



**REGULAR MEETING
 OF THE BOARD OF DIRECTORS
 OF THE LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY**

Wednesday, February 19, 2025 6:00 p.m.

**Dublin San Ramon Services District Board Room
 7051 Dublin Boulevard
 Dublin, California**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Oath of Office for Newly Appointed Board Member**
 (Newly appointed Board member, Steven Dunbar, of the City of Livermore to take Oath of Office.)
- 5. Order of Agenda/Acknowledgement of Posting**
 (The agenda may be re-ordered by motion of the Board. The agenda has been posted virtually on the Agency’s website and physically in the display case outside the DSRSD Building, and, as a courtesy when possible, under the circumstances, at Pleasanton City Hall and Livermore City Hall at least 72 hours prior to a regular meeting and 24 hours prior to a special meeting.)
- 6. Public Comment**
 (See text in box below for information on how to observe and submit public comments.)
- 7. Proclamation in Recognition of Mr. Robert Carling**
 (Former LAVWMA Director, Robert Carling, to receive Proclamation of Recognition of his retirement.)
- 8. Consent Calendar**
 (All items on the Consent Calendar will be considered together by one or more action(s) of the Board unless a Board member pulls an item.)
 - 8.a. Board Meeting Minutes for the November 20, 2024 meeting**
 (The Board will consider approving the minutes of November 20, 2024 Board meeting.)
 - 8.b. Board Compensation Ordinance**
 (The Board will consider approving Board Compensation Ordinance No. 2024-01)

Oath
 Page 4

Proclamation
 Pages 5-6

Action

Action
 Pages 7-10

Action
 Pages 11-15

- Information**
Pages 16-23
- 9. Financial Reporting for the Fiscal Year Ending June 30, 2025**
(The Board will review the LAVWMA Treasurer’s Quarterly Report of Cash and Investments for the 2nd Quarter of FY2024-2025, and other financial items for the Fiscal Year ending June 30, 2025.)
- Information**
Pages 24-39
- 10. Energy Management at LAVWMA**
(The Board will receive a presentation on Energy Management for LAVWMA facilities and consider authorizing staff to further pursue energy projects.)
- Action**
Pages 40-43
- 11. Interviews for LAVWMA Board Members – Tri-Valley Purified Water**
(The Board to consider selecting two LAVWMA Board members to participate in interviews.)
- Information**
Pages 44-63
- 12. LAVWMA Quarterly Report of Operations, 2nd Quarter, FY2024-2025**
(The Board will receive a Quarterly Report of Operations, 2nd Quarter, FY2024-2025.)
- Information**
Pages 64-68
- 13. Capital Project Status Report**
(The Board will receive a quarterly report on LAVWMA Capital Projects.)
- Action**
Page 69
- 14. General Manager Authorization to Execute Agreements**
(The Board will consider authorizing the General Manager to execute three agreements.)
- Resolution**
Page 70-73
- 15. Approval Authority for the General Manager**
(The Board will consider approving an increase in the approval authority amount of the General Manager.)
- Information**
Pages 74-89
- 16. Update and Response to Various Legal and Legislative Issues**
(The Board will receive a report regarding proposed legislation and legal developments affecting LAVWMA and its member agencies.)
- Information**
Pages 90-116
- 17. General Manager’s Report**
(The Board will review the General Manager’s Report regarding the operations and maintenance of the Agency and its facilities.)
- Information**
- 18. Matters From/For Board Members**
(Board members may make brief announcements or reports on his or her own activities, pose questions for clarification, and/or request that items be placed on a future agenda. Except as authorized by law, no other discussion or action may be taken.)
- 19. Next Regular Board Meeting, Wednesday, May 21, 2025, 6:00 p.m. at DSRSD**
- 20. Adjournment**

HOW TO SUBMIT PUBLIC COMMENTS:

Written / Read Aloud: Please email your comments to info@lavwma.com, write “Public Comment” in the subject line. In the body of the email, include the agenda item number and title, as well as your comments. If you would like your comment to be read aloud at the meeting (not to exceed three (3) minutes at staff’s cadence), prominently write “Read Aloud at Meeting” at the top of the email. All comments received before 12:00 PM the day of the meeting will be included as an agenda supplement on LAVWMA’s website under the relevant meeting date and provided to the Directors at the meeting. Comments received after this time will be treated as live comments and read into the record.

Live Comments: During the meeting, the Board Chair or designee will announce the opportunity to make public comments. Speakers will be asked to provide their name and city of residence, although providing this is not required for participation. Each speaker will be afforded up to 3 minutes to speak.

ACCESSIBILITY INFORMATION:

Board Meetings are accessible to people with disabilities and others who need assistance. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to observe and/or participate in this meeting and access meeting-related materials should contact Levi Fuller, General Manager, as soon as possible but at least 72 hours before the meeting at (707) 373-7030 or info@lavwma.com. Advanced notification will enable LAVWMA to swiftly resolve such requests to ensure accessibility.

PUBLIC RECORDS:

Public records that relate to any item on the open session agenda for a meeting are available for public inspection. Those records that are distributed after the agenda posting deadline for the meeting are available for public inspection at the same time they are distributed to all or a majority of the members of the Board. The Board has designated LAVWMA's website located at <https://lavwma.com/meetings/> as the place for making those public records available for inspection. The documents may also be obtained by contacting the General Manager.

CEQA NOTICE:

Unless expressly stated otherwise on the agenda (that a negative declaration, mitigated negative declaration, or environmental impact report is being considered), discretionary actions taken on agenda items will include a finding by the Board that the action is exempt under the California Environmental Quality Act (CEQA). More information about the CEQA determination can be found in the corresponding staff report.



OATH

for the Office of

Livermore-Amador Valley Water Management Agency Board of Directors

I, Steven Dunbar, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Signature: _____

Term Expires: _____

Subscribed and sworn before me, this 19th day of February, 2025.

Arun Goel, Board Chair

Levi Fuller, General Manager

ITEM NO. 7 A PROCLAMATION RECOGNIZING ROBERT CARLING FOR HIS FOUR YEARS OF SERVICE TO THE LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY AND HIS CONTRIBUTION TO THE CITY OF LIVERMORE AND TO THE TRI-VALLEY COMMUNITY

Action Requested

It is requested that the Board approve a Proclamation Recognizing Robert Carling for his 4 years of service to the Livermore-Amador Valley Water Management Agency and his Contributions to the City of Livermore and to the Tri-Valley Community.

Summary

Please refer to the attached Proclamation.

Recommendation

Approve a Proclamation Recognizing Robert Carling for his 4 years of service to the Livermore-Amador Valley Water Management Agency and his Contributions to the City of Livermore and the Tri-Valley Community.

Attachment

Proclamation Recognizing Robert Carling

Livermore-Amador Valley Water Management Agency

PROCLAMATION

for

Robert Carling

In Recognition of his Service to the Livermore-Amador Valley Water Management Agency, the City of Livermore, and to the Community

WHEREAS, the Livermore-Amador Valley Water Management Agency (LAVWMA) is a joint powers public agency in the State of California that includes the Dublin San Ramon Services District (DSRSD), the City of Livermore, and the City of Pleasanton; and

WHEREAS, Robert Carling served with great distinction as a valued member of the Board of Directors of the LAVWMA from January 26, 2021 to December 9, 2024, demonstrating unwavering dedication, leadership, and commitment to the mission and values of the Agency;

WHEREAS, Robert Carling served two terms on the City Council of the City of Livermore from November of 2016 through November of 2024. During those eight years Robert Carling served as Vice Mayor for two terms and on various committees;

WHEREAS, throughout his tenure, Robert Carling made significant contributions to the strategic direction, growth, and success of LAVWMA, offering valuable insights and guidance during times of challenge and opportunity;

WHEREAS, Robert Carling’s dedication to LAVWMA and LAVWMA’s staff helped LAVWMA overcome many obstacles, including the emergency repair of the Livermore Effluent Pipeline to LAVWMA, improvements to LAVWMA’s Operating and Capital Improvement Program, protection of the environment in the Tri-Valley community and San Francisco Bay, and effective operation of LAVWMA facilities and LAVWMA’s mission including during a global covid pandemic;

WHEREAS, Robert Carling has always been supportive of LAVWMA staff and their efforts to manage the LAVWMA effluent storage and transport system serving the citizens of the City of Livermore, the City of Pleasanton and the Dublin San Ramon Services District;

WHEREAS, Robert Carling’s leadership has not only advanced our objectives but has also set a high standard for integrity, professionalism, and collaboration among fellow board members and the larger community we serve;

WHEREAS, Robert Carling’s legacy of service and commitment to excellence will continue to inspire all who have had the privilege of working alongside him.

NOW, THEREFORE BE IT PROCLAIMED that the Board of Directors of the Livermore-Amador Valley Water Management Agency, a joint powers public agency in the State of California, does hereby express its deepest gratitude for exemplary service, loyalty, and dedication to

Robert Carling

for his four years of dedicated service to Livermore-Amador Valley Water Management Agency. We wish him the best of health, happiness, and success in all future endeavors.

Adopted unanimously on this 19th day of February, 2025.

Arun Goel, Chair

Jeff Nibert, Vice-Chair


Evan Branning, Director

Julie Testa, Director

Steven Dunbar, Director

Dinesh Govindarao, Director

Levi Fuller, General Manager



Alexandra Barnhill, Legal Counsel

LAVWMA
Livermore-Amador Valley Water Management Agency
DRAFT
Minutes
Regular Meeting of Board of Directors
Wednesday, November 20, 2024
6:00 p.m.

1. Call to Order

Chair Arun Goel called the meeting to order at 6:00 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Roll Call

Board Members Present: Chair Arun Goel, Vice Chair Jeff Nibert and Directors Robert Carling, Dinesh Govindarao, Evan Branning, and Julie Testa.

LAVWMA Staff Present: General Manager/Treasurer Levi Fuller, General Counsel Alexandra Barnhill, Administrative Assistant Sheree Davis, Regional Government Services (RGS) Finance Consultants Tracy Fuller and Nazer Uddin (participated via Zoom).

Member Agency Staff Present: DSRSD Operations Director Dan Gill, Pleasanton Assistant Directors of Public Works Ryan Smith, and Acting Assistant Public Works Director of the City of Livermore, Anthony Smith.

4. Order of Agenda/Acknowledgement of Posting

Item No. 12.5 Consultant Services Agreement to Evaluate Air Entrainment in the LAVWMA Export Pipeline was added to the agenda by motion of the Board. Director Carling –Motion, Vice Chair Nibert –Second

There were no comments from the public. The Motion passed unanimously (6 – 0).

5. Public Comment

There were no comments from the public.

6. Consent Calendar

a. Board Meeting Minutes for the November 20, 2024 meeting

Director Govindarao – Motion, Director Nibert – Second

There were no comments from the public. The Motion passed unanimously (6 – 0).

7. Financial Reporting for the Fiscal Year Ending June 30, 2025

Tracy Fuller of Regional Government Services reviewed the Treasurers Report. Director Govindarao commented on making sure that LAVWMA investments are at and aggressive

mean of an interest rate of at least 4.5%.

Director Nibert commented on making sure LAVWMA investments are relatively aggressive. Tracy Fuller stated the majority of LAVWMA's investments are in CAMP which has an interest rate of 4.82% as of November 20, 2024.

Tracy Fuller will bring two reports to the February 20, 2025 Board Meeting:

- A Report on the reason for LAVWMA receiving fluctuating interest over the past 5 years.
- Modify the Treasurers Report to show YTD projections for expenditures.

Director Nibert pointed out that items in the LAVWMA budget should be adjusted annually by the CPI unless there are reasons to increase or decrease the budgeted amount. For example, the budgeted amount for insurance was the same amount in FY24/25 as it was in FY23/24.

This was an information item only requiring no action by the Board. There were no comments from the public.

8. Acceptance of the Audit Report of the Financial Statements for Fiscal Year Ending June 30, 2024, as prepared by its external auditors, Maze & Associates

David Alvey of Maze and Associates reviewed the audit for FYE June 30, 2024.

Branning – Motion, Carling – Second

There were no comments from the public. The Motion passed unanimously (6 – 0).

9. LAVWMA Quarterly Report of Operations, 1st Quarter, FY2024-2025

The Board reviewed the Quarterly Report of Operations, 1st Quarter, FY024-2025.

Director Testa – LAVWMA should evaluate energy savings options.

Chair Goel – LAVWMA/DSRSD should pursue reimbursement to recover cost of DSRSD staff time and materials associated uncovering and bring to the surface a LAVWMA Manhole cover that was buried by Costco's asphalt contractor.

Director Branning - asked why the YTD cost were below budget for the 1st quarter. GM Fuller explained the first quarter is during low dry season flowing and therefore energy cost track below budget during dry season and over budget during wet months.

This was an information item only requiring no action by the Board. There were no comments from the public

10. Capital Project Status Reports – Livermore Interceptor Pipeline, the San Leandro Sample Station, and the Export Pipeline and Repairs Project

The General Manager updated the Board on the status of all Capital Projects and noted that all capital projects are currently on schedule to complete by June 30, 2025 with the exception of the SLSS Improvements project which has a scheduled completion date of August 30, 2025.

The General Manager noted that the budgeted amount of \$150,000 is only enough budget to overhaul two export pumps and motors, not four as noted in the budget. The General Manager stated that when he does the budget for FY25/26, he will include the budget to overhaul two export pumps and motors.

This was an information item only requiring no action by the Board. There were no comments from the public.

11. Update FY 2024-2025 Budget

(The Board considered adjusting the operating and capital budgets for FYE 2024/25.

After discussion and examination of items the Board Approved adjusting the FY 24/25 budget.

Operating Budget - The LAVWMA Board approved an adjustment to the FY2024-2025 Operating Budget in the amount of \$188,500. This adjustment increases the overall Operating Budget of \$5,108,294 by 3.69%.

- Increase the budget for Regional Government Services from \$92,000 to \$153,000.
- Adding \$30,000 for the procurement and implementation of a Financial Software Package.
- Adding \$97,000 for the procurement and implementation of a Certified and Secure cloud-based document storage system and the copying and storage of LAVWMA Paper documents in this storage system.

Capital Budget - The Board approved an adjustment to the FY 2024-2025 Capital Budget in the amount of \$245,000. This adjustment increases the overall Capital Budget of \$4,470,000 by 5.48%.

General Manager Fuller stated that he would investigate and research LAVWMA's Records and Retention Policy and will create or modify such a policy as required.

There were no comments from the public. The Motion passed unanimously (6 – 0).

12. Board Member Compensation

The Board considered approving Ordinance No. 2024-01 to adjust compensation for LAVWMA Board Members for meeting attendance.

Director Branning requested in order to prevent Director's from receiving dual compensation for meeting attendance Under section C. Official Service:

- Eliminate Item #4 "Attendance at training programs that Board members must take as required by law (e.g. ethics training and sexual harassment prevention training) located in the State of California or webinars.be eliminated from the ordinance."
- Modify Item #5 to read "Attendance by any Director in their official capacity as a member of LAVWMA Board of Directors at meetings, conferences, seminars, educational events, regional meetings, committee meetings, and trainings located in the State of California or webinars of the following agencies and organizations and their committees."

- Director Branning Motioned – Director Carling – Seconded
- Ayes - 5
- Noes - 1 (Director Goel)

There were no comments from the public. The Motion passed (5 – 1).

13. Update on Nutrients to the Bay

The Board received an update on nutrients to the Bay.

This was an information item only requiring no action by the Board. There were no comments from the public.

14. Update and Response to Various Legal and Legislative Issues

The Board received a report regarding proposed legislation and legal developments affecting LAVWMA and its member agencies.

This was an information item only requiring no action by the Board. There were no comments from the public.

15. General Manager’s Report

The Board reviewed the General Manager’s Report regarding the operations and maintenance of the Agency and its facilities.

This was an information item only requiring no action by the Board. There were no comments from the public.

16. Matters From/For Board Members

There were no matters from/for Board members.

17. Next Regular Board Meeting, Wednesday, February 19, 2024 at 6:00 p.m.

The next Board meeting will be held in DSRSD’s Board Room.

18. Adjournment

There being no further action, Chair Goel adjourned the meeting at 7:59 p.m.

Minutes Approved by the Board on February 19, 2024.

Submitted by,

Levi Fuller
General Manager

ORDINANCE NO. 2024-01

**ORDINANCE FOR THE BOARD OF DIRECTORS
OF THE LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
REGARDING BOARD MEMBER COMPENSATION FOR MEETING ATTENDANCE**

WHEREAS, the Livermore-Amador Valley Water Management Agency (“LAVWMA”) is a joint powers agency formed pursuant to the Amended and Restated Joint Exercise of Powers Agreement for the Livermore-Amador Valley Water Management Agency dated July 21, 1997; and

WHEREAS, LAVWMA has regular meetings of its Board of Directors on a quarterly basis; and

WHEREAS, the Chair of the Livermore-Amador Valley Water Management Agency may call special meetings for the Board of Directors when necessary; and

WHEREAS, pursuant to the Joint Exercise of Powers Act, Government Code Section 6502, LAVWMA may jointly exercise any power common to its member agencies; and

WHEREAS, the cities of Pleasanton and Livermore may compensate their officials pursuant to Government Code 36516; and

WHEREAS, Dublin San Ramon Services District may compensate its officials pursuant to the Community Services District Law, Government Code Section 61047 and Water Code 20200 *et seq.*; and

WHEREAS, on November 15, 1979, the LAVWMA Board of Directors opted to exercise the common power to compensate its Directors and adopted Resolution 79-10, which authorized the Directors to be compensated fifty dollars (\$50) per LAVWMA Board meeting; and

WHEREAS, the compensation rate for LAVWMA’s Directors has not been adjusted by LAVWMA in the intervening 45 years; and

WHEREAS, the Board desires to update the policy regarding Director compensation for attendance of meetings; and

WHEREAS, in accordance with Water Code section 20203 and Government Code section 6066, a public hearing was held on November 20, 2024, at 6:00 pm, and a notice of said hearing was duly published in the newspaper once a week for two weeks prior to the public hearing.

NOW THEREFORE, BE IT ORDAINED by the Board of Directors of the Livermore-Amador Valley Water Management Agency, as follows:

SECTION 1. ORDINANCE

(A). Purpose.

Ord. No. 2024-01

This ordinance is enacted for the purpose of establishing compensation for members of the Livermore-Amador Valley Water Management Agency (“LAVWMA”) Board of Directors for service rendered in their official capacity as a Director of LAVWMA.

(B). Compensation.

The daily compensation for all members of the Board of Directors of the Livermore-Amador Valley Water Management Agency shall be two hundred dollars (\$200) for service rendered in their official capacity.

(C). Official Service.

The following activities shall be considered service rendered in an official capacity that is eligible for compensation under this Ordinance:

- 1) Attendance by any Director at a meeting of LAVWMA, whether regular, special, or emergency.
- 2) Attendance by any Director at a committee meeting of LAVWMA.
- 3) Attendance at orientation, educational activities, site visits, trainings, and briefings for Board member(s) organized by LAVWMA staff.
- 4) Attendance by any Director in their official capacity as a LAVWMA Board member at meetings, conferences, seminars, educational events, regional meetings, committee meetings, and trainings located in the State of California or webinars of the following agencies and organizations and their committees:
 - a. East Bay Dischargers Authority (EBDA)
 - b. Alameda or Contra Costa County Board of Supervisors
 - c. Regional Water Quality Control Board (RWQCB)
 - d. Federal Emergency Management Agency (FEMA)
 - e. California Legislature
 - f. League of California Cities (Cal Cities)
 - g. California Special District Association (CSDA)
 - h. Alameda County Special Districts Association (ACSDA)
 - i. California Association of Sanitation Agencies (CASA)
 - j. Bay Area Clean Water Agencies (BACWA)
 - k. Water Education Foundation (WEF)
- 5) All other activities must be approved by the Board and compensation specifically authorized in order to be considered service rendered in an official capacity that is eligible for compensation under this Ordinance.

(D). Number of Days

- 1) The number of days for which the Directors of LAVWMA may receive compensation shall not exceed six (6) days per calendar month, combined between attendance at meetings of the LAVWMA Board, committee meetings, or other service in their official capacity as a Director of LAVWMA.
- 2) Compensation for days of travel will only be provided if such travel days are reasonably necessary to attend the meeting or activity. Travel days are considered reasonably necessary if attendance at the meeting or activity would require travel outside the hours of 7:00 a.m. to 8:00 p.m. on the actual beginning or ending days of the activity. Unless specifically approved by the Board, a Director will not be eligible for compensation for more than any one travel day before the beginning, nor more than any one travel day after the end of the activity attended, respectively.

(E). Payment

The Livermore-Amador Valley Water Management Agency shall pay all Board members per day for service rendered in their official capacity as a Director of LAVWMA.

SECTION 2. PUBLICATION

This Ordinance shall be published once within thirty (30) days after adoption in a newspaper of general circulation printed, published, and circulated in LAVWMA’s jurisdiction.

SECTION 3. EFFECTIVE DATE

Pursuant to Water Code 20204, this Ordinance shall become effective 60 days from the date of its approval, which shall be April 20, 2025.

SECTION 4. PETITION TO PROTEST

As required by Water Code Section 20204, if a written petition protesting the adoption of this Ordinance is presented to the Board of Directors by April 20, 2025, this ordinance shall be suspended, and the Board of Directors of LAVWMA shall reconsider this Ordinance.

SECTION 5. REPEAL AND AMENDMENT


This Ordinance supersedes all prior policies on compensation for meeting attendance, including, but not limited, to Resolution 79-10. This Ordinance may be repealed or amended at any time in the future by a majority vote of the Board of Directors of LAVWMA.

SECTION 6. SEVERABILITY


If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. This Board declares that it would have adopted this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED this 19th day of February, 2025.

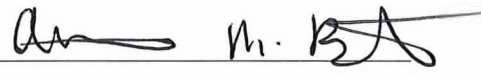
LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY

By: 
Arun Goel, Chair

ATTEST:

By: 
Levi Fuller, Jr., General Manager

APPROVED AS TO FORM:


General Counsel

Ord. No. 2024-01

I, Levi Fuller, Board Clerk of LAVWMA, certify Ordinance No. 2024-01 was introduced to the Board at a meeting held on November 20, 2024, and subsequently passed and adopted by the Board at a regular meeting held on February 19, 2025 by the following vote:

AYES: 5
NOES: 1
ABSENT:
ABSTAIN:


Board Clerk

ITEM NO. 9 FINANCIAL REPORTING, 2nd QUARTER, FY 2024-2025**Action Requested**

None at this time. This is an information item only.

Summary

Attached are the Treasurer's Quarterly Reports of Operations for the 2nd Fiscal Quarter of FY 2024-2025. Figures for the six-month period from July 1, 2024, through December 31, 2024, seen in Attachments A and B are preliminary and subject to change because the period is still open for recordation of accruable items, and it has not been audited.

Budgets in Attachments A and B reflect budget appropriations approved by the Board on November 20, 2024, of \$188,500 for Operations and \$245,000 for Repair & Replacement Activity.

The Treasurer's Report in Attachment D reflects the addition of a new banking relationship with Chase Bank. This relationship was established to allow LAVWMA to pay vendors directly. These direct payments are expected to be limited to vendors paid within the General Management group of budgets. Repair and Replacement vendors are still being paid by DSRSD directly, and this isn't expected to change in the near future, as DSRSD engineering and operations staff still receive, review, and discuss these invoices with LAVWMA's General Manager prior to payment. Those payments are passed through to LAVWMA on DSRSD's aggregate monthly invoice to LAVWMA.

Attachments

Operations and Maintenance Fund Budget vs. Actual – Attachment A

Capital Improvement Projects Budgets vs. Actuals – Attachment B

Treasurer's Portfolio Summary Report – Attachment C

(Shows LAVWMA's available cash balances by banking institution.)

Treasurer's Quarterly Report of Financial Activity – Attachment D

(Shows reconciliation of LAVWMA's cash balances between its accounting records and its banks' records.)

General Management Quarterly Expenses Listing by Effective Date – Attachment E

General Management Quarterly Expenses Listing by Vendor – Attachment F

History of Interest Earnings - Attachment G

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY

Operations and Maintenance - Budget vs Actual

July - December of the 2024-2025 Fiscal Year

	July 2023 - December 2023 PREVIOUS FISCAL YEAR FOR COMPARISON				July 2024 - December 2024 CURRENT FISCAL YEAR			
	ANNUAL BUDGET	YEAR TO	DOLLAR VARIANCE	ACTUAL AS A	ANNUAL BUDGET	YEAR TO	DOLLAR VARIANCE	ACTUAL AS A
		DATE ACTUALS		PERCENTAGE OF BUDGET		DATE ACTUALS		PERCENTAGE OF BUDGET
OPERATING REVENUES								
Service charges - DSRSD	\$ 1,468,671	\$ 1,468,671	\$ (0)	100%	\$ 1,544,597	\$ 1,544,597	\$ 0	100%
Service charges - City of Pleasanton	1,787,852	1,787,852	0	100%	1,894,367	1,894,367	-	100%
Service charges - City of Livermore	1,576,473	1,576,473	-	100%	1,669,330	1,669,330	0	100%
Service charges - Reconciled	-	906,506	906,506	0%	-	183,737	183,737	0%
Total operating revenues	4,832,996	5,739,502	906,506	119%	5,108,294	5,292,031	183,737	104%
OPERATING EXPENDITURES								
Power	1,884,500	713,944	(1,170,556)	38%	2,065,755	762,180	(1,303,575)	37%
LAVWMA share of EBDA O&M - Fixed	740,901	412,403	(328,498)	56%	742,098	437,225 (2)	(304,873)	59%
LAVWMA share of EBDA O&M - Variable	243,378	136,868	(106,510)	56%	266,042	137,755 (2)	(128,287)	52%
Operations agreement	1,451,650	534,834	(916,816)	37%	1,442,894	592,058	(850,836)	41%
Professional services	355,564	203,423	(152,141)	57%	623,000	228,061	(394,939)	37%
City of Livermore sole use O&M	25,000	12,819	(12,181)	51%	25,000	20,567	(4,433)	82%
Insurance	106,620	141,646	35,027	133%	106,620	141,217	34,597	132%
Permits	25,384	-	(25,384)	0%	25,385	-	(25,385)	0%
Repairs and Maintenance	-	-	-	0%	-	-	-	0%
Miscellaneous	-	671	671	0%	-	1,708	1,708	0%
Total operating expenses	4,832,996	2,156,607	(2,676,389)	45%	5,296,794	2,320,771	(2,976,023)	44%
Operating income (loss)	(0)	3,582,895	(3,582,896)		(188,500)	2,971,260	(3,159,760)	
NON-OPERATING REVENUE (EXPENSE)								
Amortization/Depreciation	-	-	-	0%	-	-	-	0%
EBDA Debt	-	-	-	0%	-	-	-	0%
Interest Income	-	38,632	(38,632)	0%	-	19,884	(19,884)	0%
Total non-operating revenue (expense)	-	38,632	(38,632)	0%	-	19,884	(19,884)	0%
Net Income	\$ (0)	\$ 3,621,527	\$ (3,621,528)		\$ (188,500)	\$ 2,991,144	\$ (3,179,644)	

(2) Details see GM approved invoices tab.

