

CROCKETT SANITARY COMMISSION

MINUTES OF REGULAR MEETING, OCTOBER 17, 2018

1. CALL TO ORDER: The meeting was called to order at 7:00 PM by Chairperson Adams.

Present were Commissioners Bartlebaugh, Wais and Wolthuis, along with General Manager McDonald and Assistant Dept. Manager Barnhill. Asst. Secretary Witschi was absent. Commissioner Manzione arrived at 7:03.

2. AGENDA ORDER: There were no requests to change the agenda order.

3. PUBLIC COMMENTS: None

4.a. PUBLIC HEARING NON-CONFORMING CONDITION: Mr. McDonald reported a common lateral, considered a non-conforming condition, serves the properties 1134 First Avenue and 1138 First Avenue. Both owners are aware of the requirement to separate the common lateral but the upper property owner at 1138 First Avenue is on a fixed income and it would be difficult if not impossible to replace the sewer lateral at this time. Mr. McDonald said District Code requires that the common lateral be separated as soon as possible but it does not define what the timeline should be. Ms. Wais asked if an Access & Repair Agreement could be an option for Ms. Sanchez. Mr. McDonald said it has not been offered because in discussing the problem with the owner he sensed that even having the cost of a new lateral split into three annual property tax payments would be a burden. Mr. McDonald said that the sewer lateral was reconnected under emergency condition as it was disconnected in error during the lateral replacement at 1134 First Avenue. A motion to record the Notice of Violations of Non-conforming Condition with both properties as awaiting abatement, suspend any enforcement against 1134 First Avenue, and to direct staff to inform the property owners that the separation of the lateral under permit should be coordinated between the property owners as soon as possible carried unanimously (jw/mw).

4.b. PUBLIC HEARING 342 EDWARDS STREET: Mr. McDonald reported that the sewer lateral serving 342 Edward Street is blocked and appears to have been disconnected. A trickle leak still occurs along the retaining wall at 519 Vallejo Street and the lower property owner continues to wash and disinfect the area as needed while waiting for the owner of 342 Edwards Street to repair her sewer. In this case it may be feasible for the owner to connect to the public sewer to the east of her property rather than re-connecting to a common lateral to the west of her property. Restoring the common lateral which also serves 364 Edward Street would result in a non-conforming condition. The property owner has met with multiple contractors and is working to obtain bids. Mr. Wolthuis asked if we know what our liability might be knowing that there is a sewer leak discharging raw sewage on to a neighboring property. Mr. McDonald said this is a very minor lateral spill located on private property and while he cannot rule out anyone questioning the District for not taking more aggressive enforcement measures he feels the timeline proposed to resolve the problem is defensible. He said owners are working together and the District has required action within two weeks which is similar to prior enforcement action against other property owners. A motion to suspend enforcement through October 30 to allow the property owner to obtain quotes for

repair of their sewer lateral and, if contract for repair has not been submitted by October 30, authorize staff to record the Notice of Violation with the County Recorder's Office carried unanimously (mw/sb).

4.b. PUBLIC HEARING 345 WINSLOW STREET: Mr. McDonald said there is no violation at 345 Winslow Street. During further investigation by staff it was determined that the lateral sewer serving the property heads east and that the smoke that is coming up under the sidewalk on the north side of the property is most likely due to an old abandoned public sewer that was tied into the public sewer to the west of the property. Further investigation will be required by the District to identify and correct this problem but it is clear that it is not an issue for the property owner and therefore no further action will be taken against the property owner.

5. REPORT OF DISTRICT COUNSEL: No report.

6. CONSENT CALENDAR: The consent items were approved unanimously (mw/mm):

- a. Approve Minutes of September 19, 2018.
- b. Receive Status Report on outstanding issues.

7. REPORT OF CONSULTING ENGINEER: None

8. ENFORCEMENT ACTIONS: Mr. McDonald presented the status report on recent enforcement actions. He said staff continues to work on outstanding smoke test violations but due to recent discoveries, such as what happened with the O'Malley property at 345 Winslow, staff has slowed the process and is reviewing smoke test violations to confirm to the best of our ability that it is obvious that the building lateral sewer is the source of the smoke and therefore infiltration.

