

NEWS CLIPS

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Resource Conservation and Public Outreach

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A Free Family Adventure!

Take a water recycling tour Saturday, August 11

When you send water down the drain, we go to work, safely returning it to the environment. You'll learn how we fulfill that mission.

On this free bus tour, you'll visit our Tapia Water Reclamation and Rancho Las Virgenes Composting Facilities, as well as learn more about our precious water resources.



**Saturday, August 11, 2018
from 8:45 a.m. to 1 p.m.**

Space is limited, pre-registration is required (walk-ins cannot be accommodated).

A complimentary continental breakfast and light lunch will be provided.

Register online at: LVMWD.com/QuarterlyTours

Moderate walking and stairs are part of the tour. For safety, please wear close-toed walking shoes.

Please bring a refillable water bottle.

Reservation preference is given to customers of Las Virgenes Municipal Water District and Triunfo Sanitation District.

Children under 18 must be accompanied by a responsible adult.



Presented by
Las Virgenes-Triunfo Joint Powers Authority

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Water project slated for Oak Park

'Critical' pump and pressure station would be built on portion of open space

Mike Harris USA TODAY NETWORK

Ventura County Star 7/19/2018

The Rancho Simi Recreation and Park District on Thursday night is expected to convey less than an acre of open space in Oak Park to the Calleguas Municipal Water District on which to build a "critical" pump and pressure regulating station. The project, within a portion of the district's Wistful Vista Open Space along Lindero Canyon Road just north of the Los Angeles/Ventura county line, is opposed by some residents of unincorporated Oak Park who say they still have unanswered questions about it.

Calleguas representatives met in January with the district's board, the Oak Park Recreation and Park Planning Committee and the Oak Park Municipal Advisory Committee to solicit input on the proposed Las Virgenes-Calleguas interconnection pump and pressuring regulating station.

Calleguas says it is a "critical local water supply project."

At the time, Calleguas offered to provide improvements — a trailhead parking lot, graded trail, and a bridge over Lindero Creek — in exchange for the necessary right-of-way to construct the facility, Wayne Nakaoka, the district's interim manager and its planning and maintenance director, wrote in a staff report.

Based on the input it received, Calleguas modified its design so the proposed pump station will be almost entirely underground, with its only visible surface features being access hatches and air vents, Nakaoka wrote.

The Oak Park Recreation and Park Planning Committee accepted the modified design by a majority vote in May and recommended the district's board consider approving the project.

The committee also recommended that the district accept monetary compensation from Calleguas in exchange for the granting of the necessary rightof- way. Calleguas is offering the district \$100,000 for the conveyance, Nakaoka wrote.

Committee member Harry Medved voted against the project, saying in an interview Tuesday that he continues to have issues with it, including the \$100,000 Calleguas is offering.

"I think the price may be too low," he said. "They're getting a very good deal if it goes for \$100,000. We never considered the price when we voted on this."

Medved said he'd also like to make sure "that if we do end up selling Oak Park open space, that the money stays with Oak Park and that future projects in Oak Park benefit."

The Oak Park Municipal Advisory Committee accepted the project in June and Nakaoka is recommending the board approve the conveyance.

Calleguas representatives will be at Thursday's night meeting to present the revised project to the board and to answer any board questions. Members of the public can address the board.

The meeting will start at 6:30 p.m. at the Oak Park Community Center, 1000 N. Kanan Road.

Our climate is changing We're feeling the heat as climate changes

Effects of global warming are visible in your own frontyard



THIS YEAR'S high so far in downtown Los Angeles was 108 compared with 98 by this time last year. Above, Daniel Corona of Montebello uses an umbrella to shade himself downtown in June 2017. (Jay L. Clendenin Los Angeles Times)

STEVE LOPEZ
LA Times 7/18/2018

A colleague once observed, many years ago, that California has two seasons.

Green and brown.

We are in the latter, and death has visited my neighborhood this summer. Half the ground cover in my frontyard has burned to a crunchy crisp. Across the street, a neighbor draped white sheets over shrubbery that hadn't already gone brittle.

The Los Angeles-area forecast offers no relief. After weeks of relentless heat, including record-shattering temperatures more commonly associated with Palm Springs, it's supposed to get hotter over the next several days.

OK, so it's Los Angeles, where summers have always been blistering unless you live in a beach town.

But last summer was crazy, this one has only just begun, and I'm wondering if we're headed for a time when Burbank feels more like Barstow and Huntington Park feels more like Hemet.

"When we bought our house and renovated it 20 years ago, people were saying we didn't need air conditioning," said David Neelin, a professor of oceanic and atmospheric sciences at UCLA and a resident of Beverly Glen.

Neelin said he's been grateful on many occasions that he went with air conditioning, and disappointed that when the recent record-breaking heat blasted Los Angeles, his power and AC went out.

