

NEWS CLIPS

Published September 27, 2013



Resource Conservation and Public Outreach

Organized by date

Water districts sue EPA over clean water standards

The Acorn 9/26/2013ntsMentioned.com

Two local water districts have filed suit in federal court seeking to block the new clean water standards imposed by the U.S. Environmental Protection Agency for Malibu Creek and Lagoon.

The Las Virgenes–Triunfo Joint Powers Authority, a joint venture of Las Virgenes Municipal Water District and Triunfo Sanitation District, seeks injunctive relief from the EPA's July 2 "total maximum daily load" requirements for the watershed.

TMDLs are the maximum amount of a pollutant that the creek can receive and still meet water quality standards

The water districts say the TMDL mandate will hit the consumer with millions of dollars in compliance costs without assurance that the watershed would be significantly better off.

"We are filing this action on behalf of the ratepayers who will ultimately bear the costs for facilities that would need to be built, yet may not accomplish meaningful water quality improvements," said David Pedersen, Las Virgenes general manager.

"As written, the TMDL does not sufficiently recognize native conditions in the watershed and goes far beyond the scope and intent of the (U.S.) Clean Water Act," Pedersen said.

Native algae that chokes the creek's oxygen supply and threatens the watershed ecology exists even without the introduction of growth-inducing fertilizers and other pollutants, Pedersen says.

The filing cites numerous instances of inappropriate actions by the EPA in the course of formulating its TMDL document.

Michael McReynolds, chairman of both the Triunfo district and the joint powers authority, said, "Since we could not reach agreement with the EPA on the process and science behind the regulations, we felt compelled to file a lawsuit.

"In the absence of concrete evidence that the regulations will have the desired effect and in view of the unfair process, the lawsuit was the only course of action left at our disposal. When one considers the staggering costs to the community, it is imperative for sound science and proper process to be at the core of such a significant regulation." McReynolds said.

In May, the EPA hosted a public meeting on the proposed TMDLs. Nearly 200 people

attended, but the agency did not act on many of the concerns that were brought forth, the water agencies say.

“We support the responsible environmental stewardship of the watershed, but we also believe that water quality goals must be attainable, cost-effective, and produce meaningful results,” said Charles Caspary, president of the Las Virgenes board.

The Las Virgenes-Triunfo J.P.A. provides wastewater treatment, recycled water and composting services to 100,000 people in the cities of Agoura Hills, Calabasas, Hidden Hills, Westlake Village, portions of Thousand Oaks, Oak Park, North Ranch and surrounding unincorporated areas of Los Angeles and Ventura Counties.

—*Acorn staff report*

Triunfo upset about cost overrun

Directors shocked at price of meter station installation

By Sylvie Belmond
The Acorn 9/26/2013

Changes and cost overruns that more than doubled the expense of a new underground metering station at Kanan Road and Falling Star Avenue in Oak Park have angered local water district officials who had to dig into their reserves to pay for the extra charges.

The metering station regulates and measures the flow of water going into the new reservoir in Oak Park.

As part of the Oak Canyon reservoir project that began in 2011, Triunfo Sanitation District anticipated spending \$400,000 to build the station, which replaces three smaller ones.

But design alterations and other obstacles that occurred during construction led to higher material and labor fees—bringing costs up to \$870,000.

“We’re very unhappy,” Triunfo director Mike Paule said.

Triunfo paid for the metering station, but Calleguas Municipal Water District, which supplies all the potable water to Oak Park, oversaw construction to make sure the facility connected to one of its main supply lines could handle high volumes of water.

“Calleguas requires certain types of equipment and procedures. (The) price kept going up and up,” Paule said.

Due to time constraints Triunfo decided not to seek competitive bids. But the resulting 120 percent cost overrun sent the Triunfo directors into shock, and they are now trying to determine whether negligence occurred.

Representatives from Calleguas, AECOM engineering firm, and Lash Construction Inc. attended a recent Triunfo meeting.

Susan Mulligan, general manager of Calleguas, said her agency hired AECOM to design the metering station because it had already worked on the Oak Park reservoir. Triunfo had contracted with Lash Construction to build the station.

Mulligan said that while Triunfo spent more money than anticipated to build the Falling Star station, the district also saved money by gaining free use of a Calleguas pipeline to its new reservoir and not having to building a separate line.

“Triunfo didn’t want to tear up Kanan and build another pipe. So we transferred that pipe to them for \$1,” Mulligan said.

The pipeline was built in the 1960s in preparation for development of Ahmanson Ranch. As part of the agreement, Triunfo had pay for the new Falling Star meter station.

Triunfo directors have a right to be upset about the higher cost, Mulligan said.

Ryan Gallagher, operations manager for the Camarillo-based AECOM, said his firm supports Triunfo's fact-finding mission.

AECOM working with Triunfo and conducting an internal review to determine what caused the price hike.

"I believe it's not one thing that was wrong, but there were multiple contributing factors," Gallagher said. "Now that we're going through to investigate what happened, we are procuring some quotes from manufacturers" for comparison.

Rick Henderson, foreman for Lash Construction, said his firm never saw a breakdown showing how AECOM came up with its engineering estimate.

"We know it was going to more than \$400,000," Henderson said.

"We would have bid accordingly with all the liability built into it, which would have brought the cost way up. Sometimes people get the idea that time and material give a contractor carte blanche run wild. But our company is not that way," Henderson said.

Possible factors leading to the price hike include relocation of gas line and other labor involving adjacent electrical and sewer lines.

While Calleguas didn't set cost limits, the agency does have inspectors on site to hold contractors accountable, Henderson said.

Triunfo says Calleguas, the engineering firm and the contractor should have done a better job keeping Triunfo informed about the escalating costs.

"We're very disappointed that AECOM's estimate was so far off. We relied on that estimate and made all the decisions on that estimate," Triunfo chairman Mike McReynolds said.

"The biggest complaint I have is that Calleguas didn't keep us in the loop about change orders. We should have been made aware early on of the higher costs," McReynolds said.

"There seemed to have been a myriad of mistakes made, and we end up with the bill," Paule said. "We have a duty to seek recourse if there is a chance that we can recover the funds."

Triunfo General Manager Mark Norris said that in the future the district should always request firm bids from contractors and compare those to the engineering estimate.

After the discussion on Sept. 23, Triunfo directors agreed to pay the balanced owed on the metering station.

EPA establishes expensive water regulations that accomplish nothing

By Michael McReynolds
The Acorn 9/26/2013

I want to comment on the regulations that the EPA is about to implement for Malibu Creek and their effect on the Triunfo Sanitation and Las Virgenes Water District. I also want to focus on how unfair the process was which created the regulations, and the likelihood of these regulations actually achieving their goal of reducing algae growth in Malibu Creek.

The process by which these regulations were created is difficult to understand. EPA puts out guidelines as required by the Clean Water Act. The State of California is supposed to turn those guidelines into regulations. However, in this case, California did not adopt regulations. So Heal the Bay sued the EPA and forced them to issue regulations to settle the lawsuit. So my first complaint is that we had no voice in the settlement.

Normally in the settlement of a lawsuit the parties involved have input into the settlement, but not in this case. In this case the parties affected are the sanitation district, which implements the regulations, and the taxpayers, who pay for the regulations. These parties did not have any say in the outcome of the lawsuit.

Next we have to ask what the regulations were based upon. Turns out the regulations are in response to a Heal the Bay Report titled "Malibu Creek Watershed: Ecosystem on the Brink."

