Operations Committee Meeting - May 20, 2020

1. Agenda Packet
   Documents:

   200520 AGENDA PACKET REVISED - POSTED 200515.PDF
Notice: Pursuant to Governor Newsom’s Executive Orders N-29-20 and 33-20, meetings of the Board of Directors will be held by teleconference. There will be no physical location from which members of the public may participate. Instead, the public may listen to meeting proceedings and provide public comment and comments on agenda items by following these instructions:

To hear audio of the meeting by telephone by calling (669) 900-6833 and when prompted enter meeting identification number 702 403 0050. If you are unable to access the meeting using this call-in information, please contact (619) 409-6704 for assistance.

To provide public comment on non-agenda items or to provide public comment on any item of the agenda:

- Go to www.sweetwater.org; click on the “HOW DO I...” at the top of the page; and then click on the “Public Comment” link in the Contact section.

  OR

- Physically deposit your public comment in the Authority’s payment drop box located in the public parking lot at the Authority’s Administrative Office at 505 Garrett Avenue, Chula Vista.

  OR

- Mail your comments to 505 Garrett Avenue, Chula Vista, CA 91910 [Attention: Public Comment].

All public comment submissions must be received 1 hour in advance of the meeting and will be read aloud to the Board during the appropriate portion of the meeting with a reading limit of 3 minutes for each comment. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the Board Secretary at (619) 409-6703 at least forty-eight (48) hours before the meeting, if possible. The above public comment procedures supersede any Authority standard public comment policies and procedures to the contrary.
1. **CALL MEETING TO ORDER AND ROLL CALL**

2. **ITEMS TO BE ADDED, WITHDRAWN, OR REORDERED IN THE AGENDA.**

3. **PUBLIC COMMENT.**  
   Opportunity for members of the public to address the Committee. (Government Code Section 54954.3).

4. **ACTION AGENDA.**  
The following items on the Action Agenda call for discussion and action by the Committee. All items are placed on the Agenda so that the Committee may discuss and take action on the item if the Committee is so inclined, including items listed for information.

   A. Consideration to Award Annual Contract for Water Treatment Chemicals

   B. Recommendation to Adopt Resolution 20-11 Amending and Adopting Local Guidelines for Implementing the 2020 California Environmental Quality Act

   C. **Consideration to Change Operations Committee Meeting Dates/Times (Item Requested by Director Martinez) (No Enclosure)**

5. **CLOSED SESSION.**  
   At any time during the regular session, the Committee may adjourn to closed session to discuss real property matters within the attorney-client privilege, subject to the appropriate disclosures. (Government Code Section 54956.8).

6. **NEXT MEETING DATE:** Wednesday, June 3, 2020 at 3:15 p.m.

7. **ADJOURNMENT.**

   This agenda was posted at least seventy-two (72) hours before the meeting in a location freely accessible to the Public on the exterior bulletin board at the main entrance to the Authority’s office and it is also posted on the Authority’s website at www.sweetwater.org. No action may be taken on any item not appearing on the posted agenda, except as provided by California Government Code Section 54954.2. Any writings or documents provided to a majority of the members of the Sweetwater Authority Governing Board regarding any item on this agenda will be made available for public inspection at the Authority Administration Office, located at 505 Garrett Avenue, Chula Vista, CA 91910, during normal business hours. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the Board Secretary at (619) 409-6703 at least forty-eight (48) hours before the meeting, if possible.

   To e-subscribe to receive meeting agendas and other pertinent information, please visit www.sweetwater.org.
TO: Governing Board (Operations Committee)
FROM: Management
DATE: May 15, 2020
SUBJECT: Consideration to Award Annual Contract for Water Treatment Chemicals

SUMMARY
The Authority recently issued a Request for Quotes (RFQ) to 26 vendors for water treatment chemicals to be used in the operation of the Authority's treatment facilities, including the Robert A. Perdue Water Treatment Plant, Richard A. Reynolds Desalination Facility, and National City Wells. In addition to reaching out to the 26 vendors, and in an effort to reach other potential vendors, an advertisement was posted on the Authority's external website, an advertisement was placed in the San Diego Union-Tribune, and a posting was placed on ebidboard.com.

The RFQ stated that the contract would be awarded by individual line item(s) through annual contracts. A minimum quantity was not guaranteed; although, an estimated usage was provided for each item to assist in calculating the total bid price. The vendors were made aware that the quantities provided were estimates only and may increase or decrease to meet the Authority’s requirements during the contract period. Factors such as customer demand, source water quality, and availability of local water would alter the quantities of chemicals needed, for example.