"We built energy infrastructure to deliver at peak demands, and we're now tending to exceed those demands during heat waves," said Neelin, an award-winning expert on environmental change who has researched global warming's effect on California's increasingly extreme drought-to-deluge cycles.

I asked Neelin if he thinks climate change is happening fast enough that his neighborhood climate has been altered in just two decades.

"I'm pretty sure that it has," Neelin said, as have climates around the world.

Robbie Munroe of the National Weather Service told me this summer actually got off to a bit of a cool start but then took a sharp turn. This year's high so far in downtown Los Angeles was 108 compared with 98 by this time last year. The top three-day average for high temperatures was 103.3 this year, compared with 96.7 last year.

It's not just our highs that are higher. Our lows are significantly higher too.

"To have this kind of heat in the first half of summer is certainly unusual," Munroe said.

And it's not just the summer. We reported last year that temperatures in the fall are rising fast, fueling more dangerous brush fires. To make matters worse, autumn rainfall has been declining dramatically.

'The climate we knew is no more'

Global warming can't be proved or accurately charted over such narrow time spans, and natural weather variability is always a factor in changes we notice. But the vast majority of legitimate scientists have no doubt we're cooking the planet, citing, among other markers, that severe heat is greater in frequency and intensity.

This led Leah C. Stokes, an assistant professor of environmental economics at UC Santa Barbara, to wonder why we in the news media often report on heat waves, wildfires, flooding and other catastrophes without making the connection to the obvious.

"The climate we knew is no more," Stokes said in an op-ed for The Times.

“I teach a summer session, and by coincidence, that was our topic today,” said Stanford University professor Noah Diffenbaugh, who has researched — among other things — the effect of climate change on agriculture.

Under current warming trends, Diffenbaugh said, California’s proud wine production could get corked.

“The highest quality and most expensive grapes grow in a narrow climate envelope, and what’s clear from looking at the historical record is how temperatures are likely to change there in the coming decade,” Diffenbaugh said.

That narrow envelope, in which climate conditions have been perfect for growing prize-winning wine, could be reduced by half over the next three decades, Diffenbaugh said.

Hotter nights are a key clue

Ben Santer, a climate scientist with Lawrence Livermore National Laboratory, knows something about all this. His many awards include a MacArthur “genius” grant, and he contributed to research that won the 2007 Nobel Peace Prize for Vice President Al Gore and the Intergovernmental Panel on Climate Change.

“This isn’t a big scientific surprise,” Santer told me about the prevalence of longer and more frequent heat waves. That’s a key marker of changes caused by the burning of fossil fuels, he said, as is the fact that nighttime temperatures are rising significantly and record-setting hot days outnumber record-setting low temperatures by a 5 to 1 ratio.

When I called Santer, he said he had taken a grueling hike in sweltering heat last weekend in an East San Francisco Bay park, trying to pump his stamina for a coming trip to the Juneau Icefield Research Program, where students study the melting of the ice cap as greenhouse gases warm the planet. Santer said that last summer, Northern California experienced an extended heat wave that was unlike anything he had experienced in his 28 years of living there.

Santer said his specialty is to do what’s known as climate change fingerprinting. In other words, for those who claim there’s no such thing as global warming, he presents evidence to the contrary.

Not that everyone understands, or cares to acknowledge, irrefutable evidence that might not serve their masters in fossil fuel industries.

“It’s very frustrating to have some understanding of the human causes of climate change and the seriousness of the problem and to listen to very powerful people — among them the president of this country — dismiss well-established scientific understanding as a hoax,” Santer said. “Or, in the words of my boss [Energy Secretary Rick Perry], ‘One contrived phony mess.’ ”

‘What’s at stake here’

Given who's running the country and attempting to dismantle environmental protections and clean energy initiatives, I asked Santer what he thought people could do to counter those efforts.

"Understand what science tells you and what's at stake here," he said, from rising sea levels to extreme weather to effects on commerce and human activity.

Scientific American published a piece by Santer this week that begins:

"Recently, President Trump claimed to be a 'very stable genius.' "

As you suspected, it was not a tribute to the Donald.

It ended with this:

"Our hopes and dreams for a better world for all citizens of this planet are unlikely to be realized if Earth's climate continues to spiral dangerously towards a new and very different state. We cannot allow a self-proclaimed 'very stable genius' to destroy those hopes and dreams, and to launch us all into a very unstable climate future."

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L.A. County to put storm water tax on ballot

Measure would place levy of 2.5 cents per square foot of 'impermeable space' on private property.

By Nina Agrawal
LA Times 7/18/2018

Los Angeles County supervisors voted Tuesday to place a property tax before voters in November to raise money for projects to capture and clean storm water.

The measure would allow the county to levy a tax of 2.5 cents per square foot of "impermeable space" on private property. Government buildings, public schools and nonprofit organizations would be exempt.

