



NORTH MARIN WATER DISTRICT
AGENDA - REGULAR MEETING
 March 3, 2015 – 7:00 p.m.
 District Headquarters
 999 Rush Creek Place
 Novato, California

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Est. Time	Item	Subject
7:00 p.m.	CALL TO ORDER	
	1.	CLOSED SESSION: In accordance with California Government Code Section 54957 for Public Employee Performance Evaluation (One), Title: General Manager.
	2.	APPROVE MINUTES FROM REGULAR MEETING , February 17, 2015
	3.	GENERAL MANAGER'S REPORT
	4.	OPEN TIME: <i>(Please observe a three-minute time limit)</i> This section of the agenda is provided so that the public may express comments on any issues not listed on the agenda that are of interest to the public and within the jurisdiction of the North Marin Water District. When comments are made about matters not on the agenda, Board members can ask questions for clarification, respond to statements or questions from members of the public, refer a matter to staff, or direct staff to place a matter of business on a future agenda. The public may also express comments on agenda items at the time of Board consideration.
	5.	STAFF/DIRECTORS REPORTS
		ACTION CALENDAR
	6.	Approve: Optional Water Conservation Programs for 2015
	7.	Approve: Stafford Dam Emergency Action Plan - Contract to Michael Baker International
	8.	Approve: Administrative Civil Liability Complaint R2-2014-1024 Unauthorized Chlorinated Water Discharge from Wild Horse Storage Tank
8:00 p.m.	INFORMATION ITEMS	
	9.	Consider Novato Commodity Rate Structure Simplification
	10.	NBWRA Meeting Update – January 26, 2015
	11.	Next Steps for Expiring SWRCB Emergency Water Conservation Regulations
	12.	TAC Meeting – March 2, 2015
	13.	NBWA Meeting – March 6, 2015
	14.	MISCELLANEOUS Disbursements Salinity (2/20) NBLSA North Bay Cost Comparison Flyer

All times are approximate and for reference only.
 The Board of Directors may consider an item at a different time than set forth herein.

(Continued)

Est. Time	Item	Subject
		<u>News Articles:</u> Sonoma Council to take up fluoridation issue Wednesday Fees cut at Marin County regional parks New chief building official hits ground running Sonoma County grape growers use technology to battle frost Most worry about drought but dislike mandatory restrictions
8:30 p.m.	15.	ADJOURNMENT

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DRAFT
NORTH MARIN WATER DISTRICT
MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS
February 17, 2015

CALL TO ORDER

President Baker called the regular meeting of the Board of Directors of North Marin Water District to order at 7:30 p.m. at the District Headquarters and the agenda was accepted as presented. Present were Directors Jack Baker, Rick Fraites, Stephen Petterle, and John Schoonover. Also present were General Manager Chris DeGabriele, District Secretary Katie Young, and Auditor-Controller David Bentley. Chief Engineer Drew McIntyre was absent.

District employees Peter Castellucci (Pipeworker), Pablo Ramudo (Water Quality Supervisor) and Tony Arendell (Construction/Maintenance Superintendent) were in the audience.

MINUTES

On motion of Director Schoonover, seconded by Director Petterle, the Board approved the minutes from the previous meeting as presented by the following vote:

AYES: Directors Baker, Fraites, Petterle, Rodoni, Schoonover

NOES: None

ABSENT: None

ABSTAIN: None

GENERAL MANAGER'S REPORT

The General Manager had nothing to report.

OPEN TIME

President Baker asked if anyone in the audience wished to bring up an item not on the agenda and there was no response.

STAFF/DIRECTORS REPORTS

President Baker asked if staff or Directors wished to bring up an item not on the agenda and the following items were discussed:

Katie Young reminded the Board and staff that the Statement of Economic Interest Form 700's are due no later than April 1st.

President Baker advised the Board and staff that he attended the North Bay Watershed Association meeting and that there were two very good speakers, UC Davis Professor George

1 Tchobanolous who spoke about the overall cost of water, its predicted significant rise in the next 10
2 years and for direct potable reuse; and John Green from Gold Ridge Resource Conservation District
3 discussing rainwater harvesting and the general projects in the West Sonoma County area.

4 Director Fraites advised Board and staff that if anyone is interested in a discussion on
5 climate change or sea level rise there will be a meeting of the Marin Conservation League Climate
6 Action Working Group on Friday, February 20th at the San Rafael Corporate Center at 9 a.m.

7 **MONTHLY PROGRESS REPORT**

8 Mr. DeGabriele provided the Monthly Progress Report for the month of January. He stated
9 that water production for the month of January was down 18% in Novato and down 24% in West
10 Marin. He advised the Board that Stafford Lake spilled throughout January from the saturated
11 watershed and continues to spill with the February storm. He stated that in Oceana Marin the
12 treatment plant and storage ponds are in decent shape and the District has gone 246 days without a
13 lost time accident through January 31st. He informed the Board that there were several planned and
14 unplanned customer outages in January.

15 Mr. DeGabriele reviewed the Summary of Complaints and Service Orders, complaints were
16 down 24% for the month although reported leaks were considerably high however high bill
17 complaints were down. He noted that water quality complaints were down significantly.

18 Mr. Bentley provided the Board with the January Monthly Report of Investments stating that
19 at the end of the month the District's cash balance was \$13M. He advised the Board that CalTrans'
20 hold outstanding invoices from the District of \$1.7M and the weighted average portfolio was 0.52%.

21 President Baker asked Mr. Bentley what the turn-around time for reimbursement is from
22 CalTrans'. Mr. Bentley responded approximately 6 weeks.

23 **ACTION CALENDAR**

24 **EMPLOYER ASSISTED HOUSING PROGRAM LOAN**

25 Mr. DeGabriele advised the Board that District employee Peter Castellucci, Pipeworker, has
26 been with the District for 8 years and has done everything staff could ask for a field man to do. He
27 stated that Mr. Castellucci was raised in Novato and currently has a 1-bedroom condo he would like
28 to sell and is interesting in purchasing the District's 15 Gustafson Court property. Mr. DeGabriele
29 recommended that the Board authorize him to sign the note at such time when the loan will close.

30 Mr. Castellucci stated that he bought his condominium in 2007 with the help of the District's
31 Employer Assisted Housing Loan Program and was very appreciative. He informed the Board that in
32 the last couple of years he has started to outgrow his 1-bedroom condo. He advised the Board that

1 although he is not married yet, he does think the Gustafson Court house would be a great
2 opportunity for his future. Mr. Castellucci stated that he loves working for the District and would love
3 to be able to stay residing in Novato.

4 On motion of Director Fraites, seconded by Director Petterle, the Board approved the loan,
5 and authorized the General Manager to sign the note at such time as the loan is required to close
6 the purchase transaction by the following vote:

7 AYES: Directors Baker, Fraites, Petterle, Rodoni, Schoonover

8 NOES: None

9 ABSENT: None

10 ABSTAIN: None

11 Mr. Castellucci thanked the Board for the approval of the loan.

12 **CHANGE ORDER NO. 8 – ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) FOR**
13 **ENVIRONMENTAL SUPPORT SERVICES CONTRACT (RECYCLED WATER CENTRAL**
14 **SERVICE AREA)**

15 Mr. DeGabriele reminded the Board that the District entered into an agreement with
16 Environmental Science Associates (ESA) in July 2010 to prepare an addendum for the Novato North
17 Service Area recycled water State Revolving Fund loan application. He stated that ESA continues to
18 do work for the District with respect to the recycled water projects and informed the Board that staff
19 will need an additional assistance with the Central Service Area recycled water expansion project
20 environmental review.

21 Mr. DeGabriele advised the Board that staff is requesting Board approval of Change Order
22 No. 8, with ESA for environmental services associated with the Central Service Area recycled water
23 expansion. He stated that the requested Change Order amount is approximately \$30K plus a \$5K
24 contingency.

25 On motion of Director Petterle, seconded by Director Schoonover, the Board authorized the
26 General Manager to execute Change Order No. 8 to ESA for environmental consulting services
27 related to the Central Service Area recycled water expansion project in the amount of \$29,978 with a
28 \$5,000 contingency by the following vote:

29 AYES: Directors Baker, Fraites, Petterle, Rodoni, Schoonover

30 NOES: None

31 ABSENT: None

1 ABSTAIN: None

2 **INFORMATION ITEMS**

3 **2nd QUARTER FY14/15 – WATER QUALITY REPORT**

4 Pablo Ramudo, Water Quality Supervisor, provided the Board with the 2nd Quarter FY 14/15
5 Water Quality Report. He stated that Stafford Treatment Plant was on during the 2nd quarter for a
6 brief period of time in order to complete the transmission line inspection in November and produced
7 a little amount of water. He stated that the treatment plant staff did a great job starting the plant and
8 dealing very quickly with issues that arose. Mr. Ramudo advised the Board that there was a “stir-up”
9 of sediments during this time period and staff received a couple days of dirty water complaints from
10 the downtown Novato area. He informed the Board that two days later PG&E broke a water main
11 and stirred up more sediment and a large portion of customers were affected with dirty water. He
12 noted that Marin Independent Journal did a story on it and staff did flush the system in the vicinity of
13 the break.

14 President Baker asked if the damaged pipeline was marked per USA requirements and
15 missed. Mr. Ramudo stated that it was a drill operator error.

16 President Baker asked if the District would be reimbursed by PG&E for the expenses of the
17 repair and Mr. Ramudo responded yes.

18 Mr. Ramudo stated that in the Novato Water System there were no major issues with the
19 distribution system and the water quality was good. He noted the disinfection by-products were
20 moderate for the quarter.

21 Mr. Ramudo advised the Board that in the Pt. Reyes Water System raw water quality was
22 good through the quarter and water quality parameters affected by salt water increased significantly
23 due to salinity intrusion. He stated that dry conditions and low creek flows probably contributed to
24 higher than normal salinity measures as fresh water that normally opposes incoming tides and
25 flushed the aquifers was at below average levels. Mr. Ramudo advised the Board that the Gallagher
26 Pipeline is completed and staff is doing the final water quality permit testing which should be
27 completed in the next two weeks. He stated staff will start testing the system to accept Gallagher
28 Well water and then blend in the system. Mr. Ramudo informed the Board that the disinfection by-
29 products increased in the quarter as a result of salinity intrusion and the level at one of the
30 monitoring locations was just below the maximum contaminant limit. He advised the Board that the
31 tank aeration system has kept the concentration of the disinfection by-products at moderate
32 concentrations throughout the year, making it possible to keep the running annual averages around
33 half of the maximum contaminant limit.

1 Director Rodoni asked for follow up on the lead and copper issue in Pt. Reyes. Mr. Ramudo
2 stated that back in July of last year the routine tri-annual lead and copper testing was above action
3 level. He noted that staff took multiple steps including informing the public with letters, and in
4 January staff collected additional samples. He informed the Board that all of the copper samples
5 have been completed and lead will be done later this week. He advised the Board that so far the
6 samples look good.

7 Director Rodoni asked if the District received a lot of calls. Mr. Ramudo replied no and
8 stated that he was surprised by that. He advised the Board that staff did find enough willing
9 customers, whose homes were built from 1982 to 1996, to participate in the required additional
10 sampling.

11 **2015 URBAN AREA WATER COST COMPARISON**

12 David Bentley provided the Board with the 2015 Urban Area Water Cost Comparison chart
13 and advised the Board that the District is now in the middle of the chart compared to 16 other
14 agencies. He stated that the average increase across the Board was 7% and that the largest
15 increase was San Jose Water District at 38%. He noted that all comparison agencies now have
16 tiered rate structures. He advised the Board that staff compiled the information and sent the draft
17 comparison for review to all agencies. Mr. Bentley advised the Board that the chart is available on
18 the District's website.

19 **MISCELLANEOUS**

20 The Board received the following miscellaneous items: Disbursements, January 2015
21 Furniture/Equipment Auction and Salinity Notice (2/3).

22 The Board also received the following news articles: Amid California's drought, water chief
23 preaches conservation- and balance, Longtime lawmaker Don Clausen dies at 91, Bill to Improve
24 Lake Mendocino Operations Introduced Again, and Feds OK Extra Storage at Rising Lake
25 Mendocino.

26 The Board received the following miscellaneous items at the Board meeting: Updated
27 January 2015 Furniture/Equipment Auction and Community Advisory from NPD. They also received
28 the following news article: Cloverdale dials back mandatory water conservation to voluntary.

29 Mr. DeGabriele advised the Board that Lake Sonoma is at 89% capacity and Lake
30 Mendocino is at 99% capacity.

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President Baker adjourned the Board into closed session at 7:38 p.m. in accordance with Government Code Section 54957 for Public Employee Performance Evaluation (One), Title: General Manager.

OPEN SESSION

Upon returning to regular session at 7:49 p.m., President Baker stated that during the closed session the Board had discussed the issue and no reportable action had been taken.

ADJOURNMENT

President Baker adjourned the meeting at 7:50 p.m.

Submitted by

Katie Young
District Secretary

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MEMORANDUM

To: Board of Directors
From: Ryan Grisso, Water Conservation Coordinator *RG*
Subject: Optional Water Conservation Programs for 2015
V:\Memos to Board\Optional Programs 2015.doc

February 27, 2015

RECOMMENDED ACTION: Approve Optional Water Conservation Programs

FINANCIAL IMPACT: \$119,000 (Included in FY 2014/2015 Budget)

Background

As a part of the February 3, 2015 mid-year water conservation report summary staff described three program enhancements/options, to be funded with: 1) estimated FY 15 water conservation budget reserves (~\$60,000); and 2) FY 15 Prop 84 Grant reimbursements (~\$59,000). The options encompass an increase in the Cash for Grass rebate (or dual participation in the Lawn be Gone program), funding for the recycled water retrofit of two large home owners association's common area landscaping and purchasing and distributing Ultra High Efficiency Toilets (UHET) to customers.

Cash for Grass Program Enhancement Option (~\$12,500/AF Savings)

The Cash for Grass program currently offers customers \$0.50 per square foot of lawn replaced with low water use landscaping. The recommended enhancement option would offer the participating customer either, up to \$1.00 per square foot (doubling of the current rebate level), or the approval to receive both the Cash for Grass rebate level of \$0.50 per square foot and the Lawn be Gone incentive (which is equal to a little more than \$0.50 per square foot), if the customer installs California Native low water use plants or habitat type landscaping. This expanded program could potentially increase participation by 20-25 and could cost around \$20,000 and is estimated to save 1.6 acre feet per year (521,000 gallons).

Recycled Water Onsite Retrofit Option (~\$5,700/AF Savings)

There are few remaining sites along the recycled water expansion areas that have not yet been retrofitted. Lanham Village HOA and Hamilton Park HOA are two sites and are the targets of this option, however, it should be noted that due to regulatory approval, final cost estimates, and contractor selection time constraints, it might not be possible to perform these retrofits prior to June 30, 2015.

Lanham Village HOA is a large site with six dedicated irrigation meters, four of which are designed for retrofit. This site was included as an additive bid to the last retrofit contract, however, the

cost per acre foot submitted in the additive bid of the selected contractor exceeded the threshold staff used to determine retrofit feasibility. Staff has continued to work on different retrofit design options for the site and now has a new retrofit design and construction plan that could bring the cost down to a more reasonable level. The recycled water retrofit of Lanham Village HOA is estimated to cost \$80,000 and will offset 13 acre feet per year of potable water use (4.2 million gallons/year).

Hamilton Park HOA was scheduled for retrofit in 2013 but was removed due to the California State Water Resources Control Board (SWRCB) Division of Drinking Water declaring the site dual plumbed (after review of the submitted plans due to customer landscaping in the back yards that have in-ground irrigation plumbed off the customer's potable water meter). In order to retrofit this site NMWD will need to supply SWRCB Division of Drinking Water staff with dual plumbing engineer's report and either backflow prevention devices will be required for all potable water meters or perform a yearly cross connection test. The Hamilton Park HOA retrofit is estimated to cost \$40,000 and will offset 9 acre feet per year of potable water use (2.9 million gallons/year).

Toilet Distribution Option (~\$13,300/AF Savings)

In Fiscal Year 2014, NMWD purchased and distributed over 500 Niagara Stealth (Stealth) UHETs. This toilet uses 0.8 gallons per flush, has an elongated bowl, meets Americans with Disabilities Act (ADA) standards, and has received excellent performance feedback from customers. The Stealth can be purchased directly by NMWD through Niagara (the manufacturer) for approximately \$150/toilet. Staff time involved in distributing the toilets adds an additional \$10 per toilet. This program is recommended to be the last option to spend remaining funds when the fiscal year end draws near sometime in June 2015. Program cost is estimated at \$20,000 for 125 toilets which would save an estimated 1.5 acre-feet per year (488,000 gallons/year). Due to the popularity, staff would also recommend requiring Water Smart Home Survey prior to receiving a free toilet.

RECOMMENDATION

Board approve and authorize recommended Cash for Grass program enhancements, approve and authorize staff to pursue the onsite recycled water retrofit construction where feasible, and approve and authorize staff to purchase UHETs intended for customer distributions, to be funded with FY 15 water conservation budget reserves and Prop 84 Grant reimbursements in FY 15

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MEMORANDUM

To: Board of Directors
From: Drew McIntyre, Chief Engineer 
Subject: Stafford Dam Emergency Action Plan – Award Contract to Michael Baker International
R:\Folders by Job No\7000 jobs\7140\BOD Memos\7140 BOD Memo Approve Contract Award to Michael Baker Intl 3-3-15.doc

RECOMMENDED ACTION: Board authorize General Manager to execute an agreement between Michael Baker International and the District for Engineering Consulting Services

FINANCIAL IMPACT: \$90,000 (included in FY15 Ops Budget) (plus a contingency of \$9,000)

Background

The current FY15 Operations Budget includes \$100,000 to prepare an Emergency Action Plan (EAP) and new flood inundation map. The current dam failure flood inundation map was prepared over 40 years ago (1973) and needs to be updated. Historically, the District's emergency operating procedures for dam failure are addressed in the District's Emergency Operations Plan. A more focused EAP prepared in compliance with the California Department of Water Resources (DWR), Division of Safety of Dams (DSOD) enhances the District's emergency preparedness level as it relates to Stafford Dam. Although not specifically required by state regulation, Stafford Dam is classified by DSOD as a high hazard dam and, as such, DSOD is promoting the preparation and use of EAPs as a critical component of an effective dam safety program.

A Request for Proposal for this project was mailed in November, 2014 to eleven companies and three companies returned a proposal on or before December 30, 2014. The companies that submitted proposals are listed as follows:

NAME	LOCATION
Michael Baker International	Oakland
URS Corp	Oakland
West Consultants	Folsom

Selection Process

A selection committee, including myself and Robert Clark, participated in the proposal review. The qualifications of each firm were ranked separately by each committee member against the following selection criteria:

- Firm's Qualifications and Experience
- Project Team Organization
- Project Approach
- Schedule
- Labor Hours and Standard Rate Schedule
- Contract Compliance.

The greatest weight (i.e., 60 out of 100 points) was given to the project team organization, experience and approach. Upon completion of the proposal review, Michael Baker International (MBI) was ranked highest. The primary overriding factors for recommending MBI were:

1. MBI has extensive experience preparing a multitude of EAPs and,
2. Inclusion of Mr. Dave Jeffries as a local training consultant. Mr. Jeffries is currently working with the Novato Fire District and Novato Police Department on emergency preparedness training.

Staff has been negotiating the scope of work and budget over the last month. The attached contract (Attachment A) includes the final scope and fee. Project billing is structured on a time and expense (T&E) basis with a not to exceed limit (without prior authorization). Expenses for this contract will be incurred primarily through the end of this fiscal year; however it is possible that some final work could extend into FY16.

RECOMMENDATION

Board authorize General Manager to execute an agreement between Michael Baker International and the District for consulting engineering services with a not to exceed limit of \$90,000 plus a contingency of \$9,000.

AGREEMENT FOR CONSULTING SERVICES

The following is an agreement between **North Marin Water District**, hereinafter "**NMWD**", and **Michael Baker International**, hereinafter, "**Consultant**".

WHEREAS, Consultant is a duly qualified consulting firm, experienced in preparing emergency action plans.

WHEREAS, in the judgment of the Board of Directors of the NMWD, it is necessary and desirable to employ the services of the Consultant for the Stafford Dam Emergency Action Plan project.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

PART A -- SPECIFIC PROVISIONS:

1. DESCRIPTION OF SERVICES AND PAYMENT: Except as modified in this agreement, the services to be provided and the payment schedule are:

- a. The scope of work covered by this agreement shall be that specified in the Consultant's proposal dated December 30, 2014 and included in Attachment A of this agreement.
- b. The fee for the work shall be on a time and expense (T & E) basis utilizing the fee schedule included in Attachment A of this agreement and shall not exceed \$89,932 without prior written authorization by NMWD.

PART B -- GENERAL PROVISIONS

1. ASSIGNMENT/DELEGATION: Except as above, neither party hereto shall assign, sublet or transfer any interest in or duty under this agreement without written consent of the other, and no assignment shall be of any force or effect whatsoever unless and until the other party shall have so consented.

2. STATUS OF CONSULTANT: The parties intend that the Consultant, in performing the services hereinafter specified, shall act as an independent contractor and shall have the control of the work and the manner in which it is performed. The Consultant is not to be considered an agent or employee of NMWD, and is not entitled to participate in any pension plan, insurance, bonus or similar benefits NMWD provides its employees.

3. INDEMNIFICATION: NMWD is relying on the professional ability and training of the Consultant as a material inducement to enter into this agreement. The Consultant hereby warrants that all its work will be performed in accordance with generally accepted professional practices and standards, as well as the requirements of applicable federal, state and local laws, it being understood that neither acceptance of the Consultant's work by NMWD nor Consultant's failure to perform shall operate as a waiver or release.

- a. With respect to professional services under this agreement, Consultant shall assume the defense of and defend NMWD, its directors, officers, agents, and employees in any action at law or in equity in which liability is claimed or alleged to arise out of, pertain to, or relate to, either directly or indirectly, the intentional or willful misconduct, recklessness, or negligent act, error, or omission of Consultant (or any person or organization for whom Consultant is legally liable) in the performance of the activities necessary to perform the services for District and complete the task provided for herein. In addition, Consultant shall indemnify, hold harmless, and release NMWD, its directors, officers, agents, and employees from and against any and all actions, claims, damages, disabilities or expenses, including attorney's fees and witness costs, that may be asserted by any person or entity including the Consultant, arising out of, pertaining to, or relating to, the negligent acts, errors or omissions, recklessness, or intentional or willful misconduct of the Consultant (or any consultant or subcontractor of Consultant) in connection with the activities necessary to perform the services and complete the task provided for herein, but excluding liabilities due to the sole negligence or willful misconduct of NMWD.
- b. With respect to all other than professional services under this agreement, Consultant shall indemnify, hold harmless, release and defend NMWD, its agents and employees from and against any and all actions, claims, damages, disabilities or expenses, including attorney's fees and witness costs that may be asserted by any person or entity, including the Consultant, arising out of or in connection with the activities necessary to perform those services and complete the tasks provided for herein, but excluding liabilities due to the sole negligence or willful misconduct of NMWD.

This indemnification is not limited in any way by any limitation on the amount or type of damages or compensation payable by or for the NMWD or its agents under workers' compensation acts, disability benefit acts or other employee benefit acts.

4. PROSECUTION OF WORK: The execution of this agreement shall constitute the Consultant's authority to proceed immediately with the performance of this contract. Performance of the services hereunder shall be completed by June 30, 2015, provided, however, that if the performance is delayed by earthquake, flood, high water or other Act of God or by strike, lockout or similar labor disturbance, the time for the Consultant's performance of this contract shall be extended by a number of days equal to the number of days the Consultant has been delayed.

5. METHOD AND PLACE OF GIVING NOTICE, SUBMITTING BILLS AND MAKING PAYMENTS: All notices, bills and payment shall be made in writing and may be given by personal delivery or by mail. Notices, bills and payments sent by mail should be addressed as follows:

North Marin Water District
P.O. Box 146
Novato, CA 94948
Attention: Drew McIntyre

Consultant:
Michael Baker International
One Kaiser Plaza, Suite 1150
Oakland, CA 94612
Attention: Michael Skowronek

and when so addressed, shall be deemed given upon deposit in the United States Mail, postage prepaid. In all other instances, notices, bills and payments shall be deemed given at the time of actual delivery. Changes may be made in the names and addresses of the person to whom notices, bills and payments are to be given by giving notice pursuant to this paragraph.

6. MERGER: This writing is intended both as the final expression of the agreement between the parties hereto with respect to the included terms of the agreement, pursuant to California Code of Civil Procedure Section 1856 and as a complete and exclusive statement of the terms of the agreement. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

7. SEVERABILITY: Each provision of this agreement is intended to be severable. If any term of any provision shall be determined by a court of competent jurisdiction to be illegal or invalid for any reason whatsoever, such provision shall be severed from this agreement and shall not affect the validity of the remainder of the agreement.

