



**Regular Meeting of the Metro Commission  
and Metro Wastewater JPA**

**AGENDA**

**Thursday, October 4, 2018  
12:00 p.m.**

**9192 Topaz Way (PUD MOC II) Auditorium  
San Diego, California**

*"The Metro JPA's mission is to create an equitable partnership with the San Diego City Council and Mayor on regional wastewater issues. Through stakeholder collaboration, open dialogue, and data analysis, the partnership seeks to ensure fair rates for participating agencies, concern for the environment, and regionally balanced decisions."*

**Note:** Any member of the Public may address the Metro Commission/Metro Wastewater JPA on any Agenda Item. Please complete a Speaker Slip and submit it to the Administrative Assistant or Chairperson prior to the start of the meeting if possible, or in advance of the specific item being called. Comments are limited to three (3) minutes per individual.

Documentation  
Included

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. PUBLIC COMMENT

*Persons speaking during Public Comment may address the Metro Commission/ Metro Wastewater JPA on any subject matter within the jurisdiction of the Metro Commission and/or Metro Wastewater JPA that is not listed as an agenda item. Comments are limited to three (3) minutes. Please complete a Speaker Slip and submit it prior to the start of the meeting.*
- X 4. **ACTION** – CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF [August 2, 2018](#) (**Attachment**)
- X 5. **ACTION** – CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE PURE WATER PROGRAM – AMENDMENT NO. 1 TO THE AGREEMENT WITH CH2M HILL ENGINEERS, INC. FOR DESIGN ENGINEERING SERVICES FOR THE NORTH CITY WATER RECLAMATION PLANT EXPANSION AND INFLUENT CONVEYANCE PROJECT (Amer Barthoumi) (**Attachments**)
- X 6. **REPORT** – CONSENT DECREE AGREEMENT WITH SAN DIEGO COAST-KEEPER AND COASTAL ENVIRONMENTAL RIGHTS FOUNDATION FOR FOUR WASTEWATER TREATMENT FACILITIES (Rania Amen/Juan Guerreiro) (Attachment)

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Metro Commission/Metro  
Wastewater JPA Regular  
Meeting Agenda

- X      7.    METRO TAC UPDATE/REPORT (Standing Item) (**Attachment**) (Greg Humora)
8.    UPDATE FROM PURE WATER PROJECT EIR SUBCOMMITTEE (Standing Item) (Greg Humora)
9.    CITY OF SAN DIEGO SECONDARY EQUIVALENCY LEGISLATION (Standing Item) (John Helminski)
10.   PURE WATER PROGRAM UPDATE (Standing Item) (John Helminski)
11.   IROC UPDATE (Standing Item) (Jerry Jones)
12.   PURE WATER AD HOC COMMITTEE UPDATE (Standing Item) (Jerry Jones)
13.   FINANCE COMMITTEE (Standing Item) (John Mullin)
14.   REPORT OF GENERAL COUNSEL (Standing Item) (Paula de Sousa Mills)
15.   PROPOSED AGENDA ITEMS FOR THE NEXT METRO COMMISSION/METRO WASTEWATER JPA MEETING **November 1, 2018**
16.   METRO COMMISSIONERS' AND JPA BOARD MEMBERS' COMMENTS
17.   ADJOURNMENT OF METRO COMMISSION AND METRO WASTEWATER JPA

The Metro Commission and/or Metro Wastewater JPA may take action on any item listed in this Agenda whether or not it is listed "For Action."

*Materials provided to the Metro Commission and/or Metro Wastewater JPA related to any open-session item on this agenda are available for public review by contacting L. Peoples at (619) 548-2934 during normal business hours.*

***In compliance with the  
AMERICANS WITH DISABILITIES ACT***

*The Metro Commission/Metro Wastewater JPA requests individuals who require alternative agenda format or special accommodations to access, attend, and/or participate in the Metro Commission/ Metro Wastewater JPA meetings, contact E. Patino at (858) 292.6321, at least forty-eight hours in advance of the meetings.*

**Metro JPA 2018 Meeting Schedule**

January 4, 2018	February 1, 2018	March 1, 2018
April 5, 2018	May 3, 2018	June 7, 2018
July 5, 2018	August 2, 2018	September 6, 2018
October 3, 2018	November 1, 2018	December 6, 2018

October 4, 2018

Metro Commission/Metro  
Wastewater JPA Regular  
Meeting Agenda

# Attachment 4

Action Minutes of  
August 2, 2018  
Regular Meeting



**Special Meeting of the Metro Commission  
and Metro Wastewater JPA**

**9192 Topaz Way (MOC II) Auditorium  
San Diego, California**

**August 2, 2018  
DRAFT Minutes**

Chairman Jones called the meeting to order at 12:05 p.m. A quorum of the Metro Wastewater JPA and Metro Commission was declared, and the following representatives were present:

**1. ROLL CALL**

<u><b>Agencies</b></u>	<u><b>Representatives</b></u>	<u><b>Alternate</b></u>
City of Chula Vista	Steve Padilla (12:08)	X
City of Coronado	Whitney Benzian	X
City of Del Mar	Sherryl Parks	X Joe Bride
City of El Cajon	Ben Kalasho	X Steve Goble
City of Imperial Beach	Ed Spriggs	X
City of La Mesa	Bill Baber	X
Lemon Grove San District	Jerry Jones	X
City of National City	Albert Mendivil	X
City of Poway	John Mullin	X
County of San Diego	Dianne Jacob	(No representative)
Otay Water District	Tim Smith	X
Padre Dam MWD	Jim Peasley	X
Metro TAC Chair	Greg Humora	X Roberto Yano

Others present: Metro JPA General Counsel Paula de Sousa Mills and Assistant General Counsel Nicholas Norvell - BBK Law; Metro JPA Secretary Lori Anne Peoples; Ed Walton – City of Coronado; Mike James and Dexter Wilson – Lemon Grove Sanitation District; Joe Bride – City of Del Mar; Yazmin Arellano and Dennis Davies – City of El Cajon; Hamed Hashemian – City of La Mesa; Roberto Yano – City of National City; Bob Kennedy and Mark Robak – Otay Water District; Allen Carlisle, Karen Jassoy and Augie Scalzitti – Padre Dam Municipal Water District; Mike Obermiller and Alex Heide – City of Poway; John Helminski, Edgar Patino and Charlotte Strong Williams - City of San Diego Public Utilities; Tom Zeleny – Chief Deputy City Attorney, City of San Diego; Susan Spotts – County of San Diego; Scott Tulloch – NV5

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

Commissioner Baber, City of La Mesa led the pledge.