You would think that a report like this (the basis of the regulations potentially costing taxpayers \$100 million) would be available to the public and could be reviewed by the entities affected by it.

You would think that the comments by the agencies affected would be reviewed by scientists at EPA before regulations are implemented.

But that isn't the case. The report was made public just five days before the regulations were originally scheduled for adoption. No comments could be submitted to the EPA

before the regulations were enacted. This was a very unfair process to the public and the agencies which have to implement these policies.

So will these regulations work? Will they prevent algae from growing in the creek?

Almost certainly not.

Algae needs phosphorus and nitrogen to grow. The regulations are all about reducing these two constituents. Unfortunately, the native rock formations provide enough phosphorus and organic nitrogen to feed all of the existing algae growth. Want proof? Go look at the creek. Upstream of our plant, the creek is loaded with algae. Finally consider this: In the summer months (when we do not discharge any water into the creek) it is still loaded with algae.

It is an outrage that a broken process has resulted in very expensive regulations that will accomplish nothing. Please contact your congressional representative and ask them to fix this regulation and the process that allowed it to be adopted. It is time to review our regulation process and eliminate loopholes like this one that affect taxpayers so severely.

Michael McReynolds is chairman of the Triunfo Sanitation District, a joint partner with Las Virgenes Municipal Water District in a lawsuit against EPA.

Wastewater agency sues Feds over algae levels

Suit says it's impossible to beat algae

By Teresa Rochester

Ventura County Star Conejo Valley Late Extra 9/26/2013

A wastewater treatment provider serving 100,000 people from Thousand Oaks to Calabasas has asked a federal judge to toss out water quality standards for Malibu Creek mandated by the U.S. Environmental Protection.

Officials with the Las Virgenes-Triunfo Joint Powers Authority said modifying the Tapia Wastewater Reclamation Facility and operations according to the standards could cost more than \$180 million.

The cost would be passed on to customers without a guarantee that the changes would significantly improve water quality in the Malibu Creek watershed, authority officials said.

"We are looking to have a firm link between any firm actions that EPA may be looking at and outcomes tied to sound science," said Jeff Reinhardt, manager of public affairs and communications for the Las Virgenes Municipal Water District.

EPA officials know about the lawsuit but cannot comment on it, according to a representative.

Algae in Malibu Creek and Lagoon, its eradication and its effects on little organisms without a backbone called benthic macroinvertebrates are at the root of the lawsuit.

The water quality standards are called total maximum daily loads, or TMDLs, and are meant to fix impairments to recreational use of the water. In Malibu Creek, the impairment is algae and they need to be eliminated, according to state and federal regulators. The EPA started gauging the extent of the impairment in part by looking at the population of benthic macroinvertebrates.

In the suit, attorneys for the joint powers authority argue that the federal Clean Water Act's purpose is to restore and maintain the integrity of waterways but that the requirement to get rid of the algae and boost the number of benthic macroinvertebrates is impossible.

"'Restore and maintain' does not mean enhance," the suit says. "Enhance is utopian.

The TMDL is not attainable.”

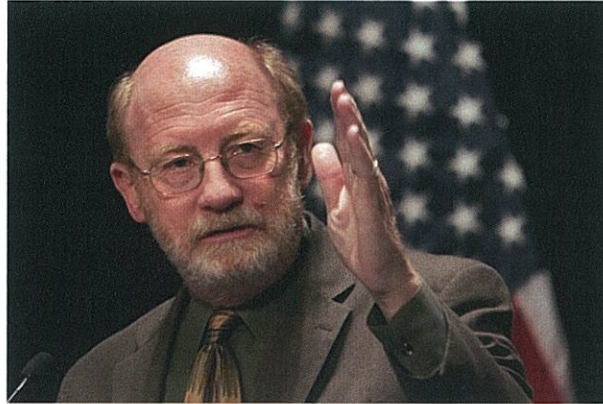
Reinhardt said Malibu Creek has a unique chemistry.

“We believe the natural condition of waters in Malibu Creek promotes algae growth, and no TMDLs on our part are going to correct that,” he said.

In Simi speech, state natural resources chief calls Delta solution crucial

By Timm Herdt

Ventura County Star Thursday, September 26, 2013



VENTURA COUNTY STAR

CARLOS CHAVEZ/SPECIAL TO THE STAR California Natural Resources Secretary John Laird addresses a crowd of water experts Thursday at the Ronald Reagan Presidential Library and Museum in Simi Valley.

Speaking to a group that depends on it more than any other, state Natural Resources Secretary John Laird told Ventura County officials Thursday it is imperative to move forward on a \$25 billion project to ensure reliable water deliveries from the Sacramento-San Joaquin Delta for 50 years.

Laird spoke in Simi Valley at the annual meeting of the Association of Water Agencies on the eve of the release of a draft environmental report that has been seven years and \$200 million in the making. It will lay out detailed plans to restore the Delta's badly degraded ecosystem and construct two, 30-mile tunnels to divert water under the Delta for delivery to much of the rest of California.

"The status quo is horrible. Almost nobody benefits from it," Laird said. "It is up to us to educate people that these are decisions that are going to matter for the next 50 years."

Nearly all of Southern California relies to some degree or another on a mix of water imported from distant mountain watersheds — the Owens Valley, the Colorado River or the Delta. But Ventura County is unique because much of it, including all of the cities of Thousand Oaks and Simi Valley, is 100 percent dependent on Delta imports alone.

Delta water, said Calleguas Municipal Water District General Manager Susan Mulligan in introducing Laird, "is truly the lifeblood of Ventura County."

The Bay Delta Conservation Plan is a state-federal effort designed to meet what it calls the “co-equal goals” of habitat restoration in the Delta and ensuring a reliable supply of exports to the State Water Project.

Those exports have diminished in recent years as a result of biological decisions designed to stave off the extermination of once-abundant fish species in the Delta. Without the tunnel project, Laird said, those exports are certain to diminish further in the years ahead.

Laird noted that the project has rekindled decades-old north-south water conflicts in California. He lamented a phenomenon in which he says public perception and rhetoric are stuck in 1982, when a bitter political battle over a proposed peripheral canal around the Delta ended in defeat.

Much has changed since then, he said, including advances in water conservation that have allowed Southern California to add 3 million people without increasing water use, a growing reliance on the State Water Project in other areas of the state including the Silicon Valley, and heightened recognition that environmental restoration is an essential component of any plan that affects Delta water.

Fidelity to the co-equal goals, he said, creates a situation in which environmentalists, farmers and urban water users should have cause to come together.

“Our opportunity is that you can’t get the goal you want unless you satisfy the one that is probably not your first choice,” Laird said.

The tunnels, which would be financed entirely by the water users who benefit, are designed to advance both goals by diverting water from the Sacramento River at the north end of the Delta, reducing the adverse environmental effects created by powerful pumps that now suck water from the south Delta.

The plan is designed to ensure that annual exports remain at what they are today, about 5 million acre-feet per year. Without the tunnel project, he said, the draft environmental report indicates those exports over time could drop by 1 million to 2 million acre-feet per year.

Because Ventura County is at the northern edge of the Metropolitan Water District of Southern California, the agency that contracts for imported water deliveries, it is not served by pipelines that bring in water from the Colorado River. Thus, its only source of imported water is the 100,000 acre-feet per year that stream down the California Aqueduct through the Central Valley to connect with the Calleguas District’s plumbing system.

