

NEWS CLIPS

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Resource Conservation and Public Outreach

Organized by date

Water plan will save \$178M

Official says customers will not see rates decrease

By Tamara Koehler Special to The Star
Ventura County Star 12/19/2013

Oxnard's sweeping plan to improve the quality and quantity of its water supply will save the city \$178million a year starting in 2020.

That news was delivered Tuesday to City Council members in an update on the Groundwater Recovery Enhancement and Treatment, or GREAT, program. Well underway, the \$300 million project aims to turn water that is not drinkable into recycled wastewater and shore up local groundwater supplies.

Though the savings will be significant, they will not reduce water rates for residents, businesses or farmers.

'I wish I could say rates are going to stay steady or go down, but it's likely they will go up,' said Anthony Emmert, the city's water resources manager. 'The whole goal is to control rates going up so quickly.' Emmert said Oxnard's plans will significantly reduce reliance on state water, which accounts for half of the city's supply. Water imported from the state's northern Sierra snowpack is the most expensive and most regulated, Emmert said, citing a 28.5 percent increase in rates since 2007.

By comparison, rates for surface water supplied by the United Water Conservation District have risen 13.8 percent, and local well water costs are up 6.5 percent in the same period.

Councilwoman Carmen Ramirez asked whether conservation could reduce state water prices.

'There is no chance of that,' Emmert said, citing endangered species in California's water collection system. "State water scares the heck out of us staff, and we'd like to stay away from that source of water if possible."

This year's record-dry January and February shrunk California's snowpack to 17 percent of normal, according to the state's Department of Water Resources. It is the second year in a row to have been labeled a drought year.

Local groundwater levels are at all-time lows when the population is growing, Emmert said, and the city must pay hefty penalties for overdrawing to meet current demand.

“The GREAT program is the only new water source for Oxnard,” Emmert said. In 2009, the city completed a water desalter that removes minerals and trace elements from lowquality groundwater. A purification facility that will convert 8 million gallons per day of wastewater into water that is cleaner than bottled water is in the early stages of completion.

Money for the groundwater recovery program has come from bonds and grants. The anticipated savings of \$178 million a year will come from reduced water purchases, reduced debt and recycled water sales, said James Cameron, the city’s finance manager.

Members of the audience applauded the city’s water plan.

“‘Whiskey is for drinking; water is for fighting,’ ” said Gerard Kapuscik with the Ventura County Watershed Protection District, quoting his favorite author, Mark Twain. “Oxnard is leading the pack with this project ... and enhanced the course.”

Other cities in the county that access groundwater are building desalters as well, including Camarillo and Moorpark. Farther south, Los Angeles, San Diego and Long Beach are looking at recycling wastewater and seawater desalination, Emmert said.

Councilman Bert Perello asked that an outspoken watchdog of the city’s finances, Jim Lavery, review the costs of the groundwater program. He urged the council to listen to Lavery’s input.

Ramirez said the community and the country need to rethink water use.

“Do we really need tomatoes year-round or lawns in the desert? We need to revisit these questions,” she said.

In other business, the council has agreed to pay legal fees incurred by the Sierra Club in a suit against the South Shore development.

In Chacon political dynasty, deceit hits close to home

Montebello school board member Hector Chacon learns brother Arturo, a Central Basin Municipal Water District board member, used his name in an arrest.



Hector Chacon, a Montebello school board member, says he found out purely by accident that his name was being used falsely on police and court records. It turned out the person using his name was his brother Arturo Chacon, a board member on the Central Basin Municipal Water District. (Francine Orr / Los Angeles Times / February 24, 2012)

By Hector Becerra
LA Times December 19, 2013

Montebello school board member Hector Chacon said he was at his parents' home sorting through some paperwork this year when he noticed a letter addressed to him. It was from a drug and alcohol rehab center and confirmed his enrollment in a program for first-time DUI offenders.

Chacon said he was puzzled because he didn't have a DUI and began investigating.

He discovered he was the victim of an elaborate identity theft: Someone had used his name and birth date when the person was arrested on suspicion of driving under the influence of alcohol and drugs. The ruse continued when the man pleaded no contest to the charges and enrolled in the rehabilitation program, according to court records. This same person had also vandalized the Whittier city jail after the 2011 arrest.

But the real twist came when officials determined the culprit was Chacon's older brother Arturo Chacon, 48, an elected board member on the Central Basin Municipal Water District, according to court records.

For reasons that are still not fully clear, neither police, prosecutors nor court officials figured out he was using his brother's name until Hector Chacon, 46, came forward nearly two years after the arrest.

"It's stunning he could pose as his brother so long," said Jane Robison, a spokeswoman for the Los Angeles County district attorney's office.

Prosecutors said Hector Chacon was fortunate in one respect: His brother had acquired at least two bench warrants, and Hector could have been arrested during a routine traffic stop.

"There could have been a scenario where he could have been arrested based on false information," said Stefana Antonescu, an L.A. County deputy district attorney who handled Hector Chacon's hearing to clear his name. "I can't imagine that. If my brother had done that to me, I'd be none too thrilled."

Antonescu said prosecutors agreed to clear Hector Chacon's name at the hearing but never considered charging his brother for his deception at that time.

"Our only concern was the innocent party in court," she said.

Robison declined to comment on whether prosecutors might charge Arturo Chacon.

The two Chacones are part of a political dynasty in a corner of Southeast L.A. County known for hard-knocks politics. At one point three brothers served as elected leaders, including a councilman in the City of Commerce. Members of the family, including a sister and another brother, have also run campaigns, making them go-to people for some politicians and would-be politicians.

Arturo Chacon did not return calls seeking comment. He is one of five board members on a public agency that has been roiled as part of an FBI investigation of state Sen. Ronald S. Calderon (D-Montebello). The investigation also involves the senator's brother Tom Calderon, a former assemblyman who had been an influential consultant for Central Basin for years.

Hector Chacon said that his main focus had been clearing his name and that he holds no ill will toward his brother.

