



Monterey Regional Water Pollution Control Agency

*"Dedicated to meeting the wastewater and reclamation needs
of our member agencies, while protecting the environment."*

Administration Office:
5 Harris Court, Bldg. D, Monterey, CA 93940-5756
(831) 372-3367 or 422-1001, FAX: (831) 372-6178
Website: www.mrwpc.org

MEETING NOTICE AND AGENDA *RECYCLED WATER COMMITTEE*

Ralph Rubio, Chair
Libby Downey, Ron Stefani, Dennis Allion and Lou Calcagno

DATE:	Wednesday, February 17, 2010
TIME:	10:30 a.m.
LOCATION:	Admin Conference Room 5 Harris Court, Building D

PUBLIC COMMENTS

Anyone wishing to address the Committee on matters not appearing on the Agenda may do so now. Comments on any other matter listed on the Agenda are welcome at the time the matter is being considered by the Committee.

- 1. CONSIDER RESPONSE TO GRAND JURY WATER REPORT**
(see attachment)
- 2. UPDATE ON PROPOSED COLLABORATION WITH MONTEREY PENINSULA WATER MANAGEMENT DISTRICT**
(see attachment)
- 3. CONSIDER APPROVAL OF SETTLEMENT AGREEMENT FOR REGIONAL WATER PROJECT**
(see attachment)
- 4. WASHINGTON DC FUNDING TRIP**
(see attachment)

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RECYCLED WATER COMMITTEE

February 17, 2010

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This Committee Meeting Notice and Agenda was hereby posted at the MRWPCA Administrative offices, 5 Harris Court, Building D, Monterey, California 93940.

POSTED: Friday, February 12, 2010

By: */s/ Betty Nebb*
Executive Assistant



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MEMORANDUM

TO: RECYCLED WATER COMMITTEE

FROM: KEITH ISRAEL, GENERAL MANAGER

DATE: FEBRUARY 12, 2010

SUBJECT: CONSIDER RESPONSE TO GRAND JURY WATER REPORT

As you are aware, the January Monterey County Grand Jury Report had a section on long-term water problems. And, as part of the discussion of the Regional Water Supply Project, MRWPCA was listed as a responsible agency for our part of the solution.

The Grand Jury issued the attached findings and recommendations. We are required to respond to their recommendations by early April. However, since many of the recommendations involve multiple public agencies that are working on the Regional Water Project, it has been suggested that a joint response could be drafted and ready for consideration at the March Recycled Water Committee meeting.

RECOMMENDATION:

That staff work with other local agencies to develop a joint response to the Grand Jury Water Report.

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Joint Powers Authority Member Entities:

Boronda County Sanitation District, Castroville Community Services Water District, County of Monterey, Del Rey Oaks, Fort Ord, Marina Coast Water District, Monterey, Moss Landing County Sanitation District, Pacific Grove, Salinas, Sand City, and Seaside.

Costs and Consequences

Water Costs

New water projects will increase the cost of water. The public perception in some areas is that there is an unlimited supply of water. Satisfying Monterey County's demand for water will increase costs for those served by the projects. Competition for water is becoming critical and environmental degradation is serious. In the past, the public has refused to invest enough money to build adequate new facilities.

Profit to shareholders is not part of the customer costs for water from publicly owned facilities. The Regional Project will also benefit from lower operating costs because of its use of renewable energy.

Inaction Today Leads to Decades of Delay

Water projects take decades to complete, given the competing public and private interests and multiplicity of agencies and processes involved. The urgent need for a prompt decision was made evident through the following statements made by an administrative law judge and residents who attended public meetings:

- *"We are cognizant both of the need to move forward with all deliberate speed and to ensure that we have a complete record in order to resolve this complex proceeding [of choosing the best water project proposal]."*¹²
- *"We need to avoid the Groundhog Day¹³ syndrome" where solutions are proposed, evaluated, and decisions drag on for years, and "nothing gets done."*¹⁴
- At the June PUC meeting another Pacific Grove resident pleaded not to have her grandchildren experience the 1977 drought cycle, when citizens reused bath water for multiple baths and then for priming toilet flushes.
- At the July 29 Water Summit meeting in Castroville attended by 120 north Monterey County water users, a 73 year-old resident who has followed water issues for years, stated *"I'm hearing the same thing 'It's happening' and 'we're taking care of it,' but nothing gets done."*

FINDINGS OF THE INVESTIGATION

F6.1. An effective solution can be provided only through implementation of multiple, integrated projects. Monterey County water users, purveyors, and regulatory agencies need to cooperate in water supply projects, in water recycling efforts, and in water conservation programs to create and preserve a sufficient supply of water.