8. TERMINATION: At any time and without cause the NMWD shall have the right in its sole discretion, to terminate this agreement by giving written notice to the Consultant. In the event of such termination, NMWD shall pay the Consultant for services rendered to such date.

9. TRANSFER OF RIGHTS/OWNERSHIP OF DATA: The Consultant assigns to NMWD all rights throughout the work in perpetuity in the nature of copyright, trademark, patent, and right to ideas, in and to all versions of any plans and specifications, reports and document now or later prepared by the Consultant in connection with this contract.

The Consultant agrees to take such actions as are necessary to protect the rights assigned to NMWD in this agreement, and to refrain from taking any action which would impair those rights. The Consultant's responsibilities under this contract will include, but not be limited to, placing proper notice of copyright on all versions of any plans and specifications, reports and documents as NMWD may direct, and refraining from disclosing any versions of the reports and documents to any third party without first obtaining written permission of NMWD. The Consultant will not use, or permit another to use, any plans and specifications, reports and document in connection with this or any other project without first obtaining written permission of NMWD.

All materials resulting from the efforts of NMWD and/or the Consultant in connection with this project, including documents, reports, calculations, maps, photographs, computer programs, computer printouts, digital data, notes and any other pertinent data are the exclusive property of NMWD. Re-use of these materials by the Consultant in any manner other than in conjunction with activities authorized by NMWD is prohibited without written permission of NMWD.

Consultant shall deliver requested materials to NMWD in electronic format including but not limited to engineering calculations, plans (AutoCad, current edition) and specifications (MS Word, current edition).

10. COST DISCLOSURE: In accordance with Government Code Section 7550, the Consultant agrees to state in a separate portion of any report provided NMWD, the numbers and amounts of all contracts and subcontractors relating to the preparation of the report.

11. NONDISCRIMINATION: The Consultant shall comply with all applicable federal, state and local laws, rules and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or physical handicap.

12. EXTRA (CHANGED) WORK: Extra work may be required. The Consultant shall not proceed nor be entitled to reimbursement for extra work unless it has been authorized, in writing, in advance, by NMWD. The Consultant shall inform the District as soon as it determines work beyond the scope of this agreement may be necessary and/or that the work under this agreement cannot be completed for the amount specified in this agreement. Said review shall occur before consultant incurs 75% of the total fee approved for any phase of the work. Failure to notify the District shall constitute waiver of the Consultant's right to reimbursement.

13. CONFLICT OF INTEREST: The Consultant covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. The Consultant further covenants that in the performance of this contract no person having any such interest shall be employed.

14. INSURANCE REQUIREMENTS FOR/CONSULTANTS

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the consultant, his agents, representatives, employees or subcontractors.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Commercial General Liability coverage
2. Automobile Liability
3. Workers' Compensation insurance as required by the State of California.
4. Professional Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage is to be endorsed to include contractual liability.

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

1. General Liability (including operations, products and completed operations.): **\$1,000,000** per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: **\$1,000,000** per accident for bodily injury and property damage.
3. Workers' Compensation Insurance: as required by the State of California.
4. Professional Liability, **\$1,000,000** per occurrence.

Verification of Coverage

Consultant shall furnish the District with original certificates and amendatory endorsements effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the District before work commences. The District reserves the right to require at any time complete and certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

Subcontractors

Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor to the District for review and approval. All coverage for subcontractors shall be subject to all of the requirements stated herein.

Self-Insured Retentions

Any self-insured retentions must be declared to and approved by the District. At the option of the District, either: the insurer shall reduce or eliminate such self-insured retentions as respects the District, its officers, officials, employees and volunteers; or the Consultant shall provide a financial guarantee satisfactory to the District (such as a surety bond) guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

Other Insurance Provisions

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The District, its officers, officials, employees, and volunteers are to be covered as insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the Consultant.
2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the District, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the District, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the District.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

15. DISPUTE RESOLUTION: Any dispute or claim in law or equity between District and Consultant arising out of this agreement, if not resolved by informal negotiation between the parties, shall be mediated by referring it to the nearest office of Judicial Arbitration and Mediation Services, Inc. (JAMS) for mediation. Mediation shall consist of an informal, non-binding conference or conferences between the parties and the judge-mediator jointly, then in separate caucuses wherein the judge will seek to guide the parties to a resolution of the case. If the parties cannot agree to mutually acceptable member from the JAMS panel of retired judges, a list and resumes of available mediators numbering one more than there are parties will be sent to the parties, each of whom will strike one name leaving the remaining as the mediator. If more than one name remains, JAMS arbitrations administrator will choose a mediator from the remaining names. The mediation process shall continue until the case is resolved or until such time as the mediator makes a finding that there is no possibility of resolution.

At the sole election of the District, any dispute or claim in law or equity between District and Consultant arising out of this agreement which is not settled through mediation shall be decided by neutral binding arbitration and not by court action, except as provided by California law for judicial review of arbitration proceedings. The arbitration shall be conducted in accordance with the rules of Judicial Arbitration Mediation Services, Inc. (JAMS). The parties to an arbitration may agree in writing to use different rules and/or arbitrators.

16. BILLING AND DOCUMENTATION: The Consultant shall invoice NMWD for work performed on a monthly basis and shall include a summary of work for which payment is requested. The invoice shall state the authorized contract limit, the amount of invoice and total amount billed to date. The summary shall include time and hourly rate of each individual, a narrative description of work accomplished, and an estimate of work completed to date.

17. REASONABLE ASSURANCES: Each party to this agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise, with respect to performance of either party, the other may, in writing, demand adequate assurance of due performance and until the requesting party receives such assurance may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of the party with respect to performance under this agreement but also conduct with respect to other agreements with parties to this agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, not to exceed 30 days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance.

18. PREVAILING WAGE REQUIREMENTS: Prevailing Wage Rates apply to all Consultant personnel performing work under the Agreement for which wage determinations have been made by the Director of Industrial Relations pursuant to California Labor Code Sections 1770–1782,. Consultant shall comply with all applicable prevailing wage labor code requirements

**NORTH MARIN WATER DISTRICT
"NMWD"**

Dated: _____

Chris DeGabriele, General Manager

**MICHAEL BAKER INTERNATIONAL
"CONSULTANT"**

Dated: _____

Michael J. Skowronek, Operations Manager

SCOPE OF WORK FOR STAFFORD DAM EMERGENCY ACTION PLAN NORTH MARIN WATER DISTRICT

FEBRUARY 25, 2015

1. Project Management

1.1. Kickoff Meeting

- Prepare for kickoff meeting by coordinating with NMWD to agree on the topics for the meeting; create meeting agenda; support logistics for setting up the kickoff meeting.
- Attend and facilitate kickoff meeting.
- Document kickoff meeting via meeting notes.

Deliverables: Kickoff meeting agenda; kickoff meeting sign-in sheet; kickoff meeting notes.

1.2. Project Status Reporting and Management

- Conduct ongoing project management tasks for the duration of the project.
- Prepare and submit a monthly *Schedule, Budget and Project Status Report*. The status reports will be submitted in hard copy as well as electronically.
- Conduct a project management meeting or call with NMWD Project Manager monthly.
- Prepare and submit monthly invoices.
- Respond to project status inquiries from NMWD Project Manager as needed.

Deliverables: Monthly *Schedule, Budget and Project Status Reports*; monthly invoices.

2. Flood Inundation Mapping

2.1. Data Collection and Site Visit / Field Review

2.1.1. Data Collection

- Collect and review available information for Stafford Dam including but not limited to dam construction, geotechnical information, tributary drainage system, and facility hydrology.
- Obtain available hydraulic modeling of Novato Creek watershed. This includes but is not limited to existing FLO2D, HEC-RAS, and PC-SWMM models.
- Multiple iterations of hydraulic models exist. These will be reviewed to determine the best functioning and up-to-date model(s) to use in the dam breach analysis.

- Acquire the FEMA HEC-2 hydraulic models used to support the effective Flood Insurance Rate Maps. The various steady state, peak discharge and hydraulic model results will be used in support of calibration of subsequent modeling efforts.
- Acquire the June 2010 Marin County topo-bathy surface model and other elevation data as needed.
- Acquire the Marin Map aerial photography data available from NMWD.

Deliverables: Summary list of all data acquired, all available existing condition hydraulic models of Novato Creek Watershed acquired, effective hydraulic models for FEMA studies of Novato Creek watershed acquired and Marin County topographic/aerial photography data acquired.

2.1.2. Site Visit / Field Review

- Conduct a site visit / field review of Stafford Dam and downstream potential inundation areas.
- The site visit / field review will be conducted immediately after the kickoff meeting if the logistics allow for it. Otherwise it will be conducted separately.

Deliverables: None

2.2. Evaluate Potential Dam Breach Scenarios

- Evaluate potential dam breach scenarios. Breach parameters will be estimated using the methodology from “Prediction of Embankment Dam Breach Parameters” (PEDBP) by Tony L. Wahl of the USBR. Geotechnical information regarding the dam embankment fill will be obtained from existing information if available. If no information is available, constant breach rate parameters will be identified from previously developed regression relationships based on past dam failure data.
- A sensitivity analysis will be prepared to evaluate different parameters and failure modes. The results of the analysis will be coordinated with NMWD, and a recommended breach option will be determined. Calculation of flow hydrographs using the recommended breach option in the National Weather Service FLDWAV computer model will be performed. This will provide the outflow hydrograph that will be used as the basis for the inundation mapping.

Deliverables: Breach hydrograph in FLDWAV of Stafford Dam failure; study report summarizing hydrologic analyses, with supporting technical analyses and sensitivity checks included as appendices.

2.3. Flood Routing Methodology / Modeling

NOTE: The methodology below is proposed based on current knowledge of the available models and data. After these models and data are acquired and fully reviewed, adjustments may need to be made to the proposed methodology below.

- Route the flow hydrographs through a computer model that covers the area of potential impact downstream of Stafford Dam. Just downstream from Stafford Dam, flow is likely to be confined due to the steep topography. An existing HEC-RAS model may be able to accurately depict this area of inundation, and may be used to route the flow closer to the City boundary where flow is likely to breakout of the channel banks. The existing HEC-RAS model will be evaluated with the breach flow to determine the extent where 1-D modeling would be appropriate.
- A two-dimensional computer model (FLO-2D) is proposed to be used for the flood routing analysis. The existing conditions one dimensional (HEC-RAS) and two-dimensional (FLO-2D) models of the Novato Creek watershed to be acquired from Marin County will be used. Features from these models including cross sections, Manning's n-values, elevations, and obstructions may be used to refine the dam breach inundation model.
- Digital elevation models are necessary to prepare the FLO-2D modeling. High-resolution topographic data from Marin County will be acquired for the area. The existing models, combined with this topography will provide sufficient accuracy for the assessment of inundation areas.
- Once the basic model is set up, details will be added to the FLO-2D model as appropriate to improve model accuracy (e.g. building obstructions, railroad berms, highway embankments, etc.). Details may include cross sections from the downstream open channel systems, street segments, roadway embankments, and other factors. The level of detail incorporated into the model will vary by location depending on the sensitivity of the results to the modeling detail. The flow hydrographs will be used as inflow hydrographs for FLO-2D models for the approved failure scenarios.

Deliverables: One- and two-dimensional hydraulic models of Stafford Dam breach inundation areas; study report summarizing hydraulic analyses, with supporting technical data included as appendices.

2.4. Preparation of Inundation Maps and Summary Memorandum

- The results of the failure scenarios will be saved as ArcGIS shape files that provide inundation depth and maximum velocity parameters and grid data appropriate for hazard mapping. FLO-2D will also provide time to depth information for determination of the flood wave arrival time.
- The dam failure methodology, development breaching and flood routing parameters, and downstream dam failure flood will be presented in a technical memorandum for review by NMWD. The flood inundation analyses and mapping shall be reviewed by

NMWD prior to submitting the draft EAP for review. The flood inundation analyses and mapping will be presented as an appendix in the EAP.

Deliverables: GIS database of dam breach inundation area; depth grids, flood elevations, maximum velocities as ArcGIS shape files; inundation maps; technical memorandum of Stafford Dam breach analysis.

3. Emergency Action Plan (EAP)

3.1. EAP Outline

- Develop EAP outline by doing the following:
 - Use the CA DWR Division of Safety of Dams (DSOD) Sample EAP as the initial EAP outline.
 - Review the Natural Resources Conservation Service (NRCS) Sample EAP to determine if any updates should be made to the EAP outline.
 - Update EAP outline to ensure it is compliant with FEMA's Comprehensive Preparedness Guide (CPG) 101 as needed.
 - Enhance the EAP outline to incorporate best practices and lessons learned from the Dam EAPs previously developed by Baker.
 - Customize the EAP outline to meet unique needs of Stafford Dam and NMWD.
- Provide draft EAP outline to NMWD and allow for 2 weeks (10 working days) for NMWD review.
- Finalize EAP outline based on feedback from NMWD.

Deliverables: Draft EAP outline; final EAP outline.

3.2. EAP Initial Draft

- Prepare Initial Draft EAP. In doing so the EAP will:
 - Adhere to FEMA 64, Federal Guidelines for Dam Safety: Emergency Action Planning for Dam Owners (2013);
 - Be consistent with the National Incident Management System (NIMS), the Incident Command System (ICS) organization, the California Standardized Emergency Management System (SEMS), and the California Emergency Services Act where applicable.
 - Include 1) Background, 2) Five-Step EAP Process, 3) Roles and Responsibilities, 4) Evacuation Responsibilities, 5) EAP Maintenance and, 6) Appendices.
- Prior to the tabletop exercise, provide Initial Draft EAP to NMWD and allow for two (2) weeks (10 working days) for NMWD review and comment.

Deliverables: Initial Draft EAP:

- Three (3) copies of the Initial Draft EAP, including appendices will be submitted to NMWD
- The Initial Draft EAP will be presented in a three-ring binder and will include colored tabbed sections and appendices.

3.3. Final EAP

- After the tabletop exercise described in section 4 below is conducted the Initial Draft EAP developed in section 3.2 above will be updated to address lessons learned from the tabletop exercise, enhance gaps in the EAP identified during the tabletop exercise and incorporate feedback/comments from NMWD. Revision pages will be submitted for incorporation into a Final Draft EAP for review and comment by NMWD, allowing two (2) weeks (10 working days) for NMWD review and comment
- After addressing NMWD's final comments final deliverables for the EAP will be provided.

Deliverables: Initial Draft EAP with revision pages for incorporation into a Final Draft EAP for review; and Final EAP as follows:

- Six copies of the Final EAP
- Two 22-inch by 34-inch color originals of the inundation map.
- Two DVDs with the following electronic information:
 - EAP, including appendices, in PDF format.
 - EAP text, including forms, in MS Word current version format.
 - Inundation mapping, including index map, in ArcView (shapefile format).

4. Emergency Action Plan Tabletop Exercise (TTX)

4.1. Prepare for TTX

- Identify participants for one (1) TTX for Stafford Dam based on initial guidance from NMWD.
- Recommend additional participants that should be invited to participate in the TTX.
- Make recommendations for observers which can possibly participate for official or educational purposes.
- Assemble a contact database in spreadsheet for all invited participants.
- Invite participants to attend the TTX and provide background information via email communication.
- Formulate and prepare the scenario, incident descriptions, and exercise plans for the TTX in accordance with the following:
 - Utilize the Department of Homeland Security Exercise and Evaluation Program (HSEEP) Tool Kit as a guide to design the TTX.
 - As suggested by the HSEEP, not every exercise program needs to include all seven exercise types but the program should be built from the ground up, beginning with simple exercises and advancing to more complex exercises.

For the planned TTX, a “Walk-Crawl-Run” approach will be taken to design the most appropriate initial exercise and recommendations will be made for added complexity and challenges in potential future TTXs.

Deliverables: Contact database in spreadsheet for all invited participants; Materials required to conduct TTX.

4.2. Facilitate TTX

- Facilitate one (1) TTX for Stafford Dam during the draft EAP review period.
- The TTX will be conducted after the Draft EAP has been developed and delivered to NMWD for review but prior to the Final EAP being developed. Lessons learned from the TTX will be used to update the Initial Draft EAP developed in section 3.2 above.
- NMWD staff, city staff and outside organizations are expected to participate in the TTX

Deliverables: Facilitation of one TTX.

4.3. After Action Report/Improvement Plan

- Immediately following the TTX, lead an After Action Review “Hot Wash” which provides participant feedback to the facilitators.
- Prepare a draft After Action Report/Improvement Plan.
- Provide draft After Action Report/Improvement Plan to NMWD and allow for two (2) weeks (10 working days) for NMWD review.
- Finalize After Action Report/Improvement Plan based on feedback from NMWD.

Deliverables: Draft After Action Review/Improvement Plan; Final Action Review/Improvement Plan.

NORTH MARIN WATER DISTRICT

STAFFORD DAM EMERGENCY ACTION PLAN

Rate Schedule - 2/6/15

Key Staff					
Staff	Role	Title	Raw Labor Rate	Multiplier	Fully Loaded Rate
Mike Skowronek	Project Manager	Operations Manager/ Senior Project Manager	\$ 72.12	3.0	\$ 216.36
David Jeffries	Technical Advisor and EAP Exercise Lead	Subconsultant			\$ 135.00
John McCarthy	Flood Inundation Mapping Lead	Assistant Vice President - Surface Water Engineering	\$ 100.49	3.0	\$ 301.47
Kenneth Zaklukiewicz	EAP Lead	Emergency Management Lead	\$ 50.72	3.0	\$ 152.16
Jeff Crump	Flood Inundation Mapping	Civil Engineer II	\$ 39.98	3.0	\$ 119.94
Emma Reed	EAP and Exercise Support	Emergency Management Specialist	\$ 31.25	3.0	\$ 93.75
Patrick Clancey	Flood Inundation Mapping	Technical Specialist	\$ 33.66	3.0	\$ 100.98
Donald Gregor	Flood Inundation Mapping and EAP Support	Civil Engineer I	32.27	3.0	\$ 96.81
Support Staff (if needed)					
Staff	Role	Title	Raw Labor Rate	Multiplier	Fully Loaded Rate
Chad Davis	Technical Advisor (Dam EAP Subject Matter Expert)	Assistant Vice President - Dam Engineering	65.38	3.0	\$ 196.14
Ethan Mobley	Technical Advisor (EAP and Hazard Mitigation Subject Matter Expert)	Technical Manager	48.07	3.0	\$ 144.21
Benj Korson	Emergency Planning Support	Emergency Management Specialist	26.08	3.0	\$ 78.24
Jason Farrell	Emergency Planning Support	Emergency Management Specialist	26.08	3.0	\$ 78.24

NORTH MARIN WATER DISTRICT

STAFFORD DAM EMERGENCY ACTION PLAN

Other Direct Costs (ODCs) - 2/6/15

ODC Expenses	# of Days	# of People	Unit Cost	# of Trips	Est. Cost	Assumptions
Air Fare	N/A	3	\$450	1	\$1,350	Assumes that Jeff Crump will make one trip for dam field inspection and Ken Zaklukiewicz will make two trips for EAP development and EAP Exercise support.
Car Rental	1	1	\$60	1	\$60	Assumes that Jeff Crump will rent vehicle for dam field inspection.
Other Travel Expenses:						Assumes that Jeff Crump trip will not require overnight stay; Assumes that Ken Zaklukiewicz's two trips will require one overnight stay each.
Meals and Incidentals	1	3	\$56	1	\$168	
Lodging	1	2	\$133	1	\$266	
Mileage (using personal vehicle)	1	1	\$0.56	3	\$108	Assumes that Mike Skowronek will make three round-trip drives from Oakland to Novato using personal vehicle.
						Mileage 1-way: 32
						Round-trip mileage: 64
Subtotal Travel					\$1,844	
Miscellaneous Expenses		Copies	Units/ Pages	Unit Price	Est. Cost	
Color Plots of wall maps		8	1	\$25.00	\$200	
B&W 8.5x11 prints		20	225	\$0.08	\$360	
Color 8.5x11 prints		10	225	\$0.50	\$1,125	
Shipping/Postage		1	3	\$25.00	\$75	
Subtotal Misc.					\$1,760	
Total ODCs					\$3,604	

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MEMORANDUM

To: Board of Directors

February 27, 2015

From: Chris DeGabriele, General Manager *CD*

Subj: Administrative Civil Liability Complaint R2-2014-1024 Unauthorized Chlorinated Water Discharge from Wild Horse Storage Tank

L:\gm\wild horse tank overflow\memo to bod 22715.docx

RECOMMENDED ACTION: Provide direction to staff to accept the ACL as attached and conduct the Supplemental Environmental Project stipulated therein

FINANCIAL IMPACT: \$38,100 plus legal and staff time and 3rd party oversight (approximately \$2,500)

Background

On May 22, 2014 the Wild Horse Tank overflowed to the tank drain and ultimately entered Vineyard Creek where a customer alerted the District of the upset condition. The Board was made aware of this incident at the June 3rd Board of Directors during discussion of Proposed Permits of Discharges of Potable Water. On September 19th the San Francisco Regional Water Quality Control Board issued an Administrative Civil Liability Complaint for discharge. During a closed session on October 7, 2014 the Board further directed staff to submit a waiver form and engage in settlement discussions with the SFBRWQCB regarding the ACL.

The SFBRWQCB original ACL proposed a fine of \$45,500. Upon settlement negotiations, the fine now stands at \$38,100 including \$14,000 proposed for a Supplemental Environmental Project. The SEP is outlined in Attachment B to the ACL (Attached) and proposes to remove a substantial area of invasive non-native Himalaya blackberries and restore the creek embankment with native plantings (grasses, shrubs and up to 10 trees) on Marin County Flood Control District property as a STRAW (Students and Teachers Restoring a Watershed) in conjunction with Novato Unified School District (Pleasant Valley Elementary School and/or Sinaloa Middle School).

District staff has had detailed discussions with the County of Marin and STRAW representatives to plan the project. The District will be responsible for environmental review and rely on the county's existing permitting authority to conduct the work. The County will remove the invasive blackberries, and the Point Blue STRAW staff will plan and carry out the plant installation. We expect the work to be completed by the end of this calendar year.

RECOMMENDATION:

The Board authorize General Manager to accept and sign the ACL complaint #R2-2014-1024 and carryout the Supplemental Environmental Project as proposed.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

In the matter of:)	
)	
NORTH MARIN WATER)	SETTLEMENT AGREEMENT AND
DISTRICT, WILD HORSE)	STIPULATION FOR ENTRY OF
STORAGE TANK, MARIN)	ADMINISTRATIVE CIVIL LIABILITY
COUNTY)	ORDER
)	
May 22, 2014, Discharge to)	PROPOSED ORDER
Vineyard Creek, Novato)	
)	
Administrative Civil Liability)	
Complaint No. R2-2014-1024)	
)	
)	
)	

Section I: INTRODUCTION

1. This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulation) is entered into by and between the Assistant Executive Officer of the California Regional Water Quality Control Board San Francisco Bay Region (Regional Water Board), on behalf of the Regional Water Board Prosecution Team (Prosecution Team), and the North Marin Water District (NMWD) (collectively Parties), and is presented to the Regional Water Board or its delegee for adoption as an Order by settlement, pursuant to Government Code section 11415.60. This Stipulation resolves the violation alleged herein by the imposition of administrative civil liability against NMWD in the amount of **\$38,100**.

Section II: RECITALS

2. During all relevant periods, NMWD owned and operated the Wild Horse potable water storage tank in the City of Novato, Marin County.

3. Water Code section 13376 requires that a person who proposes to discharge pollutants to navigable waters of the United States shall file a report of waste discharge with the Regional Water Board at least 180 days prior to discharging said pollutants. A person who violates Water Code section 13376 is liable civilly under Water Code section 13385, subdivision (a)(1).

4. The Water Quality Control Plan for the San Francisco Bay Region, Chapter 4, Table 4-1, prohibition 1, prohibits discharges with "particular characteristics of concern to beneficial uses ... to any non-tidal water" The Regional Water Board issued the prohibition pursuant to Water Code section 13243. A person who violates prohibitions

issued pursuant to Section 13243 is liable civilly under Water Code section 13385, subdivision (a)(4).

5. Section 301 of the Federal Water Pollution Control Act ("Clean Water Act") (33 U.S.C. § 1311) prohibits the discharge of pollutants to waters of the United States except in compliance with a National Pollutant Discharge Elimination System ("NPDES") permit. A person who violates Clean Water Act section 301 is liable civilly under Water Code section 13385, subdivision (a)(5).

6. Water Code section 13385, subdivision (c), authorizes the Regional Water Board to impose administrative civil liability for violation of section 13385, subdivision (a), in an amount not to exceed the sum of both of the following (1) ten thousand dollars (\$10,000) for each day in which each violation occurs; and (2) where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons

7. Pursuant to Water Code section 13385, subdivision (e), in determining the amount of any civil liability imposed under section 13385, subdivision (c), the Regional Water Board is required to take into account the nature, circumstances, extent, and gravity of the violation, whether the discharges are susceptible to cleanup or abatement, the degree of toxicity of the discharges, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violation, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require.

