Bay. To reduce the risk for future bypass work, a valve assembly was fabricated to connect bypass pumps to the force main network. An additional force main isolation valve was also purchased to be used as a spare since the installed valves cannot be maintained in place.

The work itself also turned out to be more complicated, which extended the work duration by approximately three weeks.

As a result, the total cost to complete the work was approximately \$486,496, \$52,118 more than the contract award plus the Board-approved contingency.

## **PROPOSED SOLUTION**

Ratify an increase in contract contingency to fund the additional contract costs.

## **TIMING CONCERNS**

N/A

## **RAMIFICATIONS OF NOT TAKING ACTION**

OC San is obligated to reimburse the construction contractor for the additional costs incurred.

## **PRIOR COMMITTEE/BOARD ACTIONS**

August 2021 - Ratified approval of an Emergency Repair Service Contract to Charles King Company for Bay Bridge Pump Station Force Main Isolation Valve Replacement, Project No. FRC-0013, for an amount not to exceed \$289,585; and approved a contingency of \$144,793.

**ADDITIONAL INFORMATION**

N/A

**CEQA**

The project is exempt from CEQA under the Class 1 categorical exemptions set forth in California Code of Regulations Sections 15301. A Notice of Exemption was filed with the OC Clerk-Recorder after OC San's Board of Directors approved the Emergency Repair Service Contract on August 25, 2021.

**FINANCIAL CONSIDERATIONS**

This request complies with the authority levels of OC San's Purchasing Ordinance. This recommendation will be funded under the Repairs and Maintenance line item for the Operations and Maintenance Department (Budget Update Fiscal Year 2021-2022, Page 45), and the available funding is sufficient for this action

<b><u>Date of Approval</u></b>	<b><u>Contract Amount</u></b>	<b><u>Contingency</u></b>
08/25/2021	\$289,585	\$144,793
12/15/2021		\$ 52,118

**ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

N/A

RD:dm



# STEERING COMMITTEE

## Agenda Report

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
(714) 593-7433

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**File #:** 2021-2036

**Agenda Date:** 12/15/2021

**Agenda Item No:** CS-1

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**FROM:** James D. Herberg, General Manager

**SUBJECT:**

**CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9(D)(1)**

RECOMMENDATION: Convene in Closed Session:

Number of Cases: 1

Arlin Blazevic v. Orange County Sanitation District; Natasha Dubrovski; Lorenzo Tyner; and Does 1-100, inclusive, Superior Court of California, County of Orange, Case No. 30-2020-01149812-CU-WT-CJC.

**BACKGROUND**

During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chairperson may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters.

Reports relating to (a) purchase and sale of real property; (b) matters of pending or potential litigation; (c) employment actions or negotiations with employee representatives; or which are exempt from public disclosure under the California Public Records Act, may be reviewed by the Board during a permitted closed session and are not available for public inspection. At such time the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information.

**RELEVANT STANDARDS**

- Government Code Sections 54956.8, 54956.9, 54957, or 54957.6, as noted

**ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Memorandum from General Counsel

**MEMORANDUM**

TO: Hon. Chair and Members of the Orange County Sanitation District Steering Committee

FROM: Bradley R. Hogin, Esq.  
General Counsel

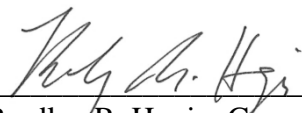
DATE: December 6, 2021

RE: Closed Session Item

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The Steering Committee desires to hold a closed session December 15, 2021 for the purpose of conferring with its legal counsel regarding existing litigation to which the District is a party. The title of the case is *Arlin Blazevic v. Orange County Sanitation District; Natasha Dubrovski; Lorenzo Tyner; and Does 1-100, inclusive*, Superior Court of California, County of Orange, Case No. 30-2020-01149812. The closed session will be held pursuant to the authority of California Government Code Section 54956.9(D)(1).