"The most important thing was to get the court order because obviously I did not get convicted of a DUI, even though the paperwork said I did," he said. "My feelings for my brother have not changed. I love all my brothers."

The case began with Arturo Chacon's arrest in Whittier on April 8, 2011.

"He was asleep behind the wheel in the middle of the road" on Mar Vista Street, Whittier police Officer Brad White said. He was taken into custody, and would have been

digitally fingerprinted and photographed, White said. He gave his name as Hector Chacon, police said.

While in the Whittier jail, Arturo Chacon also did damage to his cell by etching on a wall, White said. Hector Chacon was charged with that too.

In the misdemeanor complaint, the defendant is listed as Hector Chacon, with the Montebello politician's birth date. Under that: "aka Arturo Chacon."

Some other documents also contained Arturo Chacon's own name, usually as a signature or as an initial, though rarely if ever under the listing of defendant.

Arturo Chacon pleaded no contest to the DUI charges — under the name of Hector Chacon — on Sept. 7, 2011, according to court records. He was fined and got three years' probation.

On April 29 of this year, Hector Chacon went to court with his attorney to ask a judge to set aside his wrongful conviction and dismiss the case.

His attorney, Karine Basmadjian, wrote in court papers that Hector Chacon only recently learned that his brother "had provided" his information to police when he was arrested.

"It is remarkable how an offender went through an arrest, booking, court proceedings with an eventual conviction, and subsequent enrollment in a post conviction program under the name of another person," Basmadjian wrote in her motion.

In a declaration, Hector Chacon added: "I have not allowed my brother, or anyone, to use my name or identity for any purpose, much less for getting criminal convictions."

Chacon said in the court papers that he came across the ruse purely by accident. His brother used their parents' address for mail, and he just happened to see the letter from the rehab center.

A judge refused to dismiss the case but agreed to correct the court and arrest records to reflect that Arturo Chacon was the real defendant.

Robison, the L.A. County district attorney's office spokeswoman, said Arturo Chacon's probation ended in September.

She said that despite the judge's order clearing his brother, Hector Chacon's name still pops up when she pulls up the DUI case on the D.A.'s computer system.

According to court and L.A. County Sheriff's Department records, Arturo Chacon was again arrested for driving under the influence Aug. 29 at 11:55 p.m. in East Los Angeles and ordered to appear in a Downey courtroom. But Robison said no case appears related to that arrest, so it seems he was never charged.

Jessica Levinson, a professor at Loyola Law School specializing in election law and governance issues who was appointed to the L.A. Ethics Commission, said although the DUI arrest itself may not reflect on Arturo Chacon's ability to do his job as a public official, using his brother's identity raises serious questions.

"What you're doing is creating a narrative that's very troubling while representing an agency that's already tainted by corruption issues," she said.

As for Hector Chacon, he said he's trying to put the episode behind him.

"Was I happy about it? Come on," he said. "My only focus was to clear my name, which I did. I left it at that."

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<http://www.latimes.com/local/la-me-1220-chacon-brothers-20131220,0,3582547.story#ixzz2o3FK7zA7>

Fracking rules hit the mark; both sides unhappy

Ventura County Star 12/19/2013

There is little doubt an economic bonanza awaits California beneath the surface of the Monterey Shale, a geologic formation stretching from San Benito County south along the west side of the San Joaquin Valley right into parts of Southern California.

One study put the possible job-creating potential of this oil and gas trove at more than 20,000. For sure, it would spread oil industry jobs far beyond their current centers in Kern County and some coastal areas of the state. Oil reserves said to lurk within rock formations are said to amount to at least 15 billion barrels. Not to mention many millions of therms of natural gas.

So far, not much has been done with this resource, and there's plenty of dispute over whether anything should be. The potential is obvious: Hydraulic fracturing, known as fracking, has brought enough oil and gas from similar but smaller formations in Wyoming, the Dakotas, Ohio, Pennsylvania and elsewhere to turn this country from a big oil importer to a net exporter of petroleum products.

But environmentalists in California worry large scale fracking of the Monterey Shale and other oil fields previously considered depleted will pollute ground water, foul the air and maybe even cause earthquakes.

That's why the state Department of Conservation issued a set of proposed new rules the other day aiming, it said, to protect those other resources at the same time it keeps California "productive and competitive."

The rules, mandated by a compromise law passed last summer, won't take effect for months and are now open to public comment, with revisions possible.

Once they are in force, two things will be true: California will have America's toughest set of fracking rules, while both frackers and their opponents will be unhappy. In journalism, there's an old principle: If folks on all sides of an issue are unhappy with a story, it was probably a pretty good job. That's because most stories are complicated, filled with gray areas and not all black and white.

That's also true of fracking.

The practice has made a boom state of North Dakota, once a depressed area. But there have been reports of water pollution from several places and a several earthquakes have occurred in far from usual quake country since the technique became common.

Here are a few things California's proposed new rules would do:

- Force oil companies to apply for permits before fracking and disclose where it will

occur, how much water it will use, what chemicals are involved and where waste will eventually be dumped .

- Nearby property owners will be able to have their water wells tested before and after fracking.
- An independent panel of scientists will study risks and make a public report by Jan. 1, 2015.
- And state water officials will monitor all ground water basins to make sure drinking water is not harmed by fracking.

The Natural Resources Defense Council, a leading fracking critic, says it has mixed feelings about those rules. They're not a complete moratorium, but they do assure the most thorough study of fracking ever, which ought to lead to sound permitting laws and regulations.

The oil industry has known for at least a year regulations were coming, but didn't want an outright moratorium. "We've been doing it (fracking to get extra oil from wells previously considered depleted) for 60 years and there hasn't been an incident anywhere in the state," a spokesman for the Western States Petroleum Assn. said. "To have a moratorium would make it even more difficult for California to supply the crude oil it needs.

"But we've known regulation was coming. We don't like it, but we can live with this."

The bottom line is that neither of these principals is happy with the planned new rules, which aren't permanent anyway. The real key to this dispute will be the findings of the scientific panel and how all sides interpret them. Until that report arrives about a year from now, everyone involved can only hang onto their positions and hope they are proven right.

