

April 2022 Director Questions – Siegfried

#1 p. 61: How did SCRWA beat us for Safety Plant of the Year?

Foley/Dias We did not apply for the award.

#2 Recently, there were several news articles about a bacterium that may have a causal association with aggressive prostate cancer. A brief Google search of occupational health and safety literature suggests a slightly elevated incidence of prostate cancer among treatment plant workers, but does not separate aggressive from non-aggressive cancer. The literature also notes an elevated incidence of a few other cancers among treatment plant workers. Good fodder for safety discussions, and information that may influence safety measures in treatment and collections.

<https://www.google.com/search?q=wastewater+workers%27+prostate+cancer+incidence&oq=wastewater+workers%27+prostate+cancer+incidence&aqs=chrome..69i57j33i160l2.27074j0j7&client=ms-android-verizon&sourceid=chrome-mobile&ie=UTF-8>

Noted and relayed to Safety Officer

#3 p. 93: It would be informative to do time series analyses on the TMP differentials of the MF cells and the RO train to forecast the major expenses of replacing membranes. Have we the TMP data, and have we the dates of occurrence and the quantities of water treated between TMP readings or between filter change outs?

Treanor – Yes, we have lots of good time series data and evaluate it regularly in house. We also have an advanced treatment engineering consultant on an annual contract that reviews data bi-annually and prepares summary reports. We also meet with the consultant regularly to strategize ways to extend membrane life.

#4 p. 105: Looks to me like this notice should be for sixteen pipeline segments, at least if we include the extra work item.

Lather – yes, 15 in bid plus 1 extra item equals 16 total

#5 Item 25: By this point, I expect to hear Counsel’s opinion about the legitimacy of public agencies refusing to make their experience mods available in response to public records requests.

For those directors unfamiliar with this item, please recall that staff was instructed to contact sanitary agencies throughout the state asking for their worker comp experience modification factor for the last two years.

We were informed by Silicon Valley Clean Water that experience modification factor records are statutorily exempt from disclosure under the Public Records Act. Specifically, Government Code Section 6254(k) exempts “records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to provisions of the Evidence Code relating to privilege. Government Code Section 6276.48 provides that records pertaining to worker’s compensation rating information are confidential as set forth in Insurance Code

Section 11752.7 stating that “experience rating information” can be released only by a licensed rating organization and only to a licensed workers’ compensation insurance agent or broker, and only to facilitate transaction of workers compensation insurance and for no other purpose. Rating information that is properly released under the Insurance Code shall remain confidential by the requesting insurance agent/broker.

After delivering this response staff was asked to obtain number of injuries and days out of work from various sanitary agencies around the state. Staff response is that this avenue appears to be attempting to do an end-run around the code sections cited above. Additional questions relate to how the exp mod factor is calculated – number of injuries and days out of work are not a full picture of the factor. The exp mod factor is calculated based on $(\text{Total Actual Primary Losses} + \text{Total Expected Excess Losses}) / \text{Total Expected Losses} = \text{Exp Mod Factor}$

We wait for an opinion from legal counsel.

#6 p. 131: No evidence has been advanced to support the belief that the number of ADUs constructed simultaneously with a primary residence is minimal. What evidence have we? I ask because this statement contradicts my sense of what is happening in our service area.

The only evidence we have is that when applicants come to us for a new residential service we request a copy of the plans. Rarely, if ever do they come with plans that provide for simultaneous construction of a primary residence and ADU. I qualify this statement “if ever” because I am not able to state with certainty what happened before I was hired in 1999.

The following additional considerations are not questions for the GM, but for Board consideration:

The new laws apparently do not consider the situation of ADUs constructed simultaneously with a newly purchased house that is being remodeled. I suggest that there is a continuum that ranges from construction in sequence through construction accompanying a minor remodel, construction accompanying a major remodel, and ending with simultaneous construction of a new house and an ADU. I don’t think that regulations have yet been formulated to cover these intermediate cases, and they may come to be clarified in the courts. We may want to retain the ability to collect connection fees in arrears for some projects as the status of intermediate projects gets clarified.

Are lot splits under SB 9 able to share existing sewer connections?

Will new SB 9 houses bear connection fees?

Does it make sense to bundle lot splits into this ADU policy?

#7 p. 142: Upper left frame: Is that a rock or a chunk of concrete being used to maintain the spacing?

Treanor – It is called a rebar dobie and it is an industry standard way of maintaining rebar depth in cast-in-place concrete. Dobies are made of concrete. The picture shows acceptable use.