8. The Prosecution Team alleges that NMWD violated Water Code section 13376, Clean Water Act section 301, and the Water Quality Control Plan for the San Francisco Bay Region by discharging approximately 204,000 gallons of potable drinking water containing up to 0.61 mg/L of chlorine into a tributary of Vineyard Creek on May 22, 2014. The discharge occurred when NMWD's electrical and mechanical staff inadvertently shorted the control wire for the tank level sensor when working on the cathodic protection system of the Wild Horse potable water storage tank.

9. On September 19, 2014, the Assistant Executive Officer of the Regional Water Board issued Administrative Civil Liability Complaint No. R2-2014-1024 to NMWD proposing penalties totaling \$45,500, including staff costs, for these violations. A copy of Administrative Civil Liability Complaint No. R2-2014-1024 is Attachment A hereto.

10. The Parties have engaged in settlement negotiations and agree to fully settle the alleged violations for \$38,100 without administrative or civil litigation and by presenting this Stipulation to the Regional Water Board, or its delegee, for adoption as an Order by settlement, pursuant to Government Code section 11415.60. During settlement discussions, NMWD presented additional evidence showing that the chlorinated discharge flowed over land one half mile and then flowed another mile along a dry creek

bed of Wild Horse Creek before reaching a wet ponded area of Vineyard Creek. Given this distance and the high volatility of chlorine, it is most likely that 50 percent or more of the residual chlorine either evaporated or was absorbed by soil or other organic matters with a substantial amount of the water percolating into the ground. The reduction of the residual chlorine in the discharge under these circumstances is akin to “abatement” of the discharge.

11. The liability imposed by this Order for the violation is consistent with California Water Code section 13385 and a reasonable liability determination using the penalty methodology in the State Water Resources Control Board’s (State Water Board’s) Water Quality Enforcement Policy.

12. The Prosecution Team believes that the resolution of the alleged violation set forth herein is fair and reasonable and fulfills all of its enforcement objectives, that no further action is warranted concerning the violation, except as provided in this Stipulation, and that this Stipulation is in the best interest of the public.

13. To resolve by consent and without further administrative proceedings the alleged violation set forth herein, the Parties have agreed to the imposition of administrative civil liability in the amount of **\$38,100** against NMWD.

Section III: STIPULATIONS

The Parties stipulate to the following:

14. **Jurisdiction:** The Parties agree that the Regional Water Board has subject matter jurisdiction over the matters alleged herein and personal jurisdiction over the Parties to this Stipulation.

15. **Administrative Civil Liability:** NMWD shall pay a total of **\$38,100** in Stipulated Administrative Civil Liability, which includes \$6,300 for the costs incurred by Regional Water Board staff to investigate and prosecute the matters. Of the Stipulated Administrative Civil Liability, \$14,000 shall be suspended pending completion of the Supplemental Environmental Project described in paragraph 17 and Attachment B. The remainder, \$24,100, shall be submitted by check made payable to the State Water Resources Control Board, no later than thirty (30) days following execution of this Order by the Regional Water Board or its delegee. The check shall reference the Order number listed on page one of this Stipulation. The original signed check shall be sent to the following address, and notification of payment shall be sent to the Office of Enforcement (email to Andrew.Tauriainen@waterboards.ca.gov) and the Regional Water Board (email to Habte.Kifle@waterboards.ca.gov).

Division of Administrative Services
Attn: Accounting, 18th Floor
P.O. Box 100
Sacramento, CA 95812

16. **Supplemental Environmental Project:** The Parties agree that \$14,000 of the Stipulated Administrative Civil Liability shall be suspended pending completion of the Supplemental Environmental Project (SEP) described in this paragraph and Attachment B. The suspended portion shall be referred to as the SEP Amount.

a. **Description**

Vineyard Creek Supplemental Environmental Enhancement Project. The proposed project includes removal of a substantial area of invasive, non-native Himalaya blackberries and restoration with native plantings (grasses, shrubs and up to ten trees) on Marin County Flood Control District property (APN 146-193-01) as a STRAW Project in conjunction with Novato Unified School District, (Pleasant Valley Elementary School and/or Sinaloa Middle School, both in the vicinity of the proposed project). It is expected that approximately 130 lineal feet of the Vineyard Creek Embankment would be improved. NMWD will rely on Marin County Flood Control Districts' permitting authority with the California Department of Fish and Wildlife (DFW) to remove the blackberries and install the new plantings. The actual planting would be coordinated and supervised by STRAW staff. NMWD has indicated that it will irrigate the area to establish the planting for up to three years and maintain the plantings for five years. A water service is available adjacent to the subject property. Plantings would be installed in a tier fashion with grasses nearest the water course, shrubs on the embankment crown, and trees providing shade/cover, away from the embankment. NMWD will conduct the necessary Environmental Review to complete the work and provide funding for the STRAW project materials and staffing necessary to conduct the plantings. NMWD will pay and has arranged for third party oversight of project implementation with the San Francisco Bay Estuary Partnership. Further details can be found in Attachment B.

b. **Representations and Agreements**

NMWD understands that its promise to implement the SEP outlined in this paragraph and Attachment B is a material condition of this Stipulation. NMWD represents: (1) that the Implementing Party shall utilize the funds provided to it to implement the SEP in accordance with the Project Milestones and Budget set forth in the Attachment B; (2) NMWD (or the Implementing Party on behalf of NMWD) shall provide written reports certified under penalty of perjury to the Regional Water Board consistent with the terms of this Stipulation detailing the implementation of the SEP, and (3) within 30 days of the completion of the SEP, NMWD shall provide written certification, under penalty of perjury, that NMWD and the Implementing Party followed all applicable environmental laws and regulations in the implementation of the SEP including but not limited to the California Environmental Quality Act (CEQA), the Clean Water Act, and the Porter-Cologne Act. NMWD agrees that the Regional Water Board has the right to require an audit of the funds expended by it to implement the SEP.

c. Publicity

Whenever NMWD or its agents or subcontractors or the Implementing Party publicizes one or more elements of the SEP, they shall state in a **prominent manner** that the project is being, or has been, undertaken as part of the settlement of an enforcement action by the Regional Water Board against NMWD.

d. Progress Reports

NMWD and/or the Implementing Party shall provide quarterly progress reports as described in Attachment B. NMWD and/or the Implementing Party shall permit inspection of the SEP by Regional Water Board staff or its third party oversight staff at any time without notice.

e. Certifications and Audits

i. Certification of Expenditures

On or before January 31, 2016, NMWD (or the Implementing Party on behalf of NMWD) shall submit a certified statement by a responsible district officer representing NMWD and a responsible official representing the Implementing Party documenting the expenditures by NMWD and the Implementing Party during the completion period for the SEP. In making such certification, the officials may rely upon normal company project tracking systems that capture employee time expenditures and external payments to outside vendors such as environmental and information technology contractors or consultants. NMWD shall provide any additional information requested by Regional Water Board staff or its third party oversight staff that is reasonably necessary to verify SEP expenditures.

ii. Certification of Performance of Work

On or before January 31, 2016 NMWD shall submit a report, under penalty of perjury, stating that the SEP has been completed in accordance with the terms of this Stipulation including Attachment B. Documentation may include photographs, invoices, receipts, certifications, and other materials reasonably necessary for the Regional Water Board to evaluate the completion of the SEP and the costs incurred by NMWD.

**iii. Certification that Work Performed Meets or Exceeds
Requirements of CEQA and Other Environmental Laws**

Within 90 days of this Stipulation and Order becoming effective, NMWD shall submit documentation, under penalty of perjury, stating that the SEP meets or exceeds the requirements of the California Environmental Quality Act (CEQA), if applicable, and/or other applicable environmental laws. NMWD (or the Implementing Party on behalf of NMWD) shall, before the SEP implementation date, consult with other interested State

agencies regarding potential impacts of the SEP. Other interested State agencies include, but are not limited to, the California Department of Fish and Wildlife.

iv. Third Party Audit

If Regional Water Board staff obtains information that causes staff to reasonably believe that NMWD or Implementing Party has not expended money in the amounts claimed by NMWD or Implementing Party, or has not adequately completed any of the work in the SEP, Regional Water Board staff may require, and NMWD shall submit, at its sole cost, a report prepared by an independent third party acceptable to Regional Water Board staff providing such party's professional opinion that NMWD and/or the Implementing Party has expended money in the amounts claimed by NMWD. In the event of such an audit, NMWD and the Implementing Party agree that they will provide the third-party auditor with access to all documents which the auditor requests. Such information shall be provided to Regional Water Board Staff within three months of the completion of NMWD's SEP obligations.

f. Regional Water Board Acceptance of Completed SEP

Upon NMWD's satisfaction of its obligations under this Stipulation, the completion of the SEP and any audits, Regional Water Board staff will issue a "Satisfaction of Order." The issuance of the Satisfaction of Order shall terminate any further obligations of NMWD and/or the Implementing Party under this Stipulation.

g. Failure to Expend All Suspended Administrative Civil Liability Funds on the Approved SEP

In the event that NMWD is not able to demonstrate to the reasonable satisfaction of Regional Water Board staff that it and/or the Implementing Party has spent the entire SEP Amount for the completed SEP, NMWD shall pay the difference between the SEP Amount and the amount NMWD can demonstrate was actually spent on the SEP, as an administrative civil liability.

h. Failure to Complete the SEP

If the SEP is not fully implemented within the SEP Completion Period required by this Stipulation or there has been a material failure to satisfy a milestone requirement set forth in Attachment B, Regional Water Board enforcement staff shall issue a Notice of Violation. As a consequence, NMWD shall be liable to pay the entire Suspended Administrative Civil Liability or some portion thereof less the value of the completion of any milestone requirements. Unless otherwise ordered, NMWD shall not be entitled to any credit, offset, or reimbursement from the Regional Water Board for expenditures made on the SEP prior to the date of the "Notice of Violation" by the Regional Water Board. The amount of the suspended liability owed shall be determined by the Executive Officer or the Executive Officer's delegate. Upon notification of the amount assessed for failure to fully implement the SEP, the amount assessed shall be paid to the Cleanup and

Abatement Account within thirty days. In addition, NMWD shall be liable for the Regional Water Board's reasonable costs of enforcement, including but not limited to legal costs and expert witness fees. Payment of the assessed amount will satisfy NMWD's obligations to implement the SEP.

17. **Compliance with Applicable Laws:** NMWD understands that payment of administrative civil liability in accordance with the terms of this Order and/or compliance with the terms of this Order is not a substitute for compliance with applicable laws, and that continuing violations of the type alleged herein may subject it to further enforcement, including additional administrative civil liability.

18. **Party Contacts for Communications related to this Stipulation and Order:**

For the Regional Water Board:

Habte Kifle
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, 14th Floor
Oakland, CA 94612
habte.kifle@waterboards.ca.gov
(510) 622-2371

For North Marin Water District:

Chris DeGabriele
General Manager
North Marin Water District
P.O. Box 146
Novato, CA 94948
cdegabriele@nmwd.com
(415) 897-4133

19. **Attorney's Fees and Costs:** Each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.

20. **Matters Covered by this Stipulation:** Upon adoption of the Order incorporating the terms set forth herein, this Stipulation, represents a final and binding resolution and settlement of all claims, violations, or causes of action alleged herein or which could have been asserted against NMWD as of the date of this Stipulation based on the specific facts alleged herein. The provisions of this Paragraph are expressly conditioned on NMWD's full payment of administrative civil liability by the deadline specified above.

21. **Public Notice:** The Parties understand that this Stipulation and Order must be noticed for a 30-day public review and comment period prior to consideration by the Regional Water Board or its delegee. In the event objections are raised during the public review and comment period, the Regional Water Board or its delegee may, under certain circumstances, require a public hearing regarding the Stipulation and Order. In that event, the Parties agree to meet and confer concerning any such objections, and may agree to revise or adjust the proposed Order as necessary or advisable under the circumstances. If significant new information is received during the public review and comment period that reasonably affects the propriety of presenting this Stipulation and Order to the Regional Water Board or its delegee for adoption, the Assistant Executive Officer may unilaterally declare this Stipulation and Order void and decide not to present it to the Regional Water Board or its delegee.

22. **Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedure contemplated for adopting the Order by the Regional Water Board, or its delegee, and review of this Stipulation by the public is lawful and adequate. In the event procedural objections are raised prior to the Order becoming effective, the Parties agree to meet and confer concerning any such objections, and may agree to revise or adjust the procedure as necessary or advisable under the circumstances.

23. **Interpretation:** This Stipulation and Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party. The Parties are represented by counsel in this matter.

24. **Modification:** This Stipulation and Order shall not be modified by any of the Parties by oral representation made before or after its execution. All modifications must be in writing, signed by all Parties, and approved by the Regional Water Board or its delegee.

25. **If the Order Does Not Take Effect:** In the event that the Order does not take effect because it is not approved by the Regional Water Board or its delegee, or is vacated in whole or in part by the State Water Resources Control Board (State Water Board) or a court, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the Regional Water Board to determine whether to assess administrative civil liabilities for the underlying alleged violation, unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in the hearing. The Parties agree to waive any and all objections based on settlement communications in this matter, including, but not limited to:

- a. Objections related to prejudice or bias of any of the Regional Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the Regional Water Board members or their advisors were exposed to some of the material facts and the Parties' settlement positions as a consequence of reviewing the Stipulation and/or the Order, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the violation alleged herein in this matter; or
- b. Laches or delay or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.

26. **No Admission of Liability:** In settling this matter, NMWD does not admit to any of the allegations stated herein, or that it has been or is in violation of the Water Code, or any other federal, state or local law or ordinance, with the understanding that in the event of any future enforcement actions by the Regional Water Board, the State Water Board or any other Regional Water Quality Control Board, this Stipulation and Order may be used as evidence of a prior enforcement action consistent with Water Code section 13327 or section 13385, subdivision (e).

27. **Waiver of Hearing:** NMWD has been informed of the rights provided by Water Code section 13323, subdivision (b) and hereby waives its right to a hearing before the Regional Water Board prior to the adoption of the Order.

28. **Waiver of Right to Petition:** NMWD hereby waives its right to petition the Regional Water Board's adoption of the Order for review by the State Water Board, and further waives its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.

29. **Covenant Not to Sue:** NMWD covenants not to sue or pursue any administrative or civil claim(s) against any State Agency or the State of California, their officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any matter expressly addressed by this Stipulation and Order.

30. **Authority to Bind:** Each person executing this Stipulation in a representative capacity represents and warrants that he or she is authorized to execute this Stipulation on behalf of and to bind the entity on whose behalf he or she executes the Stipulation.

31. **No Third Party Beneficiaries:** This Stipulation is not intended to confer any rights or obligations on any third party or parties, and no third party or parties shall have any right of action under this Stipulation for any cause whatsoever.

32. **Counterpart Signatures; Facsimile and Electronic Signature:** This Stipulation may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document. Further, this Stipulation may be executed by facsimile or electronic signature, and any such facsimile or electronic signature by any Party hereto shall be deemed to be an original signature and shall be binding on such Party to the same extent as if such facsimile or electronic signature were an original signature.

33. **Effective Date:** This Stipulation is effective and binding on the Parties upon the entry of this Order by the Regional Water Board or its delegee, which incorporates the terms of this Stipulation.

IT IS SO STIPULATED.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN
FRANCISCO BAY REGION PROSECUTION TEAM**

Date: _____

By: _____
Dyan C. Whyte,
Assistant Executive Officer

Approved as to form:

By: _____

Andrew Tauriainen, Senior Staff Counsel
State Water Resources Control Board
Office of Enforcement

NORTH MARIN WATER DISTRICT

Date: _____

By: _____

Chris DeGabriele, General Manager

Section IV: ORDER OF THE REGIONAL WATER BOARD

34. The Regional Water Board incorporates the Stipulation described above by this reference as if set forth fully herein.

35. In accepting this Stipulation, the Regional Water Board has considered, where applicable, each of the factors prescribed in Water Code section 13385, subdivision (e), and has applied the Penalty Calculation Methodology set forth in the State Water Resource Control Board's Enforcement Policy, which is incorporated herein by this reference. The Regional Water Board's consideration of these factors and application of the Penalty Calculation Methodology is based upon information obtained by the Prosecution Team in investigating the allegations set forth in the Stipulation, or otherwise provided to the Regional Water Board. In addition to these considerations, this Order recovers the costs incurred by Regional Water Board staff for this matter.

36. This is an action to enforce the laws and regulations administered by the Regional Water Board. The Regional Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) in accordance with section 15321, subdivision (a)(2), Title 14, of the California Code of Regulations.

37. The Stipulation and Order are severable; should any provision be found invalid the remainder shall be in full force and effect.

38. The Executive Officer of the Regional Water Board is authorized to refer this matter directly to the Attorney General for enforcement if NMWD fails to perform any of its obligations under the Order.

39. Fulfillment of NMWD's obligations under this Order constitutes full and final satisfaction of any and all liability for the matters alleged in the Stipulation in accordance with the terms of the Order.

Settlement Agreement and Stipulated Administrative Civil Liability
North Marin Water District

IT IS HEREBY ORDERED, pursuant to Water Code section 13323 and Government Code section 11415.60 on behalf of the California San Francisco Bay Regional Water Quality Control Board that NMWD shall pay **\$38,100** in administrative civil liabilities.

Bruce H. Wolfe
Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region

Date: _____

ATTACHMENT A

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R2-2014-1034

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

**COMPLAINT R2-2014-1024
ADMINISTRATIVE CIVIL LIABILITY
IN THE MATTER OF**

**NORTH MARIN WATER DISTRICT
WILD HORSE STORAGE TANK
MARIN COUNTY**

This complaint assesses an administrative civil liability (Complaint) pursuant to California Water Code section 13385 to North Marin Water District (hereinafter Discharger) for an unauthorized discharge of approximately 204,000 gallons of chlorinated potable water from its Wild Horse storage tank to an unnamed dry tributary to Vineyard Creek in Novato. A \$45,500 liability is proposed for the alleged Water Code violation.

The Assistant Executive Officer of the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board) hereby gives notice that:

1. The North Marin Water District (Discharger) is alleged to have violated provisions of law for which the Regional Water Board may impose civil liability pursuant to California Water Code section 13385. This Complaint is issued under Water Code section 13323 and proposes to assess \$45,500 in penalties for the violations cited based on the considerations described herein.
2. Unless waived, the Regional Water Board will hold a hearing on this matter on December 10, 2014, in the Elihu M. Harris Building, First Floor Auditorium, 1515 Clay Street, Oakland, 94612. You or your representative(s) will have an opportunity to be heard and to contest the allegations in this complaint and the imposition of civil liability by the Regional Water Board. You will be mailed an agenda approximately ten days before the hearing date. You must submit all comments and written evidence concerning this Complaint to the Regional Water Board not later than 5 p.m. on November 10, 2014, so that such comments may be considered. Any written evidence submitted to the Regional Water Board after this date and time will not be accepted or responded to in writing.
3. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed administrative civil liability, or whether to refer the matter to the Attorney General for judicial civil liability. You can waive your right to a hearing to contest the allegations contained in this Complaint by signing and submitting the waiver and paying the civil liability in full or by taking other actions as described in the waiver form.

ALLEGATIONS

4. On the afternoon of May 22, 2014, the Discharger's electrical and mechanical staff worked on the cathodic protection system of its Wild Horse potable water storage tank in the City of Novato, Marin County, and apparently inadvertently shorted the control wire for the tank level sensor. As a result, potable water began discharging from the Wild Horse tank at approximately

5:55 p.m., and continued until approximately 11:42 p.m., after notification by a concerned resident who observed the effects of the discharge.

5. The discharge totaled approximately 204,000 gallons of potable water containing up to 0.61 milligrams per liter (mg/L) of residual chlorine. The discharge reached Vineyard Creek via an unnamed tributary located near the tank. Vineyard Creek and its tributaries are waters of the State and of the United States.
6. On May 23, 2014, the Discharger inspected Vineyard Creek in response to the discharge and observed no fish kill and noted no erosion along Vineyard Creek and the unnamed tributary.
7. On May 24, 2014, the concerned resident reported to the California Office of Emergency Services (Cal OES) an unauthorized discharge reaching Vineyard Creek resulting in murky water and an accumulation of dead vegetation in a wet ponded pool in Vineyard Creek. In the dry months, stretches of Vineyard Creek and its tributaries dry up except for pools that are groundwater fed. The resident who reported the discharge voluntarily aerates the ponded pool to maintain it as a valuable dry season refuge for fish, including steelhead and rainbow trout. Cal OES forwarded the report to the Regional Water Board. In response, Cheryl Prowell, Regional Water Board spill responder, inspected Vineyard Creek that day. While Ms. Prowell found no dead fish, she did observe turbid water in the ponded pool in Vineyard Creek which likely resulted from the Wild Horse tank discharge and associated erosion of a dirt road at Wild Horse tank and dry creek banks as it flowed to the ponded pool.
8. On May 29, 2014, Regional Water Board staff requested that the Discharger submit a spill report to assess and determine the water quality and environmental impacts associated with the discharge. The Discharger submitted the spill report on June 5, 2014. In addition to the facts described above, the report indicated that the control system failure sent a false low level alarm to the Supervisory Control and Data Acquisition (SCADA) system and was acknowledged by the duty distribution operator at the time of the event. The Discharger's duty distribution operator was in training when he received the SCADA alarm notification and thus did not immediately respond.

ALLEGED VIOLATIONS

9. The Discharger violated Water Code section 13376, Clean Water Act section 301 and the Water Quality Control Plan for the San Francisco Bay Region by discharging approximately 204,000 gallons of potable drinking water containing up to 0.61 mg/L of chlorine into a tributary of Vineyard Creek on May 22, 2014.

LEGAL AUTHORITY

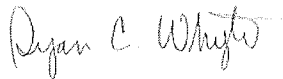
10. Water Code section 13376 requires that a person who proposes to discharge pollutants to navigable waters of the United States shall file a report of waste discharge with the Regional Water Board at least 180 days prior to discharging said pollutants. A person who violates Water Code section 13376 is liable civilly under Water Code section 13385, subdivision (a)(1).

11. The Regional Water Board's Water Quality Control Plan for the San Francisco Bay Region, Chapter 4, Table 4-1, prohibition 1, prohibits discharges with "particular characteristics of concern to beneficial uses ... to any non-tidal water" The Regional Water Board issued the prohibition pursuant to Water Code section 13243. A person who violates prohibitions issued pursuant to Section 13243 is liable civilly under Water Code section 13385, subdivision (a)(4).
12. Section 301 of the Federal Water Pollution Control Act ("Clean Water Act") (33 U.S.C. § 1311) prohibits the discharge of pollutants to waters of the United States except in compliance with a National Pollutant Discharge Elimination System ("NPDES") permit. A person who violates Clean Water Act section 301 is liable civilly under Water Code section 13385, subdivision (a)(5).
13. Water Code section 13385, subdivision (c), authorizes the Regional Water Board to impose administrative civil liability for violations of section 13385, subdivision (a), in an amount not to exceed the sum of both of the following (1) ten thousand dollars (\$10,000) for each day in which each violation occurs; and (2) where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.
14. Pursuant to Water Code section 13385, subdivision (e), in determining the amount of any civil liability imposed under section 13385, subdivision (c), the Regional Water Board is required to take into account the nature, circumstances, extent, and gravity of the violations, whether the discharges are susceptible to cleanup or abatement, the degree of toxicity of the discharges, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violations, and other matters that justice may require.
15. On November 17, 2009, the State Water Board adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code sections 13327 and 13385(e). The entire Enforcement Policy can be found at:
http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final11179.pdf
16. This enforcement action is exempt from the provisions of the California Environmental Quality Act, California Public Resources Code section 21000 et seq., in accordance with California Code of Regulations, Title 14, section 15321.
17. There are no statutes of limitation that apply to administrative proceedings. The statutes of limitation that refer to "actions" and "special proceedings" and are contained in the Code of Civil Procedure apply to judicial proceedings, not administrative proceeding. (See *City of*

Oakland v. Public Employees' Retirement System (2002) 95 Cal. App. 4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, Section 405(2), p. 510.)

PROPOSED CIVIL LIABILITY

18. **Maximum Liability:** The violation occurred on one day, and the volume discharged but not cleaned up is estimated at 204,000 gallons. Therefore, the maximum administrative civil liability the Regional Water Board may impose is \$2,040,000.
19. **Minimum Liability:** According to Water Code section 13385, subdivision (e), at a minimum, liability shall be assessed at a level that recovers the economic benefit or saving, if any, derived from the violations.
20. **Proposed Liability:** Based on consideration of the above facts, after applying the Enforcement Policy penalty methodology as set forth in Exhibit A, the Assistant Executive Officer of the Regional Water Board proposes that civil liability be imposed administratively on the Discharger in the amount of **\$45,500**.
21. Notwithstanding the issuance of this Complaint, the Regional Water Board and/or the State Water Board shall retain the authority to assess additional penalties for further unauthorized discharge for which penalties have not yet been assessed or for violations that may subsequently occur.