**3. PUBLIC COMMENT**

None

**4. ACTION: MINUTES OF THE REGULAR MEETING OF JULY 5, 2018 AND THE SPECIAL MEETING OF JULY 19, 2018**

**ACTION:** Motion by Commissioner Mullin, seconded by Commissioner Mendivil and carried unanimously.

**5. FINANCE COMMITTEE:**

Finance Committee Chair provided an overview of the financial items listed as 5A - the Metro Commission/Metro Wastewater JPA FY 2016 Exhibit E Audit; 5B - the Metro Wastewater JPA FY 2016 Budget to Audit Reconciliation and 5C - the Metro Wastewater JPA 2014-2015 Audit. The Finance Committee had heard reports and reviewed all three items and recommend approval to the Metro Commission/Metro Wastewater JPA.

Commissioner arrived at 12:08 p.m.

**5A. ACTION: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE METRO COMMISSION/METRO WASTEWATER JPA FY 2016 EXHIBIT E AUDIT**

Edgar Patino, City of San Diego provided a brief verbal overview of the audit. He advised the Commission that they would receive refunds/invoices within 4 to 6 weeks.

**ACTION:** Motion by Commissioner Mullin, seconded by Commissioner Baber to approve the Audit. Motion carried unanimously.

**5B. ACTION: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE METRO WASTEWATER JPA FY 2016 BUDGET TO AUDIT RECONCILIATION**

Metro Treasurer, Karen Jassoy, provided a brief overview of the item noting that the PA's are billed on estimated flows. The question came up at the Finance Committee as to whether there should be a true up after the audits in the same manner as is done with the City. General Counsel determined that doing so was consistent with the JPA agreement. If approved, Ms. Jassoy proposes to process the JPA true ups at the same time as the annual billings (starting with the FY 2016 Audit and going forward). General Counsel determined that this was consistent with the JPA agreement. It was agreed to be a good idea.

**ACTION:** Motion by Commissioner Mendivil, seconded by Vice Chair Peasley, and approved unanimously.

**5C. ACTION: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE METRO WASTEWATER JPA 2014-2015 AUDIT**

**ACTION:** Motion by Commissioner Baber, seconded by Commissioner Mullin, motion carried unanimously.

**6. ACTION: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE PURE WATER PROGRAM – AMENDMENT NO. 1 TO THE AGREEMENT WITH CH2M HILL ENGINEERS, INC. FOR DESIGN ENGINEERING SERVICES FOR THE NORTH CITY WATER RECLAMATION PLANT EXPANSION AND INFLUENT CONVEYANCE PROJECT**

City of San Diego staff requested this item be continued.

**7. ACTION: CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION SUPPORTING COST ALLOCATION PRINCIPLES IN DRAFT AMENDED AND RESTATED REGIONAL WASTEWATER DISPOSAL AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE PARTICIPATING AGENCIES IN THE METROPOLITAN SEWERAGE SYSTEM**

MetroTAC Vice Chair Yano stated that staff was working hard with City of San Diego staff on everything.

Chair Jones explained that the Commissioners were not committing their agencies, but approving the concept but it was important that the JPA as a body support this.

Assistant General Counsel Nicholas Norvell provided a high level review of the proposed revisions to the current 1998 Regional Wastewater Disposal Agreement (in the form of a proposed Amended and Restated Regional Wastewater Disposal Agreement) along with an overview of the negotiations performed to date and the rationale for the negotiations. He noted that the purpose of today's item is to request the JPA/Commission's support on cost allocation principles set out in the proposed Amended and Restated Agreement and to have everyone on board. The goal has been to include this in the City of San Diego's package for Construction Phase 1 Pure Water. He then reviewed the substance of what is in the current 1998 Regional Wastewater Disposal Agreement and the proposed Amended and Restated Agreement.

A brief recess was called at 12:30 p.m. as the microphone was not working.

The Commission reconvened at 12:35 p.m. with all members present.

John Helminski stated there was additional language the City would like to include regarding solids, brine, and other residuals. He provided draft language, the details to be worked out.

General Counsel de Sousa stated that she understood that the partners in the East County Advanced Water Purification Project were in the process of reviewing the language which it had just received from the City.

Commissioner Mullin noted that as the PA's all pay collectively, the total bill, this would be an issue for all PAs.

Taylor DuPont, from Supervisor Dianne Jacob who represents the San Diego County Sanitation District on the JPA, read a letter from the Supervisor into the record (copy on file). In the letter Ms. Jacob stated support for the methodology by which the Metro Facility costs and Pure Water Program costs were allocated in the current draft of the Amended and Restated Regional Wastewater Disposal Agreement. Her concern was in that the District is only responsible for providing sewer service that they could not allow costs incurred by the City of San Diego to develop water supplies to be passed onto its ratepayers. Additionally she noted that the costs needed to be carefully apportioned and concerns about cost liability for Metro System Costs in light of the District's partnership with the Padre Dam Municipal Water District and City of El Cajon to develop alternative wastewater disposal options. In summary the issues of concern were:

1. Potential fiscal impacts associated with an upgrade to the Pt. Loma Wastewater Treatment Plant to meet a higher level of treatment while also potentially spending resources to develop an alternative disposal method through the Pure Water Program;
2. The potential offloading or decrease of current volume of District waste, and other local agency waste, into the Metro System through the development of alternative disposal methods and the need for assurance that financial obligations are not duplicated;
3. The need for an equitable share of profits resulting from sales of re-purified water through the Pure Water Program; and
4. A cap on financial obligations for waste agencies, to pay no more than capital costs, and delineations of these financial responsibilities in regard to the total \$1.5 billion budget of the program.

