



AGENDA
REGULAR MEETING OF THE BOARD OF DIRECTORS
EL DORADO IRRIGATION DISTRICT
District Board Room, 2890 Mosquito Road, Placerville, California
September 14, 2015 ~ 9:00 A.M.

Board of Directors

BILL GEORGE
BOARD PRESIDENT
Division III

GEORGE W. OSBORNE
BOARD VICE PRESIDENT
Division I

Greg Prada
Board Director
Division II

Dale Coco, MD
Board Director
Division IV

Alan Day
Board Director
Division V

**General Manager and
Executive Staff**

JIM ABERCROMBIE
GENERAL MANAGER

THOMAS D. CUMPSTON
GENERAL COUNSEL

Jennifer Sullivan, Clerk to the Board

Jesse Saich, Communications

Brian Mueller, Engineering

Mark Price, Finance

Jose Perez, Human Resources

**Tim Ranstrom, Information
Technology**

Tom McKinney, Operations

In accordance with the Americans with Disabilities Act and California law, it is the policy of the El Dorado Irrigation District to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation for this meeting, please contact the EID ADA coordinator at 530-642-4045 or e-mail at adacoordinator@eid.org at least 72 hours prior to the meeting. Advance notification within this guideline will enable the District to make reasonable accommodations to ensure accessibility.

PUBLIC COMMENT: Anyone wishing to comment about items not on the Agenda may do so during the public comment period. Those wishing to comment about items on the Agenda may do so when that item is heard and when the Board calls for public comment. ***Public comments are limited to five minutes per person.***

PUBLIC RECORDS DISTRIBUTED LESS THAN 72 HOURS BEFORE A MEETING: Any writing that is a public record and is distributed to all or a majority of the Board of Directors less than 72 hours before a meeting shall be available for immediate public inspection in the office of the Clerk to the Board at the address shown above. Public records distributed during the meeting shall be made available at the meeting.

CALL TO ORDER

Roll Call
Pledge of Allegiance
Moment of Silence

ADOPT AGENDA

COMMUNICATIONS

General Manager's Employee Recognition

APPROVE CONSENT CALENDAR

Action on items pulled from the Consent Calendar

PUBLIC COMMENT

COMMUNICATIONS

Board of Directors

Brief reports on community activities, meetings, conferences, and seminars attended by the Directors of interest to the District and the public.

Clerk to the Board

General Manager

CONSENT CALENDAR

1. Finance (Pasquarello)

Ratification of EID General Warrant Registers for the periods ending August 18, August 25, and September 1, 2015, and Board and Employee Expense Reimbursements for these periods.

Option 1: Ratify the EID General Warrant Registers as submitted to comply with Section 24600 of the Water Code of the State of California. Receive and file Board and Employee Expense Reimbursements.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

2. Clerk to the Board (Sullivan)

Approval of the minutes of the August 24, 2015 regular meeting of the Board of Directors.

Option 1: Approve as submitted.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

3. Office of the General Counsel (Cumpston)

Ratification of Resolution No. 2015-010, to maintain emergency declaration, and ratification of Stage 4 Drought Emergency for Outingdale.

Option 1: Ratify Resolution No. 2015–010 (*thus maintaining the general drought emergency declaration for purposes of bidding, contracting, and CEQA compliance*), and ratify the Stage 4 Drought Emergency for Outingdale.

Option 2: Decline to ratify Resolution No. 2015–010 (*thus terminating the general drought emergency declaration for purposes of bidding, contracting and CEQA compliance*), but ratify the Stage 4 Drought Emergency for Outingdale.

Option 3: Take no action (*thus terminating the general drought emergency declaration for purposes of bidding, contracting and CEQA compliance*).

Recommended Action: Option 1 (four-fifths vote required for purposes of bidding and contracting).

4. Finance (Pasquarello)

Funding approval for District Capital Improvement Plan (CIP) Projects.

Option 1: Authorize funding for the CIP project as requested in the amount of \$20,000.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

END OF CONSENT CALENDAR

INFORMATION ITEM

5. Engineering (Wells)

Update on the Deer Creek Wastewater Treatment Plant discharge and the temporary urgency change petition and order.

Recommended Action: None – Information only.

ACTION ITEMS

6. Office of the General Counsel (Poulsen)

Federal Legislation Update.

Option 1: Approve recommendations on proposed legislation as the District’s official positions.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

REVIEW OF ASSIGNMENTS

ADJOURNMENT

TENTATIVELY SCHEDULED ITEMS FOR FUTURE MEETINGS

Engineering

- 2016-2020 Capital Improvement Plan (CIP) Workshop: Review of draft CIP including Water, Wastewater, Recycled Water and General District projects, September 28 (Mueller)
- Consideration to award a professional services contract for the preparation of an Environmental Impact Report for the Main Ditch Project, Action Item, regular Board meeting, October 13 (Schaeffer)
- Consideration to award a construction contract for the Bridlewood Canyon Lift Station Upgrades Project, Action Item, regular Board meeting, October 13 (Brink)
- Adoption of the Capital Improvement Plan (CIP), Action Item, regular Board meeting, October 13 (Mueller)
- Consideration to approve the Regional Water Authority Project Agreement to administer the 2014 Integrated Regional Water Management (IRWM) Drought Grant for the Upper Main Ditch Project, Action Item, regular Board meeting, October 13 (Eden-Bishop)
- Consideration to award a professional services contract for the SCADA System Replacement Project at 21 wastewater lift stations, Action Item, regular Board meeting, October 26 (T. Sullivan)

Finance

- Budget Workshop, regular Board meeting, October 26 (Price)

Office of the General Counsel

- Re-evaluation of Director Division Boundaries Pursuant to Board Policy 1010, Action Item, regular Board meeting, October 13 (Cumpston)

El Dorado Irrigation District
September 14, 2015
Board Meeting
Communications - General Manager

1) Awards and Recognitions

- a) Congratulations, Lea Caudle. Lea has been promoted as a replacement to the position of Senior Finance Assistant in the Finance Department.
- b) We received an email from Mike Lyon, President of Rancho del Sol Board of Directors in appreciation of Kurt Mikkola, Noel Russell, and Dana Strahan. He wrote, “In all of our dealings with these individuals they have been highly responsive, accommodating, knowledgeable, and professional.”

2) Staff Reports and Updates

- a) Drought Update and Conservation Progress – Summary by Brian Mueller

**General Manager’s Report
September 14, 2015**

Drought Update and Conservation Progress

Stage 2 Drought Update

The District continues to track customer conservation both on a weekly basis and cumulative conservation for the year, and compares the usage to 2013. The District is mandated to reduce water usage by 28% beginning in June as a result of the Governor’s executive order and State Water Board regulations.

As of September 2, 2015 cumulative conservation for water customers was 30% for the year. Conservation for the month of August was 30%, which exceeds the State Water Board conservation mandate. Conservation for the week of August 27 – September 2 was 29%.

For recycled water customers, cumulative conservation for the year is 25%. Conservation for the month of August was 22%, and conservation for the week of August 27 – September 2 was 21%.

	Aug 27 – Sept 2 Weekly Conservation %	August 2015 Conservation %	YTD Conservation %
Potable Conservation	29%	30%*	30%
Recycled Conservation	21%	22%	25%
<i>*July potable water conservation exceeds State Water Board mandate</i>			

Attachments

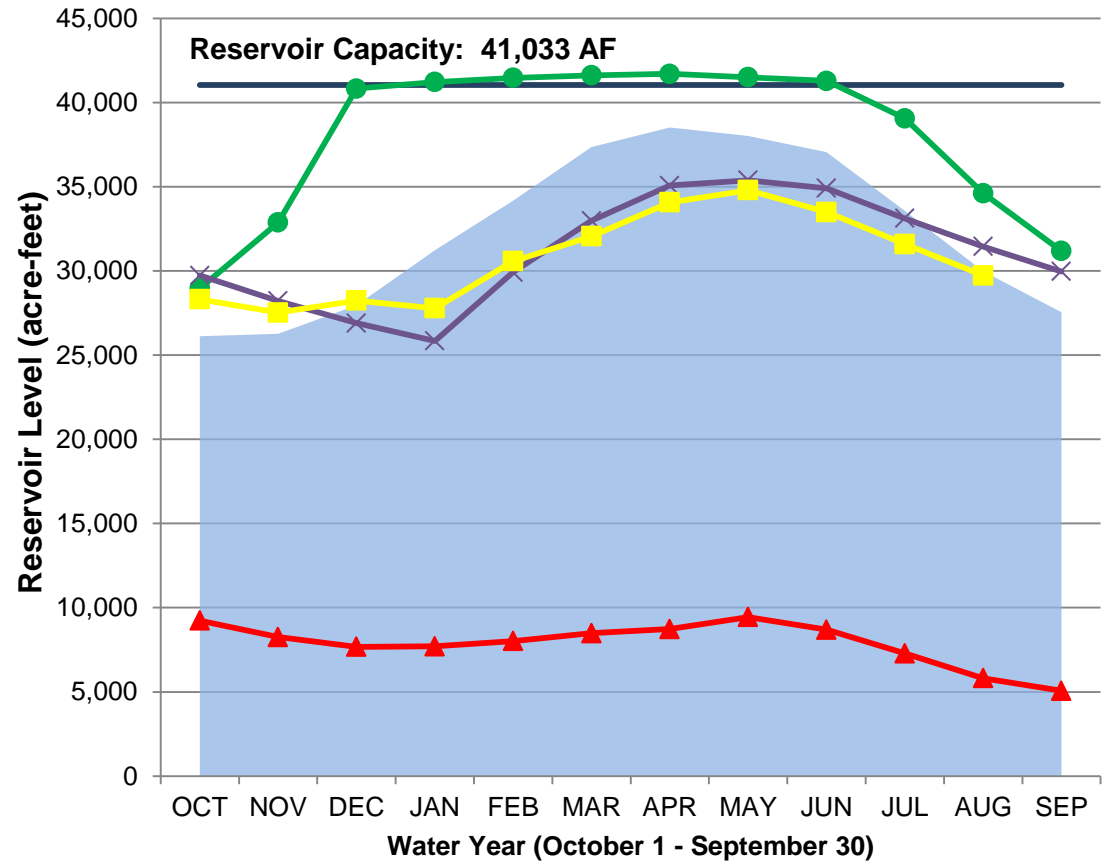
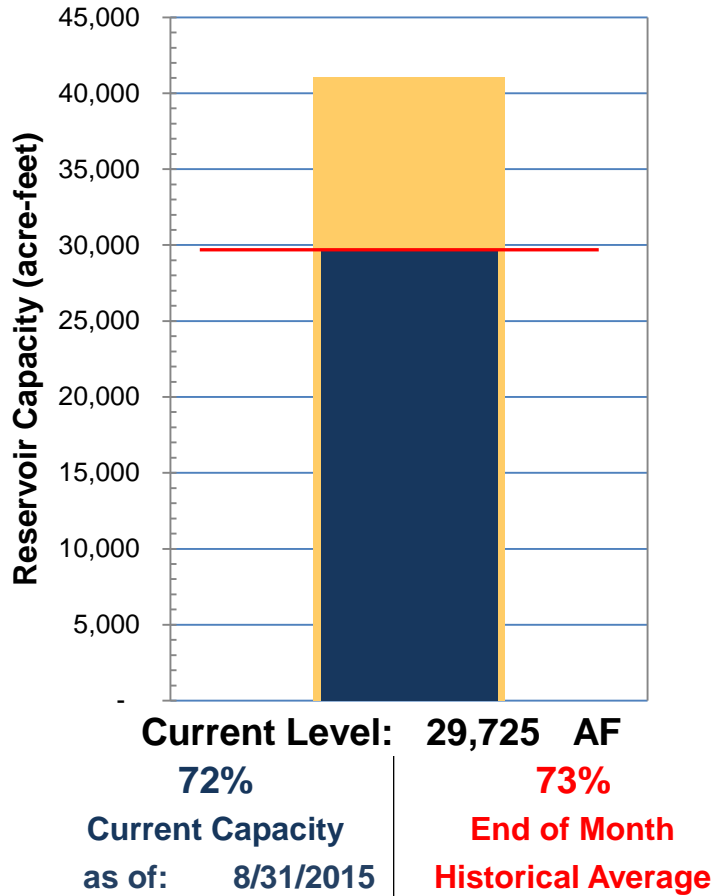
- A. Drought and conservation charts



Jenkinson Lake at Sly Park

Reservoir Conditions

(as of August 31, 2015)

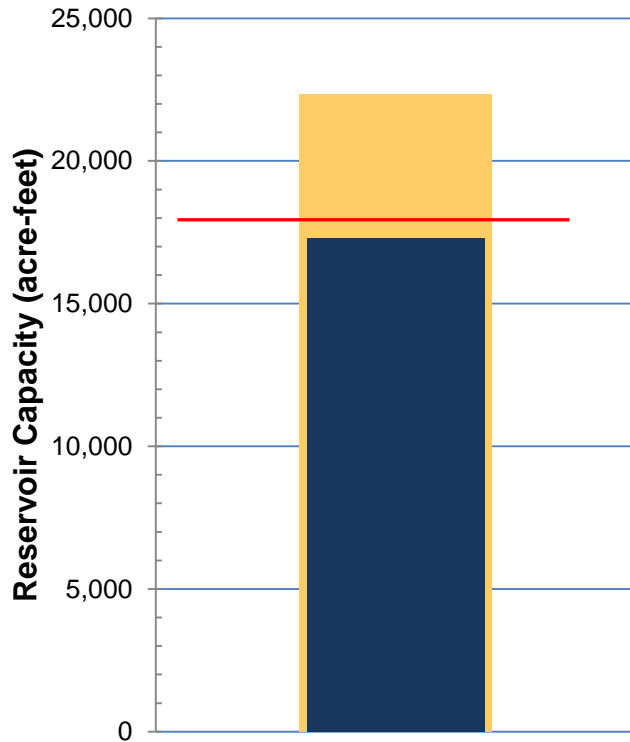




Caples Lake

Reservoir Conditions

(as of August 31, 2015)