Dyan C. Whyte
Assistant Executive Officer

September 19, 2014

Date

Exhibit A –Factors Considered to Determine Administrative Civil Liability

EXHIBIT A

Factors in Determining Administrative Civil Liability for North Marin Water District Unauthorized Discharge of Chlorinated, Potable Water to Unnamed Dry Tributary to Vineyard Creek Novato, Marin County

The State Water Resources Control Board Water Quality Enforcement Policy (Enforcement Policy) establishes a methodology for assessing administrative civil liability based on the factors in Water Code sections 13327 and 13385 subdivision (e).

Each factor in the Enforcement Policy and its corresponding category, adjustment, or amount for the alleged violation is presented below.

Violation: – Unauthorized Discharge of 204,000 Gallons of Chlorinated Water to an Unnamed Dry Tributary to Vineyard Creek

On May 22, 2014, North Marin Water District (“District”) discharged approximately 204,000 gallons of potable water that contained up to 0.61 milligrams per liter (mg/L) of residual chlorine to an unnamed dry tributary to Vineyard Creek. The discharge resulted from an overflow from the District’s Wild Horse water storage tank due to a blown fuse to the tank level sensor.

Step 1 – Potential for Harm for Discharge Violations

The “potential harm” factor considers the harm to beneficial uses that resulted, or may result, from exposure to the pollutants in the discharge, while evaluating the nature, circumstances, extent, and gravity of the violation(s). A three-factor scoring system is used for each violation or group of violations: (1) the harm or potential harm to beneficial uses; (2) the degree of toxicity of the discharge, and (3) whether the discharge is susceptible to cleanup or abatement.

Factor 1: Harm or Potential Harm to Beneficial Uses

A score between 0 and 5 is assigned based on a determination of whether the harm or potential for harm to beneficial uses is negligible (0) to major (5).

For the violation, the potential harm to beneficial uses is minor (i.e., a score of 1). This is because the discharge caused sedimentation and erosion and resulted in dead vegetation and turbid water summer refuge fish pool in Vineyard Creek. Turbid water can impair the feeding ability of fish. The dead vegetation could also elevate oxygen demand in the ponded pool as it decomposes over the summer and fall. The ponded pool contains fish, including rainbow trout and steelhead. The oxygen levels are maintained in the creek at this local by a local resident who operated an aeration system. A higher harm factor is not proposed because no dead fish were observed a day after the discharge occurred.

Factor 2: The Physical, Chemical, Biological or Thermal Characteristics for the Discharge

A score between 0 and 4 is assigned based on a determination of the risk or threat of the discharged material.

For the violation, the risk or threat of the discharge is moderate (i.e., a score of 2). The discharge was potable water with free chlorine at concentrations up to 0.61 mg/L. Chlorine exhibits toxicity to aquatic life even at low concentrations, and the U.S. EPA Water Quality Criterion for chlorine to prevent acute (lethal) effects to aquatic life is 0.019 mg/L.

Factor 3: Susceptibility to Cleanup or Abatement

A score of 0 is assigned for this factor if 50 percent or more of the discharge is susceptible to cleanup or abatement. A score of 1 is assigned if less than 50 percent of the discharge is susceptible to cleanup or abatement. This factor is evaluated regardless of whether the discharge was actually cleaned up or abated.

For the violation, the discharge was not susceptible to cleanup or abatement (i.e., factor of 1). The discharged material flowed into and commingled with ambient water in the ponded pool in Vineyard Creek so cleanup or abatement was not possible.

Step 2 – Assessments for Discharge Violations

When there is a discharge, the Water Board determines an initial liability amount on a per-gallon and/or a per-day basis using the sum of the Potential for Harm scores from Step 1 and a determination of degree of Deviation from Requirement.

For the violation, the sum of the three factors from Step 1 is 4. The degree of Deviation for the violation is moderate. The general requirements prohibiting discharges to any non-tidal water and requirements for reports of waste discharge and NPDES permits were only partially compromised, because the District was not permitted and was not under specific order prohibiting the discharge.

For the violation, the prosecution staff used both per-gallon and per-day factors as allowed by statute. The resulting per-gallon and per-day multiplier factor is 0.016, based on a Potential for Harm score of 4 and a “Moderate” Deviation from Requirement.

Initial Liability Amount

The initial liability for the violation is calculated on a per-gallon and per-day basis as follows:

Per Gallon Liability: $(203,000 \text{ gallons}) \times (0.016) \times (\$10/\text{gallon}) = \$32,480$

Per Day Liability: $\$10,000/\text{day} \times (0.016) \times (1 \text{ day}) = \160

Total Initial Liability = \$32,640

Step 3 – Per Day Assessment for Non-Discharge Violations

This assessment is for a discharge violation. Step 3 applies to non-discharge violations.

Step 4 – Adjustments to Determine Initial Liability for Violation

There are three additional factors to be considered for modification of the amount of the initial liability: the violator's culpability, efforts to clean up the discharge or cooperate with regulatory authority, and the violator's compliance history.

Culpability

Higher liabilities should result from intentional or negligent violations as opposed to accidental violations. A multiplier between 0.5 and 1.5 is used, with a higher multiplier for negligent behavior.

For the violation, the culpability multiplier is 1.2. This multiplier is warranted because the District's duty operator did not promptly respond to the SCADA alert notification as a reasonable person would have done under similar circumstances in his/her exercise of ordinary care. The discharge continued for about 6 hours (i.e., from 5:55 p.m. to 11:42 p.m.), and the volume of the discharge would have been substantially reduced had the duty operator promptly responded to the SCADA warning notification.

Cleanup and Cooperation

This factor reflects the extent to which a discharger voluntarily cooperated in returning to compliance and correcting environmental damage. A multiplier between 0.75 and 1.5 is used, with a higher multiplier when there is a lack of cooperation.

For the violation, the cleanup and cooperation factor multiplier is 1. Cleanup was not possible once the discharge reached the water way. The District staff was responsive to Regional Water Board staff requests. Since the incident, the District upgraded the level sensors for 16 storage tanks, and will upgrade tank level sensors for the remaining 24 tanks over the next two fiscal years. These will decrease the likelihood of tank overflows. Also, the District will develop a best management practices plan to prevent future water quality impacts associated with planned and unplanned chlorinated potable water discharges.

History of Violations

This factor is used to increase the liability when there is a history of repeat violations using a minimum multiplier of 1.

For the violation, the history factor multiplier is 1 because there is no record of the District having a similar violation in the past.

Step 5 – Determination of Total Base Liability Amount

The Total Base Liability is determined by applying the adjustment factors from Step 4 to the Initial Liability Amount determined in Step 2.

Total Base Liability Amount

$\$32,640 \text{ (Initial Liability)} \times 1.2 \text{ (Culpability Multiplier)} \times 1 \text{ (Cleanup and Cooperation Multiplier)} \times 1 \text{ (History of Violations Multiplier)} = \text{Total Base Liability}$

Total Base Liability = \$39,168 (rounded to \$39,200)

Step 6 – Ability to Pay and to Continue in Business

The Enforcement Policy provides that if the Water Board has sufficient financial information to assess the violator's ability to pay the Total Base Liability, or to assess the effect of the Total Base Liability on the violator's to continue in business, then the Total Base Liability amount may be adjusted downward if warranted.

In this case, the Regional Water Board prosecution staff has sufficient information to suggest that the District has the ability to pay the proposed liability. The District provides service to about 62,000 residents, primarily in Novato. In its 2013 Comprehensive Annual Financial Report for the fiscal years ended June 30, 2013, the District reported \$18.6 million in total revenues and \$96.2 million in total capital assets (net).¹ The proposed liability is about 0.3 percent of the 2013 total revenues.

Step 7 – Other Factors as Justice May Require

Regional Water Board prosecution staff incurred \$6,300 (rounded) in staff costs to prepare this analysis and supporting information. This consists of 80 hours of an engineer at \$55 per hour, 4 hours of a senior engineer at \$97 per hour, 10 hours of supervisory engineer at \$106 per hour, and 4 hours of the Assistant Executive Officer at \$114 per hour. These staff costs include standard overhead costs to the State and are based on the low end of the salary range for each class. The Assistant Executive Officer intends to seek additional liability for staff costs incurred in bringing the matter to settlement or hearing. Although the final amount for such costs cannot be determined until completion of the matter, such costs could be quite substantial when additional investigation and analysis is required or if there is a hearing on this matter before the Regional Water Board.

Step 8 – Economic Benefit

The Enforcement Policy directs the Water Boards to determine any economic benefit associated with the violations and to recover the economic benefit gained plus 10 percent in the liability assessment.

Regional Water Board prosecution staff did not find a significant economic benefit associated with the violation. The alleged violation was an accident due to failure to respond to the SCADA alert that has no direct association with economic benefit.

Step 9 – Maximum and Minimum Liability Amounts

¹ <http://www.nmwd.com/financials/NMWDFinancials2013.pdf>

a) *Minimum Liability Amount*

The Enforcement Policy requires that the minimum liability amount imposed not be below a Discharger's economic benefit plus 10 percent. Based on the Regional Water Board Prosecution Staff's estimate, the proposed liability is above this amount. Mandatory minimum penalties do not apply to the violation because the discharge is unauthorized.

b) *Maximum Liability Amount*

The maximum administrative civil liability amount is the maximum amount allowed by Water Code Section 13385: (1) \$10,000 for each day in which the violation occurs; and (2) \$10 for each gallons exceeding 1,000 gallons that is discharged and not cleanup. The maximum liability for the violation is \$2,040,000.

Step 10 – Final Liability Amount

The total final liability amount proposed is **\$45,500** for the unauthorized discharge to the unnamed dry creek tributary to Vineyard Creek. The total proposed liability is based on consideration of penalty factors discussed above. It includes the Total Base Liability plus staff costs, and it is within the maximum and minimum liability amounts.

ATTACHMENT B

**North Marin Water District
Proposal for Supplemental Environmental Project:**

Vineyard Creek

Basic Information:

1. Project Name:

Vineyard Creek Supplemental Environmental Enhancement Project (SEP)
2. Project Amount:

\$14,000
3. Project Developed By:

North Marin Water District
4. Project to be Performed By:

North Marin Water District, County of Marin, Point Blue-STRAW (Students and Teachers Restoring a Watershed)
5. Contact:

Chris DeGabriele, General Manager, North Marin Water District
(415) 897-4133 ext. 8905

Project Description:

6. Provide a concise description of the SEP, including the goal(s) of the SEP and detailed plans for achieving the goal(s). If available, include photos or graphics of project area or other applicable images.

In response to the Administrative Civil Liability Complaint R2-2014-1024 for unauthorized chlorinated water discharge from Wild Horse Storage Tank, Novato, Marin County, CA, NMWD proposes a SEP within the Vineyard Creek Watershed, which was subjected to the Wild Horse Storage Tank Overflow on May 22, 2014. The proposed project includes removal of a substantial area of invasive, non-native Himalaya blackberries and restoration with native plantings (grasses, shrubs and up to ten trees) on Marin County Flood Control District property (APN 146-193-01) as a STRAW Project in conjunction with Novato Unified School District, (Pleasant Valley Elementary School and/or Sinaloa Middle School, both in the vicinity of the proposed project). An aerial

photograph map (Exhibit 1) showing the proposed project area as Detail 1, along with photos of the existing area showing the invasive blackberry patch to be removed (Exhibit 2) and an example similar project on Leveroni Creek where NWMD has improved an embankment with native planting and grasses (Exhibit 3). It is expected that approximately 130 lineal feet of the Vineyard Creek Embankment would be improved. NMWD will rely on Marin County Flood Control Districts' permitting authority with the California Department of Fish and Wildlife (DFW) to remove the blackberries and install the new plantings. The actual planting would be coordinated and supervised by STRAW staff. NMWD will be responsible for irrigation water to establish the planting for up to three years and maintain the plantings for five years. A water service is available adjacent to the subject property. Plantings would be installed in a tier fashion with grasses nearest the water course, shrubs on the embankment crown, and trees providing shade/cover, away from the embankment. NMWD will conduct the necessary Environmental Review to complete the work and provide funding for the STRAW Project.

Compliance with SEP Criteria:

This section must address how the project meets all the following SEP criteria.

7. Describe how the SEP directly benefits or studies groundwater or surface water quality or quantity and the beneficial uses of the waters of the State, in one of the following categories:
 - a. Monitoring program
 - b. Studies or investigations
 - c. Water or soil treatment
 - d. Habitat restoration or enhancement
 - e. Pollution prevention or reduction
 - f. Wetland, stream, or other waterbody protection, restoration or creation
 - g. Conservation easements
 - h. Stream augmentation
 - i. Reclamation
 - j. Watershed assessment
 - k. Watershed management facilitation services
 - l. Compliance training, compliance education, and the development of educational materials
 - m. Enforcement projects
 - n. Non-point source program implementation
 - o. Other

The proposed Supplemental Environmental Project directly benefits surface water quality in Vineyard Creek by enhancing native habitat, restoring the Vineyard Creek embankment to natural condition, and provides an educational opportunity for Novato Unified School District students.

8. Confirm that the SEP contains only measures that go above and beyond applicable obligations of the discharger.

NMWD has no current obligation to maintain Vineyard Creek and receives no water supply benefit from this tributary of Novato Creek which is down stream of NMWD's Stafford Dam and Stafford Lake water supply reservoir. Thus, the proposed SEP is above and beyond applicable obligations of NMWD.

9. Demonstrate that the SEP does not directly benefit, in a fiscal manner, a Water Board's functions, its members, or its staff.

The SEP does not directly or indirectly benefit in any fiscal manner the Water Board's functions, or that of its members or staff.

10. Describe the SEP's nexus to the nature or location of the violation(s), such as: the SEP is located within the same watershed in which the violation(s) occurred, or the SEP reduces likelihood of similar violation in the future.

The proposed SEP is located within the same watershed in which the Wild Horse Storage Tank discharge occurred and is just downstream of the area of concern identified in the Administrative Civil Liability Complaint R2-2014-1024.

11. Describe any plans to continue and/or maintain the SEP beyond the SEP-funded period. This is especially important in the case of restoration projects.
 - a. How maintenance will be funded
 - b. How other continued activities will be funded

NMWD proposes to self-monitor plant health and survival and will replace plants as needed for a period of five years. NMWD will also maintain irrigation water to the plantings for a period of three years to ensure they become fully established. NMWD will quarterly monitor the site and will fund the monitoring plant replacement and irrigation out of its annual operations budget.

12. If applicable, include documented support by one of the following:
 - a. Other agencies
 - b. Public groups
 - c. Affected persons
 - d. Documentation of compliance with the California Environmental Quality Act

NMWD has received verbal support for the project from Marin County Resource Conservation District and the County of Marin.

Project Milestones and Budget:

13. Include a time schedule for implementation of the SEP scope of work. Include milestones (deliverables or key reporting points) that are linked to the budget for

the SEP. Include quarterly reports, final report, and any post-project monitoring in the project milestones table.

NMWD proposes to plan the installation, with assistance from the County of Marin and Point Blue-STRAW, beginning June 1, 2015; enlist the County of Marin to remove invasive blackberries the first week of July 2015 (July 6, 2015); undertake the installation with Point Blue-STRAW beginning November 2, 2015; and will provide a completion report by December 31, 2015 with a photographic record for monitoring purposes upon completion of all plant installation.

14. Also, include procedures for accounting of all costs and expenses incurred by the SEP, and provisions that any funds left over after the successful completion of the SEP must be turned over to the State Cleanup and Abatement Account.

NMWD will establish a separate project accounting number and monitor all costs using the NMWD cost accounting software system to insure that all costs and expenses incurred are adequately documented. Should the entire financial obligation pursuant to the SEP portion of the ACL R2-2014-1024 not be used the cost accounting will document the remaining amount to be forwarded to the State Clean Up and Abatement Account.

Project Performance Measures:

15. Describe measures or indicators for the success of the SEP and procedures to evaluate compliance with the performance measures or indicators.

NMWD proposes to monitor performance by determining successful installation and following appropriate BMP's consistent with PRBO-STRAW typical policies. Additionally, NMWD will encourage Novato Unified School District student participants to visit the project regularly. NMWD will self-monitor survival of the plantings and irrigation on a quarterly basis outside of project requirements and funded by the NMWD operations budget annually for a period of five years.

Reports to the Water Board:

16. Confirm that this SEP will meet reporting requirements: at a minimum, the SEP must include quarterly reports on the progress of completion of the SEP to the Regional Water Board, a third party oversight organization, and the State Water Board's Division of Financial Assistance. Additionally, the SEP must include a final report documenting completion of the SEP, and addressing how performance measures were met, along with a copy of accounting records of expenditures.

NMWD will submit reports to the San Francisco Bay Area Regional Water Quality Control Board at start of the project, July 1, 2015, quarterly on September 1, 2015 and upon completion of the project by December 31, 2015. Included with the reports will be a review of performance measures, a copy of accounting records and expenditures and photograph documentation of planting installations.

Third Party Oversight Organization:

17. This proposal must specify a company or organization retained to oversee and audit the SEP and describe funding to this organization for the oversight. The costs for oversight are separate from the costs of the SEP and are borne by the discharger. This organization must be knowledgeable in CIWQS data entries and Regional Water Board's public records procedures.

NMWD proposes that San Francisco Estuary Partnership provide the third-party documentation for the SEP. NMWD will provide funding for the San Francisco Estuary Partnership through project completion to perform the oversight separate from the costs estimated in this proposal. NMWD has consulted with Athena Honore to address appropriate monitoring measures for this SEP as proposed.

NMWD will communicate in writing and via e-mail to the San Francisco Bay Estuary Partnership if for any reason the proposed dates cannot be met.

9

MEMORANDUM

To: Board of Directors
From: David L. Bentley, Auditor-Controller 
Subj: Consider Novato Commodity Rate Structure Simplification
t:\aclword\rate analysis\rate structure simplification 2015.doc

February 27, 2015

RECOMMENDED ACTION: Provide Direction to Staff**FINANCIAL IMPACT: None**

At the January 20 meeting staff presented an update of the District's 5-Year Financial Plan and recommended a 3% revenue increase be implemented effective June 1, 2015. The increase would be structured as a 4% increase in the commodity rate and 0% increase in the bimonthly service charge, thereby generating a 3% revenue increase.

Staff now proposes consideration of a further rate adjustment, not to generate additional revenue, but to simplify the commodity rate structure.

The Novato water rate structure now includes 15 potable water commodity rates. This is a reduction from the 20 rates in effect in 2010, that occurred with the consolidation of the Elevation Zone D rates into Zone C. The rate structure remains cumbersome and challenging to administer. Staff recommends the rate structure be simplified to 10 potable water commodity rates for the District's 20,000 Novato potable water accounts.

Rate Structure History

In 1982 the District moved from a single uniform commodity rate applicable to all customers by establishing four zone rates based on elevation, deriving each rate as a function of the energy and infrastructure cost associated with lifting water to the various hydraulic zones, designated as A through D. The customers in Elevation Zone A (which comprises 46% of demand) are gravity fed. The upper elevation zones require pumping. In 2004 the District instituted its first tier rate, applicable only to residential accounts. In 2006 a non-residential rate was enacted, set 6% above the residential base rate. In 2007 an additional residential tier rate was enacted. In June 2010, a seasonal rate was enacted applicable to non-residential accounts. At this point the District had 20 potable water commodity rates. Then, in June 2011, the rates for elevation Zones C & D were consolidated, thereby eliminating 5 of the 20 commodity rates. Today we have the following commodity rate structure in effect, comprised of 15 commodity rates, which amounts are shown in the table below with the proposed June 1, 2015 4% increase.

Existing Rate Structure

FY16 Commodity Rate/1,000 Gal¹

Elevation Zone²	Residential			Non-Residential	
	Base	Tier 1	Tier 2	Non-Seasonal	Seasonal
A (0-60')	\$4.46	\$7.11	\$12.38	\$4.92 ³	\$5.28
B (60'-200')	\$4.99	\$7.64	\$12.91	\$5.45	\$5.81
C & D (200'+)	\$6.17	\$8.82	\$14.08	\$6.62	\$6.99

Proposed Simplified Rate Structure

FY16 Commodity Rate Structure/1,000 Gal¹

Elevation Zone	Residential			Non-Residential	
	Base	Tier 1	Tier 2	Non-Seasonal	Seasonal
A (0-60')	\$4.46	\$7.11	\$12.38	\$4.92	\$5.28
B, C & D (60'+)	\$5.04	\$7.72	\$13.03	\$5.50	\$5.87

Proposed Rate Structure

Consistent with the rate structure simplification action taken in 2010, staff now proposes that Elevation Zone C & D customers be consolidated into the Elevation Zone B rates. Consumption subject to the 5 rates for customers residing in Elevation Zones C & D comprise only 8% of the total customer base, and generate 10% of total revenue. The District rate structure would then be comprised of a gravity fed rate, and a pumping zone surcharge.

Moving the customers now paying the Zone C & D rate into the Zone B rate, without an offsetting adjustment to the Zone B rate, would result in a 1.6% reduction in annual water sales revenue (\$270,000). While simpler to administer, the proposed rate structure, if enacted in one fell swoop, would create a windfall in reduced water cost for customers within Elevation Zones C & D, which is not appropriate. Therefore, as enacted in 2011 when the Zone D customers were folded into Zone C, the transition should be phased over time, leaving the Zone C & D rate

¹ Rates shown include proposed June 1, 2015 4% increase. Rate structure shown excludes rate for untreated water applicable to raw water drawn directly from Stafford Lake for the Indian Valley Golf Club and Stafford Lake Park

² 35% of residential customers in Elevation Zones C & D used in excess of 615 gpd during at least one billing period in 2014 and were therefore subject to the tier rate charge. Zones C & D include 56 non-residential accounts.

Statistics	Residential Tier Use	Non-Residential
Elevation Zone	(% > 615 gpd)	Accounts
A (0-60')	11%	1,063
B (60'-200')	21%	269
C & D (200'+)	35%	56

³ Recycled water is sold year-round at the Non-Seasonal rate.

unchanged until, through annual water rate increases, the Zone B rates rise to the level of today's Zone C & D rates.

In 2011, the Elevation Zone D rates were frozen for three years until increases in the Elevation Zone C rates made them equivalent to the Elevation Zone D rates. Assuming 4% annual increases going forward, the Zone B rates would rise to the current Zone C & D rates in six years.

While the proposed rate structure change is significant (reducing the number of potable rates by 33%) it would impact only 8% (1,600 accounts) of the District's Novato customer base.

Impact on Zone B Customers

As shown on the attached analysis, the calculated incremental cost of pumping water to customers in Elevation Zone B is \$0.60 per 1,000 gallons. The analysis also shows that consolidating the three upper elevation zones into a single commodity rate would require a \$0.71 per 1,000 gallon differential - adding \$0.11 per 1,000 gallons, or about \$1 per month, on average, for Zone B customers. Freezing the rates applicable to Zones C & D during the phased enactment would result in lost revenue. The revenue impact to the District could be rendered cost-neutral by adding an additional 1% per year for the next three years to the Zone B commodity rates, thereby generating the \$0.11 commodity rate differential.

Other Agency Practices

The District's Zone Rate Differential was enacted with the help of former Chief Engineer Jim Fritz, who came to NMWD from East Bay Municipal Utility District. EBMUD continues to employ a zone differential for their 388,000 accounts over a 381 square-mile area. Of the sixteen agencies that NMWD compares rates with, the only other agency employing a zone differential is Contra Costa Water, who has 8 zones. All of the other agencies split pumping costs evenly over their entire customer base.