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
 Repair and Replacement Activity - Budget vs Actual
 July - December of the 2024-2025 Fiscal Year

ANNUAL BUDGET vs YEAR-TO-DATE ACTUAL REVENUES AND EXPENDITURES BY FUND															
2021 Debt Service	Joint-Use Repair & Replacement			Dual-Use Repair & Replacement			Sole-Use Repair & Replacement			Total					
	ACTUAL AS A		PERCENTAGE OF BUDGET	ACTUAL AS A		PERCENTAGE OF BUDGET	ACTUAL AS A		PERCENTAGE OF BUDGET	ACTUAL AS A		PERCENTAGE OF BUDGET			
	BUDGET	Y-T-D ACTUAL		BUDGET	Y-T-D ACTUAL		BUDGET	Y-T-D ACTUAL		BUDGET	Y-T-D ACTUAL		BUDGET	Y-T-D ACTUAL	
REPAIR & REPLACEMENT REVENUES															
Service charges - DSRSD	\$2,586,629	\$2,585,385	100%	\$ 139,800	\$ 139,800	100%	\$ -	\$ -	0%	\$ -	\$ -	0%	\$2,726,429	\$2,725,185	100%
Service charges - City of Pleasanton	2,212,802	2,211,738	100%	139,800	139,800	100%	-	-	0%	-	-	0%	\$2,352,602	\$2,351,538	100%
Service charges - City of Livermore	1,850,668	1,849,778	100%	120,400	120,400	100%	-	-	0%	-	-	0%	\$1,971,068	\$1,970,178	100%
Service- Due from members- City of Livermore	-	-	0%	-	-	0%	-	-	0%	-	-	0%	\$ -	\$ -	0%
Subtotal service charges	6,650,100	6,646,900	100%	400,000	400,000	100%	-	-	0%	-	-	0%	\$7,050,100	\$7,046,900	100%
OTHER REVENUES															
Interest income	-	2,578	0%	-	312,632	0%	-	5,265	0%	-	31,567	0%	\$ -	\$ 352,041	0%
Other income	-	-	0%	-	-	0%	-	-	0%	-	4,324	0%	\$ -	\$ 4,324	0%
Total Repair & Replacement Revenues	6,650,100	6,649,478	100%	400,000	712,632	178%	-	5,265	0%	-	35,891	0%	\$7,050,100	\$7,403,265	105%
REPAIR & REPLACEMENT EXPENDITURES															
Non-routine Repair	-	-	0%	645,000	264,774	41%	-	-	0%	-	55,460	0%	\$ 645,000	\$ 320,234	50%
Principal Bond Payments	4,925,000	4,925,000	100%	-	-	0%	-	-	0%	-	-	0%	\$4,925,000	\$4,925,000	100%
Interest Bond Payments	1,721,900	910,199	53%	-	-	0%	-	-	0%	-	-	0%	\$1,721,900	\$ 910,199	53%
Miscellaneous	-	540	0%	-	(139)	0%	-	137	0%	-	-	0%	\$ -	\$ 538	0%
Total Repair & Replacement Expenditures	6,646,900	5,835,739	88%	645,000	264,635	41%	-	137	0%	-	55,460	0%	\$7,291,900	\$6,155,971	84%
Net Cash Flow	\$ 3,200	\$ 813,738	25429%	\$ (245,000)	\$ 447,996	-183%	\$ -	\$ 5,128	0%	\$ -	\$ (19,569)	0%	\$ (241,800)	\$1,247,294	-516%

Percentage of Budget will display as 0% if no budget was established.

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
Treasurer's Report
Portfolio Summary
 December 31, 2024

Cash and Investments	Par Value	Market Value	Book Value	% of Portfolio	Rate as of 12/31/2024	Credit Rating
Bank of America	\$ 19,933	\$ 19,933	\$ 19,933	0%	2.36%	N/A
Chase Bank	\$ 205,072	\$ 205,072	\$ 205,072	2%	0.00%	N/A
California Asset Management Program	\$ 12,077,962	\$ 12,077,962	\$ 12,077,962	91%	4.73%	N/A
Local Agency Investment Fund	\$ 955,839	\$ 955,839	\$ 955,839	7%	4.51%	N/A
	\$ 13,258,805	\$ 13,258,805	\$ 13,258,805	100%		

I certify that this report reflects all Government Agency pooled investments and is in conformity with the investment policy of Livermore-Amador Valley Water Management Agency.

The investment program herein shown provides sufficient cash flow liquidity to meet the next six month's expenses.

Levi Fuller

Approver

02/13/2025

Date

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
 TREASURER'S REPORT
 As of 12/31/2024

	Bank of America and Chase Bank	Bank of America	Chase Bank
Beginning Balances 10/1/2024	\$43,376	\$43,376	\$0
RECEIPTS / TRANSFERS IN:			
Receipts	\$4,324	\$4,324	
Transfers from BofA Checking Account	\$250,000		\$250,000
Transfers from CAMP Investment Account	\$1,408,933	\$1,408,933	
Transfers from LAIF Investment Account	\$250,000	\$250,000	
Interest Earned	\$313	\$313	
	<u>\$1,913,570</u>	<u>\$1,663,570</u>	<u>\$250,000</u>
DISBURSEMENTS / TRANSFERS OUT:			
Disbursements to Vendors	\$1,481,354	\$1,436,441	\$44,913
Transfer to Chase Bank	\$250,000	\$250,000	
Transfer to CAMP Investment Acct			
Bank Fees	\$587	\$572	\$15
	<u>\$1,731,942</u>	<u>\$1,687,013</u>	<u>\$44,928</u>
Net Cash Flow	\$181,628	<u>(\$23,443)</u>	<u>\$205,072</u>
Balances Per Bank Statements 12/31/2024	\$225,005	\$19,933	\$205,072
Outstanding Wires			
Deposit in Transit	\$0	\$0	\$0
Balance Per Books 12/31/2024	\$225,005	\$19,933	\$205,072

CASH & INVESTMENT SUMMARY Per BOOKS:

Bank of America Checking	\$19,933
Chase Bank Checking	\$205,072
California Asset Management Program (CAMP)	\$12,077,962
Local Agency Investment Fund (LAIF)	\$955,839
TOTAL LIQUIDY BALANCE PER BOOKS	<u>\$13,258,805</u>

CASH & INVESTMENT SUMMARY Per INSTITUTIONS:

Bank of America Checking	\$19,933
Chase Bank Checking	\$205,072
California Asset Management Program (CAMP)	\$12,077,962
Local Agency Investment Fund (LAIF)	\$955,839
Outstanding Transactions	\$0
TOTAL LIQUIDY BALANCE PER INSTITUTIONS	<u>\$13,258,805</u>

I certify that this report reflects all Government Agency pooled investments and is in conformity with the investment policy of Livermore-Amador Valley Water Management Agency.

The investment program herein shown provides sufficient cash flow liquidity to meet the next six month's expenses.

Levi Fuller
 Approver

02/13/2025
 Date

Item No. 9 - Attach E

Livermore-Amador Valley Water Management Agency
General Management Quarterly Expenses By Effective Date (Traditional Sort)
October 2024 - December 2024

DSRSD				
EFFECTIVE	CHECK			
DATE	NUMBER	VENDOR NAME	ITEM DESCRIPTION	AMOUNT
10/08/2024	206760	LEVI FULLER JR.	LAVWMA Management Services - September 2024	\$11,610.59
10/08/2024	206916	JARVIS FAY LLP	General Counsel Services - September 2024	\$9,869.00
10/08/2024	206916	JARVIS FAY LLP	General Counsel Services - September 2024 Livermore Interceptor Pipe	\$328.50
10/08/2024	206929	REGIONAL GOVERNMENT SERVICES AUTHORITY	09/24 Management & Administrative Services	\$6,613.44
10/08/2024	207025	CSDA	CSDA Membership Renewal-LAVWMA	\$2,064.00
11/01/2024	207043	REGIONAL GOVERNMENT SERVICES AUTHORITY	10/24 Management & Administrative Services	\$21,535.52
11/01/2024	207063	LEVI FULLER JR.	LAVWMA Management Services - October 2024	\$14,579.71
11/01/2024	207096	COMPUTER COURAGE INC.	Website Maintenance Support	\$75.00
11/01/2024	207110	JARVIS FAY LLP	General Counsel Services - October 2024	\$5,574.50
11/01/2024	207118	MAZE & ASSOCIATES	FY2024 Audit Services - October 2024	\$4,456.00
11/01/2024	207162	ROBERT CARLING	Board Meeting Attendance - 11/20/2024	\$50.00
11/01/2024	207168	EVAN BRANNING	Board Meeting Attendance - 11/20/2024	\$50.00
11/01/2024	207172	JEFF NIBERT	Board Meeting Attendance - 11/20/2024	\$50.00
11/01/2024	207178	JULIE TESTA	Board Meeting Attendance - 11/20/2024	\$50.00
				<u>\$76,906.26</u>

LAVWMA				
CHECK	PAYMENT			
DATE	METHOD	VENDOR NAME	ITEM DESCRIPTION	AMOUNT
12/23/2024	Bank Check	KERMANI CONSULTING GROUP	FEMA Consulting Services for Livermore Pipeline	\$4,982.50
12/23/2024	Bank Check	FULLER MANAGEMENT & PROCESS OPS SERVICES	Management Services - November 2024	\$12,174.35
12/23/2024	Bank Check	REGIONAL GOVERNMENT SERVICES	12/24 Management & Administrative Services	\$16,894.58
12/23/2024	Bank Check	COMPUTER COURAGE	Website Hosting	\$1,200.00
12/23/2024	Bank Check	JARVIS FAY LLP	General Counsel Services - November 2024	\$8,478.00
12/23/2024	Bank Check	MAZE & ASSOCIATES	FY2024 Audit Services - November 2024	\$1,184.00
				<u>\$44,913.43</u>

TOTAL \$121,819.69

Item No. 9 - Attach F

Livermore-Amador Valley Water Management Agency
General Management Quarterly Expenses By Vendor (New Sort)
October 2024 - December 2024

EFFECTIVE DATE	CHECK NUMBER	VENDOR NAME	ITEM DESCRIPTION	AMOUNT
11/01/2024	207096	COMPUTER COURAGE INC.	Website Maintenance Support	\$75.00
10/08/2024	207025	CSDA	CSDA Membership Renewal-LAVWMA	\$2,064.00
10/08/2024	206916	JARVIS FAY LLP	General Counsel Services - September 2024	\$9,869.00
10/08/2024	206916	JARVIS FAY LLP	General Counsel Services - September 2024 Livermore Interceptor Pipe	\$328.50
11/01/2024	207110	JARVIS FAY LLP	General Counsel Services - October 2024	\$5,574.50
10/08/2024	206760	LEVI FULLER JR.	Management Services - September 2024	\$11,610.59
11/01/2024	207063	LEVI FULLER JR.	Management Services - October 2024	\$14,579.71
11/01/2024	207118	MAZE & ASSOCIATES	FY2024 Audit Services - October 2024	\$4,456.00
10/08/2024	206929	REGIONAL GOVERNMENT SERVICES AUTHORITY	09/24 Management & Administrative Services	\$6,613.44
11/01/2024	207043	REGIONAL GOVERNMENT SERVICES AUTHORITY	10/24 Management & Administrative Services	\$21,535.52
11/01/2024	207168	EVAN BRANNING	Board Meeting Attendance - 11/20/2024	\$50.00
11/01/2024	207162	ROBERT CARLING	Board Meeting Attendance - 11/20/2024	\$50.00
11/01/2024	207172	JEFF NIBERT	Board Meeting Attendance - 11/20/2024	\$50.00
11/01/2024	207178	JULIE TESTA	Board Meeting Attendance - 11/20/2024	\$50.00
				<u>\$76,906.26</u>

LAVWMA

CHECK DATE	PAYMENT METHOD	VENDOR NAME	ITEM DESCRIPTION	AMOUNT
12/23/2024	Bank Check	KERMANI CONSULTING GROUP	FEMA Consulting Services for Livermore Pipeline	\$4,982.50
12/23/2024	Bank Check	FULLER MANAGEMENT & PROCESS OPS SERVICES	Management Services - November 2024	\$12,174.35
12/23/2024	Bank Check	REGIONAL GOVERNMENT SERVICES	12/24 Management & Administrative Services	\$16,894.58
12/23/2024	Bank Check	COMPUTER COURAGE	Website Hosting	\$1,200.00
12/23/2024	Bank Check	JARVIS FAY LLP	General Counsel Services - November 2024	\$8,478.00
12/23/2024	Bank Check	MAZE & ASSOCIATES	FY2024 Audit Services - November 2024	\$1,184.00
				<u>\$44,913.43</u>

TOTAL \$121,819.69

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY

History of Interest Earnings

July - December of the 2024-2025 Fiscal Year

Source Documents	Cash and Investments	Interest Income	Location of Funds			
			Cash In Bank	LAIF	U.S. Treasury Bills	CAMP
Financial Statement 2019	\$18,271,033	\$494,626	\$512,133	\$17,758,900		
Financial Statement 2020	\$27,570,553	\$438,384	\$9,268,921	\$18,301,632		
Financial Statement 2021	\$18,323,615	\$105,787	\$7,712	\$18,315,903		
Financial Statement 2022	\$17,310,382	\$69,075	\$827,543	\$16,482,839		
Financial Statement 2023	\$17,429,917	\$478,215	\$553,471	\$3,069,842	\$13,806,604	
Financial Statement 2024	\$14,267,236	\$790,581	\$2,547,754	\$1,174,069		\$10,545,413

ITEM NO. 10 ENERGY MANAGEMENT AT LAVWMA**Action Requested**

The Board is asked to approve an adjustment to the LAVWMA Capital Budget in the amount of \$100,000 to pursue CEQA and further analysis to refine the scope of a project to add solar panels at the site of the LAVWMA Pump Station. In addition, the Board is asked to approve staff enrolling LAVWMA's electrical service into an Ava, a Community Choice Aggregator

Summary

The General Manager will present a report to the LAVWMA Board of Directors on the status of Dublin San Ramon Services District's research and feasibility analysis of:

- Enrolling LAVWMA into the Ava Community Energy Program, a community choice aggregation company which facilitates local government's ability to procure cleaner power while still receiving transmission and distribution services from their existing provider. Enrolling in Ava's Bright Choice Program is estimated to save LAVWMA 5% of its annual electrical energy costs. In FY2024 LAVWMA's Annual energy costs were approximately \$2,000,000.
- DSRSD's Engineering staff commissioned a feasibility study regarding adding solar panels to DSRSD Facilities, as well as the LAVWMA Pump Station. The feasibility study estimates, based on a set of reasonable assumptions, that the installation of solar panels at the LAVWMA Pump Station would save LAVWMA \$2,600,000 over a period of 20 years.
- If the Board approves moving forward with one or both of the two energy management projects, staff recommends the savings for each project be shared by member agencies based on member agency flow into the LAVWMA export system.

Recommendation

Staff recommends that the Board 1) approve enrolling LAVWMA into the Ava Bright Choice Program, 2) approve the expenditure of \$100,000 to assess CEQA and other matters to further refine the size and scope of a solar project at the LAVWMA Pump Station, and 3) agree that the cost savings from these programs be apportioned to LAVWMA member agencies based on agency members flow.

Attachment

Energy Management Slides 



ENERGY PROJECT UPDATE

LAVWMA BOARD OF DIRECTORS
MEETING FEBRUARY
FEBRUARY 19, 2025

AVA COMMUNITY ENERGY UPDATE

- Community Choice Aggregation
- Ava Community Energy
- Plans and Rates
- Next Steps

COMMUNITY CHOICE AGGREGATION (CCA)

- Community Choice Aggregation is a California program that allows local governments to procure cleaner power for their residents, customers, and businesses while still receiving transmission and distribution services from their existing provider.

AVA COMMUNITY ENERGY

- Formed in 2018 as East Bay Community Energy
- Serves 1.7 million residents and commercial customers of Alameda County
- Provides electrical generation with focus on sustainability
- Goal to purchase 100 percent from clean sources by 2030

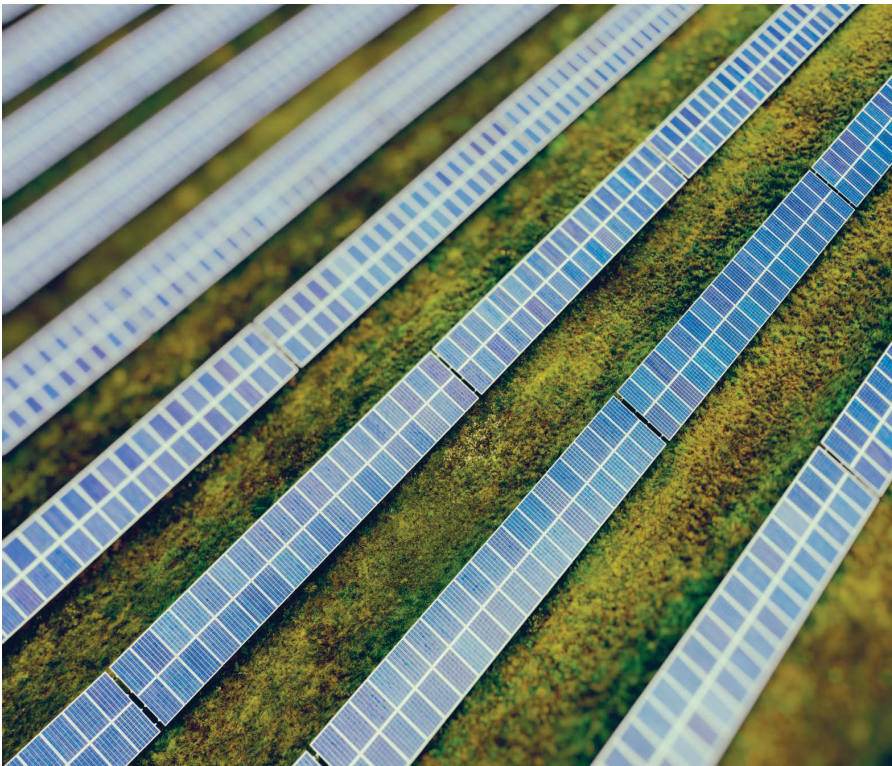


DSRSD MANAGES 14 ELECTRIC SERVICES FOR LAVWMA

2021 DSRSD BEGAN USING AVA.

2021 LAVWMA FACILITIES NOR DSRSD'S WWTP WERE NOT ELIGIBLE DUE TO HIGH LEVEL OF ENERGY DEMAND.

AVA'S CAPACITY HAS EXPANDED LAVWMA IS NOW ABLE TO PARTICIPATE IN THE PROGRAM.

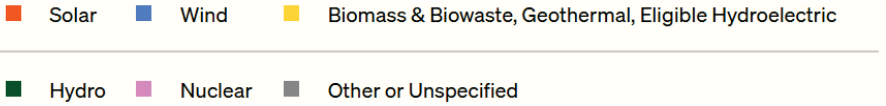
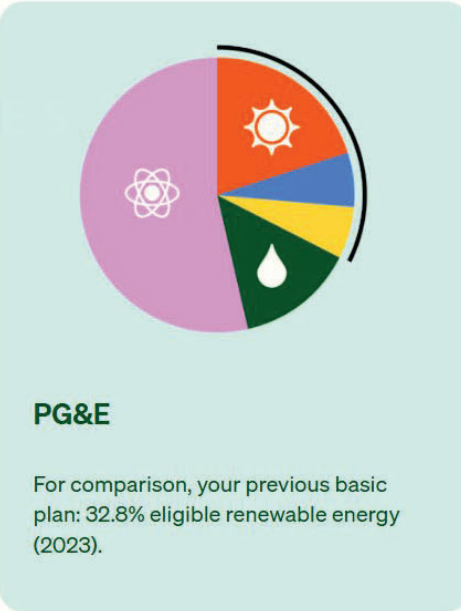
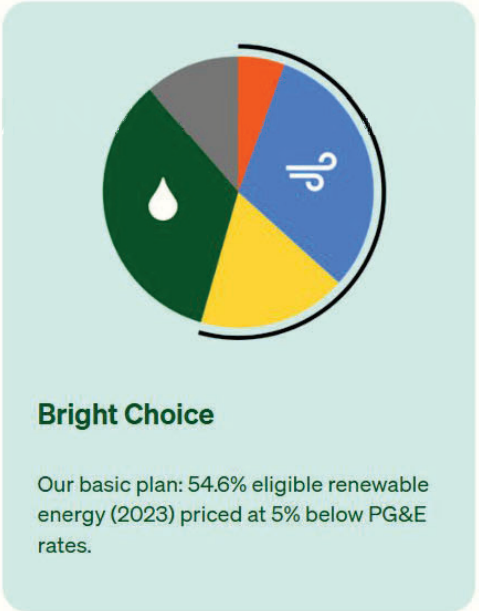
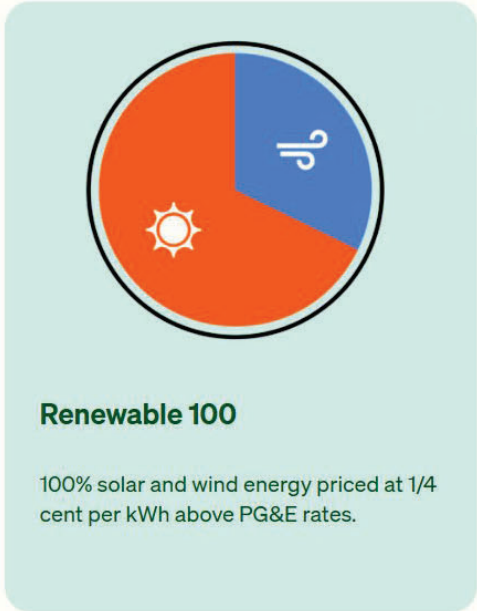


AVA BRIGHT CHOICE

- Carbon Free
 - the energy is produced by a resource that generates no carbon emissions, such as nuclear or large hydroelectric. Although these resources help reduce greenhouse gas emissions, they may impact the environment or the economy. For example, the waste produced by nuclear power plants needs to be safely stored long term, which can be cost-intensive. Additionally, the creation of dams to build new, large hydroelectric resources has lasting environmental impacts on the surrounding ecosystems.

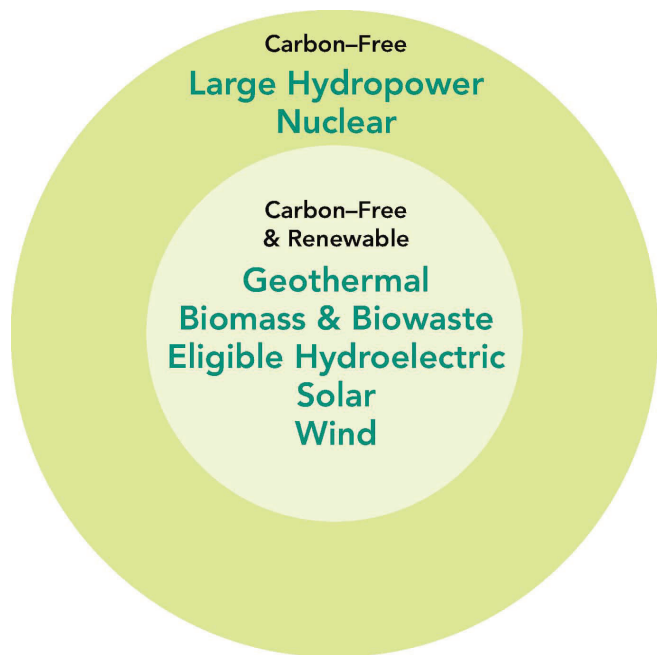
AVA BRIGHT CHOICE

- 55% considered Renewable in California
 - Renewable energy, on the other hand, is classified as a naturally replenishing resource that produces zero emissions. Renewable energy sources include solar, wind, geothermal, biomass and biowaste, and eligible hydroelectric. The energy projects may create additional environmental benefits on top of their emissions reductions, such as [pollinator-friendly solar programs](#), or economic job benefits, through the construction of new projects.



AVA BRIGHT CHOICE

- 55% considered Renewable in California
- Carbon-Free



POTENTIAL SAVINGS: FY24 EXPENSES

LAVWMA Export Pumping Plant

- Purchasing Power from AVA provides a 5% savings
- Cost savings shared between LAVWMA agencies
- LAVWMA Energy Costs in 2024 was ~ \$2,000,000
- Ava would have provided a savings of ~ \$100,000

POTENTIAL SAVINGS: FY24 EXPENSES

LAVVMA FLOW	July - Sept 2023	Oct-Dec 2023	Jan-March 2024	April-June 2024	Total	Percentage
DSRSD	0	289.72	593.25	117.81	1000.78	22.1338
Livermore	327.72	438.35	546.75	397.86	1710.68	37.8343
Pleasanton	228.9	468.04	651.05	462.06	1810.05	40.0320
Total	556.62	1196.11	1791.05	977.73	4521.51	100

- Ava would have provided a savings of ~ \$100,000
- Based on FY 2024 LAVVMA Flows
 - Pleasanton Savings ~ \$40,032
 - Livermore Savings ~ \$37,834
 - DSRSD Savings ~ \$22,134

Questions???