In closing the Supervisor stated, in her letter, that the County Sanitation District's primary concerns were outlined above and that she was in general agreement with the concepts addressed in the latest draft Amendment.

However, the County Sanitation District is not in support of any efforts to insert language that is detrimental to other agencies'; development of advanced water re-purification

facilities, and had not had enough time to properly consider the language distributed August 1, 2018 and cannot offer support for this language.

General Counsel de Sousa noted that the action before the JPA/ Commission was to consider adoption of a resolution supporting the cost allocation principles delineated in the proposed Amended and Restated Regional Wastewater Disposal Agreement, noting that it is anticipated that the proposed agreement will undergo further revisions in the weeks to come.

John Helminski stated the City of San Diego's preference is that the language distributed by the City of San Diego to the PAs on August 1st be included in the amended draft attached to the resolution.

Commissioner Benzian stated Coronado was in support of the proposed cost allocation principles and the proposed Amended and Restated Agreement with the exception to the Navy impact which is still being reviewed by Coronado's City Attorney.

Vice Chair Peasley stated that Padre Dam took unanimous action at its meeting on August 1st to support the cost allocation principles and thanked everyone for their hard work. He spoke in support of the resolution but stated there was potential concern with the language presented today by the City of San Diego.

Chair Jones stated he understood the Commissioners concerns. Further that the new language was for "offload", and that he too was concerned that the language potentially changes the complexity of things for Padre, County Sanitation District, and El Cajon and possibly others in the future. He felt that additional review and discussion was needed.

Chair Jones stated he did not want to lock the PAs into a position they could not negotiate.

Commissioner Padilla stated that it was important as this body is limited and at this stage of review, has to agree conditionally. Those directly affected must reach agreement with the City of San Diego.

General Counsel de Sousa Mills stated that the Metro JPA itself is not a signatory to the Regional Wastewater Disposal Agreement. Rather the individual PAs are. That said, negotiations regarding cost allocation for Pure Water was negotiated through the JPA, and that the intent of the action item before the Metro JPA/ Commission is to get thumbs up on the cost allocation principles outlined in the Resolution. Further, the Board should encourage agencies impacted by the City of San Diego's recently proposed language to review the potential impacts and get with the City of San Diego and negotiate in good faith.

John Helminski stated there were still a couple of weeks for review.

**ACTION:** Motion by Commissioner Baber, seconded by Commissioner Padilla to approve the Resolution. The motion carried by unanimous vote.

**8. METRO TAC UPDATE/REPORT**

MetroTAC Vice Chair Yano stated the report was attached to the agenda.

**9. UPDATE: PURE WATER PROJECT EIR SUBCOMMITTEE**

MetroTAC Vice Chair Yano stated that there was no report.

**10. CITY OF SAN DIEGO SECONDARY EQUIVALENCY LEGISLATION**

John Helminski, Assistant Director City of San Diego Public Utilities Department stated that they were still working with the environmental on the language and had sent it back to Congressman Peters' office and are waiting for introduction to Congress in mid to late September.

**11. PURE WATER PROGRAM UPDATE**

John Helminski, Assistant Director City of San Diego Public Utilities Department stated that the general update was nearly complete and the plans and specs and were going through Plan Check as part of the EIR. Working groups were formed on the pipeline alignment with the neighborhoods and are in their third series of meeting and expect to wrap up this week. They have held 12 meetings and will have one last series in late August.

**12. IROC UPDATE**

Chair Jones stated he had no report.

**13. PURE WATER AD HOC COMMITTEE UPDATE**

MetroTAC Vice Chair Yano stated he had no report.

**14. FINANCE COMMITTEE REPORT**

- Information only – Minutes of the May 20, 2018 Metro JPA Finance Committee meeting.
- Information only – Updated Finance Committee Meeting Schedule for 2018 (meetings cancelled until 2019)

**15. REPORT OF GENERAL COUNSEL**

General Counsel de Sousa Mills stated she had no report.

**16. PROPOSED AGENDA ITEMS FOR THE NEXT METRO COMMISSION/METRO WASTEWATER JAP MEETING SEPTEMBER 6, 2018**

None.

**17. METRO COMMISSIONERS' AND JPA BOARD MEMBERS' COMMENTS**

Chair Jones welcomed Alternate Commissioner Goble from the City of El Cajon.

**18. CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION  
64956.9(d) (4)  
NUMBER OF POTENTIAL CASES: 1**

General Counsel de Sousa Mills advised that Closed Session was not needed

**19. ADJOURNMENT**



At 1:29 p.m., there being no further business, Chair Jones declared the meeting adjourned.

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Recording Secretary

# Attachment 5

Pure Water  
Program Amdt. 1  
to CH2M Hill for  
Design  
Engineering  
Services No. City  
Water  
Reclamation  
Plant

**METRO JPA/TAC**  
**Staff Report**  
**Date: July 18, 2018**

**Project Title:**

Pure Water Program – Amendment No. 1 to the Agreement with CH2M Hill Engineers, Inc. for Design Engineering Services for the North City Water Reclamation Plant Expansion and Influent Conveyance Project

**Requested Action:**

Approve Amendment No. 1 to the design engineering services agreement between the City of San Diego and CH2M Hill Engineers, Inc. for the North City Water Reclamation Plant Expansion and Influent Conveyance Project and forward item to Metro JPA/ Metro Commission for approval. Amendment No. 1 is for a total not to exceed amount of \$2,500,000, which will be utilized for design and construction support services.

**Recommendations:**

Approve Amendment No. 1 to the agreement

Metro TAC:	Approve the subject item and forward to Metro JPA/ Metro Commission for approval
IROC:	N/A
Prior Actions: (Committee/Commission, Date, Result)	N/A

**Fiscal Impact:**

Is this projected budgeted?	Yes <u>X</u> No ____
Cost breakdown between Metro & Muni:	It is estimated that the funding will be allocated as follows: Water: 23% (approximately \$587,000), Wastewater: 77% (approximately \$1,913,000) (Metro: 100%, Muni: 0%).
Fiscal impact to the Metro JPA:	33.5% of Metro cost (approximately \$640,855)

**Capital Improvement Program:**

New Project?	Yes ____	No <u>X</u>	N/A ____
Existing Project?	Yes <u>X</u>	No ____	Upgrade/addition ____ Change ____

**Previous TAC/JPA Action:**

None.