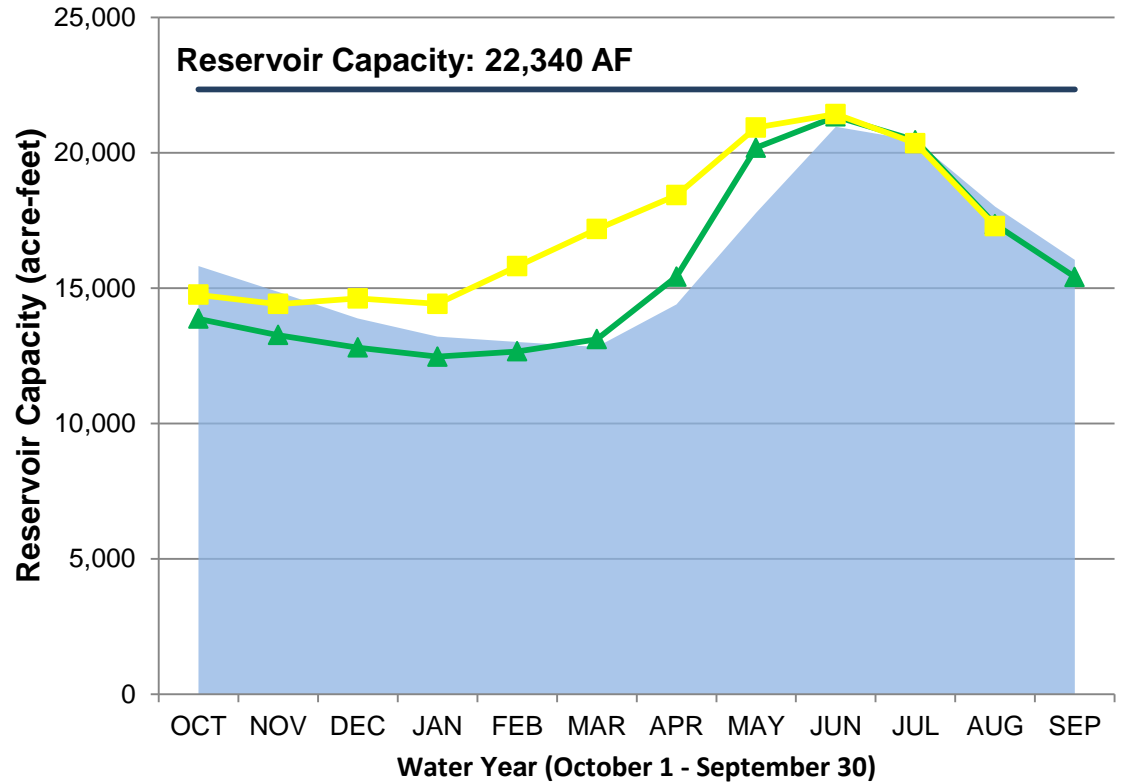
Current Level: 17,288 AF

77%

**Current Capacity
as of: 8/31/2015**

81%

**End of Month
Historical Average**



Historical Average

WY 2014

Reservoir Capacity

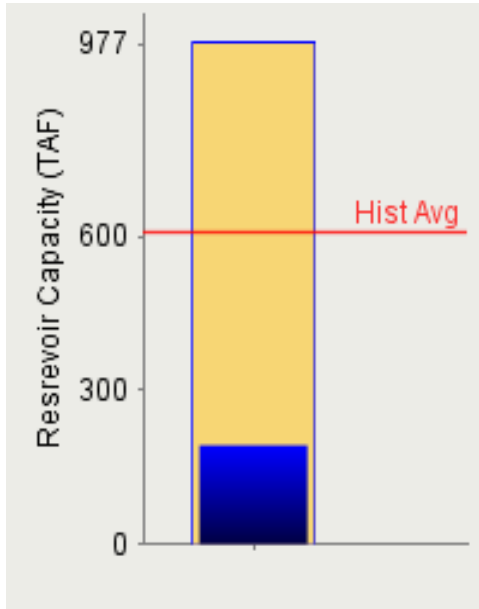
WY 2015



Folsom Lake

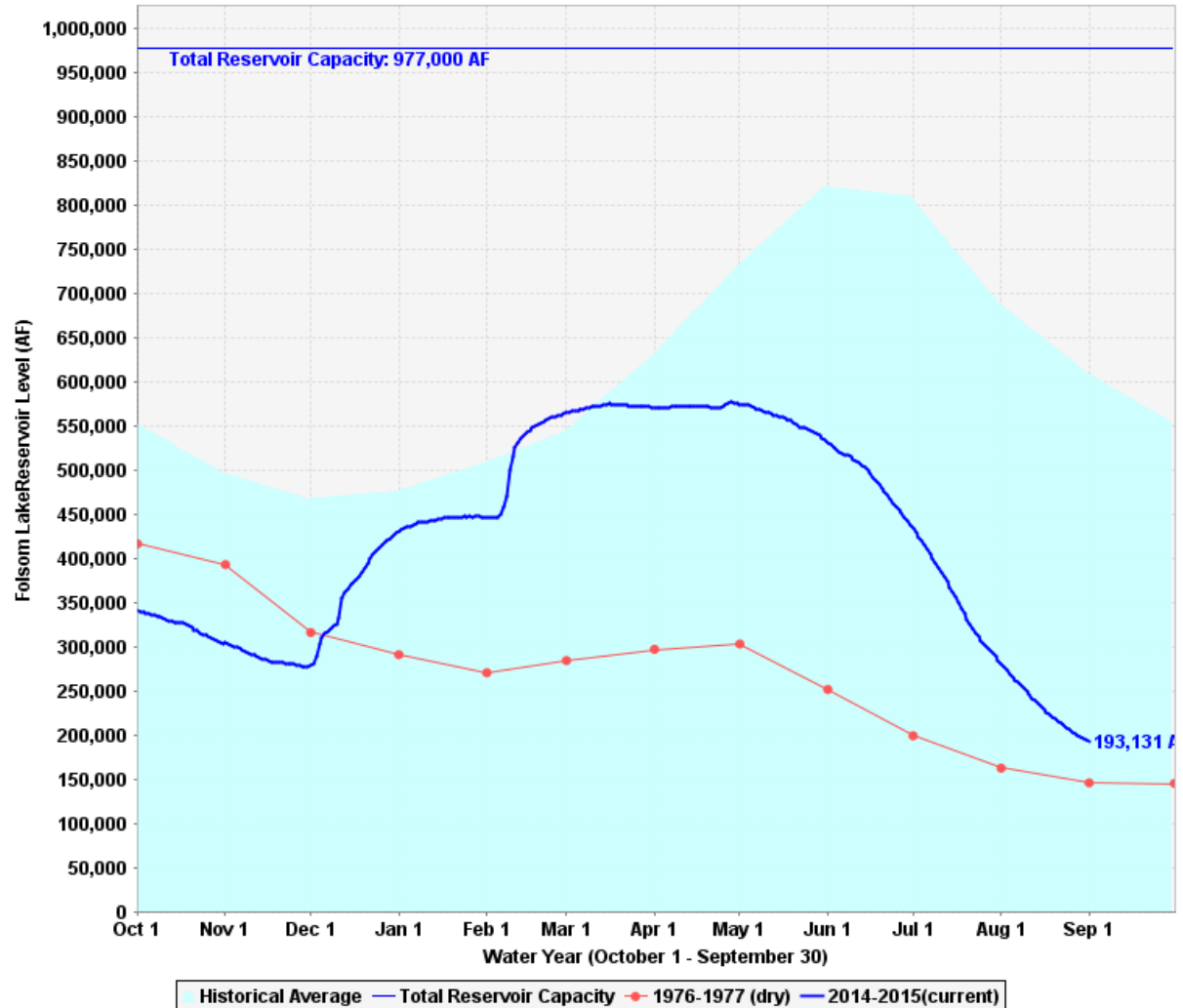
Storage Levels

(as of September 1, 2015)



- Current Storage: 193,131 AF
- 20% of Total Capacity
- 32% of Historical Avg. For This Date
- Total Capacity: 977,000 AF
- Avg. Storage for Sep 1: 609,093 AF

Folsom Lake Storage Levels

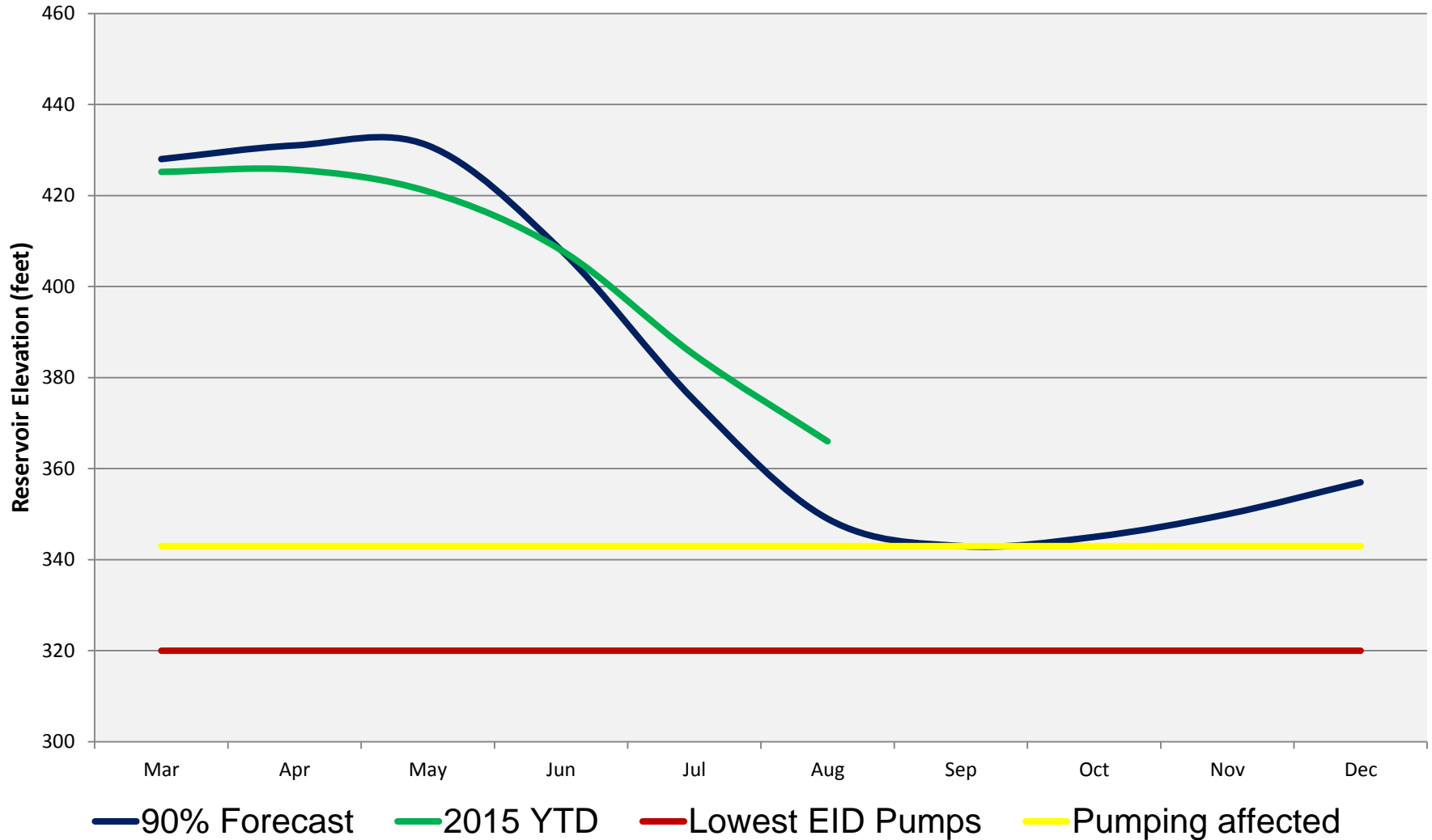




Folsom Lake

Elevation Level Forecast

(as of August 31, 2015)



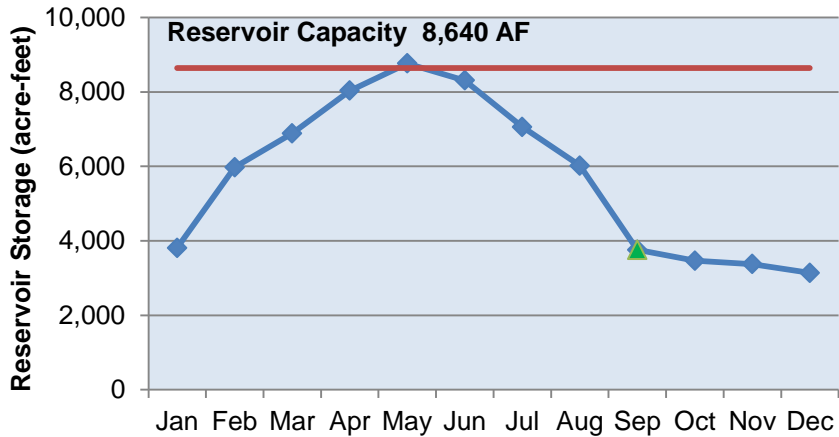


Project 184 Forecast Operations

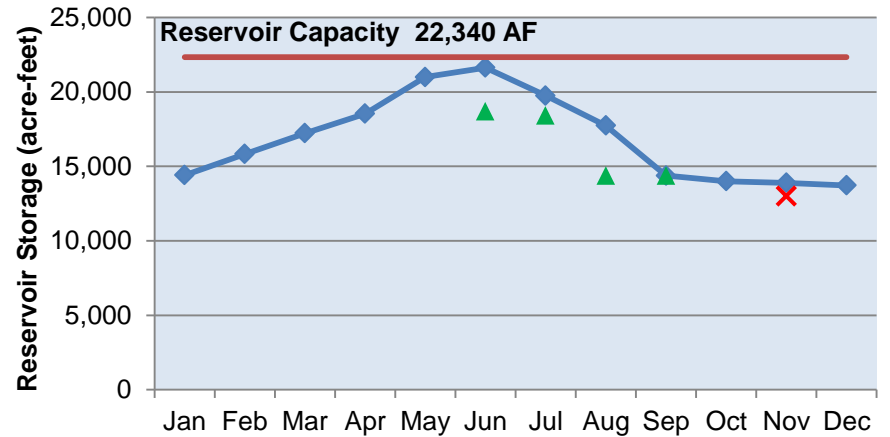
End of Month Storage (AF)

