

**LAS VIRGENES - TRIUNFO
JOINT POWERS AUTHORITY
AGENDA**

4232 Las Virgenes Road, Calabasas, CA 91302

CLOSING TIME FOR AGENDA IS 8:30 A.M. ON THE TUESDAY PRECEDING THE MEETING. GOVERNMENT CODE SECTION 54954.2 PROHIBITS TAKING ACTION ON ITEMS NOT ON POSTED AGENDA UNLESS AN EMERGENCY, AS DEFINED IN GOVERNMENT CODE SECTION 54956.5 EXISTS OR UNLESS OTHER REQUIREMENTS OF GOVERNMENT CODE SECTION 54954.2(B) ARE MET.

5:00 PM

October 5, 2016

PLEDGE OF ALLEGIANCE

1 CALL TO ORDER AND ROLL CALL

2 APPROVAL OF AGENDA

3 PUBLIC COMMENTS

Members of the public may now address the Board of Directors **ON MATTERS NOT APPEARING ON THE AGENDA**, but within the jurisdiction of the Board. No action shall be taken on any matter not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2

4 CONSENT CALENDAR

A Minutes: Regular Meeting of September 6, 2016 and Special Meeting of September 21, 2016 (Pg. 3)

5 ACTION ITEMS

A Tapia Water Reclamation Facility Process Air Improvements Project: Environmental Review and Design (Pg. 11)

Accept the proposal from Pacific Advanced Civil Engineering, Inc., and authorize the Administering Agent/General Manager to execute a professional services agreement, in the amount of \$215,216, for the environmental review and design of the Tapia Water Reclamation Facility Process Air Improvements Project.

B Indirect Potable Reuse using Las Virgenes Reservoir: Potential Institutional Issues (Pg. 14)

Provide feedback on the potential institutional issues associated with indirect potable reuse using Las Virgenes Reservoir.

C Recycled Water Seasonal Storage Effort: Re-Naming Options (Pg. 18)

Provide feedback on the preferred logo, program name and theme line for the Recycled Water Seasonal Storage effort.

6 **BOARD COMMENTS**

7 **ADMINISTERING AGENT/GENERAL MANAGER REPORT**

8 **FUTURE AGENDA ITEMS**

9 **INFORMATION ITEMS**

A **Recycled Water Seasonal Storage: Summary of One-on-One Stakeholder Interviews (Pg. 25)**

B **Tapia NPDES Effluent Limit Exceedances: Settlement Offer No. R4-2016-0179 (Pg. 45)**

10 **PUBLIC COMMENTS**

Members of the public may now address the Board of Directors **ON MATTERS NOT APPEARING ON THE AGENDA**, but within the jurisdiction of the Board. No action shall be taken on any matter not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2

11 **CLOSED SESSION**

A **Conference with District Counsel - Potential Litigation (Government Code Section 54956.9): One Case**

In the opinion of District Counsel, disclosure of the identity of the litigants would be prejudicial to the District.

B **Conference with District Counsel – Existing Litigation (Government Code Section 54956.9(a)):**

1. Las Virgenes - Triunfo Joint Powers Authority v. United States Environmental Protection Agency and Heal the Bay, Inc. v. Lisa P. Jackson (TMDL cases)
2. Las Virgenes - Triunfo Joint Powers Authority v. United States Environmental Protection Agency (FOIA case)

12 **ADJOURNMENT**

Pursuant to Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and applicable federal rules and regulations, requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the Executive Assistant/Clerk of the Board in advance of the meeting to ensure availability of the requested service or accommodation. Notices, agendas, and public documents related to the Board meetings can be made available in appropriate alternative format upon request.



Las Virgenes – Triunfo Joint Powers Authority
4232 Las Virgenes Road, Calabasas, CA 91302
818.251.2100



Call and Notice of Special Meeting of the Governing Board of the
Las Virgenes – Triunfo Joint Powers Authority

A Special Meeting of the Governing Board of the Joint Powers Authority is hereby called, and notice of said Special Meeting is hereby given for 5:00 p.m. on Wednesday, October 5, 2016, at Las Virgenes Municipal Water District, 4232 Las Virgenes Road, Calabasas, California 91302 to consider the following:

1. Call to Order and Roll Call
2. Special Meeting of October 5, 2016 (Agenda attached)
3. Adjournment

By Order of the Board of Directors
GLEN PETERSON, Chair

A handwritten signature in blue ink, which appears to read "David W. Pedersen".

David W. Pedersen, P.E.
Administering Agent/General Manager
Joint Powers Authority

Dated: September 28, 2016

c: Each Director

Glen Peterson
Chair, Las Virgenes-Triunfo
Joint Powers Authority
President, Las Virgenes Municipal Water District
Board of Directors

Michael Paule
Vice Chair, Las Virgenes-Triunfo
Joint Powers Authority
Chair, Triunfo Sanitation District District
Board of Directors

**LAS VIRGENES – TRIUNFO
JOINT POWERS AUTHORITY
MINUTES
REGULAR MEETING**

5:00 PM

September 6, 2016

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Wayne Lemieux.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Chair Glen Peterson in the Conference Room at Oak Park Library, 899 N. Kanan Road in Oak Park, California. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Director(s): Caspary, Lewitt, McReynolds, Orkney, Paule, Peterson, Polan, Renger, and Wall.

Absent: Director(s): Director Iceland (arrived at 5:07 p.m.)

2. APPROVAL OF AGENDA

Director Paule moved to approve the agenda as presented. Motion seconded by Director Wall. Motion carried by the following vote:

AYES: Caspary, Lewitt, McReynolds, Orkney, Paule, Peterson, Polan, Renger, Wall

NOES: None

ABSENT: Iceland

3. PUBLIC COMMENTS

None

4. CONSENT CALENDAR

A Minutes: Regular Meeting of August 1, 2016 and Special Meeting of August 4, 2016

Director Caspary moved to approve the Consent Calendar as presented. Motion seconded by Director Orkney. Motion carried by the following vote:

AYES: Caspary, Lewitt, McReynolds, Orkney, Paule, Peterson, Polan, Renger, Wall

NOES: None

ABSENT: Iceland

5. **ACTION ITEMS**

A Centrate Equalization Tank Project: Construction Award

Award a construction contract to Zusser Company, Inc., in the amount of \$1,455,604; reject all remaining bids upon receipt of duly executed contract documents; and accept the proposal from Kennedy/Jenks Consultants for construction management and inspection services and authorize the Administering Agent/General Manager to execute a professional services agreement, in the amount of \$116,740, for the Centrate Equalization Tank Project.

Administering Agent/General Manager David Pedersen presented the report.

Director Renger moved to approve Item 6A. Motion seconded by Director Wall.

Administering Agent/General Manager David Pedersen responded to questions related to prior work performed by the contractor for the JPA, and the purpose of having an engineering firm provide construction management and inspection services.

Director Iceland arrived at 5:07 p.m.

Motion carried unanimously.

B Tapia Primary Clarifier Nos. 2 and 3 Rehabilitation Project: CEQA Determination and Construction Award

Find that the work is categorically exempt from the California Environmental Quality Act; waive a minor bid irregularity; approve an additional appropriation, in the amount of \$299,560; and award a construction contract to Spiess Construction Company, Inc., in the amount of \$763,160, for the Tapia Water Reclamation Facility Primary Clarifier Nos. 2 and 3 Rehabilitation Project.

Administering Agent/General Manager David Pedersen presented the report.

Director Orkney moved to approve Item 6B. Motion seconded by Director Caspary.

Director of Facilities and Operations David Lippman responded to questions related to the repair and rehabilitation of the clarifiers. He also responded to concerns regarding Spiess Construction's unit pricing for Item 7, which came in quite a bit higher than the other bids, by stating that staff would negotiate with the contractor on the unit pricing, or propose time and materials, for any additional work beyond the original scope.

