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DATE: December 19, 2022

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Mike Ielmorini—Asst. Operations Manager, Public Works & Utilities (PW&U)  
Dan Herrera, PE—Deputy Director of Operations, PW&U  
Christopher J. Bolt—Director, MPA, PE, CPM, ICMA-CM, PW&U

SUBJECT: Resolution Approving the Purchase of Filter Cartridges for the Flushing Truck from NO-DES, Inc., in the Amount of \$114,044.60 and Authorizing the City Manager to Execute all Documents Necessary to Complete the Purchase, and Finding This Action is Not a “Project” Pursuant to CEQA Guidelines Section 15301

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### **RECOMMENDATION**

It is recommended that the City Council adopt the attached Resolution approving the purchase of filter cartridges for the flushing truck from NO-DES, Inc., in the amount of \$114,044.60 and authorizing the City Manager to execute all documents necessary to complete the purchase, and finding this action is exempt pursuant to CEQA Guidelines Section 15301.

### **BACKGROUND**

The Public Works and Utilities Department is responsible for the maintenance of the City’s water distribution system, which includes routinely flushing and removing sediment from the pipeline system. Flushing and cleaning of the potable water pipelines clear sediment from the water lines and help prevent bacteria buildup. On July 12, 2021, the City purchased a flushing truck from NO-DES, Inc., which allows the flushing and clearing of the pipeline system with zero water loss. The NO-DES flushing truck uses a method called Neutral Output Discharge Elimination System (NO-DES), which uses truck-mounted pumps and filters to pump and clean water flushed through the water piping network, eliminating the water loss that results when using traditional flushing methods. The flushing truck is a multi-stage filtration and pumping system that delivers clean water into the system, ensuring a safe and secure water source.

### **DISCUSSION**

Per the Environmental Protection Agency (EPA), the City of Petaluma’s Municipal Separate Storm Sewer System (MS4) Stormwater Permit, and Municipal Code 15.80.040, “non-stormwater discharges” refers to any discharge to the City’s MS4 system that is not composed entirely of

stormwater. A NO-DES flush truck cleans water distribution pipes with no water loss or discharges into the MS4 system, as the filtered water is circulated back to the potable system in a closed loop. This system is favorable to the environment, conserves water, and complies with EPA, MS4, and the City's Municipal Code 15.80.040.

The NO-DES flushing truck utilizes twelve filters at a time, circulating water through the pipes at a high velocity to safely lift and remove sediment from the potable water system. This summer, operations staff began the flushing program with great success. Staff has been able to clean thousands of feet of potable water pipelines with zero water loss. Upon evaluation of operational procedures and material requirements, staff determined that it is vital to the program's success to have multiple spare filters available for use in the NO-DES flushing truck. The filters provide the only method to ensure the flushing truck delivers clean water to the water distribution system and eliminates sediment buildup. Due to the material and equipment procurement problems that staff has experienced during the last year, staff felt it necessary to procure a year's supply of filters to ensure the flushing program's uninterrupted operations and continued success.

The City's equipment purchases are subject to the requirements of the City Charter, which requires competitive bidding for acquisitions above \$31,794. The competitive bidding requirements and procedures are specified in Chapter 4.04, Purchasing, in the Petaluma Municipal Code. However, Section 4.04.050 of the Municipal Code allows dispensing with formal bidding when a commodity can be obtained from only one vendor. Because the City had originally issued a sole source funding for the purchase of the NO-DES truck-mounted flushing system, and the filters used in this filtration system are also only available from one vendor, it is necessary to obtain a sole source finding prior to purchasing the filtration supply.

It was determined that NO-DES, Inc. is the only supplier available in the region that can meet the needs of the City, including supplying NSF 61 (National Science Foundation standard for drinking water components) filter cartridges. Because the recommended supplier is the only practicably available supplier capable of providing the NSF 61 filters, staff recommends that sole source funding be authorized for the purchase, in accordance with Petaluma Municipal Code Section 4.04.050.

## **PUBLIC OUTREACH**

This item appeared on the City's tentative agenda document on December 5, 2022, which was a publicly noticed meeting. No public comments have been received as of posting.

## **COUNCIL GOAL ALIGNMENT**

This proposed action supports City Council goals, in particular:

Workplan Item #42: "Find ways for City operations to reduce greenhouse gas emissions, conserve water, decrease waste, and minimize the use of fossil fuels and investigate and pursue options for carbon sequestration."

## **CLIMATE ACTION/SUSTAINABILITY EFFORTS**

The NO-DES flushing truck eliminates water loss often associated with the flushing of water mains. Especially in times of drought, water conservation is paramount in operational priorities, to ensure that a clean and safe water source is delivered to our residents and that no water is wasted unnecessarily.

## **ENVIRONMENTAL REVIEW**

This system is favorable to the environment, conserves water, and complies with EPA, MS4, and the City's Municipal Code 15.80.040.

The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that the purchase of filters for the NO-DES Flush Truck does not meet CEQA's definition of a "project," because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes administrative activities of governments that will not result in direct or indirect physical changes in the environment. Relatedly, if the proposed action did constitute a project under CEQA the action is exempt under the common-sense exemption, CEQA Guidelines Section 15061(b)(3), and any work performed with the equipment would be exempt pursuant to CEQA Guidelines Section 1530, Existing Facilities, as the truck and filters would be used for the operation, repair, or maintenance of existing sewers.

Additionally, during the July 12, 2021, Council meeting, City Council found that the flushing truck was exempt from CEQA pursuant to the same aforementioned reasons. As the filters are integral with the flushing truck, environmental compliance for the purchase of fillers has already been completed during the July 12, 2021 meeting.

## **FINANCIAL IMPACTS**

The purchase price of the filters is \$114,044.60 for a year's supply of filters. Sufficient funding for the proposed purchase is available in the approved FY 22/23 Water Distribution and Transmission Budget.

## **ALTERNATIVES**

There are currently no other alternatives to flushing (cleaning) water distribution pipes as discharges cannot hit surface waters per our MS4, EPA, and Municipal Code 15.80.040. Not flushing (cleaning) water distribution pipes will result in dirty water and the possibility of bacterial growth in our water supply, potentially compromising public health and safety.

## **ATTACHMENTS**

1. Resolution