**INITIAL SITE FEASIBILITY FOR
SOLAR PV SYSTEMS
BY DUBLIN SAN RAMON SERVICES
DISTRICT**

SOLAR PROJECT OVERVIEW

- ARC Alternatives developed a feasibility study for Dublin San Ramon Services District to analyze future savings from solar projects
- To complete this feasibility study, ARC Alternatives first analyzed LAVWMA's utility data, drafted layouts of the solar PV systems, and created a 20-year financial benefit projection
- Based on the financial modeling, with a PPA, the solar systems will generate an estimated benefit of approximately \$2,600,000 over the project's 20-year lifespan

SOLAR SYSTEM SIZING

ARC developed preliminary solar layout for LAVWMA with the goal of maximizing solar capacity while conforming to existing space constraints:

Site	Annual Site Consumption (kWh)	Model Size (kW)	Energy Use Offset
LAVWMA	8,607,230	1005.4 (kW)	18%

LIVERMORE - AMADOR VALLEY WATER MANAGEMENT AGENCY



• *Solar Layout*

- Design involves several south and west-facing ground mounted arrays with a 7° tilt
- Some arrays will require significant tree removal (indicated on layout)

Parameter Type	Value
Module Count	1,828 1005.4 (kW)
System Size (kW DC)	1,005.4
Shading impact	Minimal
Estimated Annual Solar Generation (kWh AC)	1,544,800
Modeled Yield (kWh/kW)	1,536
Energy Usage Offset	18%



- LAVWMA IS LOCATED ON AN EASEMENT ON DSRSD PROPERTY.
- SOLAR PANELS COULD BE LOCATED ON THE NORTH, SOUTH AND WEST SIDE.
- PANELS COULD NOT BE LOCATED ON THE EAST SIDE BECAUSE?
- MANY TREES WOULD HAVE TO BE REMOVED
- A PART OF THE PROJECTS CEQA MIGHT BE TO EVALUATE THE VISUAL IMPACT OF TREE REMOVAL
- CEQA RESULTS COULD IMPACT SYSTEM SIZE AND DESIGN



LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY

EXISTING TREES AND SHRUBS – COSTCO PARKING LOT LOOKING EAST TOWARDS LAVWMA



LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY

EXISTING TREES AND
SHRUBS – LAVWMA
LOOKING WEST
TOWARDS COSTCO



LAVWMA – RES BCT

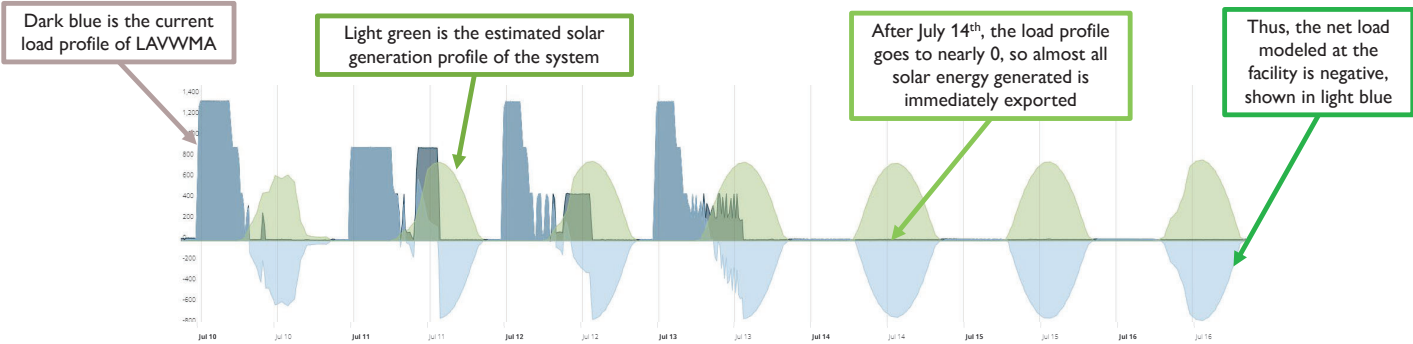


- **PG&E's Renewable Energy Self-Generation Bill Credit Transfer (RES-BCT) program**
 - **Allows local government to generate at one location and receive credits at another location**
 - **Program is currently at capacity**
 - **Program Capacity can only be adjusted through state legislation**



LAVWMA - LOAD PROFILE

- In summer, LAVWMA's Energy demand is lower, while solar generation would be higher.
 - In some months as much as 95% lower (Wastewater recycling and low rainfall)
 - Nearly all solar energy generated in these periods would have to be exported.
 - Exported energy has low value this reduces savings of a LAVWMA solar project.
- In winter, LAVWMA's Energy demand is higher, while solar generation would be lower.



FINANCIAL MODELING RESULTS





FINANCIAL MODEL

• **Power Purchase Agreement (PPA)**

DSRSD Managed Project on LAVWMA's behalf

DSRSD/LAVWMA would not own the panels directly; instead, they are owned by a solar vendor

DSRSD/LAVWMA pays the solar vendor for each kilowatt-hour of solar energy generated (called "PPA Rate")

Solar vendor is liable for maintaining the system and is only paid for energy produced by the system.



To create the feasibility model analysis for the solar projects, several assumptions were made:

20- year useful life/term of the project

3.5% annual utility escalation rate

0.5% annual solar degradation rate

\$0.21 per kWh fixed power purchase cost



COST SAVINGS FORECAST BASED ON MODEL ASSUMPTIONS

LAVWMA estimated net benefit - \$2,600,000 million for over 20 years under a PPA



- \$2,600,000 million for the LAVWMA over 20 years under a PPA.
- **“If” one assumes** the flow from all three members agencies matched the flow for FY 2024 for 20 years.
 - DSRSD – 22% of LAVWMA FLOW
 - Livermore – 38% of LAVWMA FLOW
 - Pleasanton - 40% of LAVWMA FLOW
- **“And”** other variables remained constant. Cost savings by member agency over those 20 years is estimated to be:
 - DSRSD ~ \$572,000
 - Livermore ~ \$983,580
 - Pleasanton ~ \$1,040,780

The LAVWMA General Manager would like to thank DSRSD staff. In particular:

DSRSD Engineer Director – Steven Delight

DSRSD Operations Director – Dan Gill

The information presented here is a product of the outstanding efforts DSRSD has put forth in this regard.



**Staff
recommends
the following
next steps:**

The LAVWMA Board give the LAVWMA General Manager the authority work with DSRSD staff and enroll LAVWMA in Ava “Bright Choice”



Staff recommends the following next steps:

The LAVWMA Board give its approval for LAVWMA to partner with DSRSD an issue a RFP to further evaluate a solar project at the LAVWMA Pump Station and conduct a CEQA process.

LAVWMA’s portion of the costs for issuing the RFP and managing the CEQA process is estimated at \$60,000.



QUESTIONS???

**ITEM NO. 11 INTERVIEWS FOR LAVWMA BOARD MEMBERS – TRI-VALLEY
PURIFIED WATER****Action Requested**

The LAVWMA Board to consider selecting two LAVWMA Board Members to participate in information gathering interviews on the concept of a Tri-Valley or Tri-City purified water pilot project.

Summary

Through a collaborative effort, the Dublin San Ramon Services District (DSRSD), Alameda County Water District (ACWD), City of Livermore, Alameda County Flood Control and Water Conservation District, Zone 7 (Zone 7), Union Sanitary District (USD), and Livermore-Amador Valley Water Management Agency (LAVWMA) are parties to a Memorandum of Agreement (MOA) between these agencies. Working is underway on a feasibility study and gathering information to access the concept of a Tri-Valley purified water project. A consultant will be conducting interviews with the elected officials of MOA agencies. These interviews will gather community feedback on the concept of using purified water in the Tri-Valley in the future. There are two slots available for interview participation by LAVWMA Board Members.

LAVWMA is a signatory to the Memorandum of Agreement with the other agencies listed in the MOA. LAVWMA is a “Non-Cost Contributing Party” in the MOA since LAVWMA members DSRSD and the City of Livermore are “Cost-Contributing” Parties.

Recommendation

Staff recommend the Board select two LAVWMA Board Members to participate in the community feedback interviews.

Attachments

- WateReUse - Building Trust in Purified Water – Attachment A
- WateReUse – WateReUse Symposium for Elected Officials 2025 – Attachment B



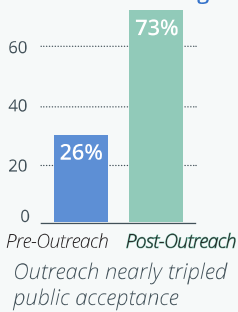
WORKING TOGETHER TO Build Trust in Purified Water



Purified water is water that has passed through multiple proven advanced treatment processes and been verified through rigorous monitoring and testing to be safe to add to a community's drinking water supply.

The state has a unique opportunity to help local agencies build trust in the purified water produced by potable reuse. The governor's water supply strategy commits to increasing water reuse by 150 percent by 2040, which will require broader adoption of potable reuse in urban areas across California. Public acceptance has long been a hurdle to potable reuse yet is critical to project success. Proactive public outreach and engagement has proven to increase acceptance and the state has a significant opportunity to support broad-reaching communications to lay a foundation for acceptance while finalizing direct potable reuse regulations.

Public Acceptance of Pure Water San Diego



OUTREACH AND ENGAGEMENT HAS DEMONSTRATED SUCCESS

We've seen communities shift from firm resistance to solid support with the right communications. In 2012, the city of San Diego's successful outreach program for Pure Water San Diego ensured success (see chart). CUWA sees the state as a critical partner in replicating this acceptance statewide.

STATE LEADERS CAN PROACTIVELY ENHANCE TRUST

Messages supporting purified water can be successfully amplified at the state level, though some details are better carried by local agencies. Site-specific factors like cost or treatment processes are more appropriately communicated by the associated agency. However, the state can amplify broad messages to enhance local efforts, like those recommended below.

OUR ASK TO STATE LEADERS

1. Replicate the success of the state's "Save Our Water" program by developing a similar communications and statistical research campaign on purified water messaging that leverages existing research, such as [WaterReuse CA's terminology framework](#).
2. Amplify these key messages while engaging with the public and media:
 - Water is too valuable to use just once.
 - Purified water uses proven technologies and is safe and sustainable.
 - Purified water provides a drought-resilient local water supply in the face of weather variability.

ABOUT CUWA

CUWA's mission is to provide a unified voice for urban water solutions that keep our environment and communities thriving. CUWA is a non-profit corporation of 11 major urban water agencies that serve drinking water to two-thirds of California's population. CUWA supports the administration's priority of water reliability and resiliency by delivering safe and accessible drinking water and driving actions that prepare communities for climate change.

For more information, visit cuwa.org

ABOUT WRCA

WaterReuse California represents 220 public agencies, consulting firms, and companies dedicated to expanding the use of recycled water in California.

For more information, visit waterreuse.org/sections/watereuse-california



[Home\Engage\Conferences\2025 WaterReuse Symposium\Schedule\2025 Symposium Elected Officials Track](#)

Water Reuse Leadership: Resources for Local Elected Officials and Utility Managers

Tuesday, March 18, 2025

8:00 am: Breakfast Plenary Panel

Ensuring Success: A Conversation with Elected Officials

9:30 am: Quantifying the Broader Economic Benefits of Recycled Water Projects

Implementation costs of water reuse projects have been rising, which necessitates a more thorough quantification and explanation of the broader economic benefits. This panel underscores the imperative of economic valuation in fostering multi-stakeholder support and maximizing the societal returns on investment in recycled water projects.

11:00 am: Defining the Foundations: Best Practices to Building Water Reuse Programs

This Guidance Manual offers up to 200 best practices that provide foundational guidance on planning and delivery of water infrastructure programs through a One Water lens.

How to Attend the 2025 WaterReuse Symposium

Select from multiple registration options to tailor your WaterReuse Symposium experience:

- Register for the **full Symposium**, March 16-19, 2025, for access to [over 100 presentations and panels](#), and 7 meal functions.
- Register for **One Day – Tuesday Only** to participate in only the sessions listed on this page, curated for elected officials and senior management.
- Add on one of the five [facility tours](#) to learn more about local water recycling projects. Transportation is included.

[Register Here](#)

11:30 am: Quantifying the Untapped Potential of Water Reuse in the U.S.

Key components of the presentation include a summary of the current policy landscape surrounding municipal wastewater reuse, available data sources, methodology, state-level results and recommendations for policy and practice.

12:00 pm: Lunch Plenary Panel

Winning Hearts and Minds of Ratepayers: Effective Communications is Key

2:00 pm: Embrace Innovation, Empower Progress: Communication Strategies to Inspire Technological Advancement

What are the barriers to implementation? This presentation reviews the results of a 2024 Water Environment Federation Water Leadership Institute survey that gathered leaders' thoughts on the benefits, challenges, and strategies of technology implementation.

2:30 pm: Listen, Learn, Lead – How Electeds Benefit by Visiting Purification Facilities

By listening to those who have already done it, learn the benefits of visiting water purification facilities to enhance your knowledge of how projects are funded, operated, and how they gain support with constituents in their communities.

3:00 pm – 3:30 pm: Networking Break

3:30 pm – 5:00 pm: Public Officials & Senior Management Roundtable – Leveraging One Water Investments to Accomplish More

These Roundtable Discussions are specially designed for elected officials and senior management staff who are considering, or are currently engaged, in potable reuse projects.

5:00 pm – 6:00 pm: Reception for Elected Officials and Senior Management staff

6:00 pm – 8:00 pm: Conference wide party at The Florida Aquarium

Sponsored by:



Join WaterReuse

WaterReuse is the only trade association that focuses solely on advancing laws, policy and funding to increase water reuse. Our niche strategy sets us apart from other organizations in the water industry.

[Join Today](#)

ITEM NO. 12 LAVWMA QUARTERLY REPORT OF OPERATIONS, 2nd QUARTER, FY2024-2025

Action Requested

None at this time. This is an information item only.

Summary

LAVWMA's Quarterly Report of Operations for the 2nd Quarter, FY 2024-2025 is attached for the Board's review. These quarterly reports are prepared by DSRSD staff and summarize all LAVWMA operations and maintenance activity for each quarter.

Overall Costs, Utilities Cost, Labor Cost are all trending within budget.

Dan Gill, DSRSD Operations Director, will be available to answer any questions from the Board.

Recommendation

None at this time. This is an information item only.

Attachment

LAVWMA Quarterly Report of Operations, 2nd Quarter, FY2024-2025



**Quarterly Report of Operations
LAVWMA Pumping and Conveyance System**

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Executive Summary

For the second quarter fiscal year ending (FYE) 2025, the Livermore-Amador Valley Water Management Agency (LAVWMA) export conveyance system operated well without any major outages or disruptions. About 1,236 million gallons (MG) of fully treated secondary effluent were pumped to San Francisco Bay via the East Bay Dischargers Authority (EBDA) outfall diffuser and San Leandro Sample Station (SLSS; Table 6 or section Export Flow for more details).

This quarter the overall efficiency of the pumping system averaged 74.2% (Table 1; quarterly range FYEs 2023 & 2024 [n=8]: 66.0% to 74.0%), with an average electrical cost of \$469 per MG, or \$153 per acre-foot (AF; Table 1 or section Electrical Usage, Efficiency, & Cost for more details). Preventative maintenance (PM) work orders outnumbered corrective maintenance (CM) work orders 26.88 to 1 (quarterly range FYEs 2023 & 2024 [n=8]: 9.57 to 23.45; section Maintenance for more details).

For convenience, some year-to-date (YTD) values compared to budgeted are shown below (section Expenditures & Budget Utilization: Labor & O&M for more details).

- Overall costs: YTD \$1,373,250; Budget \$3,530,499
- Utilities costs: YTD \$767,288; Budget \$2,065,755
- Labor costs: YTD \$547,164; Budget \$1,182,824
- Labor hours: YTD 2,487.50; Budget 5,411
- WOs last quarter: 351.9 hours 267 PMs and 34.5 hours 13 CMs
- WOs this quarter: 243.75 hours 215 PMs and 29.5 hours 8 CMs
- Pump Efficiency: Oct-75.8% | Nov-74.8% | Dec-73.8%

Current Quarter Metrics

Monthly export flow increased each month from Oct-Dec, which is normal for this period as DERWA recycled water irrigation demand decreases into fall and winter (Figure 1). Calculated flows for Dublin San Ramon (DSR) were zero only in October this quarter (Figure 1, left plot). Pump efficiency remained consistent each month between about 73 and 76%.

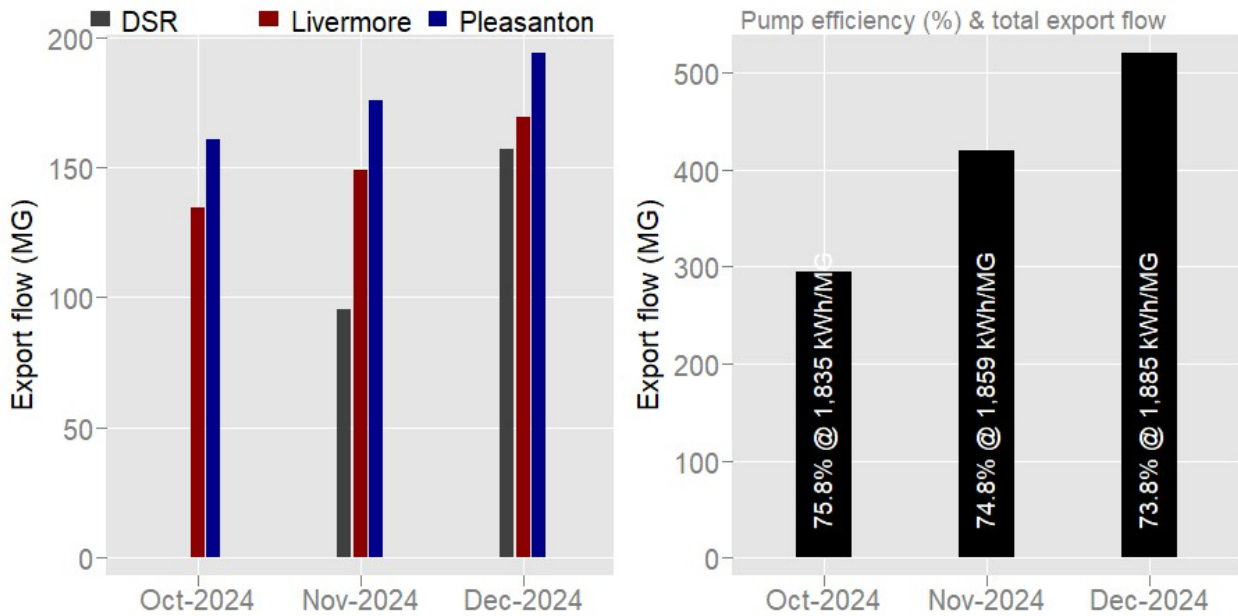


Figure 1 - LAVWMA Quarter 2 FYE 2025 export flows for Oct-2024, Nov-2024, & Dec-2024; monthly flows shown by source (left plot) and as total (right plot) with pump efficiency (%) at noted kilowatt hour (kWh) per million gallons (MG); NOTE: flow & pump efficiency data displayed by calendar month, not PG&E billing period

Most usage for either feeder (service) was during non-peak hours (Figure 2). Feeder B provides power to the building, so there will always be minor charges for building equipment during peak and (if applicable) partial peak periods.

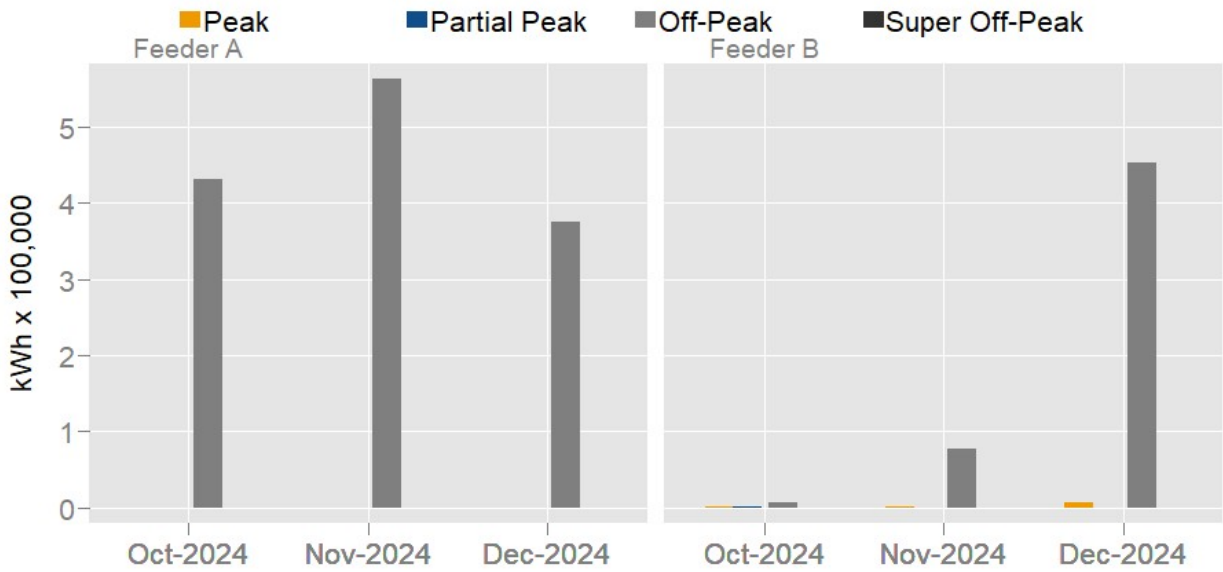


Figure 2 - LAVWMA Quarter 2 FYE 2025 electric usage as kilowatt hour (kWh) for PG&E billing cycles Oct-2024, Nov-2024, & Dec-2024; billing cycle usage displayed separately for feeder A (left) & feeder B (right) by time of use: peak, partial peak, off-peak; & super off-peak

Labor and utilities covered the largest fraction of overall cost in Q2 FYE 2025 (Figure 3, 3 left-most plots). There were no expenses for non-routine work this quarter.

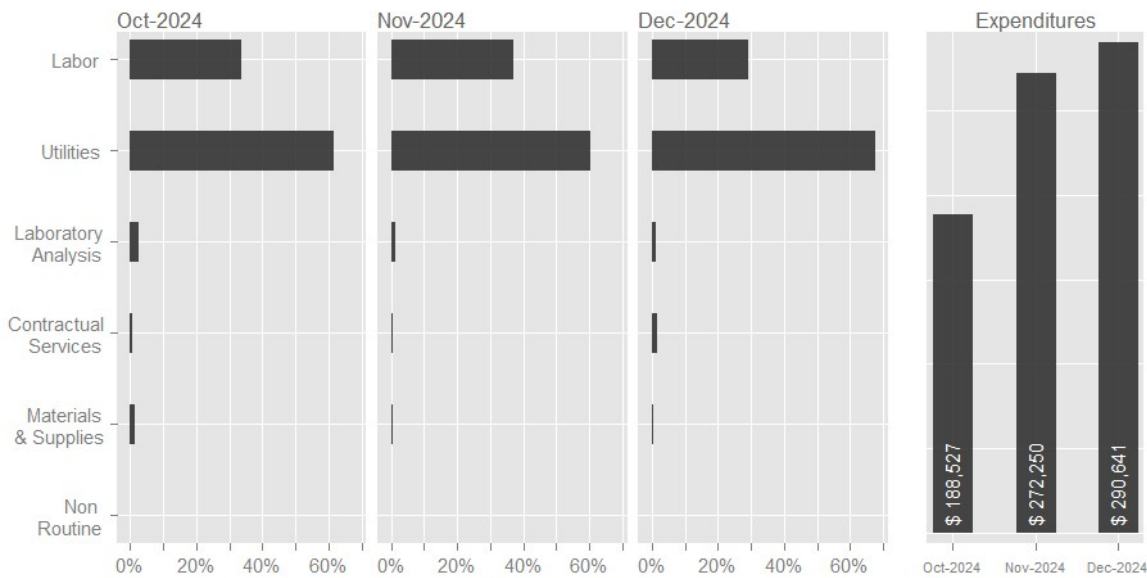


Figure 3 - LAVWMA Quarter 2 FYE 2025 expenditures for Oct-2024, Nov-2024, & Dec-2024 as percent of total cost by type (labor, utilities, laboratory analysis, contractual services, materials & supplies, & non routine; left plot) and as monthly total (right plot)

There were no major equipment failures in Q2 FYE 2025, the pipeline and pumping plant ran without issue. Preventative maintenance (PM) work orders exceeded corrective maintenance (CM) work orders each month during Q2 FYE 2025 (Figure 4, right plot). There were no CM work orders for Oct-2024.

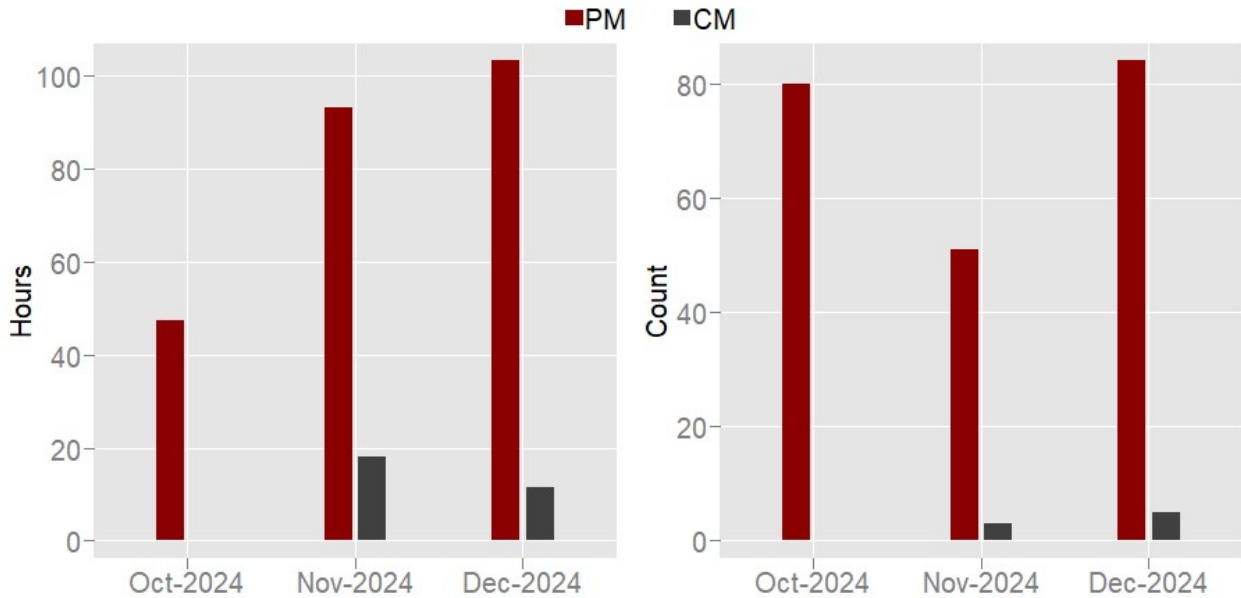


Figure 4 - LAVWMA Quarter 2 FYE 2025 preventative maintenance (PM) & corrective maintenance (CM) work order hours (left plot) and count (right plot) for Oct-2024, Nov-2024, & Dec-2024

Operations

Of the 1,236 MG of effluent conveyed through the LAVWMA system during the first quarter, 253 MG came from Dublin San Ramon (DSR), 453 MG from the City of Livermore, and 530 MG from the City of Pleasanton. Refer to section Export Flow for more details.