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TOM ELIAS
COLUMNIST

Across the state

SACRAMENTO

Brown convenes drought task force

Gov. Jerry Brown is convening a task force to help determine whether a statewide drought declaration is warranted.

The governor on Wednesday asked staff from state water, agriculture and emergency services agencies to meet every week to help strengthen drought preparations and advise him on next steps.

While a drought has not been declared, 2014 is expected to be the third straight year with low rainfall.

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Scientists praise fracking decision

A group of 21 scientists is applauding California's efforts to allow the fracking of its shale oil reserves, arguing the process is a safe way to improve the economy and reduce foreign oil dependence.

The letter sent Wednesday to Gov. Jerry Brown comes after California adopted regulations requiring oil companies to test groundwater and disclose chemicals used in fracking. The group said the strict new rules, which become permanent in 2015, will ensure fracking is done responsibly.

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Wastewater Facility Projected to Cost \$41 Million

Site chosen for the City of Malibu's proposed wastewater treatment facility for the Civic Center, due for completion in 2016.



Courtesy of City of Malibu

Civic Center Wastewater Treatment Site

The city plans to build a centralized wastewater treatment facility on this Winter Canyon site located off of Civic Center Way, opposite the Maison De Ville condominiums. Plans are currently estimated to cost \$41.7 million.

Posted: Wednesday, December 18, 2013 6:45 am

Wastewater Facility Projected to Cost \$41 Million By Melissa Caskey / melissa@malibutimes.com The Mailbu Times | 7 comments

City officials last week estimated that building a centralized wastewater treatment facility to rid Civic Center businesses of septic systems would cost the city \$41.7 million, lending hard numbers for the first time to what before had been only wide-ranging projections.

The city hopes to fully fund the facility through payments from Civic Center commercial and residential landowners to an assessment district. A tentative site has been identified for the facility on a parcel along Civic Center Way in Winter Canyon opposite the Maison De Ville condominiums.

City Manager Jim Thorsen revealed the \$41.7 million cost estimate during a public scoping meeting on Wednesday last week at City Hall, where the public was asked to weigh in on the project ahead of an environmental impact report (EIR).

“This includes design, EIR, permits, land purchase, collection system, recycled water distribution, injection system and construction management,” Thorsen wrote in an email Tuesday.

Previous estimates had ranged from between \$30 million and \$50 million.

During the meeting, locals voiced a number of questions they believe the EIR must address. Questions ranged from mechanisms being used to dispose and/ or recycle wastewater, how a massive power outage could affect the system and construction of the sewer system on a parcel known to be located above an active earthquake fault.

Under a development prohibition placed on the City of Malibu in 2011 by the Los Angeles Regional Water Quality Control Board, the city is required to build a centralized wastewater treatment system in the Civic Center by November 2015. However, Thorsen said the city is nine months behind on that timeline.

The agreement also stipulates homeowners living within the Civic Center prohibition area must connect to the system by 2019 and phase out their septic systems.

The state argues that the Civic Center needs a centralized system because wastewater from the area is trickling down and polluting nearby ocean water. After passing through the facility, the treated wastewater will qualify as Title 22 effluent. That standard of treated wastewater falls short of drinking water standards but is largely harmless to the environment.

“It’s water that’s deemed by the State of California to be used for nonpotable uses. You can use it to irrigate plants, irrigate ballfields. You can do anything but drink it,” said Leslie Dumas, a senior water resources engineer with engineering firm RMC Water and Environment. The city has retained RMC to design the treatment facility.

Plant to be built in Winter Canyon

The treatment plant is tentatively rendered for construction in Winter Canyon on a triangular piece of land enclosed by Civic Center Way to the north, Pacific Coast Highway to the south and the Rancho Malibu Hotel Development to the west.

The site comprises two parcels, one owned by the Malibu Bay Company and the other belonging to an LLC registered under the name MBC Colony Plaza, according to Senior Planner Bonnie Blue.

Thorsen said the city had considered two other areas but ultimately found the Winter Canyon site the best fit.

“The site was picked because we have a willing seller letter from the property owner,” Thorsen said.

Other sites considered were the Wave property and the La Paz development site. Both are located east of the Malibu Library.

System designed to redistribute treated water

Plans call for 13.7 miles of new piping throughout the Civic Center to collect and redistribute treated water. But some are worried there will be an abundance of treated water with no place to send it.

“I want to know how much water is being injected into the ground versus how much water is being recycled, reused and redirected,” resident Wendi Werner said last week.

Dumas said the city is working on as many reuse options as possible, but much of the leftover water could end up underground.

“Anything that can’t be used for irrigation is going to be injected into groundwater bases or pumped into seepage pits,” said Dumas.

To read more on the project, visit malibucity.org. The city is soliciting questions and comments from the public until Jan. 7, 2014. Letters should be addressed to Blue at Malibu City Hall or emailed to bblue@malibucity.org.

Letters: Lawns are sucking California dry



A canal of the Central Valley's Westland Water District carries water to Southern California. The water district has become one of the loudest proponents and top financiers for a controversial twin tunnel project that would provide a new avenue for shipping water from the Sacramento-San Joaquin River Delta south. (Russel A. Daniels / Associated Press)

LA Times December 18, 2013

Re "Hard truths about water," Editorial, Dec. 15

In Los Angeles, up to 70% of water usage goes toward outdoor landscaping such as lawns. Reclaimed water is increasingly used, but it's still a drop in the bucket.

Rebates are being paid for removing grass lawns and replacing them with low-water-usage or no-water alternatives. Grass lawns should be outlawed in new communities, and the rebate program should be massively expanded in established communities.

The L.A. Department of Water and Power and other groups support expansion of "purple pipe" programs, which bring reclaimed water to communities. Some golf courses have purple pipes for their grass. Cal State Northridge, where I am a professor, is exploring this possibility to help irrigate the university's massive lawns.

This is a major solution to the water problems in Southern California.