F6.2. Joint Powers Authorities have demonstrated effectiveness in solving regional problems.

¹² Comments by an administrative law judge and commissioner at July 24, 2009 San Francisco meeting

¹³ 1993 movie "Groundhog Day," in which the protagonist is doomed to live the same day over and over

¹⁴ By Pacific Grove resident at the June 2009 PUC public comment meeting in Monterey

- F6.3.** Additional infrastructure for distributing recycled water will free potable water for other uses.
- F6.4.** Monterey County's water supply, derived exclusively from local sources, is completely independent from the California state water delivery system. Having a sufficient supply of local water available year-round is critical to the long-term economic viability of Monterey County's agriculture, tourism, and industries, and the welfare of residents.
- F6.5.** There is currently not enough water storage to allow the capture of excess winter flow for use during dry periods.
- F6.6.** Seawater intrusion threatens domestic and agricultural water supplies.
- F6.7.** There are three significant desalination proposals under consideration by the California Public Utilities Commission. The Regional Project can achieve the most benefit, at the lowest cost, with the fewest environmental impacts.
- F6.8.** Over pumping of the Carmel River must eventually cease in order to comply with State Water Resources Control Board Order 95-10.
- F6.9.** Monterey County is faced with areas in which water contaminants exceed federal guidelines and areas plagued by severe water shortages.
- F6.10.** Citizens of Monterey County have expressed concerns that the water organizations continue to talk, analyze, and propose, but very little actually gets accomplished. *"There's been too much talk and not enough action."*¹⁵
- F6.11.** Current rates of leakage from CalAm's distribution systems exceed State averages and contribute to the water shortage problem.

RECOMMENDATIONS OF THE GRAND JURY

- R6.1.** Water agencies must do all that they can to expedite a decision by the California Public Utilities Commission for implementation of the Regional Project to address water supply, storage, and seawater intrusion problems. [Related Findings: F6.1, F6.5 – F6.8, and F6.10]
- R6.2.** Form a Joint Powers Authority composed of appropriate Monterey County entities to manage the Regional Project. [Related Findings: F6.1 and F6.2]
- R6.3.** Develop additional water storage capacity sufficient to provide a safe year-round supply of water for Monterey County. [Related Findings: F6.4, F6.5, and F6.8]
- R6.4.** Implement the Regional Urban Wastewater Augmentation Project to provide additional recycled water for use on golf courses and public landscaping. [Related Findings: F6.1 and F6.3]

¹⁵ Expressed at the July 13 PUC meeting in Monterey for public comment on the coastal water proposals

- R6.5.** Develop a water distribution system for north Monterey County. Although north Monterey County is not part of the initial phase of the Regional Project, we urge coordination of regional solutions to provide a basic reliable infrastructure in the near future. [Related Findings: F6.1, F6.4, F6.6, F6.9, and F6.10]
- R6.6.** The approved project should be constructed as rapidly as possible once the California Public Utilities Commission has made its decision. [Related Findings: F6.1, F6.8, and F6.10]
- R6.7.** Monterey County water purveyors must inspect, maintain, and repair water pipeline distribution systems so that the rate of unaccounted water is brought down to or below the national average. [Related Finding: F6.11]

REQUIRED RESPONSES

Monterey County Board of Supervisors:

Findings: F6.1 – F6.10

Recommendations: R6.1 – R6.6

Marina Coast Water District:

Findings: F6.1 – F6.2, F6.4 – F6.8, and F6.10

Recommendations: R6.1 – R6.3, and R6.6

Monterey Peninsula Water Management District:

Findings: F6.1, F6.2, F6.4 – F6.8, F6.10, and F6.11

Recommendations: R6.1 – R6.4, R6.6, and R6.7

Monterey Regional Waste Management District:

Finding: F6.7

Monterey Regional Water Pollution Control Agency:

Findings: F6.1 – F6.7, and F6.10

Recommendations: R6.1 – R6.5, and R6.6

Pajaro Valley Water Management Agency:

Findings: F6.1, F6.2, F6.4 – F6.6, F6.9, and F6.10

Recommendations: R6.1 – R6.3, R6.5, and R6.6

City Council of Sand City:

Findings: F6.1, F6.2, F6.4 – F6.8, and F6.10

Recommendations: R6.1 – R6.3, and R6.6

Pajaro/Sunny Mesa Community Services District:

Findings: F6.1, F6.2, F6.4 – F6.10

Recommendations: R6.1 – R6.3, R6.5, and R6.6

City Council of Seaside

with regard to

Seaside Municipal Water System:

Findings: F6.1, F6.4 – F6.6, and F6.8

Recommendations: F6.1 and F6.3

Responses must comply with the following:

CALIFORNIA PENAL CODE SECTION 933.05

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
- 1) The respondent agrees with the finding.
 - 2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- 1) The recommendation has been implemented, with a summary regarding the implemented action.
 - 2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - 3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - 4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

REQUESTED RESPONSES

California American Water:

Findings: F6.1, F6.4 – F6.8, F6.10, and F6.11

Recommendations: R6.1, R6.3, R6.6, and R6.7



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MEMORANDUM

TO: RECYCLED WATER COMMITTEE

FROM: KEITH ISRAEL, GENERAL MANAGER

DATE: FEBRUARY 12, 2010

SUBJECT: UPDATE ON PROPOSED COLLABORATION WITH
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

In March 2009, MRWPCA and the MPWMD signed a Joint MOU to work together on water supply projects. That MOU indicated that:

1. a further joint MOU should be developed that would be more specific regarding project needs
2. a funding plan should be developed that could provide some funding for the MRWPCA Groundwater Replenishment Project

In December 2009, the MPWMD adopted the attached short- and long-term strategic goals. One of the short-term goals was to receive an update from MRWPCA on the Groundwater Replenishment (GWR) Project.

Also in April 2009, MRWPCA adopted the attached strategic objective regarding developing the use of replenishment water.

On January 28, I provided an update to the MPWMD Board stressing that GWR was a Phase II water project that needs funding to complete the studies necessary to determine its viability. It would also take 5 to 10 years to complete the studies and construct the facilities.

Joint Powers Authority Member Entities:

Boronda County Sanitation District, Castroville Community Services Water District, County of Monterey, Del Rey Oaks, Fort Ord, Marina Coast Water District, Monterey, Moss Landing County Sanitation District, Pacific Grove, Salinas, Sand City, and Seaside.

MEMORANDUM

Budget/Personnel Committee

February 12, 2010

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Later on February 2, the MPWMD held its Ad Hoc Water Supply Committee meeting. As part of their discussion, there was strong support for both the RUWAP Recycled Water Project and Groundwater Replenishment.

Based on the above, staff will meet with MPWMD staff to see if any specific actions could be taken to jointly advance the local water projects.

➤ **Information only – No action needed.**

**MEMORANDUM OF AGREEMENT BETWEEN
THE MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY AND
THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT**

This Memorandum of Agreement is entered into between the Monterey Regional Water Pollution Control Agency (MRWPCA) and the Monterey Peninsula Water Management District (MPWMD). Its date for reference purposes shall be January 1, 2009.

RECITALS

This Memorandum of Agreement is entered into in light of the following facts:

- A. MPWMD holds and exercises water management responsibilities for the six incorporated Cities and unincorporated areas of the Monterey Peninsula pursuant to a special act of the California Legislature.
- B. MRWPCA owns and operates wastewater collection and a tertiary wastewater treatment plant, for the benefit of the eight incorporated Cities and portions of unincorporated areas in Northern Monterey County, pursuant to a joint exercise of power agreement.
- C. Both agencies are located wholly in Monterey County, have overlapping territory and exercise both similar and dissimilar powers with respect to their areas of respective responsibility.
- D. MPWMD has identified the need for additional sources of water for potable and sub-potable uses on the Monterey Peninsula. MPWMD has developed an Aquifer Storage Recovery (ASR) program to inject water from the Carmel Valley into the Seaside Groundwater Basin, and has an interest in expanding that program from additional sources of supply. MPWMD is also refining its Desalination Plan as an additional source of supply to offset Cal-Am production from the Carmel River.
- E. MRWPCA has excess quantities of treated wastewater that may be suitable for use within the MPWMD for direct or indirect use. MRWPCA has unused ocean outfall capacity and also owns and operates sites and facilities that may be used to develop additional sources of water for potable and sub-potable uses on the Monterey Peninsula.
- F. In 2006, the Board of Directors of the MPWMD adopted a Resolution of Support for the MRWPCA Groundwater Replenishment Project
- G. The California PUC is in the process of evaluating a variety of water supply options which could help resolve local regulatory water deficits. To avoid conflicts that might otherwise occur as a result of their mutual and overlapping jurisdiction, to encourage and facilitate cooperation with one another, to ensure resource management efforts are not inappropriately duplicated, and to ensure that public funds are used effectively, the parties enter into this Memorandum of Agreement.