9. FINANCIAL REPORT: The monthly statement of department finances and report on investments were examined by the Commission. Mr. McDonald pointed out that the Sewer Use Charge Assessment from the county has been received and has been placed in the Advance on Taxes Fund 060. A portion of the assessment will be converted to cash mid December. Mr. Wolthuis asked if the Joint Treatment Plant (JTP) operations and maintenance expense for August was normal. Mr. McDonald said the \$66K was reviewed and is higher than our normal \$50K to \$55K monthly expense. The primary reason for the increase was a capital replacement project done at the JTP as well as a little bit higher than normal disinfectant chemical cost which the department is 100% responsible for. Mr. Manzione asked if there's an ongoing problem at the EQ tank grounds and had a question on the fence repair charge. Mr. McDonald said the fence has been repaired and the \$750 charge was to replace cut fence fabric and extend the fence where the gate was removed. He briefly discussed the problem with scavengers looking for metal on the EQ tank grounds. At some point in the future he suggested adding additional funding to the budget to clean up the property grounds so that the place does not look as abandoned.

10. DISTRICT BOARD ACTIONS: Mr. McDonald reported on the actions taken by the District Board in September. He said no action was taken by the District Board related to Crockett Sanitary Department matters but he wanted to share some highlights of actions taken that affected other departments. He said the Board has authorized donated items stored at Memorial Hall and used for prior yard sale fundraisers to be declared surplus and disposed of. The Board considered a proposal for License Plate Reader (LPR) cameras and chose to not

pursue installing them around town. Much of this discussion last month dealt with the Memorial Hall property and seismic engineering questions.

11.a. STAFF REPORT ON OPERATIONS: Mr. McDonald reported there was no Sanitary Sewer Overflows (SSO's) that occurred in September. Crockett Sanitary Department staff continues site visits to the pump station. Staff responded to an emergency alarm at pump station requiring restart of grinder #2 and influent pump #2 on October 3. West County Wastewater District (WCWD) has been informed of stuck light switch which controls the lights in detritor room. Flow data continues to be collected. Staff has asked V.W. Housen to communicate with Telstar Instruments to obtain recommendations on best way to change flow meters so that adequate hydraulic data may be collected this winter. Undergoing testing of grit at pump station was undertaken to update Republic Services Waste Profile. Alliant Appraisal Services has completed its inspection of the main Crockett Pump Station, Loring Pump Station, Equalization tank, and old office building and garage. New website vendor, Streamline, has been selected and migration to new web site is anticipated to be completed by the end of the year. A question was raised asking if the Nantucket is still behind in their prior year Sewer Use Charge (SUC) payments. Mr. McDonald said they are behind, the last payment being for July, and he plans to follow up with them in December. He said he recently sent the Nantucket their SUC for this fiscal year and unless it is paid by December 1 a penalty will be assessed. At the recent Sewer Summit attended by Mr. Barnhill and Mr. McDonald the State Water Resources Control Board inspector discussed one of the areas that they are focusing enforcement on is Fats Oil and Grease (FOG) programs developed as part of various Districts' Sanitary Sewer Management Plans (SSMP). The review and development of a District's FOG program is currently backlogged. The Nantucket, along with other restaurants, will be a focus of FOG inspections and enforcement. Mr. McDonald said he is hopeful that WCWD may be able to provide inspectors and enforcement for our District under agreement. Mr. McDonald said WCWD is going through staffing changes and is in the process of hiring a new General Manager. WCWD also has their District election coming up in November which may change the make-up of their board. He intends to meet with WCWD management soon after their General Manager is hired to discuss the mutually beneficial relationship and the history that two Districts have. Mr. McDonald said we should continue to expect regulatory changes and enforcement on SSMP items. He feels the Crockett Sanitary Department is in a strong position financially with its reserves to weather any fines that may be imposed but that we should be thinking of ways to manage that risk. Mr. McDonald said he would be looking at larger agencies such as WCWD and/or Central Contra Costa Sanitary District (CCCSO) to continue to supplement and provide operations and maintenance assistance to the District for both the Crockett pump stations and the collection system. There are currently no plans to develop our own operations and maintenance program or hire our own collection and maintenance crew. General Manager McDonald spent approximately 40% of his time towards Crockett Sanitary Department operations and no time on Capital Projects in September. The rest of his time was spent on District business 33%, Recreation 12%, Maintenance 10%, and Port Costa 5%. Assistant Sanitary Department Manager Barnhill spent approximately 65% of his time on Crockett Sanitary Department operations such as collection system maintenance and emergency sewer response and 4% of his time on Capital Projects in September. Time spent on Port Costa issues was 23% and other District business 8%.