Steven B. Oppenheimer

Northridge

Life is full of choices, some harder than others.

A central fallacy of our time is the baby-boomer initiated notion that we should identify, protect and restore various "endangered species," even though almost all of the species

that have ever existed are extinct. (Yes, I am aware of the wolves, condors, bears and others that have been "saved" by us.)

Only modern hubris attempts to equate non-human species with our needs, which must take priority in emergencies — such as water in California.

I know I'll be labeled a Neanderthal for this letter, but again, some choices are harder than others.

Ken Artingstall

Glendale

Your editorial covered some salient facts about the use of water in California. Unmentioned, however, was the proverbial elephant in the room: the continued building up of Southern California.

Case in point: Look at the proposed 21,000-unit Newhall Ranch project. This is emblematic of the whole of Southern California, which operates under that idea that if you build it, water will flow.

Not asked by the officials who approved these developments is where the water is coming from. This should be a fundamental question now whenever builders submit plans.

Karen Weston

Palmdale

<http://www.latimes.com/opinion/la-le-1218-wednesday-california-20131218,0,2225920.story#ixzz2nyFuhcDG>

California Water Dispute Boils Over

By JIM CARLTON

A water war in Southern California could result in rates being driven up for millions of customers, just as the state enters a third year of drought.

The San Diego County Water Authority is alleging in a lawsuit that its supplier, the Metropolitan Water District of Southern California, is gouging the county on charges to deliver water through an aqueduct system. MWD officials say San Diego agreed to the rates 10 years ago and is essentially suffering buyer's remorse.

A trial in the case is to begin Tuesday in state Superior Court in San Francisco, with MWD potentially having to make \$150 million in refunds by passing bigger bills on to other customers in the nation's largest urban water district, serving about 20 million people.

The fight comes as drought in California is putting pressure on all water agencies to stretch a scarce resource. Prolonged drought has also afflicted the Colorado River basin, which provides water to millions of people in California and in other Western states.

While fights over evaporating water resources are common, tensions have contributed to a rise in a once rare phenomenon of local infighting, as opposed to the more common practice of battles breaking out between different regions of the West, water experts say.

"I think there is just a lot of nervousness in the water system right now," said Stephen Mumme, professor of political science at Colorado State University in Fort Collins. Water suppliers are "all looking over each other's shoulder."

The enmity between the San Diego authority and Los Ange-



Metropolitan Water District of Southern California/Associated Press

Water flows through the Southern California desert via a Metropolitan Water District aqueduct.

les-based MWD stems from 1991, when the larger agency cut water supplies 30% to San Diego.

Afterward, San Diego resolved to diversify its water supply such as through a new supply agreement with the agricultural Imperial Irrigation District, said Dennis Cushman, assistant general manager of the authority.

But the deal led to renewed strife with the larger agency after, in 2003, it began charging a separate rate to transport water from other sources instead of charging one price for everything as it had before.

The San Diego authority is seeking refunds as well as lower rates in the future. Mr. Cushman

suggested a motive for the surcharges is a loss of revenue the larger water district has experienced from San Diego seeking new water sources.

"MWD has tried to offset the loss in revenue with higher transportation costs," Mr. Cushman said.

Officials with the Los Angeles agency say San Diego agreed to the transportation rate in 2003 and add it had a choice of paying a cheaper rate. The authority agreed to pay the higher one, on condition it—instead of the larger water district—get a \$235 million water conservation grant from the state, said Jeffrey Kightlinger, general manager of

the Los Angeles agency.

Filing suit "is like wanting to have their cake and eat it too," Mr. Kightlinger said.

Mr. Cushman said San Diego agreed only to pay the rates for five years but had the right to a legal challenge after that.

The case before Superior Court Judge Curtis E.A. Karnow is expected to last five days. If the Los Angeles agency loses, Mr. Kightlinger said the costs of any refunds would be spread to member agencies like the city of Los Angeles, which has intervened in the litigation on the big agency's behalf. There was no immediate estimate how much rates might go up as a result.

Kerry aims to Aid River in Vietnam

By Matthew Lee Associated Press
Ventura County Star 12/16/2013



ASSOCIATED PRESS

U.S. Secretary of State John Kerry is helping lead an effort to stop rising sea waters, erosion and upstream dam development on the Mekong River Delta in Vietnam. Kerry toured the winding muddy waters of the Mekong on Sunday.

KIEN VANG, Vietnam -From an American gunboat decades ago, John Kerry patrolled for communist insurgents along the winding muddy waters of the Mekong Delta.

From those familiar waterways that eventually turned the young lieutenant against the war, the top U.S. diplomat confronted a modern enemy Sunday - climate change.

In this remote part of southern Vietnam, rising sea waters, erosion and the impact of upstream dam development on the Mekong River are proving a more serious threat than the Viet Cong guerrillas whom Kerry battled in 1968 and 1969.

'Decades ago on these very waters, I was one of many who witnessed the difficult period in our shared history,' Kerry told a group of young professionals gathered near a dock at the riverfront village of Kien Vang.

'Today on these waters I am bearing witness to how far our two nations have come together and we are talking about the future and that's the way it ought to be,' he said.

That future, especially for the water-dependent economy of the millions who live in the Mekong Delta, is in jeopardy, he said .

Kerry pledged \$17 million to a program that will help the region's rice producers, shrimp

and crab farmers and fisherman adapt to potential changes caused by higher sea levels that bring saltwater into the delicate ecosystem.

Kerry said he would make it a personal priority to ensure that none of the six countries that share the Mekong - China, Myanmar, Thailand, Laos, Cambodia and Vietnam - and depend on it for the livelihoods of an estimated 60 million people exploits the river at the expense of the others.

In a pointed reference to China, which plans several Mekong Dam projects that could affect downstream populations, Kerry said: 'No one country has a right to deprive another country of a livelihood, an ecosystem and its capacity for life itself that comes from that river. That river is a global asset, a treasure that belongs to the region.' The Mekong's resources must 'benefit people not just in one country, not just in the country where the waters come first, but in every country that touches this great river.' It was his first visit since 1969 to the delta's rivers, which had made a vivid impression on him as a young officer. Kerry had made 13 previous postwar trips to Vietnam.