Motion carried unanimously.

C Recycled Water Seasonal Storage: Basis of Design Report and Next Steps

Receive and file the Recycled Water Seasonal Storage Basis of Design Report and authorize the issuance of requests for proposals for the preliminary design and environmental review of a proposed potable reuse demonstration project, technical studies to verify compliance with draft surface water augmentation regulations, and a preliminary environmental assessment for the proposed full-scale project.

Administering Agent/General Manager David Pedersen presented the report, and Director of Facilities and Operations David Lippman reviewed the six steps for implementation of Scenario No. 4.

Director McReynolds moved to approve Item 6C. Motion seconded by Director Wall.

A discussion ensued regarding the installation of a demonstration project at Building No. 1 and the possibility of leasing the equipment from others.

Director Orkney expressed concern with how much of the product water from the advanced water treatment facility (AWT) would be provided to Triunfo Sanitation District and who would be responsible for the potable supplement. Administering Agent/General Manager David Pedersen suggested creating a seventh step consisting of a discussion on institutional issues. He stated that staff would bring back an initial list of institutional issues at the next meeting for the Board to consider as policy discussions progress.

Director Orkney also expressed concern with the potential AWT facility site on Lindero Canyon on the Ventura County border because the property may have a deed restriction and could be subject to Save Open Space and Agricultural Resources (SOAR) designation.

Chair Peterson referred to the recommendation for a visit to Washington D.C. the week of February 20, 2017, and requested that staff ensure that Congress will be in session at that time.

A discussion ensued regarding outreach efforts; not moving forward with subleasing the space in Building No. 1 to accommodate the demonstration project and offsetting the amount projected for subleasing in the budget; concerns with how new technologies could affect the demonstration project; creating a video of the presentations made to other agencies and the community as part of public outreach efforts; and discussing options for treating groundwater with AWT during the summer season.

Motion carried unanimously.

6. BOARD COMMENTS

Director Polan reported that he attended the California Association of Sanitation Agencies (CASA) Annual Conference in Monterey where he had the opportunity to tour the Pure Water Monterey Program.

7. ADMINISTERING AGENT/GENERAL MANAGER REPORT

Administering Agent/General Manager David Pedersen reported that the Regional Water Quality Control Board for the Los Angeles Region (Regional Board) released the Draft Implementation Plan for the 2003 Nutrient TMDL and 2013 Benthic Macroinvertebrate TMDL. He noted that staff was reviewing the documents and would provide a report to the Board. He also reported that a meeting would be held on September 20th with the Regional Board to discuss an Administrative Civil Liability Complaint related to the May 28, 2015 overflow of the secondaries at Tapia. He also reported that he and Director of Facilities and Operations David Lippman met with Bruce Reznick, Executive Director of the Los Angeles Waterkeeper, and his staff to discuss Scenario No. 4. He stated that the Los Angeles Waterkeeper staff provided positive feedback and expressed an interest in reviewing the environmental document once it is available.

8. FUTURE AGENDA ITEMS

None.

9. PUBLIC COMMENTS

None.

10. CLOSED SESSION

A Conference with District Counsel – Existing Litigation (Government Code Section 54956.9(a)):

1. Las Virgenes - Triunfo Joint Powers Authority v. United States Environmental Protection Agency and Heal the Bay, Inc. v. Lisa P. Jackson (TMDL cases)
2. Las Virgenes – Triunfo Joint Powers Authority v. United States Environmental protection Agency (FOIA case)

The Board recessed to Closed Session at **6:06 p.m.** and reconvened to Open Session at **6:30 p.m.**

Agency Counsel Wayne Lemieux announced that during the Closed Session the Board received a progress report and discussed the litigation. No action was taken.

11. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:30 p.m.**

Glen Peterson, Chair

ATTEST:

Michael Paule, Vice Chair

**LAS VIRGENES – TRIUNFO
JOINT POWERS AUTHORITY
MINUTES
SPECIAL MEETING**

8:00 AM

September 21, 2016

1. CALL TO ORDER AND ROLL CALL

Present: Directors: Caspary, Peterson, Polan, Renger, and Wall.

Absent: Directors: Iceland, Lewitt, McReynolds, Orkney, and Paule.

There being no quorum, the meeting was adjourned.

Glen Peterson, Chair

ATTEST:

Michael Paule, Vice Chair

October 5, 2016 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

**Subject : Tapia Water Reclamation Facility Process Air Improvements Project:
Environmental Review and Design**

SUMMARY:

On July 18, 2016, staff issued a request for proposals for the environmental review and design of the Tapia Water Reclamation Facility (WRF) Process Air Improvements Project. The scope of work consists of replacing the existing blowers and aeration basin air diffusers, which have reached the end of their useful life. Process air is used at Tapia WRF to support the treatment processes, which require air for mixing, oxygen transfer and filter backwashing.

The RFP was posted on the District's website, and four proposals were received. Staff evaluated the proposals and recommends accepting the proposal from Pacific Advanced Civil Engineering, Inc. (PACE). The proposed fee for the work is \$215,216, including the option to incorporate performance specifications for \$27,764. Staff recommends the Board accept the proposal.

RECOMMENDATION(S):

Accept the proposal from Pacific Advanced Civil Engineering, Inc., and authorize the Administering Agent/General Manager to execute a professional services agreement, in the amount of \$215,216, for the environmental review and design of the Tapia Water Reclamation Facility Process Air Improvements Project.

FISCAL IMPACT:

Yes

ITEM BUDGETED:

Yes

FINANCIAL IMPACT:

Sufficient funding for this work is provided in the adopted Fiscal Year 2016-17 JPA Budget. The total cost of the work is \$215,216. Project costs are allocated 70.6% to LVMWD and 29.4% to Triunfo Sanitation District.

DISCUSSION:

Background:

There are six blowers at the Tapia WRF: three 250-horsepower Hoffman blowers (4,500 cubic feet per minute each) and three 900-horsepower Roots blowers (22,500 cubic feet per minute each). The Hoffman blowers were installed in the early 1970s, and the Roots blowers were installed in the late 1970s and early 1980s. The blowers were designed for the complete nitrification of the wastewater at an average daily flow of 16.1 MGD.

The current operation at Tapia WRF requires less air than the original design because the treatment process now includes partial denitrification, which requires anoxic conditions, at a design flow of 12 MGD. The existing blowers do not have the "turndown" capability to operate efficiently with the lower air demand. Also, the swing arm air diffusers in the aeration tanks introduce air on one side of the tank, causing a spiral roll of mixing and aeration. This type of aeration is inefficient for oxygen transfer (50% lower than comparable water reclamation facilities). By replacing the blowers and diffusers, the 2011 Carollo Engineers Process Air Evaluation Study estimated the JPA can achieve an annual energy savings of \$185,000.

Request for Proposals:

A request for proposals for environmental review and design of the Tapia WRF Process Air Improvements Project was issued on July 18, 2016. The scope of work was developed as a result of the Tapia Process Air Evaluation Study completed by Carollo Engineers in 2011. The study recommended three projects to improve the efficiency of Tapia's operations. The first two projects have been completed: (1) repair of leaking air piping at the facility, and (2) replacement of the channel air mixing system. The third project consisted of replacing the existing blowers and diffusers in the aeration basins.

Four proposals were received for the work by the August 31, 2016 deadline. The proposals were from PACE, MWH Global, AECOM and Hazen and Sawyer. Staff reviewed the proposals and evaluated each firm based on the following factors: experience with similar projects, understanding of the scope of work, resource availability for the project, experience and qualifications of assigned personnel, and cost. Based upon the evaluation, staff recommends the Board accept the proposal from PACE. The design work is projected to be completed by June 2017.