Revenue from the tax, estimated to amount to \$300 million annually, would fund the construction, operation and maintenance of projects that collect, clean and conserve storm water. The average tax for a single-family house would be \$83.

Advocates of the Safe, Clean Water Program say it would improve water quality, enabling cities across the county to comply with federal clean water regulations as well as increase the local water supply.

"Can we ensure an adequate water supply for the future? Can we improve water quality? Can we make sure beaches are clean? The answer, happily, thanks to all of your work, is yes," said Supervisor Sheila Kuehl, who has led the effort.

"L.A. County is heavily reliant on imported water and faces an uncertain future," Department of Public Works Director Mark Pestrella said in a presentation before the board Tuesday. "Storm water capture systems are a sound investment in our water security efforts."

More than 100 billion gallons of storm water is lost to the ocean from L.A. County every year, carrying with it 4,200 tons of trash and pollutants. With the Safe, Clean Water Program in place, the county could capture as much as 42 billion of those gallons, Pestrella said.

Though benefits to the water supply have been a major selling point for Kuehl and Pestrella, the primary goal of the program is to help cities meet costly water-quality mandates.

Under the federal Clean Water Act and related permits given out by the state, cities must clean up the water they discharge into local waterways or face possible costly fines and lawsuits. Compliance with the regulations is estimated to cost L.A. County a total of \$20 billion over 20 years.

“We’ve got 88 cities in the county who have been unable to fully address water quality issues because there is no source of funding,” Kuehl said. “And the deadline to meet the requirements is getting closer and closer.”

More than 100 people spoke at Tuesday’s hearing, most in support of the proposed ballot measure.

Some cited the potential for job creation and benefits for disadvantaged communities, which are identified as a priority under the program. “We support [this measure],” said Luis Melliz of the Council of Mexican Federations, an L.A.-based nonprofit. “Our most vulnerable communities suffer disproportionately from high flood risk, poor air quality, poor water quality, extreme heat ... and lack of green space.”

Others cited concerns about fairness to those who have already taken measures to mitigate storm water runoff and about the lack of a sunset date for the tax.

The program would grant credits to parcel owners who can show they already capture or treat storm water or have reduced the amount of runoff from their property, but they would have to recertify their eligibility every two years.

The proposed ordinance would reevaluate the need for the program after 30 years and possibly reduce the tax at that time, but it makes no guarantees.

Although the L.A. Chamber of Commerce formally adopted a neutral position on the measure at the last minute, other business groups still oppose it.

Mike Lewis of BizFed called the credit provisions burdensome, costly and “designed to discourage people from applying.”

Peter Herzog of NAIOP, a commercial real estate organization, said attention had been diverted from the fact that the measure is “a brand new, permanent tax” with no implementing regulations yet attached.

Supervisor Kathryn Barger cast the lone dissenting vote.

“If this were a parcel tax that dealt strictly with the [storm water discharge] permit on compliance, I would be a yes vote today,” she said. “I just can’t vote for something that goes above and beyond at a time when I feel we need to be fiscally responsible.”

The tax, which will appear on the Nov. 6 ballot, will need approval from two-thirds of voters.

OXNARD GETS AID FOR SEWAGE PLANT

State budget includes \$9.5 million for repairs

Wendy Leung USA TODAY NETWORK
Ventura County Star 7/18/2018

The Oxnard sewage plant treats about 32 million gallons of wastewater every day.

It is old and rusty and it occasionally fails, causing spills of partially treated wastewater into the ocean.

The struggling plant is the reason sewage bills have been steadily increasing these past two years. It is the reason four of the five members on the City Council faced the threat of losing their posts.

But some good news came to the embattled facility when Gov. Jerry Brown signed the state budget. Assemblywoman Jacqui Irwin, D-Thousand Oaks, has secured \$9.5 million to go toward emergency repairs to the plant.

“It got our attention,” Irwin said. “There was so much politicking about it, eventually who’s going to be hurt are the residents. Hopefully, this helps move the city to stability.”

The money is available starting this year for any urgent repairs, of which there are many.

Oxnard Assistant Public Works Director Thien Ng said the \$9.5 million will help pay for three important projects — a standby generator, a new electrical building and a computer system. The total cost of the projects is about \$16 million, so wastewater revenue will have to fund the remainder.



Thien Ng, the city of Oxnard's assistant public works director, stands in front of an old water pump at the city's sewer plant. The facility is in need of major improvements. PHOTOS BY CHUCK KIRMAN/THE STAR



This is the chlorine contact tank at Oxnard's

This is the chlorine contact tank at Oxnard's wastewater treatment facility, where state funds garnered by Assemblywoman Jacqui Irwin will help pay for improvements and repairs.

With the grant funding, Ng said the city is ready to go out to bid on the projects at the end of the year.

“It definitely really helps out,” Ng said. “Without the \$9.5 million, the city most likely would have to take out a lowinterest loan or issue a bond. With the \$9.5 million, it definitely reduced the overall costs.”