Laird told the about 300 local elected officials and water experts gathered at the Ronald Reagan Presidential Library and Museum that interest in Delta issues across the state tends to be inversely related to a region's proximity to the area. Since the project's loudest critics are those closest to the Delta, he said those who are most distant from it also must make their voices heard.

"Be aware, make others aware, and make sure your interests are heard in the process," he advised. "We've got a chance to do something significant."

Laird said the draft report could be released "in the next few days."

Once it is published in the Federal Register — a process that potentially could be delayed by a U.S. government shutdown — it will trigger a 120-day comment period. If the process stays on target, the acts of signing contracts with water agencies and obtaining federal permits could begin next summer or fall.

Delta conservation plan is only a piecemeal solution

What's needed is a statewide, or even regionwide, solution to the problem of limited water supply and burgeoning demand.



Water birds fly over the Sacramento-San Joaquin River Delta, which boasts a diversity of flora and fauna. (Luis Sinco, Los Angeles Times / October 12, 2010)

By Michael Hiltzik
LA Times September 24, 2013

STATEN ISLAND, Calif. — The Sacramento-San Joaquin River Delta is one of the most biologically diverse and ecologically sensitive areas in the country and the source of 30% of Southern California's water. It's also broken.

Those may be the only facts about the delta on which everybody agrees.

Because of oxidation of the area's unprotected peaty soil, the level of farm tracts on some of its 57 levee-ringed islands has dropped to as much as 30 feet below sea level. That makes them especially vulnerable to a rise in the water level, deterioration of the levees and contamination by saltwater flowing in from San Francisco Bay. Habitat for countless species of fish, bird and mammal has been destroyed. Before 1850, the delta comprised 540 square miles of freshwater wetlands and more than 300 salt marshes; today those ecosystems have been shrunk to a combined 48 square miles.

"The delta is one of the most degraded estuary and wetland systems in the nation," [Chuck Bonham](#), director of the state Department of Fish and Wildlife, told a group of journalists this week. He also said that fixing it "might be the most intractable natural resources problem in America."

Bonham was speaking from this 9,100-acre island owned by the Nature Conservancy, which operates a migratory bird refuge and demonstration farm growing corn and wheat on the tract. His audience was assembled to tour the delta, a filigree of winding waterways east of San Francisco Bay and west of Stockton, by the Metropolitan Water

District and the state Department of Water Resources. Their goal was to promote the latest in a long sequence of delta fixes, the so-called Bay Delta Conservation Plan.

The massive scheme includes a pair of 30-mile tunnels to carry water from the Sacramento River upstream of the delta to an existing pumping station downstream, where it feeds into the California aqueduct serving the Central Valley and Southern California. The tunnels would be paid for by growers and urban water users in the south — the average bill for a Southern California resident served by the MWD would move \$5 a month higher over several years, according to Jeff Kightlinger, the district's general manager. A final environmental impact statement for the plan is due to be published Nov. 15.

The second part of the plan is a large-scale rehabilitation program aimed at reclaiming 150,000 acres of wetlands and marsh after decades of destruction. The restoration would be financed out of the proposed \$11-billion water bond issue that Gov. Jerry Brown hopes will prevail on the November 2014 ballot.

There are obvious virtues to shifting the aqueduct intakes 40 miles upstream from their current location in the south delta. The change would yield improvements in water quality and accommodate new technologies to keep fish out of the intakes — currently salmon fry and delta smelt get sucked into the pumping plants and mulched. The project's supporters say the tunnels would reduce the risk that earthquake or storm damage to the levees would interrupt the flow of water to users in the Central Valley and Southern California.

Yet the very nature of the Bay Delta Conservation Plan underscores its greatest flaw. The plan yokes a major infrastructure improvement to an environmental upgrade serving one discrete element of the state's water supply network. What's needed is a statewide, or even regionwide, solution to the problem of limited water supply and burgeoning demand.

"Our water use isn't planned, it's haphazard," says Peter Gleick, president and co-founder of the Pacific Institute and one of the most incisive analysts of water issues today. As he points out, every part of California's water supply system is connected to the whole. Yet state and regional water policy focuses on solving problems as though they occur in separate sandboxes.

Is there a dispute over Southern California's supply from the Colorado River? Then we solve it narrowly through agreements among the dozens of government bodies, Indian tribes and water districts with claims on the river. Corporate growers plant almond and pistachio trees in the Central Valley because they're hugely profitable. But the trees are exceptionally thirsty, and once they're planted they create a permanent demand for lots of water. Are thirsty almonds the best crop for a semi-arid region with lots of competing demands? Doesn't matter; they're planted because their owners happen to have access to lots of water — for now.

"If we took the amount of water we know we have reliably and divided it up in a logical, socially responsible fashion, it would look different from what we have today," Gleick observes. "But there's no overarching guidance about who can plant what where or how much water people use in their homes."

On Gov. Brown's order, the Department of Water Resources is developing a statewide water strategy to be issued next month. But it's not yet public and is sure to be nothing like the ambitious program that's needed for a future of limited supply. The vacuum is only getting more dangerous, since climate change is likely to make rainfall and snowpack in the American West more sporadic and unpredictable.

In the meantime, the best we have is piecemeal approaches such as the delta conservation plan. Proposals to divert southbound water intake around the most sensitive portions of the delta have emerged every 20 or 30 years since the 1930s. The last one was the peripheral canal, a \$3-billion, 42-mile project that suffered a resounding ballot defeat in 1982.

The campaign over the canal pitted farmers against urban dwellers, and some farmers against other farmers, but the major split was geographical. Its 2-to-1 support in Southern California was swamped by voting in Northern California that in some counties ran 95% against.

The latest political strategy for the delta aims to circumvent the north-south split that doomed the peripheral canal. The tunnel project itself won't go before the voters, since it's part of a comprehensive delta stewardship plan approved by the Legislature in 2009.

The portion of the conservation plan that will need voter approval is the conservation and restoration scheme, which will be covered by a water bond of up to \$11 billion currently scheduled for the November 2014 election. (Voters are thought to be more amenable to spending on conservation than, well, water tunnels.)

The tunnel plan still isn't a slam-dunk. The release of the environmental impact report is certain to prompt many rounds of questioning and dickerings by stakeholders on all sides of this multifaceted debate. That process will last another year at least. The plan has already been scaled back to meet objections from local residents and government environmental regulators, and the likelihood that it will evolve further is therefore 100%.

Southern California has achieved wonders through conservation and renewable uses. MWD's water sales have gone down over the last two decades despite a growth of 3 million residents in its service area, and Kightlinger says the district thinks it can fulfill demand through 2050 or even 2075 without expanding the supply it has today.

But make no mistake: Water will continue to be taken out of the delta to serve the Central Valley and Southern California, if only for the simple reason that 75% of precipitation in the state falls north of Sacramento, and 75% of demand is south. Finding a way to do it better is essential. Whether the tunnel plan is that way will be

hashed out over the coming months by stakeholders who see the situation through their own lenses. The conflict over their rights is bound to become more intense.

At every stop the journalists on tour this week were shadowed by [representatives of local delta landowners](#) and farmers, who maintain that the tunnels will destroy their way of life.

They have a right to be heard. As Bonham put it, "You can't do delta restoration on the backs of the local community." But their interests, and everyone else's, also need to be measured against myriad other statewide interests — salmon fishermen, dairy farmers, semiconductor manufacturers, San Franciscans, Angelenos — and balanced against the immutable realities of supply.