PG&E’s current rate plan has four time-of-use (TOU) periods (in order of decreasing rates): peak (year-round), partial peak (June-September), off-peak (year-round), and super off-peak (March-May). Whenever possible, staff implement an efficient pumping plan to avoid pumping during higher rate periods (i.e., peak and partial peak).

Over the past quarter, DSRSD staff managed LAVWMA’s holding basins to minimize the number of pumps running during a given billing cycle. Such an approach was based on anticipated flows from the City of Livermore and DSRSD’s wastewater treatment facilities. Refer to section Electrical Usage, Efficiency, & Cost for more information about energy use.

Maintenance

During the quarter, staff logged 243.75 hours completing 215 preventative maintenance (PM) work orders and 29.5 hours completing 8 corrective maintenance (CM) work orders on LAVWMA equipment and systems. Refer to Figure 4 for monthly breakdown (work order data updated 27-Jan-2025).

Since pumps 1, 3, and 5 have been installed, we have maximized their operation to see if there will be any deficiencies within the warranty period. So far, the pumps have operated without any major issue and export pump number 2 is still out of service, the motor has been overhauled and returned but the pump is still being refurbished. We expect the pump to return in February 2025, then we will install and test.

The following are some additional noteworthy maintenance activities during the quarter:

Electrical

- Pump Station Motor #2 overhauled and ready for installation upon pump overhaul completion
- Troubleshoot Pump Station Motor #7 due to noise
- Troubleshoot Basin 1 valve actuator
- Troubleshoot Basin 2 dewatering pump

Instrument & Controls

- Troubleshoot Rectifiers P8, P10, P7, L1
- Replaced Combined chlorine sensor
- Troubleshoot SLSS Thiosulfate level transmitter

Operations

- Reviewed and updated LAVWMA Wet Weather Strategy with DSRSD Operations staff
- Completed LAVWMA pipeline inspection; both export pipelines returned to service
- Conducted annual LAVWMA Wet Weather Strategy review meeting with external agencies, including Zone 7, ACWD, Alameda County Flood/ACPWA, EBDA, and the City of Livermore

Mechanical

- Normal business operations

Laboratory

- Collected sample to comply with the effluent characterization studies annual requirement (Per Order R2-2021-0007)

Electrical Usage, Efficiency, & Cost

Monthly pump efficiency (O_e) was estimated as the fraction of a calculated kWh/MG given full efficiency (i.e., 100%) to the actual kWh/MG (see equations below).

$$O_e = \frac{\text{full efficiency kWh}}{\text{actual kWh}} \times 100$$

$$\text{Full Efficiency kWh} = \frac{\overline{GPM} \times TDH}{3960} \times 0.746 \times d \times 24h$$

where

- $\overline{GPM} = \frac{\text{Export Flow (MG)} \times 10^6}{d \times 1440 \text{ min/d}}$
- TDH (total dynamic head) = 442.8 ft (static lift = 408.8 ft, piping losses = 34 ft)
- 3960 = units conversion constant for water between 40° F and 220° F
- 0.746 = horsepower to kW conversion constant (0.746 hp / kW)
- d = number of days
- h = indicates hour (as 24 hours/day)

Table 1 - LAVWMA FYE 2025 quarterly kWh usage, export flow, pump efficiency, & cost for PG&E-based billing cycle; current quarter & year-to-date (YTD) summaries provided below monthly values

	Billing Days	Flow kWh	Flow (MG)	Pump kWh/MG	Pump Efficiency	Cost (\$)	\$/kWh	\$/MG	\$/AF
Q1									
Jul-2024	31	299,594	160	1,876.20	74.1%	\$105,687	\$0.35	\$662	\$216
Aug-2024	31	286,133	153	1,874.75	74.2%	\$81,928	\$0.29	\$537	\$175
Sep-2024	30	336,042	187	1,792.35	77.6%	\$99,963	\$0.30	\$533	\$174
Q2									
Oct-2024	29	441,763	229	1,932.11	72.0%	\$116,266	\$0.26	\$509	\$166
Nov-2024	32	642,764	355	1,809.32	76.8%	\$163,208	\$0.25	\$459	\$150
Dec-2024	30	836,322	444	1,882.69	73.8%	\$194,743	\$0.23	\$438	\$143
Q2									
Average		640,283	343	1,875	74.2%	\$158,072	\$0.25	\$469	\$153
Total	91	1,920,849	1,028	5,624		\$474,217			
Minimum		441,763	229	1,809	72.0%	\$116,266	\$0.23	\$438	\$143
Maximum		836,322	444	1,932	76.8%	\$194,743	\$0.26	\$509	\$166
YTD									
Average		473,770	255	1,861	74.7%	\$126,966	\$0.28	\$523	\$170
Total	183	2,842,618	1,528	11,167		\$761,796			
Minimum		286,133	153	1,792	72.0%	\$81,928	\$0.23	\$438	\$143
Maximum		836,322	444	1,932	77.6%	\$194,743	\$0.35	\$662	\$216

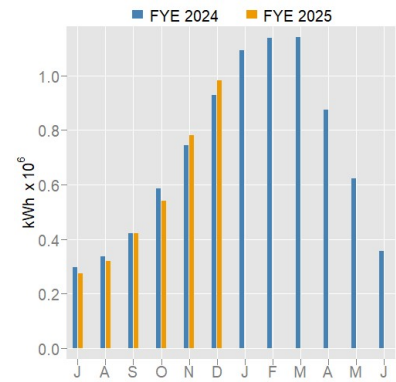


Figure 5 - LAVWMA monthly kWh usage FYE 2024 & FYE 2025 through Dec-2024

Table 2 - LAVWMA FYE 2025 quarterly kWh usage and cost for PG&E-based billing cycle separately for Service A & Service B

	Service A				Service B					
	Peak (kWh)	Partial Peak (kWh)	Off-Peak (kWh)	Super Off-Peak (kWh)	Peak (kWh)	Partial Peak (kWh)	Off-Peak (kWh)	Super Off-Peak (kWh)	Cost (\$)	
Q1										
Jul-2024	0	0	110,784	0	\$34,670	2,028	1,778	185,003	0	\$71,017
Aug-2024	0	0	127,927	0	\$35,306	2,160	0	154,258	1,788	\$46,622
Sep-2024	0	0	325,319	0	\$90,559	2,056	1,689	6,978	0	\$9,404
Q2										
Oct-2024	0	0	430,837	0	\$106,617	2,166	1,214	7,546	0	\$9,649
Nov-2024	0	0	562,453	0	\$126,340	2,387	0	77,924	0	\$36,868
Dec-2024	0	0	375,946	0	\$85,202	7,354	0	453,022	0	\$109,542
Q2										
Average	0	0	456,412	0	\$106,053	3,969	405	179,497	0	\$52,020
Total	0	0	1,369,236	0	\$318,159	11,907	1,214	538,492	0	\$156,059
Minimum	0	0	375,946	0	\$85,202	2,166	0	7,546	0	\$9,649
Maximum	0	0	562,453	0	\$126,340	7,354	1,214	453,022	0	\$109,542
YTD										
Average	0	0	322,211	0	\$79,782	3,025	780	147,455	298	\$47,184
Total	0	0	1,933,266	0	\$478,694	18,151	4,681	884,731	1,788	\$283,102
Minimum	0	0	110,784	0	\$34,670	2,028	0	6,978	0	\$9,404
Maximum	0	0	562,453	0	\$126,340	7,354	1,778	453,022	1,788	\$109,542

Pump Run Time

Monthly pump utilization (U_m) was calculated as the fraction of total pump hours given the total hours possible if nine¹ pumps ran continuously (i.e., 24 hours per day; equation below, where h = total hours, m = given month, d = days in month). Pump utilization increased each month in Q2 (Table 4).

$$U_m = \frac{h_m}{9 \times 24 \times d_m} \times 100$$

Table 3 - LAVWMA FYE 2025 monthly pump hours by pump and total; quarterly and YTD summaries provided below monthly values

Hours											
	Pump 1	Pump 2	Pump 3	Pump 4	Pump 5	Pump 6	Pump 7	Pump 8	Pump 9	Pump 10	Total
Q1											
Jul-2024	108	0	144	28	94	2	13	1	263	1	654
Aug-2024	313	0	135	1	213	8	10	16	119	6	820
Sep-2024	102	0	93	0	97	261	0	277	0	271	1,102
Q2											
Oct-2024	272	0	266	18	279	195	0	179	24	195	1,428
Nov-2024	511	0	172	165	504	0	158	0	431	0	1,942
Dec-2024	519	0	289	544	438	72	0	0	537	0	2,398
	Pump 1	Pump 2	Pump 3	Pump 4	Pump 5	Pump 6	Pump 7	Pump 8	Pump 9	Pump 10	Total
Q1											
Average Hours	174	0	124	10	134	90	7	98	127	93	859
Std Dev Hours	120.3	0.0	27.1	16.2	67.7	147.9	6.6	155.5	131.7	154.6	226.4
Hours	523	0	372	29	403	271	22	294	382	279	2,576
Min Hours	102	0	93	0	94	2	0	1	0	1	654
Max Hours	313	0	144	28	213	261	13	277	263	271	1102
Q2											
Average Hours	434	0	242	242	407	89	53	60	330	65	1923
Std Dev Hours	140.3	0.0	61.8	271.4	116.0	98.6	91.5	103.5	270.5	112.7	485.2
Hours	1,302	0	726	727	1,221	267	158	179	991	195	5,768
Min Hours	272	0	172	18	279	0	0	0	24	0	1,428
Max Hours	519	0	289	544	504	195	158	179	537	195	2,398
Total Average Hours	304	0	183	126	271	90	30	79	229	79	1,391
Total Std Dev Hours	184.1	0.0	77.5	214.0	171.7	112.4	63.1	120.0	220.4	122.0	674.0
Total Hours	1,825	0	1,098	756	1,624	538	181	473	1,373	474	8,343
Total Min Hours	102	0	93	0	94	0	0	0	0	0	654
Total Max Hours	519	0	289	544	504	261	158	277	537	271	2,398

Table 4 - LAVWMA FYE 2025 monthly percent pump utilization; quarterly and YTD summaries provided below monthly values

	Pump Utilization
Q1	
Jul-2024	9.8%
Aug-2024	12.2%
Sep-2024	17.0%
Q2	
Oct-2024	21.3%
Nov-2024	30.0%
Dec-2024	35.8%
Q1	
Average Pump Utilization	13.0%
Min Pump Utilization	9.8%
Max Pump Utilization	17.0%
Q2	
Average Pump Utilization	29.0%
Min Pump Utilization	21.3%
Max Pump Utilization	35.8%
Total Average Pump Utilization	21.0%
Total Min Pump Utilization	9.8%
Total Max Pump Utilization	35.8%

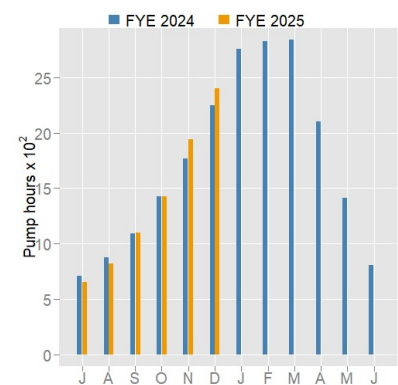


Figure 6- LAVWMA FYE 2024 & FYE 2025 monthly total pump hours through Dec-2024

¹ Ten pumps total, but one in reserve as a back-up to the other nine

Basin Levels

Table 5 - LAVWMA FYE 2025 monthly average levels (in feet) by basin and overall (total); current quarter and YTD summaries provided below monthly values

Average				
	Basin 1	Basin 2	Basin 3	Total
Q1				
Jul-2024	2.01	0.08	2.38	1.49
Aug-2024	3.35	0.08	3.48	2.31
Sep-2024	3.09	0.09	3.21	2.13
Q2				
Oct-2024	2.87	0.09	2.95	1.97
Nov-2024	3.75	0.11	3.30	2.39
Dec-2024	4.78	0.11	4.19	3.03
Q2				
Average	3.80	0.11	3.48	2.46
Minimum	2.87	0.09	2.95	1.97
Maximum	4.78	0.11	4.19	3.03
YTD				
Average	3.31	0.10	3.25	2.22
Minimum	2.01	0.08	2.38	1.49
Maximum	4.78	0.11	4.19	3.03

Export Flow

Combined export flow includes Dublin San Ramon, the City of Livermore, and the City of Pleasanton. Monthly totals do not include flows diverted for recycling use by DERWA and Pleasanton. Budgeted FYE 2025 flow is 3,356 MG at an estimated cost of \$1,052/MG.

Table 6 - LAVWMA FYE 2025 monthly export flows in million gallons (MG) for Dublin San Ramon, Livermore, & Pleasanton; current quarter and YTD summaries provided below monthly values; note totals (quarterly & YTD) provided in with monthly summary

	Dublin San Ramon (MG)	Livermore (MG)	Pleasanton (MG)	Combined Export (MG)
Q1	0.00	325.05	219.24	544.29
Jul-2024	0.00	103.27	42.54	145.81
Aug-2024	0.00	108.55	67.49	176.04
Sep-2024	0.00	113.23	109.21	222.44
Q2	252.75	452.93	530.04	1,235.72
Oct-2024	0.00	134.64	160.50	295.15
Nov-2024	95.51	149.06	175.53	420.11
Dec-2024	157.24	169.22	194.01	520.47
Total	252.75	777.97	749.29	1,780.01
Q2				
Average	84.25	150.98	176.68	411.91
Minimum	0.00	134.64	160.50	295.15
Maximum	157.24	169.22	194.01	520.47
YTD				
Average	42.13	129.66	124.88	296.67
Minimum	0.00	103.27	42.54	145.81
Maximum	157.24	169.22	194.01	520.47

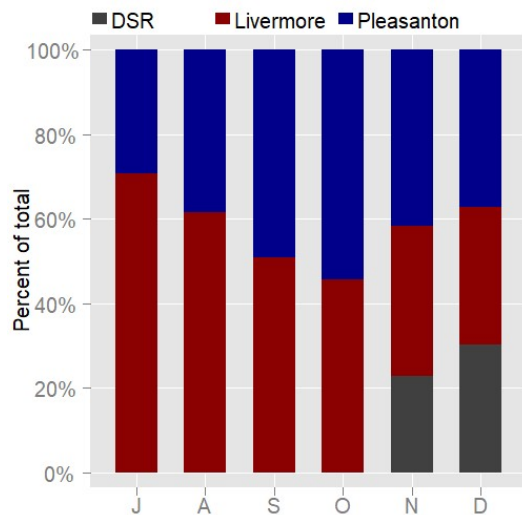


Figure 7 - LAVWMA FYE 2025 through Dec-2024 monthly export flows by region as a percent of total; DSR = Dublin San Ramon

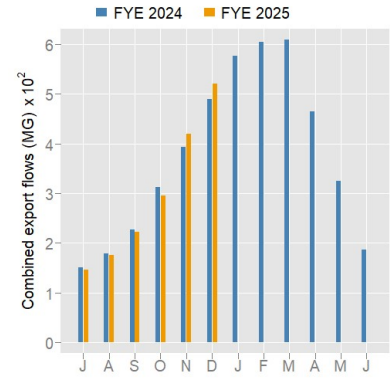


Figure 8 - LAVWMA FYE 2024 & FYE 2025 through Dec-2024 monthly combined export flows (MG)

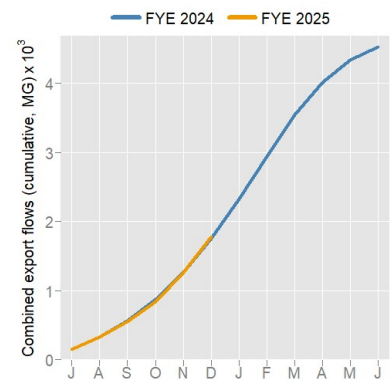


Figure 9 - LAVWMA FYE 2024 & FYE 2025 through Dec-2024 monthly cumulative combined export flows (MG)

Expenditures & Budget Utilization: Labor & O&M

Expenses this quarter included backflow testing. Overall O&M expenses increased slightly in Q2 compared to Q1.

Table 7 - LAVWMA FYE 2025 monthly expenditure for labor, accounts payable (A/P), and overall (O&M); cost per export flow (MG and acre-foot [AF]) provided for reference; quarterly and YTD summaries provided below monthly values; note totals (quarterly & YTD) provided in with monthly summary

	Labor Expenses	A/P Expenses	O&M Expenses	\$/MG	\$/AF
Q1	\$297,739	\$324,092	\$621,831	\$1,142	\$372
Jul-2024	\$84,522	\$118,392	\$202,915	\$1,392	\$453
Aug-2024	\$105,323	\$88,786	\$194,109	\$1,103	\$359
Sep-2024	\$107,893	\$116,914	\$224,807	\$1,011	\$329
Q2	\$249,426	\$501,993	\$751,418	\$608	\$198
Oct-2024	\$63,070	\$125,457	\$188,527	\$639	\$208
Nov-2024	\$101,340	\$170,910	\$272,250	\$648	\$211
Dec-2024	\$85,015	\$205,626	\$290,641	\$558	\$182
Total	\$547,164	\$826,085	\$1,373,250	\$771	\$251
Q2					
Average	\$83,142	\$167,331	\$250,473	\$615	\$200
Minimum	\$63,070	\$125,457	\$188,527	\$558	\$182
Maximum	\$101,340	\$205,626	\$290,641	\$648	\$211
YTD					
Average	\$91,194	\$137,681	\$228,875	\$892	\$291
Minimum	\$63,070	\$88,786	\$188,527	\$558	\$182
Maximum	\$107,893	\$205,626	\$290,641	\$1,392	\$453

Table 8 - LAVWMA FYE 2025 YTD expenditures (O&M & labor) with percent budget utilized and budget remaining

	O&M YTD Expenses	O&M Budget Utilization	O&M Budget Remaining	Labor YTD Expenses	Labor Budget Utilization	Labor Budget Remaining
Q1						
Jul-2024	\$202,915	5.7%	\$3,327,584	\$84,522	7.1%	\$1,098,302
Aug-2024	\$397,024	11.2%	\$3,133,475	\$189,846	16.1%	\$992,978
Sep-2024	\$621,831	17.6%	\$2,908,668	\$297,739	25.2%	\$885,085
Q2						
Oct-2024	\$810,358	23.0%	\$2,720,141	\$360,809	30.5%	\$822,015
Nov-2024	\$1,082,608	30.7%	\$2,447,891	\$462,149	39.1%	\$720,675
Dec-2024	\$1,373,250	38.9%	\$2,157,250	\$547,164	46.3%	\$635,660

Table 9 - LAVWMA FYE 2025 billed labor hours and full-time employment equivalent; quarterly and YTD summaries provided below monthly values; note billed labor hour totals (quarterly & YTD) provided with monthly summary

	Billed Labor Hours	FTE Equivalent
Q1	1,349.5	
Jul-2024	383.5	2.2
Aug-2024	471.5	2.7
Sep-2024	494.5	2.9
Q2	1,138.0	
Oct-2024	286.5	1.7
Nov-2024	464.0	2.7
Dec-2024	387.5	2.2
Total	2,487.5	
Q2		
Average	379.3	2.2
Minimum	286.5	1.7
Maximum	464.0	2.7
YTD		
Average	414.6	2.4
Minimum	286.5	1.7
Maximum	494.5	2.9

Expenditures: Livermore Sole Use Facilities

Table 10 - LAVWMA FYE 2025 expenditures (labor & accounts payable [A/P]) for Livermore sole use facilities; quarterly and YTD (Total) summaries provided below monthly values

Expenses			
	Labor	A/P	Total
Q1			
Jul-2024		\$0	\$745
Aug-2024		\$0	\$609
Sep-2024		\$0	\$686
Q2			
Oct-2024		\$401	\$0
Nov-2024		\$1,203	\$657
Dec-2024		\$401	\$812
	Labor	A/P	Total
Q1			
Total		\$0	\$2,040
Average		\$0	\$680
Minimum		\$0	\$609
Maximum		\$0	\$745
Q2			
Total		\$2,004	\$1,469
Average		\$668	\$490
Minimum		\$401	\$0
Maximum		\$1,203	\$812
Total Total		\$2,004	\$3,509
Total Average		\$334	\$585
Total Minimum		\$0	\$0
Total Maximum		\$1,203	\$812

Detailed YTD O&M Budget Comparison to Actual Expenses

LAVWMA BUDGET COMPARISON TO ACTUAL EXPENSES: GOODS & SERVICES																Current FY Period: 6	
ACTUAL EXPENSES BILLED TO LAVWMA FOR REGULAR O&M																	
	Budget	July	August	September	October	November	December	January	February	March	April	May	June	YTD	YTD		
	FY 2024-2025	2024	2024	2024	2024	2024	2024	2025	2025	2025	2025	2025	2025	TOTAL	Budget		
Project Total:	Labor																
	lavcost Staff	\$1,182,824	\$84,522	\$105,323	\$107,893	\$63,070	\$101,340	\$85,015						\$547,164	\$591,412		
	LAVWMA Subtotal	\$1,182,824	\$84,522	\$105,323	\$107,893	\$63,070	\$101,340	\$85,015	\$0	\$0	\$0	\$0	\$0	\$547,164	\$591,412		
Phase Total:	Materials & Supplies																
	Operations Supplies	\$21,400	546	\$679	\$242	\$20	\$26	\$140						\$1,653	\$10,700		
	Mechanical Supplies	\$31,890	\$527	\$911	\$294	\$863	\$1,530	\$263						\$4,387	\$15,945		
	Electrical Supplies	\$38,900	\$15		\$10,743	\$2,112	\$372							\$13,243	\$19,450		
	Subtotal	\$92,190	\$1,088	\$1,589	\$11,279	\$2,995	\$1,556	\$775	\$0	\$0	\$0	\$0	\$0	\$19,282	\$46,095		
Analysis	Laboratory Analysis																
Biochemical Oxy	Compliance Testing	\$11,300	\$1,435	\$1,148	\$1,148	\$1,317	\$1,148	\$1,148						\$7,344	\$5,650		
Demand & Total	Operational Support Testing	\$4,900	\$628	\$628	\$628	\$628	\$628	\$628						\$3,768	\$2,450		
Langelier Index	Special Sampling	\$29,400	\$2,485	\$788	\$2,288	\$2,860	\$2,288	\$2,288						\$12,997	\$14,700		
	Subtotal	\$45,600	\$4,548	\$2,564	\$4,064	\$4,805	\$4,064	\$4,064	\$0	\$0	\$0	\$0	\$0	\$24,109	\$22,800		
Phase Total:	Contractual Services																
	Sub-surface Repairs	\$15,750												\$0	\$7,875		
	Street Sweeping	\$5,000												\$0	\$2,500		
	Cathodic Protection Survey & Repairs	\$47,250												\$0	\$23,625		
	Underground Service Alert	\$4,800	\$610											\$610	\$2,400		
	SCADA software maintenance contract	\$10,000	\$5,365											\$5,365	\$5,000		
	Remote monitoring annual service for PS and Re	\$1,950				\$115								\$115	\$975		
	HVAC Maintenance/Repairs	\$800												\$0	\$400		
	Termite/Pest Control	\$950												\$0	\$475		
	Landscape/weed maintenance	\$11,200					\$3,854							\$3,854	\$5,600		
	Smartmeter Covers	\$1,800													\$900		
	Janitorial Service	\$10,000		\$1,950		\$975	\$975	\$975						\$4,875	\$5,000		
	Other Services	\$3,130												\$0	\$1,565		
	Misc Professional/Contractual Services	\$31,500			\$317	\$270								\$587	\$15,750		
	Subtotal	\$144,130	\$5,976	\$1,950	\$317	\$1,245	\$1,090	\$4,829	\$0	\$0	\$0	\$0	\$0	\$15,406	\$72,065		
Phase Total:	Utilities																
	Electricity (PG&E)	\$2,062,355	\$106,398	\$82,537	\$100,649	\$116,266	\$163,865	\$195,556						\$765,272	\$1,031,178		
	Water & Sewer (Pleasanton)	\$1,100			\$195		\$190							\$385	\$550		
	Water (EBMUD)	\$1,300	\$236		\$264		\$256							\$756	\$650		
	Telephone/communications	\$1,000	\$146	\$146	\$146	\$146	\$146							\$875	\$500		
	WW Treatment (DSRSD)	\$0												\$0	\$0		
	Subtotal	\$2,065,755	\$106,780	\$82,683	\$101,254	\$116,412	\$164,200	\$195,958	\$0	\$0	\$0	\$0	\$0	\$767,288	\$1,032,878		
Phase Total:	Non-Routine																
		\$0												\$0	\$0		
		\$0												\$0	\$0		
	Subtotal	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
	Monthly Total		\$202,915	\$194,109	\$224,807	\$188,527	\$272,250	\$290,641	\$0	\$0	\$0	\$0	\$0	\$1,373,250	\$1,765,250		
	YTD Total	\$3,530,499	\$202,915	\$397,024	\$621,831	\$810,358	\$1,082,608	\$1,373,250	\$1,373,250	\$1,373,250	\$1,373,250	\$1,373,250	\$1,373,250	\$1,373,250	\$1,765,250		
	Combined Export Flow, mg	3356	146	176	222	295	420	520						1,780	1,678		
	Pumping Efficiency		74.1%	76.7%	73.2%	75.8%	74.8%	73.8%									
	Monthly Cost, \$/mg	\$1,392	\$1,103	\$1,103	\$1,011	\$639	\$648	\$558									
	YTD Running Cost, \$/mg	\$1,052	\$1,392	\$1,234	\$1,142	\$965	\$860	\$771						\$771			