Perhaps the most important task is to replace the emergency generators, which have failed on occasions, leading to spills. The current generators were purchased from the U.S. Navy, which had retired the machines in 2000. The city is concerned about another malfunction, so it is renting two generators as backups.

The new funding will help pay for an electrical building to replace the existing one, which does not meet current seismic code.

Not as urgent but still important is the replacement of the computer system, which acts as the central brain for the treatment facility. The system freezes often, as much as 90 times a month. It dates back to 1988, and the manufacturer went out of business in 1998.

The projects are on the top of a list of many others that are part of a multiyear plan to fix the facility. According to officials, 40 percent of the treatment plant is in poor or very poor condition.

Irwin said Oxnard is a special case because not only does the plant have the potential to cause great environmental damage, but it is also in a lowincome community. “This is a prime example of a community in need of a little assistance,” Irwin said. “I fought for this money, and I’m happy it was included in the budget.”

In 2016, the Oxnard City Council approved wastewater rates for the next five years that begin with a 35 percent increase for the average resident in the first year.

The set of rates was later repealed through a ballot initiative, but the council raised them again in 2017.

The decision to raise the rates again led to a special election in May to recall the mayor and three council members. Voters elected to keep the four officials.

The rates approved last year are slightly lower than the previously approved rates but kept the initial 35 percent hike. They offer revenue for a fiveyear capital improvement program, which is now going on its second year.

So far, the increased revenue has gone toward fixing manholes, replacing belt filter presses and rehabilitating the cogenerators, which are part of the final stages of wastewater treatment.

Other projects to be completed soon include the installation of a wire mesh to surround the bio towers, which are at risk of collapsing. The bio towers are used to remove organic matter from wastewater.

Rusty and corroded portions of primary clarifiers will also be replaced. The clarifiers, which are more than 50 years old, are settling tanks used during the preliminary treatment process. The replacement of parts will squeeze another four or five years of life out of the clarifiers.

Ng said early next year that staff members will begin discussions with the council on what the next steps should be after 2022, when rates will again be under consideration.



This is a primary clarifier at Oxnard’s aging wastewater treatment facility that will get some repairs after Assemblywoman Jacqui Irwin secured money in this year’s state budget. PHOTOS BY CHUCK KIRMAN/THE STAR



Thien Ng, Oxnard’s assistant public works director, says the city is ready to go out to bid on projects at the end of the year. The grant “definitely really helps out,” he says.

Tree die-off adds to danger amid fire near Yosemite Dead trees pose 'a huge fire problem'



THE FERGUSON fire in Mariposa County burns Sunday. Officials fear the blaze could grow far worse. (Carrie Anderson Associated Press)

By Joseph Serna and Alene Tchekmedyan
LA Times 7/17/2018

The Ferguson fire burning through Mariposa County has already charred nearly 10,000 acres and killed a firefighter working the front lines.

But its true destructiveness might lie ahead as it burns a path through a tinderbox already primed for disaster.

On either side of the Merced River, hillsides are filled with trees that have been killed by five years of drought and a bark beetle infestation, according to state maps. The ground is carpeted with bone-dry pine needles, which are highly combustible. These conditions, combined with dry, hot weather, have officials fearful that the fire could grow far worse as it burns near Yosemite National Park.

Fire “moves very fast through dead needles, and dead trees produce a lot of dead needles,” said Mike Beasley, a fire behavior analyst for the U.S. Forest Service. “The dead pine needles, no matter where they end up, whether they’re still in the tree or draped in some old, decadent brush, or laying on the ground, they contribute significantly to rapid rates of spread.”

All those dead or dying trees also pose a major risk to firefighters. They’re a source of flying embers that can travel long distances in the wind, igniting spot fires, Beasley said.

“The biggest overall risk is that these dead trees have an increased risk of falling — themselves and their limbs falling on firefighters,” said Heather Williams, a California Department of Forestry and Fire Protection spokeswoman.

The tree die-off is one of many fire hazards heightened by California’s drought conditions. The state last year experienced the most destructive fire season in history, with dozens killed and thousands of homes lost from Northern California wine country down to Ventura and Santa Barbara counties. Those blazes were fueled by dry conditions and unusually powerful winds.

The U.S. Forest Service estimates that since 2010, more than 129 million drought-stressed and beetle-ravaged trees have died across 7.7 million acres of California forest, mostly in the Sierra. Authorities have said the beetle epidemic is rapidly killing trees in the 4,500-foot to 6,000-foot elevation band of the central and southern Sierra range. It could take centuries for the trees to repopulate, if they ever do.

Unlike last year’s firestorms in Santa Rosa, Ventura and Montecito, the Ferguson fire is not burning close to major population centers. Rather, it’s burning in steep terrain deep in forest areas, making it hard for firefighters to access. Some areas haven’t burned since 1927, leaving a heavy accumulation of fuels.