As Gleick puts it, California and the West have reached "peak water." He says, "We're at the limits of what we can do." In the Delta, "we're taking out too much water and the consequences are disputes over allocations and devastated ecosystems." But that's not the only place where more water has been promised than can be responsibly delivered.

"It doesn't solve our problems if we fix only a piece of them at a time," he says. "The delta tunnel is only one piece."

Michael Hiltzik's column appears Sundays and Wednesdays. Reach him at mhiltzik@latimes.com, read past columns at latimes.com/hiltzik, check out [facebook.com/hiltzik](https://www.facebook.com/hiltzik) and follow [@hiltzikm](https://twitter.com/hiltzikm) on Twitter.

Big chinook run doesn't let Columbia dams off the hook, activists say

Salmon counters at Bonneville Dam on the Columbia River are seeing the biggest chinook run since 1938, but environmentalists still worry.



A chinook salmon in Oregon's McKenzie River. The fall chinook run in the Columbia River has been record-setting. (Chris Pietsch / Register-Guard)

By Maria L. La Ganga
LA Times September 24, 2013

BONNEVILLE DAM, Wash. — The tiny fish-counting station, with its window onto the Columbia River, was darkened so the migrating salmon would not be spooked. And it was silent — until the shimmering bodies began to flicker by.

Then the room erupted with loud clicks, as Janet Dalen's fingers flew across her stumpy keyboard. Tallying the darting specimens, she chanted and chortled, her voice a cross between fish whisperer and aquatic auctioneer. Her body swayed from left to right. Her tightly curled bangs never moved.

"Come on, come on, come on," Dalen urged, as she recorded chinook and steelhead, sockeye and coho. "Treat the fish counter nice. Keep going, sweetheart. That's a good girl.... Pretty boy! Salute to the king! He's a dandy. Beautiful, beautiful. Lotta fun. Just can't beat it. An amazing year."

A record fall run of chinook salmon is heading up the Columbia River — more than any year since the Bonneville Lock and Dam was built in 1938, impeding natural access to the prized fish's traditional spawning grounds and stirring a controversy that has yet to abate.

On Tuesday, the millionth adult chinook salmon so far this year migrated upstream through the massive dam, a milestone that had never before been reached. Biologists are talking hopefully of a fall season that alone could also crest the million mark. On Sept. 9, fish counters like Dalen tallied a one-day record of 63,870.

"Is this something to celebrate? Absolutely," said Sara Thompson, spokeswoman for the Columbia River Inter-Tribal Fish Commission, a coalition of the Yakama, Warm Springs, Umatilla and Nez Perce tribes. "But this is one population of salmon. There is still more work to do."

Salmon form the backbone of the tribal culture and economy in the Pacific Northwest and southeastern Alaska. They are also crucial for commercial and recreational fishermen. The dam generates hydropower for the region and parts of California. Balancing the competing needs is a daunting task.

This year's robust fall chinook salmon run has increased calls to remove some wild salmon populations from endangered species lists, but it has done little to quell opposition to the series of dams on the Columbia and its tributaries.

"This is a good news story for the fish and fishermen with the fall chinook return," said Joseph Bogaard, executive director of Save Our Wild Salmon. "But you can't lose sight of the fact that there are 13 distinct populations of salmon that remain at risk" in the Columbia and Snake rivers, listed as threatened or endangered under the federal Endangered Species Act.

The reasons for this year's fall chinook run are more complex than mysterious.

Biologists for the tribes; the Bonneville Power Administration, which owns and markets the power generated by the dam; and the U.S. Army Corps of Engineers, which owns and operates the dam; cite a number of interrelated factors.

Much work has been done to make the turbines, which generate the power, safer for juvenile fish to pass through, said Kevin Wingert, a BPA spokesman. Other measures include structures that allow fish to pass the dam at more natural and safer depths.

Spawning areas have been cleared of debris and invasive species. Ocean conditions in recent years have been favorable for the salmon's survival, with low temperatures and abundant food.

And since 2006, the agencies involved in operating the Columbia's dams have been under court order to increase so-called spill, the amount of water going over the dams during spring and summer, flushing young salmon away from the turbines and out toward the ocean.

But critics say a draft management plan under review for Columbia River salmon and their cousins the steelhead would allow dam operators to curtail spill, the very thing these critics say has aided fish.

"The draft so far discounts or eliminates spill, one of the few things we know actually works," said Glen Spain, northwest regional director for the Pacific Coast Federation of Fishermen's Assns. "What we need to do is not just rejoice when the salmon runs are good but fix the conditions that would lead to salmon extinction in the river when ocean conditions are bad."

But Ben Hausmann, fisheries biologist for the U.S. Army Corps of Engineers, said the idea was to curtail the spill only after the fish numbers dropped past a certain point for three days running, "a signal that the out-migration of fish has ended."

The Northern California fall chinook run is also expected to be healthy this year. A federal judge in Fresno ruled in August that stored water must be released to improve conditions for the fish in the Klamath River instead of being diverted to Central Valley farmers.

The release has alleviated concerns about a possible fish kill like the one that shut down the salmon fishing season from Monterey Bay to the Oregon-Washington border in 2006.

The Columbia River controversy aside, Hausmann and his colleagues at Bonneville seemed a little stunned last week by the record numbers. The fish counters could barely keep up.

Like psychiatrists, they work in 50-minute sessions in the dark little room filled with aquatic accouterments. Dalen, with 14 years of experience, had her best hour ever recently when she tallied 3,483 adult chinook.

"I've never seen anything like it," she marveled during a brief break in the action. "I remember good hours of about 2,000."

The 10-year average for adult chinook on Sept. 17 is a measly 7,157; five years ago, that daily total was only 4,451. But on this day, during this banner run, Dalen and other counters tallied 18,896.

She scrutinized the glowing window as another cluster of fish swam by. A few, tired, were pushed back downstream. When that happens, Dalen must subtract them from the running total.

"Ooh, a beautiful steelhead. Oh, what a beauty," she exclaimed before the fish was pushed backward, and she changed her tune.

"Oh, you stinker. Make up your mind — up or downstream, girlfriend. Your swimsuit looks great."

Op-Ed

California's water house of cards

Groundwater supplies at least a third of the state's water. But it's being depleted at a rapid pace, despite efforts to recharge it.



Water in a concrete lined canal flows past citrus and nut tree groves near Exeter. Nearly 20% of all groundwater withdrawals in the United States occur in California. (Los Angeles Times / August 25, 2010)

By Jay Famiglietti and Sasha Richey
LA Times September 23, 2013

Gov. Jerry Brown's Office of Planning and Research convened a meeting this month of groundwater experts from the University of California to determine what is currently known about the state's underground water reserves and how they may be changing in the future. This and other recent overtures from the office are strong indications of the governor's growing interest in the state's complete water picture.

That picture is increasingly threatened, in particular where groundwater is concerned. California uses more of it than any other state: Nearly 20% of all groundwater withdrawals in the United States occur in California. The importance of this underground water source to the socioeconomic and environmental health of our state cannot be overemphasized.

We rely on groundwater to provide a third or more of our statewide water supply, and even more in drought years. Most of the water pumped is used for irrigation, although an increasingly large amount is being used to support energy production. Unfortunately, the vast reserve that underlies our state is being depleted at a rapid pace.

Our research, using information from NASA satellites, shows that since 2002, the Central Valley has been using groundwater at a rate of 800 billion gallons a year. That is roughly equivalent to one full Lake Mead every 12 years. Our findings are consistent

with those of the U.S. Geological Survey, which paint a longer-term picture of California's disappearing groundwater.