**Additional/Future Action:**

Present item to Metro JPA/ Metro Commission for approval on September 6, 2018.

**City Council Action:**

City Council approval is anticipated on September 11, 2018.

**Background:** *Provide background information on the need for the project*

San Diego's imported water supplies face increasing stresses from a variety of sources. As a result, the region's supplies are becoming less reliable and more expensive. These circumstances, and the threat limitation on San Diego's water supplies, have intensified the need for new sources of water. Pure Water San Diego is the City of San Diego's (City) 20-year program to provide a safe, secure and sustainable local drinking water supply for San Diego. Recycled water will be turned into drinkable

water through the use of water purification technology. Further, Pure Water's system-wide reuse will significantly reduce flows to the Point Loma Wastewater Treatment Plant (PLWTP) and will make San Diego more water independent. On April 29, 2014, City Council adopted Resolution Number R-308906 supporting the Pure Water Program. Pure Water implementation includes design and construction of new treatment and conveyance facilities. To ensure quality design and construction of future Pure Water facilities, the Public Utilities Department has elected to obtain professional engineering and technical services for completing the design work.

One of the currently on-going projects that is being executed under the Pure Water Program is the expansion of the existing North City Water Reclamation Plant (NCWRP). The NCWRP treats wastewater from several San Diego Communities and distributes recycled water for irrigation and industrial purposes in the northern San Diego region. As part of the Pure Water Program implementation, the NCWRP will be expanded so the facility can treat an average annual flow of 52 million gallons per day (mgd), continue serving recycled water customers, and provide tertiary-treated water to the Pure Water Facility so it can produce 30 mgd of pure water.

In November 2017, the City awarded an agreement to CH2M Hill Engineers, Inc. to perform design and construction support services for the North City Water Reclamation Plant Expansion and Influent Conveyance project. The original Agreement is on file in the Office of the City Clerk as Document No. R-310738. The said Agreement was issued for an amount not to exceed \$17,198,752 for a duration of five (5) years.

**Discussion:** *Provide information on decisions made to advance the project*

Since the initiation of the design and through the continuing design efforts, it has been determined that additional design and construction support services are needed to complete the NCWRP Expansion project. Overall, the project has increased in complexity to include equipment improvements throughout various process areas to bring the plant up its original 30 mgd design capacity. These upgrades are necessary to ensure there are no equipment deficiencies and the plant is operating reliably before it is expanded under the Pure Water Program. A substantial amount of design efforts have been expended for these equipment improvements thus requiring an increase in the Additional Services Task to cover any additional design and construction support services.

The original agreement allocated \$1,500,000 for an Additional Services Task specifically dedicated for any additional design and construction support services not covered under the original agreement. However, as the design phase of the project progressed, unanticipated and unforeseen design and engineering support services were authorized, thus fully depleting the funding under the Additional Services Task. These services include upgrades to the plant equipment to bring the facility up to its original 30 mgd capacity, replacement of all sluice gates at the Headworks facility, design of utility relocations for the future Renewable Energy project located at the NCWRP, implementation of an alternate design concept to repurpose the secondary clarifiers which reduced the construction cost by approximately \$7.5 million, development of a sewer process model for facility control strategies, design of the replacement for the existing electrical substation and the design of the brine line that is within the NCWRP footprint. These items will be bid in conjunction with the NCWRP Expansion project and in turn will increase the overall construction scope. Furthermore, these items require highly technical coordination involving multiple disciplines and engineering support which necessitates an increase for the related construction support services. At this time, the existing agreement does not account for the construction support services associated with these additional items. Therefore, Amendment No. 1 will provide the necessary funding for any related design and construction support services by increasing the Additional Services Task by a not to exceed amount of \$2,500,000, in turn increasing the total contract amount from \$17,198,752 to \$19,698,752. Overall, this request will provide the essential engineering support and uninterrupted construction support services throughout the entire duration of the construction phase of the project.

**Bid Results:** *If bidding was done provide bidding format and results*  
N/A

# Public Utilities Department

## Amendment No. 1 to the Agreement with CH2M Hill Engineers, Inc. for Design Engineering Services for the North City Water Reclamation Plant Expansion and Influent Conveyance Project

Metro Technical Advisory Committee  
July 18, 2018

# Background

- NCWRP Expansion Project is a component of North City Phase 1 delivery of 30 mgd of Pure Water
- NCWRP will be expanded to treat an annual average flow of 52 mgd
- CH2M Hill Engineers, Inc. is the selected design firm
- Total agreement amount is \$17,198,752
- Original agreement allocated \$1,500,000 for an Additional Services Task

# Proposed Amendment

- Additional Services Amount exhausted for unanticipated engineering services:
  - Upgrades and improvements to existing equipment
  - Replacement of sluice gates at the Headworks facility
  - Alternate design concept to repurpose the secondary clarifiers (**Savings of \$7.5 M**)
  - Development of sewer process model
  - Replacement of electrical substations
  - Design of brine line
  - Site preparation for the future Renewable Energy Project
- Amendment No. 1 will replenish the Additional Services Task in an amount not to exceed \$2,500,000; New total agreement amount is \$19,698,752
- Additional funding will cover design and construction support services





# Schedule

ACTIVITY	DATE
Environment Committee	8/2/2018
Metro JPA/ Metro Commission	9/6/2018
City Council	9/11/2018

# Questions



# Attachment 6

CONSENT DECREE  
AGREEMENT WITH SAN  
DIEGO COAST-KEEPER  
AND COASTAL  
ENVIRONMENTAL  
RIGHTS FOUNDATION  
FOR FOUR  
WASTEWATER  
TREATMENT FACILITIES

**METRO JPA/TAC**  
**Staff Report**  
**Date: September 10, 2018**

**Project Title:**

Consent Decree Agreement with San Diego Coastkeeper and Coastal Environmental Rights Foundation, Order No. 2014-0057-DWQ Settlement at four wastewater treatment facilities.