As Kerry's boat eased off a jetty onto the Cai Nuoc River, he told his guide: 'I've been on this river many times.' Standing next to the captain and surveying the brown water and muddy banks, Kerry recalled the smell of burning firewood as his boat passed through small fishing villages where the aroma hasn't changed in 50 years.

At one point, a family in a sampan traveling in the opposite direction smiled and waved. Kerry waved back, and noticed the family had a dog on board: 'I had a dog, too. Its name was VC,' he said. VC was the abbreviation for the Viet Cong, forces fighting the South Vietnamese and their U.S. allies.

Before his remarks in Kien Vang, Kerry visited a general store and bought candy for a group of children. He delighted them with a few words in Vietnamese.

Back on the boat, Kerry looked out at the jungle canopy that rises just off the riverbank. 'It hasn't changed all that much. A lot of it is same old, same old,' he said.

'This was what we called a 'free-fire zone',' he said. 'The Viet Cong were pretty much everywhere.' Kerry first set foot in Vietnam 44 years ago after volunteering for service because, as he has said, 'It was the right thing to do.' He was decorated with three Purple Hearts, a Silver Star and a Bronze Star for fighting in a conflict that he came to despise and call a 'colossal mistake,' one that profoundly influenced his political career and strategic view.

'When I came home after two tours of duty, I decided that the same sense of service demanded something more of me,' he wrote in his 2003 book, 'A Call to Service,' as he was unsuccessfully campaigning for the presidency in the 2004 election.

'The lesson I learned from Vietnam is that you quickly get into trouble if you let foreign policy or national security policy get too far adrift from our values as a country and as a people.'

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San Diego goes to trial over water

District says it's subsidizing rest of region

By Elliot Spagat Associated Press
Ventura County Star 12/15/2013



AssociAted Press File

Water flows through the southern California desert in the Metropolitan Water district's Colorado river Aqueduct from the Colorado river to the Los Angeles area. A trial beginning Tuesday in San Francisco will test the San Diego county Water Authority's claim that the region's 3.1 million residents are subsidizing nearly all the rest of southern California.

SAN DIEGO -For San Diego's regional water agency, its largest supplier is also its biggest adversary.

A trial beginning Tuesday in San Francisco will test the San Diego County Water Authority's claim that the region's 3.1 million residents are subsidizing nearly all the rest of Southern California. Its lawsuit against the Metropolitan Water District of Southern California brings to a head a long-running dispute in the epic quest to bring water to parched terrain, and the outcome may affect the pocketbooks of 19 million people.

The San Diego County Water Authority, which supplies the city of San Diego and 23 suburban cities and agencies, claims that Los Angeles-based Metropolitan overcharges for bringing Colorado River water to the Pacific Coast on its 242-mile aqueduct. Metropolitan, a wholesaler that counts San Diego as the largest of its 26 customers is accused of using the alleged windfall to give lower rates to cities and agencies in Los Angeles, Orange, Riverside, San Bernardino and Ventura counties.

'How can an agency treat its largest customer in this fashion?' said Dennis Cushman, assistant general manager of the San Diego County Water Authority. 'It's about money. Money and power.' The lawsuit illustrates how badly relations have deteriorated

between the close business partners.

Last year the San Diego agency launched an unusual public relations offensive with a website that alters its largest supplier's official seal to read, 'The Truth About Metropolitan Water District of So. Cal.' The site offers internal documents from Metropolitan member agencies that were obtained under California's public records law, including references to a 'Secret Society' and an 'anti-San Diego coalition.' Metropolitan disputes the allegations that its rates are unfair and says it won't engage in a war of words for public support.

'They're carrying on some sort of campaign. We're just trying to defend the lawsuit,' said Jeffrey Kightlinger, Metropolitan's general manager. 'We're responding in court. We're not going to the media.' San Diego ended its complete dependence on Metropolitan after a drought tightened the spigot in the early 1990s. It began a costly effort to diversify supplies that includes construction of the Western Hemisphere's largest desalination plant in Carlsbad and, most significantly, a 2003 agreement with California's Imperial Valley for the nation's largest farm-to-city water transfer.

Metropolitan supplied 46 percent of San Diego's water this year, down from 95 percent in 1991. By 2020, it will supply only 30 percent. There's just one catch: San Diego needs Metropolitan's aqueduct to get the water it buys from Imperial Valley.

San Diego, which has long considered building its own plumbing, recently found that it would cost at least \$2 billion to lay canals, pipelines and tunnels from the Colorado River. Metropolitan's 72-year-old aqueduct has plenty of room, so it would be like building a freeway next to an existing freeway that never has traffic jams.

The lawsuit, filed in June 2010, asks the judge to declare Metropolitan's rates for transporting water invalid. Each side has spent millions of dollars in attorney fees.

The San Diego agency says it is being overcharged \$57 million this year - which translates to \$73.60 for an average household of four - and between \$1.3 billion and \$2.1 billion during its 45-year agreement with the Imperial Valley.

Metropolitan has argued that the lawsuit is an effort to recover the cost of Imperial Valley's more expensive water - \$887 per acre-foot billed by the Imperial Irrigation District compared to \$560 billed by Metropolitan in 2012. (San Diego agency officials note that Imperial's water rights are higher on the pecking order than Metropolitan's if there is a shortage.) Superior Court Judge Curtis Karnow won't consider Metropolitan's claim that San Diego is trying to unload the higher cost of Imperial Valley water on its neighbors, nor will he allow discussion of documents that San Diego obtained under the state public records law referring to a 'Secret Society.' Several Metropolitan member agencies began meeting years ago to discuss the rate structure challenge and other issues. Two emails from one participant refer to the group as the 'Secret Society,' a remark that Kightlinger has said was a joke.

Karnow, a Democrat appointed by Republican Gov. Arnold Schwarzenegger, specializes in complex litigation and is known for running a tight schedule. He will limit each side to 12 hours of arguments. He is expected to issue a written ruling after the trial.