The bid opening took place on April 22, 2020. There were 20 quotes received in response to the RFQ. The quotes reflected on the preliminary bid tabulation (attached) are shown as unit costs only (e.g., cost per pound of chemical) with the estimated annual total cost per vendor/chemical in the table below. Staff reviewed the bid tabulations in order to determine the lowest responsive bidder for each line item. Based on this review, the award recommendations by vendor are summarized below.

Note: No proposals were received for Aluminum Sulfate or Sodium Fluoride. Based on current pricing and expected usage, these two chemicals are expected to cost the Authority $11,100 in FY 2020-21, or 1.3 percent of the chemical budget. Staff will advertise an RFQ in June for the remaining two items. Due to the dollar amount, which is within the General Manager’s signing authority, staff does not intend to bring these proposals back for Board approval unless instructed to do so.
Memo to: Governing Board (Operations Committee)
Subject: Consideration to Award Annual Contract for Water Treatment Chemicals
May 15, 2020
Page 2 of 3

The summary of the lowest responsive bidder is as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Chemical</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Water Tech.</td>
<td>Ferric Chloride 43%</td>
<td>$74,800</td>
</tr>
<tr>
<td>Dubois Chemical, Inc.</td>
<td>Fluorosilic Acid 23-25%</td>
<td>$48,800</td>
</tr>
<tr>
<td>Hill Brothers Chemical Co.</td>
<td>Aqua Ammonia 19.0%</td>
<td>$25,400</td>
</tr>
<tr>
<td>Hill Brothers Chemical Co.</td>
<td>Citric Acid</td>
<td>$9,300</td>
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<tr>
<td>Industrial Services Solutions, Inc.</td>
<td>Liquid Ammonium Sulfate 40%</td>
<td>$26,700</td>
</tr>
<tr>
<td>International Dioxcide, Inc.</td>
<td>Sodium Chlorite 31%</td>
<td>$130,000</td>
</tr>
<tr>
<td>JCI Jones Chemicals, Inc</td>
<td>Ton Cylinders of Chlorine</td>
<td>$49,600</td>
</tr>
<tr>
<td>JCI Jones Chemicals, Inc</td>
<td>Sodium Hypochlorite 12.5%</td>
<td>$106,100</td>
</tr>
<tr>
<td>JCI Jones Chemicals, Inc</td>
<td>Sodium Hydroxide 50%</td>
<td>$30,600</td>
</tr>
<tr>
<td>Pencco, Inc.</td>
<td>Ferrous Chloride 33%</td>
<td>$34,700</td>
</tr>
<tr>
<td>Polydyne, Inc.</td>
<td>Cationic Polymer</td>
<td>$164,200</td>
</tr>
<tr>
<td>Prominent Systems, Inc.</td>
<td>Activated Carbon Powder</td>
<td>$11,700</td>
</tr>
<tr>
<td>Univar Solutions USA, Inc</td>
<td>Ammonium Sulfate</td>
<td>$8,000</td>
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<tr>
<td>Univar Solutions USA, Inc</td>
<td>Sodium Hydroxide 50%</td>
<td>$104,400</td>
</tr>
</tbody>
</table>

PAST BOARD ACTION
June 26, 2019  The Board awarded annual contracts for water treatment chemicals to the lowest responsive bidders.

FISCAL IMPACT
The cost of the combined contracts is estimated to be $824,300, with funding to be included in the FY 2020-21 Budget.

POLICY
All purchases greater than $75,000 require approval by the Governing Board.

ALTERNATIVES
1. Award contracts to the lowest responsive bidders for water treatment chemicals as follows: $164,200 to Polydyne Inc., Riceboro, GA, for Cationic Polymer; $112,400 to Univar Solutions USA, Inc, Kent, WA ($8,000 for Ammonium Sulfate and $104,400 for Sodium Hydroxide); $186,300 to JCI Jones Chemicals, Inc., Torrance, CA, ($49,600 for Ton Cylinders of Chlorine, $106,100 for Sodium Hypochlorite 12.5%, and $30,600 for Sodium Hydroxide 50%); $74,800 to California Water Technologies, Santa Fe Springs, CA, for Ferric Chloride 43%; $34,700 to Hill Brothers Chemical Co., Brea, CA ($25,400 for Aqua Ammonia 19.0%, and $9,300 for citric acid);
$26,700 to Industrial Services Solutions, Inc, Upland, CA for Liquid Ammonium Sulfate 40%; $34,700 to Pencco, Inc., San Felipe, TX for Ferrous Chloride 33%; $11,700 to Prominent Systems Inc., City of Industry, CA for Activated Carbon Powder; $130,000 to International Dioxide, Inc., North Kingstown, RI for Sodium Chlorite 31%; and $48,800 to Dubois Chemical Inc., Cincinnati, OH for Fluorosilicic Acid 23%.