**Proposed Action:**

This presentation is to inform the Metro JPA of the City's intent to request approval from City Council to enter into a Consent Decree Agreement with San Diego Coastkeeper and the Coastal Environmental Rights Foundation (collectively, "Plaintiffs"), to resolve all claims for the alleged violations of the Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharge Associated with Industrial Activities, Order No. 2014-0057-DWQ, at five City facilities. The settlement is the result of negotiations between the Plaintiffs, Public Utilities Department (PUD), Environmental Services Department (ESD), and the City Attorney's Office.

**Recommendations:**

Support the proposed action.

Metro TAC:	Submitted for informational purposes.	
IROC:		
Prior Actions: (Committee/Commission, Date, Result)	This item was approved in Closed Session on May 22, 2018.	
<b>Fiscal Impact:</b>		
Is this project budgeted?	Yes ____	No X ____
Cost breakdown between Metro & Muni:	Metro: \$208,000.00 Muni: \$0.00	
Fiscal impact to the Metro JPA:	\$68,640.00	

**Fiscal Impact by Year – Consent Decree Agreement with San Diego Coastkeeper and Coastal Environmental Rights Foundation**

<b>Fiscal Year</b>	<b>Metro Amount per Fiscal Year * (100%)</b>	<b>Funding Duration</b>	<b>JPA Fiscal Impact (33%)</b>
<b>2018</b>	\$128,000.00	Within 45 calendar days from Order issuance, plus 1 <sup>st</sup> year monitoring fees	\$42,240.00
<b>2019</b>	\$20,000.00	2 <sup>nd</sup> year monitoring fees	\$6,600.00
<b>2020</b>	\$20,000.00	3 <sup>rd</sup> year monitoring fees	\$6,600.00
<b>2021</b>	\$20,000.00	4 <sup>th</sup> year monitoring fees	\$6,600.00
<b>2022</b>	\$20,000.00	5 <sup>th</sup> year monitoring fees	\$6,600.00
<b>Total</b>	<b>\$ 208,000.00</b>		<b>\$68,640.00</b>

**\*Metro annual amount reflects the Metro portion (80%) of all fees including the initial settlement agreement fee (\$108,000.00), and annual Plaintiffs' monitoring fees (\$20,000) not to exceed the five years of the agreement. These amounts do not include potential \$1,000 payments for missed reporting deadline as the future dollar amount for this category is unknown.**

**Capital Improvement Program:**

New Project?      Yes   X        No         N/A     
 Existing Project?    Yes         No   X        Upgrade/addition         Change   

**Previous TAC/JPA Action:** None.

**Additional/Future Action:**

Pending City Council approval.

**City Council Action:** Consideration by the full City Council.

**Background:**

The Public Utilities Department and Environmental Services Department will be presenting to City Council for approval of a Resolution authorizing the Mayor, or his designee, to enter into a Consent Decree Agreement with the San Diego Coastkeeper and the Coastal Environmental Rights Foundation, to resolve all claims for the alleged violations of the National Pollutant Discharge Elimination System General Permit for Storm Water Discharge Associated with Industrial Activities, Order No. 2014-0057-DWQ, by the Miramar Landfill, Metro Biosolids Center, North City Water Reclamation Plant, South Bay Water Reclamation Plant, and Point Loma Wastewater Treatment Plant and to pay the following amounts as more fully set for the in the settlement agreement and contingent upon the Federal District Court of Southern California issuing an Order approving the settlement agreement: (i) \$100,000 for Plaintiffs' fees and costs; (ii) \$35,000 to fund environmental project activities that will reduce or mitigate the impacts of storm water pollution from industrial activities in the Southern California Bight and its tributaries (Environmental Project); (iii) monitoring fees capped at up to \$25,000

per year during the settlement term, not to exceed five years; and (iv) stipulated payments of \$1,000 for each missed reporting deadline for the feasibility analyses or Action Plans during the settlement term, in settlement of all of Plaintiffs' claimed violations relating to Order No. 2014-0057-DWQ. The Metro fund will cover 80% of the costs and the Refuse Disposal Enterprise Fund will cover the other 20%.

**Discussion:**

The Miramar Landfill, Metro Biosolids Center, North City Water Reclamation Plant, South Bay Water Reclamation Plant and Point Loma Wastewater Treatment Plant (City Facilities) are industrial facilities that must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ.

In early 2017, San Diego Coastkeeper and the Coastal Environmental Rights Foundation alleged violations of Order No. 2014-0057-DWQ at the City Facilities. City staff and the City Attorney's Office subsequently negotiated a proposed settlement to resolve the matter. In settlement of all of Plaintiffs' claimed violations relating to Order No. 2014-0057-DWQ, the settlement agreement includes the following payments: (i) \$100,000 for Plaintiffs' fees and costs; (ii) \$35,000 to fund environmental project activities that will reduce or mitigate the impacts of storm water pollution from industrial activities in the Southern California Bight and its tributaries (Environmental Project); (iii) monitoring fees capped at up to \$25,000 per year during the five-year settlement term; and (iv) stipulated payments of \$1,000 for each missed reporting deadline for the feasibility analyses or Action Plans during the settlement term.

Payment of the above amounts as fully set forth in the settlement agreement are contingent upon the Federal District Court of Southern California's issuance of an Order approving the settlement agreement. Based upon a mandatory 60-day noticing period and a 45-day federal agency review period of the proposed settlement, the Federal District Court will likely consider the settlement agreement in October 2018.

To comply with the water quality objectives identified in the Consent Decree, structural BMP's are likely. Although these BMP's are currently under evaluation, current high level estimated structural BMP construction costs for all four PUD facilities range from \$5,100,000 to \$7,900,000, with the Metro JPA's portion ranging from \$1,683,000 - \$2,607,000 (see Attachment 1 for a full cost estimate breakdown).