Recommended Action:

Provide Direction to Staff

Zone Rate Analysis - Rate Components by Zone

2/12/15

Per 1,000 Gallons

t:\acexcel\rate analysis\zone differential calc fy15.xls\summary (2)

	Existing		Proposed
	Zones		Zones
	Zone B	C & D	B, C & D
<i>Electric Component</i>			
Zone B Electric Expense	\$0.14	\$0.14	
Zone C & D Electric Expense		\$0.28	
Electric Subtotal	\$0.14	\$0.42	\$0.16
<i>Add Maintenance Component (Avg Cost last 5 years)</i>			
Storage Tank Maintenance	\$0.08	\$0.08	\$0.08
Pump Station Maintenance	\$0.07	\$0.07	\$0.07
Storage & PS Maintenance	\$0.15	\$0.15	\$0.15
<i>Add Storage Capital Cost Component (2% of RCN)</i>			
Zone B Storage Capital Recovery	\$0.26	\$0.26	
Zones C & D Storage Capital Recovery		\$0.51	
Storage Subtotal	\$0.26	\$0.77	\$0.29
<i>Add Pump Station Capital Cost Component (3% of RCN)</i>			
Zone B P.S. Capital Recovery	\$0.06	\$0.06	
Zones C & D P.S. Capital Recovery		\$0.36	
P.S. Subtotal	\$0.06	\$0.41	\$0.10
Total Calculated Incremental Cost	\$0.60	\$1.75	\$0.71
Existing Incremental Charge¹	\$0.53	\$1.71	-

¹ Existing zone incremental charges include 6/1/15 proposed 4% commodity rate increase

RCN: Reconstructed Cost New

10

MEMORANDUM

To: Board of Directors
From: Drew McIntyre, Chief Engineer
Subject: North Bay Water Reuse Authority Board Meeting – January 26, 2015

February 27, 2015

R:\Folders by Job No\7000 jobs\7127\Board Memos\7127 NBRWA Update 1_26_15.doc

RECOMMENDED ACTION: Information Only**FINANCIAL IMPACT:** None

The draft minutes from the above referenced meeting are provided in Attachment 1. Supplemental information is provided as follows using item numbers referenced in the meeting agenda.

2. Roll Call

NMWD Board was represented by Director Schoonover

7. Financial Report for the Period Ending December 31, 2014

There are no budget irregularities to report for the second quarter of this fiscal year. The Program Manager, Mr. Chuck Weir, reports that all budget items are tracking normally through December 31, 2014.

8. 2014 Recycled Water Report

At the request of Novato Sanitary District Director Bill Long, total recycled water deliveries for 2014 were tallied and are provided as Attachment 2. A total of 6,681 acre feet of recycled water was delivered for the 2014 calendar year with 40% being the direct result of Phase 1 projects.

9. Outreach Program Update

This was the second NBWRA Board meetings held at Sonoma County Water Agency's 404 Aviation Blvd office rather than in Novato. Both meetings at SCWA have been scheduled to take advantage of the video taping process. Data Instincts (NBWRA's PR consultant) is in the process of producing short videos for inclusion on the NBWRA website.

10. Program Development, Federal, and State Advocacy Update

It is reported that the Governor's water bond funding for the 2015/16 year provides \$133 million for recycled water projects. Director Baker (NMWD Alternate) will be attending the planned March 4, 2015 NBWRA day in Sacramento. This Sacramento outreach is being planned by NBWRA's State Lobbyist, Pilar Onate-Quintana, and her agenda is provided as Attachment 3.

11. Workshop North Bay Water Reuse Program Phase 2

As part of the Phase 2 workshop there was a discussion that Sonoma Valley County Sanitation District (SVCSD) is not going to construct a large pipeline that had been originally planned as part of the NBWRA Phase 1 project. Accordingly, remaining funds from this SVCSD project will be available to other Phase 1 member agencies, including NMWD. As reported earlier, preliminary discussions are underway between the interested Phase 1 member agencies and a final determination will be made regarding reallocation of funds prior to the next WaterSmart Grant cycle (late Fall 2015).

**North Bay Water Reuse Authority
Board of Directors Meeting
Minutes
January 26, 2015**

1. Call to Order

Chair Rabbitt called the meeting to order at 9:34 a.m. on Monday, January 26, 2015 at the Sonoma County Water Agency, 404 Aviation Boulevard, Santa Rosa, CA 95403. Consultants and others who were unable to attend participated via telephone, 1-866-906-7447, passcode 2428170#.

2. Roll Call

PRESENT: David Rabbitt, Chair, Sonoma County Water Agency
Bill Long, Vice-Chair, Novato Sanitary District
Keith Caldwell, Napa County
Rabi Elias, Las Gallinas Valley Sanitary District
Jack Gibson, Marin Municipal Water District
Susan Gorin, Sonoma Valley County Sanitation District
Mike Healy, City of Petaluma
Tim Healy, Napa Sanitation District
John Schoonover, North Marin Water District

ABSENT: Steve Kinsey, Marin County

OTHERS

PRESENT:	Chuck Weir, Program Manager	Weir Technical Services
	Kevin Booker	Sonoma County Water Agency
	Ginger Bryant	Bryant & Associates
	Grant Davis	Sonoma County Water Agency
	Jenny Gain	Brown & Caldwell
	Jason Holley	City of American Canyon (via telephone)
	Pam Jeane	Sonoma Valley County Sanitation Agency
	Sandeep Karkal	Novato Sanitary District
	Drew McIntyre	North Marin Water District
	Mark Millan	Data Instincts
	Phillip Miller	Napa County
	Larry Russell	Marin Municipal Water District
	Dan St. John	City of Petaluma
	Mike Savage	Brown & Caldwell
	Brad Sherwood	Sonoma County Water Agency
	Jake Spaulding	Sonoma County Water Agency
	Dawn Taffler	Kennedy Jenks Consultants
	Jeff Tucker	Napa Sanitation District
	Leah Walker	City of Petaluma

3. Public Comments

There were no comments from the public

4. Introductions

Introductions were skipped.

5. Board Meeting Minutes of October 27, 2014.

A motion by Director Schoonover, seconded by Director Caldwell to approve the October 27, 2014 minutes was unanimously approved. Director Baker abstained.

6. Report from the Program Manager

a. Consultant Progress Reports

The Board reviewed the consultant progress reports for December 2014. The Program Manager highlighted the remaining agenda items.

7. Financial Report for the Period Ending December 31, 2014

The Board reviewed the Financial Report.

8. 2014 Recycled Water Report

The Board reviewed the 2014 Recycled Water Report and was very pleased with the progress being made in recycled water delivery. Director Long asked if flows discharged to receiving waters could be added to the report as that represents “lost water” that could be recycled.

9. Outreach Program Update.

This item was taken out of order and was discussed after Item No. 6 because videotaping that involved some Board members was occurring concurrent with the Board meeting. Mark Millan explained the videotaping process and schedule. He also showed the first video that has been produced that featured Chair Rabbitt. Board members expressed their appreciation for the progress and content of the videos that are being produced.

10. Program Development, Federal, and State Advocacy Update

Ginger Bryant provided an update for the Board on federal and state activities in support of Phase 1 and 2. She discussed a \$450,000 grant application in support of the Phase 2 Feasibility Study and noted that USBR has requested that the application not include the Triple Bottom Line Analysis (TBL) or Environmental Documents at this time. With this modification the total cost is \$1,793,200. The TBL and Environmental Documents still need to be completed and can be done so with additional grant applications. She discussed the CRomnibus bill and noted that it has \$50 million in drought funding. Bryant also provided an update on the Water Infrastructure Finance and Innovation Authority (WIFIA) and the Water Resources Reform and Development Act of 2014 (WRRDA). WRRDA has been passed and is expected to be signed into law by the President shortly.

Bryant noted that the Phase 2 language fix has been approved, but it is not in the CRomnibus bill. That may be handled legislatively and/or administratively. Her team continues working on RIFIA and Water 21 and efforts to develop bipartisan support.

Lastly Bryant discussed state issues including the Governor's plans for funding the Water Bond in 2015/16 and the planned March 4, 2015 NBWRA Day in Sacramento. The Governor plans on providing \$132.7 million for recycled water and \$5.2 million for desalination projects.

11. Workshop – North Bay Water Reuse Program Phase 2

Mike Savage and Jenny Gain discussed the following topics: Feasibility Study Report, Project Schedule, Summary of Phase 1 Grant Application, Discussion of Phase 1 Funding Reallocation, and Discussion of TBL. They described the various projects by agency using descriptions and maps. Participants noted a few minor changes that will be incorporated into the final list of Phase 2 projects for the Feasibility Study.

The Program Manager noted that a FT2015/16 Budget would be presented to the Board at the next meeting on April 27, 2015.

12. Adjournment

Chair Rabbitt adjourned the meeting at 11:03 a.m. The next meeting will be Monday, April 27, 2015 at 9:30 a.m. at the Novato City Hall Council Chambers.

Minutes approved by the Board _____.

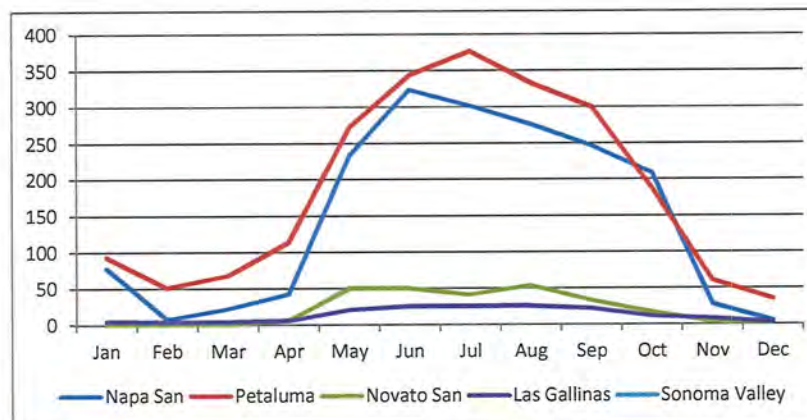
Charles V. Weir
Program Manager

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North Bay Water Reuse Authority
2014 Recycled Water Delivery by Member Agency

All in Acre-Feet

Month	Napa San	Petaluma	Novato San	Las Gallinas	Sonoma Valley	Grand Total	Phase 1 Total
Jan	78.179	93.693	0.000	4.665		176.537	4.665
Feb	7.832	50.974	0.000	4.474		63.280	4.474
Mar	22.207	68.221	0.000	3.809		94.238	3.809
Apr	42.390	113.886	6.030	5.525		167.832	11.555
May	233.308	271.780	49.879	20.664		575.630	70.542
Jun	324.465	344.145	50.149	25.383		744.141	75.531
Jul	302.158	376.491	41.568	25.185		745.402	66.753
Aug	276.635	333.496	54.065	25.767		689.962	79.831
Sep	247.628	300.444	33.365	22.469		603.906	55.834
Oct	209.601	187.662	16.986	11.706		425.956	28.692
Nov	28.146	60.856	4.100	8.191		101.293	12.291
Dec	5.341	34.924	2.406	2.509		45.180	4.915
Total	1778	2237	259	160	2248	6681	2667



Notes:

1. Non Shaded data is from projects prior to NBWRA Phase 1.
2. Shaded data is from NBWRA Phase 1 Projects.
3. Novato San began delivery from Phase 1 Project in April 2014.
4. MMWD Fiscal Year Ending June 30, 2014 recycled water flow was 642 ac-ft. Monthly data not available.
5. Sonoma Valley CSD recycled water flow for 2014 included 1,626 ac-ft for Ag irrigation, 21 ac-ft for management units, 600 ac-ft to Napa Salt Marsh, and 1 ac-ft for trucking. Total is 2,248 ac-ft.
6. Las Gallinas Valley San's Phase 1 Project was completed in October 2012 and they began delivering recycled water to North Marin WD in April 2013.
7. NMWD sold approximately 448 ac-ft in 2014. This is a combination of both north and south Phase 1 projects in conjunction with Novato and Las Gallinas.
8. Total Recycled Water by all NBWRA Member Agencies for 2014 was 7,324 ac-ft, of which 2,667 ac-ft, or 36.4% was directly as a result of Phase 1.
9. All recycled water results in potable offsets.
10. From EIR/EIS Table 2-3 Implementation Plan - Phase 1

Project	New Demand, ac-ft/year
Napa San MST Area	2137
Novato San NMWD (North/Central)	542
Las Gallinas NMWD (South)	204
Sonoma Valley CSD Projects	874 (Does not include flow to Napa Marsh)
Total	3757

Drew McIntyre

From: Pilar Oñate Quintana <pilar@theonategroup.com>
Sent: Tuesday, February 24, 2015 3:27 PM
To: 'Megan Clark'; keith.caldwell@countyofnapa.org; jtechel@cityofnapa.org; schoonover7@aol.com; wclo88@comcast.net; drabbitt@sonoma-county.org; akrout@sonoma-county.org; mthealy@sbcglobal.net; jgibson@marinwater.org; skinsey@marincounty.org; 'Susan Gorin'; jack baker; Irussell@marinwater.org
Cc: Ginger Bryant; kevin.booker@scwa.ca.gov; Brad Sherwood; Mark Williams; Phillip Miller; thealy@napasan.com; Drew McIntyre; pam.jeane@scwa.ca.gov; Ann DuBay; dsstjohn@ci.petuluma.ca.us; mban@marinwater.org; jennifer.gray@sonoma-county.org; Chuck Weir; millan@datainstincts.com; Chuck Weir; lizlewis@co.marin.ca.us
Subject: NBWRA Day at the State Capitol - March 4 - Resending schedule for your convenience
Importance: High

Hello all -

Again, thanks to the intended participation of a wonderfully representative group of NBWRA leaders (and staff), we have confirmed the following schedule for our March 4 NBWRA day, as provided below (schedule is same as previously sent on February 4 – no changes in timing, just note addition of lunch location) :

9:30 - Meet in 6th floor Capitol cafeteria

10 a.m. - Assemblymember Bill Dodd

10:30 a.m. - Assemblymember/Water, Parks and Wildlife Chair Marc Levine

11 a.m. - Dan Newton - State Water Resources Control Board – Re: Recycled Water/Bond Funding and Draft Criteria – Private dining area Cafeteria 15L

11:45 p.m. - Lunch (location TBD) - including discussion with Watereuse Executive Director Jennifer West – Private dining area Cafeteria 15L

1 p.m. - Senator Lois Wolk

1:30 p.m. - Senator Mike McGuire

As previously noted, assuming that the day's timing stays on track, we should be wrapping up by 2 p.m., which was a key end time for some of our participants.

Additionally, for your convenience, please see the list of NBWRA participants at the end of this email below. We may have to shoehorn this impressively large group into some of the offices, but it is nice to have such great participation.

We are in the process of honing talking points for the day and expect to send you all a preview of those by COB on Monday, March 2.

In the meantime, please do not hesitate to call or e-mail with any immediate questions.

Thanks.

Pilar

North Bay Waterreuse Authority board members/alternates:

Jack Baker – Director, North Marin Water District
Keith Caldwell – Supervisor, Napa County and Director, Napa Sanitation District
Jack Gibson – President, Marin Municipal Water District
Susan Gorin – Supervisor, Sonoma County
Michael Healy – Council Member, City of Petaluma
Steve Kinsey – Supervisor, County of Marin
Bill Long – Director, Novato Sanitary District
David Rabbitt – Supervisor, Sonoma County Water Agency
Larry Russell – Director, Marin Municipal Water District
Jill Techel – Mayor, Napa

Other:

Grant Davis – General Manager, Sonoma County Water Agency
Brad Sherwood – Community and Government Affairs, Sonoma County Water Agency
Ginger Bryant - NBWRA
Pam Jeane – Sonoma County Water Agency
Sandeep Karkal – Novato Sanitary District
Mark Millan - NBWRA
Pilar Onate-Quintana, Lobbyist

Pilar Oñate Quintana
The Oñate Group
1201 K Street, Suite 800
Sacramento, CA 95814

Office: 916-498-7736
Cell/Text: 916-230-4470
FAX: 916-448-4923




11

MEMORANDUM

To: Board of Directors

February 27, 2015

From: Chris DeGabriele, General Manager 

Subj: Next Steps for Expiring State Water Resources Control Board Emergency Water Conservation Regulations

t:\gm\water shortage 2014\swrcb ewc update 022715.docx

RECOMMENDED ACTION: Information Only**FINANCIAL IMPACT:** None at this time

The State Water Resources Control Board Emergency Water Conservation actions are set to expire on April 24, 2015. The State Board has held one workshop to consider extension and or revision to the proposed regulations and it is expected that the State Board will adopt an extension and or revision at their meeting on March 17, 2015. The regulations now in place require NMWD to implement its Water Shortage Contingency plan at a level that requires mandatory restrictions on outdoor water use and to monthly report water production compared to 2013 in the same month. The District has been in compliance with the regulations since they went in effect on July 15, 2014.

Attached is the information that the State Board reviewed at their meeting on February 17th, outlining the existing Emergency Water Conservation regulations, comments, and ideas on extension and/or modifying the regulations. Also included is a comment letter from the Association of California Water Agencies and an update from ACWA on local water agencies activities. Note that the ACWA update recognizes the Sonoma Marin Saving Water Partnership (top of page 3).

While we are hopeful that no new onerous requirements will be enacted, at a minimum it is likely that the existing restrictions and reporting requirements will remain in place through this summer as the California drought continues.

Emergency Water Conservation Regulation

Input and Potential Next Steps

David Rose, Katheryn Landau, Mark Emmerson,
Eric Oppenheimer

Office of Research, Planning, and Performance

February 17, 2015



Background

Jan 17, 2014	Drought Declaration
April 25, 2014	Executive Order
May 23, 2014	Drought Response Survey
July 15, 2014	State Water Board Adopts Emergency Regulation
July 28 , 2014	Regulation Approved by OAL
July-Dec 2014	Monthly Progress Reports and December 17th workshop in Los Angeles
April 24, 2015	Regulation Set to Expire

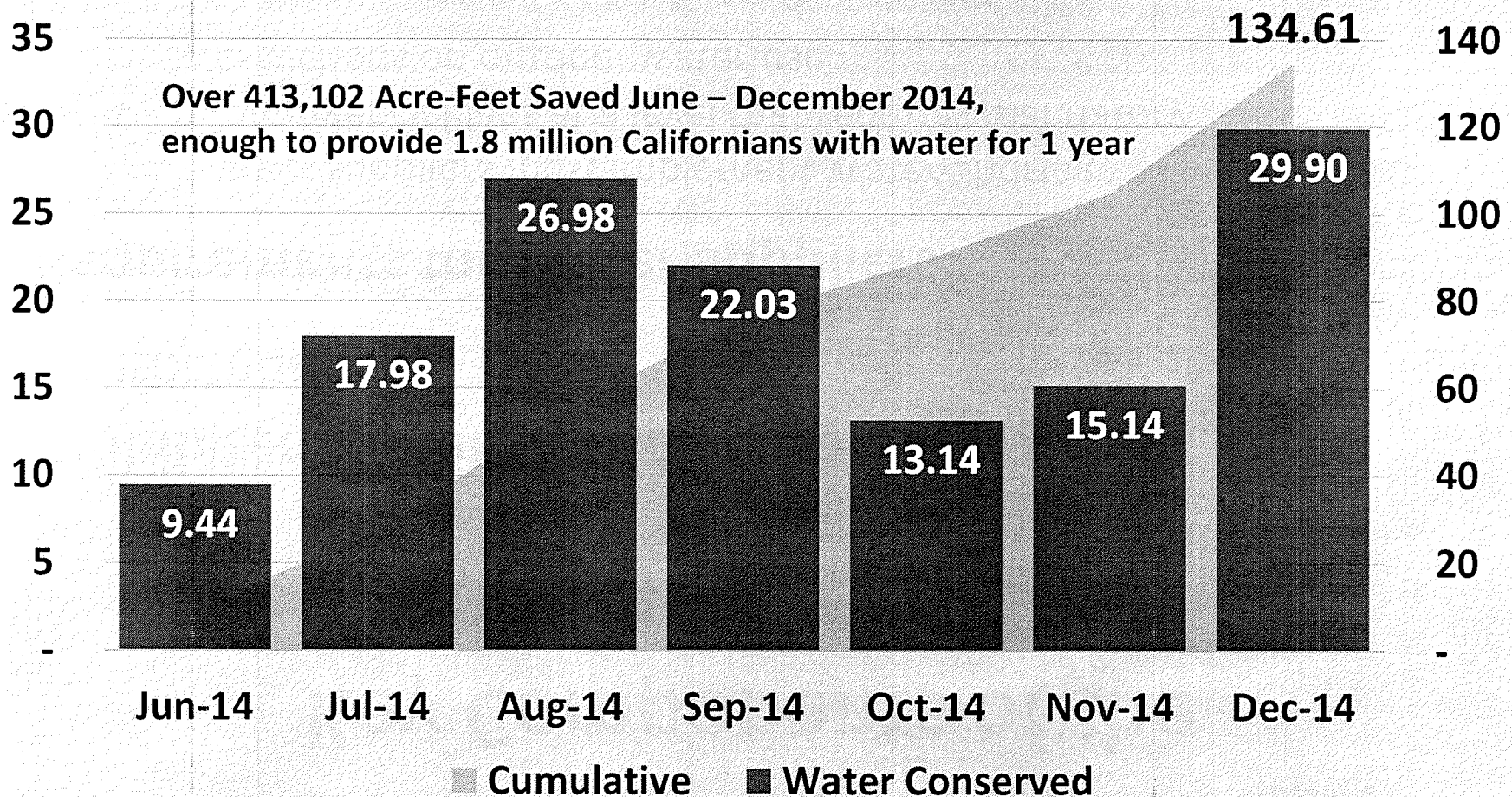
Key Components of the Emergency Regulation

- **Prohibited Water Uses Applicable to All Californians**
- **Requirements for Water Suppliers**
 - Larger suppliers must implement Water Shortage Contingency Plans at a level that requires mandatory restrictions on outdoor water use
 - Smaller suppliers, and those without plans, must implement two days per week watering or comparable measures
 - New enforcement tools
- **Monthly Reporting for Large Suppliers**



Effectiveness

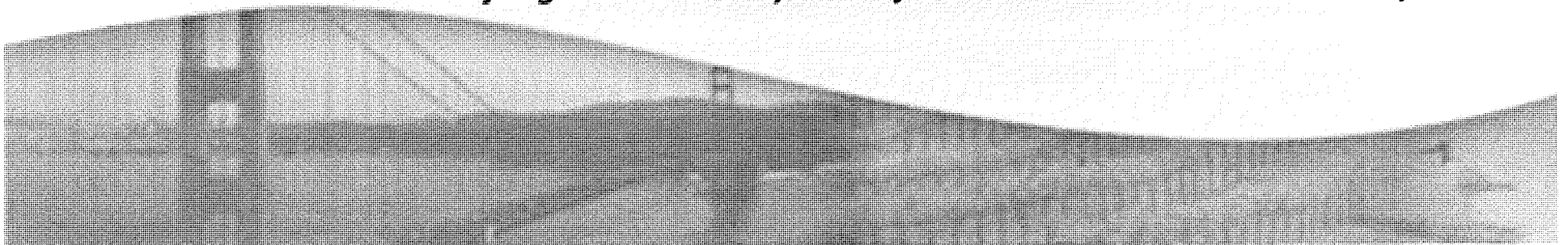
Statewide Water Conservation Results Water Conserved June-December (Billion Gallons)



Comments, Input, and Ideas

- Potential Short-term Actions; Modification to Emergency Regulation
- Potential Long-term Water Board Actions
- Other Potential Long-term Actions

Actions categorized as long or short-term based on staff judgment and may not reflect the commenter intent or opinion



Potential Modification to Emergency Regulation

Prohibited Uses/Use Restrictions

- Require use of non-potable/recycled water (where reasonably available) for irrigation, construction, soil compaction, and dust control.
- Food service/hospitality sector restrictions.
- Prohibit operation of all ornamental fountains and decorative water features with potable water.
- Prohibit overhead irrigation of any kind during winter or rain events.



Potential Modification to Emergency Regulation

Directives to Water Supplier

- Include easy to understand water use information in bills.
- Water audits/third-party evaluations for suppliers that exceed efficiency goals.
- Leak repair and/or leak notification, on both the customer and supplier side.
- Limits on outdoor watering schedules based on local conditions.
- Minimum requirements for what constitutes a mandatory restriction on outdoor water use.
- Limit irrigation to one day per week with run time caps during the winter.



Potential Modification to Emergency Regulation

Water Supplier Directives (continued)

- Require enforcement of prohibitions and local restrictions.
- Develop and implement a local enforcement strategy to achieve the replacement of inefficient plumbing fixtures required by state law (when new billing customer is established).
- Develop and post a local enforcement strategy.
- Validate that commercial car wash water recycling systems are properly functioning.
- Certification and training for water supplier conservation staff.



