



Valley Water

SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

June 26, 2020

Board Policy EL-7 Communication and Support to the Board
The BAOs shall inform and support the Board in its work.

Page	<u>CEO BULLETIN & NEWSLETTERS</u>
	None
	<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
5	BMR/IBMR Weekly Reports: 06/25/20
6	Memo from Garth Hall, Acting COO, Water Utility, to the Board of Directors, dated 6/22/20, regarding Tuolumne River Voluntary Agreement.
11	Memo from Garth Hall, Acting COO, Water Utility, to the Board of Directors, dated 6/22/20, regarding San Jose Water Company PFOS Notification.
	<u>INCOMING BOARD CORRESPONDENCE</u>
16	Board Correspondence Weekly Report: 06/25/20
17	Email from Grace Pugh, to Director Keegan, dated 6/18/20, regarding Coyote Creek Flood Protection for Arroyo Way (C-20-0088).
18	Email from Tim Moran, to the Board of Directors, dated 6/19/20, regarding the Bay Delta Plan (C-20-0089).
19	Email from Shikha Srinivas, to the Board of Directors, dated 6/21/20, regarding the 401 Water Quality Bill (C-20-0090).
20	Email from Marsey Kahn, to Director LeZotte, dated 6/22/20, regarding Guadalupe Creek Concerns/Thousand Oaks Neighborhood (C-20-0091).
23	Email from Rick Lanman, to the Board of Directors, dated 6/23/20, regarding Request to add Fish Friendly Tidal Gate for Palo Alto Flood Basin Project (C-20-0092).
25	Letter from Dominic & Carolyn Kovacevic, to the Board of Directors, dated 6/23/20, regarding Opposition to Project No. 918-64-005 Coyote Creek Ranch 7B Kovacevic Residence 166 Arroya Way.
27	Email from Tim Hutchins, to the Board of Directors, dated 6/24/20, regarding the Delta Tunnel.

		<u>OUTGOING BOARD CORRESPONDENCE</u>
31		Letter from Chair Hsueh, to Mary Cassel, dated 6/23/20, regarding Percolation Ponds (C-20-0077).
33		Email from Director Keegan, to Robert Souza, dated 6/23/20, regarding Public Hearing on the Engineer's Report and the CEQA Emergency Exemption Determination for the Anderson Dam Federal Energy Regulatory Commission Order Compliance Project 797 E. William Street Saving our Home.

Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/attachments are available by submitting a public records request to publicrecords@valleywater.org.

CEO BULLETIN

BOARD MEMBER REQUESTS and Informational Items

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-20-0012	06/12/20	Kremen	Callender	Gibson	Prepare a water rate letter similar to the one sent by Darin, to be sent to the Cities and Councils within his District.	07/02/20		

TO: Board of Directors**FROM:** Garth Hall**SUBJECT:** Tuolumne River Voluntary Agreement**DATE:** June 22, 2020

The Turlock Irrigation District, Modesto Irrigation District, and San Francisco Public Utilities Commission (TRVA Partners) have joined together to develop the Tuolumne River Voluntary Agreement (TRVA). The TRVA provides an alternative solution to the “unimpaired flow” requirements set by the State Water Resources Control Board (SWRCB) in the 2018 amendments to the Bay Delta Water Quality Control Plan (Bay-Delta Plan). The TRVA Partners recently released several brochures describing the proposed program and correcting numerous misconceptions (Attachments 1 and 2).

The 2018 amendments to the Bay-Delta Plan would require that at least 40 percent of unimpaired flows be maintained on the Merced, Stanislaus, and Tuolumne River from February to June. Unimpaired flows represent the natural water production of a river basin, unaltered by upstream diversions, storage, or by export or import of water to or from other watersheds.