2. Other direction as determined by the Operations Committee.

STAFF RECOMMENDATION
Staff recommends that the Governing Board award contracts to the lowest responsive bidders for water treatment chemicals as follows: $164,200 to Polydyne Inc., Riceboro, GA, for Cationic Polymer; $112,400 to Univar Solutions USA, Inc, Kent, WA ($8,000 for Ammonium Sulfate and $104,400 for Sodium Hydroxide); $186,300 to JCI Jones Chemicals, Inc., Torrance, CA, ($49,600 for Ton Cylinders of Chlorine, $106,100 for Sodium Hypochlorite 12.5%, and $30,600 for Sodium Hydroxide 50%); $74,800 to California Water Technologies, Santa Fe Springs, CA, for Ferric Chloride 43%; $34,700 to Hill Brothers Chemical Co., Brea, CA ($25,400 for Aqua Ammonia 19.0%, and $9,300 for citric acid); $26,700 to Industrial Services Solutions, Inc, Upland, CA for Liquid Ammonium Sulfate 40%; $34,700 to Pencco, Inc., San Felipe, TX for Ferrous Chloride 33%; $11,700 to Prominent Systems Inc., City of Industry, CA for Activated Carbon Powder; $130,000 to International Dioxide, Inc., North Kingstown, RI for Sodium Chlorite 31%; and $48,800 to Dubois Chemical Inc., Cincinnati, OH for Fluorosilicic Acid 23%.

ATTACHMENTS
1. Preliminary bid tabulation
2. FY 2019-20 and FY 2020-21 unit price comparison
This page intentionally left blank.
<table>
<thead>
<tr>
<th>Bid Item No.</th>
<th>Chemical</th>
<th>Delivery Location</th>
<th>UOM</th>
<th>Unit Price</th>
<th>Unit Price</th>
<th>Unit Price</th>
<th>Unit Price</th>
<th>Unit Price</th>
<th>Unit Price</th>
<th>Unit Price</th>
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<td>1</td>
<td>Calcion Polymer 20% DADMAC</td>
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<td>Pounds</td>
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<td>No Bid</td>
<td>No Bid</td>
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<td>No Bid</td>
<td>No Bid</td>
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</tr>
<tr>
<td>2</td>
<td>Ammonium Sulfate</td>
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<td>Pounds</td>
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<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
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<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
<td>$0.380</td>
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<td>3</td>
<td>Chlorine (1 Ton Containers)</td>
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<td>4</td>
<td>Ferric Chloride 43% (Typical)</td>
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<td>No Bid</td>
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<td></td>
</tr>
<tr>
<td>5 A</td>
<td>Sodium Hypochlorite 12.5%</td>
<td>RDF</td>
<td>Gallons</td>
<td>No Bid</td>
<td>No Bid</td>
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</tr>
<tr>
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<td>Gallons</td>
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<td>No Bid</td>
<td>No Bid</td>
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<td>Gallons</td>
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<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
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<td></td>
</tr>
<tr>
<td>7</td>
<td>Liquid Ammonium Sulfate 40%</td>
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<td>Gallons</td>
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<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
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<td>13 A</td>
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<tr>
<td>13 B</td>
<td>Fluorosilicic Acid (23-25%)</td>
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<td>14</td>
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Additional Information
- **Lowest Bidder**
- ** Sole Bidder**
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# Unit Cost Comparison for FY2019-20 and FY2020-21

