

**Environment Committee**

For the Metropolitan Council meeting of February 24, 2021

**Subject:** Ratification of Emergency Declaration #69 for Environmental Services Disinfection Chemicals Supply

**Proposed Action**

That the Metropolitan Council ratify Emergency Declaration #69 attached to this business item and authorize the Regional Administrator to negotiate and execute a purchase order for disinfection chemicals supply.

**Summary of Committee Discussion/Questions**

No comments or questions.

The proposed action was approved.

## Environment Committee

Meeting date: February 9, 2021

For the Metropolitan Council meeting of February 24, 2021

**Subject:** Ratification of Emergency Declaration #69 for Environmental Services Disinfection Chemicals Supply

**District(s), Member(s):** All

**Policy/Legal Reference:** Council Expenditure Policy 14-2, Emergency Expenditures

**Staff Prepared/Presented:** Joseph Ward, 651-602-8302

**Division/Department:** MCES c/o Leisa Thompson, 651-602-8101

### Proposed Action

That the Metropolitan Council ratify Emergency Declaration #69 attached to this business item and authorize the Regional Administrator to negotiate and execute a purchase order for disinfection chemicals supply.

### Background

Sodium hypochlorite (bleach) and sodium bisulfite (bisulfite) are important chemicals used in various treatment processes, but primarily for disinfection (bleach) and dechlorination (bisulfite) of treated wastewater effluent. Disinfection and dechlorination are required at MCES plants between April 1 and October 31 each year for compliance with Minnesota Pollution Control Agency (MPCA) permits.

DPC was one of the low bidders for bleach and bisulfite supply in June 2020, received Council approval in July 2020 and was issued a contract for the term of 5 years via Business Item 2020-205. DPC has since sold their Minnesota chemical plant and equipment (not the business/contracts) to Hawkins. MCES received an email from DPC on January 8, 2021 with an attached letter dated December 16, 2020 that they would be ceasing operations and no longer service this market. MCES staff contacted several other municipalities and confirmed a similar situation for supply of drinking water treatment chemicals.

Bleach and bisulfite supply services must be acquired to maintain compliance with MPCA permit requirements. The supply period for this emergency declaration should last through 2021 in order to allow an opportunity for the new contract bidding process to occur and not interfere with peak disinfection season. The estimated cost for bleach through 2021 is \$600,000 and \$300,000 for bisulfite.

### Rationale

The Metropolitan Council has delegated authority to the Regional Administrator to declare emergencies on behalf of the Council when the health, safety or welfare of the public is compromised, or potentially compromised, and immediate action is required to address the emergency. The emergency declaration is then presented to the appropriate implementation committee for approval and placed on a following Council consent list for formal ratification.

Council Policy 14-2, requires the Regional Administrator may authorize appropriate contracts and payments necessary to meet the emergency situation provided that, if the cost to correct the emergency situation totals \$175,000 or more, the emergency declaration shall also be presented to the appropriate committee for formal ratification at its next regular meeting.

There is currently no Metropolitan Council Underutilized Business (MCUB) or Disadvantaged Business Enterprise (DBE) goal for this item as there is no opportunity for subcontracting due to the declaration.

### **Thrive Lens Analysis**

This action advances the Thrive outcome of Stewardship. Public financial resources will be invested efficiently and effectively to maintain proper operation of the Metropolitan Disposal System which protects the region's natural resources.

### **Funding**

The full cost of the disinfectant chemicals to provide continuity of operations at MCES Wastewater Treatment Plants for 2021 is estimated at \$900,000. Funding is provided in the MCES Operating Budget.

### **Known Support / Opposition**

No known opposition.



# EMERGENCY DECLARATION FORM

"A declared public emergency is an emergency situation in which the health, safety or welfare of the public or the safety of Metropolitan Council employees or facilities is compromised or potentially compromised and requires immediate action to correct."

INSTRUCTIONS: Fields marked with an asterisk (\*) or outlined in red are required. All names must be entered in the following format: Last Name, First Name (e.g., *Johnson, Joe*). Responses must be [limited to 255 characters](#), unless otherwise noted. [Do not print this form](#).

For assistance, contact [Procurement](#).

NOTE: The signature boxes are controlled by the status of the form and the name of the person who is logged in to the computer. For example, the From Signature box will only be active when the person listed in the From Name field is logged in to the computer. If you would like to save your progress and allow for the appropriate person to log in to the computer, please click the Save As Draft button at the bottom of the form. You will then receive an automated email containing a link to the form which, if necessary, you may forward to the appropriate person.

Requestor Name

Ward, Joseph

Requestor's Supervisor

Smith, Sara

Requestor Division

Environmental Services

Emergency Title

Disinfection Chemicals Supply

## I REQUEST THAT A PUBLIC EMERGENCY BE DECLARED BASED UPON THE FOLLOWING:

Describe the nature of the emergency situation.

Please note that a maximum of 1275 characters are allowed in the space below.

DPC was MCES's bleach (sodium hypochlorite) and bisulfite (sodium bisulfite) supplier. Bleach and bisulfite are important chemicals used in various treatment processes, but primarily for disinfection (bleach) and dechlorination (bisulfite) of treated wastewater effluent. Disinfection and dechlorination are required at MCES plants for compliance with MPCA's NPDES permits. DPC was the low bidder for the bulk chemicals contract that was bid in June 2020. DPC has sold their Minnesota chemical plant and equipment (not the business/contracts) to Hawkins. Procurement was never formally notified that DPC was ceasing chemical supply to MCES. DPC notified the MCES project manager on Monday, January 4, 2021 of the DPC chemical plant sale and that within a few weeks DPC would not be able to supply bleach and bisulfite. On Friday, January 8, 2021 DPC indicated they would not process an order from Metro for bleach or any future bleach orders. MCES staff has contacted several other municipalities and confirmed other municipalities have been abandoned by DPC for supply of drinking water treatment chemicals.