Respectfully submitted,

By   
Bradley R. Hogin, General Counsel



## ORANGE COUNTY SANITATION DISTRICT COMMON ACRONYMS

<b>ACWA</b>	Association of California Water Agencies	<b>LOS</b>	Level Of Service	<b>RFP</b>	Request For Proposal
<b>APWA</b>	American Public Works Association	<b>MGD</b>	Million Gallons Per Day	<b>RWQCB</b>	Regional Water Quality Control Board
<b>AQMD</b>	Air Quality Management District	<b>MOU</b>	Memorandum of Understanding	<b>SARFPA</b>	Santa Ana River Flood Protection Agency
<b>ASCE</b>	American Society of Civil Engineers	<b>NACWA</b>	National Association of Clean Water Agencies	<b>SARI</b>	Santa Ana River Interceptor
<b>BOD</b>	Biochemical Oxygen Demand	<b>NEPA</b>	National Environmental Policy Act	<b>SARWQCB</b>	Santa Ana Regional Water Quality Control Board
<b>CARB</b>	California Air Resources Board	<b>NGOs</b>	Non-Governmental Organizations	<b>SAWPA</b>	Santa Ana Watershed Project Authority
<b>CASA</b>	California Association of Sanitation Agencies	<b>NPDES</b>	National Pollutant Discharge Elimination System	<b>SCADA</b>	Supervisory Control And Data Acquisition
<b>CCTV</b>	Closed Circuit Television	<b>NWRI</b>	National Water Research Institute	<b>SCAP</b>	Southern California Alliance of Publicly Owned Treatment Works
<b>CEQA</b>	California Environmental Quality Act	<b>O &amp; M</b>	Operations & Maintenance	<b>SCAQMD</b>	South Coast Air Quality Management District
<b>CIP</b>	Capital Improvement Program	<b>OCCOG</b>	Orange County Council of Governments	<b>SOCWA</b>	South Orange County Wastewater Authority
<b>CRWQCB</b>	California Regional Water Quality Control Board	<b>OCHCA</b>	Orange County Health Care Agency	<b>SRF</b>	Clean Water State Revolving Fund
<b>CWA</b>	Clean Water Act	<b>OCSD</b>	Orange County Sanitation District	<b>SSMP</b>	Sewer System Management Plan
<b>CWEA</b>	California Water Environment Association	<b>OCWD</b>	Orange County Water District	<b>SSO</b>	Sanitary Sewer Overflow
<b>EIR</b>	Environmental Impact Report	<b>OOBS</b>	Ocean Outfall Booster Station	<b>SWRCB</b>	State Water Resources Control Board
<b>EMT</b>	Executive Management Team	<b>OSHA</b>	Occupational Safety and Health Administration	<b>TDS</b>	Total Dissolved Solids
<b>EPA</b>	US Environmental Protection Agency	<b>PCSA</b>	Professional Consultant/Construction Services Agreement	<b>TMDL</b>	Total Maximum Daily Load
<b>FOG</b>	Fats, Oils, and Grease	<b>PDSA</b>	Professional Design Services Agreement	<b>TSS</b>	Total Suspended Solids
<b>gpd</b>	gallons per day	<b>PFAS</b>	Per- and Polyfluoroalkyl Substances	<b>WDR</b>	Waste Discharge Requirements
<b>GWRS</b>	Groundwater Replenishment System	<b>PFOA</b>	Perfluorooctanoic Acid	<b>WEF</b>	Water Environment Federation
<b>ICS</b>	Incident Command System	<b>PFOS</b>	Perfluorooctanesulfonic Acid	<b>WERF</b>	Water Environment & Reuse Foundation
<b>IERP</b>	Integrated Emergency Response Plan	<b>POTW</b>	Publicly Owned Treatment Works	<b>WIFIA</b>	Water Infrastructure Finance and Innovation Act
<b>JPA</b>	Joint Powers Authority	<b>ppm</b>	parts per million	<b>WIIN</b>	Water Infrastructure Improvements for the Nation Act
<b>LAFCO</b>	Local Agency Formation Commission	<b>PSA</b>	Professional Services Agreement	<b>WRDA</b>	Water Resources Development Act

## ORANGE COUNTY SANITATION DISTRICT GLOSSARY OF TERMS

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**ACTIVATED SLUDGE PROCESS** – A secondary biological wastewater treatment process where bacteria reproduce at a high rate with the introduction of excess air or oxygen and consume dissolved nutrients in the wastewater.

**BENTHOS** – The community of organisms, such as sea stars, worms, and shrimp, which live on, in, or near the seabed, also known as the benthic zone.

**BIOCHEMICAL OXYGEN DEMAND (BOD)** – The amount of oxygen used when organic matter undergoes decomposition by microorganisms. Testing for BOD is done to assess the amount of organic matter in water.

**BIOGAS** – A gas that is produced by the action of anaerobic bacteria on organic waste matter in a digester tank that can be used as a fuel.

**BIOSOLIDS** – Biosolids are nutrient rich organic and highly treated solid materials produced by the wastewater treatment process. This high-quality product can be recycled as a soil amendment on farmland or further processed as an earth-like product for commercial and home gardens to improve and maintain fertile soil and stimulate plant growth.