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<thead>
<tr>
<th>Chemical</th>
<th>Facility</th>
<th>Unit of Measurement</th>
<th>FY 2019-20 Unit Price</th>
<th>FY 2020-21 Unit Price</th>
<th>% Change</th>
<th>% FY 2020-21 Chemical Budget*</th>
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<tbody>
<tr>
<td>Cationic Polymer</td>
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<td>0.670</td>
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<td>Ammonium Sulfate</td>
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<td>Sodium Hypochlorite 12.5%</td>
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<tr>
<td>Aqua Ammonia 19.0%</td>
<td>Perdue</td>
<td>Gallon</td>
<td>0.689</td>
<td>0.660</td>
<td>-4</td>
<td>1.9</td>
</tr>
<tr>
<td>Aqua Ammonia 19.0%</td>
<td>Desal</td>
<td>Gallon</td>
<td>1.155</td>
<td>1.140</td>
<td>-1</td>
<td>1.1</td>
</tr>
<tr>
<td>Liquid Ammonium Sulfate 40%</td>
<td>Desal</td>
<td>Gallon</td>
<td>N/A</td>
<td>1.520</td>
<td>N/A</td>
<td>3.2</td>
</tr>
<tr>
<td>Sodium Hydroxide 50 %</td>
<td>Perdue</td>
<td>Dry Ton</td>
<td>549.000</td>
<td>470.000</td>
<td>-14</td>
<td>12.5</td>
</tr>
<tr>
<td>Sodium Hydroxide 50 %</td>
<td>Desal</td>
<td>Dry Ton</td>
<td>599.000</td>
<td>589.000</td>
<td>-2</td>
<td>3.7</td>
</tr>
<tr>
<td>Ferrous Chloride 33%</td>
<td>Perdue</td>
<td>Dry Ton</td>
<td>898.000</td>
<td>800.000</td>
<td>-11</td>
<td>4.1</td>
</tr>
<tr>
<td>Activated Carbon Powder</td>
<td>Perdue</td>
<td>Pound</td>
<td>0.650</td>
<td>0.650</td>
<td>0</td>
<td>1.4</td>
</tr>
<tr>
<td>Aluminum Sulfate</td>
<td>Desal</td>
<td>Pound</td>
<td>0.355</td>
<td>N/A</td>
<td>N/A</td>
<td>0.4</td>
</tr>
<tr>
<td>Sodium Chlorite 31%</td>
<td>Perdue</td>
<td>Pound</td>
<td>0.699</td>
<td>0.684</td>
<td>-2</td>
<td>15.6</td>
</tr>
<tr>
<td>Fluorosilicic Acid 23-25%</td>
<td>Perdue</td>
<td>Pound</td>
<td>0.2079</td>
<td>0.2245</td>
<td>8</td>
<td>2.4</td>
</tr>
<tr>
<td>Fluorosilicic Acid 23-25%</td>
<td>Desal</td>
<td>Pound</td>
<td>0.2079</td>
<td>0.2245</td>
<td>8</td>
<td>3.4</td>
</tr>
<tr>
<td>Sodium Fluoride 90-98%</td>
<td>National City</td>
<td>Pound</td>
<td>1.090</td>
<td>N/A</td>
<td>N/A</td>
<td>0.9</td>
</tr>
<tr>
<td>Citric Acid</td>
<td>Desal</td>
<td>Pound</td>
<td>1.155</td>
<td>N/A</td>
<td>N/A</td>
<td>1.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>100.0</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*The percent chemical budget for Sodium Fluoride and Aluminum Sulfate is based on current pricing and estimated usage for FY2020-21.
TO: Governing Board (Operations Committee)
FROM: Management
DATE: May 15, 2020
SUBJECT: Consideration to Adopt Resolution 20-11 Amending and Adopting Local Guidelines for Implementing the 2020 California Environmental Quality Act

SUMMARY
The California Environmental Quality Act (“CEQA”), as contained in Public Resources Code sections 21000 et seq., is California’s most comprehensive environmental law. It requires all public agencies within the state to evaluate the environmental effects of their actions before they are taken. CEQA also aims to prevent significant environmental effects from occurring as a result of agency actions by requiring agencies to avoid or reduce, when feasible, the significant environmental impacts of their decisions.

To this end, CEQA requires all public agencies to adopt specific objectives, criteria, and procedures for evaluating public and private projects that are undertaken or approved by such agencies.

The Authority’s General Counsel, Best Best & Krieger (BBK), has prepared a proposed updated set of Local CEQA Guidelines for 2020 in compliance with CEQA’s requirements. The Sweetwater Authority Local Guidelines for Implementing the California Environmental Quality Act reflect recent changes in the Public Resources Code, the State CEQA Guidelines and relevant court opinions. These Local CEQA Guidelines also provide instructions and forms for preparing all environmental documents required under CEQA.