LAVWMA														
BUDGET COMPARISON TO ACTUAL EXPENSES: LABOR														
													Current FY Period: 6	
ACTUAL EXPENSES BILLED TO LAVWMA FOR REGULAR O&M														
FY 2024-2025	Jul 2024	Aug 2024	Sep 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	Mar 2025	Apr 2025	May 2025	Jun 2025	YTD TOTAL	YTD Budget
<i>Estimated Personnel Hours</i>														
Division 51 - FOD	50	20.00	-	-	-	38.00	-	-	-	-	-	-	58.00	25.00
Water/Wastewater Sys Lead Op	0												-	-
Water/Wastewater Sys OP IV-On Call	0				17.00								17.00	-
Water/Wastewater Sys OP IV													-	-
Water/Wastewater Sys OP III	0												-	-
Water/Wastewater Sys OP I/II	43	20.00			21.00								41.00	21.50
Maintenance Worker	0												-	-
Supervisor	7												-	3.50
Division 52 - WWTP	2,832	148.00	176.50	251.50	164.00	172.00	180.00	-	-	-	-	-	1,092.00	1,416.00
Process Lead Operator IV/V	289	15.00	32.00	33.00	13.00	13.00	24.00						130.00	144.50
Senior WWTP Operator III	1,013	45.00	46.50	67.50	52.50	49.00	34.00						294.50	506.50
WWTP Supervisor		3.50											3.50	
Operator In Training	0												-	-
Operator II	1,431	84.50	98.00	151.00	98.50	110.00	122.00						664.00	715.50
Operator II (SLSS)	0												-	-
Operations Superintendent	99												-	49.50
Ops Director													-	-
Division 53 - MECH	1,107	176.00	250.50	155.00	85.00	213.50	174.50	-	-	-	-	-	1,054.50	553.50
Senior Mechanic-Crane Cert	54	41.50	85.00	53.00	24.50	78.00	43.00						325.00	27.00
Senior Mechanic - USA	72	4.00	9.00	21.00	20.00	11.00	18.00						83.00	36.00
Maintenance Worker	54												-	27.00
Mechanic I/II	882	111.50	141.00	59.50	28.00	99.00	88.50						527.50	441.00
Mechanic II-Crane Cert	0												-	-
Mechanic III - USA	0	19.00	15.50	21.50	12.50	25.50	25.00						119.00	-
Mechanic II-Crane Cert - USA	0												-	-
Supervisor	45												-	22.50
Division 54 - ELEC	1,080	34.50	42.50	88.00	34.50	37.50	32.00	-	-	-	-	-	269.00	540.00
Senior Instrument/Controls Tech	45	7.50	6.00	9.00	10.50	4.50	7.50						45.00	22.50
Instrumentation & Controls Tech I/II	504	17.00	12.50	31.00	16.00	20.50	16.50						113.50	252.00
Ice Supervisor		2.00	3.50	2.00	1.00	1.00							9.50	-
Senior Electrician	45	3.00	11.00	4.00	1.00	4.00	2.00						25.00	22.50
Electrician I/II	441	4.00	5.00	36.00	4.00	6	6.00						61.00	220.50
Principal Electrical Engineer	45	1.00	4.50	6.00	2.00	1.50							15.00	22.50
Division 55 - Laboratory	0	-	-	-	-	-	-	-	-	-	-	-	-	-
EC Inspector II-Pretreatment	0												-	-
Laboratory Technician	0												-	-
Supervisor	0												-	-
Division 26 - SAFETY	54	-	-	-	-	-	-	-	-	-	-	-	-	27.00
Safety Officer	54												-	27.00
Division 40 - ENG	288	5.00	2.00	-	3.00	3.00	1.00	-	-	-	-	-	14.00	126.00
Senior Civil Engineer-SME	36												-	-
Associate Engineer	108	5.00	2.00		3.00	3.00	1.00						14.00	54.00
Construction Inspector I/II	72												-	36.00
Engineering Technician II	36												-	18.00
GIS Analyst	36												-	18.00
<i>Total Estimated Personnel Hours</i>	5,411													
<i>FTE</i>	2.6													
Total Monthly Hours	383.50	471.50	494.50	286.50	464.00	387.50	-	-	-	-	-	-	2,487.50	2,687.50

EBDA Monthly Reports

Parameter	Flow	CBOD Qual	CBOD	TSS Qual	TSS	pH	pH	Total Residual Chlorine	Total Residual Chlorine	Fecal Qual	Fecal Coliforms	Entero Qual	Enterococci
Units	MGD		mg/L		mg/L	SU	SU	mg/L	mg/L		MPN/100mL		MPN/100mL
Test Method	Daily Average (Mean)		SM 5210 B-2011		SM 2540 D-2011	Instant Min	Instant Max	Daily Average (Daily Average (Mean)		SM 9221 C,E-2006		Enterolert
MDL			2.0		1.2								
RL			2.0		4.5						2		10
Location	LAVWMA-EXP		LAVWMA-EXP		LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	SLSS		SLSS		SLSS
10/1/2024	7.13					7.52	7.66	0.77			17	<	10
10/2/2024	6.43		2.1		6.6	7.56	7.85	0.51					
10/3/2024	7.32					7.39	7.79	0.33					
10/4/2024	6.51					7.36	7.89	0.25					
10/5/2024	8.38					7.33	7.57	0.56					
10/6/2024	9.61					7.34	7.58	0.79					
10/7/2024	7.15					7.34	7.60	0.72					
10/8/2024	8.21					7.49	7.67	0.48			80	<	10
10/9/2024	7.67		5.1		11	7.65	7.84	0.17					
10/10/2024	7.84					7.60	7.86	0.27					
10/11/2024	7.95					7.62	7.75	1.59					
10/12/2024	11.00					7.57	7.75	1.62					
10/13/2024	10.52					7.57	7.66	0.92					
10/14/2024	10.73					7.63	7.79	0.61					
10/15/2024	10.66					7.63	7.79	0.72			4	<	10
10/16/2024	9.01		4.2		9.2	7.70	7.79	0.67					
10/17/2024	8.03					7.73	8.15	0.53					
10/18/2024	8.23					7.63	7.90	0.70					
10/19/2024	9.58					7.62	7.89	0.80					
10/20/2024	10.30					7.62	7.81	0.72					
10/21/2024	9.77					7.56	7.82	0.58					
10/22/2024	9.89					7.57	7.75	0.46			27		20
10/23/2024	8.74		4.5			7.46	7.90	0.38					
10/24/2024	10.71					7.60	7.86	0.26					
10/25/2024	9.41					7.55	7.79	0.48					
10/26/2024	12.27					7.52	7.77	0.53					
10/27/2024	11.07					7.55	7.65	0.53					
10/28/2024	11.73					7.52	7.70	0.29					
10/29/2024	13.40					7.47	7.70	0.98			50		10
10/30/2024	13.30		4.1		7.8	7.44	7.70	0.63					
10/31/2024	13.23					7.43	7.60	0.61					
Note:													
Column G - pH Minimum; online													
Column H - pH Maximum; online													

Parameter	Flow	CBOD Qual	CBOD	TSS Qual	TSS	pH	pH	Total Residual Chlorine	Total Residual Chlorine	Fecal Qual	Fecal Coliforms	Entero Qual	Enterococci
Units	MGD		mg/L		mg/L	SU	SU	mg/L	mg/L		MPN/100mL		MPN/100mL
Test Method	Daily Average (Mean)		SM 5210 B-2011		SM 2540 D-2011	Instant Min	Instant Max	Daily Average (Mean)	Daily Average (Mean)		SM 9221 C,E-2006		Enterolert
MDL			2.0		1.2								
RL			2.0		4.5						2		10
Location	LAVWMA-EXP		LAVWMA-EXP		LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	SLSS		SLSS		SLSS
11/1/2024	14.35					7.49	7.67	0.69					
11/2/2024	11.14					7.43	7.63	0.75					
11/3/2024	15.66					7.44	7.66	0.86					
11/4/2024	14.50					7.39	7.65	0.71					
11/5/2024	12.24					7.41	7.63	0.47			13	<	10
11/6/2024	9.10		6.4		11.0	7.00	7.70	1.18					
11/7/2024	9.48					7.49	7.79	1.18					
11/8/2024	11.97					7.52	7.75	1.60					
11/9/2024	11.12					7.57	7.78	1.09					
11/10/2024	14.99					7.55	7.80	1.15					
11/11/2024	13.69					7.55	7.73	0.79					
11/12/2024	12.04					7.63	7.73	0.89			8		10
11/13/2024	15.23		6.3		8.8	7.56	7.75	1.11					
11/14/2024	14.64					7.53	7.72	1.15					
11/15/2024	13.15					7.57	7.75	1.74					
11/16/2024	14.88					7.55	7.75	2.63					
11/17/2024	13.24					7.59	7.77	2.91					
11/18/2024	14.57					7.57	7.70	1.57					
11/19/2024	14.80					7.59	7.71	1.51			7		20
11/20/2024	13.57		5		7.0	7.62	7.75	1.84					
11/21/2024	13.57					7.68	7.91	1.73					
11/22/2024	15.43					7.68	7.87	1.21					
11/23/2024	15.42					7.52	7.83	0.89					
11/24/2024	15.98					7.53	7.68	0.64					
11/25/2024	18.78					7.63	7.68	0.46					
11/26/2024	15.42		4.6		5.6	6.85	7.89	0.59		<	2	<	10
11/27/2024	14.66					7.57	7.75	1.06					
11/28/2024	15.47					7.54	7.73	1.96					
11/29/2024	15.96					7.52	7.71	1.80					
11/30/2024	15.09					7.60	7.89	1.53					

Note:
Column G - pH Minimum; online
Column H - pH Maximum; online

Parameter	Flow	CBOD Qual	CBOD	TSS Qual	TSS	pH	pH	Total Residual Chlorine	Total Residual Chlorine	Fecal Qual	Fecal Coliforms	Entero Qual	Enterococci
Units	MGD		mg/L		mg/L	SU	SU	mg/L	mg/L		MPN/100mL		MPN/100mL
Test Method	Daily Average (Mean)		SM 5210 B-2011		SM 2540 D-2011	Instant Min	Instant Max	Daily Average (Mean)	Daily Average (Mean)		SM 9221 C,E-2006		Enterolert
MDL			2.0		1.2								
RL			2.0		4.5						2		10
Location	LAVWMA-EXP		LAVWMA-EXP		LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	SLSS		SLSS		SLSS
12/1/2024	16.74					7.53	7.79	1.64					
12/2/2024	14.11					7.55	7.78	1.84					
12/3/2024	14.53					7.53	7.79	1.30			11	<	10
12/4/2024	16.27		7.0		10	7.51	7.96	1.34					
12/5/2024	15.31					7.49	7.78	1.36					
12/6/2024	15.21					7.59	8.25	1.06					
12/7/2024	15.65					7.46	7.78	1.21					
12/8/2024	12.91					7.45	7.72	1.17					
12/9/2024	12.63					7.50	7.72	1.05					
12/10/2024	13.12					7.55	7.79	1.59			4	<	10
12/11/2024	15.62		6.2		9.0	7.48	7.90	1.85					
12/12/2024	16.36					7.47	7.70	1.72					
12/13/2024	15.91					7.50	7.64	1.67					
12/14/2024	21.78					7.33	7.62	1.48					
12/15/2024	19.79					7.37	7.56	1.79					
12/16/2024	19.49					7.05	7.61	1.85					
12/17/2024	20.54					7.45	7.59	1.27		<	2	<	10
12/18/2024	16.95		4.5		5.2	7.44	7.69	1.41					
12/19/2024	17.51					7.47	7.67	1.57					
12/20/2024	16.38					7.45	7.64	2.20					
12/21/2024	16.73					7.41	8.10	1.87					
12/22/2024	17.40					7.04	7.49	2.04					
12/23/2024	14.72					7.00	7.50	1.74					
12/24/2024	18.57		5.2		6.0	7.35	7.63	1.40			2	<	10
12/25/2024	19.01					7.52	7.64	1.29					
12/26/2024	17.12					7.41	7.67	1.43					
12/27/2024	19.12					7.14	7.60	1.64					
12/28/2024	19.12					7.22	7.35	1.95					
12/29/2024	18.86					7.18	7.37	1.87					
12/30/2024	17.44					7.14	7.41	1.69					
12/31/2024	16.99					7.26	7.44	1.77		<	2	<	10

Note:
Column G - pH Minimum; online
Column H - pH Maximum; online

Langelier Saturation Index Report (Livermore, DSRSD, LAVWMA)

The Langelier Saturation index is used to predict corrosion potential on the export pipeline. Keeping a Langelier index between -0.5 – 0.5 is a good target.

**CITY OF LIVERMORE
LIVERMORE WATER RECLAMATION PLANT**

Livermore - 4th Quarter 2024
Langelier pH Saturation Index

Collection DATE	TDS (mg/L)	Temp (°C)	Ca Hardness (mg/L CaCO ₃)	Alkalinity (mg/L CaCO ₃)	pH (Actual)	pH Saturation	Langlier Index
10/01/24	562	25.0	80	338	7.6	7.5	0.2
11/06/24	576	20.0	75	298	7.7	7.6	0.1
12/04/24	592	21.0	71	353	7.6	7.5	0.0
MAXIMUM	592	25.0	80	353	7.7	7.6	0.2
MINIMUM	562	20.0	71	298	7.6	7.5	0.0
AVERAGE	577	22.0	75	330	7.6	7.5	0.1

**DUBLIN SAN RAMON SERVICES DISTRICT
WASTEWATER TREATMENT FACILITY**

DSRSD - 4th Quarter 2024
Langelier pH Saturation Index

Collection DATE	TDS (mg/L)	Temp (°C)	Ca Hardness (mg/L CaCO ₃)	Alkalinity (mg/L CaCO ₃)	pH (Actual)	pH Saturation	Langlier Index
10/05/24	608	27.3	104	282	7.5	7.3	0.2
11/09/24	788	23.7	320	385	7.5	6.8	0.7
12/15/24	662	20.8	214	251	7.3	7.1	0.2
MAXIMUM	788	27.3	320	385	7.5	7.3	0.7
MINIMUM	608	20.8	104	251	7.3	6.8	0.2
AVERAGE	686	23.9	213	306	7.4	7.1	0.4

**DUBLIN SAN RAMON SERVICES DISTRICT
WASTEWATER TREATMENT FACILITY**

LAVWMA - 4th Quarter 2024
Langelier pH Saturation Index

Collection DATE	TDS (mg/L)	Temp (°C)	Ca Hardness (mg/L CaCO ₃)	Alkalinity (mg/L CaCO ₃)	pH (Actual)	pH Saturation	Langlier Index
10/05/24	614	26.6	96	272	7.6	7.4	0.2
11/09/24	680	22.6	96	272	7.5	7.4	0.1
12/15/24	622	19.2	196	256	7.4	7.2	0.2
MAXIMUM	680	26.6	196	272	7.6	7.4	0.2
MINIMUM	614	19.2	96	256	7.4	7.2	0.1
AVERAGE	639	22.8	129	267	7.5	7.3	0.2

ITEM NO. 13 CAPITAL PROJECT STATUS REPORT**Action Requested**

None at this time.

Summary

The table below lists Board approved capital projects for FY2024/25. The San Leandro Sample Station project had a completion date of August 2025 due to a delay in the delivery of critical equipment because of supply chain delays beyond the control of the contractor. An additional delay in the delivery of a 30” control valve may push the completion of that project into FY 2025/26. SCADA/PLC Upgrade at the Pump Station project will start in FY2025/26. The overhaul of the pump and motor of two 600 HP pumps will be completed by the end of the fiscal year and the overhaul of two additional pumps will be scheduled for overhaul in FY2025/26. All other projects are on track for completion by June 30, 2025.

FY2024/25 Capital Program Expenditures *Carryover (FY 2023/24)	Budget
*Export Pipeline Inspection (Attachment A)	\$850,000
*Replace 17 Valve Actuators at Pump Station	\$95,000
Evaluation of Four 600 HP Pumps and Motors	\$150,000
*Livermore Pipeline Replacement	\$200,000
*Air/Vac Valve Assessment and Resolution at EBDA pipeline	\$100,000
*Back Up Power Improvements at Pump Station	\$0
Other Misc. LAVWMA Renewal/Replacements	\$50,000
Other Misc. EBDA Renewal/Replacements	\$50,000
CIP Planning/Mgmt./Contingency	\$50,000
*San Leandro Sample Station Design Improvements	\$1,675,000
*Cathodic Protection Projects	\$250,000
*SCADA/PLC Upgrade at the Pump Station	\$600,000
Total Expenditures	\$4,070,000

On November 20, 2024, the LAVWMA Board approved an adjustment to the FY2024/25 Capital Budget of \$220,000 for LAVWMA to acquire On-Call Engineering Services. A request for proposal for On-Call Engineering Services was distributed to five engineering consulting firms and posted on the LAVWMA website on January 21, 2025. Proposals are due March 07, 2025.

Recommendation

This is an information item only requiring no action by the Board.

Attachment

2nd Quarter Report on Capital Projects

2nd Quarter Report on Capital Projects

LAVWMA BOD approved an Ordinance on 11/05/2014 to become a participant in the California Uniform Construction Cost Accounting Commission. However, LAVWMA had not established the adoption of CUPCCAA to become a registered agency under the program. A cover letter was sent requesting the registration of a copy of the LAVWMA 2014 Ordinance to the State Controller requesting the registration of LAVWMA into the California Uniform Construction Cost Accounting Commission. LAVWMA is now subject to under CUPCCAA as of January 10, 2025.

<p>Air Entrainment Study</p> <ul style="list-style-type: none"> • Project Cost - \$150,000. • Executed a not to exceed \$109,000 agreement with Hydroscience Engineers to conduct an Air Entrainment Study of the LAVWMA pipeline. The Project Kickoff meeting was on January 16, 2025. • A considerable amount of operational and SCADA data, as well as design plans and specifications on various LAVWMA and EBDA facilities have been given to Hydroscience for this study. In addition, several virtual and on-site meetings have been conducted as staff work on this project.
<p>Export Pipeline Inspection Project</p> <ul style="list-style-type: none"> ○ Project Cost - \$850,000. ○ The first phase of this project (Inspecting the two pipelines from the Pump Station to the top of the Dublin grade is complete. ○ Paid invoice for this phase of the project in the amount of \$123, 230.73 ○ Contractor National Plant Services to return after wet weather season in the spring of 2025 to conduct inspection on the gravity side of the pipeline.

<p>San Leandro Sample Station Project</p> <ul style="list-style-type: none"> • Project Cost is \$1,675,000. • The GM attended meetings with SLSS Project Designer (HydroScience), Contractor (McGuire and Hester), and DSRSD on this project. • LAVWMA approved a no-cost change order with McGuire and Hester to move the completion date for this project to August of 2025 due to supply chain delivery delays of essential project components. • Received a letter from the contractor that a “thirty” valve associated with this project now has a scheduled delivery date of July 2025. This could push project completion into late 2025. • The GM communicated delays in the project schedule to the City of San Leandro and to the San Leandro’s Heron Bay Homeowners Association as work will now be done along the Heron Bay Trail in the summer of 2025.
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Livermore Pipeline Interceptor Project

- Project Cost estimation is \$6,200,000.
- Physical work on this project has been completed.
- January 3, 2025 - The City of Livermore paid LAVWMA \$4.3 million in cash towards the costs for this project.
- The City of Livermore authorized LAVWMA to use \$1.5 million in “sole use” reserves towards the cost of this project.
- There are ongoing administrative costs associated with the pursuit of FEMA reimbursement and finalization of easements. Later in 2025, LAVWMA is scheduled to send a “true-up” invoice to Livermore for these costs. These costs are estimated to be < \$200,000.
- The GM attended monthly meetings with FEMA regarding this Project.
- Facilitated a second and FAA compliant easement appraisal of Livermore property at the project site. The appraisal was completed by Krauss Appraisal on September 10, 2024. The City of Livermore has accepted this appraisal and will be sending LAVWMA an invoice in the amount of \$1700.00 for a 50-year easement lease agreement.
- FEMA Project # 734134 - FEMA has approved reimbursement in the amount of \$17,294.63 for the initial rip-rap project that provided a temporary project from additional soil and creek bank erosion at the project site.
 - LAVWMA has received a reimbursement of \$4323.66 from CAL-OES. LAVWMA GM/Treasurer deposited check in LAVWMA’s bank Account.
 - LAVWMA has received a reimbursement of \$17,294.63 from FEMA. LAVWMA GM/Treasurer deposited a check in LAVWMA’s Bank Account.
 - At the City of Livermore's request these funds have been credited to Livermore’s “sole-use” reserves.
- FEMA Project # 734124 – FEMA has indicated a best available reimbursement for this project is \$4,057,479.63. LAVWMA, DSRSD and FEMA Consultant KCG Consulting have submitted numerous documents and responded to numerous requests for information (RFI). FEMA staff processing the documents and information submitted.
 - FEMA still communicating that they have no further request for information from LAVWMA in their ongoing process of evaluating a FEMA reimbursement for this project.
- FEMA Project #735667 – This project is inactive and is a place holder in the FEMA reimbursement program if LAVWMA is asked to remove the old, buried Livermore pipeline. The cost estimate for such a project is estimated at \$1 million dollars and the best available reimbursement would be \$750,000.

- The LAVWMA General Manager requested FEMA to continue to maintain a placeholder in their system in the event that this project becomes active.

ON- Call Engineering Services
<ul style="list-style-type: none">● Project Cost estimation is at \$220,000 annually.● Develop a Request for proposal (RFP).● Advertised the RFP on the LAVWMA website and submitted to 5 Consulting firms on January 21, 2025.● Held information gathering meetings with two consulting firms interested in this RFP.● Responded to requests for information related to the RFP.● Held pre-submittal meeting with interested consultants at the DSRSD WWTP on February 11, 2025.● Proposals are due March 7, 2025.

Corrosion and Cathodic Protection Project
<ul style="list-style-type: none">● Project Cost is \$250,000● Developed a Request for Proposals for the design phase of the Project.● Project RFP in final stages of review

Overhaul of Export Pumps
<ul style="list-style-type: none">● Project Cost estimate is \$150,000.● Current FY2024/25 budget only has enough funds to overhaul two of four pumps which were planned for overhaul. The general authorized two pumps to be overhauled this year and will request budget to overhaul two pumps in the next fiscal year.● The pump and motor of 600 hp pump #2 has been overhauled and is currently being reinstalled. The pump and motor of 600 hp pump #7 are being pulled and sent out for overhaul.

SCADA/PLC Upgrades
<ul style="list-style-type: none">• Project Cost estimate is \$600,000.• Project is scheduled to start in FY2025/26.

Other Capital Project Updates
<ul style="list-style-type: none">• One-hour monthly meetings with signatories to the Memorandum of Agreement regarding information gathering related to an Advance Purification Pilot Project.• Signed an updated Memorandum of Agreement (MOA) for LAVWMA as a “Non-Contributing” member of the Regional Purified Water Exploratory committee.

ITEM NO. 14 General Manager Authorization to Execute Agreements**Action Requested**

The Board to consider delegating authority to the LAVWMA General Manager to award, negotiate (if necessary), and execute three Consultant Services Agreements. The first, with an engineering firm for On-Call Engineering Services for LAVWMA, in an amount not to exceed \$220,000. The second, with an engineering firm to provide design services for needed improvements to the LAVWMA pipeline cathodic protection system, in an amount not to exceed \$100,000. The third, with a firm that can provide for digital copying and cloud storage of LAVWMA records and files in an amount not to exceed \$97,000.

Summary

The LAVWMA FY2024/25 Operating and Capital Budget has approved funds in the amount of \$250,000 for improvements to the LAVWMA pipeline cathodic protection system. At its November 20, 2024 meeting, the LAVWMA Board approved adjustments to the LAVWMA FY2024/25 Capital Budget in the amount of \$220,000 to procure On-Call Engineering Services. In addition, on November 20, 2024, the Board approved an adjustment in the FY2024/25 Operating Budget in the amount of \$97,000 for the procurement and implementation of a certified and secure cloud-based document storage system. The LAVWMA General Manager has or is in the process of issuing requests for proposals for these three projects. Therefore, the LAVWMA General Manager is requesting Board approval to negotiate and enter 1) a not to exceed \$250,000 agreement for cathodic protection improvements, 2) a not to exceed \$220,000 agreement with a consultant to provide On-Call Engineering Services and 3) a not to exceed \$97,000 agreement to procure a cloud-based document storage system and provide for the copying and storage of LAVWMA paper documents in this storage system. The agreements will be negotiated and executed by the LAVWMA General Manager after the general manager and legal review have determined that the selected firms have submitted a responsive bid to provide such services.

Recommendation

Staff recommend the Board delegate authority to the General Manager to award, negotiate (if necessary), and execute three Consultant Services Agreements described herein.

Attachment

No Attachments

ITEM NO. 15 LAVWMA General Manager Approval Authority**Action Requested**

It is requested that the Board approve Resolution No. 25-01 repealing Resolution No. 11-06 thereby removing a cap on the LAVWMA General Manager's expenditure authority related to professional and technical services contracts, thereby universally delegating authority to approve expenditures budgeted and accounted for in LAVWMA's adopted budget.