The blaze has scorched almost 10,000 acres since igniting Saturday, though the biggest growth occurred in the first two days.

“It hasn’t grown dramatically today,” Beasley said Monday. “I think we just had a temporary reprieve where the fuels were no longer in alignment with the wind.”

But officials fear that it could end up becoming a repeat of last year’s Detwiler fire, which burned for five months through dead forest and destroyed 63 homes. It started a few miles east of the Ferguson fire, burning on the edge of Mariposa. The Detwiler fire

burned hotter than crews had seen in years and sent smoke floating as far north as Idaho, according to reports at the time.

A chance of thunderstorms in the high Sierra this week could bring gusty, erratic winds to the Ferguson burn area, according to Modesto Vasquez, forecaster with the National Weather Service.

“Any kind of increase in winds like that is going to potentially make for an explosive situation,” Beasley said.

The Ferguson fire, which was only 2% contained as of Monday, is traveling along the south fork of the Merced River, between groves of trees that have died in the last two years, according to a state tree mortality map. In 2016 and 2017, about 89 million trees died statewide because of bark beetle infestations.

“In the long run, for the whole region, for the whole western slope of the southern Sierra, it poses a huge fire problem,” Beasley said.

Crews may have to trek into these dangerous patches of land if it means protecting nearby homes, Williams said.

Fire officials are planning on setting up defensive lines along the fire’s southern flank to prevent it from reaching the groves of dead trees, but they’ll be facing head winds to do so, according to the National Weather Service.

As is typical for the area, the light winds blowing north and northeast around the Ferguson fire Monday morning were expected to shift at night, when they will instead begin to push the fire southwest in the direction of Midpines, meteorologist Brian Ochs said.

Thus far, the fire has not damaged any structures. More than 100 buildings were threatened and evacuations remained in place in Briceburg, Cedar Lodge and Mariposa Pines north of Bear Clover.

Facing steep, inaccessible terrain in many spots, firefighters are attacking the flames directly where they can but are otherwise focusing on setting up lines where they plan to make stands against the flames.

To reduce the fire danger, Pacific Gas & Electric Co. on Sunday switched off power lines serving the area, affecting parts of Yosemite, El Portal and Foresta.

Braden Varney, a Cal Fire bulldozer operator, died at the scene as crews battled the fire early Saturday, Cal Fire spokesman Scott McLean said.

Varney, 36, of Mariposa had served in Cal Fire’s Madera-Mariposa-Merced Unit for a decade. He left behind a wife and two young children, the agency said.

His bulldozer tumbled down a steep canyon while he was cutting vegetation to protect Jerseydale in case the fire moved in that direction, Cal Fire spokesman Jeremy Rahn said Sunday.

Varney had started working at 8:30 p.m. Friday, and at some point radio contact with him was lost, Rahn said. He could not say whether the accident occurred in darkness or daylight, but he said it was not unusual for bulldozer operators to work in darkness.

“It’s common practice for the dozers to be working through the night,” Rahn said.

Varney was spotted from the air about 8 a.m. Saturday. A crew confirmed his death. But because of the inaccessible terrain, his body was not expected to be recovered until Monday at the earliest.

McLean said Varney’s death is still under investigation. Varney was working with teams trying to contain the fire when he was killed, McLean said. The area where firefighters were working is generally inaccessible, with rough and steep terrain.

Last year, firefighter Cory Iverson died of burns and smoke inhalation while battling the Thomas fire in Ventura County.

McLean said he couldn’t recall firefighter deaths coming so close together in California in many years.

“We’re talking very extreme fire behavior,” he said. “Everybody just needs to be so careful.”

Times staff writer Doug Smith contributed to this report.



NOAH BERGER Associated Press

A PLANE battling the Ferguson fire passes the setting sun Sunday in Mariposa County. The blaze was only 2% contained as of Monday.

Who will pay for wildfire damages?

Laurel Rosenhall CALmatters

Asked this spring to identify the most important issue facing California lawmakers, the leader of the state Senate didn't hesitate: wildfires.

Two months later — with fires blazing from the Oregon border to San Diego — legislators are poised to wade into a political firestorm sparked by last year's historic fires and mudslides, which destroyed about 10,000 buildings and killed at least 66 people.

The biggest fight will be over liability — who pays for billions of dollars of damages from the loss of so many homes, businesses and lives? Expect another battle over how much utilities like Pacific Gas & Electric can pass liability costs onto their customers — and whether the state should step in to help. The backdrop for the drama: The scientific expectation that hotter, drier conditions brought on by climate change make it likely that California will suffer more large, intense fires.

All of this will play out in the Capitol in a special committee formed to create new laws aimed at preventing wildfires and improving the response to them. The committee has just a few weeks to figure it out because lawmakers are on summer recess for the rest of July and the legislative session will end on Aug. 31.