June 10 Forecast Data

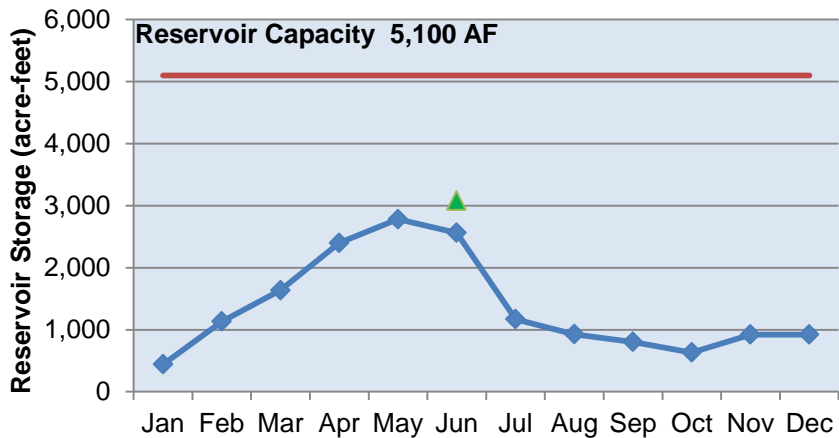
Silver Lake



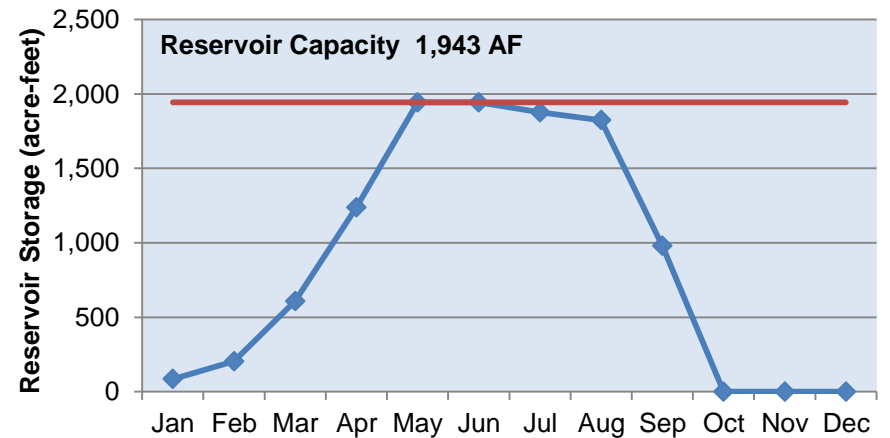
Caples Lake



Lake Aloha



Echo Lake

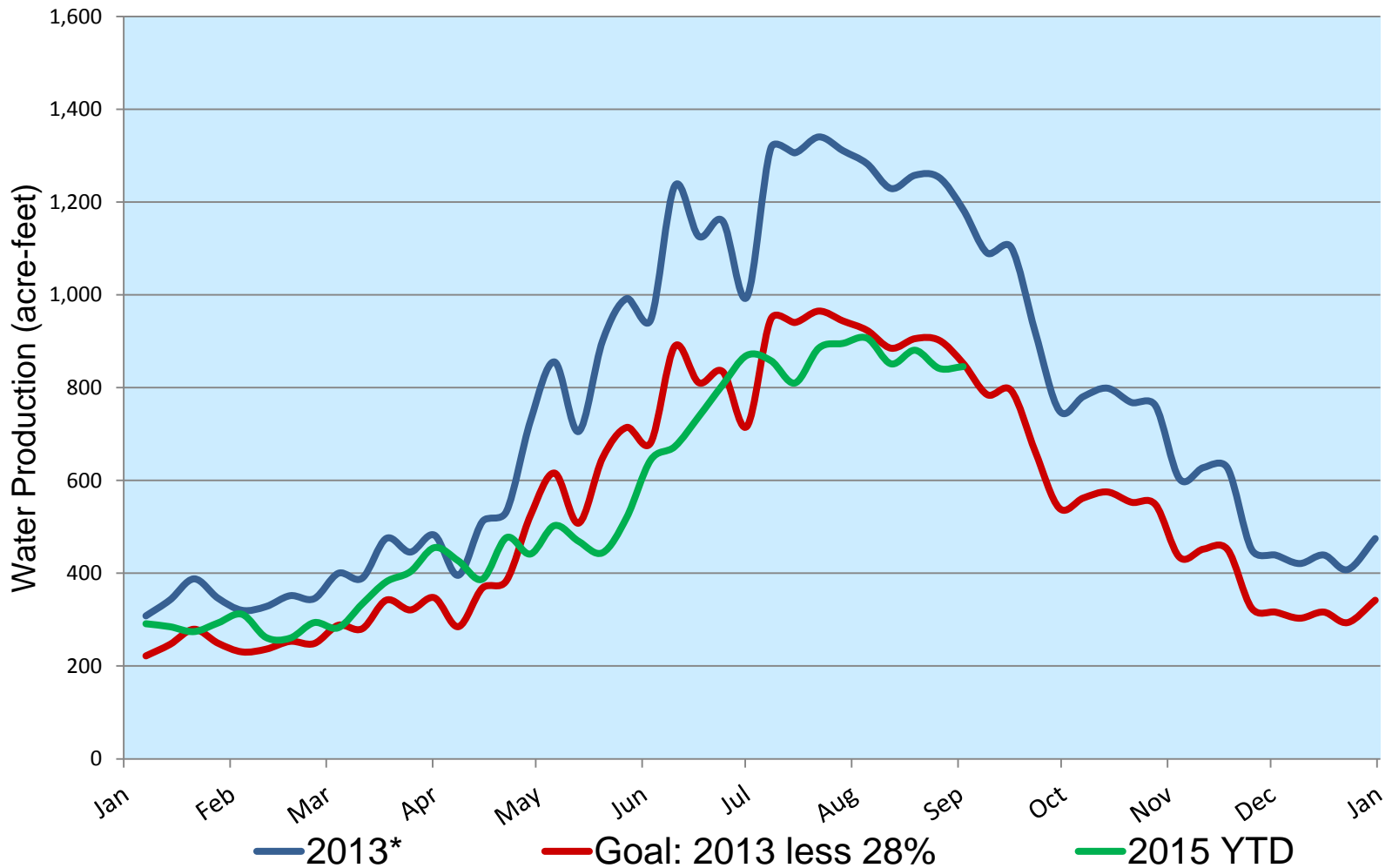




Potable Water Conservation Progress

Weekly Comparison - 2015 vs. 2013

(as of September 2, 2015)



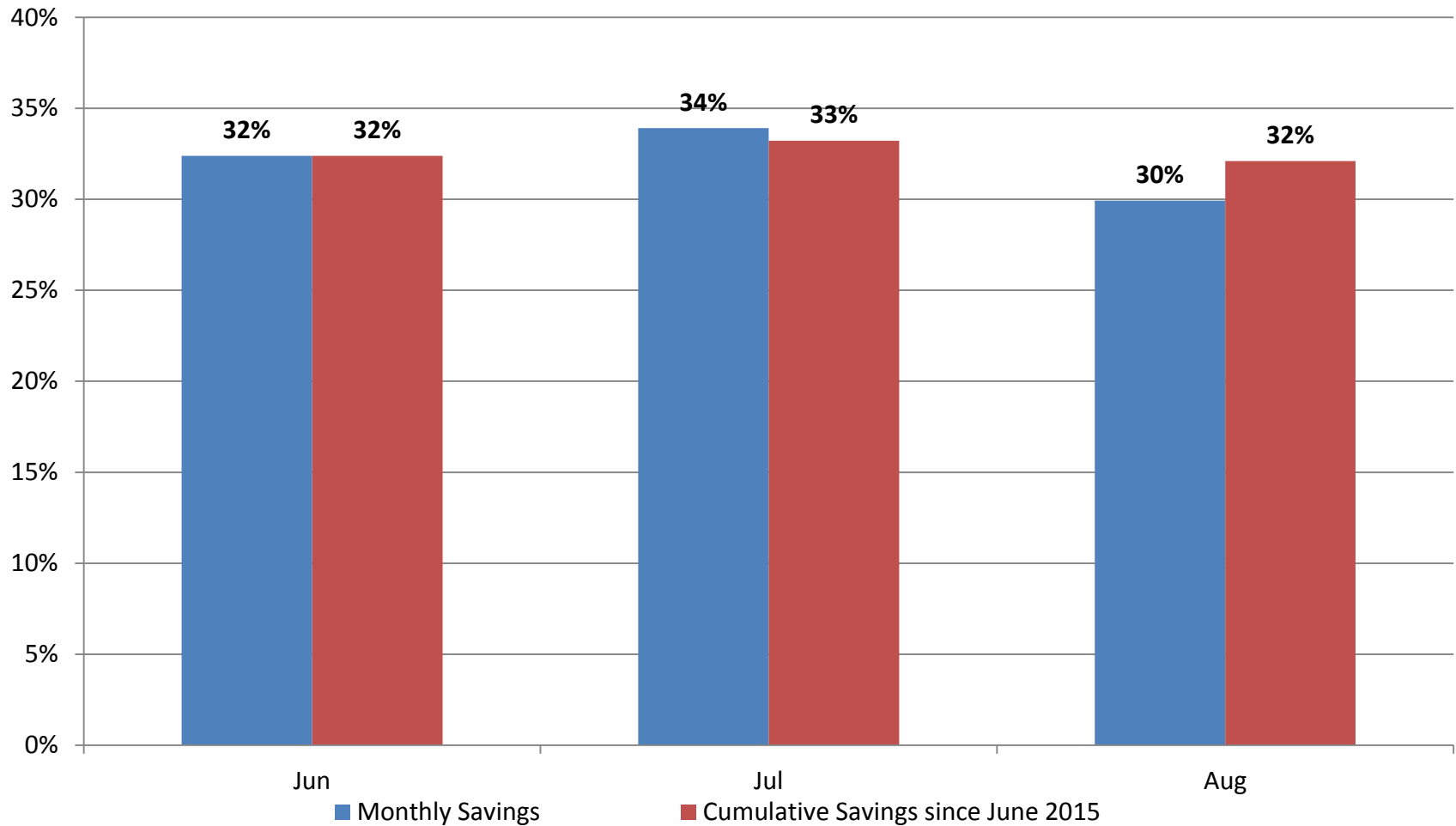
*2013 baseline per State Water Board and RWA standard



State Water Board Compliance Tracking

Potable Water Conservation – 2015 vs. 2013

(as of August 31, 2015)



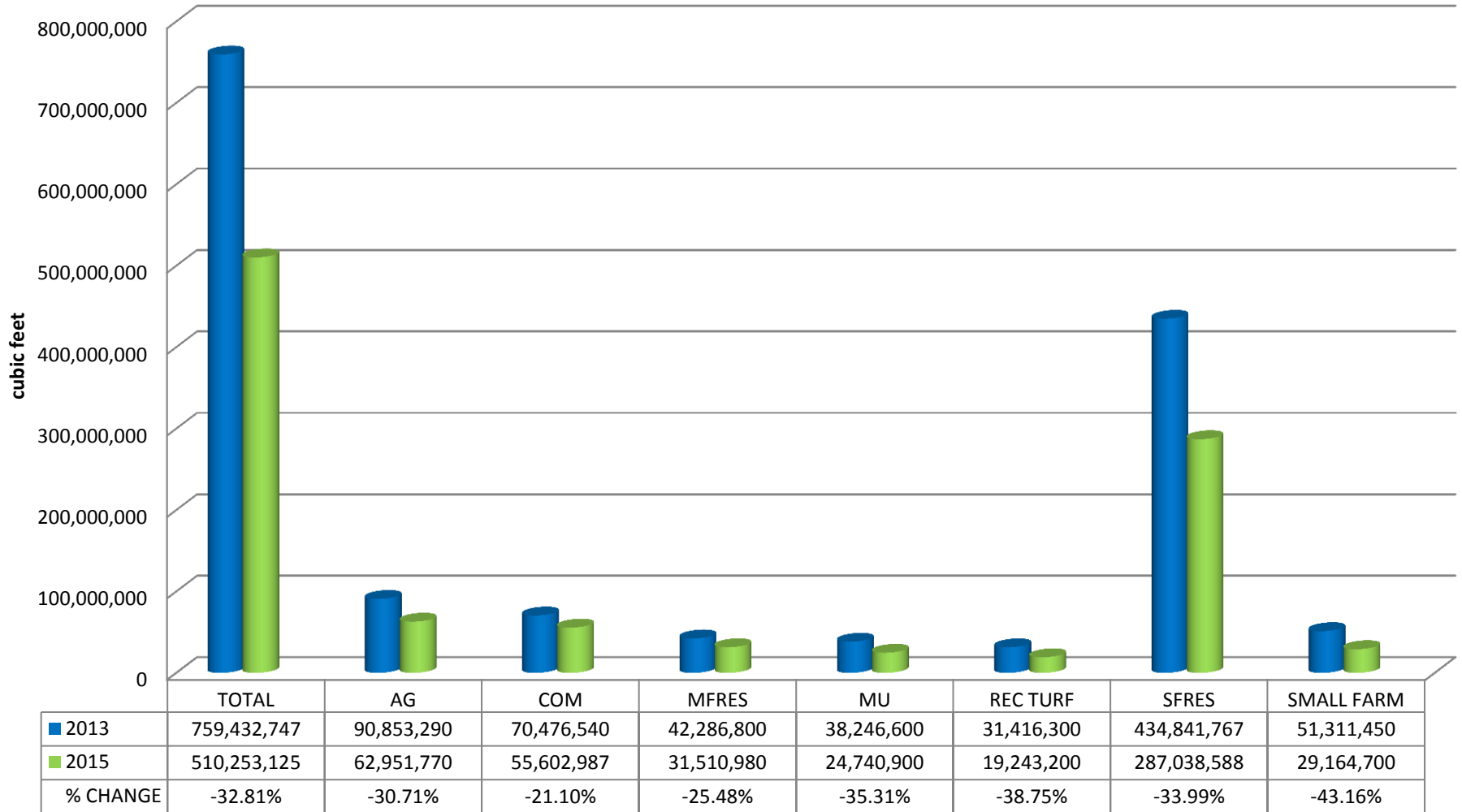
*El Dorado Irrigation District requirement - 28%



Potable Metered Use Comparison

2015 Year to Date (cubic feet)

(as of August 28, 2015)



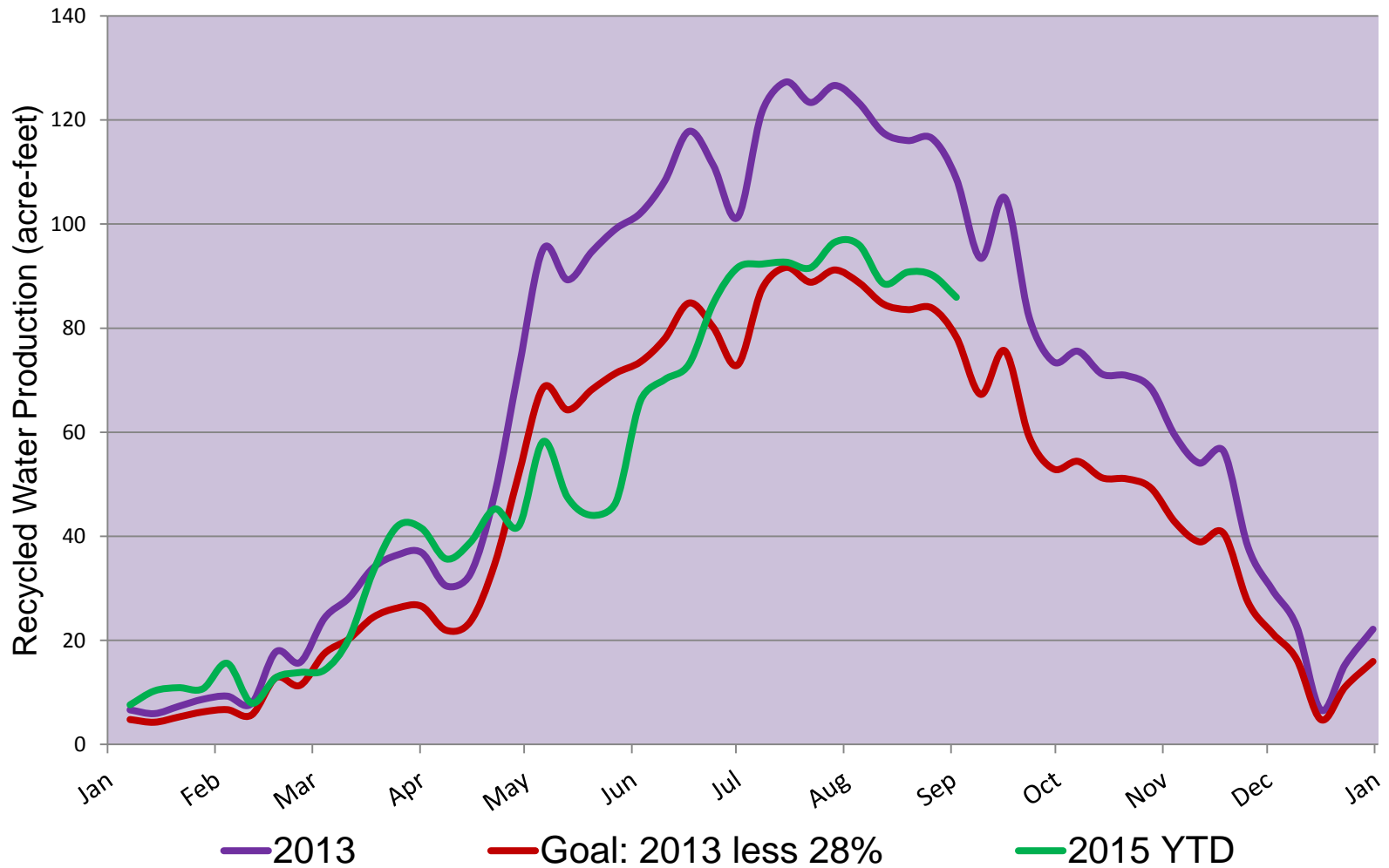
60% of 2013 Domestic Irrigation use was rolled into the 2013 Single Family Residential category. The remaining 40% was rolled into the 2013 Small Farm category.