As an alternative, the TRVA plans to preserve water supply and enhance fish populations through both flow and non-flow measures. These include enhanced flows in all water year types, a variable flow schedule based on season and fish life cycles, control measures on striped and black bass that prey on juvenile salmon, and an \$83 million investment in habitat improvements. Under the TRVA, a new Tuolumne River Partnership would be formed to guide these programs. Preliminary design work for this plan has commenced and the TRVA Partners indicate, that upon approval of the Agreement, implementation can begin immediately. Approval by the State Water Resources Control Board is required, of course, and the SFPUC, along with Turlock Irrigation District, Modesto Irrigation District and with engagement with many stakeholders, including several environmental NGOs, is preparing to seek that approval. The tie-in with the broader set of Voluntary Agreements -- for the Sacramento River and its tributaries, and the Delta – which are on hold, remains to be determined.

In the past, Valley Water has advocated for the more comprehensive Voluntary Agreement approach to improving conditions for fish and wildlife over the SWRCB’s flow-only approach.



Garth Hall
Acting Chief Operating Officer
Water Utility Enterprise

Attachment 1: TRVA Overview Brochure
Attachment 2: TRVA Misconceptions Brochure



THE TRVA IS A SUPERIOR APPROACH WITH BROAD SUPPORT

- Built on decades of monitoring, data collection and multiple Tuolumne River-specific scientific studies, it represents a superior approach for improving fishery conditions while protecting the region's important economic and recreational assets.
- The TRVA is supported by government agencies, environmental stewards, as well as agricultural, businesses, and civic leaders who see promise in these innovative and adaptive approaches.



May 2020

TUOLUMNE RIVER VOLUNTARY AGREEMENT PROTECTING FISH, FARMS AND FUTURE GENERATIONS

READY FOR ACTION

- The TRVA is self-funded by the Partners, with \$83 million dedicated for specific habitat improvements.
- Implementation can commence immediately and will not depend on state or federal grants, loans, taxes, or fees.
- A new Tuolumne River partnership will be formed to guide a spill management plan and habitat improvement program, an associated capital fund, and annual funding. The partners will include the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife. The partnership may include other members, including agencies and NGOs.

“Grounded in science, the Tuolumne River Voluntary Agreement is a revolutionary approach to managing and balancing water supplies to support thriving communities and fisheries.” — The TRVA Partners: Turlock Irrigation District, Modesto Irrigation District and San Francisco Public Utilities Commission

The Tuolumne River Voluntary Agreement ushers in a new era of cooperative management on the river and its floodplain to ensure ecosystem health, reliable water supplies and economic strength for the future.

The Tuolumne River Voluntary Agreement (TRVA) provides a foundation for comprehensively managing the Tuolumne River. It provides benefits to fish and their habitats as well as to farms, businesses and communities that depend on the river for water supply.

The TRVA is based on the best available science using decades of monitoring and data specific to the Tuolumne River. The comprehensive plan will:

- Increase river flows, adding water in all water year types.
- Improve habitat which, when coupled with increased flows, will enhance native fish species.
- Provide for extensive monitoring that will inform adaptive management.

A STATEWIDE VISION

The TRVA is among several Voluntary Agreements being forged in Northern and Central California. These agreements seek to:

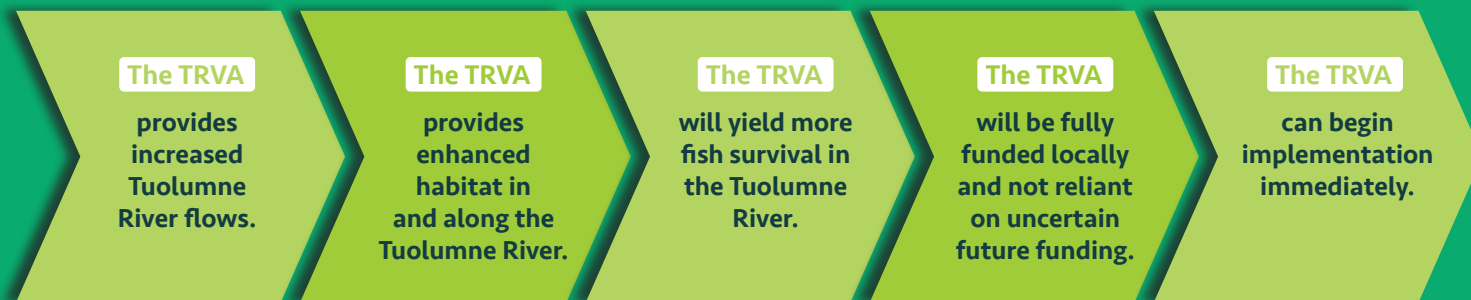
- Enhance sensitive fish species and their habitats.
- Ensure a reliable water supply for urban and rural residents, farms, businesses, and industry.