Optional Item for Performance Specifications:

The PACE proposal included an optional item for the incorporation of performance specifications, which would be developed based upon the operational requirements of Tapia's treatment processes. The requirements would be documented and provided to equipment vendors for blowers and diffusers who would submit bids based on the performance specifications. The bids would be evaluated and selected based on the capital cost, operational cost and performance of the proposed equipment. The selected equipment would then be specified in the completed design for the project. Staff recommends including the optional item for a performance specification as it is expected to result in an overall cost-savings for the project.

Prepared by: Brett Dingman, Water Reclamation Manager

October 5, 2016 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

Subject : Indirect Potable Reuse using Las Virgenes Reservoir: Potential Institutional Issues

SUMMARY:

On September 6, 2016, staff presented the JPA Board with proposed next steps for the implementation of Scenario No. 4, use of Las Virgenes Reservoir for indirect potable water reuse. The proposed next steps were organized in the following six categories: (1) funding and financing, (2) advocacy, (3) technical studies, (4) public outreach, (5) demonstration project, and (6) environmental review. Upon further discussion, the Board requested that an additional category be added for discussion of potential institutional issues.

Attached is a list of potential institutional issues associated with indirect potable reuse using Las Virgenes Reservoir, organized into three general categories: (1) financial, (2) allocations, and (3) institutional/governance. It should be noted that many of the issues overlap several categories. The current version of the list is not expected to be exhaustive, so staff is seeking feedback from the Board to identify any additional issues that warrant future discussion.

Policy recommendations to address the various issues will be proposed and discussed at a future Board meeting.

RECOMMENDATION(S):

Provide feedback on the potential institutional issues associated with indirect potable reuse using Las Virgenes Reservoir.

FISCAL IMPACT:

No

ITEM BUDGETED:

Yes

Prepared by: David R. Lippman, P.E., Director of Facilities and Operations

ATTACHMENTS:

Potential Institutional Issues associated with Indirect Potable Reuse using Las Virgenes Reservoir

DRAFT – FOR DISCUSSION PURPOSES ONLY
POTENTIAL INSTITUTIONAL ISSUES ASSOCIATED
WITH INDIRECT POTABLE REUSE USING LAS VIRGENES RESERVOIR

1. Financial

a. How will costs be shared for Las Virgenes MWD only facilities?

- i. Las Virgenes Reservoir, the Westlake Filtration Plant, the Westlake Pump Station and various potable water distribution and transmission facilities are Las Virgenes only facilities that will be used for as a part of the indirect potable reuse (IPR) program. Costs to operate, maintain, rehabilitate and replace those facilities when used for IPR will need to be shared between the partners. Las Virgenes has made a capital investment in these facilities. Should the investment for that portion of the system used for IPR be recovered?

b. Will the JPA finance the project jointly or will each partner finance their share?

- i. Traditionally each partner has funded their share of capital costs. What are the advantages and disadvantages of jointly financing the program?

c. How will the capital costs for the project be shared by the JPA partners?

- i. The JPA Agreement provides that capital costs shall be prorated between the parties based upon the parties' respective capacity rights in the facility. It further defines capacity rights in the Joint System, except for the sewer collection system, as 70.6% for Las Virgenes and 29.4% for Triunfo. Should this apportionment be applied to the IPR project or should a different rational be used?

d. How will operations and maintenance costs be shared by the JPA partners?

- i. The JPA Agreement provides that variable operation and maintenance costs be prorated between the partners based upon the average monthly sewage flows contributed by the respective partners and fixed operation and maintenance costs be prorated parties' respective capacity rights. Should these apportions be applied to the IPR project or should a different rational be used?

e. Assuming potable water is used for flow augmentation (fish flows) how will the cost of the water be allocated?

- i. In addition to commodity costs, consideration will need to be given to the possibility that augmentation with potable water may effect Las Virgenes' cost of water from MWD, such as increasing the capacity reserve charge.

f. Once the AWT is operational how will potable supplement be allocated between the partners?

- i. The JPA Agreement provides that "If demand for treated effluent exceeds the available supply, cost for supplementing the treated effluent supply with potable water shall be charged to the retail water agency exceeding the party's entitlement. If a party's demand for treated effluent is less than the available supply, either party may use the other party's unused entitlement and pay appropriate operation and maintenance costs." Should this apportionment be applied to the IPR project or should a different rational be used?

2. Allocations

- a. How will the ownership of the water produced by the AWT be allocated between the JPA partners?**
 - i. The JPA Agreement provides that the minimum amount of treated effluent for each partner is equal to the amount of sewage the partner contributed. Should this same apportionment be used to allocate water produced by the AWT or should a different rational be used?
- b. How will the ownership of the “future” water produced by the AWT be allocated between the JPA partners?**
 - i. Growth is likely to occur in the respective services areas generating additional flows into Tapia. Additional flows into Tapia may also be generated by conversation of septic systems or low flow diversions. These additional flows will increase the supply of water to the AWT producing additional potable water.
- c. Once the AWT is operational how will potable supplement be allocated between the partners?**
- d. If potable water is used for flow augmentation, how will the parties account for that usage?**

3. Institutional/Governance

- a. What will Calleguas’ role be in transferring water from the Las Virgenes system to Oak Park Water Service on behalf of Triunfo?**
 - i. An agreement between the three parties would likely be required and terms would need to be reached between the parties.
- b. What is the role of the JPA agreement in this endeavor?**
 - i. Would it require an amendment or would a separate complimentary agreement address the issues associated with IPR using Las Virgenes Reservoir?
- c. What will be the future policy for expansion of the recycled water system? Should this be a JPA or individual partner policy?**

October 5, 2016 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

Subject : Recycled Water Seasonal Storage Effort: Re-Naming Options

SUMMARY:

On November 3, 2014, the JPA Board approved a proposal from MWH Global to prepare a Recycled Water Seasonal Storage Plan of Action. The initial vision was to develop a roadmap to guide the JPA in planning, permitting, designing, financing and constructing a surface water storage reservoir for excess recycled water. However, through a stakeholder process, the Board selected two scenarios to manage the excess recycled water: Scenario No. 4, use of Las Virgenes Reservoir for indirect potable reuse, and Scenario No. 5, re-purposing Encino Reservoir for seasonal storage. Neither scenario included the construction of a surface water reservoir.

Following the Plan of Action, a Basis of Design Report (BODR) was completed. The BODR developed various engineering and economic analyses for both scenarios. On August 1, 2016, the Board selected Scenario No. 4 as the preferred alternative and directed staff to move forward with various first steps, including a re-naming effort for the program. Staff and Katz & Associates developed the attached four preliminary concepts that include a logo, program name and theme line. The various elements can be mixed and matched.

The final logo, program name and theme line will serve to provide a unifying “look” for the program and will be used in the public outreach effort, technical publications and presentations. Also attached for comparison are various logos and program names for other indirect potable reuse programs in California.

RECOMMENDATION(S):

Provide feedback on the preferred logo, program name and theme line for the Recycled Water Seasonal Storage effort.

FISCAL IMPACT:

No

ITEM BUDGETED:

Yes

FINANCIAL IMPACT:

There is no financial impact associated with this action.

Prepared by: David R. Lippman, P.E., Director of Facilities and Operations

ATTACHMENTS:

Logo, Program Name and Theme Line Options

Logos and Program Names for Other Indirect Potable Reuse Projects in CA



LAS VIRGENES-TRIUNFO
PURE WATER PROJECT

Taking Our Water Full Circle



LAS VIRGENES-TRIUNFO
PURE WATER PROJECT

Taking Our Water Full Circle



LAS VIRGENES-TRIUNFO
FULL CIRCLE

Waste No Water



LAS VIRGENES-TRIUNFO
PURE WATER PROJECT

Safe. Sure. Sustainable.