In the Central Valley, falling well levels and subsiding land are curtailing food production, damaging ecosystems and threatening the livelihoods of the thousands of area residents employed by the water-dependent agricultural sector. A recent report on the Coachella Valley documented decades of groundwater depletion there as well, despite local and regional efforts at managed recharge and water banking.

Clearly, food and energy production are essential, but those water needs must be balanced against domestic requirements, the needs of the environment and ecosystems, long-term preservation of groundwater supplies for future generations and the economic future of our state and nation.

The challenge of optimally allocating groundwater among its competing uses is exacerbated by California's steadily growing population and the impacts of climate change. Warmer temperatures are already decreasing the amount of water stored as snow in the Sierra each winter. Ultimately this translates into lower river flows and less replenishment of underground aquifers.

One important outcome of the Office of Planning and Research meeting was unanimous agreement that the state's top groundwater priority should be to implement a monitoring and management program that includes strong regional and local components. Although many in the state's agricultural community will express discomfort over such proposals, there is little doubt that the absence of such a management framework has transformed California's groundwater infrastructure into an unsustainable house of cards.

Imagine having a checking account, never keeping track of withdrawals and not worrying about the declining balance. As irresponsible as this may sound, it is precisely how we deal with most groundwater, not only in California but in much of the United States and around the world. Groundwater withdrawals must be monitored, levels continuously measured, and statewide and regional targets set and met.

Equally important are education and public communication. Both are essential for public engagement and support. This requires raising awareness of the state's critical water issues to the level of everyday understanding, a burden that falls largely to those of us who research them.

The state must invest heavily in helping translate and communicate key issues to farmers and farm bureaus, to the energy sector, to the general public, to state and regional water managers, and to elected officials at all levels. We all place demands on groundwater, either directly or indirectly, and must contribute to mitigating its decline. Once people truly understand that our groundwater is disappearing and not coming back, acceptance of the need for careful monitoring is far more likely.

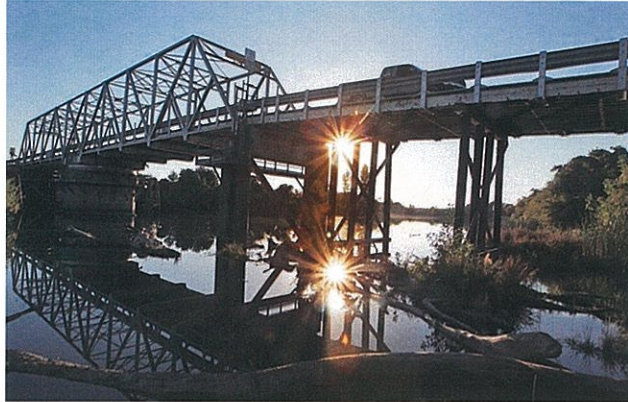
Finally, sound management decisions cannot be made without a sound scientific basis. Unfortunately, key decisions are often made based on politics. California's issues are so complex that it would be inexcusable to proceed without taking advantage of some of the best available science — the vast expertise in water research from our state's universities and national laboratories.

Without active management of California groundwater, our state's and our nation's food and economic, energy and water security will be increasingly at risk. The era of relative abundance is over. California needs a clear road map toward a sustainable groundwater future — and it needs one today.

Jay Famiglietti is the director of the UC Center for Hydrologic Modeling at UC Irvine. Sasha Richey is a senior doctoral candidate in the Department of Civil and Environmental Engineering at UC Irvine.

Who will pay for Sacramento-San Joaquin Delta tunnel project?

Hints have been dropped that to keep the water project alive, urban ratepayers in Southern California may pay more than their share, in effect subsidizing San Joaquin Valley agribusiness interests.



Under the \$25-billion proposal, a new diversion point on the Sacramento River in the north Sacramento-San Joaquin Delta would feed two 30-mile tunnels leading to southbound aqueducts. (Luis Sinco / Los Angeles Times / September 23, 2013)

By Bettina Boxall
LA Times September 22, 2013

Of the many issues hanging over the proposal to burrow enormous tunnels under the Sacramento-San Joaquin Delta and replumb the hub of California's water system, the one most likely to make or break the \$25-billion project is money.

Just who, exactly, is going to pay for it?

The San Joaquin Valley irrigation districts and urban water agencies in Southern California and the San Francisco Bay Area that get water supplies from the delta have promised to pick up most of the tab, with federal and state taxpayers paying the rest.

But the key question of precisely how the costs are divvied up between urban and agricultural users is unanswered. And hints have been dropped in recent months that to keep the project alive, urban ratepayers in the Southland may wind up paying more than their share, in effect subsidizing San Joaquin Valley agribusiness interests.

Water officials say that is not their intention, but they will not rule out the possibility.

"I'm not saying that we'll end up there," said Roger Patterson, assistant general manager of the Metropolitan Water District of Southern California, a major project participant. "But I don't guarantee anything. It's a pretty fluid process, obviously."

Years in the making, the proposal would partially reconfigure the way the big state and federal water systems convey Northern California supplies through the environmentally distressed delta east of San Francisco. A new diversion point on the Sacramento River in the north delta would feed two 30-mile tunnels leading to southbound aqueducts.

The new facilities would reduce use of the existing, ecologically damaging export pumps in the south delta. Water contractors hope that change — combined with the restoration of more than 100,000 acres of fish and wildlife habitat in the delta — will loosen endangered species restrictions that have reduced deliveries.

Under the "beneficiary pays" principle that has guided the project since its inception, water users will pay for construction, operation and maintenance of the project, estimated at more than \$19 billion over 50 years. State and federal funds would cover the habitat work.

Backers have said that user costs would be apportioned according to the size of water contracts with the federal Central Valley Project and the State Water Project. Under that formula, the biggest bill for the tunnels would go to San Joaquin Valley agriculture, because most water exported from the delta is used by irrigation districts

But that may not be the way it works out.

A recent economic analysis commissioned by the state concluded that from a financial standpoint, urban users would reap the lion's share of project benefits because urban water is far more valuable than irrigation supplies.

That is raising questions. "Is the economic cost-benefit study ... stage setting for coming out with, at some point, a bombshell that urban will pick up 70, 80 or 90% of the project costs?," asked Dennis Cushman, assistant general manager of the San Diego County Water Authority, one of MWD's biggest customers.

Mark Cowin, director of the state Department of Water Resources, which is shepherding the proposal, said participants continue to assume that they will pay based on their share of the project.

"But we have to have a project that's affordable and we have to have enough participants to make it work," Cowin said. "And ultimately if agricultural water contractors that are questioning the value of the project don't want to participate, there may be some further negotiation."

"There are lots of different ways to allocate costs. If you looked at the value of the project to urban agencies, they could still pay less than they would if they were trying to build the project on their own by providing some reduction in unit costs to the agricultural agencies.

"But I want to be clear that that hasn't been agreed to by any urban agency at this point."

Jim Beck, general manager of the Kern County Water Agency, which supplies southern San Joaquin Valley agriculture, said that the cost distribution would mirror project benefits. But he couldn't say how benefits would be determined.

Westlands Water District, the valley's biggest irrigation district, did not respond to requests for comment.

Project backers are also broaching the possibility that federal and state taxpayers may be asked to buy water from irrigation districts upstream of the delta in the San Joaquin and Sacramento River basins to increase flows through the delta and out to San Francisco Bay.