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Shaky rationale behind Brown tunnel plan

Promoters of a \$25-billion plumbing project say a major quake could topple levees. Experts find holes in that argument.



A sea lion gets some sun on a buoy in the Sacramento-San Joaquin River Delta. The delta is one of California's main drinking water wells. (Luis Sinco, Los Angeles Times / October 11, 2010)

By George Skelton Capitol Journal
LA Times December 15, 2013

SACRAMENTO — Maybe I've watched the movie "[Chinatown](#)" too many times, but a major justification for digging Gov. [Jerry Brown](#)'s massive water tunnels just seems suspicious.

Brown's not creating a drought by dumping water in the ocean and poisoning wells, as Noah Cross (John Huston) does in the classic film inspired by Los Angeles' draining of the Owens Valley.

Developer Cross was selling L.A. voters on the need for a water bond to finance an aqueduct and reservoir.

Brown and the water buffaloes — government bureaucrats, corporate farmers, urban expansionists — are peddling their own rationale for a \$25-billion re-plumbing of the Sacramento-San Joaquin River Delta.

A catastrophic earthquake could topple current levees, flood the delta and cut off much of the fresh water supply to Central and Southern California for months, even years, tunnel promoters warn.

Never mind that there's little historical evidence to support the potential for such a calamity.

"If they have to resort to a lie to justify [the project], then the actual justification must be pretty darn weak," says Bob Pyke, a Bay Area consulting engineer who specializes in earthquake protection and is an outspoken critic of Brown's plan.

"Lie" is a bit strong. Let's just call it a stretch, an attention-getting talking point also used in the delta re-plumbing pitch by previous administrations. Nothing stirs Californians like earthquake chatter.

I bought into the earthquake argument for years until it finally dawned on me that I've lived in Sacramento for several decades and never felt — or heard of — a local serious shaker. Indeed, it's one of the pluses in residing here.

Sure, back in 1989 when the Loma Prieta earthquake interrupted the World Series in San Francisco and collapsed an Oakland freeway and part of the Bay Bridge, we felt some rolling 100 miles away. That 6.9 temblor along the San Andreas Fault killed 63 people. But there was little damage in the state capital.

More relevant to this writing, no levees collapsed in the delta, between Sacramento and the Bay Area. In fact, they didn't even suffer damage. "None at all," Pyke says.

I called another expert, Gilbert Cosio, an engineer who has been patching delta levees for 30 years and contracts with 27 maintenance districts. "There was a lot of shaking and we found a few hairline cracks," Cosio says. "But we couldn't verify that they were from the earthquake."

There were a couple of East Bay earthquakes in the early 1980s and neither damaged delta levees, Pyke says.

The most famous Northern California quake devastated San Francisco in 1906. But it didn't topple any delta levees either, he says. "And they were really crappy then."

But some delta islands have subsided below sea level since that time, making them more vulnerable, state water officials contend.

Yes, they've sunk, Pyke and Cosio say. But the levees protecting them have been greatly improved. In the last 10 years, \$300 million has been spent bolstering the embankments, and there's still \$200 million left from a 2006 voter-approved bond issue.

Another twin-tunnel opponent, University of the Pacific economist Jeff Michael, makes this observation: "If the risk of an earthquake is as high as the state says, the humane thing to do would be to act to save the lives of the [50,000] people living in the delta, not just protect the water supply for L.A. and San Joaquin Valley agriculture."

That would require \$2.5 billion more for levee-beefing, Cosio estimates.

The delta is California's main water well, relied on by 24 million people for some or all of their drinking water and by farmers to irrigate 3 million acres.

But water deliveries have become unstable as courts have restricted flows to protect salmon and other endangered fish. The worst culprits are giant pumps in the southern delta that chomp up fish and reverse river flows, confusing migrating salmon.

Brown's answer is to siphon Sacramento River water at the north end of the delta and send it through two 40-foot wide, 35-mile long tunnels directly to the southbound aqueducts. But that would reduce fresh water flowing through the delta, making the estuary more salty and some farming problematic.

Also, the 10-year construction would be a major disrupter of delta agriculture, recreation, migratory birds and human life.

The tunneling cost is pegged at \$16 billion, paid by water agencies through higher customer fees. An additional \$9 billion would be spent on ecological upgrades and footed by all taxpayers.

The state water department last week dropped a 34,000-page "draft" tunnel plan on the public. The document contends that "a major earthquake or storm pose the greatest dangers to the delta, potentially causing levee failures and flooding on as many as 20 islands at once and jeopardizing water supplies for two-thirds of the state."

It cites the [U.S. Geological Survey](#) estimating a 63% chance of a 6.7 magnitude earthquake in the Bay Area before 2036.

OK, but that hasn't seemed to bother the delta before.

"There may be some minor faults under the delta," Pyke says. "But they wouldn't produce very big earthquakes if they did erupt. And they wouldn't affect levees in any significant way."

Let's be honest, the real threat is not quakes. It's judges who restrict water pumping to protect fish. As they should.

Before spending \$16 billion boring oversize tunnels and mucking up people's lives, how about this? Try modern fish screens. Relocate the pumps so they don't reverse river flows. Take the water after it flushes through the delta. Drill one much-shorter tunnel connecting to the aqueducts.

As in "Chinatown," the delta needs a Jake Gittes ([Jack Nicholson](#)). Pyke seems to be auditioning.

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<http://www.latimes.com/local/la-me-cap-delta-20131216,0,4576916.column#ixzz2nyBcHzd5>

Hard truths about California's water future

First, the state must act to stave off disaster. Second, no one will get all the water they want.