Recycled Water Conservation Progress

Weekly Comparison - 2015 vs. 2013

(as of September 2, 2015)



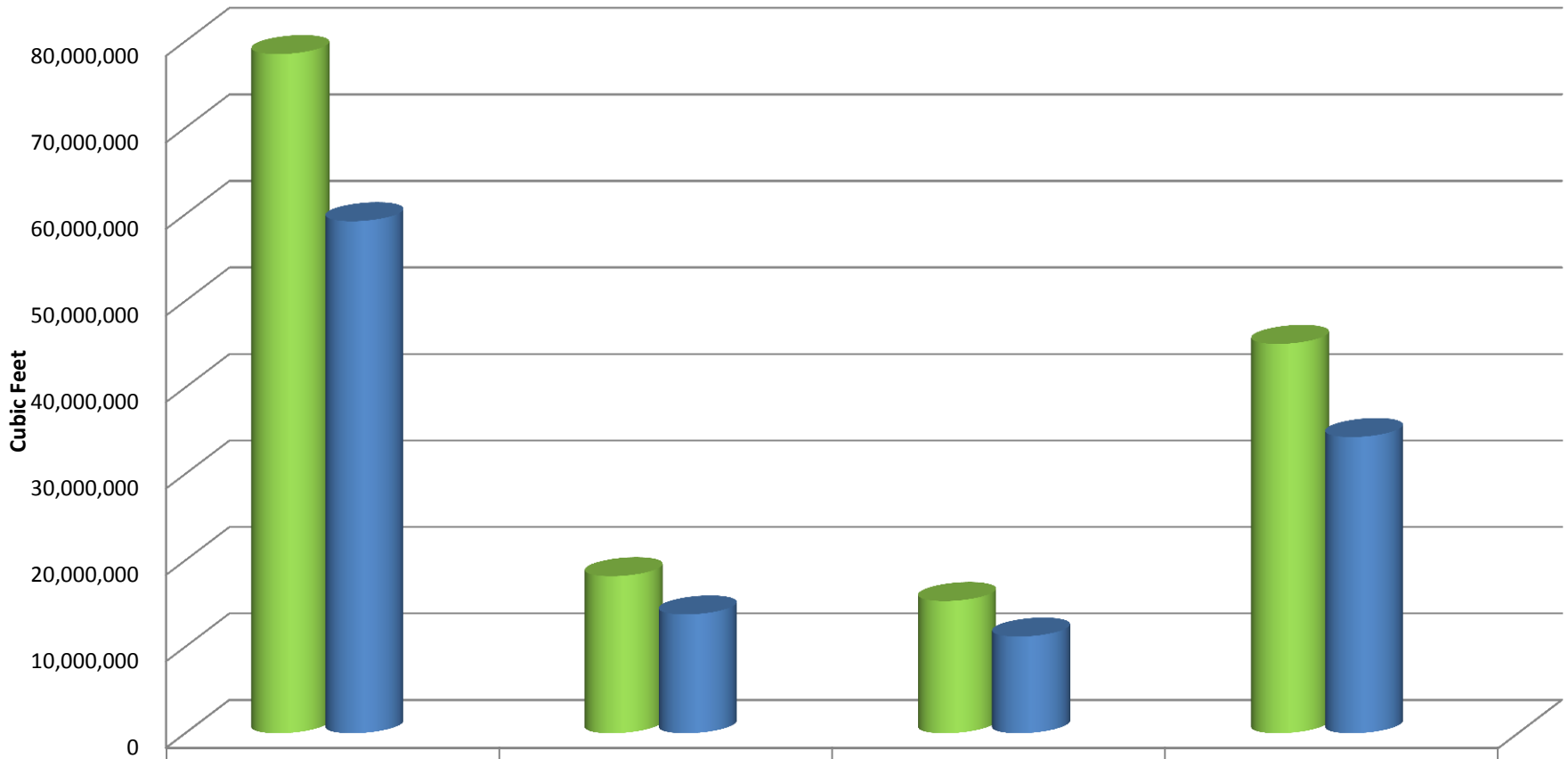
*2013 baseline per State Water Board and RWA standard



Recycled Metered Use Comparison

2015 Year to Date (cubic feet)

(as of August 10, 2015)



■ 2013	TOTAL USE	78,526,539	COM	18,174,700	REC TURF	15,303,400	RES DUAL	45,048,439
■ 2015		59,217,000		13,748,400		11,192,000		34,276,600
	% CHANGE	-24.59%		-24.35%		-26.87%		-23.91%

EL DORADO IRRIGATION DISTRICT

Subject: Ratification of EID General Warrant Registers for the periods ending August 18, August 25, and September 1, 2015, and Board and Employee Expense Reimbursements for these periods.

Previous Board Action:

February 4, 2002 – The Board approved to continue weekly warrant runs, and individual Board member review with the option to pull a warrant for discussion and Board ratification at the next regular Board meeting.

August 16, 2004 – Board adopted the Board Expense Payments and Reimbursement Policy.

August 15, 2007 – The Board re-adopted the Board Expense Payments and Reimbursement Policy as Board Policy 12065 and Resolution No. 2007-059.

Board Policies (BP), Administrative Regulations (AR), and Board Authority:

Section 24600 of the Water Code of the State of California provides no claim is to be paid unless allowed by the Board.

Summary of Issue:

The District's practice has also been to notify the Board of proposed payments by email and have the Board ratify the Warrant Registers. Copies of the Warrant Registers are sent to the Board of Directors on the Friday preceding the Warrant Register's date. If no comment or request to withhold payment is received from any Director by the following Tuesday morning, the warrants are mailed out and formal ratification of said warrants is agendaized on the next regular Board agenda.

On April 1, 2002, the Board requested staff to expand the descriptions on the Warrant Registers and modify the current format of the Warrant Registers.

On July 30, 2002, the Board requested staff to implement an Executive Summary to accompany each Warrant Register which includes all expenditures greater than \$3,000 per operating and capital improvement plan (CIP) funds.

Staff Analysis/Evaluation:

Warrant registers submitted for August 18, August 25, and September 1, 2015 totaling \$1,759,278.86, and Board and Employee Expense Reimbursements for these periods.

Current Warrant Register Information

Warrants are prepared by Accounts Payable; reviewed and approved by the Accounting Manager; the Director of Finance and the General Manager or their designee.

<u>Register Date</u>	<u>Check Numbers</u>	<u>Amount</u>
August 18, 2015	648217 – 648351	\$ 436,316.36
August 25, 2015	648352 – 648501	\$ 951,405.04
September 01, 2015	648502 – 648651	\$ 371,557.46

Current Board/Employee Expense Payments and Reimbursement Information

The items paid on Attachment A and B are expense and reimbursement items that have been reviewed and approved by the Clerk to the Board, Accounting Manager and the General Manager before the warrants are released. These expenses and reimbursements are for activities performed in the interest of the District in accordance with Board Policy 12065 and Resolution No. 2007-059.

Additional information regarding employee expense reimbursement is available for copying or public inspection at District headquarters in compliance with Government Code Section 53065.5.

Board Decision/Options:

Option 1: Ratify the EID General Warrant Registers as submitted to comply with Section 24600 of the Water Code of the State of California. Receive and file Board and Employee Expense Reimbursements.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

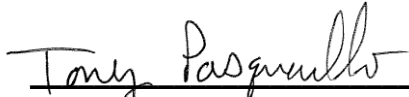
Staff/General Manager’s Recommendation:

Option 1.

Support Documents Attached:

Attachment A: Board Expenses/Reimbursements

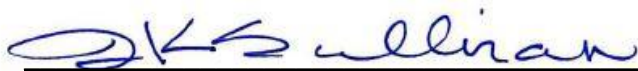
Attachment B: Employee Expenses/Reimbursements totaling \$100 or more



Tony Pasquarello
Accounting Manager



Mark Price
Director of Finance (CFO)



Jennifer Sullivan
Clerk to the Board



Jim Abercrombie
General Manager

Attachment A

Board Expenses/Reimbursements
Warrant Registers dated 08/18/15 - 09/01/15

DESCRIPTION	William George	Alan Day	George Osborne	Dale Coco, MD	Greg Prada	Total
Personal Vehicle Expense			80.51			80.51
Hotel						0.00
Meals or Incidentals Allowance						0.00
Airfare, Car Rental, Misc Travel						0.00
Fax, Cell or Internet Service						0.00
Meeting or Conference Registration						0.00
Meals with Others						0.00
Membership Fees/Dues						0.00
Office Supplies						0.00
Reimburse prepaid expenses						0.00
Miscellaneous Reimbursements						0.00
	0.00	0.00	80.51	0.00	0.00	80.51

Attachment B

Employee Expenses/Reimbursements
Warrant Registers dated 08/18/15 - 09/01/15

EMPLOYEE	DESCRIPTION	AMOUNT
DAN CORCORAN	SUPPLIES FOR FORCE MAIN REPAIRS CREW	\$303.91
PAT JOHNSON	PROJECT MANAGEMENT CLASS	\$230.10
RADENKO ODZAKOVIC	T5 CERTIFICATE RENEWAL	\$105.00
BRYSON PEARSON	D4 TEST FEE AND CERTIFICATION RENEWAL	\$235.00
RAY SALERNO	MECHANICAL TECH TEST FEE	\$150.00
JOHN GIORGI	T5 CERTIFICATE RENEWAL	\$105.00
PHILLIP HOUSEWORTH	ISA TUNING CONTROL TRAINING	\$219.03
JENNIFER SULLIVAN	TUITION REIMBURSEMENT	\$333.35
GLEN BINGHAM	WATER MANAGEMENT CLASS	\$138.00
MIKE ELDER	WATER DISTRIBUTION OPERATOR CERTIFICATION RENEWAL	\$120.00
MARK HAVERSON	SAFETY CLOTHING	\$141.37
THOMAS KELLER	WATER TREATMENT PLANT OPERATOR EXAMINATION AND CERTIFICATION FEE	\$400.00
TIM SULLIVAN	NUTRIENT SYPOSIUM EXPENSE REIMBURSEMENT	\$670.57
		\$3,151.33



MINUTES
REGULAR MEETING OF THE BOARD OF DIRECTORS
EL DORADO IRRIGATION DISTRICT
 District Board Room, 2890 Mosquito Road, Placerville, California
 August 24, 2015 ~ 9:00 A.M.

Board of Directors

BILL GEORGE
BOARD PRESIDENT
 Division III

GEORGE W. OSBORNE
BOARD VICE PRESIDENT
 Division I

Greg Prada
Board Director
 Division II

Dale Coco, MD
Board Director
 Division IV

Alan Day
Board Director
 Division V

**General Manager and
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GENERAL MANAGER

THOMAS D. CUMPSTON
GENERAL COUNSEL

Jennifer Sullivan, Clerk to the Board

Jesse Saich, Communications

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Mark Price, Finance

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**Tim Ranstrom, Information
Technology**

Tom McKinney, Operations

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CALL TO ORDER

President George called the meeting to order at 9:00 A.M.

Roll Call

Board

Present: Directors Osborne, Prada, George, and Day

Absent: Director Coco

Staff

Present: General Manager Abercrombie, General Counsel Cumpston, and Clerk to the Board Sullivan

Pledge of Allegiance and Moment of Silence

President George led the Pledge of Allegiance followed by a Moment of Silence dedicated to our troops serving throughout the world.

ADOPT AGENDA

ACTION: Agenda was adopted.

MOTION CARRIED

Ayes: Directors Day, Prada, Osborne, and George

Absent: Director Coco

COMMUNICATIONS

General Manager's Employee Recognition

1) Awards and Recognitions

- a) Congratulations, James Balay. James has been promoted as a replacement to the position of Water Treatment Plant Operator II in the Operations Department.
- b) We received an email from Mark Moretti, a Sly Park visitor thanking the District, and our employees Tom Canitia, Jaramia Bond, Cathy Peters, and Mickey Naves in particular. He wrote, "...we were very impressed with the improvements over the last few years, but we were especially happy to see employees, working, cleaning, monitoring and keeping the environment family friendly..." Mr. Moretti also wrote "Your staff was excellent and the Rangers very professional."
- c) We received an email from EID ratepayer George Weller in appreciation of Bruce Thomas, DJ Traver, Andy Ault, Randy Lerch, CJ Brown, Steve Hilton, Jacob Hood, and Ryan Rodriguez. He wrote "Your folks got to the location of the break in a timely manner, worked diligently, clearly knew what they were doing..." Mr. Weller also wrote "...they were a pleasant, knowledgeable, and communicative group."
- d) We received an email from Steve and Cheryl thanking Eric Parker for "going beyond his duties to help a customer..." They also wrote "In this fast-paced society, it is refreshing to know there are still people like Eric who will spend a little time to help out a stranger."
- e) We received an email from Ellison Rumsey in appreciation of Rick Talone. They wrote "...he was very courteous and helpful."

APPROVE CONSENT CALENDAR

ACTION: Director Prada pulled Item No. 5. Consent Calendar was then approved as amended.

MOTION CARRIED

Ayes: Directors Osborne, Prada, George, and Day

Absent: Director Coco

PUBLIC COMMENT

None

COMMUNICATIONS

Board of Directors

None

Clerk to the Board

None

General Manager

2) Staff Reports and Updates

- a) Helping Hands Outreach Program Provides Assistance in Financial Emergencies
- b) Drought Update and Conservation Progress – Summary by Brian Mueller
- c) Green Valley Road sewer line break and restoration – Summary by Tom McKinney
- d) Capital Improvement Plan (CIP) workshop scheduled for September 28, 2014 at 9 A.M.

CONSENT CALENDAR

1. Finance (Pasquarello)

Ratification of EID General Warrant Registers for the periods ending August 4 and August 11, 2015, and Board and Employee Expense Reimbursements for these periods.

Option 1: Ratified the EID General Warrant Registers as submitted to comply with Section 24600 of the Water Code of the State of California. Received and filed Board and Employee Expense Reimbursements.

MOTION CARRIED

Ayes: Directors Osborne, Prada, George, and Day

Absent: Director Coco

2. Clerk to the Board (Sullivan)

Approval of the minutes of the August 10, 2015 regular meeting of the Board of Directors.

Option 1: Approved as submitted.

MOTION CARRIED

Ayes: Directors Osborne, Prada, George, and Day

Absent: Director Coco

3. Office of the General Counsel (Cumpston)

Ratification of Resolution No. 2015-010, to maintain emergency declaration, and ratification of Stage 4 Drought Emergency for Outingdale.

Option 1: Ratified Resolution No. 2015-010 (*thus maintaining the general drought emergency declaration for purposes of bidding, contracting, and CEQA compliance*), and ratified the Stage 4 Drought Emergency for Outingdale.

MOTION CARRIED

Ayes: Directors Osborne, Prada, George, and Day

Absent: Director Coco

4. Finance (Pasquarello)

Funding approval for District Capital Improvement Plan (CIP) Projects.

Option 1: Authorized funding for the CIP project as requested in the amount of \$353,997.

MOTION CARRIED

Ayes: Directors Osborne, Prada, George, and Day

Absent: Director Coco

5. Office of the General Counsel (P. Johnson)

Consideration of a resolution to authorize execution of an easement quitclaim to Windfield Way Property, LLC for an unused District easement (APN: 117-060-73).

Option 1: Adopted Resolution No. 2015-016, approving and authorizing execution of the Easement Quitclaim as submitted.

MOTION CARRIED

Ayes: Directors Prada, Osborne, George, and Day

Absent: Director Coco

6. Board of Directors (George)

Vote for the 2016-2017 Association of California Water Agencies (ACWA) Region 3 Officers and Board members.

