



APPROVED
April 27, 2009

MINUTES
of the Special Meeting
Monterey Regional Water Pollution Control Agency
Board of Directors
April 13, 2009

1. CALL TO ORDER

The Special Meeting of the Board of Directors of the Monterey Regional Water Pollution Control Agency was Called to Order by Vice Chair De La Rosa at 7:00 p.m., on Monday, April 13, 2009 in the Board Room at 5 Harris Court, Building D, Monterey, California.

2. ROLL CALL

BOARD MEMBERS PRESENT:

Gloria De La Rosa, Vice Chair	Salinas, Mayor Pro Tem
Ron Stefani	Castroville Community Services District
Joe Russell	Del Rey Oaks, Mayor
Kenneth Nishi	Marina Coast Water District, Member
Libby Downey	Monterey, Councilmember
Jane Parker [Alternate]	Monterey County, Supervisor
Chris Orman	Moss Landing County Sanitation District
Dan Cort	Pacific Grove, Councilmember
Dave Pendergrass	Sand City, Mayor
Ralph Rubio	Seaside, Mayor Pro Tem
Vacant – Ex-Officio	U.S. Army, Representative

BOARD MEMBERS ABSENT:

Ramiro Cortez	Boronda County Sanitation District
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MRWPCA STAFF PRESENT:

Keith Israel	General Manager
Brad Hagemann	Assistant General Manager
Ron Wellington	Legal Counsel
John Tiernan	Director of Admin Services, Deputy GM
Tom Buell	Director of Finance
Bob Holden	Principal Engineer

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Bill Cronin
Betty Nebb

Lead Maintenance
Executive Assistant

OTHERS PRESENT: Dave Berger – Cal Am
Curtis Weeks – MCWRA
Jim Heitzman – MCWD
Lloyd Lowrey – Noland, Hamerly, Etienne & Hoss
Henry Gowin – Monterey County
Bjorn Lundegard – Seaside
Chip Rerig – Monterey

3. **PLEDGE OF ALLEGIANCE**
Vice Chair De La Rosa asked Supervisor Parker to lead the Pledge of Allegiance.
4. **PUBLIC COMMENTS**
At 7:03 p.m. with no comments, Vice Chair De La Rosa closed Public Comments.
5. **CONSENT AGENDA**

ACTION TAKEN: On a motion by Ms. Parker, seconded by Mr. Cort, the Board approved the Consent Agenda, Item A as follows:

- A. **Approve MRWPCA Board and Ad Hoc Water Committee Minutes/Report for Special Board Meeting of March 23, 2009.**
6. **COMMITTEE REPORTS AND RELATED ACTION ITEMS**
 - A. **Recycled Water Committee**
 1. **Receive and Approve Committee Minutes/Report of April 8, 2009**

Mr. Israel introduced the procedure for reporting on the Committee's discussion and recommendations to the Board. He explained that each item discussed by the Committee would be reviewed and the recommendations considered. At the end of the discussion, the action would be to approve the Committee Minutes and accept the recommendations as is, or as modified by the Board.

Item 2 - Consider Updated Letter to the CPUC Administrative Law Judge regarding Groundwater Replenishment Phasing and send to the CPUC. Mr. Hagemann summarized information and referred to page 17 of the agenda packet to the draft letter to the ALJ that modifies our previous position and drops the request of the groundwater replenishment project to be included in Phase 1. Mr. Rubio, RWC Chair, stated the Committee reviewed the letter and felt it captured the intent of the

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Board and, therefore, it was appropriate to recommend the Board approve this letter in form and content.

Item 3 – Consider Proposed Response to California American Water Company Coastal Water Project Draft EIR. Mr. Hagemann referred to page 19 of the agenda materials to review the comments to be submitted to the CPUC. He said staff focus was to provide corrections and clarifications to the Draft EIR materials. Mr. Rubio stated the Committee reviewed the comments and checked for consistency to Board direction. Most of the aspects were technical points of discussion and those items were clarified. Ms. Downey stated this work was quite extensive in the details that were managed. The Committee recommends approval.

Item 4 – Approve Regional Urban Water Augmentation Project (RUWAP) Design Changes. Mr. Hagemann indicated this item had been brought back to the Committee for questions the members had that were then addressed by Mr. Holden. Mr. Rubio appreciated staff's patience to return with additional information and noted the Committee recommends approval.

Item 5 – Consider Draft Agreement for the Regional Water Program and Regional Urban Water Augmentation Project (RUWAP). Mr. Israel explained there are four proposed MOU's for consideration. 1) Planning MOU for the Monterey Regional Water Supply Program, 2) Three-Way MOU, 3) RUWAP and 4) Use of the MRWPCA Outfall for Brine Disposal. He indicated that the General Managers from MCWRA and MCWD, Curtis Weeks and Jim Heitzman, are in the audience and would be available if the Board has questions.

Item 6 – Review Continued Limited Expenditures for the Groundwater Replenishment Project. Mr. Israel stated this item was rescheduled for consideration at the next meeting of the Recycled Water Committee meeting scheduled for May 14, 2009.

Mr. Rubio described the Ad Hoc Committee process and commended the general managers, the Boards and staff members from MRWPCA, MCWD and MRWPCA for their efforts. He said the cooperation that was exhibited in these meetings and the negotiations were really a model for how we can get more water for the whole County. Ms. Downey agreed the group came together, everyone had to give in order to get this thing going, and we have a wonderful result.