The 2020 Local CEQA Guidelines are not attached due to the significant number of pages. However, a summary is attached identifying the changes that were made after the Board adopted the 2019 Local CEQA Guidelines. A copy of the entire 2020 Local CEQA Guidelines can be viewed at www.sweetwater.org/245/Environmental-Review (redline and clean versions).

PAST BOARD ACTION
The Board considers the Local CEQA Guidelines on an annual basis.
Memo to: Governing Board (Operations Committee)
Subject: Consideration to Adopt Resolution 20-11, Amending and Adopting Local Guidelines for Implementing the 2020 California Environmental Quality Act
May 15, 2020
Page 2 of 2

FISCAL IMPACT
There is no fiscal impact to implement this action.

POLICY
As a local public agency, the Authority must comply with CEQA in review and approval of all projects. As such, the Governing Board must adopt Local Guidelines and any revisions required to keep them up-to-date and consistent with the state Guidelines and Statutes.

Strategic Plan Goal No. 7: Environmental Stewardship: Provide core services while maintaining a balanced approach to human and environmental needs.

Adopting Local CEQA Guidelines is an essential aspect of achieving this goal.

ALTERNATIVES
There are no legal alternatives to this action.

STAFF RECOMMENDATION
Staff recommends that the Governing Board adopt Resolution 20-11, Sweetwater Authority Local Guidelines for Implementing the 2020 California Environmental Quality Act.

ATTACHMENTS
1. Resolution 20-11
2. Summary of Changes to Local CEQA Guidelines for 2020
RESOLUTION 20-11

RESOLUTION OF THE GOVERNING BOARD OF SWEETWATER AUTHORITY
AMENDING AND ADOPTING LOCAL GUIDELINES
FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT (PUB. RESOURCES CODE §§ 21000 ET SEQ.)

WHEREAS, the California Legislature has amended the California Environmental Quality Act (“CEQA”) (Pub. Resources Code §§ 21000 et seq.), the Natural Resources Agency has amended the State CEQA Guidelines (Cal. Code Regs., Title 14, §§ 15000 et seq.), and the California courts have interpreted specific provisions of CEQA; and

WHEREAS, Public Resources Code section 21082 requires all public agencies to adopt objectives, criteria and procedures for (1) the evaluation of public and private projects undertaken or approved by such public agencies, and (2) the preparation, if required, of environmental impact reports and negative declarations in connection with that evaluation; and

WHEREAS, Sweetwater Authority (“Authority”) must revise its local guidelines for implementing CEQA to make them consistent with the current provisions and interpretations of CEQA.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of Sweetwater Authority:

SECTION 1. Adopts the “2020 Local Guidelines for Implementing the California Environmental Quality Act,” a copy of which is on file at the offices of the Authority and is available for inspection by the public.

SECTION 2. Repeals all prior actions of the Authority enacting earlier guidelines.

APPROVED AND ADOPTED at a regular meeting of the Governing Board of Sweetwater Authority held on the 27th day of May, 2020, by the following vote, to wit:

AYES: ____________________________
NOES: ____________________________
ABSENT: ____________________________
ABSTAIN: ____________________________

______________________________
Steve Castaneda, Chair

Attest:

______________________________
Ligia Perez, Board Secretary
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Revisions to Local CEQA Guidelines for 2020

Revised Sections

1. **FORMER SECTION 3.17: ROADWAY IMPROVEMENTS**

   From January 1, 2013 to December 31, 2019, Public Resources Code section 21080.37 provided that projects to repair, maintain, or make minor alterations to an existing roadway were statutorily exempt from CEQA if certain conditions were met. This statutory exemption—codified in previous iterations of these Local Guidelines at Section 3.17—has been repealed.

2. **SECTION 3.20: TRANSFER OF LAND FOR THE PRESERVATION OF NATURAL CONDITIONS**

   Section 3.20 has been added to the Local Guidelines to reflect a new—but narrow—statutory exemption set forth at Public Resources Code section 21080.28. This exemption applies to the acquisition, sale, or other transfer of interest in land by a public agency for the purpose of fulfilling any of the following purposes: (1) preservation of natural conditions existing at the time of transfer, including plant and animal habitats, (2) restoration of natural conditions, including plant and animal habitats, (3) continuing agricultural use of the land; (4) prevention of encroachment of development into flood plains; (5) preservation of historical resources; or (6) preservation of open space or lands for park purposes.