These agreements represent a more progressive way of managing watersheds than current regulatory approaches and have widespread support throughout the Sacramento and San Joaquin Valleys and the San Francisco Peninsula.

TRVA AT A GLANCE

- **Developed by public water purveyors**
 - Turlock Irrigation District
 - Modesto Irrigation District
 - San Francisco Public Utilities Commission
- **A 15-year management plan based on solid science and responsiveness to nature**
- **Multiple ecosystem benefits**
 - Greater flows to help fish
 - Enhanced habitat for feeding, spawning and rearing
 - Suppression of non-native predators to improve salmon outmigration success
- **Balances water supply needs across all sectors**
 - Environment
 - Cities, communities and industries
 - Agriculture

CHARTING A NEW COURSE



TRVA PARTNERS





More Water, More Habitat, More Fish

The TRVA is designed to respond to seasonal variability and meet the life cycle needs of native fish species while protecting water supplies.

The Voluntary Agreement approach marks "a path forward, one that will ... set us up for a secure and prosperous water future." – Gov. Gavin Newsom

KEY ELEMENTS OF THE TRVA

Elevated River Flows for the Environment

- VA More water for all year types:** Enhanced flows will occur in all water year types, even the most challenging, from just over 24,000 acre-feet of greater flows to approximately 110,000 acre-feet above current requirements.
- VA Responding to hydrological variation:** The TRVA provides a variable flow schedule for every season of every water year type to meet in-river life cycle needs of native fish species.
 - In dry and critically dry years, for example, the TRVA will provide 75 to 125 cubic feet per second (cfs) of water to serve environmental needs, which is more than under the current flow schedule.
 - Depending on water year type, a new floodplain pulse flow of 2,750 (cfs) for up to 20 days will be released to enhance fish habitat.
 - A spill management program will maximize river release benefits for fall-run Chinook salmon floodplain rearing.

Improved Habitat and Predation Control to Support Fish Populations

- VA Habitat Improvements:** The TRVA Partners are investing \$83 million for non-flow measures in and along the river to support native fish species throughout their in-river life cycles, including:
 - Increased gravel to support and improve spawning.
 - Creation of additional quality habitat for fish, including enhanced and increased in-channel and floodplain habitat.
 - Placement of large woody debris to improve habitat complexity.

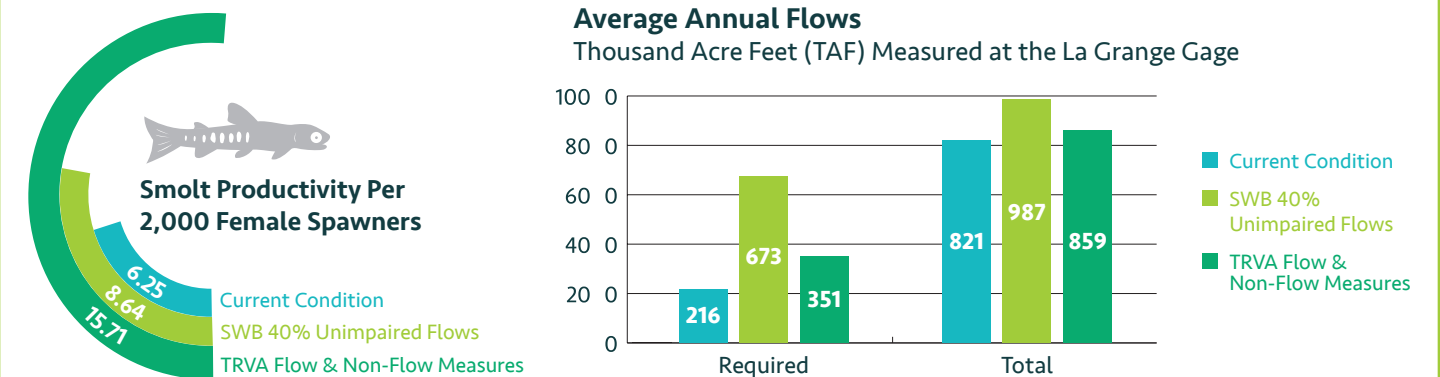
- VA Predation Control:** The TRVA includes active control measures targeting striped and black bass that prey on juvenile out-migrating salmon.