Interest groups with huge clout are gearing up. On one side are power companies that supply electricity to Californians and campaign cash to politicians. Their allies include an influential union representing electrical workers, and some environmentalists who see utilities as key players in California's fight against climate change. On the other side stand different moneyed interests and political juice: insurance companies, plaintiffs' lawyers and a coalition of fire victims that includes local governments and well-to-do homeowners.

"Even if it wasn't contentious, it's just complicated," said Sen. Bill Dodd, a Napa Democrat who represents thousands of victims of last year's Wine Country fires and is a co-chair of the new committee. "There are so many potential winners and losers depending on what decisions are made."

Gov. Jerry Brown and legislative leaders have vowed they won't retroactively change liability laws for the 2017 fires, which caused damages that will likely top \$10 billion. Those fires included the Thomas Fire that started Dec. 4 near Santa Paula and burned through Ventura and Santa Barbara counties. But lawmakers will discuss changing liability laws to limit the financial burden on utilities in the future, when the next wildfires ignite.

Inverse condemnation

The key issue is a legal doctrine called "inverse condemnation," a fancy way of saying "with great power comes great responsibility." Courts have ruled that the state constitution gives utilities eminent domain rights — the power to take private land for public use. Subsequent rulings determined that utilities bear the associated

responsibility in the form of strict liability. Under inverse condemnation, utilities are liable for any wildfire damage traced to their equipment, even if they were not negligent in maintaining it.

PG& E and other utilities are pushing to change inverse condemnation, arguing that it — combined with regulators' decision barring San Diego Gas & Electric from passing liability costs on to customers after a 2007 wildfire — could cripple them.

“Without reform, the application of inverse condemnation directly threatens our shared energy future and the financial viability of California’s utilities that could unjustly face billions of dollars in liability without any ability to spread these costs across customers — irrespective of whether they are at fault for these wildfires,” said a statement from PG& E spokesman James Noonan.

Cal Fire investigations allege PG& E’s equipment was involved in 16 of last year’s fires, and that in 11 of those, the company violated state codes that require keeping trees and shrubs away from power lines. The company says it met the state’s standards. Investigators have not yet determined the cause of the Tubbs Fire, the deadliest of last year’s blazes.

The utilities argue that climate change contributes to wildfires, and liability rules should reflect a “new normal” that involves greater risk.

“If we are operating the system and we’ve done everything we can and yet the environment around us causes a problem that leads to a large disastrous fire, the (legal) structure needs to be modernized to reflect today’s new challenges,” said Eugene Mitchell, vice president of San Diego Gas & Electric, which is widely praised for making its power system safer after the 2007 fire by replacing wood poles with steel and creating a high-tech weather center that tracks conditions before fires erupt.

Insurance companies and fire victims want to keep the inverse condemnation law — seeing the enormous liability it creates as an incentive for utilities to do everything possible to make the electrical system safe.

“You have to maintain some type of liability so that you continue to have responsible parties,” said Mark Sektnan, vice president of the Property Casualty Insurers Association of America.

Currently, insurers pay their policyholders after a disaster, then turn to utilities for reimbursement. Without that, insurers would likely charge homeowners more.

Part of solution

Other issues lawmakers will likely debate include how to strengthen the electrical system to prevent future fires and how much utilities can spread liability costs onto customers. A new bill proposed by Democratic Assemblyman Bill Quirk, of Hayward, would allow PG& E to access state-authorized bonds to pay off damages from last year’s fires. PG& E customers would pay off the debt, although at a lower rate than if PG& E had to borrow from another source, the bill says.

“One way or another, ratepayers are going to be part of the solution, and it’s just a matter of what’s the venue: bankruptcy court or the state Legislature?” said Scott Wetch, a lobbyist for the electrical workers union.

Although raising rates for customers is politically unpopular, Wetch says it’s no different than how other businesses handle disaster — whether it’s an unexpected freeze that causes vegetable prices to rise, or an explosion at an oil refinery that triggers a jump in prices at the pump.

Issuing bonds to PG& E would amount to a bailout, said Patrick McCallum, a lobbyist whose Santa Rosa home burned down in October. He has since sued PG& E and become a leading voice advocating in the Capitol on behalf of fire victims. But he said his group would not oppose the legislation if lawmakers prioritize a new fire prevention strategy and maintain inverse condemnation.

Doubts about whether California will change the liability law caused Standard & Poor’s to downgrade its rating outlook for two of the state’s utilities: “Time is of the essence because the 2018 legislative session ends in just under eight weeks and wildfires continue to rapidly and actively spread throughout California,” said the July 9 report by S& P Global Ratings.

Lower credit ratings make it more expensive for utilities to borrow money that allows them to build clean-energy projects such as charging stations for electric cars and battery storage for solar power — items lawmakers and Brown have prioritized in California’s fight against global warming.