   This exemption is narrow, however, as it applies only to the acquisition, sale, or other transfer of land for one of the above-referenced purposes. The exemption does not apply to the entirety of the project for which the land is acquired, sold, or transferred. Rather, the exemption requires environmental review before any project approval that would authorize physical changes to the land at issue.

3. **SECTION 5.09: DETERMINING THE SIGNIFICANCE OF TRANSPORTATION IMPACTS**

   In December 2018, the Office of Administrative Law approved its first comprehensive update of the State CEQA Guidelines in many years. One of its most significant revisions to the State CEQA Guidelines concerned a change in how transportation impacts must be analyzed under CEQA. In particular, Section 15064.3 of the State CEQA Guidelines provides that “vehicle miles traveled,” or VMT, shall be the most appropriate measure for transportation impacts. VMT refers to the amount and distance of automobile travel attributable to a project.

   Under Section 15064.3, VMT shall replace a proposed project’s effect on automobile delay—generally measured by “level of service” or LOS—as the appropriate measure for transportation impacts. Accordingly, a project’s effect on automobile delay shall no longer constitute a significant transportation environmental impact under CEQA. Section 15064.3, however, provides that its provisions will not go into effect until July 1, 2020, unless a lead agency elects to be governed by its provisions earlier.

   Section 5.09 of the Local Guidelines acknowledges and addresses Section 15064.3. This section makes clear that unless the Authority has established otherwise via a separate action, the Authority does not elect to be governed by the provisions of Section 15064.3 before July 1, 2020.

   After July 1, 2020, the Authority will be bound by Section 15064.3. This does not mean,
however, that the Authority must necessarily adopt any new thresholds of significance relating to VMT—though the Authority may seek to adopt a threshold of significance if it is so inclined.

4. **SECTION 9.03: INTERIM MOTEL HOUSING PROJECTS**

The Legislature has enacted a series of statutory exemptions that serve to streamline the entitlement process for certain affordable housing projects. Section 9.03 has been added to the Local Guidelines to reflect the enactment of Public Resources Code section 21080.50, which statutorily exempts “interim motel housing projects” from CEQA. A project is exempt from CEQA as an “interim motel housing project” where the project consists of the conversion of a structure with a certificate of occupancy as a motel, hotel, residential hotel, or hostel to supportive or transitional housing, and the conversion meets at least one of the following conditions: (1) the conversion does not result in the expansion of more than 10 percent of the floor area of any individual living unit in the structure; and (2) the conversion does not result in any significant effects relating to traffic, noise, air quality, or water quality.

5. **SECTION 9.04: SUPPORTIVE HOUSING AND “NO PLACE LIKE HOME” PROJECTS**

Section 9.04 reflects the enactment of a new chapter to CEQA—Chapter 5.5 of Division 13 of the Public Resources Code—concerning “No Place Like Home projects.” A “No Place Like Home project” is a permanent supportive housing project that meets the criteria for funding pursuant to the No Place Like Home Program (codified at Section 5849.1, et al. of the Welfare & Institutions Code) and for which a public agency applies for, or receives, funding from the Department of Housing and Community Development.

Under the newly enacted provisions, the award of funding for a “No Place Like Home project” is statutorily exempt from CEQA. Moreover, a supportive housing project may be exempt from CEQA if the supportive housing project meets certain criteria. A “supportive housing” project is a project that provides housing with no limit on length of stay; that is occupied by persons with disabilities, families who are homeless, or homeless youth; and that is linked to onsite or offsite services that assist the supportive housing resident to retain housing, improve their health status, and maximize their ability to live and, when possible, work in the community.

6. **SECTION 9.05: SHELTER CRISIS AND EMERGENCY HOUSING**

Section 9.05 reflects a recently enacted (but very narrow) statutory exemption that applies to action taken by certain cities, counties, or state agencies to lease, convey, or encumber land owned by a city or county—or an action to facilitate the lease, conveyance, or encumbrance of land owned by the local government—for, or to provide financial assistance to, a homeless shelter constructed pursuant to the provisions of Government Code section 8698.4. This narrow exemption applies to specified efforts to assist specified cities or counties that have declared a shelter crisis and seek to build a homeless shelter.