**Bid Results:** N/A

## ESTIMATED STRUCTURAL BMP CONSTRUCTION COSTS FOR PUD FACILITIES

Facility	Estimated Structural BMP Construction Costs (Treatment) <sup>1</sup>	Estimated Structural BMP Construction Costs (Diversion)
PLWTP	\$800,000 - \$1,100,000	\$2,004,000 <sup>2</sup>
SBWRP	\$1,100,000 - \$1,700,000	\$1,292,000 <sup>2</sup>
MBC	\$1,700,000 - \$2,800,000	\$2,475,000 <sup>3</sup>
NCWRP	\$1,500,000 - \$2,300,000	\$1,923,667 <sup>4</sup>
<b>Metro Total</b>	<b>\$5,100,000 - \$7,900,000</b>	<b>\$7,694,667</b>
<b>JPA (33%)</b>	<b>\$1,683,000 - \$2,607,000</b>	<b>\$2,539,240.00</b>

<sup>1</sup> The cost estimates for onsite treatment of storm water were provided by Geosyntec.

<sup>2</sup> The cost estimates for flow diversion to the Headworks at PLWTP and SBWRP were provided by Carollo.

<sup>3</sup> The cost estimates for flow diversion at MBC was provided by PUD.

<sup>4</sup> Feasibility Study for the NCWRP is in progress.

Public Utilities Department

# **Consent Decree with San Diego Coastkeeper and Coastal Environmental Rights Foundation**



# CD w/ SDCK & CERF

## Proposed Action

Inform Metro JPA of City's intent to request approval from City Council to enter into a Consent Decree Agreement (CD) with San Diego Coastkeeper (SDCK) and the Coastal Environmental Rights Foundation (CERF), to resolve all claims for the alleged violations of the NPDES General Permit for Storm Water Discharge Associated with Industrial Activities, Order No. 2014-0057-DWQ.

Five City owned facilities involved, four of which are Metro facilities:

- Point Loma Wastewater Treatment Plant
- South Bay Water Reclamation Plant
- North City Water Reclamation Plant
- Metro Biosolids Center

# CD w/ SDCK & CERF

## Fiscal Impact by Year

For all affected City of San Diego facilities

- \$100,000 for SDCK & CERF fees and costs (within 45 calendar days of Order)
- \$35,000 to fund Environmental Project (within 45 calendar days of Order)
- \$25,000 capped monitoring fees (annually not to exceed five years)

City Total = \$135,000 + (\$25,000 x 5) = \$260,000

Metro Total (4/5) = \$208,000

JPA Total (33%) = \$68,640

# CD w/ SDCK & CERF

## Potential CD Compliance Costs

Structural BMP's are likely.

Current high level estimates (Attachment 1):

- Treatment outside of WWTP = \$5,100,000 - \$7,900,000
- Diversion for treatment through the WWTP = \$7,694,667
  
- Treatment JPA portion = \$1,683,000 - \$2,607,000
- Diversion JPA portion = \$2,539,240



Public  
Utilities

**Questions?**

# Attachment 7

Metro TAC  
Update/Report

**Metro TAC Work Plan  
Active & Pending Items  
June 2018**  
*Updated Items in Red Italics*

Active Items	Description	Member(s)
Muni Transportation Rate Study Working Group	San Diego has hired Carollo Engineers to review the existing transportation rate structure. A work group has been formed to review and give input. First meeting will be in December 2017. Although this is a muni issue it is included on the work plan due to its significance and potential effect on all Metro TAC members. 3/18: Technical consultants to meet with PUD staff and Carollo on 3/22/18 to review model in detail 6/18: JPA technical consultants continue to work with PUD staff on understanding rate calculations	Roberto Yano Dan Brogadir Erin Bullers Mark Niemiec Yazmin Arellano Dexter Wilson Karyn Keese Carmen Kasner SD staff
Point Loma Permit Ad Hoc TAC	Metro Commission/JPA Ad Hoc established 9/17. GOAL: Create regional water reuse plan so that both a new, local, diversified water supply is created AND maximum offload at Point Loma is achieved to support legislation for permanent acceptance of Point Loma as a smaller advanced primary plant. Minimize ultimate Point Loma treatment costs and most effectively spend ratepayer dollars through successful coordination between water and wastewater agencies. 10/17: Group has met several times. Discussions are ongoing. 3/18: Group continues to meet at least monthly. 6/18: Group continues to meet monthly. Outreach subgroup formed.	Jerry Jones Jim Peasley Ed Spriggs Bill Baber Steve Padilla Metro TAC staff & JPA consultants
Pure Water EIR Comment Ad Hoc Sub Committee	Created at September 2017 Metro TAC meeting. Purpose to provide technical review of the Pure Water Program EIR and provide draft comments for Metro TAC/JPA review. 10/17: Dexter Wilson & Carmen Kasner reviewed their comments w/Metro TAC. They will forward comments to Chair Humora & he will forward to San Diego. 3/18: Comments submitted to EIR staff. Response from San Diego does not address all issues. Technical consultants and Ad Hoc working with City staff on issues. 6/18: One lawsuit filed by La Jolla Planning Group against the EIR. San Diego extends JPA tolling agreement for 60 days.	Roberto Yano Dexter Wilson Carmen Kasner Lisa Coburn-Boyd Paula de Sousa Mills
Pure Water Facilities Working Group	This subcommittee was formed by Metro TAC and is a technical group of engineers and supporting financial staff to work with San Diego staff and consultants on cost allocations for proposed Pure Water facilities. This group meets at least monthly. Current projects include North City and MBC expansions. First meeting was 3/24/17. Roberto Yano is the chair. 5/17: Group continues to meet monthly with PUD and PWP consultants. Reviewed and accepted cost allocation for MBC. 7/17: Facilities WG has submitted their comments to the City of SD on the 30% design of the North City Expansion Project. They are working cooperatively with PUD staff and consultants in the review of the design and their comments. 9/17: Positive progress, reviewed Construction package 1 and 3 and provided comments 10/17: Continued work w/SD on cost allocation of major PWP facilities. Projected draft cost allocation document in November/December 2017. 3/18: Working group have reviewed all four construction design packages and has turned in comments & questions to PUD staff. Work on cost allocation continues. 6/18: Continued review of designs & questions.	Yazmin Arellano Dan Brogadir Steve Beppler Al Lau Scott Tulloch Dexter Wilson Roberto Yano SD staff & consultants