AGREEMENT

COOPERATION AMONG AGENCIES

1. Cooperation. Both MRWPCA and MPWMD agree to cooperate in all matters in which a joint interest may exist, to the maximum extent feasible.
2. Agendas and Reports.
 - (a) MRWPCA and MPWMD shall provide to each other the agenda for each meeting of their respective boards of directors. In each case the agenda will be provided to the manager of the other agency as soon as it is available for public distribution, by e-mail or other means of prompt delivery.
 - (b) If the manager of either agency desires a copy of any report or other document prepared by the other agency for any of its public meetings, he or she may request the same by e-mail or telephone, and a copy will be promptly delivered.
 - (c) The manager of each agency will provide to the other copies of environmental documents and technical reports, whenever it appears that such documents will be of interest to such other agency.
3. Quarterly managers' meetings. The managers of the two agencies will meet on a quarterly basis, or more often as needed, to discuss matters of common interest to the agencies.
4. Joint meetings of governing bodies. The governing bodies of the two agencies may hold joint meetings as needed.

WATER PROJECTS

5. Agency consultation. Neither MRWPCA nor MPWMD shall undertake a water project in the territory of other agency without first advising and consulting with that agency in advance.
6. Project needs. At this time,
 - (a) MPWMD may need to dispose of brine, should it proceed with a desalination project; and
 - (b) MRWPCA needs additional funding to continue its efforts to complete testing, studies, and regulatory requirements necessary to implement its Groundwater Replenishment Project in the Seaside Water Basin.

REVENUE AND FINANCE

7. No effect on fiscal matters. This Memorandum of Agreement shall not impose any direct substantive or procedural requirement upon either agency with respect to revenue-raising or financing activities. However, subsequent actions may be mutually agreed upon and taken in the future that would have financial implications. This Memorandum of Agreement shall not affect

the ability of either party to collect or share in the collection of property tax revenues in accord with formulas as are now in effect or as may be hereafter established by law.

8. Further Agreement. The MPWMD and MRWPCA should develop and approve a further Joint Memorandum of Understanding by March 31, 2009 that would outline the key provisions that would be needed in a more detailed agreement to better accomplish the project needs of each party, as referenced above.

9. Funding plan. The MPWMD and MRWPCA shall also consider development of a funding assistance plan by March 31, 2009 that would help advance the MRWPCA Groundwater Replenishment Project.

GENERAL PROVISIONS

10. Term and cancellation. This Memorandum of Agreement shall remain in effect indefinitely, until modified or canceled by the parties, provided, however, that unless it is extended by mutual written agreement, this document shall have no force or effect after December 31, 2013. This Memorandum of Agreement may be canceled by one party after giving at least thirty days' written notice to the other party.

11. Dispute resolution. If any dispute arises between or among the parties concerning the interpretation or application of this Memorandum of Agreement, staff for the parties shall meet and confer regarding the dispute. If the matter is not resolved through meetings at the staff level, the governing bodies shall hold a joint meeting to resolve the matter. Thereafter, any remaining dispute shall first be submitted to advisory mediation, to be conducted by a mediator from the State Mediation and Consultation Service, or such other person as may be mutually agreed upon by the parties. Litigation may be initiated by a party only if such party has made a good faith effort, documented by correspondence with the other party, to resolve the dispute in the manner prescribed above.

12. No third-party beneficiaries. This Memorandum of Agreement is made solely between and among the parties hereto. No person shall be deemed to be a third-party beneficiary of the memorandum, and no person shall have a cause of action or standing to enforce this memorandum or to assert non-compliance with its terms, except a party hereto.

Signed by  Date 3/18/09

For the MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY

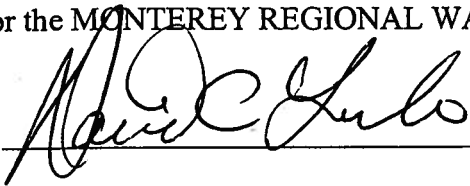
Signed by  Date 2/17/2009

For the MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

Approved as to form:

Signed by _____ Date _____

Counsel for the MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY

Signed by  Date 3/16/09

Counsel for the MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

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**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