11.b. STAFF REPORT ON GOVERNMENTAL MATTERS: Mr. McDonald said staff attended a Sewer Summit in Oakland earlier today. Being able to hear the issues that are going on as they relate to other sanitary district's, discussing the Waste Discharge Requirements (WDR)

that the State is reviewing, and being able to attend a refresher workshop on Sanitary Sewer Overflow (SSO) volume estimations was helpful to staff. He suggested further training may be beneficial to staff and would help protect the district from questions raised on volume estimations. Mr. McDonald said he attended the Contra Costa Special District Association (CCSDA) meeting on Monday October 15. There were two issues discussed which could impact the District. The first dealt with the risk of reallocation of ad-valorem property taxes by the State or County between different districts. The discussion by the presenter leads me to believe that the possibility of this happening to our District or others in the State is extremely small and very unlikely due to the complexity of making it happen. The second issue discussed was a push by some attorneys to get districts to move to “by-district” elections. Those districts with “at-large” elections, such as our District, are being served demand letters to comply with the California Voting Rights Act of 2001 (CVRA) forcing districts to subdivide the community into “by-district” areas so as to make it easier for minority voters to be represented. While our District has not had a problem with minority representation the cost to challenge any demand letter will be high and has been deemed by many districts as not worth the cost. If the district were to receive a demand letter action will be required by the District within 45 days and most likely it would involve moving to “by-district” elections, meaning dividing the population into five equal zones, so that each area within the District could have its own Board Director as their representative. The Port Costa population is so small that it would be included in the eastern Crockett district and therefore it may not even have one Director from Port Costa represented on the Board depending on outcome of the election. There would be a fee of \$30,000 payable to the attorney who issued us the demand letter for their inconvenience of having to enforce CVRA. While this is a Board issue Mr. McDonald felt it was important to brief the Commission as the cost for the flat fee would be split between departments based on population and on budget of which the Crockett Sanitary Department pays the majority share. Mr. McDonald will look for opportunities to share in any cost to perform demographic studies required when needed. Mr. McDonald said he attended a General Manager Roundtable meeting in Oakland on October 5 where various challenges facing sanitary districts were discussed including finding and hiring skilled mid-level skilled operators.

11.c. STAFF ANNOUNCEMENTS: Mr. McDonald said that he will be briefing the Personnel Committee as well as the Board on his intent to focus his efforts on the Crockett Sanitary Department during the wet weather winter months. He expects other departments will feel the impact of this change in resource allocation.

12.a. WASTEWATER COMMITTEE REPORT: None

12.b. BUDGET & FINANCE COMMITTEE REPORT: None

12.c. AD HOC COMMITTEES REPORT: None

12.d. INTER-AGENCY MEETINGS: Previously reported under manager staff reports.

13. FUTURE AGENDA ITEMS:

Election of officers (Dec.).

Annual report on sewer inspection program (Jan.).

Annual report on sewer repair/replacement program (Jan.).

Committee appointments (Jan.).

Mid-year budget report (Jan.).

Lateral repair bids.
Consider comprehensive rehabilitation program.
Recommend award of contract(s)
Recommend payment for sewer project(s).

14. COMMISSIONER COMMENTS: Commissioner Weiss said there will be a ceremony held at the Crockett Memorial Hall on Veteran's Day, Sunday November 11, 2018 marking the 100th anniversary of the end of World War 1.

15. ADJOURNMENT: The meeting was adjourned at 8:02 PM until November 14, 2018. Mr. McDonald said he will be on vacation but that Mr. Barnhill will attend the meeting on behalf of the Crockett Sanitary Department.

Respectfully submitted,

Dale McDonald

Dale McDonald
October 18, 2018