Summary

The LAVWMA Board of Directors has passed two resolutions related to the General Manager's spending authority. One resolution delegated to the LAVWMA General Manager the authority to execute professional and technical services contracts in an amount not to exceed \$50,000. The other resolution delegated authority to the LAVWMA General Manager to approve expenditures budgeted and accounted for in LAVWMA's adopted budget, so long as the budgeted funds are readily available for the identified expenditure.

In practice, the General Manager has found the \$50,000 cap on service contracts to be arbitrary in light of the other authority granted. There is no statutory reason to impose such a cap. Ultimately, this limitation inhibits the General Manager's ability to conduct LAVWMA business because LAVWMA has only four regular Board Meetings per year where it can seek Board approval. As a result, some contracts are delayed in their execution and implementation in order to obtain Board approval. In contrast, other cities and agencies have 12 to 36 regular meetings per year making it easier for those entities to seek Board approval to conduct business.

Staff recommends that the resolution imposing the \$50,000 cap be rescinded. The effect of doing so would streamline the General Manager's delegated authority, allowing the Board to set the budget and the General Manager to implement agreements consistent with that budget. The Board will remain informed of the contracts the General Manager is entering into as part of the quarterly GM report.

Recommendation

Approve Resolution No. 25-01 rescinding Resolution No. 11-06.

Attachments

Resolution No. 25-01 - Attachment A

Purchasing Authority Survey - Attachment B

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY

RESOLUTION NO 25-01

A RESOLUTION OF THE LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY REPEALING RESOLUTION 11-06

WHEREAS, the Livermore-Amador Valley Water Management Agency (“LAVWMA”) is a joint powers agency comprised of the Cities of Livermore and Pleasanton and Dublin San Ramon Services District (“Member Agencies”); and

WHEREAS, the Member Agencies are parties to that certain Amended and Restated Joint Exercise of Powers Agreement for the Livermore-Amador Valley Water Management Agency dated July 21, 1997 (“JPA”); and

WHEREAS, Paragraph 23.1 of the JPA provides that, “each and every expenditure of monies shall be authorized or approved by the Board or by a person designated by the Board to authorize expenditures;” and

WHEREAS, on April 20, 2011, the LAVWMA Board of Directors rescinded a prior Resolution and delegated to the LAVWMA General Manager the authority to approve expenditures budgeted and accounted for in LAVWMA’s adopted budget so long as the budgeted funds are readily available for the identified expenditure; and

WHEREAS, the LAVWMA Board of Directors desires to rescind Resolution No. 11-06 which imposes a not to exceed amount of \$50,000 per contract on the General Manager’s authority to execute professional and technical services contracts to have one consistent delegation of authority to the General Manager regarding their approval authority.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Livermore-Amador Valley Water Management Agency that it hereby rescinds Resolution No. 11-06 in its entirety.

BE IT FURTHER RESOLVED that the General Manager’s approval authority under Resolution No. 11-06 to approve expenditures budgeted and accounted for in LAVWMA’s adopted budget so long as the budgeted funds are readily available for the identified expenditure is hereby reaffirmed. The Board of Directors further directs the General Manager to report these expenditures to the Board of Directors at its quarterly Board meetings.

DULY AND REGULARLY ADOPTED by LAVWMA this 19th day of February 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Arun Goel, Chair

ATTEST:

Levi Fuller, Jr., General Manager

APPROVED AS TO FORM:

Alexandra M. Barnhill, General Counsel

Purchasing Authority/Council Meeting Frequency Survey

	Agency	Frequency of Meetings Per Year (Excluding Special Meetings)	Purchasing Authority (City/General Manager)
1	City of Dublin	21	\$45,000
2	City of Hayward	36	\$100,000
3	City of Livermore	21	\$200,000
4	City of Pleasanton	22	\$200,000
5	City of San Leandro	22	\$200,000
6	Alameda County Water District	12	\$100,000
7	Central Contra Costa Sanitary District	24	\$200,000
8	Dublin San Ramon Services District	24	\$175,000
9	East Bay Dischargers Authority	11	\$25,000
10	East Bay Municipal Utility District (EBMUD)	20-24	\$100,000
11	Livermore-Amador Valley Water Management Agency	4	\$50,000
12	Oro Loma Sanitary District	12	\$175,000
13	Union Sanitary District	24	\$100,000

ITEM NO. 16 UPDATE AND RESPONSE TO VARIOUS LEGAL AND LEGISLATIVE ISSUES

Action Requested

None at this time.

Summary

Legal Counsel will provide the Board with an update on the following item attachment:

Notice of Court Order C.A. No. 25-cv-39-JJm-PAS – Sent to the LAVWMA General Manager by the Federal Emergency Management Agency (FEMA).

LAVWMA has filed for FEMA reimbursements for the emergency repair of the Livermore Pipeline.

Recommendation

There is no recommendation at this time.

Attachments

Notice of Court Order C.A. No. 25-cv-39-JJm-PAS

NOTICE OF COURT ORDER

You are hereby advised that a temporary restraining order has been entered in the case of *New York et al. v. Trump*, No. 25-cv-39-JJM-PAS (D.R.I.), ECF No. 50 (Jan. 31, 2025). You are receiving this Notice pursuant to the Court’s directive that notice of the order be provided “to all Defendants and agencies and their employees, contractors, and grantees by Monday, February 3, 2025, at 9 a.m.” A copy of the Court’s Order is attached for reference.

This case challenges an alleged “pause” of certain Federal financial assistance, related to OMB Memorandum M-25-13, *Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs* (Jan. 27, 2025) (“OMB Memo”). Although that OMB Memo was rescinded on January 29, 2025, the plaintiffs in the above-referenced case allege that the funding pause directed by the OMB Memo is still in effect, including because of recently issued Executive Orders by the President.

In response, the Court has entered a temporary restraining order prohibiting certain actions by the Defendants in the case, which is effective immediately. All Defendants—including their employees, contractors, and grantees—must immediately comply with the Court’s Order. For complete details and terms of the Court’s Order, please refer to pages 11 and 12 of the enclosed Order.

To assist in your compliance, here is a summary of the key terms:

1. **Federal agencies cannot pause, freeze, impede, block, cancel, or terminate any awards or obligations on the basis of the OMB Memo, or on the basis of the President’s recently issued Executive Orders.**
2. **This prohibition applies to all awards or obligations—not just those involving the Plaintiff States in the above-referenced case—and also applies to future assistance (not just current or existing awards or obligations).**
3. **Agencies may exercise their own authority to pause awards or obligations, provided agencies do so purely based on their own discretion—not as a result of the OMB Memo or the President’s Executive Orders—and provided the pause complies with all notice and procedural requirements in the award, agreement, or other instrument relating to such a pause.**
 - a. On pages 11 and 12 of the Order, the Court prohibits agencies from pausing funding “except on the basis of the applicable authorizing statutes, regulations, and terms.” Thus, agencies remain free to exercise their own discretion under their “authorizing statutes, regulations, and terms,” including any exercise of discretion to pause certain funding. Additionally, agencies remain free to take action pursuant to the terms of the relevant award or obligation, such as in cases of grantee noncompliance.
 - b. Any exercise of agency discretion, however, cannot be based on the OMB Memo or the President’s Executive Orders, given that the Court has prohibited agencies from “implementing or giving effect to the OMB [Memo] under any other name

or title[.]” (Order, pg.12). Additionally, any decision to pause, stop, delay, or otherwise withhold federal financial assistance programs must comply with all notice and procedural requirements in the award, agreement, or other instrument setting forth the terms of the award or obligation.

- 4. Out of an abundance of caution, all federal agencies (even those not named as defendants in the case) should comply with the above-referenced terms.**

As the Court’s Order reflects, the above terms are temporary as litigation in the case is ongoing. At present, however, the Court’s Order is in effect and must be complied with.

If you have any questions about the scope or effect of the Court’s Order, please contact your agency’s Office of General Counsel or your grant officer, as appropriate. Thank you for your attention to this matter.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

STATE OF NEW YORK; STATE OF
CALIFORNIA; STATE OF ILLINOIS;
STATE OF RHODE ISLAND; STATE OF
NEW JERSEY; COMMONWEALTH OF
MASSACHUSETTS; STATE OF
ARIZONA; STATE OF COLORADO;
STATE OF CONNECTICUT; STATE OF
DELAWARE; THE DISTRICT OF
COLUMBIA; STATE OF HAWAII;
STATE OF MAINE; STATE OF
MARYLAND; STATE OF MICHIGAN;
STATE OF MINNESOTA; STATE OF
NEVADA; STATE OF NORTH
CAROLINA; STATE OF NEW MEXICO;
STATE OF OREGON; STATE OF
VERMONT; STATE OF WASHINGTON;
and STATE OF WISCONSIN,

Plaintiffs,

v.

C.A. No. 25-cv-39-JJM-PAS

DONALD TRUMP, *in his Official
Capacity as President of the United
States*; U.S. OFFICE OF
MANAGEMENT AND BUDGET;
MATTHEW J. VAETH, *in his Official
Capacity as Acting Director of the U.S.
Office of Management and Budget*; U.S.
DEPARTMENT OF THE TREASURY;
SCOTT BESSENT, *in his Official
Capacity as Secretary of the Treasury*;
PATRICIA COLLINS, *in her Official
Capacity as Treasurer of the U.S.*; U.S.
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; DOROTHY A.
FINK, M.D., *in her Official Capacity As
Acting Secretary Of Health And Human
Services*; U.S. DEPARTMENT OF
EDUCATION; DENISE CARTER, *in her
Official Capacity as Acting Secretary of
Education*; U.S. FEDERAL
EMERGENCY MANAGEMENT
AGENCY; CAMERON HAMILTON, *in*

his Official Capacity as Acting)
Administrator of the U.S. Federal)
Emergency Management Agency; U.S.)
 DEPARTMENT OF)
 TRANSPORTATION;)
 JUDITH KALETA, *in her Official*)
Capacity as Acting Secretary of)
Transportation; U.S. DEPARTMENT OF)
 LABOR; VINCE MICONE, *in his Official*)
Capacity as Acting Secretary of Labor;)
 U.S. DEPARTMENT OF ENERGY;)
 INGRID KOLB, *in her Official Capacity*)
as Acting Secretary of the U.S.)
Department of Energy; U.S.)
 ENVIRONMENTAL PROTECTION)
 AGENCY; JAMES PAYNE, *in his Official*)
Capacity as Acting Administrator of the)
U.S. Environmental Protection Agency;)
 U.S. DEPARTMENT OF HOMELAND)
 SECURITY; KRISTI NOEM, *in her*)
Capacity as Secretary of the U.S.)
Department of Homeland Security; U.S.)
 DEPARTMENT OF JUSTICE; JAMES R.)
 McHENRY III, *in his Official Capacity as*)
Acting Attorney General of the U.S.)
Department of Justice; THE NATIONAL)
 SCIENCE FOUNDATION; and DR.)
 SETHURAMAN PANCHANATHAN, *in*)
his Capacity as Director of the National)
Science Foundation,)
)
 Defendants.)
)
)

TEMPORARY RESTRAINING ORDER

The legal standard for a Temporary Restraining Order (“TRO”) mirrors that of a preliminary injunction. The Plaintiff States must show that weighing these four factors favors granting a TRO:

1. likelihood of success on the merits;
2. potential for irreparable injury;
3. balance of the relevant equities; and

4. effect on the public interest if the Court grants or denies the TRO.

Planned Parenthood League v. Bellotti, 641 F.2d 1006, 1009 (1st Cir. 1981). The traditional equity doctrine that preliminary injunctive relief is an extraordinary and drastic remedy that is never awarded as of right guides the Court. *Id.* The Court is also fully aware of the judiciary’s role as one of the three independent branches of government, and that the doctrine of separation of powers restricts its reach into the Executive Branch. The Court now turns to the four factors.

Likelihood of Success on the Merits

We begin with what courts have called a key factor—a consideration of the movant’s likelihood of success on the merits.

In **Count I**, the States allege that the Executive’s actions by the Office of Management and Budget (“OMB”)¹ violate the Administrative Procedure Act (“APA”)² because Congress has not delegated any unilateral authority to the Executive to indefinitely pause all federal financial assistance without considering the statutory and contractual terms governing these billions of dollars of grants.

In **Count II**, the States allege that the Executive’s actions violate the APA because the failure to spend funds appropriated by Congress is arbitrary and capricious in multiple respects.

¹ See *supra* for discussion of mootness.

² 5 U.S.C. § 551 et seq.

In Count III, the States allege that the failure to spend funds appropriated by Congress violates the separation of powers because the Executive has overridden Congress' judgments by refusing to disburse already-allocated funding for many federal grant programs.

In Count IV, the States allege a violation of the Spending Clause of the U.S. Constitution. U.S. Const. art. I, § 8, cl. law 1.

And in Count V, the States allege a violation of the presentment (U.S. Const. art. I, § 7, cl. 2), appropriations (U.S. Const. art. I, § 7), and take care clauses (U.S. Const. art. II, § 3, cl. 3) (the Executive must "take care that the laws be faithfully executed . . .").

Because of the breadth and ambiguity of the "pause," the Court must consider the States' TRO motion today based on the effect it will have on many—but perhaps not all—grants and programs it is intended to cover. Are there some aspects of the pause that might be legal and appropriate constitutionally for the Executive to take? The Court imagines there are, but it is equally sure that there are many instances in the Executive Orders' wide-ranging, all-encompassing, and ambiguous "pause" of critical funding that are not. The Court must act in these early stages of the litigation under the "worst case scenario" because the breadth and ambiguity of the Executive's action makes it impossible to do otherwise.

The Court finds that, based on the evidence before it now, some of which is set forth below, the States are likely to succeed on the merits of some, if not all, their claims. The reasons are as follows:

- The Executive's action unilaterally suspends the payment of federal funds to the States and others simply by choosing to do so, no matter the authorizing or appropriating statute, the regulatory regime, or the terms of the grant itself. The Executive cites no legal authority allowing it to do so; indeed, no federal law would authorize the Executive's unilateral action here.
- Congress has instructed the Executive to provide funding to States based on stated statutory factors—for example, population or the expenditure of qualifying State funds. By trying to impose certain conditions on this funding, the Executive has acted contrary to law and in violation of the APA.
- The Executive Orders threaten the States' ability to conduct essential activities and gave the States and others less than 24 hours' notice of this arbitrary pause, preventing them from making other plans or strategizing how they would continue to function without these promised funds.
- Congress appropriated many of these funds, and the Executive's refusal to disburse them is contrary to congressional intent and directive and thus arbitrary and capricious.
- Congress has not given the Executive limitless power to broadly and indefinitely pause all funds that it has expressly directed to specific recipients and purposes and therefore the Executive's actions violate the separation of powers.

Judge Bruce M. Selya of the First Circuit succinctly set out the black letter law about appropriated funds and Executive powers:

When an executive agency administers a federal statute, the agency’s power to act is “authoritatively prescribed by Congress.” *City of Arlington v. FCC*, 569 U.S. 290, 297, 133 S. Ct. 1863, 185 L. Ed. 2d 941 (2013). It is no exaggeration to say that “an agency literally has no power to act ... unless and until Congress confers power upon it.” *La. Pub. Serv. Comm’n v. FCC*, 476 U.S. 355, 374, 106 S. Ct. 1890, 90 L. Ed. 2d 369 (1986). Any action that an agency takes outside the bounds of its statutory authority is ultra vires, see *City of Arlington*, 569 U.S. at 297, 133 S. Ct. 1863, and violates the Administrative Procedure Act, see 5 U.S.C. § 706(2)(C).

City of Providence v. Barr, 954 F.3d 23, 31 (1st Cir. 2020).

The Executive’s statement that the Executive Branch has a duty “to align Federal spending and action with the will of the American people *as expressed through Presidential priorities*,” (ECF No. 48-1 at 11) (emphasis added) is a constitutionally flawed statement. The Executive Branch has a duty to align federal spending and action with the will of the people as ***expressed through congressional appropriations***, not through “Presidential priorities.” U.S. Const. art. II, § 3, cl. 3 (establishing that the Executive must “take care that the laws be faithfully executed . . .”). Federal law specifies how the Executive should act if it believes that appropriations are inconsistent with the President’s priorities—it must ask Congress, not act unilaterally. The Impoundment Control Act of 1974 specifies that the President may ask that Congress rescind appropriated funds.³ Here, there is no evidence that the Executive has followed the law by notifying Congress and thereby effectuating a potentially legally permitted so-called “pause.”

³ If both the Senate and the House of Representatives have not approved a rescission proposal (by passing legislation) within forty-five days of continuous session, any funds the Executive is withholding must be made available for obligation.

Justice Brett Kavanaugh wrote when he was on the D.C. Circuit:

Like the Commission here, a President sometimes has policy reasons (as distinct from constitutional reasons, *cf. infra* note 3) for wanting to spend less than the full amount appropriated by Congress for a particular project or program. But in those circumstances, even the President does not have unilateral authority to refuse to spend the funds. Instead, the President must propose the rescission of funds, and Congress then may decide whether to approve a rescission bill. *See* 2 U.S.C. § 683; *see also Train v. City of New York*, 420 U.S. 35, 95 S. Ct. 839, 43 L. Ed. 2d 1 (1975); Memorandum from William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, to Edward L. Morgan, Deputy Counsel to the President (Dec. 1, 1969), *reprinted in Executive Impoundment of Appropriated Funds: Hearings Before the Subcomm. on Separation of Powers of the S. Comm. on the Judiciary*, 92d Cong. 279, 282 (1971) (“With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent.”)

In re Aiken Cnty., 725 F.3d 255, 261, n.1 (D.C. Cir. 2013).

The Court finds that the record now before it substantiates the likelihood of a successful claim that the Executive’s actions violate the Constitution and statutes of the United States.

The Court now moves on to the remaining three injunction considerations.

Irreparable Harm

The States have put forth sufficient evidence at this stage that they will likely suffer severe and irreparable harm if the Court denies their request to enjoin enforcement of the funding pause.

- All the States rely on federal funds to provide and maintain vital programs and services and have introduced evidence that the withholding of federal funds

will cause severe disruption in their ability to administer such vital services—even if it is for a brief time.

- The States detail many examples of where the Executive’s overarching pause on funding that Congress has allocated will harm them and their citizens. These programs range from highway planning and construction, childcare, veteran nursing care funding, special education grants, and state health departments, who receive billions of dollars to run programs that maintain functional health systems. *See, e.g.*, ECF No. 3-1 at 56 (highway construction programs in Delaware), at 73 (childcare programs in Michigan), at 113 (veterans nursing care funding in Washington state), at 77 (special education programs in Minnesota), and at 100–01 (health care programs in New Mexico).
- The pause in federal funding will also hurt current disaster relief efforts. The States assert that the pause applies to federal actions directing federal financial assistance to North Carolina to address the damage inflicted by Hurricane Helene and to any Federal Emergency Management Agency grant money not yet disbursed, including key support for California’s ongoing response to the fires. ECF No. 1 ¶¶ 80–81.
- A January 28, 2025, email from Shannon Kelly, the Director of the National High Intensity Drug Case Trafficking Areas (HIDTA) program, who aids law enforcement in high drug-trafficking areas, shows that payments to state-based HIDTA programs have been paused, putting the public’s safety at risk. *Id.* ¶ 83.

The States have set forth facts showing that the Executive’s abrupt “pause” in potentially trillions of dollars of federal funding will cause a ripple effect that would directly impact the States and other’s ability to provide and administer vital services and relief to their citizens. Thus, the federal grants to States and others that are impounded through the Executive’s pause in disbursement will cause irreparable harm.

And it is more than monetary harm that is at stake here. As Justice Anthony Kennedy reminds us, “Liberty is always at stake when one or more of the branches seek to transgress the separation of powers.” *Clinton v. City of New York*, 524 U.S. 417, 449–50 (1998) (Kennedy, J. concurring)

Balance of the Equities and Public Interest

As the Court considers the final two factors, the record shows that the balance of equities weighs heavily in favor of granting the States’ TRO.

- If the Defendants are prevented from enforcing the directive contained in the OMB Directive, they merely would have to disburse funds that Congress has appropriated to the States and others.
- On the other hand, if the Court denies the TRO, the funding that the States and others are presumably due under law is in an indefinite limbo—a hardship worsened by the fact that the States had less than 24 hours’ notice to act in anticipation of the funding shortfall.
- The fact that the States have shown a likelihood of success on the merits strongly suggests that a TRO would serve the public interest. Moreover, the

public interest further favors a TRO because absent such an order, there is a substantial risk that the States and its citizens will face a significant disruption in health, education, and other public services that are integral to their daily lives due to this pause in federal funding.

The evidence in the record at this point shows that, despite the rescission of the OMB Directive, the Executive's decision to pause appropriated federal funds "remains in full force and effect." ECF No. 44.

Mootness

The Defendants now claim that this matter is moot because it rescinded the OMB Directive. But the evidence shows that the alleged rescission of the OMB Directive was in name-only and may have been issued simply to defeat the jurisdiction of the courts. The substantive effect of the directive carries on.

Messaging from the White House and agencies proves the point. At 2:04 EST, less than an hour before the Court's hearing on the States' motion on Wednesday, the Defendants filed a Notice saying, "OMB elected to rescind that challenged Memorandum. *See* OMB Mem. M-25-14, *Rescission of M-25-13* (Jan. 28, 2025) ('OMB Memorandum M-25-13 is rescinded.')." ECF No. 43. Yet about twenty minutes before the Defendants filed the Notice, the President's Press Secretary sent a statement via the X platform that said: "The President's [Executive Orders] EO's on federal funding remain in full force and effect and will be rigorously implemented." ECF No. 44. And then the following day (January 30, 2025 at 7:50 MST and again at 5:27 p.m. EST) after the so-called rescission, the Environmental Protection Agency, in an email to

federal grant recipients, said that the awarded money could not be disbursed while it worked “diligently to implement the [OMB] Memorandum, Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs, to align Federal spending and action with the will of the American people as expressed through President Trump’s priorities. The agency is temporarily pausing all activities related to the obligation or disbursement of EPA Federal financial assistance at this time. EPA is continuing to work with OMB as they review processes, policies, and programs, as required by the memorandum.” ECF No. 48-1 at 6, 11.

Based on the Press Secretary’s unequivocal statement and the continued actions of Executive agencies, the Court finds that the policies in the OMB Directive that the States challenge here are still in full force and effect and thus the issues presented in the States’ TRO motion are not moot.

Conclusion

Consistent with the findings above, and to keep the status quo, the Court hereby ORDERS that a TEMPORARY RESTRAINING ORDER is entered in this case until this Court rules on the States’ forthcoming motion for a preliminary injunction, which the States shall file expeditiously.

During the pendency of the Temporary Restraining Order, Defendants shall not pause, freeze, impede, block, cancel, or terminate Defendants’ compliance with awards and obligations to provide federal financial assistance to the States, and Defendants shall not impede the States’ access to such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms.

If Defendants engage in the “identif[ication] and review” of federal financial assistance programs, as identified in the OMB Directive, such exercise shall not affect a pause, freeze, impediment, block, cancellation, or termination of Defendants’ compliance with such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms.

Defendants shall also be restrained and prohibited from reissuing, adopting, implementing, or otherwise giving effect to the OMB Directive under any other name or title or through any other Defendants (or agency supervised, administered, or controlled by any Defendant), such as the continued implementation identified by the White House Press Secretary’s statement of January 29, 2025. ECF No. 44.

Defendants’ attorneys shall provide written notice of this Order to all Defendants and agencies and their employees, contractors, and grantees by Monday, February 3, 2025, at 9 a.m. Defendants shall file a copy of the notice on the docket at the same time.

Defendants shall comply with all notice and procedural requirements in the award, agreement, or other instrument relating to decisions to stop, delay, or otherwise withhold federal financial assistance programs.

The TRO shall be in effect until further Order of this Court. A preliminary hearing, at which time the States will have to produce specific evidence in support of a preliminary injunction, will be set shortly at a day and time that is convenient to the parties and the Court.

IT IS SO ORDERED.

s/John J. McConnell, Jr.

John J. McConnell, Jr.
Chief Judge
United States District Court for the District of Rhode Island

January 31, 2025

ITEM NO. 17 GENERAL MANAGER'S REPORT**Action Requested**

None at this time. This is only an information item.

Summary of General Manager Work Activity

The General Manager (GM) agreement is for a term of two years and began on April 01, 2024. There is a limitation of 1,000 hours per fiscal year for General Manager's Administrative Services (GMAS). After assuming the duties of General Manager at the May 15, 2024 Board meeting, the LAVWMA Board of Directors additionally delegated the LAVWMA General Manager with the responsibility of serving as LAVWMA's Treasurer. To date, approximately 35% of the General Manager's time has been dedicated to the newly added Treasurer responsibilities.

As of January 31, 2025, the LAVWMA General Manager and Treasurer have worked 426 hours during FY2024/25 which is trending below the hours designated solely for General Manager Administrative Services.

Financial Management

- Financial Audit
- Executed an amendment to the contract for Regional Government Services (RGS) increasing the budget from \$92,000 to \$153,000 for FY 24/25.
- Executed a 3-year agreement with an annual cost of \$15,000 to purchase a financial software package from Blackbaud Inc. for LAVWMA AR/AP functions.
- Met with representatives of S&P Global to provide updated information regarding LAVWMA's Operating, Capital Project and Financial status related to S&P Global's Bond grade assessment for LAVWMA.
- RGS set up a bank account with Chase Bank and began making payments to LAVWMA's Administrative function vendors, relieving this function from DSRSD.
- LAVWMA General Manager/Treasurer checked the account balances on all LAVWMA accounts, at a minimum, on a weekly basis.
- LAVWMA General Manager/Treasurer reviewed all LAVWMA account balances and monthly statements.
- Completed LAVWMA Interest Bond Payment on time in the amount of \$811,699.20.
- Completed payment of EBDA on time in the amount of \$574,980.00.
- Invoiced and received payment from the City of Livermore for \$1,277,759.42 for a debt service payment.
- LAVWMA received payment of \$4,300,000 from Livermore for the Livermore Pipeline Project.
- At the City of Livermore's request, \$1,500,000 was transferred from Livermore's "sole use" reserves to the LAVWMA "Joint-Use" reserves as part of the payment for the Livermore Pipeline Project.
- Invoiced DSRSD \$2,471,824.78 for the debt service payment.
- A collaboration between LAVWMA, DSRSD, and RGS has resulted in all vendor payments being made by their required due dates.