In the Westlands Water District of the Central Valley, canals carry water to Southern California. The water district is one of the biggest proponents of a controversial tunnel project that would provide a new avenue for shipping water from the Sacramento-San Joaquin River Delta south to farms and cities. (Russel A. Daniels / Associated Press)

Editorial board

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At the heart of California's vast and complex plumbing system, and the plan to re-engineer it with two tunnels under the Sacramento-San Joaquin River Delta, are two truths. The first is that failing to take any action at all will result in almost certain disaster. Climate change is altering the volume of annual Sierra snowpack that feeds the delta, sustains its fragile ecosystem and provides sufficient water to keep Central Valley crops growing and to quench the thirst of urban areas from the East Bay to Southern California. Levees, pumps and canals that were designed for yesterday's climate conditions cannot stave off environmental and economic collapse if precipitation levels drop or change form from snowfall to winter rain.

The second truth is that none of the interests that have worked to craft the draft proposal released last week for public comment can get all the water it wants, because there simply is not enough of it. That's the whole point, and the central defining issue for much of California's history. To sustain the delta, much of the snowmelt and rainfall that moves down the Sacramento River must keep flowing to the San Francisco Bay in order to push back the brackish water trying to make its way inland.

But restoration of the degraded delta, mandatory to protect endangered species as well as to keep the pumps online, won't happen by itself, and it must be paid for by

customers who need to secure their Central Valley and Southern California supplies. There won't be enough water to keep urban users' rates from rising or to allow farmers to continue the historic overuse that has depleted valley groundwater and turned desert scrubland into orchards.

YEAR IN REVIEW: The good, the bad and the hopeful in wilderness news

The Brown administration's 34,000-page draft plan represents the most comprehensive effort in a generation to fit the scientific, engineering and political pieces together in order to allow Californians to adapt to climate change while sustaining both the environment and the economy. It is a product of more than seven years of talks, studies and dickering — none of which, by the way, has ended. Environmentalists, urban water contractors like the Metropolitan Water District, Central Valley contractors like the Kern County Water Agency and local delta agricultural and political interests are continuing to jockey for position, each wanting better guarantees of supply.

The burden is on each of them to demonstrate how some alternative project or system — not simply something imaginable but something politically, legally and financially achievable, and not in the distant future after the delta has further degraded but now — would be better.

Likewise, the burden on proponents of the plan is to show just how the current proposal is going to pencil out. If water contractors are unwilling to enter into long-term agreements to purchase the water that would be supplied by the new project — and some of the Central Valley contractors have voiced concern that they wouldn't be getting enough acre-feet for their bucks — there would be no one left to pay for it except urban ratepayers. And that won't work; the costs would be too high for them to bear alone.

In the meantime, negotiations can be expected to become more intense and more public, so it might be wise for Californians to work on their myth-busting skills.

For Southern Californians, especially residents of Los Angeles, myth No. 1 is that the environmental problems of the delta have no impact south of the Tehachapis, because we get our water from the Colorado River and, in L.A., from the Owens Valley. We may have our own environmental comeuppance to deal with, the thinking goes, but it's in the Eastern Sierra and the Gulf of California, not in the delta.

But that hasn't been the case for decades. Much of Southern California's drinking water, including in the city of L.A., comes from the State Water Project, including the aqueduct that diverts water from the delta and the massive pumps that lift it over the mountains and into our reservoirs.

The corollary myth believed by many in Northern California is that delta water is diverted only for Los Angeles. That's untrue. The same system that sends water to Southern California also provides the primary supply for Silicon Valley and much of the East Bay.

Those Northern California cities, at least as much as their counterparts 300 miles to the south, are dependent on a delta solution that keeps the water flowing.

There are those who argue, here as well as in counties farther to the north, that a sustainable water future for Southern California lies in conservation and reclamation rather than in continuing to bring in current levels of delta water.

And that's very nearly true. Los Angeles, especially, has excelled at conservation, using the same amount of water today as it did 20 years ago despite a growing population. We will need to do more — clean up contaminated aquifers, recapture storm-water runoff, increase storage capacity. Those projects and more are necessary parts of a water portfolio.

But so is the delta. It is California's great switchyard for water supply, its best mechanism for flood control, its most crucial habitat for wildlife. The draft plan should be measured by how well it preserves that switchyard, and how well, or how poorly, any alternative plan, or inaction, would get the same job done.

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<http://www.latimes.com/opinion/editorials/la-ed-bay-delta-20131215,0,1367123.story#ixzz2nyCZSOXu>

Air quality officials say South L.A. oil field modifying operations

Allenco Energy Co., which voluntarily suspended operations Nov. 22, plans to inspect and repair tanks, air quality officials say.



Gabriela Garcia holds her son Joaquin on a rooftop overlooking Allenco Energy Co.'s oil field in South Los Angeles. Air quality regulators say that Allenco is modifying its operations to prevent leaks and upgrade air pollution controls. (Francine Orr, Los Angeles Times / November 8, 2013)

By Louis Sahagun
LA Times December 15, 2013

Air quality regulators say that an urban oil field blamed for chronic respiratory illnesses and [nosebleeds](#) in a South Los Angeles neighborhood is modifying its operations to prevent leaks and upgrade air pollution controls.

Allenco Energy Co., which voluntarily suspended operations Nov. 22 at the request of U.S. Sen. Barbara Boxer (D-Calif.), plans to inspect and repair tanks, remove an open-air drain and sump from service, and upgrade air pollution control systems, South Coast Air Quality Management District officials said.

District engineers will continue air sampling at Allenco during the upgrades and upon restart of operations.

At a town hall meeting last week attended by more than 200 residents of the University Park neighborhood, Barry Wallerstein, executive officer of the district, said Allenco "takes the community's concerns seriously" and "could resolve the problem within a few months."

Allenco is the focus of investigations by the [U.S. Environmental Protection Agency](#), the South Coast district, the city attorney's office and the Archdiocese of Los Angeles, which leases Allenco the 2-acre site about a half-mile north of the USC campus.

Since operations were suspended, average concentrations of non-methane hydrocarbons at the site have fallen by 60%, and there have been few reports of headaches, itchy throats, nausea and nosebleeds, air district officials said.

The Los Angeles County Department of Health, however, is skeptical the modification plan will succeed and has called for a comprehensive audit of the facility.