Padre Dam Municipal Water District



Orange County Water District



Water Replenishment District



City of San Diego



Santa Clara Valley Water District



October 5, 2016 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

Subject : Recycled Water Seasonal Storage: Summary of One-on-One Stakeholder Interviews

SUMMARY:

As part of the initial public outreach for the Recycled Water Seasonal Storage effort, Katz & Associates staff conducted one-on-one interviews with key JPA stakeholders representing business/economic interests, education, the environmental community, and local government. Drawing from an initial list of 22 stakeholders, a total of 15 individuals participated in the interviews.

Specifically, the interviews were intended for stakeholder feedback on the following issues:

- Knowledge and experience with the JPA and its member agencies.
- Level of understanding of the JPA's work.
- Level of understanding of recycled water and its uses.
- Understanding of environmental and regulatory issues associated with Malibu Creek.
- Opinions about alternatives considered by the JPA to beneficially use its surplus recycled water, including storage of recycled water at Encino Reservoir or advanced treatment of the recycled water and delivery to the Las Virgenes Reservoir[1].
- Preferred methods for reaching and communicating with stakeholders and community members.
- Recommendations for the JPA as it moves forwards.

Attached is a report that provides a summary of the interviews. The report includes a list of interviewees; however, the responses were not attributed to individuals, which was a commitment made to participants.

The results of the interviews will be used to prepare a Strategic Communication Plan that is currently under development by Katz & Associates. A robust and proactive communication program will be particularly important for indirect potable reuse given that a majority of the interview participants identified the need for on-going, transparent and multi-faceted communications with a variety of audiences.

[1] The majority of the interviews took place prior to the JPA Board selecting Scenario No. 4.

FISCAL IMPACT:

No

ITEM BUDGETED:

Yes

FINANCIAL IMPACT:

There is no financial impact associated with this item.

Prepared by: David R. Lippman, P.E., Director of Facilities and Operations

ATTACHMENTS:

Summary of One-on-One Stakeholder Interviews

Las Virgenes – Triunfo Joint Powers Authority

Recycled Water Seasonal Storage Project

Summary of One-on-One Stakeholder Discussions

September 16, 2016

Prepared by:

KATZ
& Associates

**Las Virgenes – Triunfo Joint Powers Authority
Recycled Water Seasonal Storage
Summary of One-on-One Stakeholder Discussions**

Table of Contents

	<u>Page</u>
INTRODUCTION.....	1
Methodology	1
Method Limitations	1
Participants.....	1
Anonymity	2
Stakeholder Questionnaire.....	2
Discussion Length	2
SUMMARY OF RESPONSES.....	2
1. Awareness of Efforts to Maximize Recycled Water Use	2
2. Familiarity with LVMWD, TSD and JPA Services.....	3
3. Opinions About Services Provided	3
4. Interest Areas Associated with These Services	4
5. Environmental Issues Related to Malibu Creek	5
6. Quality of Malibu Creek and Lagoon.....	6
7. Recycled Water Questions or Concerns.....	6
8. Encino Reservoir Storage Alternative	7
9. Advanced Water Treatment and Las Virgenes Reservoir Storage Alternative	7
10. Current Sources of Information Regarding Water Issues	8
11. Trusted Sources for Reliable Information	9
12. Ways to Engage the Public.....	9
13. Additional Comments	10
NEXT STEPS	10

Appendices

A. Individuals Interviewed	A-Error! Bookmark not defined.
B. Interview Discussion Guide	B-Error! Bookmark not defined.

Introduction

From July through September 2016, Katz & Associates conducted in-depth discussions with 15 Las Virgenes – Triunfo Joint Powers Authority (JPA) stakeholders – individuals who live and/or work within the Las Virgenes Municipal Water District (LVMWD) or Triunfo Sanitation District (TSD) service areas and/or are involved in the communities served by the districts. The purpose of the interviews was to gauge awareness and perceptions about water, wastewater and recycled water, and JPA services, as well as to obtain feedback on maximizing the beneficial use of the region’s recycled water from the Tapia Water Reclamation Facility.

Specifically, the objectives of the one-on-one conversations with community leaders/stakeholders were to determine their:

- Knowledge and experience with the JPA and its agencies
- Level of understanding of the work conducted by the JPA
- Level of understanding of recycled water and associated services
- Understanding of environmental and regulatory issues associated with the Malibu Creek
- Opinions about alternatives considered by the JPA to beneficially use the “surplus” recycled water so that it will not need to be discharged into Malibu Creek, including storage of recycled water in Encino Reservoir or advanced treatment of the recycled water and delivery to the Las Virgenes Reservoir
- Preferred methods for reaching and communicating with stakeholders and community members
- Recommendations for the JPA as it moves forward with its planning process

Methodology

In-depth, one-on-one discussions are a qualitative research method best suited for uncovering a range of views, beliefs, attitudes, opinions and experiences that may exist in a certain population. With one-on-one discussions, a trained interviewer uses a questionnaire to conduct a structured conversation with participants.

The one-on-one discussions used a “non-probability sample,” which means the sample was not meant to be statistically representative of a larger group, and the size of the group does not affect the integrity of the data collected.

Method Limitations

Like other qualitative methods, one-on-one discussions allow for detailed exploration of topics but do not provide data that is statistically representative of a larger population. This report details trends among participants when applicable, but those trends cannot be generalized. Instead, the information obtained is descriptive and should be considered as representing a range of opinions that may exist among stakeholders. It should also be noted that opinions may not necessarily be factually accurate.

Participants

Potential participants were identified through a series of steps. The JPA staff developed a list of potential interviewees and/or organizations and agencies based in part on their known interest, affiliations, experiences and/or their ability to represent a range of community perspectives and categories, and on their location within either the LVMWD or TSD service areas. The final list included representation from business/economic interests, education, environmental community, faith-based

organizations and local government. Participants had varied degrees of involvement in issues discussed – experience ranged from a great deal of involvement either as an elected official to little or no involvement or knowledge about these issues.

Thirteen in-person and telephone interviews were conducted (See Appendix A for a list of those interviewed) with a total of 15 people participating. On behalf of the JPA; Katz and Associates contacted each potential interviewee, providing a consistent explanation of the request for an in-depth discussion. Potential participants were invited to meet either by phone, or in person at LVMWD headquarters or a place of their convenience.

Anonymity

Participants were told that the list of interviewees would be included in this report; however, their responses would be incorporated anonymously to encourage candid feedback. This report uses the pronoun “he” in all cases, whether referring to a male or female respondent, to preserve anonymity.

Stakeholder Questionnaire

A discussion guide, comprising 14 questions, was prepared by Katz & Associates and reviewed/approved by JPA staff (see Appendix B for the discussion guide). The guide included unprompted questions, meaning that the questions were open-ended and the interviewer did not suggest possible answers. In some cases, follow-up questions were asked for clarification.

The one-on-one discussions for the JPA were conducted in-person or via telephone by Katz & Associates’ Patricia Tennyson and Karen Snyder.

Discussion Length

The average length of the one-on-one conversations was 45 minutes. The interviewer did not limit the discussion. Instead, the interviewer encouraged using as much time as each participant could provide to allow the maximum opportunity for discussion.

Summary of Responses

The summary below is organized by topic area and generalized to provide the essence of the input received during the one-on-one discussions. This document summarizes responses from interview participants. The first section summarizes responses from all participants. Occasionally, a response will be in quotes to indicate a specific comment, although the discussions were not recorded and these remarks are not verbatim. The remarks are included to give the reader a flavor for the language interview participants used when discussing JPA issues.