- LAVWMA and RGS are not aware of any past due accounts.
- The GM reviewed and approved multiple invoices from LAVWMA vendors.
- GM Fuller reviewed and signed the Treasurer's Quarterly Financial Report for 2nd Quarter, FY2024-25. (RGS)

Operations and Maintenance

- Reviewed and updated LAVWMA Wet Weather Strategy with DSRSD Operations staff.
- Completed LAVWMA pipeline inspection of dual pipes from the pump station to the top of the Dublin grade; both export pipelines returned to service. The Pipeline section from the Dublin grade to San Leandro will be completed in the spring of 2025.
- Conducted annual LAVWMA Wet Weather Strategy review meeting with external agencies, including Zone 7, ACWD, Alameda County Flood/ACPWA, EBDA, and the City of Livermore.
- DSRSD staff developed and LAVWMA GM Approved a plan to re-chlorinate LAVWMA's effluent after it has been conveyed to the pump station from DSRSD and Livermore. This plan is needed to address EBDA's concerns about bacteria regrowth in the pipeline on hot summer days. LAVWMA will pay the cost which is expected to be less than < \$25,000 annually to address this need.
- On 02/29/2024 - LAVWMA(LFuller), DSRSD (ACastro, SHalliday, SQuinlan), EBDA (HCin), Hydrosience (BSlenter), ScottFosterEng (SFoster) participated on tour of LAVWMA/EBDA facilities as part of an Air Entrapment Study.
- Reviewed a spill report DSRSD submitted to the RWQCB for spill of ten gallons of LAVWMA effluent into a storm drain caused by an air relief valve that was clogged with debris.
- The GM reviewed the 2nd Quarter, FY2024-25 Quarterly Report of Operations. (DSRSD)
- LAVWMA Operations and Maintenance (O&M) meetings in both November 2024 and January 2025.
- The GM attended and received status updates on Capital and O&M Projects.
- EBDA Managers' Meetings.
 - The GM attended the (monthly) EBDA Managers meetings; and
 - Recorded and sent meeting notes to relevant DSRSD, Livermore, and Pleasanton staff members.
- The GM attended the October 17, 2024 Board of Directors Meeting of the East Bay Discharge Authority.
- The GM attended the February 4, 2025 meeting of the DSRSD Board of Director's to see presentations on Energy management programs.
- The GM reviewed DSRSD Laboratory Reports for the San Leandro Sample Station (SLSS).
- The GM performed bi-monthly inspections of the Pump Station.
- The GM performed one inspection at the San Leandro Sample Station.

Capital Projects

- The LAVWMA BOD approved an Ordinance on 11/05/2014 to become a participant in the California Uniform Construction Cost Accounting Commission. However, LAVWMA had not established the adoption of CUPCCAA to become a registered agency under the program. A cover letter was sent requesting the registration of a copy of the LAVWMA 2014 Ordinance to the State Controller requesting the registration of LAVWMA into the California Uniform Construction Cost Accounting Commission. LAVWMA is now subject to CUPCCAA as of January 10, 2025.
 - See Attachment regarding CUPCCAACC – Frequently asked Questions.
- Executed a not to exceed \$109,000 agreement with Hydrosience Engineers to conduct an Air Entrainment Study of the LAVWMA pipeline. The Project Kickoff meeting was on January 16, 2025. A considerable amount of operational and SCADA data, as well as design plans and specifications on various LAVWMA and EBDA facilities have been given to Hydrosience for this study. In addition, several virtual and on-site meetings have been conducted as staff work on this project.
- The GM signed an updated Memorandum of Agreement (MOA) for LAVWMA as a “Non-Contributing” member of the Regional Purified Water Exploratory Committee.
- Attended several meetings with DSRSD senior staff on long-term management of capital and maintenance projects.
- On January 3, 2025, LAVWMA received a payment of \$4.3 million dollars toward the Livermore Pipeline Repair Project.
- DSRSD received a check from Cal-OES in the amount of \$4223.66, which is California’s portion of reimbursement for small Livermore repair “Rip Rap” Temporary Repair Project. DSRSD cut a check to LAVWMA in this amount. The LAVWMA GM/Treasurer deposited the check into LAVWMA’s Bank of America account.
- DSRSD received a check from Cal-OES in the amount of \$17,294.63. This was FEMA’s reimbursement for the Rip- Rap Project. The LAVWMA GM/Treasurer deposited the check in LAVWMA’s bank account.
- Executed an agreement with Hydrosience Engineers to conduct an Air Entrainment Study of the LAVWMA Export Pipeline. The Project Kickoff meeting was on January 16, 2025. A considerable amount of operational and SCADA data, as well as design plans and specifications on various LAVWMA and EBDA facilities have been given to Hydrosience for this study.

Export Pipeline Inspection Project

- The first phase of this project (Inspecting the two pipelines from the Pump Station to the top of the Dublin grade is complete.
- Paid Invoice for this phase of the project in the amount of \$123, 230.73
- Contractor National Plant Services to return after wet weather season in the spring of 2025 to conduct inspection on the gravity side of the pipeline.

Livermore Pipeline Interceptor Project

- Attended monthly meetings with FEMA regarding this Project.

- Facilitated a second and FAA compliant easement appraisal of Livermore property at the project site. The appraisal was completed by Krauss Appraisal on September 10, 2024. The City of Livermore has accepted this appraisal and will be sending LAVWMA an invoice in the amount of \$1700.00 for a 50-year easement lease agreement.
- FEMA Project # 734134 - FEMA has approved reimbursement in the amount of \$17,294.63 for the initial rip-rap project that provided a temporary project from additional soil and creek bank erosion at the project site.
 - LAVWMA has received a reimbursement of \$4323.66 from CAL-OES. LAVWMA GM/Treasurer deposited check in LAVWMA's bank Account.
 - LAVWMA has received a reimbursement of \$17,294.63 from FEMA. LAVWMA GM/Treasurer deposited a check in LAVWMA's Bank Account.
 - At the City of Livermore's request these funds have been credited to Livermore's "sole-Use" reserves.
- FEMA Project # 734124 – FEMA has indicated a best available reimbursement for this project is \$4,057,479.63. LAVWMA, DSRSD and FEMA Consultant KCG Consulting have submitted numerous documents and responded to numerous requests for information (RFI). FEMA staff processing the documents and information submitted.
 - FEMA still communicating that they have no further request for information from LAVWMA in their ongoing process of evaluating a FEMA reimbursement for this project.
- FEMA Project #735667 – This project is inactive and is a place holder in the FEMA reimbursement program if LAVWMA is asked to remove the old, buried Livermore pipeline. The cost estimate for such a project is estimated at \$1 million dollars and the best available reimbursement would be \$750,000.
 - Requested FEMA continue to maintain a placeholder in their system in the event that this project becomes active.

San Leandro Sample Station Project

- The GM attended meetings with SLSS Project Designer (HydroScience), Contractor (McGuire and Hester), and DSRSD on this Project.
- LAVWMA approved a no-cost change order with McGuire and Hester to move the completion date for this project to August of 2025 due to supply chain delivery delays of essential project components.
- Received a letter from the contractor that a "thirty" valve associated with this project now has a scheduled delivery date of July 2025. This could push project completion into late 2025.
- The GM communicated delays in the project schedule to the City of San Leandro and to the San Leandro's Heron Bay Homeowners Association as

work will now be done along the Heron Bay Trail in the summer of 2025.

ON- Call Engineering Services

- Develop a Request for proposal (RFP)
- Advertised the RFP on the LAVWMA Website and submitted to 5 Consulting firms on January 21, 2025.
- Information gathering meetings with two consulting firms interested in this RFP.
- Responded to requests for information related to the RFP.
- Held pre-submittal meeting with interested consultants at the DSRSD WWTP on February 11, 2025.
- Proposals are due March 7, 2025.

Corrosion and Cathodic Protection Project

- Developed a Request for Proposal for the design phase of the Project.
- Project RFP in final stages of review.

Other Capital Project Updates

- One-hour monthly meetings with signatories to the Memorandum of Agreement regarding information gathering related to an Advance Purification Pilot Project.

Legal and Administrative

- Monthly individual check-in meetings with executive staff of LAVWMA Member Agencies (DSRSD, The City of Livermore and The City of Pleasanton).
- Updated LAVWMA.com email service. LAVWMA.com emails were not being delivered because the old email delivery service was no longer recognized as a certified safe email service by the email servers of many clients with whom LAVWMA does business.
- Adverted a scam email coming from an entity posing as LAVWMA's website maintenance client.
- LAVWMA Administrative Analyst sent Statement of Economic Interests- Form 700, notices to all LAVWMA Board of Directors and applicable LAVWMA consultants.
- LAVWMA General Manager completed and submitted Statement of Economic Interests - Form 700.
- Developing RFP for Records Management Project.
- LAVWMA's email carrier was more than 12 years old. The email software was no longer recognized as a safe email client by modern email servers. This caused delays in email deliveries to LAVWMA clients. Therefore, the LAVWMA GM updated LAVWMA's email hosting service.
- In collaboration with the LAVWMA Administrative Assistant, DSRSD Staff and Legal Counsel, the GM researched, selected, and prepared agenda and agenda packet for the LAVWMA February 19, 2025/ 2024, meeting of the LAVWMA Board of Directors.
- In collaboration with LAVWMA Administrative Assistant, the GM prepared an

agenda, facilitated the LAVWMA Staff Advocacy Group (SAG) meeting held on February 12, 2025, and sent out meeting notes to SAG Team members of DSRSD, Livermore, Pleasanton and LAVWMA Legal Counsel.

- The GM attended weekly scheduled meetings with LAVWMA Administrative Assistant.
- The GM requested and received guidance from legal counsel on multiple topics and issues in management of LAVWMA affairs.

Attachments:

Registry of Public Agency – Alameda County - Attachment A

Registry of Public Agency – Contra Cost County - Attachment B

CUPCCAA FAQ - Attachment C

EPA – PFAS - Attachment D

CASA – PFAS - Attachment E



Secretary of State
Registry of Public Agencies
(Government Code section 53051)

SF-405

ENDORSED
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ALAMEDA COUNTY
JAN 21 2025
MELISSA WILK, County Clerk
BY [Signature] Deputy

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Certification Fee - \$5.00

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- Initial Filing (first Registry of Public Agencies filing for an agency)
Updated Filing (change to an existing Registry of Public Agencies record)

2. Agency Information

a. Full Legal Name of Public Agency: Livermore-Amador Valley Water Management Agency
b. Nature of Update (complete if Updated Filing): Change in members
c. County: Alameda & Contra Costa
d. Official Mailing Address: 7051 Dublin Boulevard, Dublin, CA 94568

3. Chairperson, President, or Other Presiding Officer

a. Name: Arun Goel
b. Title: Chair
c. Business or Residence Address: 7051 Dublin Boulevard, Dublin, CA 94568

4. Clerk or Secretary

a. Name: Levi Fuller
b. Title: Board Secretary
c. Business or Residence Address: 7051 Dublin Boulevard, Dublin, CA 94568


5. Other Members of the Governing Board (Enter as many as applicable. Attach additional pages for additional members.)

Table with 2 columns: Name, Business or Residence Address. Rows include Julie Testa (Alternate), John Marchand (Alternate), Rich Halket (Alternate), and two empty rows.

6. Date and Sign Below (Additional members set forth on attached pages, if any, are incorporated herein by reference and made part of this Form SF-405, Registry of Public Agencies.)

1/15/25 Date, Sheree Davis Signature, Sheree Davis Type or Print Name


2025-007 ^{OF} 1/2

	<p>Secretary of State Registry of Public Agencies (Government Code section 53051)</p>	<p>SF-405</p>
<p>IMPORTANT — Read Instructions before completing this form.</p> <p>There is No Fee for a Registry of Public Agencies filing</p> <p>Copy Fees — First page \$1.00; each attachment page \$0.50; Certification Fee - \$5.00</p>		

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JAN 28 2025

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 CONTRA COSTA COUNTY

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<input checked="" type="checkbox"/>	Updated Filing (change to an existing Registry of Public Agencies record)

2. Agency Information

a. Full Legal Name of Public Agency Livermore-Amador Valley Water Management Agency	
b. Nature of Update (complete if Updated Filing) Change in members	
c. County Alameda & Contra Costa	d. Official Mailing Address 7051 Dublin Boulevard, Dublin, CA 94568

3. Chairperson, President, or Other Presiding Officer

a. Name Arun Goel	b. Title Chair
c. Business or Residence Address 7051 Dublin Boulevard, Dublin, CA 94568	

4. Clerk or Secretary

a. Name Levi Fuller	b. Title Board Secretary
c. Business or Residence Address 7051 Dublin Boulevard, Dublin, CA 94568	

5. Other Members of the Governing Board (Enter as many as applicable. Attach additional pages for additional members.)

Name Dinesh Govindarao	Business or Residence Address 7051 Dublin Boulevard, Dublin, CA 94568
Name Evan Branning	Business or Residence Address 1052 S. Livermore Avenue, Livermore, CA 94550
Name Steven Dunbar	Business or Residence Address 1052 S. Livermore Avenue, Livermore, CA 94550
Name Jeff Nibert	Business or Residence Address 200 Bernal Avenue, Pleasanton, CA 94566
Name Matt Gaidos	Business or Residence Address 200 Bernal Avenue, Pleasanton, CA 94566

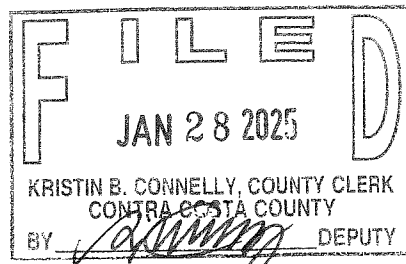
6. Date and Sign Below (Additional members set forth on attached pages, if any, are incorporated herein by reference and made part of this Form SF-405, Registry of Public Agencies.)

1/15/25 Date	 Signature	Sheree Davis Type or Print Name
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Secretary of State
Registry of Public Agencies
(Government Code section 53051)

SF-405



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5. Other Members of the Governing Board (Enter as many as applicable. Attach additional pages for additional members.)

Name Julie Testa (Alternate)	Business or Residence Address 200 Bernal Avenue, Pleasanton, CA 94566
Name John Marchand (Alternate)	Business or Residence Address 1052 S. Livermore Avenue, Livermore, CA 94550
Name Rich Halket (Alternate)	Business or Residence Address 7051 Dublin Boulevard, Dublin, CA 94568
Name	Business or Residence Address
Name	Business or Residence Address

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<u>1/15/25</u> Date	<u>Sheree Davis</u> Signature	<u>Sheree Davis</u> Type or Print Name
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CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT

FREQUENTLY ASKED QUESTIONS (FAQs)

These FAQs have been compiled to assist agencies that are participating in the California Uniform Public Construction Cost Accounting Act (the Act), as contained in Public Contract Code (PCC) Section 22000, et seq. All references are to PCC, unless otherwise stated.

1. What is the Uniform Public Construction Cost Accounting Act?

The Act is legislation that was enacted in 1983 to help promote “uniformity of the cost accounting standards and bidding procedures on construction work performed or contracted by public entities in the state” (Section 22001). The Act is a voluntary program available to all public entities in the State, but it applies only to those public agencies that have “opted in” to the provisions set forth by the Act using the processes outlined in the Act. The entirety of the Act is found at Sections 22000-22045.

2. What are some of the key provisions of the Act?

The Act allows for public project work in the amount of \$75,000 or less to be performed by a public agency’s force account using the public agency’s own resources, or by negotiated contract, or by purchase order (Section 22032(a)). Public projects in the amount of \$220,000 or less may use the informal or formal bidding procedures set forth in Section 22032(b), or (c) of the Act. Public projects at a cost of more than \$220,000 must use formal bidding procedures to let the contract pursuant PCC Section 22032(c), except as otherwise provided by statute.

3. What are the benefits of the program?

- Increased force account limit for public agencies;
- Simplified bidding for projects that are \$220,000 or less;
- Reduced number of formal bids based on project size; and
- Expedited contracting for projects under \$220,000.

Many participating agencies appreciate the program because it has given them more leeway in the execution of public works projects under a certain dollar amount; sped up the award process; expedited project delivery; reduced the time, effort, and expense associated with bidding projects under \$220,000; and simplified administration for those projects. Few agencies have experienced challenges with the accounting requirements and overhead provisions. Moreover, adjustments, when required, have been relatively simple; most required procedures were already in place, so there were few, if any, major changes to existing operations. The current Standard Accounting Codes Structure satisfies reporting requirements when used properly.

4. Is the Uniform Public Construction Cost Accounting Act mandatory for public agencies?

No. The Act is a voluntary program requiring a public agency to “opt in” using the process outlined in the Act.

5. How does a public agency become subject to the Act?

The governing body must elect by resolution to become subject to the Act and must file a copy of the approved resolution with the State Controller's Office (Section 22030). Sample documents are available at: http://www.sco.ca.gov/ard_cuccac.html. Once an agency has opted into the Act, it will remain a part of the program.

6. May a public agency withdraw from the Act?

Yes. An agency may withdraw from the Act by filing with the State Controller's Office an approved resolution of the agency's election to withdraw that was made during a public meeting of the agency's governing body.

7. Must a participating agency "opt in" to the Act annually?

No. Once a participating agency "opts in" to the Act, the agency remains subject to the Act until it "opts out" of the Act.

8. What is the California Uniform Construction Cost Accounting Commission?

The Commission was created to administer the Act, per Section 22010. It consists of 14 members: 13 members appointed by the State Controller and the License "A" member of the Contractors' State License Board. Seven members represent the public sector (counties, cities, school districts, and special districts). Six members represent the private sector (public works contractors and unions). The Commission members receive no salary, but are eligible for reimbursement of their direct expenses related to the Commission.

9. What are the Uniform Public Construction Cost Accounting Procedures?

These procedures are to be used for tracking costs for work performed by an Agency's own forces on a "project" as defined by the Act (Section 22002(c)). The procedures do not apply to operations or maintenance work, or any work that meets the criteria listed in Section 22002(d).

These procedures are intended to capture and record all direct and indirect labor, materials, equipment, subcontractors, and supervision costs, as well as the appropriate overhead costs for the public agency associated with each "project" it performs with its own forces. The procedures follow industry-standard accounting methods, and in many cases are not much different from those already in place at most agencies. Sample forms are available in the CUCCAC Cost Accounting Policies and Procedures Manual at http://www.sco.ca.gov/Files-ARD-Local/CUCCAC_Manual.pdf

School districts may use the Standard Accounting Code Structure to comply with tracking requirements.

10. Are the cost accounting procedures applicable for agencies whose work forces perform only maintenance tasks as defined in the Act and that contract all of their public projects to third parties?

No. The cost accounting procedures are applicable only for agencies that perform public project work such as construction and alteration by force account or otherwise. As maintenance does not constitute a "project" under the Act, the cost accounting procedures do not apply.

11. When are participating agencies required to advertise if they choose to maintain a list of qualified contractors?

At least once per calendar year, each Public Agency that has elected to become subject to the Act and intends to use the notice provisions outlined in Section 22034(a) must establish a new list or update its existing list of qualified contractors by mailing, faxing, or emailing written notice to all construction trade journals designated for that Agency under Section 22036. The notice must invite all licensed contractors to submit the name of their firms to the Agency for inclusion on the Agency's list of qualified bidders for the following twelve (12) months. Effective January 1, 2016, a participating agency can choose a specific date of their choice in which to renew its list of qualified contractors.

12. May an agency that chooses to maintain a list add a contractor to the list at any time during the year?

Yes.

13. What is meant by the term "qualified contractors" as used in section 22034(a)(1) of the Act?

Qualified contractors are contractors licensed by the State to perform the subject work. The Commission has determined that nothing in the Act prohibits a participating agency from using additional objective pre-qualification standards in the formation and maintenance of their Qualified Contractors Lists if they so desire.

14. How can a contractor get on an agency's list of contractors?

The California Uniform Public Construction Cost Accounting Commission's webpage has a list of agencies that are participating in the California Uniform Public Construction Cost Accounting Act (CUPCCAA). Please contact each agency directly to let them know you would like to be on their list of contractors. For a list of participating agencies, please see the "Participating Agency Lists" header at the following link:

https://www.sco.ca.gov/ard_cuccac.html

More detailed instructions for contractors can be found in Section 1.04.01 of the Cost Accounting Policies and Procedures Manual

15. Can a public agency disqualify or exclude certain contractors from the Qualified Contractors List required in Section 22034(a)(1)?

Agencies may disqualify contractors from Qualified Contractors Lists when the contractors fail to furnish information to meet the minimum criteria as established by the Commission.

16. For agencies that do not maintain an informal bidders list, are they allowed to choose who would get notifications of projects?

No. Section 22034(a)(2) provides for notifications to construction trade journals and exchanges in lieu of sending notifications to contractors on an informal bidders list. An agency may send notices to selected contractors provided it has also met the advertisement requirements of Section 22034(a).

- 17.** What is the difference between “qualifying contractors” under the Act and “prequalification of contractors” by school districts under Section 20101?

Qualifying contractors is a process that allows contractors to register with a public agency for notification of public works opportunities. The prequalification process under Section 20101 is a more complex process that requires a standardized questionnaire and evaluation of contractors using standard scoring criteria. The prequalification process is applicable under the Local Agency Public Construction Act, and does not apply to the Uniform Public Construction Cost Accounting Act.

- 18.** Does a contractor have to be on an agency’s contractor list in order to perform projects less than \$75,000?

No, any public project less than the \$75,000 informal bidding threshold can be performed by employees of the public agency, by negotiated contract, or by purchase order. An agency’s list of contractors is only required to be alerted of projects that surpass the informal bidding threshold.

- 19.** Must a public agency a) notify contractors about public projects if the contractors are believed to not have the skills, credentials, or experience to perform the work required for the public project; and b) consider bids submitted by contractors that the public agency believes do not have the skills, credentials, or experience to perform the work?

a) Yes. If a contractor is on the Qualified Contractors List, the contractor must be notified by the agency of public projects for which he or she is licensed to perform (Section 22034(a)(1)).

b) All bids received must be considered, unless an agency makes appropriate legal findings that a contractor is not legally responsible or his or her bid is not responsive.

- 20.** Does the Act allow flexibility in cases of emergency and when repair or replacements are necessary to permit the continued conduct of a public agency’s operations or services?

Yes. For the purposes of the Public Contract Code, an “emergency” is defined at Section 1102 as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.”

The Act sets forth in Section 22035(a) how a governing body should proceed in case of emergency repairs or replacements. This section states:

In cases of emergency when repair or replacements are necessary, the governing body may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the governing body, by contractor, or by a combination of the two. Section 22050 et seq., provides the emergency contract procedures to be followed in these cases.

- 21.** Do the alternative bidding procedures apply only to public projects as defined in Section 22002(c)?

The alternative bidding procedures apply only to work that constitutes a “public project” as defined in Section 22002(c) and has a construction cost within the limits described in Section 22032. The alternative bidding procedures are not required for the purchase of goods or materials that are not part of a “public project.”

However, as outlined in Section 22003, a participating agency may also use the alternative bidding procedures when contracting for maintenance or other work that does not fall within the definition of a “public project” if it so chooses.

- 22.** What will membership in the Act cost my agency?

Nothing. There are no membership fees or dues. However, the Commission does accept grants to assist it in carrying out its duties (Section 22015(c)).

- 23.** What are the most common concerns addressed by the Act?

These are:

- Cost accounting policies and procedures;
- Informal bidding procedures; and
- Accounting procedures review.

Cost accounting requirements for the Act follow those common to the construction industry. The informal bidding on public projects up to \$220,000 is seen by agencies as an effective tool to expedite completion of small projects. While an accounting procedures review could potentially hold up a project for a minimum of 45 days pursuant to Section 22043(c)(1), these types of reviews have been rare in the Commission’s history.

- 24.** Must an agency calculate an overhead rate to apply the accounting procedures?

No. Cities with populations of less than 75,000 must assume an overhead rate equal to 20% of the total costs of the public project, including the costs of material, equipment, and labor (Section 22017(b)(1)). Cities with a population of more than 75,000 may either calculate an actual overhead rate or assume an overhead rate of 30% of the total costs of a public project including the costs of materials, equipment, and labor (Section 22017(b)(2)).

- 25.** When a public entity opts into the Act, does the Act supersede other contracting legal requirements such as statutory requirements for performance bonds, prevailing wages, and certificates of insurance, etc.?

No. The Act supersedes only the bidding procedures used once a public agency has opted into the Act and has notified the Controller. All other contracting requirements of the PCC remain applicable.

- 26.** Can a public agency claim to be to be exempt from following all of the requirements in Public Contract Code by claiming it only has to follow the language and procedures within the Act?

No. The Act is part of the Public Contract Code; therefore, if the Act is silent on a particular matter, then the Public Contract Code applies on that matter.

- 27.** If public agencies are not following the advertising requirements in the Act, will the Commission address those agencies? Can a complaint be brought to the Commission?

Yes. Recent legislative changes have expanded the Commission’s authority to enforce provisions of the Act. The Commission may review complaints filed by interested parties when evidence is provided that:

- The participating agency performed work after rejecting all bids, claiming it could do the work less expensively (Section 22042(a)).
- The work performed exceeded the force account limits (Section 22032(a)).
- The work was improperly classified as maintenance (Section 22042(c)).
- The work has been split or separated into smaller work orders or projects (Section 22033).
- The work has exceeded the limits or otherwise not met the requirements set forth (Section 22032(b) and (c)).
- A public agency did not comply with the informal bidding procedures set forth at Section 22034 (Section 22042.5).

- 28.** Section 20112 specifically requires school districts to advertise twice for a two-week period, while Section 22037 requires advertising once, 14 days in advance of the date of opening of bids. How do participating school districts reconcile this conflict?

When the Act is in conflict with any other section in the Public Contract Code, the Act shall supersede. The Act requires advertising once, 14 days in advance of the date of opening of bids. Districts participating in the Act may choose to maximize their outreach by advertising twice.

- 29.** May a public agency contract separately for like work at the same site at the same time using the under \$75,000 Force Account method?

No. Section 22033 states:

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of this article requiring work to be done by contract after competitive bidding.