STRATEGIC PLAN	
SHORT AND LONG-TERM GOALS	
90-DAYS TO 5-YEARS	
<i>Adopted December 14, 2009</i>	
90 DAY GOALS – FEBRUARY 28, 2010	
•	Marina Coast Water District, California American Water, Monterey County Water Resources Agency, Monterey Regional Water Pollution Control Agency, Jurisdictions
♦	Join with these groups to have input on the regional water supply planning process
□	Influence
□	Shape
□	Financing
•	Aquifer Storage and Recovery Project Phase 1
♦	Inject at least 500 acre-feet of water, with infrastructure in place to enable 100% efficiency
♦	Determine project completion date
•	Aquifer Storage and Recovery Project Phase 2
♦	Determine timetable for project development/completion
•	MPWMD 95-10 Desalination Project
♦	Determine if the Board should continue pursuit of project development
•	MRWPCA Groundwater Replenishment Project/2,000 + Acre-Feet
♦	Schedule presentation from MRWPCA to MPWMD Board on cost, legal issues, timeline and next steps
3-YEAR GOALS – DECEMBER 2012	
•	Construction has begun on a Desalination Project
•	Phase 2 Aquifer Storage and Recovery Project Complete
•	Water Delivered from Groundwater Replenishment Project
•	Achieve Conservation Goals Established by Public Utilities Commission in Decision No. 09-07-023
•	Secure Permanent Funding for Carmel River Mitigation Program
•	Prepare 20-Year Assessment of the 1989 Water Allocation Program Mitigation Plan
•	Establish One Public/Private Partnership for Water Development or Conservation
•	Resolve Fate of San Clemente and Los Padres Dams
5-YEARS AND BEYOND – DECEMBER 2015 +	
•	Cessation of Illegal Pumping on the Carmel River
•	Determine Environmental Remediation Needs of the Carmel River
•	Interagency Regional Collaboration
♦	Annual Water Summit
♦	Committee – Continuous Collaboration
•	Operate Within Safe Yield of Seaside Basin (5 th or 6 th year)
•	Assess Jurisdictions' Unmet Water Needs and Plan to Meet Them

THREE-YEAR GOAL: DEVELOP THE USE OF REPLENISHMENT WATER

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By July 31, 2009	General Manager, working with TRG consultants	Update the Public Outreach Plan and present to the Board for action.			MAY 2010	<ul style="list-style-type: none"> o Updated plan presented in July to Recycled Water Committee o Further update to Committee in May 2010
2. By March 1, 2010	General Manager, working with the Recycled Water Committee (Chair Ralph Rubio-lead)	Apply for \$300,000 of additional funding for design and/or planning services from the Water Master, CalAm, PUC, the Federal and/or State Grant Programs.		X		<ul style="list-style-type: none"> o Evaluating options and opportunities
3. By April 1, 2010	General Manager, working with the City of Salinas	Determine the feasibility of reclaiming Salinas's industrial pond water.		X		<ul style="list-style-type: none"> o Dependent upon progress on GWR in Phase II
4. By April 1, 2010, contingent upon funding	Principal Engineer	Begin the Replenishment Pilot Testing Program at the plant and in the fields.		X		<ul style="list-style-type: none"> o Dependent upon progress on GWR in Phase II
FUTURE: By January 1, 2011	General Manager, working with staff	Assist the PUC, when appropriate, in its analysis of the MRWPCA replenishment results and report the results to the Board.		X		<ul style="list-style-type: none"> o Dependent upon progress on GWR in Phase II



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MEMORANDUM

TO: RECYCLED WATER COMMITTEE

FROM: KEITH ISRAEL, GENERAL MANAGER

DATE: FEBRUARY 12, 2010

SUBJECT: CONSIDER APPROVAL OF SETTLEMENT AGREEMENT
FOR REGIONAL WATER PROJECT

As you are aware, the water purchase agreement for the Regional Water Supply Project has been going through an Alternative Dispute Resolution (ADR) process. It is possible that this work could be completed by mid-March. Should that happen, staff requests that the Board Chair be given pre-authorization to sign the Settlement Agreement once it is ready for approval.

MRWPCA's role in this phase of the Regional Project approval by the PUC is mostly completed as we have already approved the Outfall Brine Agreement with MCWD.

As a party to the CPUC proceedings, our signing of the forthcoming Settlement Agreement would help keep the Regional Project on schedule. Currently, it is under consideration by the CPUC with possible approval later this summer.

RECOMMENDATION:

Authorize the Board Chair to sign the CPUC Settlement Agreement once it is ready for signature.

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MEMORANDUM

TO: RECYCLED WATER COMMITTEE
FROM: KEITH ISRAEL, GENERAL MANAGER
DATE: FEBRUARY 12, 2010
SUBJECT: WASHINGTON DC FUNDING TRIP

Each Spring, it is important to brief Washington DC Congressional Representatives and staff on any projects that we designate for funding.

This year we will be looking for funding for the Regional Water Project, including RUWAP. To have the most impact, it is best that a combination of Board/staff participate in this process. Typically, one or two Board Members participate along with the General Manager.

RECOMMENDATION:

Designate Board representatives for Washington DC funding trip.

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