1. Awareness of Efforts to Maximize Recycled Water Use

Participants were asked about their general awareness of efforts to maximize use of recycled water in the region, and – if they were aware – how they had learned of the efforts. Most participants were aware of the need to do something with the recycled water and had varying levels of understanding regarding those efforts. Awareness was highest among those stakeholders who were

or had been elected officials, had attended a meeting where the alternatives were discussed, had established relationships with district staff, or were recycled water users. The accuracy of the information varied, however, but even those who had questions about recycled water use were aware of recycled water.

2. Familiarity with LVMWD, TSD and JPA Services

Participants were asked about their general awareness of services provided by the Las Virgenes Municipal Water District and the Triunfo Sanitation District, and about what services they felt were particularly important. All of the participants were aware of LVMWD and TSD services to varying levels, based on their interactions. Individuals noted that LVMWD continuously delivered clean potable water and provided adequate and timely information about changing policies. Others had toured the Tapia Water Reclamation Facility. A majority mentioned various programs offered by each of the agencies to assist customers. Most comments were related to LVMWD, but one individual commented “I toured the Tapia plant years ago...I wish we could use (recycled water) at homes for irrigation. That is what I support – but not for potable use/drinking.”

However, at this point in the interview, there was little awareness of the JPA specifically, or of its services and structure. One individual noted that he had no knowledge of how the JPA operated, who the board members were and how they were appointed.

3. Opinions About Services Provided

Participants were asked what the LVMWD and TSD do best, and what areas could be improved. Nearly all of the participants had at least one suggestion; the majority commented about LVMWD services rather than TSD.

As with most questions of this type, more comments were about what could be improved. But generally LVMWD was recognized as providing an important service – delivering water – and TSD for cleaning wastewater so that it could be disposed of safely or reused. Others noted that tours were available to those interested in learning more. And others commented on the difficulty of communicating about technical processes. Another said: “Clean up wastewater and put it into the creek so that it flows year-round – this is good for plants and animals as the creek would be dry otherwise.” And there is a recognition that the agencies are progressive: “They’ve done things decades ahead of others. Some question why we pay for these progressive things, but I appreciate being in a place where they are willing to invest in things that are good for the community. At some point there is a cost limit, but I am happy to pay for progressive ideas and projects.”

Recommendations for potential improvement focused on:

- Communication. This was directed more often at TSD – one person noted that TSD tends to communicate through LVMWD. While another noted: “TSD provides sewer service very well, and LVMWD provides water very well. But they are awful at communicating with the community. They have a bad PR image and it dates back a long time (to the solid waste facility and their corporate building).” Another noted their agency had never “officially” met

- with the TSD board. And one offered an observation that more information should be posted on the website instead of being in color brochures that cost ratepayers money.
- Clarity about rates, rate comparisons and water budgets. While noting the challenges associated with communicating in language comfortable to people and, at the same time, making that information enticing to the public, specific comments included:
 - “Why are infrastructure/sewer fees so much more expensive than for cities no more than a half a mile down the road? It seems they are putting out misinformation when they say they provide the least expensive water.”
 - “The water budget information is almost impossible to understand – it is so complicated that probably only one percent of the customer base would understand it. And information that might help you manage your water use comes too late to help you stay within your budget. This really should be much easier.”
 - Desire for expansion of recycled water. In addition to several who commented about how good it would be to have more medians and even yards irrigated with recycled water if it were available, schools are particularly interested about having recycled water available.
 - Water pressure. At least one user noted the importance of improving water pressure throughout the area. Now the user has to stay aware of pressure variances in their system and make adjustments as needed.
 - Conservation. “I would like them to crack down on those that waste water – they should be stricter and shut off water if they are over their budget.”
 - Cost allocation. “We believe that upgrades to infrastructure are needed, but are frustrated with LVMWD because they require homeowners to pay for new infrastructure upgrades, unlike the county. There are a lot of inequities: mansions and new hotels use lots of water and do not pay more for it. New development should pay through a bond and not pass costs on to homeowners in established communities.”
 - Roles and Responsibilities. One participant cited the many agencies involved with utility services throughout the region and the need to make it clear which agency provides services and where they provide them. “Complexity is not helpful to the end user.”
 - Support for Special Sectors. One participant suggested assigning representatives to work directly with large users, such as schools, to keep them informed of changes and work through potential issues, including funding. Having a “heads up” on funding opportunities would also help agencies like schools apply for funds in a timelier manner.

4. Interest Areas Associated with These Services

Participants were asked about their biggest interests or concerns associated with services and about recycled water in general. Generally, all participants were complimentary of the services provided by the agencies but all also expressed areas of interest or concern. Main themes included expanding availability of recycled water, providing clarity on quality and cost of recycled water, and working with businesses when mix of recycled water changes as this impacts internal operations. As with previous observations, areas of interest varied widely including:

- Acidic quality of recycled water and impact on equipment or facilities
- Health issues associated with recycled water. “How clean is the water, what can you use it

- for, if kids roll around on a lawn irrigated with it is that a problem?”
- Funding and support services for grey water at large facilities. “I think the JPA should encourage installation of grey water tanks and other piping required during construction. It is crazy to flush toilets with potable water – we should be using grey water.”
 - Availability of recycled water.
 - “I would prefer to have recycled water available to every person, but the cost would be horrendous.”
 - “It should be more available for landscaping. Not all medians and golf courses have it either. I have heard that the district puts potable water into the recycled water lines to accommodate demand.”
 - “We should make the maximum use of recycled water, but if the plumbing gets mixed up and recycled water contaminates the potable supply, the whole system would need to be flushed. If this problem did not exist, it would be great to have recycled water for home irrigation. To prevent this, we could process recycled water to potable standards or have the delivery system only be serviced by a certified person. Now, we always run that risk. But it would help to have recycled water available to more of us.”
 - Development. “People ask why are we still building when you are asking us not to use water?” This observation was not limited to new homes – new hotels were also recognized as water users that deplete local supplies.
 - Water for the environment. “There are 27 watersheds flowing into Santa Monica Bay; the water district, when it doesn’t have water, should enact a moratorium on development so that we are not using too much water. Keep the creeks wet all year-round. There are wildlife corridors in the national park and we need to make sure the animals have enough to drink too.”
 - Salinity content, recycled water quality, and customer requirements.
 - “At times, though, we have had to adjust our blending – such as when the district uses more potable water. It would help us if we know in advance whether they were blending/flushing more potable water.”
 - “Doing a water audit periodically would be a benefit for the commercial sector, along with recommendations regarding salinity levels on landscaping.”
 - “We spend a lot of money on adjusting the blend here. We also have to flush our cooling tower from time to time – how can we reclaim that water?”
 - Education about how to deal with recycled water on site. “We could benefit from a ‘refresher’ course and staff training.”
 - Sources of information. One participant mentioned that a majority of their information was being funneled through LVMWD and that TSD needed to be better coordinated with LVMWD and have a higher profile in the community.

5. Environmental Issues Related to Malibu Creek

Participants were asked about their familiarity with environmental and regulatory issues related to Malibu Creek, along with discharge requirements and the costs associated with those. Some participants were very familiar with issues related to Malibu Creek and associated environmental regulations. However, most were less familiar or expressed that this was not an issue for them

because they did not live near the creek or that other waterways were more relevant to them either because of where they lived or because they discharged into that waterway. For those familiar, there was a general belief that conditions had improved and that organizations were working to improve quality. At least a third of respondents also pointed to costs associated with regulations, with one participant recommending that the JPA demonstrate a cost comparison between meeting regulations, or exploring other alternatives. Some specific comments included:

- “I would like to see a better assessment of the source of pollutants...Tapia is not the only source...”
- “I like the idea of steelhead in the creek!”
- One person observed that both the people at LVMWD and Heal the Bay are equally dedicated, but others believe regulatory decisions are egregious and EPA has “gone overboard on regulations.” Another noted the regulations are too stringent to comply, but Tapia water is needed in the creek.
- While many are aware of the regulatory and cost issues, one asked if the district had made the general public “...aware of the \$200 million we are forced to spend so they will pressure elected officials.”
- Still another noted that most communities in the Santa Monica Mountains are pro-environment and have worked to keep pesticides and dumping out of the creek, and have even supported regulations regarding horses, so would like to see no recycled water there either.
- Finally, one person stated that “We should not be drinking this water as there are resistant viruses in it.”