**CAPITAL IMPROVEMENT PROGRAM (CIP)** – Projects for repair, rehabilitation, and replacement of assets. Also includes treatment improvements, additional capacity, and projects for the support facilities.

**COLIFORM BACTERIA** – A group of bacteria found in the intestines of humans and other animals, but also occasionally found elsewhere, used as indicators of sewage pollution. E. coli are the most common bacteria in wastewater.

**COLLECTIONS SYSTEM** – In wastewater, it is the system of typically underground pipes that receive and convey sanitary wastewater or storm water.

**CERTIFICATE OF PARTICIPATION (COP)** – A type of financing where an investor purchases a share of the lease revenues of a program rather than the bond being secured by those revenues.

**CONTAMINANTS OF POTENTIAL CONCERN (CPC)** – Pharmaceuticals, hormones, and other organic wastewater contaminants.

**DILUTION TO THRESHOLD (D/T)** – The dilution at which the majority of people detect the odor becomes the D/T for that air sample.

**GREENHOUSE GASES (GHG)** – In the order of relative abundance water vapor, carbon dioxide, methane, nitrous oxide, and ozone gases that are considered the cause of global warming (“greenhouse effect”).

**GROUNDWATER REPLENISHMENT SYSTEM (GWRS)** – A joint water reclamation project that proactively responds to Southern California’s current and future water needs. This joint project between the Orange County Water District and OCSD provides 70 million gallons per day of drinking quality water to replenish the local groundwater supply.

**LEVEL OF SERVICE (LOS)** – Goals to support environmental and public expectations for performance.

**N-NITROSODIMETHYLAMINE (NDMA)** – A N-nitrosamine suspected cancer-causing agent. It has been found in the GWRS process and is eliminated using hydrogen peroxide with extra ultra-violet treatment.

**NATIONAL BIOSOLIDS PARTNERSHIP (NBP)** – An alliance of the NACWA and WEF, with advisory support from the EPA. NBP is committed to developing and advancing environmentally sound and sustainable biosolids management practices that go beyond regulatory compliance and promote public participation to enhance the credibility of local agency biosolids programs and improved communications that lead to public acceptance.

**PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)** – A large group (over 6,000) of human-made compounds that are resistant to heat, water, and oil and used for a variety of applications including firefighting foam, stain and water-resistant clothing, cosmetics, and food packaging. Two PFAS compounds, perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) have been the focus of increasing regulatory scrutiny in drinking water and may result in adverse health effects including developmental effects to fetuses during pregnancy, cancer, liver damage, immunosuppression, thyroid effects, and other effects.

**PERFLUOROCTANOIC ACID (PFOA)** – An ingredient for several industrial applications including carpeting, upholstery, apparel, floor wax, textiles, sealants, food packaging, and cookware (Teflon).

**PERFLUOROCTANESULFONIC ACID (PFOS)** – A key ingredient in Scotchgard, a fabric protector made by 3M, and used in numerous stain repellents.

**PLUME** – A visible or measurable concentration of discharge from a stationary source or fixed facility.

**PUBLICLY OWNED TREATMENT WORKS (POTW)** – A municipal wastewater treatment plant.

**SANTA ANA RIVER INTERCEPTOR (SARI) LINE** – A regional brine line designed to convey 30 million gallons per day of non-reclaimable wastewater from the upper Santa Ana River basin to the ocean for disposal, after treatment.

**SANITARY SEWER** – Separate sewer systems specifically for the carrying of domestic and industrial wastewater.

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD)** – Regional regulatory agency that develops plans and regulations designed to achieve public health standards by reducing emissions from business and industry.

**SECONDARY TREATMENT** – Biological wastewater treatment, particularly the activated sludge process, where bacteria and other microorganisms consume dissolved nutrients in wastewater.

**SLUDGE** – Untreated solid material created by the treatment of wastewater.

**TOTAL SUSPENDED SOLIDS (TSS)** – The amount of solids floating and in suspension in wastewater.

## **ORANGE COUNTY SANITATION DISTRICT GLOSSARY OF TERMS**

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**TRICKLING FILTER** – A biological secondary treatment process in which bacteria and other microorganisms, growing as slime on the surface of rocks or plastic media, consume nutrients in wastewater as it trickles over them.

**URBAN RUNOFF** – Water from city streets and domestic properties that carry pollutants into the storm drains, rivers, lakes, and oceans.

**WASTEWATER** – Any water that enters the sanitary sewer.

**WATERSHED** – A land area from which water drains to a particular water body. OCSD's service area is in the Santa Ana River Watershed.