EXPECTED BENEFITS OF THE TRVA COMPARED WITH THE STATE WATER BOARD'S BAY-DELTA WATER QUALITY CONTROL PLAN

Enhancing Fish Populations

- The TRVA contains flow and non-flow measures designed to enhance in-river spawning, rearing, and out-migrating conditions to help more juvenile salmon survive.
- Salmon productivity is expected to increase by 150 percent over current conditions and more than 80 percent over conditions in the State Water Board's Bay-Delta Plan Update flow regime.¹

Comparison of anticipated increase of Fall-Run Chinook Salmon smolts successfully reaching the confluence of the San Joaquin River



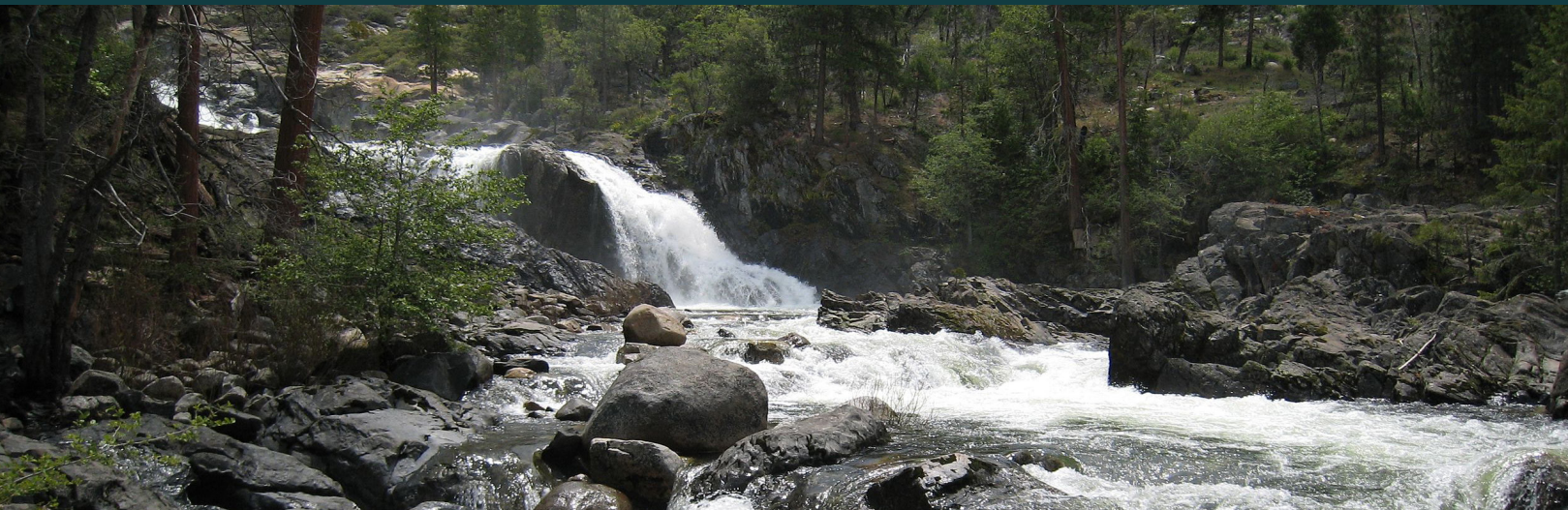
Preserving Water Supply for A Strong Economy

- Water supplies will be protected for agricultural, business, and municipal interests served by the TRVA Partners.
- Economic savings are estimated at nearly \$50 billion in economic output.²
- Job creation is estimated at more than 194,000 jobs.