Potential Modification to Emergency Regulation

Reporting Requirements

- Specific conservation measures implemented by suppliers
- Compliance and enforcement activity
- Water use by sector (e.g., residential, commercial, municipal)
- Water use by source (surface water, groundwater, local, import/Delta, recycled, storm water, etc.)
- Leaks (volume, number, type, location, repair activity, cost of repair)
- Historic GPCD data consistent with SB 7x7
- Weather/climate data
- Parcel size/urban density/land use
- Economic conditions and new connections
- Wastewater flow (as a surrogate for indoor use)
- GHG emissions associated with water supplies
- Rate design, rates, penalty charges, drought surcharges, use of reserve funds
- Use a multi-year baseline or a different baseline

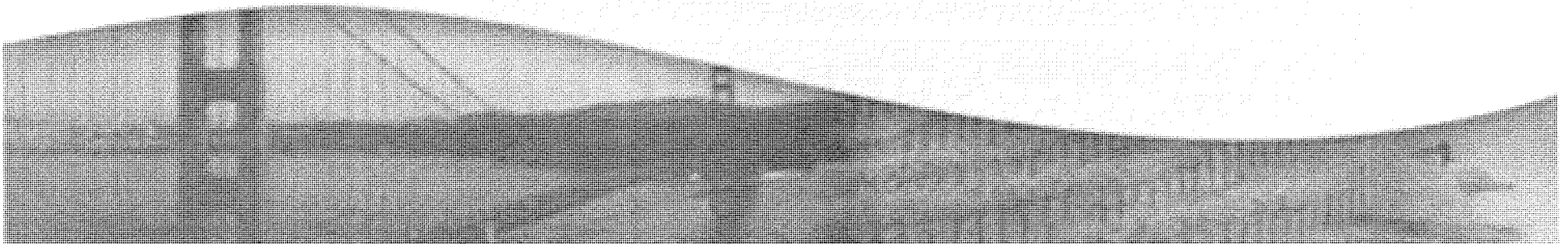
Potential Long-term Water Board Actions

- Adopt use targets or goals
 - Adopt a statewide per capita water use goal
 - Adopt regional or supplier level water use targets (based on input from a Stakeholder TAC)
 - Adopt standardized indoor and outdoor use efficiency requirements
 - Don't set maximum indoor use limits
 - Define minimum standards for acceptable water use by sector, and apply the waste and unreasonable use doctrine
- Define Wasteful and unreasonable uses of water
 - Using potable water on golf courses, cemeteries, and similar lands Determine that the use of
 - Using inefficient plumbing fixtures
 - Lack of volumetric pricing and/or conservation-based urban water and wastewater rates
- Compel enforcement/Implementation of model landscape ordinance(s)
- Require rain shutoff devices for irrigation to eliminate outdoor watering during periods of rain
- Require hotels and motels to use recycled water for all outdoor irrigation, where possible and appropriate
- Make prohibited uses permanent
- Make reporting permanent

Other Potential Long-term Actions

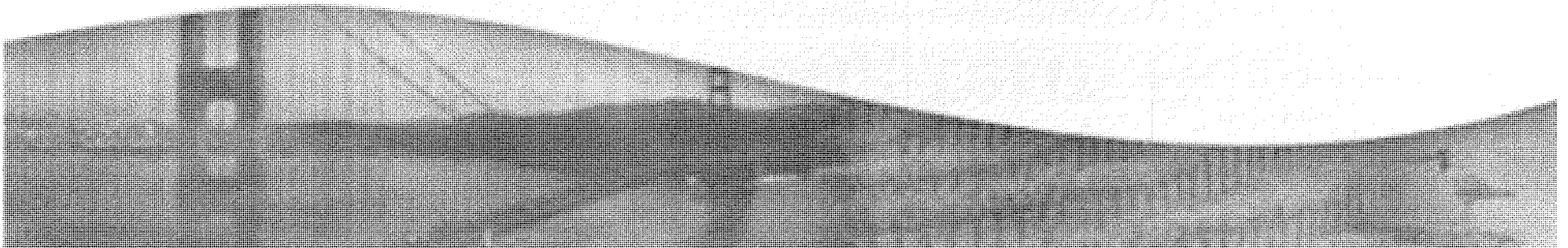
- Education and Outreach
- Technical Assistance
- Funding
- Legislative

Over 30 ideas suggested in four broad categories



Staff Recommendations

- Fine tune and extend existing emergency regulation
- Bring back for Board consideration on March 17, 2015
- Continue to evaluate need, potential content, and authority for longer-term action





Association of California Water Agencies

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February 17, 2015

Delivered by e-mail to: commentletters@waterboards.ca.gov

The Honorable Felicia Marcus, Chair
and Members of the State Water Resources Control Board
c/o Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Potential Next Steps Regarding Emergency Water Conservation Regulation

Dear Chair Marcus and Members of the Board:

The Association of California Water Agencies (ACWA) appreciates this opportunity to comment on potential next steps regarding the Emergency Water Conservation Regulation, which was adopted by the State Water Resources Control Board (Water Board) on July 15, 2014, was approved by the Office of Administrative Law on July 29, and is set to expire on April 25, 2015, unless extended. We look forward to participation in the workshop scheduled for February 17, 2014 and the opportunity to inform decision-making on this extremely significant matter.

ACWA represents over 430 public water agencies which are responsible for delivery of over 90% of the water used for residential, commercial and agricultural purposes in California. ACWA and its members are well aware of the deepening threat posed by a fourth year of drought conditions throughout most of California and appreciate the effect that the Emergency Water Conservation Regulation has had in achieving significant statewide water conservation results over the last seven months. Californians have responded to the call to reduce their water use, and this has helped position the state to weather what looks to be another dry year in 2015.

ACWA appreciates the way the Water Board has worked with urban water suppliers to minimize the reporting burden associated with submitting the water use information required by the Emergency Water Conservation Regulation. We also appreciate the way the staff has worked to interpret and report the data in an understandable and effective way on a monthly basis. This information has provided a broad understanding of water conservation trends geographically and across the seasons. It has helped local water suppliers communicate how individual actions can produce significant results at a regional and statewide scale.

Recommendations

ACWA offers the following recommendations as the Water Board considers potential next steps regarding the Emergency Water Conservation Regulation.

1. Extend the Emergency Water Conservation Regulation for Another 270 Days

The Emergency Water Conservation Regulation has demonstrated its effectiveness and should be extended for another 270 days in light of the continuing drought emergency. Rainfall and snowpack conditions remain far below normal in most parts of the state and even with significant additional rainfall in coming weeks it is extremely unlikely we will emerge from the drought in 2015. Californians will need to continue to reduce their water use and extending the Emergency Water Conservation Regulation can help keep up the momentum that has been established.

2. Clarify the Mandatory Outdoor Irrigation Restrictions

The Emergency Water Conservation Regulation requires urban water suppliers to activate their Water Shortage Contingency Plans at a level where outdoor irrigation restrictions are mandatory. In communities where no water shortage contingency plan exists, the regulation requires that water suppliers either limit outdoor irrigation to twice a week or implement other comparable conservation actions. Some water suppliers have determined that their Water Shortage Contingency Plans do not provide for mandatory outdoor irrigation restrictions, or that their current water supply conditions do not support imposition of mandatory outdoor irrigation restrictions. ACWA recommends that the Emergency Water Conservation Regulation continue to rely on urban water supplier's Water Shortage Contingency Plans as the primary implementation method, but that the Emergency Water Conservation Regulation should be clarified to require urban water suppliers to amend their Water Shortage Contingency Plans or otherwise impose by ordinance or another enforceable mechanism outdoor irrigation restrictions to achieve an overall reduction in outdoor irrigation equivalent to a twice a week irrigation schedule. Local water suppliers should still be responsible for how to implement the outdoor irrigation restrictions.

3. Consider Additional Water Use Prohibitions

The Emergency Water Conservation Regulation includes statewide prohibitions on certain water uses which are widely viewed as wasteful during a drought. These prohibitions are well

understood, effective, and should be continued. Additionally, the following prohibitions are generally considered “tried and true” drought response measures and would broadly communicate the need for increasing attention on water use as the drought continues:

- Prohibit outdoor watering during rain events,
- Prohibit outdoor watering during the mid-day hours to avoid excessive evaporative loss (local agencies should be given discretion to determine implementation details such as limiting irrigation to early morning or evening hours and providing for exceptions such as for irrigation testing),
- Require restaurants, hotels, and all public places where food is sold to only serve drinking water only upon customer request,
- Require hotels to offer guests the option to reuse towels and linens.

4. Increase Public Awareness

ACWA continues to work in partnership with the Department of Water Resources (DWR) on the Save Our Water program. Save Our Water demonstrated its effectiveness in 2014 and is now fully up and running for 2015. It includes an all-new website “SaveOurWater.com”, and plans for a spring campaign that will include messaging to promote immediate actions Californians can take to reduce their water use, as well as long-term lifestyle actions that will achieve permanent water savings, such as removing turf and planting “California Friendly” landscaping. The program will include targeted regional outreach tailored to regional and local water agencies needing additional outreach assistance. We welcome Water Board input on Save Our Water.

We appreciate the Governor’s personal efforts to remind Californians that we are in a drought and to continue to conserve water. Many of our agencies have noticed a drop in demands when the Governor speaks on this topic. We encourage the Water Board to work closely with the Governor’s office to expand opportunities for strategic messaging on the importance of conserving water this summer.

5. Enhance Water Use Reporting by Urban Water Suppliers

ACWA appreciates the Water Board’s efforts to minimize the reporting burden imposed on urban water suppliers by the Emergency Water Conservation Regulation. We support continued reporting by urban water suppliers of monthly gross water production and residential gallons per capita per day (R-GPCD) as a requirement of an extended Emergency Water Conservation Regulation. We recommend that the Water Board also continue to collect remaining 2013 monthly data and use this data for on-going comparisons with 2015 monthly water use data. Additionally, we recommended that the Water Board solicit voluntary submission of monthly 2007 gross water production and residential gallons per capita per day

(R-GPCD) as estimated by urban water suppliers. Water use in 2007 could provide a general indication of pre-recession and pre-drought water use in a normal water year, and offer a wider appreciation of the significant progress Californians have made to reduce their water use.

The current methodology for calculating R-GPCD allows for wide variability and inconsistency in reported results. We recommend the Water Board work with DWR to develop an improved methodology for determining R-GPCD and clarifying its technical relationship to the existing GPCD metric that is used for 20x2020 water use reduction target-setting as required for Urban Water Management Plans.

We recommend the Water Board work with DWR to identify urban water suppliers that had relatively high R-GPCDs and have been able to achieve significant water use reductions during 2014 for a study to determine which specific water conservation strategies seem to be contributing the most to their success. This information could provide urban water suppliers that have relatively low percentage reductions and continued high R-GPCDs with program ideas that could help increase their conservation performance in coming months.

We recommend the Water Board work with DWR to identify urban water suppliers that do not have existing Water Shortage Contingency Plans and make them aware of resources available to help them implement local plans to reduce water use during this drought. The Urban Drought Guidebook (DWR, 2008) provides valuable information on the elements of Water Shortage Contingency Plans, and can be found [here](#). Another helpful resource is The Local Government Drought Toolkit (Governor's Office of Planning and Research, March 7, 2014), which can be found [here](#). ACWA intends to continue adding extensive information, resources, and examples of what water agencies are doing to manage the drought emergency, all of which can be accessed at our [Drought Portal](#).

Additional Recommendations to Achieve Permanent Water Use Reductions

Drought response provided the context for the Governor's State of Emergency declaration on January 17, 2014 and the Water Board's action to adopt the Emergency Water Conservation Regulation. It is clear to all that we need to continue to "make conservation a California way of life" (California Water Action Plan, January 2014). Urban water suppliers are engaged in a long-term effort to improve water use efficiency and will continue to implement plans and programs at significant cost in coming years to achieve (and exceed) water use reduction targets which they have set in their Urban Water Management Plans. Much progress has been made over the last few decades in many parts of the state, but much remains to be accomplished.

The current drought crisis and the need to comply with the Emergency Water Conservation Regulation have helped urban water suppliers accelerate many programs and projects that will

lead to permanent improvements in water use efficiency. ACWA, its urban and agricultural water agency members, and the broader water community recognize the opportunity to convert recent drought-related water conservation response by California water users into broader and more permanent gains in water use efficiency. We also recognize that this has been and will be most successful as a collaborative process that depends on continued leadership from within the water community, non-governmental organizations (NGOs), the private-sector, and state agencies.

ACWA offers the following recommendations to the Water Board to help achieve permanent water use reductions over a long-term:

1. Engage with the Urban Stakeholder Committee and Independent Technical Panel Processes

ACWA recommends that the Water Board work with DWR and its Urban Stakeholder Committee (USC) to ensure that potential permanent conservation actions are subject to broad technical and policy consideration, are aligned with existing long-term water use efficiency requirements, and allow urban water suppliers and other experts to collaborate with the Water Board in a public forum which has demonstrated its effectiveness. The USC includes a diverse membership from retail and wholesale water suppliers, public and private water agencies, water associations, environmental advocates, consultants and policy experts, and academics. The USC acts as an advisory committee to DWR regarding implementation of urban water use reduction and water use efficiency planning requirements associated with SB7x7 (2009).

The Water Board could also collaborate with DWR to identify potential permanent conservation actions for consideration by the Independent Technical Panel (ITP), which provides information and recommendations to DWR and the Legislature on new demand management measures, technologies and approaches to water use efficiency. The ITP was formed by DWR under provisions of AB 1420 (2007), and has provided recommendations that are expected to improve water use efficiency statewide as they are implemented. The ITP is currently examining new opportunities to improve outdoor irrigation efficiency.

2. Resist Calls to Consider State Regulation of Local Water Rates

ACWA has been engaged for some time with member water agencies, other water associations, water rate experts and consultants, the NGO community, and academics on the issue of water rate-setting practices and their impact on customer water use. It is widely recognized that water pricing can influence water demand, and a wide variety of “water conservation rate structures” have been adopted on a voluntary basis by a growing number of water agencies

February 13, 2015

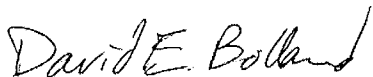
which seem to be yielding promising results. However, water rate-setting is an extremely sensitive matter because water rates are such a fundamental element of local water agency operations, financial stability, and local government accountability. Water rate-setting is a technically challenging exercise that must be closely tied to the unique water demands and characteristics of individual public water agencies. Significant legal and governance challenges remain unresolved for water conservation rate structures. In light of this situation, ACWA recommends that the Water Board resist calls from some quarters to consider state regulation of local water rates.

3. Consider Collaborative Research and Funding Opportunities

ACWA recommends that the Water Board consider opportunities to identify and fund targeted research or pilot projects in collaboration with ACWA, water agencies and partners in the broader water community. Promising potential permanent conservation actions that may be identified through the USC or ITP process could be the subject of such targeted research. Funding incentives could be identified to promote innovative demonstration projects. We look forward to exploring this possibility with the Water Board and other water community partners in coming months, possibly in the form of one or more workshops that could be convened by the Water Board.

Thank you for your consideration of these comments. ACWA will continue to work with the Water Board and its staff to assist urban water suppliers and water users concerning an extended Emergency Water Conservation Regulation and the on-going response to drought in 2015. If you have any questions, please contact me at daveb@acwa.com or (916) 441-4545.

Sincerely,



David Bolland
Special Projects Manager

cc: Mr. Tom Howard, Executive Director
Ms. Caren Trgovcich, Chief Deputy Director
Mr. Eric Oppenheimer, Director of the State Water Board's Office of Research, Planning and Performance



February 17, 2015

Local Water Agencies on the Front Lines of Drought Response

As a fourth year of drought unfolds, water agencies around the state are on the front lines with conservation messaging and an array of programs and activities to reduce water, stretch existing supplies and protect remaining water reserves.

Mandatory conservation measures remain in place in urban areas, and water conservation outreach and enforcement will continue apace in 2015. Water-wise house calls, mobile apps and hotlines for reporting water waste and incentive programs such as turf replacement are among the efforts under way in early 2015.

The latest data reported by the State Water Resources Control Board shows that Californians saved over 134 billion gallons of water from June 2014 through December 2014. The savings amount to over 413,102 acre-feet of water, or about half the capacity of Folsom Lake and enough to provide 1.8 million Californians with water for one year.

Metropolitan Water District of Southern California recently outlined drought response scenarios that could require the district to restrict available water supplies for its retail agencies by July 1. MWD's Board of Directors will consider its options in April, but if the so-called allocation plan is triggered it could result in water rationing throughout Southern California this summer.

Here are some examples of activities around the state in early 2015.

Drought Emergency Response

Mandatory Conservation / Water Use Restrictions

Local water agencies continue to enforce mandatory conservation and outdoor water use restrictions as required by urban water conservation regulations adopted by the State Water Resources Control Board in July 2014. These restrictions remain in place, and local agencies report a variety of enforcement activities ranging from warnings for first-time violations to excess use charges to fines and even installation of flow restrictors if warranted.

- **Los Angeles Department of Water and Power:** Enacted water restrictions in 2009 and has kept them in place to proactively respond to worsening dry conditions. Its Water Conservation Response Unit actively patrols Los Angeles communities and enforces the city's Mandatory Water Conservation Ordinance. The unit investigated more than 6,300 water waste complaints in 2014 and issued more than 5,200 citations and numerous fines for second and third violations.

- **City of Sacramento Department of Utilities:** Adopted a Stage 2 Water Shortage Contingency Plan in January 2015 that restricted outdoor watering, required a 20% reduction in water use and provided for enhanced fines for violations. The city also beefed up its enforcement staff and enlisted volunteers to enforce the ordinance and watch for water waste. The city collected an estimated \$15,000 in fines in 2014.
- **Dublin San Ramon Services District:** Declared a drought emergency in February 2014 and implemented water-use restrictions and enforcement measures on May 5. It issued 139 fines totaling \$39,000 through Dec. 11, 2014.
- **East Bay Municipal Utility District:** Adopted new emergency measures effective January 2015 to reduce water use by 15%. It has enrolled more than 50,000 customers in a program that provides personalized monthly reports on actual water consumption.
- **Santa Clara Valley Water District:** Extended its call for a 20% countywide reduction in water use through June 30, 2015, and approved an \$800,000 budget for more aggressive conservation outreach and enforcement.
- **Mesa Water District:** Adopted a strict conservation ordinance in July 2014 and has investigated 70 water waste complaints and issued warnings. In December 2014, it launched a new conservation campaign, "Mesa Water Saver," aimed at reducing residential water use within its service area.
- **Western Municipal Water District:** Proposing to update its Water Shortage Contingency Plan to allow for water shortage "stages" with increasingly greater restrictions on water use to address specific conditions impacting water supplies. Changes will allow the customers to better manage outdoor water use and enable the district to better manage water supplies. The more restrictive stages will allow the district to adjust individual water budgets during declared shortages and better align billing with the coordinate budget-based rate structured adopted in 2011.

Education and Outreach

Water suppliers invested millions of dollars in water conservation education and outreach in 2014, and that investment continues in 2015. Using tools and resources from the Save Our Water program, water agencies are communicating directly with their customers through social media, paid advertising, direct mail pieces and community events. Many agencies report that education and outreach efforts have contributed to double-digit reductions in water use. Though outreach efforts were beefed up throughout the state in response to drought, many local agencies have ongoing programs designed to encourage permanent water-saving actions as a way of life.

- **San Diego County Water Authority:** Executing the "How Low Can You Go?" public information campaign in concert with its member agencies to encourage the region's residents and businesses to reduce water use as much as possible this winter. Campaign is part of the broader "When in Drought" outreach program and includes social media and paid web and radio ads. SDCWA also has launched a new partnership with artificial turf companies to offer discounts and is conducting "Citizens Water Academies" to teach community members about water.

- ***Sonoma-Marin Water Saving Partnership:*** Ten water utilities in Sonoma and Marin counties are coordinating “There’s a Drought On – Turn the Water Off” campaign with messaging, region-wide rebates and water-efficient landscaping programs, as well services for businesses. Campaign website offers customers downloadable pdfs with conservation tips, flyers and other tools.
- ***Inland Empire Water Agencies and Cities:*** Launched iEfficient.com website and education program to urge Inland Empire residents to reduce water use. A collaborative effort among 19 water agencies and cities, the program promotes rebates, tips and tools to conserve water in both immediate- and long-term.
- ***City of Santa Cruz:*** Instituted “water school,” a two-hour water conservation class similar to traffic school that lets violators reduce their fines for exceeding monthly water allotments. The waiting list was two months long in late 2014.
- ***Indio Water Authority:*** Launched “Commit2Conserve” campaign with a water-waster app and hotline, indoor conservation kits, and rebates for turf removal, irrigation equipment upgrades and installation of high-efficiency fixtures.
- ***Coachella Valley Water District:*** Offers free water-wise landscape workshops and seminars for landscaping professions. Also offers golf course turf rebates up to \$105,000, rebates for residential lawn replacement and SMART irrigation controllers.
- ***Save Our Water:*** Provides consumer-focused outreach and messaging as the state’s official statewide conservation public education program. Reached millions of Californians through extensive paid media, social media and targeted regional outreach in 2014; efforts continuing in 2015 with focus on long-term lifestyle actions to achieve permanent water savings, such as turf removal and planting water-wise landscapes. Tools and resources also provided to local water agencies to assist with their outreach programs. The program is a partnership between ACWA and the California Department of Water Resources.

Turf Rebates and Other Incentives

Water agencies report surging interest in turf replacement and conservation rebate programs. Turf rebates are offered by at least 27 water agencies around the state, and generate real water savings not only during drought, but on an ongoing basis. Some examples include:

- ***Metropolitan Water District of Southern California:*** MWD allocated about \$85.6 million for turf replacement rebates for residential customers and businesses in 2014. It has received requests from residential customers to replace about 31 million square feet of turf, or 711 acres. Commercial customers have requested rebates to replace more than 45 million square feet of turf, or 1,033 acres.
- ***Desert Water Agency:*** The agency has approved 566,212 square feet of turf to be removed and has 287 turf removal projects in progress. Completed projects to date are saving an average of 47% of their water use. DWA also has installed 1,905 free SMART irrigation controllers to date.

- ***Castaic Lake Water Agency:*** The agency offers commercial customers up to \$25,000 in rebates for irrigation controllers and landscape modifications.
- ***City of Roseville:*** The city has provided rebates for the removal of 290,842 square feet of lawn to save 45 million gallons of water since 2008.

Long-Term Actions

Rate Structures as a Conservation Mechanism

Many agencies are using their water rate structures as a mechanism to reduce water use.

- ***Irvine Ranch Water District:*** Utilizes its rate structure to discourage water wasters. Customers that exceed their monthly “budget” pay significantly more for their water use. Price increases are assessed through the allocation-based conservation rate structure. Since the district implemented the allocation-based (tiered) rate structure in 1991, residential per capita water use has decreased over time, from around 110 gallons per person per day to about 82 gallons at the end of 2014. The district believes the data shows long-term behavioral change as a result of the rate structure.
- ***Eastern Municipal Water District:*** Bills all residential and landscape customers on a water budget-based tiered rate structure that rewards customers who use water efficiently and discourages water waste. Customers exceeding their water budgets are charged at higher rate for the water used in excess of the budget.
- ***Moulton Niguel Municipal Water District:*** Implemented new billing rate structure that provides each customer with a personalized water budget designed to meet their specific indoor and outdoor water needs. Customers who are efficient use the lowest-cost water and pay the lowest rates. Customers who are inefficient pay more for the increasing cost of the water they waste, which gives them the incentive to do their part to help manage our region’s limited water resources.
- ***Rancho California Water District:*** Bills customers according to water budget-based tiered rates. The district provides customers with a monthly water budget customized based on the number of people in the home, the property’s irrigated acreage, and the weather. The structure is designed to encourage water efficiency. Customers wasting water pay the higher tiered rates.

New Tools for Customers

Many agencies have rolled out new and creative ways for their customers to report water waste. Mobile apps allowing customers to submit photos of water waste, hotlines and website portals allowing customers to compare their monthly water usage with past years and with that of similar homes proved effective in 2014 and can be expected to continue in 2015.

- ***Las Virgenes Municipal Water District:*** Encourages customers to take a picture of water waste with their smart phones and send it to the district, which will determine the location and send water conservation staff to investigate / correct the problem.

- ***Placer County Water Agency:*** Has a free mobile app for residents to report water wasters. The app allows users to take a photo of water waste and give an address. Residents can also report water waste on the app anonymously.
- ***Dublin San Ramon Services District:*** Provides free recycled water to residential customers for landscape irrigation during the drought. Customers can drive up and fill containers with recycled water – at no cost – for use on landscaping. There are more than 400 regular customers, and they are already asking if it will continue even after the drought is over.

12

FOR ACCESSIBLE
MEETING INFORMATION
CALL: (707) 543-3350
ADD: (707) 543-3031



TECHNICAL ADVISORY COMMITTEE

MONDAY, MARCH 2, 2015

9:00AM

Utilities Field Operations Training Center
35 Stony Point Road, Santa Rosa, CA

1. Check In
2. Public Comment
3. SCWA Draft FY2015/16 Budget
4. Water Supply Conditions and Temporary Urgency Change Order (including report on Water Conservation)
5. Biological Opinion Status Update
6. Items for next agenda
7. Check Out



Russian River Biological Opinion Update – March 2015

The Sonoma County Water Agency is continually planning and implementing the Russian River Biological Opinion requirements. The following project updates provide a brief synopsis of current work. For more detailed information about these activities, please visit www.sonomacountywater.org.