Whether that program would be a part of the tunnel proposal or stand alone is unclear. But either way, it would make the tunnel project more attractive to users because it would — at public expense — essentially increase the volume of water they could take from the delta and still meet endangered species protections.

Cowin called the idea "very conceptual at this point." The reasoning behind public water purchases, he said, is that if the planned habitat rehabilitation work doesn't sufficiently boost the delta's imperiled native fish populations and more flows are needed through the delta, federal and state funding could be shifted from restoration to water purchases.

It would not be the first time public funds have been used to buy irrigation water for the delta. A previous, state-run program, the Environmental Water Account, was widely criticized by conservationists who said it enriched irrigation districts while failing to add significant flows to the delta.

Much of California agriculture is accustomed to vast amounts of cheap, federally subsidized water in the form of deliveries from the Central Valley Project, the nation's largest water supply program. The CVP irrigators are behind schedule in repaying the U.S. government for the sprawling system's construction costs. And under reclamation policy, they pay no interest on what amounts to a decades-long loan.

The more recent State Water Project, which supplies mostly urban districts, was set up differently. Member agencies repay capital costs with interest in proportion to the size of their contracts and their use of the facilities.

Still, critics say the state system also favors agriculture with the sale of surplus water in wet years. The Kern County agency has been the leading buyer of surplus supplies, which are much cheaper than regular deliveries. That has driven down Kern's long-term, average water price.

Tunnel opponents — primarily delta interests and some environmental groups — argue that the Southland is going to be left holding the bill.

"There isn't any doubt in my mind that urban ratepayers are going to have to pay the vast majority of the cost of the project," said Jeffrey Michael, director of the Business Forecasting Center at the University of the Pacific in Stockton

"There is no way that these costs can be distributed proportionally in the way that they've described," he said. "So yeah, it's going to be a subsidy."

State Sen. Fran Pavley's Fracking Bill Signed Into Law

The bill requires an independent scientific study and takes effect Jan. 1.

Posted by Susan Pascal (Editor)

Calabasas Patch September 22, 2013



Governor Jerry Brown signed a bill into law Friday authored by Senator Fran Pavley, D-Agoura Hills, that regulates hydraulic fracturing, known as fracking.

The bill also requires an independent scientific study and takes effect Jan. 1.

"Starting January 1, 2014, oil companies will not be allowed to frack or acidize in California unless they test the groundwater, notify neighbors and list each and every chemical on the Internet," Pavley said in a statement.

"This is a first step toward greater transparency, accountability and protection of the public and the environment. Now we need immediate, robust enforcement and widespread public involvement to ensure the law is upheld to its fullest."

E. coli in water supply adds to woes in flooded Lyons, Colo.



Bob Paetzel scoops mud out of a collectibles store in Loveland, Colo., where floodwaters are receding and rescue and recovery efforts ongoing. (Chris Schneider / Associated Press / September 18, 2013)

By Matt Hamilton
LA Times September 22, 2013,

The residents of the foothill town of Lyons, hit hard by Colorado flooding, have another misery piled on their already destroyed and damaged homes, businesses and roads: the potentially deadly *E. coli* bacteria has been found in the town's water system.

"We don't want you using any of the water," Lyons' town administrator, Victoria Simonsen, said during a town hall meeting, which was broadcast online because the town is all but evacuated.

There's no timeline for when the water and sewer systems will be restored, Simonsen said. Many of Lyons' residents were evacuated by a convoy of National Guard troops last week. If they want to return to a town that also lacks electricity and gas, officials said, they do so at their own risk.

"It is critical we get [the water system] back up, and get it disinfected before we would ... want any of you to be back," Simonsen said.

E. coli is potentially deadly and can cause bloody diarrhea, dehydration and kidney failure.

The finding is among the many woes compounding rescue and recovery efforts in the state, where record floods across 4,500 square miles have wiped out thousands of homes, torn through bridges, damaged oil storage tanks and left seven dead, with three others presumed dead.

On Saturday, the number of people still unaccounted for stood at 60 -- down from 80 on Friday.

Officials hope the number of missing persons will continue to drop as more rescue missions and house checks are performed, phone lines are restored and registrations at evacuation centers and online databases become more up to date. At the peaks of the flooding last week, about 1,200 people were unaccounted for.

"As we get into the middle or latter part of next week, we'll have a list of people who truly are missing or unaccounted for. And a certain number of them will be dead," said Larimer County Sheriff's spokesman John Schulz.

Larimer County -- a largely mountainous county north of Boulder along the Wyoming border -- has become the focus of rescue and recovery efforts.

County investigators are zeroing in on Big Thompson Canyon, where the Big Thompson River meets the plain, forming a natural collection area for the debris of washed-out homes and businesses, Schulz said.

Investigators are conducting a "meticulous" search of the debris, he said.

Elsewhere in Larimer County, rescue crews are checking in on the 327 people who opted to shelter in place. Some are now deciding to evacuate their homes, Schulz said. Many roads are still impassable, and the sheriff is putting up roadblocks. Officials are investigating whether inaccessible areas can be reached via hiking trails or on all-terrain vehicles.

As of Saturday, 1,196 have been rescued in Larimer County. Relief efforts are benefiting from favorable weather. The county saw partly cloudy skies Saturday.

Statewide, oil and gas spills remain a chief concern as officials assess the damage. The state's Oil and Gas Conservation Commission said Saturday that more than 25,000 gallons of oil are known to have been released across the state, an amount equal to two 300-barrel storage tanks.

The state described six of the spills as "notable," with 12 other sites showing signs of a spill. But investigators have not been able to survey the damage in some areas because of mud and high water.

The National Guard reported Saturday rescues of 3,233 people and 1,047 pets. Statewide, nearly 6,000 remained under evacuation orders. About 200 are staying in nine shelters. The flood zone has been reduced by more than half, but it still measures almost 2,000 square miles, according to state figures.

State officials have estimated that as of Saturday, the flooding has damaged or destroyed 17,983 homes and 968 commercial properties.

More than 12,000 state residents have applied for assistance from the Federal Emergency Management Agency, and more than \$12.3 million in aid has been approved, according to an official statement.

Vice President Joe Biden and his wife, Jill, will visit the state Monday, the White House said.

Global warming 'hiatus' puts climate change scientists on the spot

Theories as to why Earth's average surface temperature hasn't risen in recent years include an idea that the Pacific Ocean goes through decades-long cycles of absorbing heat.

By Monte Morin
LA Times September 22, 2013

It's a climate puzzle that has vexed scientists for more than a decade and added fuel to the arguments of those who insist man-made global warming is a myth.

Since just before the start of the 21st century, the Earth's average global surface temperature has failed to rise despite soaring levels of heat-trapping greenhouse gases and years of dire warnings from environmental advocates.

Now, as scientists with the Intergovernmental Panel on Climate Change gather in Sweden this week to approve portions of the IPCC's fifth assessment report, they are finding themselves pressured to explain this glaring discrepancy.

The panel, a United Nations creation that shared the 2007 Nobel Peace Prize with Al Gore, hopes to brief world leaders on the current state of climate science in a clear, unified voice. However, experts inside and outside the process say members probably will engage in heated debate over the causes and significance of the so-called global warming hiatus.

"It's contentious," said IPCC panelist Shang-Ping Xie, a professor of climate science at the Scripps Institution of Oceanography at UC San Diego. "The stakes have been raised by various people, especially the skeptics."

Though scientists don't have any firm answers, they do have multiple theories. Xie has argued that the hiatus is the result of heat absorption by the Pacific Ocean — a little-understood, naturally occurring process that repeats itself every few decades. Xie and his colleagues presented the idea in a study published last month in the prestigious journal *Nature*.