Option 1: Voted for the slate for as recommended by the Region 3 Nominating Committee.

MOTION CARRIED

Ayes: Directors Osborne, Prada, George, and Day

Absent: Director Coco

END OF CONSENT CALENDAR

ACTION ITEMS

7. Engineering (Noel)

Consideration to award a professional services contract to GHD Inc. in the not-to-exceed amount of \$402,542 and authorize additional funding of \$406,568 to supplement existing funding of \$131,000 for the Flume 44 Replacement Project, Project No. 14024.

Option 1: Awarded a professional services contract to GHD Inc. in the not-to-exceed amount of \$402,542 and authorized additional funding of \$406,568 to supplement existing funding of \$131,000 for the Flume 44 Replacement; Project No. 14024.

MOTION CARRIED

Ayes: Directors Osborne, Prada, George, and Day

Absent: Director Coco

8. Engineering (Noel)

Consideration to award a construction contract to KW Emerson, Inc. in the not-to-exceed amount of \$387,640; a professional service contract with GHD, Inc. in the not-to-exceed amount of \$73,920 and contract amendment with Stratus Environmental, Inc. for additional work in the not-to-exceed amount of \$26,040; Approve total funding of \$422,586 for the Powerhouse Safety Improvements and \$153,333 for the SFAR North Structure Remediation Project; Projects Nos. 04005H.04 and 13019, Contract No. E14-09.

Option 1: Awarded a construction contract to KW Emerson, Inc. in the not-to-exceed amount of \$387,640; professional service contract with GHD, Inc. in the not-to-exceed amount of \$73,920; and contract amendment for additional services with Stratus Environmental, Inc. in the not-to-exceed amount of \$26,040; Approved total funding of \$422,586 for the Powerhouse Safety Improvements and \$153,333 for the SFAR North Structure Remediation; Project Nos. 04005H.04 and 13019, Contract No. E14-09.

MOTION CARRIED

Ayes: Directors Day, Prada, Osborne, and George

Absent: Director Coco

REVIEW OF ASSIGNMENTS

Director Day requested that staff bring a summary on the history of Deer Creek's minimum discharge requirements at an upcoming Board meeting.

ADJOURNMENT

President George adjourned the meeting at 9:50 A.M.

Bill George, President
Board of Directors
EL DORADO IRRIGATION DISTRICT

ATTEST:

Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

Approved: _____

EL DORADO IRRIGATION DISTRICT

SUBJECT:

Ratification of Resolution No. 2015-010, to maintain emergency declaration, and ratification of Stage 4 Drought Emergency for Outingdale.

Board Action:

- February 4, 2014 – Board adopted Resolution No. 2014-006, declaring a drought emergency.
- February 10 and 24, March 10 and 24, April 14 and 28, 2014 – Board ratified Resolution No. 2014-006 to maintain the drought emergency.
- May 12, 2014 – Board adopted Resolution No. 2014-010, renewing and updating the emergency drought declaration.
- June 9, 2014 – Board adopted Resolution No. 2014-011, renewing and updating the emergency drought declaration, ratifying the General Manager’s declaration of a Stage 4 Drought Emergency in Outingdale, and ratifying the suspension of Clear Creek flow augmentation.
- June 13, 2014 – At a special meeting, Board authorized staff to increase releases to Clear Creek, using water stored in Jenkinson Lake, to provide approximately 2.0 cubic feet per second flows to ditch customers through July 15.
- June 23, July 14, July 28, August 11, August 25, September 8, October 14, 2014 – Board ratified Resolution No. 2014-011 to maintain the drought emergency.
- October 14, 2014 – Board adopted Resolution 2014-023, declaring an emergency for the repair of the Esmeralda Tunnel.
- October 27, November 10, December 8, 2014 – Board ratified Resolutions Nos. 2014-011 and 2014-023 to maintain the emergency declarations.
- January 12, January 26, February 9, February 23, March 9, 2015 – Board ratified Resolutions Nos. 2014-011 and 2014-023 to maintain the emergency declarations.
- March 23, 2015 – Board adopted Resolution No. 2015-010, renewing and updating the drought emergency declaration.
- April 13, 2015 – Board ratified Resolution No. 2015-010 to maintain the drought emergency declaration.
- May 11, May 26, June 8, June 22, July 13, August 10, August 24, 2015 – Board ratified Resolution No. 2015-010 to maintain the drought emergency declaration, and ratified the General Manager’s declaration of a Stage 4 Drought Emergency in Outingdale.

Board Policies (BP), Administrative Regulations (AR), and Board Authority:

Public Contract Code section 11102: An emergency is a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

Public Contract Code section 22050: The Board must ratify the existence of a declared emergency at each subsequent regular Board meeting by four-fifths vote, or the declared emergency is deemed to be terminated.

California Environmental Quality Act (CEQA) Guidelines section 15359: An emergency is a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services.

Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c): exempt from CEQA actions necessary to prevent or mitigate an emergency.

Summary of Issue:

Since February 4, 2014, the Board has taken the following actions to find and determine that the current drought conditions have continuously constituted an emergency:

- Unanimous adoption of Resolution No. 2014–006 on February 4, 2014;
- Unanimous ratification of that resolution at six subsequent regular Board meetings through April 28, 2014;
- Adoption of Resolution No. 2014–010 on May 12, 2014;
- Adoption of Resolution No. 2014–011 on June 9, 2014;
- Ratification of Resolution No. 2014–011 on June 23, July 14, July 28, August 11, August 25, September 8, October 14, October 27, November 10, and December 8, 2014, and January 12, January 26, February 9, February 23, and March 9, 2015;
- Adoption of Resolution No. 2015-010 on March 23, 2015; and
- Ratification of Resolution No. 2015-010 on April 13, May 11, May 26, June 8, June 22, July 13, August 10, and August 24, 2015.

For the emergency declaration to remain in effect, the Board must find (by four-fifths vote for bidding and contracting purposes) at each regular meeting that the need for emergency action still exists. The Board can do so today by ratifying Resolution No. 2015–010.

Further, the Board must ratify any emergency action taken by District staff pursuant to the authority delegated by the resolutions at its next regular meeting after such action is taken. The Board ratified the General Manager’s Stage 4 Drought Emergency declaration for Outingdale on May 11, 2015 but because Resolution No. 2015–010 does not include that action, the Board must continue to ratify this emergency separately to keep it in effect. No other ratification of staff actions is required at this time.

Staff Analysis/Evaluation:

In Resolutions Nos. 2014 –006, –010, –011, and 2015–010, the Board found and determined that the current drought conditions constituted an emergency within the meaning of and for the purposes of (among other enactments) Public Contract Code sections 11102, 22050(a)(2), and 20567, Public Resources Code section 21080(b)(4), and CEQA Guidelines sections 15269(c) and 15359. The Board’s failure to adopt Resolution No. 2014-010 by four-fifths vote on May 12, 2014 and to ratify Resolution No. 2014-011 by four-fifths vote on July 28, 2014 terminated the declaration of emergency for purposes of the Public Contract Code. The Board’s four-fifths votes to ratify on June 9 and August 11, 2014 reinstated the emergency for those purposes. The Board has subsequently adopted or ratified resolutions to keep the emergency continuously in effect; however, because the currently operative resolution (No. 2015–010) does not include the Stage 4 Drought Emergency in Outingdale, the Board must continue to ratify that staff action at each regular meeting to maintain that emergency condition in effect.

It behooves the District to do what it can to address drought conditions affecting the District. Such activities may include advancing projects to protect or expand available water supplies, which the resolution expedites by authorizing staff to dispense with the delays inherent in the competitive bidding and environmental review processes, so that the Board can more quickly consider construction projects and contracts.

Updates on Drought Topics

On July 31, 2015, the State Water Resources Control Board (SWRCB) approved a physical solution to allow the District to resume diversions from the Cosumnes River for Outingdale, notwithstanding the SWRCB’s curtailment of that post-1914 water right. The District has increased its releases from Jenkinson Lake into Park Creek, above the mandatory minimum release required by the Jenkinson Lake water rights, in an amount equivalent to its diversions for Outingdale, plus a factor for conveyance loss (10%-15%). Unfortunately, on August 21, 2015, flow at the District’s Outingdale diversion point became too low to divert. Thus, the District resumed trucking water and reduced outflow from Jenkinson Lake.

As of the date of this writing, the SWRCB has taken no action further curtail water rights in the state, even though its own analyses indicate further curtailments are warranted. The lack of further curtailments – or complaints from senior water rights holders – casts further doubt on the validity of the SWRCB’s water availability analyses, which are currently in litigation. With the end of the irrigation season approaching in a few weeks, it may be that there will be no additional curtailments. If not, attention will then shift to how promptly the SWRCB will lift curtailments this fall, so that rain events do not cause water to waste to the ocean when it could be captured in depleted reservoirs.

Staff has taken no emergency actions since the August 24, 2015 meeting that require ratification at this time. Please refer to the staff report for the September 8, 2014 ratification of the emergency declaration for an explanation of the General Manager’s contracting authority in a declared emergency.

Board Decisions/Options:

- Option 1:** Ratify Resolution No. 2015–010 (*thus maintaining the general drought emergency declaration for purposes of bidding, contracting, and CEQA compliance*), and ratify the Stage 4 Drought Emergency for Outingdale.
- Option 2:** Decline to ratify Resolution No. 2015–010 (*thus terminating the general drought emergency declaration for purposes of bidding, contracting and CEQA compliance*), but ratify the Stage 4 Drought Emergency for Outingdale.
- Option 3:** Take no action (*thus terminating the general drought emergency declaration for purposes of bidding, contracting and CEQA compliance*).

Staff/General Manager’s Recommendation:

Option 1 (four-fifths vote required for purposes of bidding and contracting).

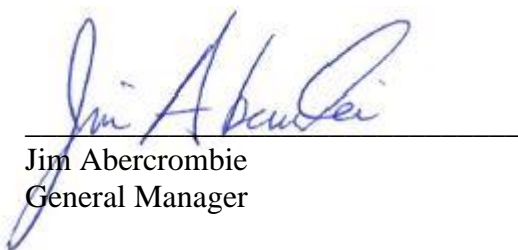
Support Document Attached:

A. Resolution 2015-010



_____ on behalf of

Thomas D. Cumpston
General Counsel



Jim Abercrombie
General Manager

1 **WHEREAS**, the United States Bureau of Reclamation (Reclamation) has stated that it
2 will deliver no more than the greater of public health and safety needs or 25% of adjusted
3 historical average deliveries of Central Valley Project water to Municipal and Industrial
4 contractors such as the District; and
5

6 **WHEREAS**, Jenkinson Lake, the District's largest source of supply at 41,033 acre-feet
7 capacity, is unlikely to fill in 2015 despite the importation of more than 8,000 acre-feet of water
8 through the Hazel Tunnel in 2013 and 2014, and the planned importation of an additional 6,000
9 acre-feet in 2015; and
10

11 **WHEREAS**, on January 17, 2014, Governor Edmund G. Brown Jr. proclaimed a state of
12 emergency in California due to drought conditions, and on April 25, 2014, the Governor
13 proclaimed a continued state of emergency for the same reason; and
14

15 **WHEREAS**, the Governor's two proclamations made findings that included the
16 following:

- 17 • California's water supplies continue to be severely depleted;
- 18 • Extremely dry conditions have persisted since 2012 and the duration of this
19 drought is unknown;
- 20 • Among the urgent challenges presented by the severe drought conditions is
21 additional water scarcity if the conditions continue (as they have) into 2015;
- 22 • The magnitude of the severe drought conditions continues to present threats
23 beyond the control of the services, personnel, equipment, and facilities of any
24 single local government;
25
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- Conditions of extreme peril to the safety of persons and property exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS, the Governor’s emergency proclamations included the following directives:

- Californians are called on to reduce their water usage by 20 percent;
- Local urban water suppliers are called on to implement their local water shortage contingency plans immediately to avoid or forestall outright restrictions that could become necessary later in the drought season;
- California residents should refrain from wasting water and in particular should:
 - Avoid using water to clean sidewalks, driveways, parking lots and other hardscapes;
 - Turn off fountains and other decorative water features unless they use recycled or grey water;
 - Limit home vehicle washing by patronizing local carwashes that recycle water;
 - Limit outdoor watering of lawns and landscaping to not more than two times a week;
- Recreational facilities such as parks and golf courses and large institutional complexes, such as school and business parks, should immediately implement water reduction plans to reduce the use of potable water for outdoor irrigation;
- Hotels and restaurants should reduce water usage and increase public awareness of the drought by offering drinking water only upon request and providing customers with options to avoid daily washing of towels or sheets;

- Architectural and landscaping provisions of a common interest development that prohibit compliance with any local or state water conservation measures, such as landscaping installation or maintenance requirements, are void and unenforceable; and

WHEREAS, in July 2014 the Water Board adopted emergency regulations requiring local agencies to adopt mandatory conservation measures, and on March 10, 2015 Water Board staff proposed that the Water Board re-adopt all 2014 measures, plus additional mandatory conservation measures on March 17, 2015; and

WHEREAS, in May 2014 the Water Board issued mandatory curtailment notices affecting virtually all post-1914 consumptive water rights, on January 23, 2015 the Water Board sent a notice of potential curtailment of diversions of all water rights in 2015 to the District and other water rights holders in California, and on February 4, 2015 the Water Board issued an Information Order to the District and other holders of riparian and pre-1914 water rights in California, requiring proof of those rights' validity, reporting of their use in 2014, projections of 2015 use, and monthly updates of actual 2015 use; and

APPLICABLE LAW, REGULATION, AND POLICY

WHEREAS, Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c) exempt from CEQA any actions that are necessary to prevent or mitigate an emergency; and

WHEREAS, CEQA Guidelines section 15359 defines "emergency" as "a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services;" and

1 **WHEREAS**, beginning on February 4, 2014, the Board has adopted or ratified resolutions
2 declaring and maintaining continuously in place an emergency and a Stage 2 Water Warning due
3 to drought conditions; and
4

5 **WHEREAS**, the Board adopted the staff-prepared Drought Action Plan on February 4,
6 2014, and approved revisions to the Drought Action Plan on April 14, 2014 and now wishes to
7 approve further revisions to the Drought Action Plan;

8 **NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Board of
9 Directors of the El Dorado Irrigation District (Board) as follows:
10

- 11 1. The Board concurs with and adopts the findings of the Governor's January 17 and
12 April 25, 2014 emergency proclamations.
- 13 2. The Board approves the further revised Drought Action Plan as separately adopted
14 by Board motion on March 23, 2015.
- 15 3. The Board renews and continues a Stage 2 Water Warning.
- 16 4. The Board finds and declares that the current drought conditions constitute an
17 emergency within the meaning of CEQA Guidelines section 15359, Public
18 Contracts Code section 11102, District Board Policy 2050, and District
19 Administrative Regulation 3061.1, subdivision g.
- 20 5. The Board finds and declares that the adoption of this Resolution and all of the
21 delegations, authorizations, and directions to the General Manager and District
22 staff specified in paragraph 7, below, satisfy the requirements and criteria of
23 Public Resources Code section 21080(b)(4), CEQA Guidelines section 15269(c),
24 and Public Contract Code sections 22050(a)(2) and 20567.
25
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- 1 6. The foregoing findings and declarations are based upon all written, oral, and
2 visual evidence, including both facts and professional opinions, presented to the
3 Board at the meetings of February 4, 10, and 24, March 10 and 24, and April 2,
4 14, and 28, May 12, and June 9, 2014, March 9, 2015, and at the hearing of this
5 Resolution.
6

- 7 7. The Board hereby delegates, authorizes, and directs the District General Manager
8 and his designees to take all actions reasonably deemed necessary to respond to
9 the emergency conditions declared herein, including but not limited to the
10 following specific actions:
11
- 12 a. Pursue a new proposal with the Water Board for a temporary modification of
13 the minimum instream flow requirements prescribed for the Deer Creek
14 Wastewater Treatment Plant by Water Rights Order No. WR 95-9, to again
15 minimize potable water supplementation of the recycled water system in 2015.
16
- 17 b. Continue consultation with and obtain all necessary regulatory approvals from
18 the Federal Energy Regulatory Commission, U.S. Forest Service, Water
19 Board, the California Department of Fish and Wildlife, and members of the
20 Project 184 Ecological Resources Committee for temporary variances to
21 Project 184's instream flow requirements as necessary to enhance and
22 conserve Project 184 water storage for consumptive water supplies and future
23 instream flows for as long as drought conditions persist.
24
- 25 c. Implement all Stage 2 drought actions detailed in Exhibit A.
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- d. Enter into professional services and construction contracts as reasonably deemed necessary to expedite the preservation and enhancement of water supply availability for the District’s customers.
- e. Report to and seek ratification of the Board for any actions taken in excess of normal authority or authority expressly granted by this Resolution, at the first regular Board meeting held after each such action.
- f. Continue to report to the Board at least monthly, and more often if necessary, on the current status of the drought conditions, responsive actions taken, weekly water usage data, and the need, if any, for further Board actions, including a Stage 3 drought declaration and the declaration of a Stage 4 water supply emergency.