“The utilities have financed a big part of the climate change agenda we’ve accomplished,” said environmental lobbyist V. John White. “We can’t have paralysis on building the infrastructure we need to meet our greenhouse gas reduction targets.”

It adds up to a monumental heap of fallout from recent wildfires. And it explains why Senate leader Toni Atkins, a San Diego Democrat, was so quick to say in May that the mop-up is the biggest issue facing the Legislature: “This new coined phrase, ‘new normal,’ is really something we’re going to have to grapple with in terms of climate change and what it means for us, and the cost to California.”

CALmatters.org is a nonprofit, nonpartisan media venture explaining California’s policies and politics.

Grand jury raises concerns about dams

Report cites issues with 4 in Ventura County area

Kathleen Wilson USA TODAY NETWORK
Ventura County Star 7/15/2018

The Ventura County Grand Jury is calling for tightened oversight of area dams and community education on how to respond to a dam failure after investigating the safety of the critical structures.

The civilian panel examined the condition of more than 20 dams in and adjoining Ventura County and found that 14 could cause significant loss of life and property if they failed.

Four were identified with existing or potential deficiencies by the California Division of Safety of Dams in a review of close to 100 dams that was spawned by the failure of the Oroville Dam spillway last year, jurors said.



James Grisham, engineering manager for the United Water Conservation District, gets a view from the top looking down at the Santa Felicia Dam spillway. PHOTOS BY JUAN CARLO/THE STAR



Mike Ellis, left, chief operations officer for the United Water Conservation District, and James Grisham, engineering manager, walk on the Santa Felicia Dam spillway.

Those dams were identified as the Matilija and Santa Felicia dams in Ventura County and Castaic and Bouquet Canyon dams in Los Angeles County.

State officials have deemed Matilija Dam to be in “poor” condition and the other three dams in “fair” condition, the report said.

The rating for 71-year-old Matilija Dam is based on concerns about the structure’s ability to tolerate a 7.5-magnitude earthquake, jurors said in the nine-page report.

“While the analysis did not appear to indicate complete failure, it indicated a likelihood of significant weakening,” the report stated.

State officials’ concerns center on the damage that could be done by multiple earthquakes, said Glenn Shephard, director of the Ventura County Watershed Protection District, which owns the dam.

“That is the basis for the poor rating,” he said.

Public officials have called for removal of the dam for both environmental and safety reasons, but the cost could exceed \$100 million.

Shephard said a large chunk of the funding could be forthcoming. A bond measure headed to California voters in November says \$80 million may be spent for the removal of the dam and related projects.

In the meantime, the district plans to apply for a \$2 million federal grant to do work that will help stabilize the structure. The job involves removing large pieces of concrete on the sides of the dam that remained after a previous construction project. Jurors also noted problems with the Santa Felicia Dam, an earthen structure on Lake Piru that dates from the mid-1950s.

The dam received a “fair” rating primarily because of deficiencies that make the dam vulnerable if the largest plausible earthquake struck before upgrades are made, the report stated.

Engineers are concerned about what would happen if a quake damaged the conduit that runs under the dam, said Anthony Emmert, assistant general manager of the United Water Conservation District, which owns the structure.

“It is not a concrete dam,” he said. “It could be eroded by flowing water.”

About 300,000 people live downstream of the dam in an area stretching from Piru to the Oxnard Plain, he said.

District officials plan to replace the conduit with one built around the dam and designed for modern earthquake standards, he said.

Jurors noted the district’s efforts to replace the conduit and enlarge a spillway to handle more water in the case of a major flood.

Emmert said it would cost an estimated \$100 million to do the work on the spillway and the conduit. The district has perhaps \$20 million set aside, he said, and is looking for low-interest loans and federal and state money for the rest.

Jurors also commented on the “fair” ratings for two Los Angeles County dams near Ventura County.

They said the Castaic Dam had three areas that contributed to the “fair” rating and potential weaknesses. All three areas are being analyzed.

The Bouquet Canyon Dam’s rating was reportedly based on an outdated seismic evaluation, jurors said. It is owned by the Los Angeles Department of Water and Power, which has improved the monitoring system and is doing more seismic studies, jurors said.

Besides examining the dams, the grand jury reviewed how a dam failure would be handled by the Ventura County government. They were critical on several scores.

Jurors concluded that plans for responding to dam disasters follow the state’s guidance but provide little or no direction beyond spelling out the process for notifying dam owners and the Ventura County Sheriff’s Office of Emergency Services.

The grand jury also found that methods for notifying people of pending dam disasters relied largely on telephone alert systems that would likely fail in a major earthquake. That was strongly disputed by emergency services officials, who said they use a multimodal system that includes social and traditional media, telephone alerts and contact by officers in person or on public address systems.

Jurors found that public education efforts including information on evacuation routes were lacking. While state officials require inspections, no local monitoring of the status of dams is done, the report stated.