The theory, which is gaining adherents, remains unproved by actual observation. Surface temperature records date to the late 1800s, but measurements of deep water temperature began only in the 1960s, so there just isn't enough data to chart the long-term patterns, Xie said.

Scientists have also offered other explanations for the hiatus: lack of sunspot activity, low concentrations of atmospheric water vapor and other marine-related effects. These too remain theories.

For the general public, the existence of the hiatus has been difficult to reconcile with reports of record-breaking summer heat and precedent-setting Arctic ice melts.

At the same time, those who deny the tenets of climate change science — that the burning of fossil fuels adds carbon dioxide and other greenhouse gases to the atmosphere and warms it — have seized on the hiatus, calling it proof that global warming isn't real.

Climate scientists, meanwhile, have had a different response. Although most view the pause as a temporary interruption in a long-term warming trend, some disagree and say it has revealed serious flaws in the deliberative processes of the IPCC.

One of the most prominent of these critics is Judith Curry, a climatologist who heads the School of Earth and Atmospheric Sciences at the Georgia Institute of Technology. She was involved in the third IPCC assessment, which was published in 2001. But now she accuses the organization of intellectual arrogance and bias.

"All other things being equal, adding more greenhouse gases to the atmosphere will have a warming effect on the planet," Curry said. "However, all things are never equal, and what we are seeing is natural climate variability dominating over human impact."

Curry isn't the only one to suggest flaws in established climate models. IPCC vice chair Francis Zwiers, director of the Pacific Climate Impacts Consortium at the University of Victoria in Canada, co-wrote a paper published in this month's *Nature Climate Change* that said climate models had "significantly" overestimated global warming over the last 20 years — and especially for the last 15 years, which coincides with the onset of the hiatus.

The models had predicted that the average global surface temperature would increase by 0.21 of a degree Celsius over this period, but they turned out to be off by a factor of four, Zwiers and his colleagues wrote. In reality, the average temperature has edged up only 0.05 of a degree Celsius over that time — which in a statistical sense is not significantly different from zero.

Of course, people don't actually spend their entire lives subjected to the global average temperature, which is currently about 15 degrees Celsius, or 59 degrees Fahrenheit. Those who fixate on that single measurement lose sight of significant regional trends, particularly in the Northern Hemisphere, climate scientists say.

Xie and Yu Kosaka, an assistant project scientist at Scripps, used computer models to simulate the Pacific decadal oscillation, a phenomenon related to the El Niño and La Niña ocean temperature cycles that lasts for 20 to 30 years. The model suggested that

the northern mid-latitudes — an area that includes the United States and most of Europe and China — were "insulated" from the oscillation's cooling effect during the summer months, as was the Arctic region.

"In the summer you've basically removed the Pacific cooling, so we're still baked by greenhouse gases," Xie said.

As a consequence, 2012 marked two climate milestones, he said. The U.S. experienced its hottest year on record, while ice cover in the North Pole shrank to the lowest level ever observed by satellite.

Other climatologists, such as Bill Patzert of NASA's Jet Propulsion Laboratory in La Cañada Flintridge, say sea level rise is "unequivocal proof" that greenhouse gases are continuing to heat the planet, and that much of this added heat is being absorbed by the oceans.

As ocean water warms, it expands and drives sea levels higher, Patzert said. Currently, oceans are rising at an average of more than 3 millimeters, or 0.12 of an inch, per year. This pace is significantly faster than the average rate over the last several thousand years, scientists say.

"There's no doubt that in terms of global temperatures we've hit a little flat spot in the road here," Patzert said. "But there's been no slowdown whatsoever in sea level rise, so global warming is alive and well."

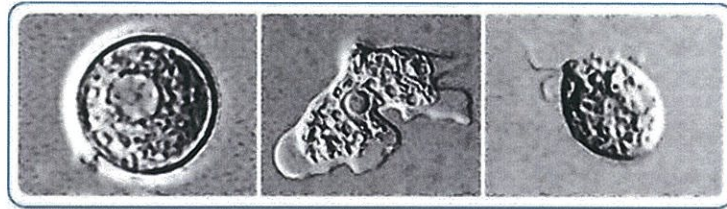
Whether that message is communicated successfully by the IPCC this week remains to be seen. In the days leading up to the meeting, the organization has found itself on the defensive.

A draft summary that was leaked to the media reported that scientists were "95% confident" that human activity was responsible for more than half of the increase in average global surface temperature between 1951 and 2010. But critics openly scoff, considering the IPCC's poor record for predicting short-term temperature increases.

"This unpredicted hiatus just reflects the fact that we don't understand things as well as we thought," said Roger Pielke Jr., a professor of environmental studies at the University of Colorado in Boulder and vocal critic of the climate change establishment. "Now the IPCC finds itself in a position that a science group never wants to be in. It's in spin management mode."

Brain-eating amoeba in water causes high anxiety in Louisiana parish

A boy's death has been traced to a brain-eating amoeba in the water supply in St. Bernard Parish, La. Officials say there are no major health risks, but residents worry.



Naegleria fowleri, commonly called a brain-eating amoeba, has been found in the water supply of St. Bernard Parish in Louisiana. (Centers for Disease Control and Prevention / August 17, 2012)

By Matt Hamilton
LA Times September 21, 2013,

Officials traced the death of a 4-year-old Mississippi boy in August to a day spent playing on a Slip 'n Slide in a New Orleans suburb.

Cause of death: a rare, brain-eating amoeba. At first, officials thought the amoeba, *Naegleria fowleri*, had been present in muddy water that the boy was playing in on the property. *Naegleria fowleri* is commonly found in freshwater streams, lakes and rivers.

But testing confirmed last week that the microscopic organism came from the St. Bernard Parish water system that fed the slide. The discovery marks the first time the amoeba has entered a treated water supply in the U.S., said Jonathan Yoder, an epidemiologist with the Centers for Disease Control and Prevention.

The primary risk of disease is when infected water enters the nose, according to the state's Department of Health and Hospitals. Once in the sinus, the amoeba travels along the nerves and crosses into the brain through tiny openings in the bone at the base of the forehead, Yoder said.

Infection by the amoeba, which leads to a form of encephalitis, is rare but almost always deadly.

Federal, state and locals official in St. Bernard Parish — a district with about 40,000 residents southeast of New Orleans — are trying to figure out how the brain-destroying amoeba entered the water supply.

Possible factors include high temperatures along with low levels of chlorine in the water. Tests last week revealed that chlorine was almost undetectable, officials said.

When the amoeba was traced to the parish earlier this month — but had not yet been linked to the water supply — parish officials began flushing their system with chlorine as a precaution. Health officials plan to continue flushing the system for several weeks.

"We know that chlorine kills *Naegleria fowleri*," said J.T. Lane, assistant secretary for the state public health office, in a statement.

Chlorine levels can be adjusted, but other possible factors are not so easily changed. The amoeba thrives in warmer water, especially hot springs and the lakes and rivers of Southern states. The lingering effects of Hurricane Katrina in 2005 could have exacerbated the water problem, officials said.

The parish's population is two-thirds of its pre-Katrina level, meaning that water cycles less frequently through the pipes. The longer the water sits, the more easily the amoeba can multiply, said Christina Stephens, spokeswoman for the state's Division of Health and Hospitals.

But at this point, the exact cause has not been confirmed.