8. This Resolution shall take effect immediately upon adoption. Subject to the ratification required by Public Contract Code sections 22050(b)(3), (c)(1), and (c)(2), and by District Administrative Regulation 3061.1, subdivision g, this Resolution shall remain in full force and effect until rescinded by a subsequent Resolution of the Board of Directors.

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1 The foregoing Resolution was introduced at a special meeting of the Board of Directors of the
2 EL DORADO IRRIGATION DISTRICT held on the 23rd day of March, 2015 by Director
3 Osborne, who moved its adoption. The motion was seconded by Director Day, and a poll vote
4 was taken which stood as follows:

5 AYES: Directors Osborne, Coco, Prada, George, and Day

6 NOES:


7 ABSTAIN:

8 ABSENT:

9
10 The motion having a majority of votes "Aye", the Resolution was declared to have been
11 adopted, and it was so ordered.

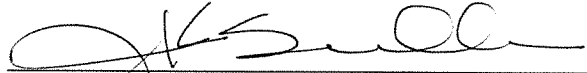
12
13
14 
15 Bill George
16 President, Board of Directors of
17 EL DORADO IRRIGATION DISTRICT

18 ATTEST:

19 
20 Jennifer Sullivan
21 Clerk to the Board

22 (SEAL)
23
24
25
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1 I, the undersigned, Clerk to the Board of the EL DORADO IRRIGATION DISTRICT hereby
2 certify that the foregoing resolution is a full, true and correct copy of a Resolution of the Board of
3 Directors of the EL DORADO IRRIGATION DISTRICT entered into and adopted at a special
4 meeting of the Board of Directors held on the 23rd day of March, 2015.
5
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7



8
9 Jennifer Sullivan
10 Clerk to the Board
11 EL DORADO IRRIGATION DISTRICT
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EL DORADO IRRIGATION DISTRICT

Subject: Funding approval for District Capital Improvement Plan (CIP) Projects.

Recent Board Action:

October 14, 2014 – The Board adopted the 2015-2019 CIP, subject to available funding.

Board Policies (BP) and Administrative Regulations (AR):

Staff advised that each CIP project would be presented to the Board for funding approval.

Summary of Issue:

Board approval is required to authorize CIP funding prior to staff proceeding with work on the projects.

Staff Analysis/Evaluation:

The CIP project identified in Table 1-1 on page 2 requires immediate funding.

Funding Source:

The primary funding source for the District CIP project is listed in Table 1-1. Table 1-1 also lists the project currently in progress and the amount of funding requested.

The CIP project description for this project is also attached for review. (Attachment A)

**Table 1-1
CIP Funding Request**

	Project Name and Number	2015-2019 CIP Plan¹	Funded to Date	Actual Costs to date²	Amount Requested	Funding Source
1.	EDHWWTP Odor Control 14028	\$1,025,000	\$160,145	\$161,900	\$20,000	65% Wastewater rates 35% Wastewater FCC's
	TOTAL FUNDING REQUEST				\$20,000	

¹ Includes all existing costs plus any expected costs in the 5 year CIP Plan.

² Actual costs include encumbrances.

The following section contains a brief breakdown and description of the projects in the table. For complete description of the CIP projects see Attachment A.

CIP Funding Request

Project No.	14028	Board Date	9/14/2015
Project Name	EDHWWTP Odor Control		
Project Manager	Sullivan		

Budget Status	\$	%
Funded to date	\$ 160,145	--
Spent to date	\$ 161,900	100%
Current Remaining	\$ (1,755)	0%

Funding Request Breakdown	\$
Capitalized labor	\$ 20,000
Total	\$ 20,000

Funding Source
65% Wastewater rates 35% Wastewater FCC's

Description
<p>The District has received odor complaints from near-by residences and businesses that surround the EDHWWTP. The plant has some odor control measures, but lacks odor control sufficient to contain foul odors on the plant site. Containing odors on the plant site is a requirement of the discharge permit and odors emitting offsite are a violation of the permit.</p> <p>In order to determine the specific treatment processes that are the source of the odors, a plant-wide odor study was conducted in order to evaluate, document and determine the odor sources that can lead to off-site complaints. The study recommended removing the biofilter media and replacing it with a new underdrain system and new media, covering the primary clarifiers, plumbing the existing EQ tanks to the biofilter and removing the granular activated carbon (GAC) odor control system that currently scrubs the foul air from the EQ tanks, and some minor modifications to the foul air ducting. The removal of the GAC system will save the District approximately \$100,000 per year since the carbon has to be replaced every year or so.</p> <p>This project was designed and bid in early 2015 however all bids were rejected because of the high cost. This funding request covers staff time to reevaluate the scope of the design for potential re-bidding.</p>

Board Decisions/Options:

Option 1: Authorize funding for the CIP project as requested in the amount of \$20,000.

Option 2: Take other action as directed by the Board.

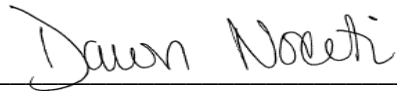
Option 3: Take no action.

Staff/General Manager Recommendation:

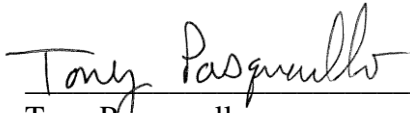
Option 1.

Support Documents Attached:

Attachment A: Capital Improvement Project Description and Justifications.



Dawn Noceti
Accountant



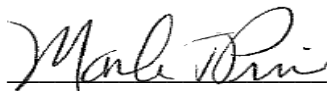
Tony Pasquarello
Accounting Manager



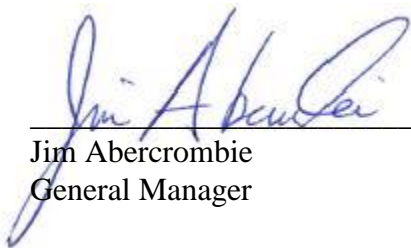
Elizabeth Wells
Engineering Manager



Brian Mueller
Director of Engineering



Mark Price
Director of Finance (CFO)



Jim Abercrombie
General Manager

2015 CAPITAL IMPROVEMENT PLAN Program: Wastewater

Project Number: 14028
Project Name: EDHWWTP Odor Control
Project Category: Regulatory Requirements
Priority: 1 **PM:** Sullivan **Board Approval:** 10/14/14

Project Description:

The District has received odor complaints from near-by residences and businesses that surround the EDHWWTP. The plant has some odor control measures, but lacks odor control sufficient to contain foul odors on the plant site. Containing odors on the plant site is a requirement of the discharge permit and odors emitting offsite are a violation of the permit. The District has received a violation for plant odors.

In order to determine the specific treatment processes that are the source of the odors, a plant-wide odor study was conducted in order to evaluate, document and determine the odor sources that can lead to off-site complaints. Air sampling was performed and odor dispersion modeling was conducted to determine community impacts from the various odor sources. The study recommended removing the biofilter media and replacing it with a new underdrain system and new media, covering the primary clarifiers, plumbing the existing EQ tanks to the biofilter and removing the granular activated carbon (GAC) odor control system that currently scrubs the foul air from the EQ tanks, and some minor modifications to the foul air ducting. The removal of the GAC system will save the District approximately \$100,000 per year since the carbon has to be replaced every year or so.

Staff will present the odor analysis and recommendations to the board and request funding for design services in 2014 with construction following in 2015.

Basis for Priority: regulatory requirement

Odors emitting from the plant site are a violation of the discharge permit, and the District is subject to additional violations and fines.

Project Financial Summary:			
Funded to Date:	\$ -	Expenditures through end of year:	\$ 75,000
Spent to Date:	\$ -	2015 - 2019 Planned Expenditures:	\$ 950,000
Cash flow through end of year:	\$ 75,000	Total Project Estimate:	\$ 1,025,000
Project Balance	\$ (75,000)	Additional Funding Required	\$ 1,025,000

Description of Work	Estimated Annual Expenditures					Total
	2015	2016	2017	2018	2019	
Study/Planning						\$ -
Design	\$ 150,000					\$ 150,000
Construction	\$ 600,000	\$ 200,000				\$ 800,000
						\$ -
TOTAL	\$ 750,000	\$ 200,000	\$ -	\$ -	\$ -	\$ 950,000

Funding Sources	Percentage	2015	Amount
FCC	35%		\$288,750
Wastewater Rates	65%		\$536,250
			\$0
Total	100%		\$825,000

Funding Comments:

EL DORADO IRRIGATION DISTRICT

SUBJECT: Update on the Deer Creek Wastewater Treatment Plant discharge and the temporary urgency change petition and order.

Previous Board Action:

- April 8, 2013 – The Board awarded a professional services agreement to Robertson - Bryan, Inc. and authorized funding request in the amount of \$73,140 for the Deer Creek Wastewater Treatment Plant Change of Use Petition project.
- February 4, 2014 – The Board adopted Resolution 2014-006, which included direction to staff to seek a temporary urgency change petition for Deer Creek Wastewater Treatment Plant
- February 24, 2014 – The board authorized a funding request in the amount of \$54,765 for the Deer Creek Wastewater Treatment Plant Change of Use Petition project.
- October 14, 2014 – The Board adopted the 2015-2019 Capital Improvement Plan which included the Deer Creek Change of Use Permit, CIP Project No. 12015.

Board Policies (BP), Administrative Regulations (AR), and Board Authority:

BP 6010: The District will maintain a wastewater collection, treatment, and disposal system that complies with applicable state, and federal wastewater discharge requirements and regulations.

BP 7010: The District mandates the future use of recycled water, wherever economically and physically feasible, as determined by the Board, for non-domestic purposes when such water is of adequate quality and quantity, available at a reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife.

Summary of Issue:

The State Water Resources Control Board (SWRCB) issued Water Rights Order 95-9 (WRO 95-9) in 1995 which requires the District to discharge a minimum of 1.0 million gallons per day (mgd) of treated wastewater from the Deer Creek Wastewater Treatment Plant (DCWWTP) into Deer Creek when influent flows are greater than 2.5 mgd and 0.5 mgd when influent flows are less than 2.5 mgd. Staff is in the process of revisiting WRO 95-9, and in conjunction with our consultant, the District has gathered stream and biological information that would accompany the filing of a change of use petition with the water rights division of the SWRCB.

As a result of the Governor's Emergency Drought Declaration and District's desire to reduce potable water supplementation to the recycled water system, staff filed temporary urgency change (TUC) petitions with the SWRCB in 2014 and 2015, and the District received TUC orders in 2014 and 2015 that allowed the District to reduce the effluent discharge into Deer Creek. The purpose of this item is to provide information to the Board on the existing and temporary water rights orders, discuss the monitoring results of Deer Creek, and inform the Board of the next steps to submit a change petition to the SWRCB regarding WRO 95-9.

Staff Analysis/Evaluation:

The DCWWTP, originally constructed in 1974, treats and disposes of domestic wastewater from the communities of Cameron Park, Shingle Springs, and the Motherlode collection area of eastern El Dorado County. The service area is comprised largely of residential land uses, with some commercial, retail, and light industrial uses. Today, the DCWWTP is a producer and distributor of Title 22 tertiary recycled water for unrestricted reuse.

SWB Water Rights Order 95-9

On September 14, 1992, the District submitted a change petition to the SWRCB to change the purpose of use of some of the treated wastewater then discharged from the DCWWTP, in order to begin treating and distributing recycled water. The change petition initiated a lengthy administrative process which included an evidentiary hearing held by the SWRCB. The primary issue in the SWRCB's hearing was protecting the riparian and aquatic communities of Deer Creek, downstream of the DCWWTP. During the hearing, the California Department of Fish and Wildlife (CDFW) testified that a discharge of 1.0 mgd would reduce the impacts to the riparian corridor and to the fisheries to a less-than-significant level. Ultimately, the SWRCB issued WRO 95-9 approving the District's change petition but adopting a variation of CDFW's recommendation of a 1.0 mgd discharge to Deer Creek when influent flows are greater than 2.5 mgd.

2014 Temporary Urgency Change Petition and Order

In 2014, the District filed a temporary urgency change petition (TUCP) with the SWRCB Division of Water Rights. The petition requested temporary relaxation of the minimum wastewater discharge requirements for the DCWWTP that are mandated by WRO 95-5. The purpose of the petition was to reduce potable water supplementation to the recycled water system and preserve the District's declining potable water supply for domestic use during the 2014 drought. A temporary change order (2014 Order) authorizing the reduced discharge was issued by the SWRCB on June 5, 2014, and was subsequently amended on August 1, 2014. The District initiated a reduced discharge, per the terms of the 2014 Order, to 0.43 mgd to Deer Creek in August 2014. The 2014 Order required an adaptive flow reduction approach which allowed the District to reduce the effluent discharge to 0.43 mgd initially. The District was then required to use qualified biologists to study and monitor the impacts of flow reduction on fish and wildlife habitats that exist within the initial four miles downstream of the DCWWTP. The District contracted with Robertson – Bryan Inc. (RBI) to conduct the field monitoring. The field monitoring consisted of downloading creek temperature data from temperature loggers installed in three pools that exist in the reach extending from approximately 0.5 to 2 miles downstream of the DCWWTP. At the same time, these biologists photo-documented and measured maximum depths and top-

widths within multiple pool, riffle, and run/glide habitats that exist within the initial four miles downstream of the DCWWTP. Flow measurements were also made to correlate flows with conditions observed. The field measurements were conducted prior to and a few days after the reduction in discharge. The results of the field monitoring indicated that very little change in habitat occurred due to the lowering of DCWWTP daily average discharge in August 2014, and that the lowering of the daily average discharge to 0.43 MGD kept fish and wildlife within the 4-mile assessment reach downstream of DCWWTP in good condition.