¹ The State Water Resources Control Board has required that 40 percent of "unimpaired flows" be released annually on the Merced, Stanislaus and Tuolumne rivers during key parts of the year as part of its update to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Update).

² To determine the economic impact of the State Water Board's flow regime proposal under the Bay-Delta Plan Update, Turlock Irrigation District, Modesto Irrigation District and San Francisco Public Utilities Commission studied the effects of the State Water Board's proposed 40 percent unimpaired flows for the year 2015. Economic savings were estimated at \$50 billion in economic output, \$167 million in farm-gate revenue, \$330 million in labor income, and 194,576 jobs [TID / MID: 6,576; SFPUC: 188,000].



IMPLEMENTATION CAN PROCEED WITHOUT DELAY

MISCONCEPTION ✕

The TRVA will require years of planning, permitting and construction before changes in flow will occur.

FACT ✓

Some preliminary design work has already commenced and upon the approval of the Agreement, implementation of the TRVA's management actions can begin immediately. It is in the best interest of everyone to improve Tuolumne River conditions for the fishery, water supply reliability, the local economy, and recreation. The Partners to the Agreement are committed to demonstrating how this voluntary approach, based on best available science, is superior to the traditional and more narrow regulatory approach.

PROPERLY MEASURING SUCCESS WILL BE CRITICAL

MISCONCEPTION ✕

The best way to determine the success of the TRVA is to show a doubling of the number of Fall Run Chinook Salmon returning to spawn each year.

FACT ✓

The State Water Board convened a nationally respected panel of scientists in 2018 to provide "biological goals" based on best available science to guide development of reasonable targets within the Bay-Delta Plan Update. The Panel noted that a salmon-doubling goal is NOT the appropriate measure because salmon population dynamics are subject to factors that occur outside the Delta and beyond the control of water agencies. The Panel concluded that the focus should be on a growing population of natural-origin salmon, including a positive trend in juvenile fish production.

The panel was chaired by the former Delta Lead Scientist, Dr. Cliff Dahm, and the findings were included in the report, "Developing Biological Goals for the Bay-Delta Plan: Concepts and Ideas from an Independent Scientific Advisory Panel," in April 2019.

May 2020

TUOLUMNE RIVER VOLUNTARY AGREEMENT

THE FACTS

The Tuolumne River Voluntary Agreement (TRVA) is a comprehensive plan to manage water and natural resources within the Tuolumne River and its adjacent floodplains. The TRVA was designed as a more progressive, science-based alternative to a requirement set by the State Water Resources Control Board (State Water Board) to release large volumes of water known as "unimpaired flows" in the river. During the TRVA's development, several misconceptions have arisen and are addressed here.

BOTH FLOW-BASED AND NON-FLOW MEASURES ARE NECESSARY

MISCONCEPTION ✕

Generating higher flows in the Tuolumne River is the only way fish populations can be enhanced.

FACT ✓

The fishery's health depends on more than just the release of higher flows. While river flows are a vital component of fish health, so too are effective habitat improvements and active protection from predation. The comprehensive management approach contained in the TRVA, which includes innovative and beneficial measures, will help protect and enhance fishery conditions and critical water supply. The plan includes both flow-based and non-flow components:

- A variable flow schedule for every season of every water year type to meet in-river life cycle needs of native fish species, with ongoing monitoring and evaluation.
- Restoration and improvement of habitat for fish, including enhanced and increased in-channel and floodplain habitat, to enhance spawning, food web health, and fish-rearing conditions.
- Actions to control predators, including striped and black bass, that prey on salmon.