Local, state and federal agencies continue to test the water, Stephens said. On Friday, parish officials enlisted an expert on water quality from Vanderbilt University to monitor the disinfecting process and water tests.

There have been three deaths in Louisiana from *Naegleria fowleri* since 2011, state officials said.

And Yoder said the CDC has documented 132 infections from the amoeba since 1962, almost all fatal. This year, there have been four cases.

"When this happens to a family, it's a serious infection. It's a tragedy," Yoder said. "But I do think it's important to put it into perspective."

Ashley Imbraguglio, assistant manager at Parish Seafood and Diner, where the house specialty is Crawfish Monica, isn't taking any chances and is using only boiled or bottled water.

Imbraguglio said customers kept inquiring about the restaurant's water source. Health officials have emphasized that because stomach acid kills the amoeba, tap water is safe to drink. The state issued a detailed article online, aiming to debunk myths about the amoeba.

The CDC has advised residents not to let water get up their noses while bathing or swimming in pools, and it urged swimmers to lower themselves into a pool rather than

jump in. Officials told residents to run taps, showers and hoses for five minutes to flush out untreated water before using them. People who flush their sinuses are advised to use water that has been boiled.

The information has done little to ease anxieties in the parish.

"The whole of St. Bernard Parish is panicked right now," said Michelle Rando, 31, a waitress at Gerald's Donuts in the town of Arabi. She said the tap water had a "harsh smell" from the flushing, like it came from a swimming pool.

"I usually drink two to three cups of water while I'm working," Rando said. "I don't touch the water right now."

Fate of Maywood water companies rests with Brown

Companies serving Maywood oppose a bill creating a public agency backed by a water district involved in an FBI corruption investigation.



Legislation by Assemblyman Anthony Rendon (D-Lakewood) would require three private water companies in Maywood to operate more like public agencies, with open financial books and audits. (Rich Pedroncelli / Associated Press / September 10, 2013)

By Patrick McGreevy
LA Times September 20, 2013,

SACRAMENTO — Maywood residents have complained for years about brown, smelly, bad-tasting water, and now a feud over the problem has landed on Gov. Jerry Brown's desk.

Legislation by Assemblyman Anthony Rendon (D-Lakewood) would require three private water companies in Maywood to operate more like public agencies, with open financial books and audits.

It also would also provide \$7.5 million for water quality projects in the city. It states the Legislature's intent "to create a public agency that can consolidate drinking water services" there.

Managers of the three companies have called for Brown to veto the bill. They say that the city's water is safe, that they have made significant progress in making it more palatable and that efforts are underway to address the remaining problems.

The real purpose of the bill, they say, is to pave the way for a takeover of their operations by politicians who could use the resulting public agency to dole out contracts to their cronies.

A leading backer of the bill is the Central Basin Municipal Water District, a public agency with jurisdiction in Maywood. The agency has been served with federal subpoenas twice this year as part of an FBI corruption investigation involving state Sen. Ronald S. Calderon (D-Montebello).

"In recent years, officials of Central Basin Municipal Water District and their consultants, which are under a federal corruption investigation, made unsuccessful attempts to 'take over' Maywood Mutual No. 3," Robert C. Rohlf, director of operations for the firm, wrote in a letter to Brown.

The bill, he wrote, "may in fact encourage a culture of corruption in Southeast Los Angeles."

Rendon says his proposal is intended to bring transparency and accountability to the water companies, and his opponents are using the federal investigation as a red herring.

"The residents of Maywood have waited far too long to drink, cook and bathe in clean water," Rendon said when the Legislature approved his bill last week.

In response, the managers of Maywood Mutual Water Cos. Nos. 1, 2 and 3 have released scientific reports showing the city's water is safe and has been made significantly cleaner in recent years.

In June, officials at the state's Department of Toxic Substances Control told residents at a meeting that the water was significantly better, though there was more work to be done.

The officials said the naturally occurring mineral manganese was responsible for brown or tea-colored water from the spigot, but the levels of the mineral in Maywood are not a health risk.

Sergio Palos, general manager of Maywood Mutual Water Co. No. 1, said that in 2010, Central Basin officials tried to exert control over their operations.

He and managers of the other Maywood water companies say they were called to a meeting in July of that year with Art Aguilar, then general manager of Central Basin, and Tom Calderon, the senator's brother, who at the time was a consultant for the district.

The Maywood managers said Tom Calderon told them at the meeting that more than \$20 million was available from the state to help their companies.

"We were directed to hire the same consultant(s) Central Basin employs if we wanted to eliminate the threat of retaliatory legislation," Rohlf wrote to Brown.

He noted that Central Basin district records sought by federal subpoenas include those involving controversial consulting contracts, including one with Tom Calderon that has since ended. Aguilar left Central Basin last year.

Tom Calderon did not answer a request for comment made through his lawyer.

Aguilar could not be reached for comment.

Rendon said his bill is not intended to benefit Central Basin. He noted that the money would go to another public agency in the area.

"I'm flabbergasted," he said of the opposition. "I don't understand why they wouldn't want money to essentially clean up their water."

patrick.mcgreevy@latimes.com

Times staff writers Hector Becerra and Ruben Vives contributed to this report.

Water District Sues EPA

The Las Virgenes – Triunfo Joint Powers Authority (JPA), a joint venture of Las Virgenes Municipal Water District (LVMWD) and Triunfo Sanitation District (TSD), has filed a federal court action seeking “Declaratory and Injunctive Relief” from the Total Maximum Daily Load mandates (TMDLs) for Malibu Creek and Lagoon published by the USEPA (EPA) on July 2.

The filing cites numerous instances of inappropriate actions by EPA in the course of formulating the TMDL document. The JPA has stated that implementation of the TMDL mandates would impose costs in the hundreds of millions on the communities it serves without any assurances of significant water quality improvements in the Malibu Creek watershed.

David W. Pedersen, Administering Agent and General Manager for the JPA said, “We are filing this action on behalf of the ratepayers who will ultimately bear the costs for facilities that would need to be built, yet may not accomplish meaningful water quality improvements.

As written, the TMDL does not sufficiently recognize native conditions in the watershed and goes far beyond the scope and intent of the Clean Water Act.”

LVMWD is suing over EPA’s plans for the Malibu Creek watershed.

Michael McReynolds, who serves as Chair of both the JPA and Triunfo Sanitation District Boards of Directors, said, “The JPA exhausted every means of avoiding litigation before filing this action. However, since we could not reach agreement with the EPA on the process and science behind the regulations, we felt compelled to file a lawsuit. In the absence of concrete evidence that the regulations will have the desired effect and in view of the unfair process, the lawsuit was the only course of action left at our disposal. When one considers the staggering costs to the community, it is imperative for sound science and proper

process to be at the core of such a significant regulation.”

In March 2013, the JPA filed a petition in federal court, asking to be included among the parties of a consent decree related to the establishment of TMDLs for the Malibu Creek watershed.

To date, that request is still outstanding, awaiting a court decision.

In May, the EPA hosted a public meeting on the proposed TMDLs. Nearly 200 persons attended, but the EPA did not act on many of the issues or concerns brought forth at that meeting by the JPA or members of the public.

Charles Caspary, JPA Vice-Chair and President of the Las Virgenes Municipal Water District Board said, “We realize that litigation can be costly and time-consuming; however, the JPA Board had to act in order to protect the community from irreparable and irreversible harm. We support the responsible environmental stewardship of the watershed, but we also believe that water quality goals must be attainable, cost-effective, and produce meaningful results.”