Per the terms of the 2014 Order, and upon concurrence of the CDFW that further step-wise flow reduction was acceptable, the District could then reduce the discharge by an incremental step of 25%. After RBI submitted the field monitoring results from the initial reduction and concluded that there were no adverse impacts to the fish and wildlife habitats in Deer Creek, the District requested a further reduction in effluent discharge to 0.32 mgd. CDFW concurred that the next step-wise reduction to 0.32 mgd would be acceptable, and the District received approval from the SWRCB to reduce the effluent flow in September 2014. RBI again conducted field monitoring in Deer Creek and concluded that the flow reduction was not having adverse impacts to fish and wildlife in Deer Creek. RBI also concluded that the revised discharge rate was in compliance with the terms of the 2014 Order, which states, “keep fish and wildlife within the 4-mile assessment reach downstream of the Deer Creek WWTP in good condition, with an emphasis on the initial 2-mile reach downstream of the Deer Creek WWTP where the majority of large pool habitats exist.” (2014 Order, p. 5). Temporary urgency orders issued by the SWRCB automatically expire 180 days from the date the order was issued. The District’s 2014 Order expired in December 2014.

The SWRCB received a total of 40 objection letters in response to the District’s 2014 Order. Tom Howard, Executive Director of the SWRCB submitted a response to the comments received in January 2015. District staff and RBI provided assistance to the SWRCB in responding to the public comments received.

2015 Temporary Urgency Change Petition and Order

In spring of 2015, the District filed a TUCP with the SWRCB Division of Water Rights and again requested temporary relaxation of the minimum wastewater discharge requirements that are mandated by WRO 95-5. Based on the creek monitoring results from 2014, the District requested an initial reduction in discharge to 0.32 mgd. Again, the purpose of the petition was to reduce potable water supplementation to the recycled water system and preserve the District’s declining potable water supply during a fourth consecutive year of drought. A temporary urgency change order (2015 Order) authorizing the reduced discharge was issued by the SWRCB on July 15, 2015. The 2015 Order permits the District to reduce the discharge from effectively 0.5 mgd to 0.32 mgd, and requires follow-up monitoring to ensure that there are no unreasonable effects to fish and wildlife at this discharge rate.

In compliance with the terms of the 2015 Order, RBI deployed a total of three temperature data loggers into pools that are within the 2-mile stretch downstream of the DCWWTP, and they performed hydraulic modeling of the 4-mile reach from DCWWTP to Latrobe Rd to characterize the baseline conditions prior to the flow reduction. On several weekly field visits, RBI biologists photo-documented and measured maximum depths and top-widths within multiple pool, riffle, and run/glide habitats that exist within

the initial four miles downstream of the DCWWTP, and downloaded temperature information from the data loggers. Flow measurements were also made to correlate flows with observed conditions. Lastly, RBI consulted with CDFW each week to collaborate on its findings and discuss the need to obtain additional field monitoring data.

RBI concluded from the field monitoring that the habitat in the first three miles remained suitable for the Deer Creek aquatic and terrestrial resources, and that the reduced discharge from the DCWWTP did not result in habitat conditions (flow, depth, wetted top-width, temperature) within these initial three miles of Deer Creek that would adversely affect the creek's fish and wildlife populations. The last 0.5 to 1 mile prior to Latrobe Rd (i.e., from 3 or 3.5 miles downstream of the DCWWTP to 4 miles downstream of the DCWWTP) had zero surface flow for both surveys. It should be noted that the Deer Creek surface flow goes to zero annually during the summer within 1 to 2 miles of Latrobe Road. In wetter years, surface flows may persist somewhat farther downstream of Latrobe Road, and in drier years, surface flow does not persist as far downstream as it does under wetter hydrologic conditions. Nevertheless, the lower 30 miles of Deer Creek (from the end of the wetted reach near Latrobe Road to Deer Creek's confluence with the Cosumnes River) is dry every summer. Hence, the majority of the Deer Creek fish population, downstream of the large cascade located near the DCWWTP, over-summer in the pool habitats within the initial three miles or so downstream of the DCWWTP, annually. To ensure that the lower creek fish populations are protected annually, sufficient aquatic habitat, particularly pool habitat, must be maintained in the initial miles downstream of the DCWWTP. Under the flow conditions surveyed when the DCWWTP was discharging 0.32 MGD, the hydrologic conditions that occurred in the initial three miles downstream of the DCWWTP were sufficient to provide adequate over-summering habitat to maintain the lower creek's fish populations.

The SWRCB received a total of 38 objection letters in response to the 2015 Order. The SWRCB has not yet submitted a response to the public comments received. The 2015 Order will expire in January 2016.

It is also important to note that along with this flow reduction, the District has taken steps to reduce recycled water demand and the corresponding demand for potable supplementation. The District has enforced water conservation for recycled water customers since early 2014 and the District's recycled water customers have achieved 25% conservation this year compared with 2013 levels.

Filing of Change of Use Petition with the SWRCB to revise WRO 95-9

Pursuant to Water Code section 1211 and the SWRCB reservation of jurisdiction to modify the terms and conditions of WRO 95-9 contained in that order, the District must file a petition to change the point of discharge, place of use, and/or purpose of use of treated wastewater. The amount of time and expense involved in obtaining approval of a change petition varies greatly with the complexity and controversy of the petition. The following describes the kind of information the District must include in its change petition, and the procedural steps the District must follow.

In its change petition, the District must include all information reasonably available to the District, or that can be obtained from CDFW, concerning the extent, if any, to which fish

and wildlife would be affected by the change, and a statement of any measures proposed to be taken for the protection of fish and wildlife in connection with the change. (Water Code, § 1701.2(c).) Typically this information would be included in an environmental document prepared under CEQA, which the District would also include in its change petition. Additionally, the District must demonstrate in its change petition a reasonable likelihood that the proposed change will not injure any other legal user of water, and the SWRCB must make a finding to this effect prior to its approval. (Water Code §§ 1701.2(d), 1702.)

After filing its change petition, the SWRCB will likely require the District to provide notice of the change petition to interested parties, including the CDFW. (Water Code § 1703.) For a designated period after the notice is issued, the SWRCB will also allow any person to file a written protest of the change petition. (Water Code § 1703.2; Cal. Code Regs. tit. 23, §747.) The District must then make a good-faith effort to resolve any and all protests filed (Water Code § 1703.4). In its review of the District's change petition, the SWRCB may hold an evidentiary hearing, conduct a field investigation, request additional information from the District or protestants, or conduct other proceedings as it deems necessary. (Water Code, §§ 1704, 1404.1, 1704.2).

Based on the information gathered and scientific analyses that have been conducted thus far, RBI scientists have suggested that a minimum effluent discharge rate of 0.4-0.5 mgd could be sufficient to maintain flow in normal years in Deer Creek throughout the riparian corridor to Latrobe Road (approximately 4 miles downstream from the DCWWTP). Therefore, staff would like to continue pursuit of a change petition to the SWRCB regarding WRO 95-9. If the Board directs staff to continue with the project, the next step would be to prepare an environmental impact report (EIR) on the proposed project. The District would be the lead agency for the EIR with the SWRCB acting as a CEQA responsible agency. If staff is directed to continue with the project, it is anticipated that the EIR process would begin in late 2015 and would take approximately one year to complete.

If the minimum discharge requirement is reduced, effluent that would otherwise have been discharged into Deer Creek can be utilized as recycled water to help meet peak day recycled water demands. Currently, the District has to supplement the recycled water system with potable water during the peak demand months. Reducing the minimum discharge requirement will allow the District to reduce the amount of potable water supplemented to the recycled water system, and limit the sale of potable water at lower recycled water rates. Reducing the potable water production during peak summer months will save on potable water treatment and energy costs.

With the adoption of the Recycled Water Policy (RWP) in 2009, the Governor's Emergency Drought Declaration in 2014, and the fourth year of an extreme drought condition in the state, the SWRCB is keenly aware of the role that recycled water must play to meet California's water needs. The SWRCB members have been strong advocates of recycled water and meeting the goals listed in the RWP. Because increasing the state's production of recycled water is a critical element of the state's water portfolio, the timing of this project may be advantageous for the District.

Board Decisions/Options:

Information only

Staff/General Manager's Recommendation:

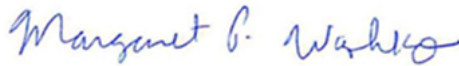
N/A



Elizabeth D. Wells
Engineering Manager



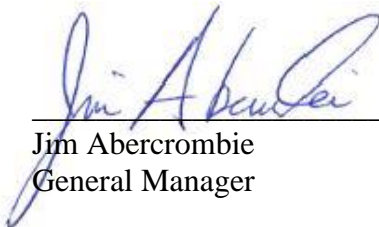
Brian Poulsen
Senior Deputy General Counsel



Margaret Washko
WW/RW Operations Manager



Brian Mueller
Director of Engineering



Jim Abercrombie
General Manager

**Update on the
Deer Creek Wastewater Treatment Plant
Discharge and Change Petition,
Project No.12015**



September 14, 2015

PREVIOUS BOARD ACTION

- April 8, 2013 – The Board awarded a professional services agreement to Robertson - Bryan, Inc. and authorized funding request in the amount of \$73,140 for the Deer Creek Wastewater Treatment Plant Change of Use Petition project.
- February 4, 2014 – The Board adopted Resolution 2014-006, which included direction to staff to seek a temporary urgency change petition for Deer Creek Wastewater Treatment Plant

PREVIOUS BOARD ACTION

- February 24, 2014 –The board authorized a funding request in the amount of \$54,765 for the Deer Creek Wastewater Treatment Plant Change of Use Petition project.
- October 14, 2014 – The Board adopted the 2015-2019 Capital Improvement Plan which included the Deer Creek Change of Use Permit, CIP Project No. 12015.

BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

- BP 6010: The District will maintain a wastewater collection, treatment, and disposal system that complies with applicable state, and federal wastewater discharge requirements and regulations.
- BP 7010: The District mandates the future use of recycled water, wherever economically and physically feasible, as determined by the Board, for non-domestic purposes when such water is of adequate quality and quantity, available at a reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife.

SUMMARY OF ISSUE

- State Water Resources Control Board (SWRCB) issued Water Rights Order 95-9 (WRO 95-9) in 1995
 - Requires the District to discharge a minimum of 1.0 million gallons per day (mgd) of treated wastewater from the Deer Creek Wastewater Treatment Plant (DCWWTP) into Deer Creek when influent flows are greater than 2.5 mgd and discharge 0.5 mgd when influent flows are less than 2.5 mgd
- The District is trying to determine the best beneficial use of the Deer Creek effluent
 - Currently, recycled water system is supplemented with potable water to meet our customer's recycled water demands

SWRCB Water Rights Order 95-9

- September 14, 1992 – District petitioned the SWRCB to change point of discharge, place of use, and purpose of use of some of the DCWWTP wastewater
 - Change petition initiated lengthy administrative process which included an evidentiary hearing held by the SWRCB
 - Primary issue in the SWRCB's hearing was protecting riparian and aquatic communities of Deer Creek
 - Discharge requirement was largely based on testimony
 - Loss rate of water in Deer Creek
 - Riparian corridor was created by effluent discharge

- DCWWTP

- Constructed in 1974
- Treats and disposes domestic wastewater from Cameron Park, Shingle Springs, and the Mother Lode area of eastern El Dorado County
- Upgraded significantly since the original construction
- Producer and distributor of Title 22 tertiary recycled water for unrestricted reuse

- Deer Creek

- Tributary to Cosumnes River, confluence is near Hwy 99 in Sacramento County - 30 miles from the DCWWTP
- During summer and fall, and periods of low-precipitation during winter and spring, Deer Creek is ephemeral and does not connect to the Cosumnes River

PHASED PROJECT APPROACH

- Phase 1
 - Development of hydraulic model, revised loss rate
 - Analysis of historical aerial photos
 - Wildlife and vegetation reconnaissance surveys
 - 2014 and 2015 Temporary Urgency Change Petitions and Orders
- Phase 2 - Biological field surveys and environmental review pursuant to the California Environmental Quality Act (CEQA)
- Phase 3 - Filing a change petition with the SWRCB and agency correspondence

2014 Temporary Urgency Petition

- Staff filed TUC petition with the SWRCB
 - Temporary relaxation of minimum discharge requirement
 - Reduce potable water supplementation, conserve potable supply
 - Order issued in June, amended in August
 - Required adaptive flow-reduction approach
 - Reduction to 0.43 mgd initially (70,000 gallons less than required discharge)
 - Field study by qualified biologists
 - Additional 25% reduction to 0.32 mgd, approved by CDFW and SWRCB
 - SWRCB received 40 comment letters
 - TUC order expired in December 2014

2015 Temporary Urgency Petition

- Staff filed TUC petition with the SWRCB
 - Based on monitoring results from 2014, District requested initial discharge to 0.32 mgd (180,000 gallons less than the required discharge)
 - Reduce potable water supplementation, conserve potable supply
 - Order issued in July
 - Field studies
 - **Reduced discharge from the DCWWTP did not result in habitat conditions within the initial 3 miles of Deer Creek that would adversely affect the creek's fish and wildlife populations**
 - SWRCB received 38 comment letters
 - TUC order will expire in January 2015

- Presentation by Michael Bryan, PhD.
Robertson-Bryan, Inc.

DCWWTP



Temp. Logger 1
XS8900
XS8800



Temp. Logger 2
XS8500
XS8400

Temp. Logger 3
XS6700
XS6900

XS6100

XS5200 XS5600

XS3800 XS4200 XS4500

XS3400

XS2300

Latrobe Rd

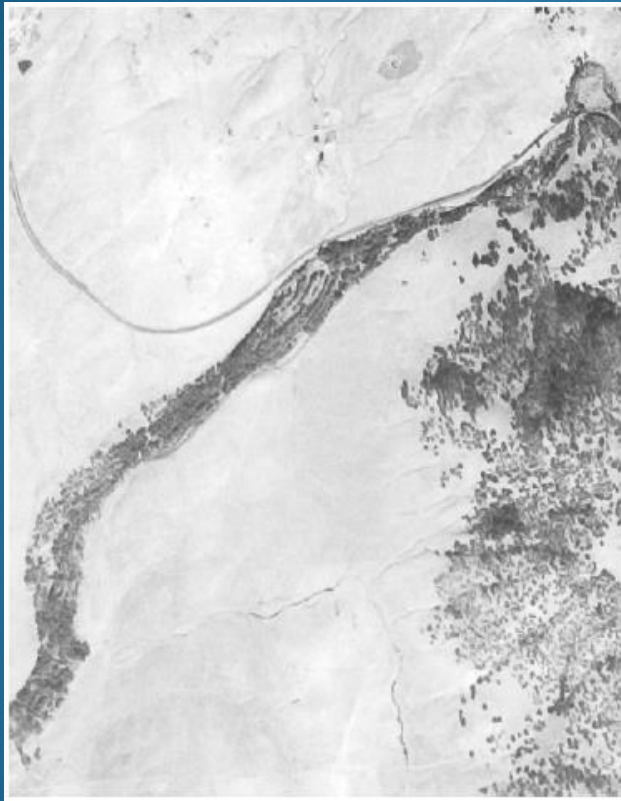


Deer Creek Analysis

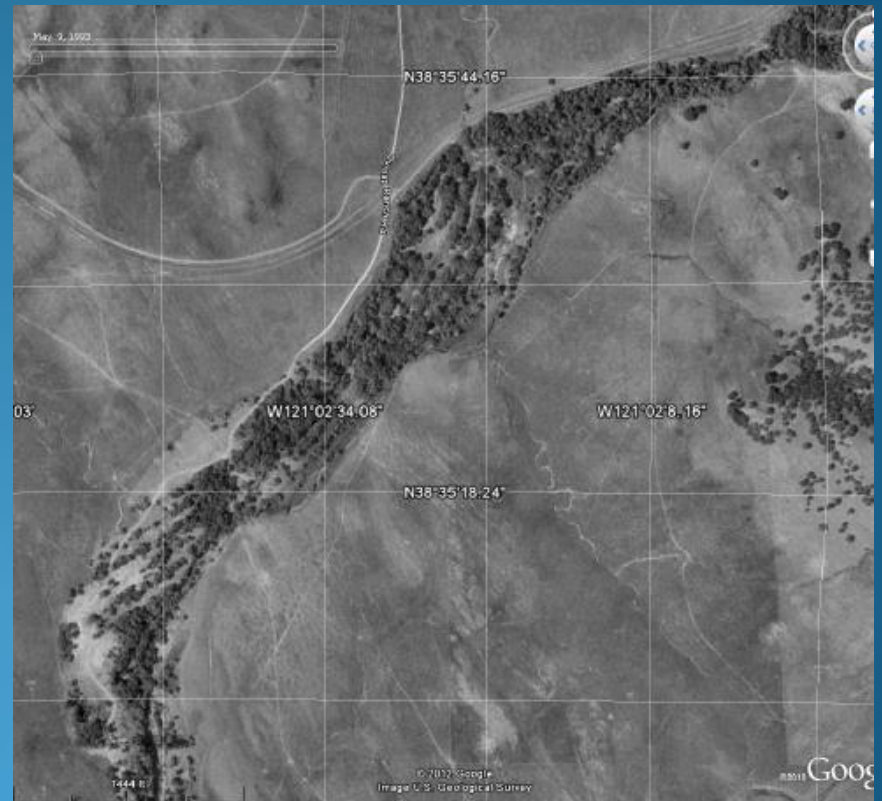
- Literature review and field surveys
- Historical aerial photo analysis
 - Riparian corridor extended to its present extent in the section below Latrobe Road prior to beginning of WWTP effluent discharges in 1974