Explain why this situation is a present, immediate, and existing emergency.

Please note that a maximum of 1275 characters are allowed in the space below.

This situation is an emergency situation because disinfection and dechlorination are required by MPCA NPDES permit for discharge of treated wastewater effluent from MCES's plants. Disinfection and dechlorination is typically required at plants between April and October each year. Bleach (sodium hypochlorite) is used for disinfection. Sodium bisulfite (bisulfite) is used for dechlorination further downstream to prevent excess bleach from harming aquatic life prior to effluent discharge. Across all plants MCES uses approximately 640,000 gallons of bleach at an approximate cost of \$470,000 and 170,000 gallons of sodium bisulfite at an approximate cost \$230,000 in the April through October time frame. Bleach and bisulfite usage varies annually depending upon process conditions and plant influent loading.

Explain how this emergency does or will affect the healthy, safety, or welfare of the public or the safety of Metropolitan Council employees or facilities.

Please note that a maximum of 1275 characters are allowed in the space below.

This emergency affects public health and safety. Discharging wastewater to a natural water body without disinfection allows pathogens into the natural environment. It would be a violation of MCES's MPCA NPDES Permit.

Describe the supplies or services which must be acquired to remedy this emergency situation, including the estimated cost.

Please note that a maximum of 1275 characters are allowed in the space below.

Bleach and bisulfite supply services must be acquired to remedy this situation. The supply period for both chemicals should last through 2021 in order to allow enough time for bidding a new contract and not interfere with peak disinfection season from April through October. The estimated cost for bleach through 2021 is estimated to increase to approximately \$600,000. The estimated cost for bisulfite through 2021 is estimated to increase to approximately \$300,000. Estimated costs are based on the June 2020 bulk chemicals bid solicitation which included bleach and bisulfite. Based on the June 2020 bulk chemicals bid solicitation it is anticipated there will be an approximate 20% increase in the unit cost for bleach and approximately 10% for bisulfite. Each plant orders bleach and bisulfite in different quantities and tanker loads are often split to reduce costs. Based on the supplier's ability to split tanker loads to different plants it may be possible to reduce costs further.

Estimated Cost

\$900,000.00. See previous discussion above.

Please note that a maximum of 1275 characters are allowed in the space below. Current count: 0 characters.

Identify how you chose the contractor(s).

Three suppliers in the area have been contacted to determine if they have the ability to supply bleach and bisulfite to MCES plants. Two have the ability to supply bleach and bisulfite. MCES staff is currently searching out more potential suppliers.

Quotes are not required in declared emergencies. If quotes were obtained, please attach them here.

Click the button below to attach any documents that should be routed along with the form. Remove all special characters (!@#\$\$%^\*) from filenames prior to attaching

Approvals

I hereby certify that the information presented on this form is accurate and complete to the best of my knowledge and belief.

Requestor	Signature	Date
	<input type="text" value="Ward, Joseph"/>	<input type="text" value="2/1/2021"/> 1 PM <input type="button" value="v"/> 13 <input type="button" value="v"/>
Supervisor	Signature	Date
	<input type="text" value="Smith, Sara"/>	<input type="text" value="2/1/2021"/> 1 PM <input type="button" value="v"/> 24 <input type="button" value="v"/>
Division Director/General Manager	Signature	Date
	<input type="text" value="Thompson, Leisa"/>	<input type="text" value="2/1/2021"/> 1 PM <input type="button" value="v"/> 45 <input type="button" value="v"/>

Based on the above information, an emergency situation exists within the meaning of the Council Procurement Policy. Carrying out the competitive bidding process and the technical requirements of the Council's Procurement Policy, and awaiting Council declaration of an emergency and approval for the purchase of materials or supplies or the making of emergency repairs would significantly and unacceptably delay the commencement of repair work on the above-referenced project. The Metropolitan Council, by its Procurement Policy, has delegated authority to the Regional Administrator to declare an emergency on behalf of the Council in such cases. Therefore, I declare on behalf of the Metropolitan Council, that an emergency exists as described above and that the emergency situation requires the immediate purchase of materials or supplies or the making of emergency repairs. I authorize the General Manager/Division Director named above to let appropriate contracts and make payments for the purchase of materials or supplies or the making of repairs necessary to meet the emergency situation without advertising for bids, without meeting other technical requirements of Council Procurement Policy, and without prior approval of the Council. If the costs to correct the emergency situation total \$175,000 or more, I direct that this emergency declaration and any such contracts and/or payments be presented to the Metropolitan Council for formal ratification at its next meeting.

Regional Administrator	Signature	Date
	<input type="text" value="Bogie, Mary"/>	<input type="text" value="2/1/2021"/> 3 PM <input type="button" value="v"/> 45 <input type="button" value="v"/>
Assigner	Signature	Date
	<input type="text" value="Jacoby, Jody"/>	<input type="text" value="2/1/2021"/> 4 PM <input type="button" value="v"/> 04 <input type="button" value="v"/>

Assign

Contract Manager / Purchasing Agent	<input type="text" value="Vedder, Laura"/>
Comments	<input type="text"/>

EXIT