**Metro TAC Work Plan  
Active & Pending Items  
June 2018**  
*Updated Items in Red Italics*

Active Items	Description	Member(s)
Sample Rejection Protocol Working Group	7/16: The sample rejection protocol from the B&C 2013 report has been under discussion between PUD staff and Metro TAC. A working group was formed to deal with this highly technical issue and prepare draft recommendations on any changes to current sampling procedures. The existing protocol is to be used through FY17. If changes are approved to the protocol they will be implemented in FY18. 1/17: Work group continues to meet monthly. 6/17: Working Group has complete their review. Three work items to be brought forward at June Metro TAC and during the next fiscal year quarter: 1) Edgar Patino will write memo to support decisions of working group. 2) PUD financial staff to provide workshop for PAs during next fiscal year quarter to go over strength based billing and how to understand sampling data and quarterly billings. Training session to be videotaped and uploaded to the JPA website 3) Dexter Wilson to provide draft protocol on how to read and validate quarterly billings. March 2018: PUD staff has prepared the draft memo and has distributed it to the working group 6/18: Memo presented to TAC and accepted as Protocol #3. Only remaining task is SBB training session.	Dennis Davies Dan Brogadir Al Lau Dexter Wilson Erin Bullers SD staff
PLWTP Permit Ad Hoc Working Group	1/17: Greg Humora and Scott Tulloch continue to meet with stakeholders. . Milestones are included in each month Metro TAC and Commission agenda packet.	Greg Humora Scott Tulloch SD staff & consultants Enviro members
Flow Commitment Working Group	6/16: Upon the request of Metro Com Chair Jim Peasley Chairman Humora created a working group to review the Flow Commitment section of the Regional Agreement and make recommendations on the fiscal responsibilities of members who might withdraw their flow from the Metro System. The Work Group held their first meeting June 24, 2016. Yazmin Arellano chairs the work group. 1/17: Work group continues to meet monthly. 4/17: Group has prepared draft RFP to hire engineering consultant to update Pt. Loma capacities. 7/17: Working Group is waiting for additional data from PUD staff and is finalizing the scope and selection of a consultant for the Pt. Loma Cost Capacity Study 10/17: Metro System Sewage Generated Flow projections worksheet handed out. Copy attached. 3/18: Working group continues to meet monthly; presentation made at March Metro TAC meeting. Agencies to review draft capacity numbers and provide comments by April Metro TAC meeting. 6/18: New capacity numbers developed and incorporated into draft Amendment.	Yazmin Arellano Roberto Yano Erin Bullers Eric Minicilli Al Lau Dexter Wilson Karyn Keese SD staff

**Metro TAC Work Plan  
Active & Pending Items  
June 2018**  
*Updated Items in Red Italics*

Active Items	Description	Member(s)
Secondary Equivalency	5/14: Definition of secondary equivalency for Point Loma agreed to be enviros 12/14: Cooperative agreement signed between San Diego and enviros to work together to pass legislation for secondary equivalency (until 8/1/19) San Diego indicated that passage of Federal legislation is not possible under the current political environment. San Diego is exploring options for State legislation 9/15: Letter received from EPA endorsing modified permit for Point Loma 6/16: Pursuit of Federal Legislation will be held off until after the November 2016 election. City of San Diego to consult with DC lobbyists on 2/4/17 6/17: Mayor Faulconer to meet with EPA Washington re: proceeding with Admin Fix. JPA to send letter stating that they do not support Admin Fix and request pursuit of permanent legislation instead. 10/17: SD is pursuing both Admin Fix and Secondary Equivalency legislation in Washington; Ad Hoc to monitor efforts. Updates to be provided by SD staff/consultants at each Metro Commission meeting.	Greg Humora Scott Tulloch
Pure Water Program Cost Allocation Working Group	A working group was formed to discuss Pure Water program cost allocation policies. 9/16: Concepts to be refined by Metro TAC and San Diego staff for presentation to Commission 1/17: 4/17: This group is currently being supported on a technical level by the Pure Water Facilities Subcommittee. 7/17: Working group is reviewing full PWP components list with PUD staff. 3/18: Cost allocation continues. Phase I cost allocation to be set based on outcome of bids for 13 PWP construction packages due to be bid in the fall of 2018. 6/18: Award of blanket contract approval by San Diego City Council moved to 10/2/18.	Greg Humora Scott Tulloch Roberto Yano Karyn Keese SD staff & consultants
Pure Water Program Cost Allocation Metro TAC Working Group	5/14: Draft facility plan and cost allocation table provided to Metro TAC working group 3/15: Draft cost allocation presentation provided to Metro TAC	Greg Humora Scott Tulloch Rick Hopkins Roberto Yano Al Lau Bob Kennedy Karyn Keese
Exhibit E Audit	6/16: FY 2013 audit accepted by Metro Commission; 9/16: FYE 2014 audit accepted by Metro Commission. FYE 2015 audit report to be issued by end of 2016 and then all audits will be caught up. 1/17: FYE 2015 to be issued in February 2017. FYE 2016 fieldwork is underway with anticipated draft 7/17. 3/17: FYE 2015 audit report issued. Acceptance pending resolution of PWP cost allocation for cost incurred in that fiscal year. 5/17: FYE 2015 audit to move forward as requested costs have been received. FYE 2016 audit field work complete. 6/17: FYE 2015 audit accepted by JPA with assurances that once the PWP cost allocation is complete and approved by all parties that incurred costs will be adjusted as necessary to approved split of shared costs between water and wastewater. FYE 2016 audit field work complete. Completion anticipated in October 2017. 10/17: FYE 2017 Exhibit E Audit has begun. 3/18: FYE 2016 audit completion date moved to 4/18. FYE 2017 preliminary draft number prior to fieldwork is showing an increase from \$65 million PA share to \$70 million. 6/18: Exhibit E 2016 audit completion projected to be 7/18.	Karyn Keese Karen Jassoy