Separating “like work” would be permitted only if the total of all the “like work” is less than \$75,000. If the work is more than \$75,000, it must be advertised and bid according to the provisions of the Act (i.e., bid informally if the total amount is less than \$220,000; bid formally if the total amount exceeds \$220,000).

- 30.** May a public agency bid out two separate projects that occur at the same time and site, but are different types of work?

Yes. There is no violation if the work is competitively bid. If an agency wishes to use the negotiated or informal bidding processes, it must apply the appropriate limits to each of the projects. Each project must be separate in scope. Projects may not be separated by trade to avoid bidding. If the total of all jobs is greater than \$75,000 then the informal or formal bid limits apply.

- 31.** Can an agency separately bid out for the materials and supplies on a project to avoid contractor markup and then bid out for the installation labor or perform installation with its own forces?

An agency may separately procure the materials and supplies for a project; however, all costs (materials, supplies, labor) of a project must be included in the project cost estimate to determine whether the project falls within the force account, informal bid, or formal bid thresholds.

In addition, if installation is performed by force account, an overhead rate must be applied to all direct costs of the project and included in the cost estimate. For example, if materials/supplies cost \$50,000 to procure separately and the estimated labor cost to install is \$25,000, the project could not be performed with force account, but would fall within the informal bid threshold because the total cost estimate is \$75,000.

- 32.** Must a value be assigned to the volunteer labor when the California Conservation Corps or another volunteer organization provides labor on a public project?

No. Volunteer labor from volunteer organizations does not need to be included as a cost of a public project for bid limit purposes as long as no costs are associated with the volunteer labor.

- 33.** By opting into the Act, does a public agency automatically bring all of its component divisions or departments into the Act?

Yes. When a public agency elects to become subject to the uniform construction cost accounting procedures, the entire legal entity is considered subject to the Act and no divisions or departments are exempt.

- 34.** When a public agency opts into the Act, does it automatically bring all districts under control of its governing Board into the Act?

No. Special Districts, which are governed by a board of supervisors or city council, are subject only if a separate election is made for each special district.

- 35.** PCC 22034 requires that participating agencies adopt an Informal Bidding Ordinance. What do schools and special districts that cannot adopt Ordinances do to comply?

Agencies that do not have the ability to adopt Ordinances should discuss Section 22034 compliance with their legal counsel.

- 36.** Are change orders allowed by the Act, and if so what is allowable? What if a change order goes over one of the allowed thresholds?

The Act does not address change orders. Please consult with your agency's legal counsel regarding any limitation on change orders that may apply to your agency.

- 37.** Is there any training related to the Act? If so, where can I find a list of where the training is offered?

SCO has information regarding the Act on the SCO/CUCCAC website, including the current Cost Accounting and Procedures Manual. Often, commissioners are willing to provide training, answer questions, and/or give a presentation in order to assist agencies in getting the full benefits of participating in the Act.

- 38.** The Act states that public projects of sixty thousand dollars (\$60,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order. However, the Department of Industrial Relations (DIR) states any project over \$1,000 has to pay prevailing wages. How do the Act and DIR guidance work together?

The Act and DIR are completely separate and govern different aspects of public projects. The Act focuses on bidding related to public projects and DIR deals with wages paid by contractors on public projects. However, they may relate in that if prevailing wages are not paid on a public project, that could potentially impact the total cost of a project which would require a different bidding process utilized under the Act.

Additional inquiries and questions may be directed by email to LocalGovPolicy@sco.ca.gov, or by regular mail to:

State Controller's Office
Local Government Programs and Services Division
Local Government Policy Section
P.O. Box 942850
Sacramento, CA 94250



FACT SHEET

Draft Sewage Sludge Risk Assessment for PFOA and PFOS: Information for Wastewater Treatment Plants

January 2025

This fact sheet contains information that may be useful to operators of wastewater treatment plants (WWTPs) in addressing perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) contamination in sewage sludge.

On January 14, 2025, the U.S. Environmental Protection Agency (EPA) released its Draft Sewage Sludge Risk Assessment for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS). The draft risk assessment indicates that in some scenarios, the EPA's acceptable risk thresholds may be exceeded when sewage sludge containing PFOA and PFOS is land applied for beneficial reuse or surface disposed. The draft risk assessment focuses on people living on or near impacted farms or those that rely primarily on their products. The findings presented in the draft risk assessment are preliminary. The EPA expects to publish a final risk assessment after reviewing public comments and revising the draft risk assessment accordingly. Once finalized, the risk assessment will provide information on risk from use or disposal of sewage sludge and will inform the EPA's potential future regulatory actions under the Clean Water Act (CWA). The EPA is committed to partnering with states, Tribes, territories, and wastewater treatment plants (WWTPs) to reduce risks from PFOA and PFOS that may occur through the management of sewage sludge, including the land application of sewage sludge.

What are sewage sludge and biosolids?

When sewage from households and businesses is sent to a WWTP, the liquids are separated from the solids, producing a nutrient-rich product known as "sewage sludge." The EPA typically uses the term "biosolids" to refer to treated sewage sludge that is intended to be applied to land as a soil conditioner or fertilizer. Sometimes biosolids are distributed to farms. While some states, Tribes, or counties may have additional rules around the use of biosolids, federal rules currently allow biosolids to be applied to pastures, feed crops, and crops for direct human consumption. Biosolids can also be applied to forests, tree farms, golf courses, turf farms, and other types of land. In other cases, biosolids are bagged and sold at stores to the general public and are often used on lawns or in home gardens. Not all WWTPs create biosolids for land application; some incinerate sewage sludge and others send it to a landfill. Biosolids are different from manure or industrial sludge (like pulp from a paper mill), which are also sometimes used as a soil amendment. The EPA does not regulate the land application of manure or industrial sludges in the same manner it does for biosolids.

What are PFOA and PFOS?

PFOA and PFOS are two chemicals in a large class of synthetic chemicals called [per- and polyfluoroalkyl substances \(PFAS\)](#). PFOA and PFOS have been widely studied, and they were once high production volume chemicals within the PFAS chemical class. PFOA and PFOS tend to persist in the environment for long periods of time and have been linked to a variety of adverse human health effects (see the EPA's [Final Toxicity Assessment for PFOA](#) and [Final Toxicity Assessment for PFOS](#)). PFAS manufacturers voluntarily phased out domestic manufacturing of PFOA and PFOS and their uses have been restricted by Significant New Use Rules (SNURs)

issued under the Toxic Substances Control Act (TSCA) (*see* the EPA's [Risk Management for PFAS under TSCA](#)). Though concentrations of PFOA and PFOS in people's blood have lowered since the voluntary phase out, blood levels can be elevated in communities where there is significant environmental contamination and exposure.

Learn more about [PFAS](#), the [EPA's PFAS Strategic Roadmap](#), and [PFAS exposure in impacted communities](#).

Why is the EPA concerned about the presence of PFOA and PFOS in sewage sludge?

Although domestic manufacturing of PFOA and PFOS have been phased out and their uses restricted, multiple activities still result in PFOA, PFOS, and their precursors being released to WWTPs.¹ Traditional wastewater treatment technology does not remove or destroy PFOA or PFOS, and these chemicals typically accumulate in the sewage sludge. PFOA and PFOS have strong chemical bonds, which means they do not break down on their own in the environment or in our bodies. The chemicals can move from soils to groundwater or nearby lakes or streams, and be taken up into fish, plants, and livestock. These factors combine to raise questions about the potential risks associated with the presence of PFOA or PFOS in sewage sludge that is land applied as a soil conditioner or fertilizer (on agricultural, forested, and other lands), surface disposed, or incinerated.

What are the potential sources of PFOA and PFOS in sewage sludge?

Current and historical activities that can contribute PFOA and PFOS to sewage sludge include industrial releases (*e.g.*, certain types of firefighting foam, pulp and paper plants), commercial releases (*e.g.*, car washes, industrial launderers), and down-the-drain releases from homes (*e.g.*, use of consumer products like after-market water resistant sprays, ski wax, floor finishes, laundering of stain or water-resistant textiles with PFOA or PFOS coatings). If products containing PFOA or PFOS are disposed of at a lined municipal solid waste landfill, because the most common off-site management practice for landfill leachate is to transfer it to a WWTP, then that landfill's leachate could be a source of PFOA and PFOS to a WWTP. Studies have found that PFOA and PFOS in sewage sludge even at WWTPs that only receive wastewater from residential and commercial users. At different WWTPs across the country, any of these release mechanisms might play a role in PFAS entering the plant and contaminating sewage sludge.

What is a sewage sludge risk assessment?

Risk assessment is a scientific process that is used to understand health risks to people, livestock, or wildlife across the country. The concentration of pollutants found in sewage sludge varies across space and time, depending on industrial and other inputs to individual WWTPs. The presence of a pollutant in sewage sludge alone does not necessarily mean that there is risk to human health or the environment from its use or disposal. The EPA uses sewage sludge risk assessments to help evaluate whether actions, including regulation, are needed to protect those who may experience risks from sewage sludge use or disposal. In this sewage sludge risk assessment, the EPA estimates potential human exposures and risks in modeled scenarios where sewage sludge has been land applied or surface disposed. The draft risk assessment focuses on risks to humans because available data indicate that people are much more sensitive to exposures to PFOA or PFOS than livestock or wildlife. Finally, this risk assessment does *not* assess risks to people in the general population, who often have a diversity of sources for their foods.

¹ *see* the EPA's [Preliminary Effluent Guidelines Program Plan 16](#) and [Multi-Industry Per- and Polyfluoroalkyl Substances \(PFAS\) Study – 2021 Preliminary Report](#)

What does this draft sewage sludge risk assessment suggest?

The draft risk assessment focuses on those living on or near impacted sites (*e.g.*, farm families and their neighbors) or those that rely primarily on their products (*e.g.*, food crops, animal products, drinking water); the draft risk assessment does *not* model risks for the general public. Based on the modeling in the draft sewage sludge risk assessment, the EPA finds that there may be human health risks exceeding the EPA's acceptable thresholds for some modeled scenarios when land-applying sewage sludge that contains 1 part per billion (ppb) of PFOA or PFOS. The EPA also finds that there may be human health risks associated with drinking contaminated groundwater sourced near a surface disposal site when sewage sludge containing 1 ppb of PFOA or sewage sludge containing 4 to 5 ppb of PFOS is disposed in an unlined or clay-lined surface disposal unit. The EPA provides a qualitative description of the potential risks to communities living near a sewage sludge incinerator (SSI) in the draft risk assessment but does not provide quantitative risk estimates due to significant data gaps related to the extent to which incineration in an SSI destroys PFOA and PFOS and the health effects of exposure to products of incomplete combustion.

The draft risk calculations are not conservative estimates because (1) they model risk associated with sewage sludge containing 1 ppb PFOA or PFOS, which is on the low end of measured U.S. sewage sludge concentrations (2) reflect median exposure conditions (*e.g.*, 50th percentile drinking water intake rates) rather than high end exposure conditions, (3) do not take into account non-sewage sludge exposures to PFOA and PFOS (*e.g.*, consumer products, other dietary sources), (4) do not account for the combined risk of PFOA and PFOS, and (5) do not account for additional exposures from the transformation of PFOA and PFOS precursors. As such, risk estimates that account from multiple pathways, multiple sources of exposure, and multiple PFAS would be greater than presented in this draft assessment.

What is the recommended analytical method to measure PFOA and PFOS in sewage sludge?

The EPA recommends using EPA Method 1633 to measure 40 PFAS analytes, including PFOA and PFOS, in sewage sludge. EPA Method 1633 finished multi-laboratory validation and was finalized in January 2024. It is planned to be included in the upcoming Methods Update Rule 22, which was proposed in late 2024.

Learn more about [EPA Method 1633](#) and [Methods Update Rules](#).

What plans exist for PFAS monitoring in sewage sludge nationwide?

The EPA is currently planning the next National Sewage Sludge Survey (NSSS) in collaboration with the POTW Influent PFAS Study. The NSSS will focus on obtaining current national occurrence and concentration data for 40 target PFAS analytes using EPA Method 1633. The data generated by the NSSS will help inform future risk assessments and risk management actions for sewage sludge. A Voluntary Data Submission Portal also will be available throughout the duration of the POTW Influent PFAS Study and NSSS to collect more PFAS data nationwide.

Learn more about the [National Sewage Sludge Survey](#) and the [POTW Influent PFAS Study](#).

What does this mean for WWTPs?

The draft risk assessment is not a regulation and does not compel action. The EPA's draft risk assessment indicates that each of the three common use or disposal options may result in elevated risk levels when sewage sludge with typical concentrations of PFOA or PFOS is managed. With the understanding that eliminating these risks is likely not possible at this time, the EPA recommends, in addition to pretreatment to reduce PFAS at the

source, that WWTPs consider management options or practices that can mitigate or lessen risks. The EPA recognizes that WWTPs may have constrained options for sewage sludge management and changes may not be possible, particularly in the near term. The EPA recommends working with your [state and regional biosolids coordinators](#) for support in sewage sludge management planning.

The EPA is continuing to recommend that WWTPs monitor sewage sludge for PFAS contamination, identify likely industrial discharges and other sources of PFAS, and implement industrial pretreatment programs where appropriate. Doing so will help prevent downstream PFAS contamination and lower the concentration of PFAS in sewage sludge as described in Section C of the EPA's December 2022 memorandum entitled, "[Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs.](#)" Current science indicates that **lower levels of PFAS exposure present less risk**, so these efforts to identify and reduce PFOA and PFOS in sewage sludge help protect public health and the environment.

WWTPs may choose to evaluate whether additional risk mitigation actions are appropriate to reduce risk posed by certain sewage sludge use and disposal activities. To reduce potential risk associated with land application, consider land-applying in areas that may be less sensitive to PFOA and PFOS pollution, like areas far from fishable waters or with deep protected drinking water aquifers. Consider avoiding land application in fields used to graze livestock or grow feed, especially for dairy cows. Fields used to grow fruits and grain may be better alternatives to those growing hay or leafy greens like spinach or kale. To reduce potential risk associated with surface disposal of sewage sludge consider using disposal sites with composite liners and leachate collection and treatment systems (understanding how that leachate will be disposed or treated). To better understand potential risks from incineration of sewage sludge consider performance testing incinerators to gain information about potential releases of PFOA, PFOS, and other PFAS that may be generated through incomplete combustion. For example, a recently released air method, [OTM-50](#), can help test emissions for more volatile products of incomplete combustion, in addition to using [OTM-45](#) to monitor for PFAS emissions. For more information, please refer to the EPA's 2024 [Interim Guidance on the Destruction and Disposal of PFAS and Materials Containing PFAS](#).

Are there innovative technologies available to remove and destroy PFAS in sewage sludge?

There are several emerging PFAS destruction technologies (*e.g.*, supercritical water oxidation, plasma gasification, pyrolysis and gasification coupled with a high-temperature thermal oxidizer) for sewage sludge. Most are still in the pilot-scale stage and further research is needed to evaluate potential products of incomplete destruction and capacity limitations. The EPA's 2024 [Interim Guidance on the Destruction and Disposal of PFAS and Materials Containing PFAS](#) discusses ORD's PFAS Innovative Treatment Team (PITT)'s research on innovative technologies, and includes a technology evaluation framework for further assessing emerging technologies.

Learn more about the EPA's ORD [PITT](#) research effort on innovative PFAS technologies.

Learn more about funding opportunities for capital projects to treat emerging contaminants through the [Clean Water State Revolving Fund Emerging Contaminants](#).

What are the EPA's next steps after the final risk assessment is released?

After the public comment period has closed, the EPA will consider the comments received, revise the draft risk assessment as appropriate, and prepare a final risk assessment. The final risk assessment will help inform the

EPA's potential future regulatory actions under the Clean Water Act (CWA). If the final risk assessment indicates that there are risks above acceptable thresholds when using or disposing of sewage sludge, the EPA expects to propose a regulation under CWA section 405 to manage PFOA and/or PFOS in sewage sludge to protect public health and the environment. During the risk management deliberation process, the results of the final risk assessment may be integrated with other considerations, such as economic costs and treatment feasibility, to reach decisions regarding the need for and practicability of implementing various risk reduction activities.

Learn more about the EPA's recent actions to address [PFAS in sewage sludge](#).

Review the EPA's [Frequently Asked Questions](#) on the Draft Sewage Sludge Risk Assessment for PFOA and PFOS.

Learn more about the [EPA's Draft Sewage Sludge Risk Assessment for PFOA and PFOS](#).



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Talking Points on PFAS, Biosolids and Renewable Resources

In the fall of 2024, several national media outlets published a series of articles about the presence of PFAS in wastewater and biosolids. In general, we have found these articles are not grounded in scientific facts or decades of research and are lacking in critical context regarding the safety of biosolids and effluent. There remains a clear misunderstanding about the comparative exposure risks presented by all pathways in addition to biosolids, and the role wastewater agencies occupy as passive receivers of these chemicals.

The following facts and talking points are designed to provide agencies with accurate references and appropriate context as these issues continue to arise in the media and elsewhere. We also included additional resources to help share positive biosolids stories with your communities. CASA encourages you to highlight your individual utility's experience, emphasize proactive measures you are taking, and share opportunities for communities to learn more about water resource recovery and recycling of biosolids to land.

Biosolids land application is a safe, well-researched, and beneficial practice.

- Non-industrially impacted biosolids have a long history of safe application, and, no documented instances of adverse health effects. Decades of research support land application as the best end use of biosolids. Each year, a USDA established research collective (W5170) convenes a multi-state team of scientists to discuss the latest research on biosolids, including risks, benefits and potential impacts of the practice. This group continues to support land application as safe and reliable.
- The overwhelming majority of biosolids recycled in the United States are non-industrially impacted and have minimal levels of PFAS that have not been shown to be a concern. Pursuant to investigations conducted by the California State Water Board and others, typical biosolids in California have been shown to contain minimal levels of PFAS. Indeed, regulators have indicated that based on this investigation, PFAS from biosolids are an insignificant route of human exposure and there are no widespread impacts.
- Biosolids are the most regulated soil amendment on the market, even when compared to commercial fertilizers. Biosolids must meet strict quality standards mandated by federal and local laws before being land applied and/or distributed. Farmers and landowners purchasing or receiving land applied biosolids are fully aware of where the product is derived from, and biosolids are not applied to crops

that are designed for direct human consumption in California and the nation. Thus, any path to human exposure from biosolids containing PFAS is highly attenuated.

- Biosolids applications to land are precise and based on site conditions, selected end use, soil type, and the nutrient needs of the specific crop. There are also requirements set forth for animal grazing and public access.

Distinguishing between contaminated sites and general background levels of PFAS is important.

- Environmental and human exposure to PFAS is highest where it is manufactured and used, and the amount of PFAS being released to the environment continues to decline as products containing PFAS are phased out. There are comparatively few industrial sources in California, and most of the highly contaminated sites in the state have been linked to airports, military installations, and other locations where PFAS were in high-use historically (i.e., where fire-fighting foam was used).
- The frequently referenced example of Maine banning land application of biosolids was the direct result of a unique environmental problem stemming from industrially impacted sources; specifically paper mills that either produced or recycled paper products containing PFAS. This is not an example that is widely applicable, or even relevant, to the vast majority of biosolids land application across the country.

Understanding the concept of relative risk and exposure pathways is critical when discussing PFAS.

- Exposure is critical in understanding the hazard of a compound. The formula is relatively simple: Risk + Exposure = Hazard. This is important to consider when discussing the risk of PFAS in biosolids, which exceptionally few individuals encounter in their lives, versus common products such as carpeting, cosmetics, cookware, household dust, food packaging, and more. This is important to consider when weighing the potential risks surrounding biosolids exposure compared to home exposure.

Source control and manufacturer responsibility is the only real solution.

- PFAS are present in biosolids because they *first* exist in commerce (and in our bodies) due to their broad range of uses in consumer products and their presence in our home environments. Products found to contain PFAS include carpets, clothing, cosmetics, non-stick cookware and many more items people encounter in their everyday lives. PFAS have also been found in household dust, food, and numerous other recurring routes of exposure as well.
- To truly eliminate a harmful chemical, the key is to stop manufacturing it and stop using it to manufacture other products. The fate of a chemical in broad use will be

determined by its inherent properties, and PFAS are referred to as “forever chemicals” for a reason.

- The costliest option in treating PFAS is at the ‘end’ of its consumer road trip at the treatment plant, and at the expense of public ratepayer dollars. Pretreatment and source control programs can help to stop PFAS at the source of production or heavy use, but they do not work well when a contaminant is entering the wastewater stream from ubiquitous household sources.

There are numerous concerns with USEPA’s recently released PFAS risk assessment.

- The risk assessment model lacks a risk management component. USEPA released the risk assessment model prior to completing the risk management component, which is unprecedented in the history of these types of analyses. The risk management piece is an integral component of the risk assessment model development and its implementation that includes a relative risk baseline assessment, a cost-benefit analysis, and alternative management options such as source control. These elements provide improved context to understand potential risks from land applied biosolids. Without these, the assessment is incomplete.
- The risk assessment uses a deterministic model instead of the more robust and accepted probabilistic model, as was used most recently for several other contaminants. The former uses single point inputs while the latter provide for a full range of input values which provide a more realistic assessment of risk.
- Scenarios included in the risk assessment are based on a scientific evaluation of risk-based models, and not on actual field research on land application of biosolids.
- USEPA has indicated in clear language that this document is non-regulatory in nature, has a number of limitations, and the information and conclusions in the draft risk assessment should not be used for any regulatory purposes and does not include new requirements.
- USEPA recognizes that wastewater treatment plants are receiving PFAS from upstream sources and are not the source of this contamination. They also note that this risk assessment is not intended for the general population or general food supply.

There are few viable alternatives to land application for biosolids management.

- Biosolids are an unavoidable product of the wastewater treatment process driven by federal water quality mandates. Annually, each American on average produces 66 pounds of biosolids. For decades, biosolids land application has been deemed to be a beneficial recycling approach that delivers improved soil health, increased crop yields, sequestered carbon, reduced irrigation demands and a replacement for

fossil fuel intense inorganic fertilizers. Moreover, land application is one of only three USEPA approved biosolids management options. The vital role land application serves has increased over the past several years as States and USEPA work to implement programs to mitigate climate change. This priority has led to reduced reliance on landfilling and incineration.

- USEPA estimates that less than 1% of tillable agricultural land in the country receives land applied biosolids, and accessing locally available sources of organic matter (i.e. biosolids) boosts our defense against climate change, increases access to regenerative nutrients, and solidifies our progress to a circular water society. The farming and water resource recovery communities have shared a unique and symbiotic relationship for decades across the United States, and farmers have relied on biosolids to sustain their farms with increased soil tilth, crop productivity, water-holding capacity, and capturing carbon.

Numerous states have taken an appropriate approach to identifying and addressing PFAS in biosolids.

- States like Michigan, Minnesota, Maryland, and New York have all taken a proactive approach by stopping PFAS contamination from industrial sources using pretreatment protocols based on establishing reasonable levels in biosolids, above which they assume an industrial contribution. These states halt land application of biosolids if those thresholds are exceeded until the source is identified and the discharge is mitigated. These are excellent examples of targeted action focused on impacted sources in consideration of relative risk, and not reactionary broad-scale bans of non-impacted sources that pose minimal risk.

A thorough evaluation of alternative sources of PFAS in any situation is essential.

- When looking at PFAS levels on a given site, it is important to examine all potential sources. For example, pesticides have been known to add PFAS in solution to improve application to vegetation and aid in dispersion and application to surfaces like leaves. Active ingredients in pesticides approved in the last 10 years led to an increase in use of organoflourines by 61% and PFAS by 30%.¹
- It is also important to examine historical and background levels. One study collected 30,000 soil samples from over 2,500 sites across the globe and found ‘low but measurable concentrations [of PFAS] were observed even in remote regions far from potential PFOS sources.’²

¹ Nathan Donley, et al., “Forever Pesticides: A Growing Source of PFAS Contamination in the Environment,” *Environmental Health Perspectives* Vol. 132, Issue 7 2024. <https://ehp.niehs.nih.gov/doi/10.1289/EHP13954>

² Brusseau, M. L., Anderson, R. H., & Guo, B. (2020). PFAS concentrations in soils: Background levels versus contaminated sites. *The Science of the total environment*, 740, 140017. <https://doi.org/10.1016/j.scitotenv.2020.140017>

- The manufacturing of products that generate paper mill residuals and paper plates like those in Maine and other processes like floor finishes, ski wax, and aqueous film-forming foam (to name a few) are also products with historical and/or existing PFAS. Understanding whether these industrial sources have contributed to PFAS contamination at a given site is important.

Wastewater entities are passive receivers of PFAS.

- Drinking water treatment systems and wastewater treatment facilities are not “producers” or users of PFAS, and none of these essential public service providers utilize PFAS chemicals. Rather, they are “receivers” of these chemicals used by manufacturers and consumers, and merely convey PFAS that we encounter in our daily lives. As long as PFAS are elements of products used in our everyday lives, and as long as background levels resulting from decades of manufacturing and use persist, they will continue to be found in the “receiver” streams.

Research is currently pending that will answer numerous questions about PFAS in non-industrially impacted biosolids.

- The National Collaborative PFAS study is evaluating potential for migration to ground water and crop uptake impacts on numerous long-term land application sites of non-industrially impacted biosolids across the country. Results from this and other aligned studies will be released in 2025. Preliminary results find negligible migration of PFAS through the soil profile.
- Much of the research published to date on the fate and transport of PFAS from land applied biosolids has been focused exclusively on industrially impacted biosolids. There is an abundance of research on non-industrially impacted biosolids which will be published in the near future which will provide credible data on the actual fate and transport of PFAS for non-industrially impacted sources.

Additional Resources

[Loop Biosolids \(King County, WA\)](#)

[Bloom Biosolids \(Washington, D.C.\)](#)

[Biosolids Explained \(National Association of Clean Water Agencies\)](#)

[Communications Toolkit for PFAS and Biosolids](#)

[The Food Loop: An Interactive Journey \(Northwest Biosolids\)](#)

[After the Flush \(Water Environment Federation\)](#)

[Biosolids Communication Toolkit \(Water Environment Federation\)](#)

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