Mr. Israel introduced the Planning MOU stating it is a general MOU that outlines what we are going to try to accomplish with the rest of the MOU's. The Committee feels there are no further corrections or revisions needed to this document.

For the Three-Way Agreement, Mr. Israel explained MCWD, MCWRA and MRWPCA have come together to talk primarily about the use of recycled water and how we can proceed and use that water to develop different projects. A revised copy of this

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agreement is presented to the Board tonight that includes language added on the first page, in the first “therefore” paragraph. Half way through that paragraph, just after “(typically November through February)” is the new language “without amending prior agreements.” He explained there are a variety of agreements between the three agencies and, to be sure they are all consistent with each other, this additional language was added to this agreement. The agreement also speaks to a committee being formed whose role could include confirming customers for the recycled water, prepare a completed project description and environmental review under CEQA and an approved financing mechanism for the prospective project. Additionally the committee would review and recommend priorities and schedules for prospective project implementation and would review and clarify costs to assure equity between all parties.

Mr. Rubio referred to items questioned by Mr. Russell and explained the Ad Hoc Committee worked through the tables to make everything as equitable as possible. Mr. Russell stated satisfaction that the prior agreements are not affected with this new agreement and that the committee has done a fine job so that we can move forward with the plan for using recycled water.

Mr. Israel introduced the RUWAP MOU and explained that a revised copy of this agreement is presented to the Board tonight to include two additional revisions: paragraph 1.2, the last phrase is deleted; and paragraph 1.4, the word “plus” is deleted. There is also a grammatical correction in paragraph 6, “to operate, and be responsible . . .” Some discussion followed regarding the amount of water needed for the projects, amounts for winter/summer water, and designation between agencies.

Last agreement to consider, the Brine Disposal MOU, between MCWD and MRWPCA is unchanged since the last Ad Hoc Committee meeting. Mr. Israel explained the key aspect is to be sure we have brine disposal available for MCWD’s desal project. MRWPCA will be the lead for the EIR work on the outfall and will conduct studies to analyze the brine and the anticipated capacity to support future projects. A correction suggested to the agreement was to add a comma in the last sentence on first page, “treated sewage, for brine . . .”

Discussion followed regarding the permitting process for the outfall and details about continuing cooperation between the agencies and communities. Some general discussion followed regarding the MOU’s and the announcement that the other agencies would be approving the documents before the end of the month.

Vice Chair De La Rosa asked for any additional discussion and Mr. Rubio recognized the work contributed by MCWRA General Manager Curtis Weeks, MCWD General Manager Jim Heitzman and Keith Israel stating that the managers have begun the task of building trust and creating a coordinated effort to support these agreements.

Mr. Weeks spoke to the Board saying that MRWPCA recognizes there is an opportunity for a number of organizations to work together and provide water that was not available in the past. These are the first steps in a number of steps, and it is exciting that we are getting to work towards developing these projects. Mr. Weeks thanked Director Rubio, Director Downey, and Director Parker for their participation and efforts. To Director Russell and Director Pendergrass who have worked for many years in support of recycled water, Mr. Week's reassured that there is a "chunk" of water in the winter available for an urban project – MCWRA is showing preference for that, recognizing that it is available. It's a great opportunity.

Mr. Weeks asked to speak again in order to acknowledge Director Nishi's participation in the process on behalf of MCWD and David Hart and Steve Collins of the MCWRA. Ms. Downey thanked Supervisor Parker for her assistance, Supervisor Calcagno for initiating the effort to get these agreements started and Mr. Rubio who continued the work and did a great job.

With no further discussion, Vice Chair De La Rosa called for a motion. Mr. Wellington explained that one motion to accept the Committee Minutes would approve all the recommendations.

ACTION TAKEN: On a motion by Ms. Downey, seconded by Mr. Rubio, the Board unanimously approved the Recycled Water Committee Minutes for Wednesday, April 8, 2009, with the following recommendations:

- **That the Board receive and approve the letter to the CPUC Administrative Law Judge regarding Groundwater Replenishment Phasing and send to the CPUC.**
- **That the Board review and approve the proposed response to California American Water Company Coastal Water Project Draft EIR.**
- **That the Board approve a contract amendment to RMC Water and Environment for \$18,213 to complete work on the MRWPCA portion of the RUWAP.**
- **That the Board consider and approve updated draft agreement for Monterey Regional Supply Program Planning Memorandum of Understanding.**
- **That the Board consider and approve updated draft agreement for Monterey Regional Water Supply Program Recycled Water Three-Way Memorandum of Understanding noting the corrections discussed.**

- That the Board consider and approve updated draft Memorandum of Understanding for the Regional Urban Water Augmentation Project (RUWAP) noting the corrections discussed.
- That the Board consider and approve updated draft Memorandum of Understanding for Use of MRWPCA Outfall for Brine Disposal.

8. INFORMATIONAL ITEMS

Nothing to report.

9. BOARD MEMBER COMMENTS

Mr. Cort suggested a future agenda item could be discussion of alternative water sources. He has installed an atmospheric water machine in his home that is producing six gallons of 99.9% pure water – water that is cleaner than that coming out of the faucet.

13. ADJOURNMENT

With no further business, Vice Chair De La Rosa adjourned the meeting at 7:52 p.m. to the next regularly scheduled Board Meeting, in the Board Room at 5 Harris Court, Building D, on Monday, April 27, 2009, at 7:00 p.m.

/s/ Keith Israel

Keith E. Israel, General Manager
Secretary to the Board

/s/ Louis Calcagno

Louis Calcagno, Chair
MRWPCA Board of Directors