Dry Creek Habitat Enhancement and Demonstration Project

- Construction is complete on the Dry Creek Demonstration Project, and the habitat enhancement projects withstood flows above 6,000 cfs resulting from the December 8 atmospheric river. Over the coming months, Water Agency crews are revegetating the disturbed areas of the project site with thousands of native trees, shrubs and grasses.
- Site identification, outreach to landowners, preliminary environmental studies and topographic surveys are underway for the second and third miles of habitat enhancement. Two firms, Interfluve and ESA PWA, are designing the second and third miles of habitat enhancement. Ten-percent designs have been completed and presented to the property owners for feedback. The 30% designs were submitted by consultants in mid-February and are being reviewed by Water Agency staff.
- The Water Agency released an RFQ in late December for design of miles four through six of habitat enhancement. Seven firms submitted Statements of Qualifications, which were scored and ranked by a selection team of Water Agency Staff. Interviews with the four most qualified firms are currently being scheduled for early April.

Fish Monitoring

It has been a challenging season to count the migrating adult salmon and steelhead. With the inflatable dam down during the Mirabel Fish Passage Improvement Project construction, adult fish were monitored in Dry Creek and at the Healdsburg Dam fish ladder using video and sonar technology. With the river mouth closed for most of October and November, returns were low, although several fish were counted following the November 17 estuary breaching. The Healdsburg camera and the sonar technology were removed before the December 8 storm, and turbid water quality has made it difficult to identify fish videoed at the Dry Creek location. The count to January 16 from Dry Creek and Healdsburg is more than 2,600 adult salmon and steelhead.

Mirabel Screen and Fish Ladder Replacement

Construction of the Mirabel Fish Passage Improvement Project illustrates the challenges of working in a river. Construction stalled in early December, when a portion of the coffer dam surrounding the site failed. The contractor repaired the cofferdam, dewatered the site, and resumed work which was then delayed in February due to storms. Construction is underway once again.

Russian River Estuary Management Project

- The 2014 Lagoon Management Period ended on October 15. Between September 18, when the river mouth closed, and November 26, the mouth was open for only four days, when it was breached by the Water Agency. It closed briefly in January and February, but both closures resulted in self-breaching.

- Monthly baseline monitoring of seals and other pinnipeds is ongoing.
- Field investigations of the jetty are largely complete. In 2014, monitoring wells were installed and other tests were conducted. The purpose of the studies is to determine if and how the jetty impacts the formation of the barrier beach and lagoon water surface elevation.
- A training for volunteer pinniped monitors by the Water Agency and Stewards of the Coast and Redwoods was held on February 24.

Fish Flow Project

Work is occurring internally on the preparation of the draft Environmental Impact Report for the Fish Habitat Flows and Water Rights Project. The EIR is being prepared by Water Agency staff, with assistance from consultants on some areas of impact analysis. A draft EIR is anticipated to be released Summer 2015.

Interim Flow Changes

On August 25, the State Water Resources Control Board issued a new order, allowing minimum flows to be reduced to 50 cfs in the upper river and 60 cfs in the lower river. The Water Agency and the Mendocino County Russian River Flood Control and Water Conservation Improvement District requested these changes to preserve water in Lake Mendocino for water supply and for the fall Chinook run. Due to the drought, this was the third TUC issued since December 2013. The TUCP expired on February 20 and minimum flows have returned to normal conditions, although the Water Agency is closely monitoring releases in order to preserve as much water as possible in Lake Mendocino.

Public Outreach, Reporting & Legislation

- Several WAC/TAC members participated in tours of the Dry Creek Habitat Enhancement projects on February 5th and 20th.
- Planning is underway for the annual spring/summer community meetings regarding the estuary and Dry Creek.



WAC & TAC members view Dry Creek Habitat, February 5, 2015

WAC MEMBERS & ALTERNATES 2015

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City of Santa Rosa

City of Cotati

City of Petaluma

City of Rohnert Park

City of Sonoma

Town of Windsor

Valley of the
Moon Water
District

Marin Municipal
Water District

SCWA Liaison

Administrative
Secretary

2015 TAC - WAC / TAC MEETING SCHEDULE

35 Stony Point Road, Santa Rosa, California

Month	Day	Body	Time
JANUARY	5	TAC	9:00a.m.
FEBRUARY	2	WAC / TAC	9:00a.m.
MARCH	2	TAC	9:00a.m.
APRIL	6	SPECIAL WAC/TAC	9:00a.m.
MAY	4	WAC / TAC	9:00a.m.
JUNE	1	TAC	9:00a.m.
JULY	6	TAC	9:00a.m.
AUGUST	3	WAC / TAC	9:00a.m.
SEPTEMBER	14	TAC	9:00a.m.
OCTOBER	5	TAC	9:00a.m.
NOVEMBER	2	WAC / TAC	9:00a.m.
DECEMBER	7	TAC	9:00a.m.

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**NOTICE OF MEETING OF
NORTH BAY WATERSHED ASSOCIATION**

Notice is hereby given that a meeting of the North Bay Watershed Association will be held as follows:

Date: Friday, March 6, 2015
Time: 9:30 a.m. – 11:30 a.m.
Location: Novato Sanitary District
500 Davidson Street
Novato, CA 94945

<u>Item</u>	<u>AGENDA</u>	<u>Recommendation</u>
1. Call to Order (Jack Gibson, Chair)		
2. Public Comment		
3. Approval of the Agenda (1 min.)		Approve
4. Approval of Minutes		Approve
5. Treasurer's Report (1 min.)		Accept
6. Regional Sediment Management in SF Bay (45 min.) Guest Speaker: Brenda Goeden, BCDC		Information
7. NBWA Budget 2015-2016 (45 min.) New Project: Aquatic Invasive Species Survey – \$5k		Action
8. Items of Interest		
9. Items for Next Agenda		

Next Meeting Information:

Next Meeting: April 3, 2015

Napa County Library Community Room
580 Coombs Street
Napa, CA 94559

NORTH BAY WATERSHED ASSOCIATION

Minutes for the meeting of the North Bay Watershed Association (NBWA) Board of Directors.

Date: February 6, 2015
Time: 9:30 a.m.
Location: Petaluma (Lucchesi) Community Center
320 N. McDowell Boulevard, Conference Room 2
Petaluma, CA 94954

Directors Present: Directors present included:

<u>Board Member</u>	<u>Agency/Organization</u>	<u>Board Member</u>	<u>Agency/Organization</u>
Madolyn Agrimonti	City of Sonoma and Sonoma Valley County Sanitation District	Damon Connolly	County of Marin
Jack Baker	North Marin Water District	Frank Egger	Central Marin Sanitation Agency
Michael Boorstein	Ross Valley Sanitary District	Jack Gibson	Marin Municipal Water District
Keith Caldwell	Napa Sanitation District	Paul Jensen	City of San Rafael
Megan Clark	Las Gallinas Valley Sanitary District	Brad Sherwood	Sonoma County and Sonoma County Water Agency
		Pam Tuft	City of Petaluma

Directors present represented 13 out of the 16 agencies signatory to the Association MOU and Eric Lucan represented City of Novato, Associate Member

Board Actions:

1. **Call to Order.** Jack Gibson, Chair, called the meeting to order at 9:35 a.m.
2. **Public Comment.** Pamela Tuft announced that the U.S. Army Corps of Engineers delivered its 2015 Army Civil Works Program work plans to Congress that include funding of \$2,020,000 for completing the Petaluma River Flood Control Project with improvements to protect residential and commercial properties from a 100-year flood within a 3,600-foot section of the Petaluma River from Lynch Creek downstream past the Lakeville Street bridge.
3. **Approval of the Agenda.** (See Handout) The Board unanimously approved the agenda.
4. **Approval of the Minutes of the Board Meeting held January 9, 2015.** (See Handout) The Minutes of the Board Meeting held on January 9, 2015 were unanimously approved.
5. **Treasurer's Report.** (See Handout) The Treasurer's Report was accepted as presented by Harry Seraydarian.
6. **Direct Potable Reuse.** George Tchobanoglous, Ph.D., Professor, UC Davis, provided a PowerPoint entitled- "Wastewater Treatment for Potable Reuse: Issues, Challenges, and Opportunities for the Future." George first highlighted the driving forces for Direct Potable Reuse (DPR) including: the value of water will increase significantly in the future (3 and up to 5 times in some locations); population growth, especially along coasts; and de facto indirect potable reuse is largely unregulated. He then described the types of potable reuse, both direct and indirect with examples. George then moved on to challenges and opportunities and presented a paradigm shift for the 21st Century – wastewater is a renewable, recoverable resource of potable water, resources, and energy. He described the impacts of climate change and decreasing per capita flows on wastewater plant operations and noted the "excess tankage" available in many plants for alternative designs that have potable reuse as an endpoint. George also presented examples of alternative designs that emphasize carbon use and food waste management options. He explained primary removal and presented options for grit removal and several alternatives for enhanced primary treatment such as cloth screens, cloth disk filters and charged bubble flotation. George described some new approaches to flow equalization and several alternatives to conventional biological treatment. George explained how Chaos Theory applies to more stringent effluent standards and provided a list of measures to improve performance and reliability of wastewater treatment plants: control of externalities (e.g., climate change), enhanced fine screening and grit removal, enhanced particle size control technologies, influent flow and return flow equalization, alter biological process operational mode, implement new biological treatment processes, treatment and/or elimination of return flows, effluent filtration, and improved process monitoring. George ended with a list of elements that will impact wastewater treatment plant design with an endpoint of potable reuse. The Board Members had several questions. Will new designs affect pharmaceuticals? (Yes, if you change the process, pharmaceuticals can be removed.) Given the drought, how far away are regulations for DPR? (Expect criteria for DPR by the end of 2016; City of Los Angeles may be first given proximity to a water treatment plant.)

7. **Rainwater Harvesting.** John Green, Lead Scientist, Gold Ridge RCD provided a PowerPoint entitled "Rainwater Catchment Systems." John began with some background on RCDs and maps of North Bay RCDs and watersheds. John then posed the question: Why do we use high quality potable water for purposes that don't require it? This led to a summary of the range of uses for collected rainwater. John then focused on climate conditions and the temporal mismatch between supply and demand. He then noted how climate change will tend to make things worse and showed a drought map for California to reinforce the point. John then shifted to solutions with a water graph of Upper Green Valley Creek to show the need for conservation, alternative supplies, and storage. He explained how an increase in impervious areas increases flooding and water pollution while reducing recharge. John then shifted to rainwater catchment basics with a visual of rain barrels and emphasized that rain barrels are good but limited (the RCD projects average 16,000 gallons for storage). John presented planning questions that need to be addressed in any project; factors that need to be evaluated for project feasibility; and a number of visuals for alternative storage designs. He also described techniques to maintain water quality such as gutter and downspout screens and first flush diverters. John then presented references for the legality of rainwater capture before presenting a summary of projects completed on Salmon Creek with volumes ranging from 9,000 to 39,000 gallons per project – total volume 236,000 gallons. He also walked through the details of a number of completed projects Sauter Property (residential scale – three 3,000 gallon plastic tanks); Bodega Valley Fire Department (35,000 gallon roof catchment); and Gilardi Ranch (235,000 gallon underground storage tank). John also highlighted a project to be completed this summer – Westview Dairy (4.3 acre-foot pond – 1.4 million gallons). John then spent some time explaining the lessons learned for the 13 completed projects: identify and plan for specific uses, have an agreement to govern operation, design for drought, discuss retrofitting vs. new construction, and work toward making the water potable with filtration and disinfection. John addressed the question of stormwater benefits and indicated this is a minor secondary benefit compared to water supply benefits. John ended with a summary of funding agencies and a list of resources. The Board Members had a number of questions. Why do alluvial aquifers hold less water when urbanized? (Incisions reduce recharge and aquifer drains faster with increased head.) What is the maximum storage without a permit? (5,000 gallons for any one unit – can have multiple units without a permit.) Are there any State agency requirements? (No, unless you store more than 49 acre-feet.) Is there any legislation on tax credits similar to solar? (Some movement in that direction.) Are there any rules for mosquito abatement or algae control? (Closed space and mosquito screens.) Are there any plastics for tanks that do not leach? (Yes for potable use.) Are projects funded at 100%? (Usually 10% cost share with owner.) Are there any suburban initiatives? (Potential is there: cost is high.) Are there any water rights issues? (No – only riparian rights so far, no appropriative rights.)

8. **Items of Interest.** Wednesday, March 18 – Watershed Council Workshop on Funding Opportunities available under Prop 84 IRWM Final Round Process for 2015 and Update on Prop 1 – at Point Blue Conservation Science, 3820 Cypress Drive, Suite 11, Palomar Room, Petaluma from 3:00-5:00 pm Any questions or suggestions, contact Harry Seraydarian, NBWA Executive Director (415) 389-8237 or harryser@comcast.net

9. **Items for Next Agenda.**

- * Regional Sediment Management in San Francisco Bay, Brenda Goeden, BCDC
- * NBWA Draft Budget 2015-2016 – Harry Seraydarian

Jack Gibson, Chair, adjourned the meeting at 11:20 a.m.

SUBJECT TO BOARD APPROVAL

Submitted By: Elizabeth O. Preim-Rohtla
Assistant to the Executive Director

NEXT MEETING INFORMATION:

March 6 – Novato Sanitary District, 500 Davidson Street, Novato, CA 94945

April 3 – Napa County Library Community Room, 580 Coombs Street, Napa, CA 94559

After Meeting – Walking Tour along the river promenade to view progress of construction of the Napa River Oxbow Dry Bypass (Latest Phase of Flood Project to be completed summer 2015)

14

DISBURSEMENTS - DATED FEBRUARY 26, 2015

Date Prepared 2/24/15

The following demands made against the District are listed for approval and authorization for payment in accordance with Section 31302 of the California Water Code, being a part of the California Water District Law:

Seq	Payable To	For	Amount
P/R*	Employees	Net Payroll PPE 2/15/15	\$120,027.00
EFT*	US Bank	Federal & FICA Taxes PPE 2/15/15	52,385.55
EFT*	State of California	State Taxes & SDI PPE 2/15/15	9,100.32
EFT*	US Bank	February Bank Analysis Charge (Lockbox \$912, Credit Card Processing \$680 & Other \$612) (Less Interest Payment of \$218)	1,987.04
1	101 Office Products	Portable Printer Cabinet (Cons Svc)	418.56
2	AAA Business Interiors	Office Furniture (Landeros, Holton, Williamson & Filippi) (Budget \$14,000)	13,413.48
3	American Family Life Ins	February Employee Contribution for Accident, Disability & Cancer Insurance	4,100.79
4	AT&T	Telephone Charges: Leased Lines	64.58
5	Baccei, Michael	Refund Rental Security Deposit on 15 Gustafson House	2,150.00
6	Bank of Marin	AEEP Loan Principal & Interest (Pymt 40 of 240)	46,066.67
7	CalPERS Retirement System	Pension Contribution PPE 2/15/15	43,081.11
8	Carden, Jennifer	Novato "Cash for Grass" Program	200.00
9		Cafeteria Plan: Uninsured Medical Reimbursement	200.00
10		Vision Reimbursement	325.00
11	Dex Media	Quarterly Telephone Directory Charge	50.36
12	GHD	Progress Pymt# 11: NMWD Aqueduct Relocation (Balance Remaining on Contract \$27,988)	12,010.25

Seq	Payable To	For	Amount
13	Ghilotti Construction	Progress Pymt #9: Construct AEEP Reaches A-D/MSN B3 Pipeline Project (Balance Remaining on Contract \$3,368,563)	567,988.32
14	Golden Gate Petroleum	Gasoline (\$2.30/gal) & Diesel (\$2.41/gal)	2,835.34
15	Grainger	Wire Clips, High Level Tank Switches (\$349) (6), High Pressure Hoses (2) (\$310) ('12 Compressor) & Band Saw Blades (2) (\$124)	794.40
16	Hach	Ascorbic Acid Test Packets (200) (STP)	48.37
17	Hall Dump Truck Service	Remove Dirt Spoils (144 yds) (Balance Remaining on Contract \$6,840)	2,160.00
18	Home Depot	LED Personal Headlamp	20.10
19	Idexx Laboratories	Coli Comparator (Lab)	15.66
20		Cafeteria Plan: Uninsured Medical Reimbursement	113.00
21		Vision Reimbursement	24.86
22	Landeros, Dianne	Exp Reimb: Baywork Committee Meeting. Mileage (\$72) & Bridge Toll (\$5)	77.45
23	McMaster-Carr Supply	Duplex Receptacles (2) (\$49) & Grounding Blocks (4)	83.05
24	Mutual of Omaha	March Group Life Insurance Premium	750.38
25	Neopost Northwest	Ink Cartridge (\$182), Label Strips (1,200) (\$59) & Sealer (\$16) for Postage Machine	256.90
26	Office Depot	Wireless Headset (\$320) (Atkinson), Shredding Bags (\$53), Waste Basket, Mousepad, Pencil Cup, Key Chain Holder & Vertical File Organizer (Less Credit of \$72 for return)	373.51
27	Pace Supply	Gate Valves (2) (\$1,054), Lids (6), Gaskets (44) (\$266)	1,384.39
28	Pape Material Handling	Oil Leak Repair ('00 Bobcat Skid Steer Loader)	1,264.11
29	Pape Machinery	New John Deere Loader (\$84,700) (Budget \$89,000), Oil Filters (2), Air Filters (6) (\$186), Fuel Filters (5) (\$139), Door Cylinder ('09 John Deere Backhoe) & Multi-Brand Key Set	85,212.70

Seq	Payable To	For	Amount
30	Parkinson Accounting Systems	January Accounting Support	97.50
31	Peterson Trucks	Wiper Blades, Fuel Filter, Oil Filter, Air Filter & Gear Oil (5 gal) (\$95) ('02 Intl Dump Truck)	210.97
32	Point Reyes Light	Display Ad: Salinity Intrusion into Pt Reyes Well Supply	56.00
33	Point Reyes Prop Mgmt Assn	Feb HOA Dues (25 Giacomini Rd)	75.05
34	Redding, Marilyn	Novato "Smart Irrigation Controller" Program	120.00
35	Red Wing Shoe Store	Safety Boots (Baccai)	200.00
36	Rogers Machinery	Air Compressor Oil (\$82), Motor Oil (1 gal) (\$119) & Air Compressor Filter Elements (2) (\$115)	316.80
37	Sebastopol Bearing & Hydraulic	Chain Repair Links & 4" Gate Valve (\$193)	198.97
38	Shoemaker Structural	Welding Services (Balance Remaining on Contract \$810)	4,240.00
39	SMART	Right-of-Way Application Packet, (\$300 Application & \$1,000 Permit)	1,300.00
40	Sonoma County Water Agency	Jan Contract Water	294,997.67
41	SPG Solar	Energy Delivery Under Solar Services Agreement (1/1/15-1/31/15)	7,715.71
42	Staples Advantage	Classification Folders (\$103) & Coffee (6lbs) Copy Paper (Letter) (60 reams) (\$224), Permanent Markers (24) (Less Credit of \$227 for return)	149.77
43	Stoddard Silencers	Air Filters (2) (STP)	224.20
44	Streakwave Wireless	Radios (5) (Telemetry Upgrade)	425.89
45	TelePacific Communications	Telephone Charges	436.92
46	Township Building Services	January Janitorial Services	1,588.84
47	U.S. Bank Card	Printing Fee for 1099 Forms (\$2), Notice to Bidders in the I.J. (\$183), Fire & Waterproof Chest for Back-up Drives (\$130), Slide Shelf Assembly for Fireproof Chest (\$249)	563.46

Seq	Payable To	For	Amount
48	Van Bebber Bros	Metal Dowel (20') & Rectangular Tubing (12') (\$137)	161.96
49	Verizon California	Leased Lines	339.98
50	Wiley Price & Radulovich	Venegas Accommodation	831.50
51	Young, Katie	Exp Reimb: Board Secretary Conference. Hotel (\$327), Food (\$61), Mileage (\$48) & Bridge Toll (\$5)	440.68
TOTAL DISBURSEMENTS			<u>\$1,283,675.12</u>

The foregoing payroll and accounts payable vouchers totaling \$1,283,675.12 are hereby approved and authorized for payment.

 2/24/15
Auditor-Controller Date

 2/24/15
General Manager Date

DISBURSEMENTS - DATED FEBRUARY 19, 2015

Date Prepared 2/17/15

The following demands made against the District are listed for approval and authorization for payment in accordance with Section 31302 of the California Water Code, being a part of the California Water District Law:

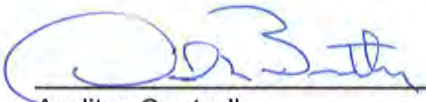
Seq	Payable To	For	Amount
1	ABF	Replacement Check (Original Issued to Wrong Payee)	\$50.00
2	Agile Business & Technology	Programming to Replace SWK Payroll & Upgrade MAS90 Initial Testing & Troubleshooting (Total Project Cost \$10,480)	2,317.50
3	Alberigi, Merry & Glen	Refund Overpayment on Closed Account	32.34
4	Avery, Chris W	Novato "Washer Rebate" Program	50.00
5	AWWA CA-NV SEC	Renewal Cross Connection Control Specialist Certification (\$80) (5/15-5/17) & Exam Fee for Backflow Prevention Assembly Certif (\$180) (Kurfirist) (Budget \$0)	260.00
6	California State Disbursement	Wage Assignment Order	811.50
7	CCI Pipeline Systems	End Seal Wrap (12" x 20") (2)	186.00
8	Centrisys	High Pressure Filters (2)	349.35
9	Clipper Direct	Commuter Benefit Program (2)	186.00
10	Contractor Compliance & Monitoring	Labor Compliance Services - Atherton Tank Rehab (Balance Remaining on Contract \$13,000)	3,250.00
11	CWEA	Lab Analyst Grade 1 Certification (Bena) (Budget \$80) (4/15-3/16)	79.00
12	Diggs, James	Retiree Exp Reimb (Feb Health Ins)	966.79
13	Eagle Eye Mgmt Services	Refund Overpayment on Closed Account	34.00
14	Encore Events	Linen Rental for 2014 Christmas Party	181.44
15	Fisher Scientific	Copper Standard, Lab Tape (\$74), Reagent, Magnetic Stir Bar (\$60) & Drying Agent	329.86
16	Flanagan, Jim & Pam	Novato "Cash for Grass" Program	225.00
17	Galvin Trust, Margaret	Refund Overpayment on Closed Account	78.79


Seq	Payable To	For	Amount
18	Grainger	Multi Meter Fuses (4) (\$56), Bathroom Exhaust Fan Motor (\$73), 3/4" Electrical Tape (30 rolls), Boot Insole & Gear Oil (4 qts) (\$117) (STP) (Less Credit of \$300 for Returned Parts)	48.26
19	Hach	Chemicals (\$258) & Bottles w/Caps (24) (STP)	403.01
20	Hansel Auto Group	Diagnose Transmission Problem ('05 Honda Civic)	140.00
21	Harder, Christopher & Janet	Refund Overpayment on Closed Account	55.31
22	Hardy Diagnostics	Bacteria Growth Media	418.55
23	HCC Surety Group	Bond for Contractor License (Arendell) (3/15-3/16)	575.00
24	Kaiser Foundation Health Plan	DMV/DOT Physical (Reed)	70.00
25		Cafeteria Plan: Uninsured Medical Reimbursement	623.00
26	Liberati, Lou	Novato "Toilet Rebate" Program	200.00
27	Lincoln Life Employer Serv	Deferred Compensation PPE 2/15/15	11,461.36
28	Lister, Robert	Novato "Cash for Grass" Program	240.00
29		Cafeteria Plan: Uninsured Medical & Vision Reimbursement	572.00
30	Marin Landscape Materials	Quik Mix (42 bags) (\$211), Sod (3 rolls) & Concrete (1/4 yd) (\$71)	293.85
31	Marin Reprographics	Bond Paper (2) (36" x 500')	85.04
32	Matchette, Tim	Retiree Exp Reimb (Feb Health Ins)	323.79
33	McMaster-Carr Supply	High Level Alarm Switches	224.38
34	Microtech Scientific	Lauryl Sulfate Broth (2) (\$334) & Tryptic Soy Broth (Lab)	401.10
35	Moore, Doug	Retiree Exp Reimb (Feb Health Ins)	895.35
36	National Meter & Automation	Replacement Check (Original Issued to Wrong Payee)	193.93
37	Nationwide Retirement Solution	Deferred Compensation PPE 2/15/15	1,325.00
38	NMWD Employee Assoc	Association Dues 12/14 through 1/31/15	935.00

Seq	Payable To	For	Amount
39	Novato, City of	Street Excavation Moratorium Fee (1098 Simmons Ln, 12 Blue Oak Ct, 7 Washington & 1143 McClelland Dr)	2,000.00
40	Novato Disposal Service	January Trash Removal	432.54
41	Pace Supply	Couplings (42) (\$2,353), Nipples (2), Reducers (2) (\$83), Valves (2) (\$808), Elbows (\$206), 12" Tee (\$422), 3" Meter Box, 6" & 12" PVC Pipe (380) (\$6,121) & Meter Stops (3) (\$244)	10,351.82
42	Pini Hardware	Foam Sealer, Spray Paint, PVC Fittings, Plaster of Paris, Clock Battery, Drain Pipe Fittings, Calculator Batteries (5), Screwdrivers (2), Door Latch, Room Thermometer, Calcium Remover (2), Dish Detergent, Plumbing Supplies (STP), Wall Brackets, Cabinet Light, Trash Can, Drill Bit Set & Screws	249.12
43	Point Reyes Light	Display Ad: Salinity Intrusion in the Pt. Reyes Well Supply	56.00
44	Rainin Instrument	Electronic Pipette (Lab)	610.84
45	Reed, Corey	Exp Reimb: Center Console Jump Seats for (2) 2012 F250's	275.48
45		Vision Reimbursement	193.00
46	Roberts, Renee	Retiree Exp Reimb (Feb Health Ins)	966.79
47	Sequoia Safety Supply	Jackets (14) (\$869), Overalls (7) (\$274), Lime Green Safety Pants (7) (\$203), Brief Relief Urine Bags (100) (\$231), Anti-Fog Wipes (300) & Poison Oak Cleanser (12-12oz Bottles) (\$108)	1,769.76
48	State Water Resources Control	Drinking Water Treatment Operator Certification Renewal (Clark) (3/16-7/16) (Budget \$60)	60.00
49	Syar Industries	Asphalt (6 tons) (\$730) & (1 ton) (New Type to Test)	912.91
50	Thawley, Elizabeth	Novato "Cash for Grass" Program	400.00
51	US Army Corps of Engineers	Refund Excess Advance for Const Over Actual Job Cost-Hamilton Nursery	3,431.95
52	US Bank	January Safekeeping Fee: Treasury Securities	76.75

Seq	Payable To	For	Amount
53	Vali Cooper & Associates	Progress Pymt#10: Construction Management Services for AEEP Reaches A-D MSN B3 Project (Balance Remaining on Contract \$640,677)	57,770.32
54	Verizon Wireless	Cellular Charges: Data (\$109) & Airtime (\$134) (19)	242.96
55	Zacharin, Linda	Novato "Washer Rebate" Program	50.00
		TOTAL DISBURSEMENTS	<u>\$108,721.74</u>

The foregoing payroll and accounts payable vouchers totaling \$108,721.74 are hereby approved and authorized for payment.