Most of the grand jury’s recommendations were directed toward the sheriff’s emergency services office, which is responsible for countywide disaster response and preparation.

Jurors called for the office to track the progress of remedial actions taken at the Matilija, Santa Felicia, Castaic and Bouquet Canyon dams and make annual progress reports to the Ventura County Board of Supervisors.

Jurors said the emergency services office should consider working with dam owners and cities to pursue placement of signs and sirens within inundation areas and work more closely with state officials to monitor dam safety. Finally, the grand jury recommended that the Ventura County Board of Supervisors direct county public works officials to provide technical assistance to the office.

Assistant Emergency Services Director Kevin McGowan said the office has a history of collaborating with operators of dams and other interests.

The agency remains committed to keeping communities informed of dam hazards and is prepared to support and coordinate response and recovery efforts, he said.

Dam operators and the state Division of Safety of Dams have the responsibility and technical capability to monitor and evaluate dam safety, he said. The office partners with these entities to enhance preparedness, he said.

McGowan said sirens may be used for notifications in Piru primarily because of the community's proximity to the Santa Felicia Dam. Expanding siren notifications and installing signs in areas downstream that would be subject to flooding in a dam failure would need to be studied, he said.

The grand jury required a response from county supervisors and requested them from the Office of Emergency Services and operators of the dams.



Water is released from the Santa Felicia Dam at Lake Piru in June 2017. The dam captures runoff from the rainy season and it is then released in late summer or fall to provide groundwater. UNITED WATER CONSERVATION DISTRICT PHOTO

A way out of state's chronic water crisis

Your Turn

Kerry Jackson Guest columnist
Ventura County Star 7/15/2018

California's chronic water problems were once again national news when Gov. Jerry Brown signed legislation establishing a code of water-use restrictions that would be more fitting for an undeveloped nation. As usual, policymakers chose the austerity of coercive public policy over the voluntary, cooperative agreements that markets use to efficiently and fairly allocate goods and services.

Aside from a few small enterprises, there are no comprehensive water markets in the state. More than 90 percent of the water that flows through California is under the control of a centralized government entity. A Ventura County pilot program under the authority of the Fox Canyon Groundwater Management Agency, however, could change everything.

"In a significant breakthrough for the state's water economy, a community of farmers near Ventura are about to join a new groundwater market," according to the Water Deeply news and analysis site. In this model, farmers, who have had to operate under a use-it- or-lose-it policy, are free to sell their groundwater. For some, the sales will generate more revenue than sales of the crops they would have otherwise irrigated with the water. Others will be able to both irrigate their crops and sell their excess supply.

The project is a response to the Sustainable Groundwater Management Act, three bills passed in 2014 that created, according to the California Department of Water Resources, "a framework for sustainable, groundwater management." The new state groundwater management scheme has the potential, says Matthew Fienup of California Lutheran University's Center for Economic Research and Forecasting, to force some farmers out of business due to the "existential financial stress" it would place on them.

Three years ago, Fienup wrote that "farmers have to use their water on their own property or lose access to it in future years. This is the economic equivalent of forcing them to grow hay in the desert. These farmers might prefer to sell their water, while temporarily leaving their land fallow, but California law prohibits this."

Today, the more than 90 farmers so far participating in the Ventura County pilot program, which Fienup helped create, have been liberated.

There's no reason why water can't be allocated by markets. Two decades of rationing farmers, a dam of environmental regulation, and prohibitionist legislation have not solved California's water problems.

Water markets offer a far better outcome. They've been successful in Oregon, Nebraska and Colorado, as well as outside the U.S. "The finest example of water markets that function," according to Fienup, are found in Australia. It is instructive, he says, "because not long ago Australia's water laws looked a lot like California's."

In 2009, at the end of a 15-year drought, 90 percent of Australian farmers said water trading helped them keep their operations going. The water markets also fueled economic vitality. The Australian National Water Commission reported the trading system boosted Australia's GDP by \$220 million in 2008-09.

California's self-inflicted water crisis should be nothing more than a brief entry in history books read by future generations instead of the chronic, interminable headache it's become. But as long as policymakers keep looking for answers among themselves, the slow-motion disaster will continue without interruption.

There is, however, a way out. First, retail water consumers should not be paying prices set by government utilities. Let the market set them. Market prices mitigate scarcity as consumers respond with self-rationing when prices increase. Market prices will also attract entrepreneurs who will have a financial incentive to introduce new ways to increase supply to meet consumer demand.

Second, more projects like the Ventura County market need to be launched. Policymakers have the political clout, as well as the obligation, to make sure the program is repeated across the state.

Freeing California water will require officials to address a number of other complex issues — environmental regulations and storage chief among them. It won't be easy, but it has to be done.

Kerry Jackson is a fellow with the Center for California Reform at the Pacific Research Institute.

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