HABITAT ENHANCEMENT IS CRITICAL

MISCONCEPTION ✕

Habitat enhancement is being advanced instead of flows.

FACT ✓

The TRVA habitat enhancements are designed to work with additional flows. The TRVA acknowledges that in addition to adequate flows, fish need habitat to ensure adequate food, spawning and rearing conditions throughout their life cycles. Best available science and decades of monitoring and data specific to the Tuolumne River have indicated that a comprehensive approach that includes increased river flows, along with enhancements to habitat in and along the river and predation control, offer a superior management approach for supporting fishery health.

ENHANCED FLOWS PROVIDED IN ALL WATER YEAR TYPES

MISCONCEPTION ✕

The TRVA will not provide enhanced flows.

FACT ✓

Under the TRVA, increased flows will be available in all water year types, even the most challenging dry and critically dry water year types. These enhanced flows will result in just over 24,000 acre-feet of greater flows to approximately 110,000 acre-feet above current requirements.

FUNDING IS ASSURED

MISCONCEPTION ✕

State and federal funding will be required to implement the TRVA.

FACT ✓

The TRVA does not depend on state or federal grants, loans, taxes or fees. Accordingly, implementation can commence immediately. Implementation of the TRVA will be fully funded over its lifetime by the Turlock Irrigation District, Modesto Irrigation District, and San Francisco Public Utilities Commission (SFPUC), including investment by the Partners of \$83 million for specific habitat improvements.

SCIENCE PAVES THE WAY, ANCHORED BY GOOD GOVERNANCE

MISCONCEPTION ✕

The Voluntary Agreement alternative to the State Water Board's flow-based only requirement for managing key rivers and tributaries is based on inadequate science and flawed governance structures.

FACT ✓

The TRVA is built on best available science and decades of monitoring, data collection and multiple Tuolumne River-specific scientific studies. Under the TRVA, a new Tuolumne River Partnership will be formed to guide a spill management plan and habitat improvement program and to develop a capital fund and annual funding. The Agreement also provides flexibility and the ability to adapt quickly to changing conditions.

COLLABORATION AND INPUT HAVE BEEN ESSENTIAL

MISCONCEPTION ✕

The TRVA development process lacked sufficient public involvement.

FACT ✓

Development of the TRVA is the result of close collaboration and good faith discussions among the three public agency Partners and numerous stakeholders. The stakeholders have included federal and state agencies including the California Department of Water Resources and the California Department of Fish and Wildlife, scientists, and environmental stewards. The TRVA is broadly supported by the TRVA Partners, along with more than 40 other public water agencies, government agencies, environmental stewards, agriculture, business and civic leaders.

“Grounded in solid science, the Tuolumne River Voluntary Agreement is a revolutionary approach to managing and balancing water supplies to support thriving communities and fisheries.” – The TRVA Partners: Turlock Irrigation District, Modesto Irrigation District and San Francisco Public Utilities Commission



MEMORANDUM

FC 14 (08-21-19)

TO: Board of Directors

FROM: Garth Hall

SUBJECT: San Jose Water Company PFOS Notification

DATE: June 22, 2020

On June 15, the San Jose Water Company (SJWC) notified Valley Water that they found perfluorooctyl sulfonate (PFOS) above the California Notification Level (NL) in two groundwater wells (Attachment 1) at the Malone Station. Out of an abundance of caution, SJWC has discontinued use of these wells similar to six other wells where PFOS was previously detected above the Notification Level. Notification Levels are nonregulatory, health-based advisory levels set by the State Water Resources Control Board, Division of Drinking Water (DDW) for contaminants in drinking water that lack maximum contaminant levels.

PFOS, part of the large family of chemicals known as per- and polyfluoroalkyl substances (PFAS), has a NL of 6.5 parts per trillion (ppt). PFOS was detected in two wells at the Malone Station at concentrations of 7.9 and 8.0 ppt. Through ongoing testing, SJWC has now found PFOS above the NL in eight of its 83 active wells in concentrations ranging from 6.6 to 8.2 ppt. SJWC also plans to notify customers within affected areas near the Malone Station, similar to previous customer notification in January 2020.