**Metro TAC Work Plan  
Active & Pending Items  
June 2018**  
*Updated Items in Red Italics*

Active Items	Description	Member(s)
Amend Regional Wastewater Disposal Agreement	The addition of Pure Water facilities and costs will likely require the amendment of the 1998 Regional Wastewater Disposal Agreement. The Padre Dam billing errors have led to a need to either amend the Agreement and/or develop administrative protocols to help resolve potential future billing errors. After Pure Water cost allocation had been agreed to this effort will begin.	Greg Humora Roberto Yano Dan Brogadir Karyn Keese Paula de Sousa Mills
Debt Allocation Working Group	3/18: Working group has been preparing an MOU and draft Amendment to the Regional Disposal Agreement to incorporate cost allocation "deal points" into a formal document. Draft MOU and Agreement has been reviewed by Ad Hoc and will go to Metro TAC at their March meeting. 6/18: Draft amendment is still under negotiation with San Diego staff. 5/14/18 version presented to Metro TAC and JPA/Commission.	Greg Humora Roberto Yano Scott Tulloch Dexter Wilson Karyn Keese Paula de Sousa Mills Nicholas Norvell
IRWMP	8/15 RAC minutes included in August Metro TAC agenda. Padre Dam received a \$6 million grant for their project. 9/16: June 2, 2016 and August 3, 2016 minutes presented to Metro TAC. 12/16: Roberto Yano and Yazmin Arellano appointed to IRWMP. 5/17: Roberto Yano providing monthly updates as well as grant funding opportunities 6/17: Robert Yano urged Metro TAC members to visit the IRWMP website to keep on top of funding opportunities: <a href="http://www.sdirwmp.org">http://www.sdirwmp.org</a> ; Yazmin to attend June meeting. 10/17: Roberto Yano requested comments from TAC on storm water presentation to be provided to IRWMP 10/17: Yazmin gave update on Prop 1 and other funding sources. Members should monitor funding opportunities at: <a href="http://www.sdirwmp.org">http://www.sdirwmp.org</a>	Roberto Yano Yazmin Arellano
Strength Based Billing Evaluation	San Diego will hire a consultant every three years to audit the Metro metered system to insure against billing errors.	Al Lau Dan Brogadir Karyn Keese
Changes in water legislation	Metro TAC and the Board should monitor and report on proposed and new legislation or changes in existing legislation that impact wastewater conveyance, treatment, and disposal, including recycled water issues	Paula de Sousa Mills

# Metro TAC Participating Agencies Selection Panel Rotation

Agency	Representative	Selection Panel	Date Assigned
County of San Diego	Dan Brogadir	As-Needed Condition Assessment Contract	3/24/2015
Chula Vista	Roberto Yano	Out on Leave	6/10/15
La Mesa	Greg Humora	North City to San Vicente Advanced Water Purification Conveyance System	6/10/15
Poway	Mike Obermiller	Real Property Appraisal, Acquisition, and Relocation Assistance for the Public Utilities Department	11/30/15
El Cajon	Dennis Davies	PURE WATER RFP for Engineering Design Services	12/22/15
Lemon Grove	Mike James	PURE WATER RFP Engineering services to design the North City Water reclamation Plant and Influence conveyance project	03/16/15
National City	Kuna Muthusamy	Passes	04/04/2016
Coronado	Ed Walton	As-Needed Environmental Services - 2 Contracts	04/04/2016
Otay Water District	Bob Kennedy	As Needed Engineering Services Contract 1 & 2	04/11/2016
Del Mar	Eric Minicilli	Pure Water North City Public Art Project	08/05/2016
Padre Dam	Al Lau	Biosolids/Cogeneration Facility solicitation for Pure Water	08/24/2016
County of San Diego	Dan Brogadir	Pure Water North City Public Art Project	08/10/2016
Chula Vista	Roberto Yano	Design Metropolitan Biosolids Center (MBC) Improvements Pure Water Program	9/10/2016
La Mesa	Greg Humora	Design of Metropolitan Biosolids Center (MBC) Improvements	9/22/16
Poway	Mike Obermiller	Electrodialysis Reversal (EDR) System Maintenance	12/7/16
El Cajon	Dennis Davies	As-Needed Construction Management Services for Pure Water	3/13/17
Lemon Grove	Mike James	Morena Pipeline, Morena Pump Station, Pure Water Pipeline and Dechlorination Facility, and the Subaqueous Pipeline	8/7/17
National City	Vacant	North City and Miramar Energy Project Landfill Gas and Generation- Pass	1/31/2018
Coronado	Ed Walton	North City and Miramar Energy Project Landfill Gas and Generation	1/31/2018
Otay Water District	Bob Kennedy	As Needed Engineering Services - Contracts 3 and 4 (H187008 & H187009)	2/16/2018
Del Mar	Joe Bride	Request for Proposal Owner Controlled Insurance Program (OCIP) Pure Water – 1 <sup>st</sup> email sent on 5/23/18 & 2 <sup>nd</sup> email sent on 5/29/18	5/23/18
Padre Dam	Al Lau	Request for Proposal Owner Controlled Insurance Program (OCIP) Pure Water (Mark Niemiec will participate)	5/31/18
County of San Diego	Dan Brogadir		

Chula Vista	Frank Rivera		
Imperial Beach	Eric Minicilli		
La Mesa	Greg Humora		
Poway	Mike Obermiller		
El Cajon	Dennis Davies		
Lemon Grove	Mike James		
National City	Roberto Yano		
Coronado	Ed Walton		
Otay Water District	Bob Kennedy		
Del Mar	Joe Bride		
Padre Dam	Al Lau		
County of San Diego	Dan Brogadir		
Chula Vista	Frank Rivera		
Imperial Beach	Eric Minicilli		
La Mesa	Greg Humora		
Poway	Mike Obermiller		
El Cajon	Dennis Davies		
Lemon Grove	Mike James		
National City	Roberto Yano		
Coronado	Ed Walton		
Otay Water District	Bob Kennedy		
Del Mar	Joe Bride		
Padre Dam	Al Lau		
County of San Diego	Dan Brogadir		
Chula Vista	Frank Rivera		
Imperial Beach	Eric Minicilli		
La Mesa	Greg Humora		
Poway	Mike Obermiller		
El Cajon	Dennis Davies		
Lemon Grove	Mike James		
National City	Roberto Yano		
Coronado	Ed Walton		

**Sewer Rate Comparison for Metro Participating Agencies**  
**Single Family Monthly Rates Based on 7 HCF of Water Usage**  
**Effective July 1, 2018 for FY 2019**