6. Quality of Malibu Creek and Lagoon

Participants were asked about their sense of the quality of the water in Malibu Creek and Malibu Lagoon. Most said that they had no knowledge of specifics related to water quality, but the general impression is that quality has improved. More than one participant pointed to past news about recycled water discharges being responsible for poor water quality, but opined that existing conditions such as septic systems and horses in the area were more responsible. State Parks is credited by some for cleaning up the Lagoon.

7. Recycled Water Questions or Concerns

Participants were asked about their familiarity with recycled water and what questions or concerns they had about its use. Most of the interviewees were familiar with recycled water. Only three were not familiar. The majority of respondents were supportive of recycled water use for specific purposes, with some suggesting that recycled water uses should be expanded. Examples of comments include:

- “As long as it is being used for irrigation, it is a great alternative.”
- “I would like legislation to loosen up the restrictions on recycled water use.”
- “I would like to see more use of recycled water than potable water. But if you are talking about potable reuse, that is a PR problem (toilet to tap). If you are afraid of recycled water, it seems to me that is because of what you put into that water.”

- “Personally I would like more information on what recycled water cannot be used for.”
- “I have no concerns for non-potable uses, but definite concerns about potable because of resistant viruses.”
- “Where does the recycled water actually go?” This person also wondered if recycled water could be used on crops and vineyards.

8. Encino Reservoir Storage Alternative

Interviewers described the option to store recycled water in the Encino Reservoir, which would require construction of a lengthy pipeline through urbanized areas. *(It is important to note that approximately two thirds of the interviews occurred before the August 1, 2016 JPA action to move forward with evaluation of the Las Virgenes Reservoir option.)* There were a number of questions related to the Encino Reservoir such as the length of pipelines, the pipeline cost, and the cost of pumping water back and forth. Some stakeholders would rather use that surplus water for irrigation than see it stored in another area, while others suggested building a new reservoir and identified a potential location, and still others thought storing recycled water for fighting fires would make sense (information was collected after the July 22 Santa Clarita fire, so this was top of mind for some). One individual suggested using a portion of the land in the Mountain View Estates to build a reservoir. Another stakeholder was concerned with the environmental impacts. Overall, issues associated with construction, feasibility and cost were concerns, and it was observed that community engagement and notification would be priorities. Sample comments include:

- “I cannot imagine what it would cost to transport this water. What needs to be done to maintain or keep the water so it is safe for use?”
- “It is fine as long as I don’t have to pay. I would not be at all happy if this will be used to raise water rates. It seems to me it is okay for recycled water to go to waste.”
- “What is the cost/benefit? That seems like a long way for the recycled water to go.”
- “How many miles away is that reservoir? Is this a cost effective solution or are there local solutions?”
- “What is the amount of projected use/evaporation/cost of all that pumping back and forth?”
- “What is the power source for this? Solar?”
- “I think recycled water should be discounted more and this will only raise its cost.”
- “I don’t like this idea because of the expense and piping water back and forth all that way.”
- “CEQA makes this very difficult. Long pipelines.”
- “Where would the pipeline be? Is this the least environmentally damaging option?”

9. Advanced Water Treatment and Las Virgenes Reservoir Storage Alternative

Interviewers next described the option to construct an advanced water treatment plant to further clean the recycled water and convey it through a pipeline to the Las Virgenes Reservoir where it will blend with other water that is sent to the drinking water treatment plant. Most of the stakeholders knew recycled water was in use, but most did not about the current plans to maximize recycled water use. A majority of the stakeholders readily accepted the concept of an advanced water

treatment facility and felt this was a preferred alternative, although one was very opposed citing concerns about water quality and multiple participants cited the water quality perceptions (viruses, pharmaceuticals, metals, “toilet to tap”) as being the major challenge requiring communication and outreach. Proper information about the quality of the water through advanced treatment must be clearly explained, and examples of where else this is done need to be part of that explanation. Many respondents also focused on cost, again calling for comparisons to demonstrate all options carry a price. Sample comments include:

- “This seems like a better alternative since it can be used for drinking, which is needed. Can you team with a bottled water company to have them pay for this?”
- “What is the cost? Theoretically I would want to see the numbers and savings that would accrue if we did not have to buy all of our water from Metropolitan.”
- “This is inevitable and it makes sense if there is no local supply and you are at the mercy of Metropolitan’s cost. I would like to think that our tap water would still taste the same if they do this. It is a major public relations/marketing problem. You must convince the public it is safe, economically feasible, their kids can drink it, and they won’t need a special filter at their home. [After a discussion related to the OCWD’s GWRS project, the comment was: You would need to talk about Orange County’s experience. The LVMWD board has been futuristic about decisions and will make a good one.]”
- “The major concern is the health issue. I don’t like the idea of mixing recycled water even if it is ‘highly treated’ – and what does that mean anyway? I would not want the quality of the water to go lower. I want to see the formulas and tests on this – I don’t want it to be experimental.”
- “I know they do this in other places. It is important to come up with other solutions to water supply. I would want to know that all safety measures are applied to the fullest extent.”
- “To drink this is a disaster waiting to happen.”
- “This is the preferable option. At the end of the day, we want to help water use and technology and support using resources fully. They do this in Orange County.”
- “Changes within the regulatory environment may be needed for this – what can we do here to get to the same level of innovation as the city and county of San Francisco?”
- “The idea of drinking this water is not accepted yet – how will this go over with the public?”
- “I’m comfortable with the engineers and scientists that make this safe. But even in my own household there are questions. Issues will center on what is below regulated standards. What about pharmaceuticals/metals?”

10. Current Sources of Information Regarding Water Issues

Participants were asked how they stay up-to-date about current events, how they suggest we communicate about the project, and how they would like to receive information moving forward.

A large number of interview participants mentioned they receive information directly from LVMWD and like that. They identified newsletters, annual reports, and staff as direct sources of this information. Local newspapers such as the Ventura County Star and the Acorn were also mentioned as sources of information. Several people mentioned community newsletters and social media. One stakeholder stated that they reviewed government documents, studies by environmental

organizations and scientific research. Others pointed to their community networks and community organizations as informational sources, indicating that they have obtained details regarding water issues from elected officials and the chamber of commerce. Television and radio were only mentioned by one individual as information sources on these topics.

A majority of the stakeholders were interested in receiving information regarding recycled water progress, regulatory issues related to the creek, or related topics and projects in the future. Only two stakeholders did not want the information. One individual stated that they already had access to a lot of information, while another only wanted information if the Encino Reservoir was selected. Four stakeholders suggested sending out an update on a monthly basis. Two stakeholders suggested quarterly distribution. There was a consensus that it should not be too frequently, as in daily deliveries. Information sent too often might encourage some to unsubscribe. Mostly everyone wanted updates when there were major updates and important milestones.

Methods for preferred communication included expanded use of social media, neighbor to neighbor vehicles, blogs, presentations to interest groups, continued staff interaction with community leaders, traditional media, and newsletters and other materials. Respondents focused even more on “what” would be communicated, with emphasis on science and technology, experience in other areas, cost comparisons, funding opportunities, and transparency.