Per current regulations, a water supplier is required to report any exceedance of the NL to its governing bodies and to notify customers via its annual Consumer Confidence Report. If a water source exceeds the California Response Level (RL) of 70 ppt for PFOS and perfluorooctanoic acid (PFOA) combined, a water supplier must remove the water source from operations or notify customers within 30 days if it continues to use the affected source. None of SJWC's wells (or any water supply wells within Santa Clara County) have exceeded the RL.

In April 2020, staff provided the Board an update on Valley Water's voluntary regional groundwater sampling, which indicated that PFOA and PFOS are not widely present above the State Board health-advisory levels (NLs) in local groundwater. Valley Water continues to be actively engaged with emerging issues related to PFAS and to maintain updated information for interested parties, including a fact sheet on www.valleywater.org and a recent blog post. Valley Water also continues to work with the state and with local water retailers to better understand the presence and potential sources of PFAS in local water supplies and to take action if needed to ensure a safe and reliable drinking water supply.

A handwritten signature in blue ink that reads "Garth Hall".

Garth Hall, P.E.

Acting Chief Operating Officer
Water Utility Enterprise

Attachments: 1. SJWC PFOS Notification Letter

cc: N. Camacho, R. Callender, B. Yerrapotu, A. Baker



San Jose Water
Water Quality and Environmental Services
1221A S Bascom Ave, San Jose CA 95128



June 15, 2020

Peter Zhou, P.E., Water Quality Manager
Valley Water
5750 Almaden Expressway
San Jose, CA 95118

Transmitted electronically on June 15, 2020

Subject: PFOS Notification for Malone Wells

Dear Peter Zhou, P.E.:

We are writing to you today to let you know about the results of recent testing that took place on water wells at Malone Station. On June 1, 2020, SJW received laboratory results indicating that its two wells at this location had concentrations of perfluorooctane sulfonate (PFOS) above the Notification Level, a set level at which we are required to inform affected customers and public officials about the results.

A similar letter informing the 2,874 customers with water service in the area shown in the map below, will be mailed this week. As shown in the map, the affected customers mostly reside in District 6, with a smaller number in Districts 7 and 9 within the City of San Jose. All affected customers are within County Supervisorial District 2.

What did SJW do?

Upon learning of the test results, SJW **immediately discontinued the use of these wells** on the day this was discovered (June 1). As a result, **our impacted customers are no longer receiving water with concentrations of PFOS above the NL**. SJW took this step out of an abundance of caution. The PFOS concentrations in the wells did not rise to the level at which DDW recommends taking these wells out of service, but we always want to ensure the safest and highest quality water for our service areas.

Do customers need to take action based on this information?

In its letter to the affected customers, SJW has encouraged landlords, businesses and schools to share the information we provided with non-billed water customers at their locations.

What is a Notification Level?

Notification Levels are health-based advisory levels that are established for chemicals for which there are no formal regulatory standards. If one of these chemicals is identified in our wells in a concentration that is equal to or greater than the Notification Level, pursuant to California Health and Safety Code Section 116455, SJW is required to inform its affected customers, governing body (CPUC), the California State Water Resources Control Board Division of Drinking Water

(DDW), and the local agency whose jurisdiction includes the areas served by SJW. No other action is required to be taken under this provision.

In the absence of a Public Health Goal, DDW has adopted a health-based advisory NL for PFOS. The current Notification Level for PFOS was adopted on August 23, 2019. In addition to the NL, DDW has also adopted a Response Level (RL) for PFOS. The Response Level is the concentration at which DDW recommends taking the source of water out of service. The current NL and RL for PFOS are 0.0065 ug/L and 0.04 ug/L respectively.

What is PFOS?

PFOS is a manmade substance that has been extensively produced and studied in the United States. PFOS has been widely used in consumer products such as carpets, clothing, furniture fabrics, paper packaging for food, and other materials (e.g., cookware) designed to be waterproof, stain-resistant or non-stick. In addition, PFOS has been used in fire-retarding foam and various industrial processes.