**Other Changes**

Effective January 1, 2020, the Department of Fish and Wildlife has increased its fees. For a Negative Declaration or a Mitigated Negative Declaration, the new filing fee is $2,406.75. For an EIR, the new filing fee is $3,343.25. For an environmental document pursuant to a Certified Regulatory Program, the filing fee has been increased to $1,136.50.
California Environmental Quality Act (CEQA)
Presentation Outline

• Background and Implementation
• The CEQA Process
• CEQA Compliance Costs
• Agency Requirement to Adopt CEQA Procedures
Background and Implementation

• Enacted by California in 1970
• Sets environmental policy in California

CEQA Objectives:
• Disclose environmental impacts of projects to public
• Disclose the agency decision making process for project approvals
• Identify ways to avoid or reduce environmental impacts
• Prevent impacts by implementing feasible alternatives or mitigation measures
• Improve interagency coordination in the environmental review process
• Enhance public participation in the environmental review process
CEQA Process

Activity is subject to CEQA if:

- It involves the exercise of an agency’s discretionary powers
- Has the potential to result in a physical change in the environment
- Falls within the definition of a “project”

CA CR 15378: “Project” means the whole of an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.
CEQA Process

Phase 1 → Preliminary Review
- Is the proposed action a “Project”? 
- CEQA Categorical and Statutory exemptions.

Phase 2 → Initial Study
- Complete Initial Checklist, supported by Technical Studies
- Decision to prepare Negative Declaration (ND) or Environmental Impact Report (EIR)

Phase 3 → Preparation of ND or EIR
Preliminary Review
Exemptions from CEQA

Statutory Exemptions
• Feasibility / Planning Studies (e.g. Urban Water Management Plan)
• Emergency Actions
• Pipeline installation/repair
  - less than 1 mile long, in ROW
• Ministerial actions
  - Approval of individual utility service connections and disconnections

Categorical Exemptions
• Existing Facilities (operation, repair, maintenance, minor alterations)
• Construction or conversion of small structures
• Information Collection
• Enforcement Actions, Inspections
• Small Habitat Restoration Projects

Optional Filing
• Notice of Exemption – reduce review/challenge period from 180 to 30 days
Initial Study

- Purpose: Determine if an EIR or ND should be prepared.
- Environmental factors analyzed:

  - Aesthetics
  - Biological Resources
  - Greenhouse Gas Emissions
  - Land Use / Planning
  - Population / Housing
  - Transportation/Traffic
  - Mandate Findings of Significance
  - Agriculture and Forestry Resources
  - Cultural Resources
  - Hazards & Hazardous Materials
  - Mineral Resources
  - Public Services
  - Tribal Cultural Resources
  - Air Quality
  - Geology / Soils
  - Hydrology / Water Quality
  - Noise
  - Recreation
  - Utilities / Service Systems

- Technical focus depends on project and anticipated impacts

  - Less than significant impacts → Negative Declaration
  - Less than significant impacts with mitigation incorporated → Mitigated Negative Declaration
  - Potentially significant impacts → Environmental Impact Report
Negative Declaration, Mitigated ND

- Initial Study
  - Technical Studies

- Notice of Availability of Draft ND
  - Public review period (30 days)

- Final Negative Declaration (optional)
  - Response to Comments
  - Mitigation Monitoring and Reporting Program if Mitigated ND
- Consideration and Adoption
- Decision on Project

- If adopted, Filing of Notice of Determination

Environmental Impact Report

- Initial Study (optional)
  - Technical Studies

- Notice of Preparation sent to Responsible Agencies

- Notice of Completion of Draft EIR
  - Notice of Availability
  - Public review period (60 days)

- Final EIR and Response to Comments
  - Findings of Overriding Considerations
  - Mitigation Monitoring and Reporting Program
- Consideration and Certification
- Decision on Project

- If certified, Filing of Notice of Determination
CEQA Compliance Costs

Wide range of costs, depending on project scope and impacts

Notice of Exemption

+ Recording Fee ($50)
+ Staff Time

Negative Declaration, Environmental Impact Report

+ Environmental Filing Fee ($2,407 for NDs or $3,343 for EIRs)
+ Recording Fee
+ Staff Time
+ Consultant Services (e.g. Technical Documents)
+ Post CEQA Process Compliance Activities
Agency Requirements to Adopt CEQA Procedures

- Public agencies must adopt CEQA implementation procedures that are consistent with CEQA and the State CEQA Guidelines
- State CEQA Guidelines updated in December 2018
Questions?