Aerial Photo Analysis

WWTP constructed in 1974



1968



1993

Deer Creek Analysis

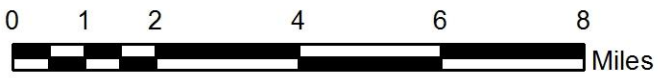
- Discharge was measured and flow monitoring was conducted at locations within Deer Creek to determine the loss rate
 - Loss rate measured to be 0.55 mgd over 4-mile reach from DCWWTP to Latrobe Rd in 2013 (0.138 mgd/mile)
 - 1994 EIR used 0.449 mgd/mile
- Hydraulic HEC-RAS model
 - Simulations at 0.5 mgd discharge and very low background flow indicate no adverse effects likely

Deer Creek Analysis

- Field investigations during TUC orders in 2014 and 2015
 - 2014 – 0.32 mgd in October, when losses were lower and background flow was higher – flows extended past Latrobe Rd
 - 2015 – 0.32 mgd in July – flows ceased about 3.25 miles downstream of DCWWTP, prior to Latrobe Rd
 - Insignificant effect on temps, and temps were adequate for fish
- Conclusion that no unreasonable effects on fish, wildlife, or other instream beneficial uses occurred or were likely to occur



- Summer Flows (Historic Condition)
- Summer Dry Reaches (Historic Condition)
- Roads & Highways



DCWWTP

Deer Creek
Latrobe Rd

Cosumnes River
Cosumnes River
Cosumnes River

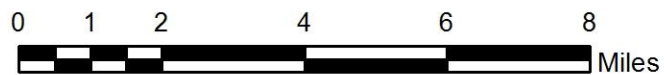
Deer Creek
Cosumnes River

16

99

104

- Summer Flows (2015 Condition)
- Summer Dry Reaches (2015 Condition)
- Roads & Highways



DCWWTP

Deer Creek
Latrobe Rd

Cosumnes River
Cosumnes River
Cosumnes River

Deer Creek
Cosumnes River

16

99

104

Conclusions

- Feasible to reduce the minimum discharge requirement on a long-term basis without adversely impacting fish, wildlife, or riparian resources in and along Deer Creek
- Temporary reductions in the minimum discharge in 2014 and 2015 did not cause unreasonable effects on fish, wildlife, or other instream beneficial uses

PHASE 2 – ENVIRONMENTAL ANALYSIS

- District would be the lead agency with the SWRCB acting as a CEQA responsible agency.
 - Begin in late 2015 and would take approximately one year to complete

PHASE 3 – FILING A CHANGE PETITION WITH THE SWRCB

- District must file a petition to change WRO 95-9
- Change petition must describe the extent, to which fish and wildlife would be affected by the change, and a statement of any measures proposed to be taken for the protection of fish and wildlife in connection with the change
 - EIR submitted with the petition

SWRCB CHANGE PETITION

- Petition must also demonstrate that the proposed change will not injure any other legal user of water, and the SWRCB must make a finding to this effect prior to its approval
- After filing its change petition, the SWRCB will provide notice of the change petition to interested parties, including the CDFW
- SWRCB may hold an evidentiary hearing, conduct a field investigation, request additional information from the District or protestants, or conduct other proceedings as it deems necessary

Project Benefits

- 0.5 mgd reduction example (reduced from 1.0 mgd)
 - Less raw water diversion from other watersheds
 - Reduction in potable water treatment and energy costs
 - Approximately 300 acre-feet of additional recycled water could be used annually for beneficial recycled water use
 - 0.5 mgd Discharge to Deer Creek would provide habitat for fish other aquatic species

Potable water supplementation (cost of \$1,200 per acre-foot)	\$360,000
Recycled water pumping costs, chemicals (300 acre-feet at DCWWTP)	(\$50,000)
.5 mgd example estimated annual cost recovery	\$310,000

QUESTIONS ?

EL DORADO IRRIGATION DISTRICT

SUBJECT: Federal Legislation Update.

Prior Board Action:

Over the past eleven years, the Board has taken positions on State and Federal legislation.

Board Policies (BP), Administrative Regulations (AR), and Board Authority:

Board Policy 12020: The Board oversees and directs the implementation of the District's mission by deciding and monitoring policy and fiscal matters.

Summary of Issues:

In addition to State legislation, District staff actively monitor proposed Federal legislation that may affect the District's interests and, when appropriate, recommend positions on specific legislation. Presently, there are three bills in Congress that warrant the Board's consideration.

Staff Analysis/Evaluation:

On October 6, 2015, the Senate Energy and Natural Resources Committee will consider two California drought-related bills that may affect District interests: H.R. 2898, the Western Water and American Food Security Act of 2015 (Valadao-R), and S. 1894, the California Emergency Drought Relief Act of 2015 (Feinstein-D). Both bills are current iterations of previous bills that failed to pass both houses of Congress. While the bills differ significantly from one another, both bills include provisions which could be helpful to the District. In addition to these two, a third bill, H.R. 3353 (Hunter-R) would amend the Clean Water Act to address concerns regarding citizen suits. The following briefly describes these three bills and recommends the District send "support if amended" letters on H.R. 2898 and S. 1894, and a letter supporting H.R. 3353.

H.R. 2898

H.R. 2898, which passed the House and is under consideration in the Senate, would require the Secretary of Interior to undertake certain actions aimed at providing operational flexibility of the Central Valley Project, particularly in relation to its facilities in the Sacramento-San Joaquin River Delta, in order to export more water out of the Delta. The bill would relax certain provisions of the Endangered Species Act in order to accomplish this purpose. The bill would also encourage the accelerated completion of water storage projects. The bill includes important protections to senior water rights holders that District staff worked hard to incorporate into the bill in a previous version.

To date, the District has taken no position on this bill. Because of its relaxation of the Endangered Species Act, Senator Boxer has threatened to filibuster the bill, if it passes out of the Senate Energy and Natural Resources Committee.

S. 1894

Senator Feinstein's bill, S. 1894, also directs the Secretary of Interior to undertake certain actions to benefit water exports out of the Delta, but requires continued compliance with the Endangered Species Act. The bill also authorizes significant funding to California water agencies to offset impacts associated with the ongoing drought and prospect of a warming climate. For example, the bill would make \$200 million available for recycled water projects, and specifically names the District as one of many California water agencies eligible to apply for such funding. Like H.R. 2898, Feinstein's bill also encourages new water storage projects, but also authorizes \$600 million to help fund such projects. The bill does not include the water rights protection language included in H.R. 2898.

To date, the District has taken no position on this bill. Senator Feinstein is a member of the Senate Energy and Natural Resources Committee, which will consider both this bill and H.R. 2898.

While the two drought bills differ in their approach, each bill would provide some level of drought relief to California water agencies. While H.R. 2898 does not appear to directly benefit the District, it does include important water rights protection language critical to protecting the District's interests, so that any increased supplies to other agencies do not come at the District's expense. S. 1894 includes significant funding opportunities that may benefit the District. District staff believe that the best approach, and the one most likely to be enacted by both houses of Congress, is a combination of these bills. We therefore recommend sending a letter to the authors and the Senate Energy and Natural Resources Committee, expressing support for both bills if amended to jointly incorporate the water rights protections and funding opportunities. Accordingly, staff recommend the District adopt a "support if amended" position on both bills.

H.R. 3353

H.R. 3353 (Hunter), cosponsored by Congressman McClintock, would amend the Federal Clean Water Act's citizen suit provisions to limit attorney's fees and penalties. Existing provisions of the Clean Water Act allow persons to file lawsuits directly against local wastewater agencies ("citizen suits") for violations of the Clean Water Act, and to recover their costs and attorneys' fees if successful. Common violations of the Act include sanitary sewer overflows ("SSO"), which, despite tremendous effort, are impossible to entirely prevent. The District itself was subjected to a citizen suit for SSOs, which settled in 2010 and cost the District almost \$250,000.

This legislation would ensure that attorneys' fees awards are appropriate to local markets and commensurate with the proportion of successful claims in each case; allow state and federal authorities to exercise their primacy in enforcement, thereby preventing unnecessary citizen suit intervention when issues are already being actively resolved; and provide for normally accepted criminal and standard defenses to the Clean Water Act, similar to those provided in other federal environmental statutes. The bill was recently introduced in the House and will be heard in the House subcommittee on Water Resources and Environment. Staff recommend that the District support this bill.

Board Decisions/Options:

Option 1: Approve recommendations on proposed legislation as the District's official positions.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Staff/General Manager Recommendation:

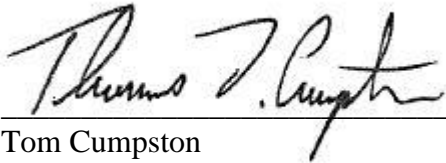
Option 1.

Supporting Documents Attached:

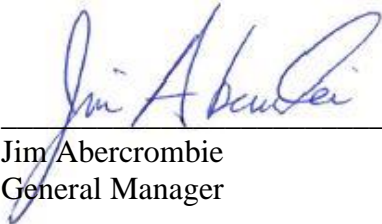
None.



Brian D. Poulsen, Jr.
Senior Deputy General Counsel



Tom Cumpston
General Counsel



Jim Abercrombie
General Manager

FEDERAL LEGISLATION UPDATE

El Dorado Irrigation District

September 14, 2015



PRIOR BOARD ACTION

Over the past eleven years, the Board has taken positions on State and Federal Legislation.

BOARD POLICY (BP), ADMINISTRATIVE REGULATIONS (AR), AND BOARD AUTHORITY

- Board Policy 12020: The Board oversees and directs the implementation of the District's mission by deciding and monitoring policy and fiscal matters.



SUMMARY OF ISSUES

- Recently introduced and amended federal legislation may affect District interests; and District staff presently recommend that the District take positions on three bills.

STAFF ANALYSIS/EVALUATION

- 2015 is the first half of the latest two-year congressional session in Washington D.C.
- Hundreds of bills were introduced and congressional hearings are ongoing.
- Bills cover a wide range of subject matter, but several bills directly address California drought and water supply issues; three of which are presently of immediate importance:
- H.R. 2898 (Valadao), S. 1894 (Feinstein), H.R. 3353 (Hunter)

STAFF ANALYSIS/EVALUATION

H.R. 2898

- Would require the Secretary of Interior to undertake certain actions aimed at providing operational flexibility of the Central Valley Project, particularly in relation to its facilities in the Sacramento-San Joaquin River Delta, in order to export more water out of the Delta.
- Would relax certain provisions of the Endangered Species Act in order to accomplish this purpose.
- Would also encourage the accelerated completion of water storage projects.

STAFF ANALYSIS/EVALUATION

H.R. 2898

- Includes important protections to senior water rights holders that District staff worked hard to incorporate into the bill in a previous version.
- To date, the District has taken no position on this bill.
- Because of its relaxation of the Endangered Species Act, Senator Boxer has threatened to filibuster the bill, if it passes out of the Senate Energy and Natural Resources Committee.

STAFF ANALYSIS/EVALUATION

S. 1894

- Directs the Secretary of Interior to undertake certain actions to benefit water exports out of the Delta, but requires continued compliance with the Endangered Species Act.
- Authorizes significant funding to California water agencies to offset impacts associated with the ongoing drought and prospect of a warming climate.
- \$200 million available for recycled water projects; specifically names the District as one of many California water agencies eligible to apply for such funding.

STAFF ANALYSIS/EVALUATION

S. 1894

- Encourages new water storage projects, but also authorizes \$600 million to help fund such projects.
- The bill does not include the water rights protection language included in H.R. 2898.
- To date, the District has taken no position on this bill.
- Senator Feinstein is a member of the Senate Energy and Natural Resources Committee, which will consider both this bill and H.R. 2898.

STAFF ANALYSIS/EVALUATION

H.R. 2898 and S. 1894

- While the two drought bills differ in their approach, each bill would provide some level of drought relief to California water agencies.
- H.R. 2898 does not appear to directly benefit the District, but it does include important water rights protection language critical to protecting the District's interests, so that any increased supplies to other agencies do not come at the District's expense.
- S. 1894 includes significant funding opportunities that may benefit the District, but does not include the same water rights protection language as H.R. 2898.

STAFF ANALYSIS/EVALUATION

H.R. 2898 and S. 1894

- District staff believe that the best approach, and the one most likely to be enacted by both houses of Congress, is a combination of these bills.
- We therefore recommend sending a letter to the authors and the Senate Energy and Natural Resources Committee, expressing support for both bills if amended to jointly incorporate the water rights protections and funding opportunities.
- Accordingly, staff recommend the District adopt a “support if amended” position on both bills.

STAFF ANALYSIS/EVALUATION

H.R. 3353

- Would amend the Federal Clean Water Act's "citizen suit" provisions to limit attorney's fees and penalties.
- Existing provisions of the Clean Water Act allow persons to file lawsuits directly against local wastewater agencies ("citizen suits") for violations of the Clean Water Act, and to recover their costs and attorneys' fees if successful.
- Common violations of the Act include sanitary sewer overflows ("SSO"), which, despite tremendous effort, are impossible to entirely prevent.
- The District itself was subjected to a citizen suit for SSOs, which settled in 2010 and cost the District almost \$250,000.

STAFF ANALYSIS/EVALUATION

H.R. 3353

- Would ensure that attorneys' fees awards are appropriate to local markets and commensurate with the proportion of successful claims in each case.
- Allow state and federal authorities to exercise their primacy in enforcement, thereby preventing unnecessary citizen suit intervention when issues are already being actively resolved.
- Provide for normally accepted criminal and standard defenses to the Clean Water Act, similar to those provided in other federal environmental statutes.
- Staff recommend that the District support this bill.

BOARD DECISIONS/OPTIONS

- **Option 1:** Approve recommendations on proposed Federal legislation as the District's official positions.
- **Option 2:** Take other action as directed by the Board.
- **Option 3:** Take no action.



STAFF/GENERAL MANAGER'S RECOMMENDATION

OPTION 1



**QUESTIONS OR
COMMENTS ?**