2/17/15
 Auditor-Controller Date


2/17/2015
 General Manager Date

3. This individual: tola Ave., is statement Clerk of 26, 2015, y. Published ebruary 5.

ne State- he following s as: 01: inas, CA Wharf Rd., business d liability 1 Wharf Rd., s statement ty Clerk of ary 27, 2015, puty. Published it February 5.

ABANDONED-CTICIOUS COUNTY OF
MENT NO'S:
ABANDON-
015. File Date: ne undersigned the below listed mity heretofore s under the business name, was filed on in the stated sted number, ne use of said name: Original, 2, original date's County of Marin. s Names: Smiley's & Motel. Name of eane, 41 Wharf 94924. I hereby regoing is a correct nal on file in my l. Benson, Marin y C. Sanchez, ad in the Point Reyes , 12, 19, 26, 2015.

ess Name State- 015-136614. The (s) is (are) business as: rtnership, 80 Fourth Station, CA 94956.

statement was filed with the County Clerk of Marin County on February 4, 2015, signed C. Sanchez, Deputy. Published in the Point Reyes Light February 12, 19, 26, March 5, 2015.

Fictitious Business Name Statement. File No. 136633. The following person(s) is (are) business as: Meryl's Skincare, 1100 Sir Francis Drake Blvd., Kentfield, CA 94904. This business is conducted by an individual: Meryline Southon Nyberg, 20 Crestview Dr., Orinda, CA 94563. This statement was filed with the County Clerk of Marin County on February 5, 2015, signed J. Mannion, Deputy. Published in the Point Reyes Light February 12, 19, 26, March 5, 2015.

Fictitious Business Name Statement. File No. 136515. The following person(s) is (are) business as: The Lounge a Place for hair, 182 Paul Dr., San Rafael, CA 94903. This business is conducted by an individual: Teresa R Prizzo, 2113 Little River Ave., Santa Rosa, CA 95401. This statement was filed with the County Clerk of Marin County on January 22, 2015, signed J. Mannion, Deputy. Published in the Point Reyes Light February 12, 19, 26, March 5, 2015.

Fictitious Business Name Statement. File No. 2015136576. The following person(s) is (are) business as: Salmon Creek Partners, 195 Santa Rosa Ave., Sausalito, CA 94965. This business is conducted by an individual: Craig Robbins, 195 Santa Rosa Ave., Sausalito, CA 94965. This statement was filed with the County Clerk of Marin County on January 30, 2015, signed M. Rakitnichan, Deputy. Published in the Point Reyes Light February 12, 19, 26, March 5, 2015.

Fictitious Business Name Statement. File No. 2015136599. The following person(s) is (are) business as: SF Search Associates, 9 Fairview Ave., Corte Madera CA 94925. This business is conducted by an individual: Lisa P Blum, 9 Fairview Ave., Corte Madera, CA 94925. This statement was filed with the County Clerk of Marin County on February 2, 2015, signed C. Sanchez, Deputy. Published

ment. File No. 2015136557. The following person(s) is (are) business as: Sacred Joy, 415 Sherwood Dr., Apt. 301, Sausalito, CA 94965. This business is conducted by a individual: Rev. Tiffany Box, 415 Sherwood Dr., Apt. 301, Sausalito, CA 94965. This statement was filed with the County Clerk of Marin County on January 28, 2015, signed J. Mannion, Deputy. Published in the Point Reyes Light February 12, 19, 26, March 5, 2015.

Fictitious Business Name Statement. File No. 136598. The following person(s) is (are) business as: European Data Center Site Selection, 2 Oxford Ave., Mill Valley, CA 94941. This business is conducted by a individual: Paul Larson, 2 Oxford Ave., Mill Valley, CA 94941. This statement was filed with the County Clerk of Marin County on February 2, 2015, signed O. Lobato, Deputy. Published in the Point Reyes Light February 12, 19, 26, March 5, 2015.

Fictitious Business Name Statement. File No. 136529. The following person(s) is (are) business as: 01: SR Jensen, 5 Dolores St., San Rafael, CA 94901; 02: 10,000 Victories Kung

ment. File No. 136600. The following person(s) is (are) business as: 01: Casner Capital Resources, 50-B Mitchell Blvd., San Rafael, CA 94903; 02: Casner Capital, 50-B Mitchell Blvd., San Rafael, CA 94903. This business is conducted by a corporation: Casner Capital Resources, Inc., 50-B Mitchell Blvd., San Rafael, CA 94903. This statement was filed with the County Clerk of Marin County on February 2, 2015, signed C. Sanchez, Deputy. Published in the Point Reyes Light February 12, 19, 26, March 5, 2015.

Fictitious Business Name Statement. File No. 2015136646. The following person(s) is (are) business as: 01: Mckee Construction, 40 San Joaquin Pl., Novato, CA 94947; 02: People's Carpentry, 40 San Joaquin Pl., Novato, CA 94947. This business is conducted by an individual: Mark T Mckee, 40 San Joaquin Pl., Novato, CA 94947. This statement was filed with the County Clerk of Marin County on February 9, 2015, signed C. Sanchez, Deputy. Published in the Point Reyes Light February 12, 19, 26, March 5, 2015.

Notice:

Salinity intrusion into the Point Reyes well supply serving the West Marin communities of Point Reyes, Olema, Inverness Park, and Paradise Ranch Estates has occurred beginning on September 16, 2014 and has caused sodium levels to increase from background levels of 15-30 milligrams per Liter (mg/L). The table below lists the most recent concentrations for sodium in the West Marin water supply:

Date	Chloride	Sodium	Units
2/20/15	77	53	mg/L
2/3/15	92	57	mg/L

*milligrams per liter

Chris DeGabriele, General Manager
North Marin Water District



APARTMENT RENTAL RATES ARE CHEAPER

42%

North Bay apartment rentals
are between 29% to 42% lower
than San Francisco and 31%
lower than San Francisco
Metro area rents.



San Francisco
Metro Rents
\$2,885 per month



North Bay
Rents \$2,005
per month



For more information, please contact:

Robert Eyler, PhD
Chief Economic Advisor
North Bay Life Science Alliance

Tel: 707-318-0348
Email: REyler@nblsa.com

NorthBayLifeScienceAlliance.com



NORTH BAY
LIFE SCIENCE ALLIANCE



NORTH BAY
CALIFORNIA

2014 COST COMPARISON
OF DOING BUSINESS IN THE
NORTH BAY VS. SAN FRANCISCO



OFFICE & INDUSTRIAL RENTS ARE LOWER

38%

North Bay Office rents are 38% less than San Francisco Metro rents.

In 2014 Office rents in San Francisco Metro increased 16% versus only 3% in the North Bay. Industrial rents in San Francisco Metro increased 12.5% while rents in the North Bay increased 11%.



San Francisco
Office Rents
\$40.20 psf. annual



San Francisco Metro
Industrial Rents
\$15.57 psf. annual



North Bay
Office Rents
\$25.25 psf. annual



North Bay
Industrial Rents
\$10.37 psf. annual



LIFE SCIENCE SALARIES ARE LOWER

44%

North Bay wages are 44% to 26% less expensive than San Francisco Metro.



San Francisco
Metro \$58.56
per hour



North Bay
\$33.18 - \$49.27
per hour



SINGLE FAMILY HOMES COST LESS

38%

North Bay median home prices are 38% less than San Francisco City and 38% less than San Francisco Metro area.



San Francisco City
Median Home
Sale Price
\$935,480



North Bay
Median Home
Sale Price
\$587,585

North Bay home values increased 10.5% in 2014 vs. only 4% appreciation for San Francisco Metro homes.



Sonoma council to take up fluoridation issue Wednesday

BY ELOÍSA RUANO GONZÁLEZ THE PRESS DEMOCRAT on February 17, 2015, 8:03PM 02/17/2015 Updated 1 hour ago.

Sonoma city officials could consider joining Cotati in opposing fluoridation of the county's drinking water.

City Council members will dive into the issue Wednesday night after anti-fluoridation activist Dawna Gallagher-Stroeh urged them to take action against a proposal to add fluoride to water supplied by the Sonoma County Water Agency. The city gets about 95 percent of its water from the agency.

"I'm reaching out to every city that's affected," Gallagher-Stroeh said. "My sole purpose to putting it on the agenda is to open it up for discussion."

The county is considering fluoridation as part of a multipronged effort to prevent tooth decay and reduce dental care costs. Health officials say it's the best intervention after a recent survey revealed 51 percent of kindergartners and third-graders experience tooth decay.

"The lack of dental health is a severe problem in Sonoma County," said Dr. Karen Milman, the county's health officer. "We know 18 percent of kindergartners in Sonoma County are in need of dental care and 4 percent need it urgently."

However, Gallagher-Stroeh argued fluoridation is unsafe and an ineffective way to deal with tooth decay. She wants city officials to challenge the county.

It's not the first time the matter has come before the Sonoma City Council.

In 2013, former Councilman Steve Barbose requested the city send a letter to the county in opposition to adding fluoride to the drinking water after presentations from both county officials and fluoridation critics.

"But it was never sent," Mayor David Cook said Tuesday about the letter.

City Manager Carol Giovanatto said the letter wasn't written "because the county is still drafting and reviewing the fluoridation plans."

The Water Agency provides drinking water to 600,000 customers in Santa Rosa, Sonoma, Rohnert Park, Cotati, Petaluma, Windsor, Valley of the Moon and parts of Marin. There are more than 4,000 customers in Sonoma, Giovanatto said.

With three new council members on the dais, Cook said it was a good time to revisit the issue. He requested that the item be added to the agenda.

Cook said he's "keeping an open mind" but questioned whether the money would be better spent on educating children about oral hygiene and providing them with fluoride tablets. He fears residents would not drink the tap water and just use it to irrigate their lawns.

"The money could be better spent in other ways," Cook said.

Milman argued it's premature to take a position against the project. Officials still are working through the details of how the project will work, she said.

"We're still in the evaluation and assessment phase," she said.

Recommendations are expected to go before the Sonoma County supervisors later this year. County officials estimate it will cost up to \$587,000 a year to inject fluoride into the drinking water.

Despite the criticism, Milman said the benefits of fluoride are "proven." About 70 percent of the U.S. population receives fluoride through drinking water, she said.

"I would hope the cities do their research to greater understand the benefits of fluoridation," she said.

You can reach Staff Writer Eloísa Ruano González at 521-5458 or eloisa.gonzalez@pressdemocrat.com. On Twitter [@eloisanews](https://twitter.com/eloisanews).

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Fees cut at Marin County regional parks



Boys fish from the pier at Paradise Beach Park in 2013. Some fees were reduced at the county's three regional parks. Alan Dep — Marin Independent Journal

By Nels Johnson, Marin Independent Journal

POSTED: 02/24/15, 6:00 PM PST | UPDATED: 1 MIN AGO 0 COMMENTS

Admittance fees at the county's three regional parks were slashed Tuesday as county supervisors approved a parks plan aimed at boosting weekday use while accommodating the poor, cyclists and others.

The move eliminates a \$2 fee for bicyclists and walk-in visitors, reduces from \$8 to \$5 the fee on summer weekdays, and leaves intact a \$10 charge for Saturdays, Sundays and holidays during the summer. It applies to McNears, Paradise and Stafford Lake parks.

The new schedule reflects "an overall decrease in fees charged for visitor use at county parks" while establishing group use charges that are more transparent and consistent while ensuring the county is reimbursed for staff time, "porta potty" and security costs, according to assistant parks director Ron Miska, noting some group fees will rise.

Reducing summer weekday fees is in line with a park department bid to

encourage weekday use, he said.

No change is needed for summer weekends because “our parks are full and they come by the carloads...and stay all day,” getting “good value” from a \$10 admittance, according to parks chief Linda Dahl. Because weekend use also involves an influx of visitors from other counties, “we decided that getting \$10 from out-of-town folks was OK with us,” she said.

Max Korten, the county parks and open space superintendent, noted that a special event fee, now anywhere from \$400 to \$800, will be changed to a \$250 application fee, with \$100 non-refundable to curb “speculative holds” of picnic sites by groups that prevent others from making reservations.

A security deposit will increase from \$250 to \$1,500 to ensure visitors follow the rules and meet security, toilet and other requirements. If the county is forced to call in or provide services, costs will be deducted from the deposit.

Officials estimated the new program effective next July could reduce park revenues about \$11,000 a year.

“We are very happy about the waiving of fees for walking and biking,” said Tom Boss of the Marin County Bicycle Coalition.

New chief building official hits ground running

Annette Chavez hired to replace retired Novato employee

The City of Novato has hired a new chief building official to succeed Ronald Averietto.

City Manager Michael Frank announced last week that Annette Chavez has been hired. Her first day on the job was Monday.

"Annette's unique set of public and private experience make her an excellent fit for the city," Novato Community Development Director Bob Brown said.

"We are thrilled she's

joining our team in this key customer service role."

Chavez will report directly to Brown and will receive an annual salary of \$121,428.

The chief building official oversees and coordinates plan-checking, issuance of permits and building inspection procedures for the city. She will also help manage the plan check and



Chavez

Enforcement division.

Chavez most recently as a principal project manager for Wildan Engineering's Building & Safety Division with offices in Redding and

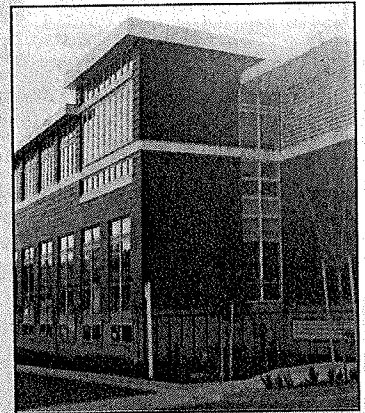
inspection phases of the development review process, and assist in budget, fee development and administration.

The building official manages a staff of three in the Building and Code Enforcement division.

Roseville. She also served the public for many years as the deputy director of the planning and public works agency for Glenn County in Willows.

She has a bachelor's in business administration and a master's degree in public administration from National University.

Chavez is bilingual and is a credentialed building official - holding several certifications from the International Code Council.



Novato

Advance

02/25/15

Sonoma County grape growers use technology to battle frost

BY BILL SWINDELL THE PRESS DEMOCRAT on February 26, 2015, 7:45PM02/26/2015 Updated 33 minutes ago.

Call it “Moneyball” for the vineyards.

Just as Oakland A’s general manager Billy Beane used data analysis to find bargain baseball players to put his team into the playoffs, local grape growers now can benefit from similar analytics to help them with frost and heat protection as well as water management.

“It doesn’t care who you are or what you do. If you are better informed, you can make better decisions,” said David Reynolds, senior research meteorologist with the Cooperative Institute for Research in the Environmental Sciences.

The new high-tech tools are taking on added importance as bud break has started earlier than normal this year, exposing the North Coast’s \$1.5 billion grape crop to the threat of frost damage. Freezing temperatures already have been reported this week, prompting growers to turn on their wind machines and spray their vineyards with water to prevent the tender buds from freezing.

Growers can receive either email or text alerts calibrated annually to certain weather parameters from 12 automated stations based around Sonoma County, with vineyard managers able to view real-time data on their smartphones or computers.

They can receive morning and afternoon frost forecasts with additional information on new topics, such as a powdery mildew index to combat against disease, and historical analysis going back to 2011.

The system is complemented by work done at the National Oceanic and Atmospheric Administration and other government agencies that have installed 15 frost inversion towers in Sonoma and Mendocino counties. Six more will be installed by early March, going from Sebastopol to Lake Mendocino.

Those towers measure the height of warm air during frost conditions, known as inversion, at elevations of 35 feet and 5 feet. If the warm air is close enough to the ground, growers can use fans to mix it with the colder air to stave off frost and eliminate the need to use water to provide a protective icy coat over the vines.

“We need to tell them what the delta (difference) is between 35 feet and 5 feet and say, ‘This is good enough. The fans will work today,’” Reynolds said. Growers can now get such data in real time and be able to check it throughout the night.

The data tools, which play a crucial role for grape growers seeking to conserve water in the midst of a historic drought, were discussed Thursday during a meeting sponsored by the Sonoma County Winegrowers and the USDA Risk Management Agency.

The Kunde Family Estate Winery and Vineyards in Kenwood has a weather monitoring station on its 600 acres, which is one of the colder locations in the county, providing data every 15 minutes.

"We have the forecast and we have the real-time data from the days before so we can verify accuracy," said Steve Thomas, director of vineyard operations for Kunde. "We use it in the summertime also ... anticipating irrigation need and avoiding putting on too much water. There is a disease model also for grapes, which is really nice."

Sonoma County weather patterns are difficult to track, given its many microclimates, said Matt Wanink, meteorologist for the Western Weather Group, which provides data to growers through the Sonoma County Winegrowers website.

Several days ago, for example, the winds at Kenwood were gusting at 40 mph in the morning at a temperature of 55 degrees, while in Graton the winds were at 2 mph with a chill at 32 degrees. "It can be very difficult, but it is a fun challenge," Wanink said.

Such services are especially beneficial for growers in the Russian River watershed who must abide with new rules over their diversion of water from the basin after losing a court challenge against the state Water Resources Control Board.

Such analysis also can help government officials tasked with maintaining sufficient water levels at Lake Mendocino, the main reservoir in the upper Russian River basin, Reynolds said.

If they know that a large storm is coming, for instance, the Army Corps of Engineers could release water from Coyote Dam more efficiently over a longer period with assurances that the incoming rainfall is sufficient to replenish the reservoir.

The monitoring also can work in summer, when heat spikes can require growers to water the vines to prevent their grapes from drying out or their growth being slowed.

"Say Sonoma County Water Agency knows a heat wave is coming, people are going to be watering their crops for stress relief. They may release some water, if they have it to release, so there is no dropping of the flows," Reynolds said. Preventing river levels from dropping averts damage to protected fish during heat spikes.

Reynolds said he would like to expand the weather monitoring system to make it more accurate, especially for rainfall. One way is to use buoys or drones that cast a longer reach into the Pacific Ocean, as current five-day storm projections can be off by as much as much 500 kilometers.

"We need to go way out into the Pacific to get that information," he said.

The new frost rules also will provide additional insight as growers in the Russian River watershed will have to report when they use water during the spring for frost protection and from what source, allowing scientists to match that reporting with daily temperatures in the different regions to provide a more complete picture of water consumption, Reynolds said.

You can reach Staff Writer Bill Swindell at 521-5223 or bill.swindell@press-democrat.com. On Twitter [@BillSwindell](https://twitter.com/BillSwindell).

Call it "Moneyball" for the vineyards.

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Poll: Drought worries us, but mandatory water rules disliked

By Lisa M. Krieger lkrieger@mercurynews.com

POSTED: 02/26/15, 6:13 AM PST | UPDATED: 1 DAY AGO 0 COMMENTS

In what could be a fourth year of drought, virtually all Californians say the state's water situation is serious -- but the majority still favors voluntary rather than mandatory restrictions, a new Field Poll released Thursday found.

They are concerned about water storage and supply, the poll found, an opinion reflected in passage of last November's Proposition 1, a \$7.5 billion bond measure for new water projects.

"There are certain trade-offs that voters support -- and some they are reluctant to support, such as mandatory rationing," said Mark DiCamillo, director of the Field Poll. "What they support is trying to expand the water storage and supply facilities on government property."

Advertisement

About half of voters polled supported the idea of relaxing government restrictions on projects in state parks and forests. Voters are also evenly divided about the idea of allowing the state to relax environmental regulations protecting fish and the San Francisco Bay and Delta.

The findings are part of a report released Thursday by the Field Research Corporation, a nonprofit, nonpartisan firm based in San Francisco. The survey questioned 1,241 registered California voters in six languages.

"One silver lining of this severe drought is that it has raised Californians' awareness of the importance of our water supplies," said Ellen Hanak of the Public Policy Institute of California. Passage of the state bond measure means that "funds will support more conservation, more use of treated wastewater and stormwater, and more effective storage both above and below ground. We can make these investments in ways that protect California's economy, society, and environment."

Bay Area voters were most likely to view the drought as serious, with 73 percent serious, compared to 63 percent in Los Angeles County.

But nowhere in the state does a majority support mandatory restrictions on water use. Bay Area residents are the most willing -- 39 percent of those polled supported the idea -- but 55 percent preferred voluntary steps. Southern Californians generally reject mandated restrictions, with support ranging from 31 percent to 35 percent in Los Angeles County and other parts of Southern California and the Central Valley.

"For some, it means government intrusion in everyday life," said DeCamillo. "It is interesting that even here in the Bay Area, which is more Democratic and liberal, voluntary cutbacks are still the preferred method."

The number of voters who consider state water storage and supply facilities inadequate has nearly doubled since the past two times The Field Poll posed this question in the 1980s. More than four times as many voters (43 percent) think they are inadequate, and 38 percent describe them as just barely adequate.

"California is a dry place, and the people of California get this," said Jay R. Lund, Director of the Center for Watershed Sciences at UC Davis.

"As illustrated by the Proposition 1 vote in November, they are willing to spend money to improve the state's infrastructure and management," he said. "The drought has helped bring state and local water agencies together to improve water management statewide, but there remains a long way to go. Voters are clearly paying attention."

Big geographic differences highlight voter opinions on bypassing environmental regulations. In the Central Valley, 61 percent favors allowing the state to bypass laws that protect fish and the Bay-Delta region in serious shortages for farmers and residents. But San Francisco Bay Area voters' support drops to 33 percent.

The poll, conducted between Jan. 26 and Feb. 16, comes as California suffers through another dry midwinter, with vegetation showing signs of growth and flowering typically not seen until well into the spring. Its margin of error is plus or minus 3.2 percentage points.

And it looks as though an anomalous high pressure system -- dubbed the Ridiculously Resilient Ridge -- has returned, according to Daniel Swain of Stanford University's Department of Environmental Earth System Science. This is forcing Pacific storm systems to veer sharply northward, directing warm, moist air toward Canada and Alaska.

But because the ridge is slightly further east than last winter, California has occasionally benefited from the constant northward stream of moisture, he said.

Clouds are expected to move into the Bay Area late Thursday, with a chance of showers on Friday and Saturday. Skies will clear on Sunday, before clouds return on Monday. But the region still has a long way to go to climb out of the drought. Reservoirs are only 67 percent of average and streamflow in most of California's creeks, streams, and rivers is also well below average for this time of year. The Sierra Nevada snowpack, already low, shrank more during a mid-February heat wave.

The Field Poll shows that voters recognize the drought is an emergency and want solutions, said Josu Medelln-Azuara, research scientist with the Center for Watershed Sciences.

But he cautioned: "There is a pervasive belief that surface water is one way to cope with drought -- yet surface reservoirs are useless if there is not water to fill them."

Contact Lisa M. Krieger at 650-492-4098.