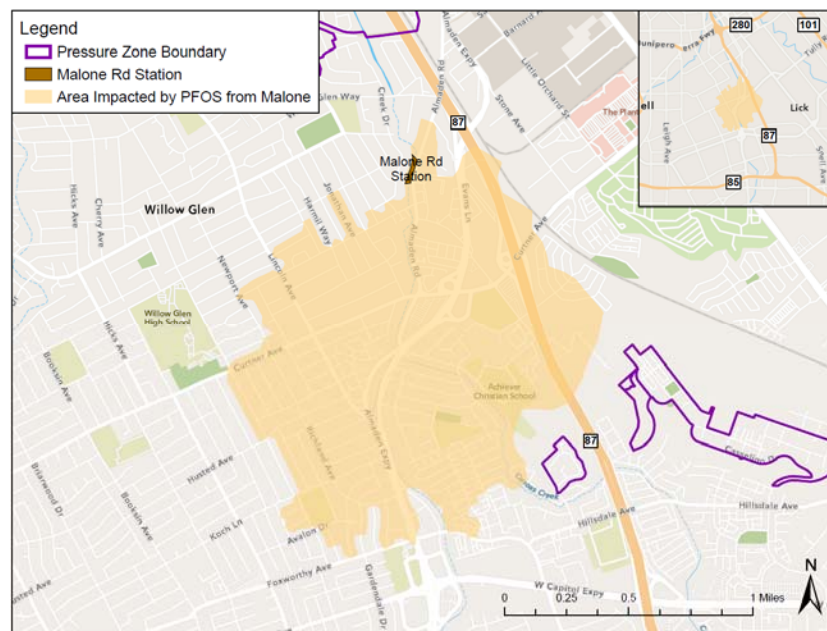
The origin of PFOS in our water supply at this time is unknown; however, SJW is working with DDW and Valley Water to determine the source of PFOS in our groundwater supply at Malone Station. More information about PFOS and per- and polyfluoroalkyl substances (PFAS), the group of chemicals that includes PFOS, is available at <https://www.waterboards.ca.gov/pfas/>, www.sjwater.com/pfas and www.sjwater.com/ccr.

The concentration levels measured in SJW groundwater at Malone Station are summarized in Table 1. A map of the affected areas is displayed in Figure 1.

Table 1 – Wells with detection of PFOS >0.0065 ug/L

Well ID	Data Received On	Parameter Name	Report Result	Report Units
Malone Rd 1	6/1/2020	Perfluorooctane sulfonate (PFOS)	0.0079	ug/L
Malone Rd 2	6/1/2020	Perfluorooctane sulfonate (PFOS)	0.0080	ug/L

Figure 1 – Map of area that may have received water from Malone wells with PFOS concentrations >0.0065 ug/L



Public Health Notice

PFOS is readily absorbed but not readily eliminated from the human body. Health effects associated with long-term exposure include harmful effects to a developing fetus or infant; harmful effects to the immune system, thyroid and liver; and cancer. The notification level and response level are based on recommendations that provide a margin of protection against these health effects in sensitive populations. They are also established at concentrations associated with a low cancer risk over a lifetime of exposure. The risk would be lower once the contaminant is eliminated or reduced in the water supply. In addition to water, humans can be exposed to PFOS through a variety of sources, including food, dust in homes and imported consumer products.

If you have any questions regarding this letter or would like more information on PFAS, please call Francois Rodigari, SJW Director of Water Quality & Environmental Services, at (408) 279-7967. **Our top priority is to deliver safe, high-quality and reliable water service to our customers every day. We encourage you to reach out if you have any questions or concerns.**

Sincerely,

John Tang P.E.
Vice President of Regulatory Affairs and Government Relations

CC: SJW Board of Directors
Eric Lacy, P.E., District Engineer, DDW Santa Clara District

INCOMING BOARD CORRESPONDENCE