11. Trusted Sources for Reliable Information

Participants were asked about who or what they thought were most trusted sources of public information. A majority of the group mentioned the Acorn as a trusted source for information regarding water issues, though one respondent specifically said newspapers were not trusted sources. Many individuals expressed a great level of trust in the information LVMWD provides, as well as in the LVMWD staff and the boards of the three agencies. The next trusted group included elected officials such as city council members, supervisors, and board members. Academic institutions and school districts were mentioned repeatedly. Some pointed at local sources such as fire and law enforcement as trusted sources. A few community-based organizations including the Audubon Society and Sierra Club were also specifically identified. One participant recommended a respected high-profile resident who could serve as a third-party spokesperson.

12. Ways to Engage the Public

Interviewers mentioned the JPA’s commitment to raising awareness and working more closely with the community and asked for suggestions on how best to achieve this goal. The following is a summary of the suggested activities and general advice from interviewees:

- Joint meetings among board members and city councils
- Town hall meetings
- Staff presentations to community groups
- Third-party spokespersons including elected officials, public health officials, celebrities
- Updates to the website
- Social media

- E-blasts
- Outreach to homeowners' groups and condo associations
- "Nextdoor"
- Newsletters with monthly bills
- Mailers
- Online videos of meetings

13. Additional Comments

Stakeholders were asked if there were any additional comments. The following are the main themes of the comments provided:

- **Transparency.** It is important to be transparent throughout the process to ensure people have access to information, science, and real-time monitoring results if possible.
- **Need.** Demonstrate the need for additional projects and provide more information about potential solutions.
- **Timing.** What is the path forward for the project?
- **Costs.** Ultimately, cost will be the focus for many people. Explain the costs of "status quo," comparative costs of alternatives, funding opportunities, and impacts to customers
- **Other Alternatives Considered.** Provide information about other alternatives in addition to the two included here and why they did not rise to the top.
- **Communication.** This is complex and must be communicated in an understandable way to a variety of stakeholders.

Next Steps

Input collected from the one-on-one discussions will be incorporated into the Strategic Communication Plan that is under development for this program to help ensure a robust and proactive communication program moving forward. This will be particularly important given the fact that a key challenge to the Las Virgenes Reservoir scenario could be public perception, and the majority of discussion participants pointed to the need for ongoing, transparent, multifaceted communication with a variety of audiences.

APPENDICES

Appendix A

A. Individuals Interviewed

The following list of individuals interviewed may include an organization or interest group with which they are associated; however, interview participants did not express or officially represent an opinion of that group or organization. Positions on any of the issues in the questionnaire were not sought by the JPA nor by the interviewer.

First Name	Last Name	Organization
Rhonda	Bacot	LVUSD, Maintenance and Operations
James R.	Bozajian	City of Calabasas, Mayor
Ed	Corridori	CR Print, Owner
Joseph	Edmiston	Mountains Recreation & Conservation Authority
Jim	Friedl	Conejo Recreation and Park District, General Manager
Karen	Kimmel	LVUSD, Assistant Superintendent of Business
Kim	Lamorie	Las Virgenes HOF, President
Rick	Lemmo	Caruso, Senior Vice President, Development-Community Relations
Katherine	Miller	Conrad N. Hilton Foundation, Director of Campus Expansion, Facilities and Workplace Services
Patrick J.	Modugno	Conrad N. Hilton Foundation, Vice President of Administration and Chief Financial Officer
Linda	Parks	Ventura County, Supervisor
Howard	Rodgers	Citizen
Mark	Rutherford	City of Westlake Village, Councilmember
Julie	Suarez	Oak Park Unified School District, Director, Business Operations
Mary	Wiesbrock	Save Open Space Chair

Appendix B

B. Interview Discussion Guide

1. Before we requested time to meet with you, had you heard anything about ways to maximize recycled water use in the region? If yes, then what and how?
2. Are you familiar with the services provided by (Las Virgenes Municipal Water District) (Triunfo Sanitation District / Oak Park Water District)? Please tell me any services you think are particularly important.
3. What do you think (Las Virgenes MWD) (Triunfo Sanitation District / Oak Park Water District) does the best? What do you think the JPA needs to work on or improve?
4. In relation to your organization/members/business, what are your biggest interests or concerns associated with these services and about recycled water in general?
5. Are you familiar with environmental issues related to Malibu Creek? Which issues are you or your organization most interested in? What about regulatory issues and decisions that impact the JPA's ability to discharge recycled water? What about the cost to achieve environmental requirements in the creek?
6. What is your sense of the quality of water in Malibu Creek? How about Malibu Lagoon?
7. Are you familiar with recycled water? What concerns or questions do you have about recycled water use?
8. One of the options being evaluated is storage of recycled water in Encino Reservoir, which would require – among other things – the construction of a lengthy pipeline through urbanized areas. What questions or concerns do you have about this concept?
9. Another option is to construct an advanced water treatment plant to further clean the recycled water and convey it through a pipeline to the Las Virgenes Reservoir where it will blend with other water that is sent to a drinking water treatment plant. This option would also require construction of a pipeline in an urbanized area, and result in augmenting our drinking water with this highly treated recycled water. Also known as indirect potable reuse, this option would ensure a local water supply for the region. What questions or concerns do you have about this concept?
10. How do you stay up-to-date about current events related to your community? (Word of mouth, email, newspapers, newsletters, television, radio, direct mail, social media, etc.) What about issues related to water or water supply? How about Malibu Creek and the watershed?
 - a. Would you be interested in receiving updates from the JPA regarding recycled water progress, regulatory issues related to the creek or related topics and projects in the future?
 - b. How often would you like to receive information?
 - c. Do you have any other suggestions about how we can communicate with stakeholders,

residents and businesses in this area?

- d. Do you have regular meetings where we could make a presentation about this topic? How can we get on your schedule? Do you send electronic or written communications to your membership? Can we include a written article about beneficial recycled uses, stewardship of Malibu Creek, or projects that might result from a decision to move forward with one of these projects?
11. Who and/or what do you think are the most trusted sources of public information in your community?
12. The JPA is committed to raising awareness and working more closely with the community including [name organization type]. What suggestions do you have that can help them achieve this goal?
13. Who else do you think we should meet with to discuss the options to maximize recycled water use for this region or related issues?
14. Are there any other issues you want to discuss or suggestions as we continue this outreach effort?

INFORMATION ONLY

October 5, 2016 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

Subject : Tapia NPDES Effluent Limit Exceedances: Settlement Offer No. R4-2016-0179

SUMMARY:

On May 25, 2016, the Los Angeles Regional Water Quality Control Board (RWQCB) issued the JPA a notice of alleged violation of effluent limits for the Tapia Water Reclamation Facility. A total of nine violations for four different parameters were alleged from May through November 2015. The alleged violations included exceedances for bis (2-ethylhexyl) phthalate, cyanide, total trihalomethanes and total phosphorous. Staff responded to the RWQCB on June 6, 2016, because the total phosphorous exceedance was incorrectly categorized. The RWQCB corrected the mistake with a letter dated August 19, 2016.

Under the California Water Code, a permitted discharger is allowed three effluent limit exceedances within a 180-day period before penalties are assessed. However, subsequent violations are assessed a mandatory minimum penalty of \$3,000 each. As a result, the JPA is subject to penalties for six exceedances at a total cost of \$18,000. RWQCB Settlement Offer No. R4-2016-0179 provided for the JPA to resolve the matter by participating in its Expedited Payment Program. On August 29, 2016, the Administering Agent/General Manager accepted and executed Settlement Offer No. R4-2016-0179.

FISCAL IMPACT:

Yes

ITEM BUDGETED:

No

FINANCIAL IMPACT:

The adopted Fiscal Year 2016-17 JPA Budget does not include funds for penalties associated with effluent limit exceedances. However, sufficient funds were available for acceptance of Settlement Offer R4-2016-0179 at a total cost of \$18,000.