"Every square inch of that field must be examined — pipes, sumps, valves, even oil well casings —to find sources of emissions," county Environmental Health Director Angelo Bellomo said. "Then the company must decide whether to invest in the best available technology to abate those odors, or shut the facility down."

Bellomo said an audit conducted at Allenco's expense would help allay frustrations over the air quality district's inability to determine the extent of the health hazards posed by the facility.

Petroleum-based pollutants at the site appear to be well below levels that would lead to long-term health effects. But Bellomo believes exposure to low levels of those pollutants is affecting the health of the community.

The air district said it views the county's request as unnecessary, and pointed out that the county health department lacks regulatory authority under state law.

"The district and the state Division of Oil, Gas and Geothermal Resources conducted a comprehensive joint audit of the facility this fall," district spokesman Sam Atwood said.

Residents have suffered from respiratory ailments and nosebleeds since 2010, when Allenco ramped up production at its wells more than 400%.

Neighbors complained to district officials 251 times over the next three years. The district responded by issuing 15 citations against Allenco for foul odors.

A team of environmental officers was recently overwhelmed by toxic emissions while touring the site. Among them was Cyrus Rangan, director of the county health department's bureau of toxicology and environmental assessment.

At the town hall meeting, Rangan was applauded when he said, "I'm in full agreement with what the community has been saying."



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Trial Begins Tuesday in Water Authority's Lawsuits Challenging MWD's Rates

First phase of trial expected to end Dec. 23; second phase to follow in 2014

December 16, 2013

December 16, 2013 - On Tuesday, lawyers for the San Diego County Water Authority will argue in San Francisco Superior Court for overturning illegal rates charged by the Los Angeles-based Metropolitan Water District of Southern California, commencing a five-day trial that has financial implications for water ratepayers across the region and state.

In opening statements before Judge Curtis E.A. Karnow, the Water Authority's attorneys will argue that MWD's rates don't align with the costs of the services it provides. Numerous California statutes, the California Constitution and common law all require that public agencies such as MWD set their rates based on the actual costs of the services they provide.

"This case is fundamentally about whether MWD is above the laws that apply to public agencies – laws that are designed to protect ratepayers from having to pay rates higher than what it actually costs the water utility to provide services to them," said Daniel Purcell, special counsel for the Water Authority with the law firm of Kecker & Van Nest in San Francisco. "All water ratepayers in Southern California have an interest in assuring that MWD charges no more than the costs it incurs to provide its services, as mandated under a number of laws and constitutional provisions, including Proposition 26, approved by voters statewide in 2010."

The first phase of the trial is expected to run through Dec. 23. It will focus on the challenges to MWD's rates for 2011 through 2014 in two cases that have been coordinated for trial. A second, yet-to-be-scheduled phase of the trial would address the Water Authority's claim that MWD miscalculates San Diego's preferential rights to MWD water, and the Water Authority's claim that MWD breached the contract it signed with the Water Authority promising to charge only lawful rates for the transportation of its Colorado River water.

The trial's outcome will have a major impact on San Diego County residents and businesses alike, which prompted dozens of public agencies, business groups and community organizations to formally support the Water Authority's litigation against MWD.

Under MWD's current rates, the region's ratepayers will be overcharged this year by \$57 million – overcharges that could grow to more than \$217 million annually by 2021 and ultimately exceed a combined \$2 billion. MWD's flawed rates create overcharges for San Diego County for the transportation of water and corresponding undercharges for the water MWD sells to its member agencies.

"If the court orders MWD to re-do how it allocates its costs, it will be because they were wrong in the first place," said Purcell. "In the long run, having MWD allocate its costs accurately, lawfully and fairly is good for everyone in Southern California. Nobody wants to be stuck paying bills for services provided to someone else."

The Water Authority first sued MWD in June 2010 for adopting illegal rates that are not based on the costs of providing the services for which they are collected. The Water Authority filed another lawsuit in June 2012 because the 2010 case had not been resolved and MWD had adopted rates for 2013 and 2014 based on its same flawed allocation.

In both lawsuits, the Water Authority asserts that MWD illegally assigns unrelated water supply costs – including its costs of obtaining water from the state of California and its costs of subsidizing local water supply projects – to MWD's water transportation rates. Among other things, the lawsuits also allege that MWD's rates discriminate against the Water Authority by artificially inflating the price MWD charges for transporting the Water Authority's independent Colorado River water supplies through MWD's pipelines.

MWD argues it can set its rates without regard to the actual costs of service – and that it can even collect more than the costs of the services it provides, as long as a majority of its board votes for it. MWD has admitted that it has no idea whether it is under- or over-collecting on any of its rates by tens of millions of dollars annually.

MWD also argues that it is exempt from Proposition 26, a voter-approved initiative in November 2010 that amended the California Constitution. Proposition 26 shifted the burden to public agencies to *prove* their rates are based on the actual cost of the services they provide. In September 2013, Judge Karnow rejected MWD's attempt to legally exempt its rates for 2013 and 2014 without trial by ruling that he will decide the issue based on the facts presented at trial. Judge Karnow ruled earlier this year that Proposition 26 is not retroactive, and therefore does not apply to the rates MWD adopted in April 2010 for 2011 and 2012.

The litigation stems from historic agreements the Water Authority signed a decade ago to secure independent sources of water from the Colorado River and reduce its once near-total reliance on MWD for water. To transport these Colorado River water supplies to San Diego County, the Water Authority must use pipelines controlled by MWD, which has a monopoly on imported water distribution facilities in Southern California. The Water Authority is the only MWD member agency that uses the pipelines MWD controls to transport a large volume of third-party water supplies each year. MWD's current rates were designed to protect MWD's monopoly and to purposefully discriminate against the Water Authority by shifting water supply costs to transportation rates.

For more information about the Water Authority's lawsuits for fair water rates, go to www.sdcwa.org/mwdrate-challenge.

- See more at: <http://www.sdcwa.org/trial-begins-tuesday-water-authoritys-lawsuits-challenging-mwds-rates#sthash.8YRxn2E.dpuf>