DISCUSSION:

Bis (2-ethylhexyl) phthalate:

Bis (2-ethylhexyl) phthalate, also called DEHP, is a suspected carcinogen. It is an ubiquitous substance that is used as a plasticizer for polyvinylchloride (PVC) and other polymers, including rubber, cellulose and styrene. Bis (2-ethylhexyl) phthalate is present in plastic tubing and bags used in food production and medical care. It is also used in insect repellent formulations, cosmetics, rubbing alcohol, liquid soap, detergents, decorative inks, lacquers, munitions, industrial and lubricating oils, defoaming agents during paper and paperboard manufactures, as a pesticide carrier, in photographic film, wire and cable, adhesives, as an organic vacuum pump fluid, and a dielectric in capacitors.

A Time Schedule Order to address bis (2-ethylhexyl) phthalate was issued in the 2005 Tapia NPDES Permit and measures were undertaken to address potential contamination during sample collection. Compliance with permit limits was generally maintained with occasional exceedances until mid-2013. With the recurrence of numerous exceedances of the permit limits, staff has increased monitoring of bis (2-ethylhexyl) phthalate. To-date, there have been no additional violations since November 2015.

Cyanide:

Cyanide is a highly toxic compound consisting of carbon and nitrogen connected by a triple bond. It is formed during the disinfection process due to the presence of hydrocarbons and nitrates in a chlorine environment. Staff has worked to reduce nitrate levels in the filter effluent to reduce the formation of cyanide. There have been no additional cyanide violations since September 2015.

Total Trihalomethanes:

Total trihalomethanes, or TTHMs, are disinfection byproducts. The compounds are formed during disinfection from the presence of organic matter and chlorine. As a part of the 2010 NPDES Permit, a Time Schedule Order was issued to reduce the levels of TTHMs in the Los Angeles River outfall. The JPA constructed chloramination facilities in 2013 to help prevent the formation of TTHMs. These facilities have been adjusted to reduce the formation of TTHMs effluent from Tapia. There have been no additional exceedances of the TTHMs limit since May 2015.

Total Phosphorous:

Total phosphorous consists of dissolved phosphate plus any insoluble phosphorous. This violation occurred due to a temporary change in the treatment process at Tapia during the Channel Air Mixing Project. When the return activated sludge channel was partially taken out of service to install the new channel air mixing equipment, the re-aeration basins had to be temporarily bypassed. The loss of the re-aeration basins limited the reduction of phosphorous in the treatment process and caused the exceedance. There have been no additional phosphorous violations September 2015.

Prepared by: Brett Dingman, Water Reclamation Manager

ATTACHMENTS:

May 25, 2016 Notice of Violation and Settlement Offer No. R4-2016-0179

August 19, 2016 Correction to Notice of Violation

Los Angeles Regional Water Quality Control Board

May 25, 2016

Mr. David R. Lippman, P.E.
Director of Facilities and Operations
Las Virgenes Municipal Water District
4232 Las Virgenes Road
Calabasas, CA 91302

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7015 3010 0002 3190 1502

SETTLEMENT OFFER NO. R4-2016-0179: OFFER TO PARTICIPATE IN THE EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE NPDES PERMIT FOR LAS VIRGENES MUNICIPAL WATER DISTRICT, TAPIA WATER RECLAMATION PLANT, 731 MALIBU CANYON ROAD, CALABASAS, CALIFORNIA (ORDER NO. R4-2010-0165, NPDES PERMIT NO. CA0056014, CI NO. 4760)

Dear Mr. Lippman:

This letter is to notify the Las Virgenes Municipal Water District (hereinafter "Permittee or "you") of alleged violations of the California Water Code identified in the State Water Resources Control Board's water quality data system and to allow the Permittee to participate in the Los Angeles Regional Water Quality Control Board's (Regional Board) Expedited Payment Program for Effluent and/or Reporting Violations (Expedited Payment Program) to address mandatory minimum penalties that must be assessed pursuant to California Water Code sections 13385 and 13385.1.

NOTICE OF VIOLATION:

Based on information in the California Integrated Water Quality System (CIWQS) as of May 25, 2016, the Regional Board alleges that the Permittee has violated the effluent limitations, reporting violations, or California Water Code provisions identified in the Notice of Violation (NOV) attached as Exhibit "1". The Permittee will have the opportunity to address the alleged violations as discussed below.

STATUTORY LIABILITY:

Subdivisions (h) and (i) of California Water Code section 13385 require the assessment of a mandatory minimum penalty of three thousand dollars (\$3,000) for specified serious and chronic effluent limit and reporting violations. For the purposes of subdivision (h) of section 13385, failure to file a discharge monitoring report required pursuant to sections 13383 for each complete period of 30 days following the deadline for submitting the report constitutes a serious violation. The Permittee is also subject to discretionary administrative civil liabilities of up to ten thousand dollars (\$10,000) for each day in which the violation occurs, plus ten dollars (\$10) for each gallon discharged but not cleaned up in excess of 1,000 gallons. These mandatory minimum penalties and discretionary administrative civil liabilities

may be assessed by the Regional Board beginning with the date that the violations first occurred.¹ The formal enforcement action that the Regional Board uses to assess such liability is an administrative civil liability complaint, although the Regional Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to twenty-five thousand dollars (\$25,000) per violation. In addition, the Superior Court may assess up to twenty-five dollars (\$25) per gallon discharged but not cleaned up in excess of 1,000 gallons.

OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM:

The Permittee can avoid the issuance of a formal enforcement action and settle the alleged violations identified in the attached NOV by participating in the Regional Board's Expedited Payment Program. Details of the proposed settlement are described below and addressed in the enclosed documents.

To promote resolution of these violations, the Regional Board makes this Conditional Offer. The Permittee may accept this offer, waive the Permittee's right to a hearing, and pay the mandatory minimum penalty of \$18,000 for the violations described in the NOV. If the Permittee elects to do so, subject to the conditions below, the Regional Board will accept that payment in settlement of any enforcement action that would otherwise arise out of the violations identified in the NOV. Accordingly, the Regional Board will forego issuance of a formal administrative complaint, will not refer the violations to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in the NOV.

The Expedited Payment Program does not address or resolve liability for any violation that is not specifically identified in the NOV regardless of the date that the violation occurred.

PERMITTEE'S OPTIONS FOR RESPONSE TO OFFER:

If you accept this offer, please complete and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order" (Acceptance and Waiver) on or before **June 24, 2016**.

If the Permittee chooses to contest any of the violations alleged in the NOV, please identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or before the due date specified above.

Responses contesting any of the violations alleged in the NOV shall be submitted as a pdf via email or CD to Mr. Andrew Choi, andrew.choi@waterboards.ca.gov, (213) 576-6791, and submitted by you under penalty of perjury.

The Regional Board staff will evaluate the contested violation and take one of two actions:

¹ Please note that there are no statutes of limitation that apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System*, (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.) Additionally, the State Water Resources Control Board had determined that the equitable doctrine of laches does not apply to mandatory minimum penalties. (State Water Board Order Nos. 2013-0053, 2013-0054, 2013-0055, 2013-0099.)

- 1) The Regional Board staff will determine that the violation is not supported, expunge the alleged violation from the CIWQS database, take no further action against the Permittee for the alleged violation, and notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of receipt of the Regional Board staff determination to complete and return the Acceptance and Waiver for the remainder of the violations; or
- 2) The Regional Board staff will determine that the alleged violation is meritorious, and will notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of receipt of the Regional Board staff determination to complete and return the Acceptance and Waiver.

If the Permittee chooses not to make a payment in response to the Regional Board staff's determination, the Permittee should expect to be contacted regarding formal enforcement action that will be initiated with regard to the contested violations. In a formal enforcement action, the liability amount sought and/or imposed may exceed the liability amount set forth in this Conditional Offer. Moreover, the cost of enforcement is a factor that can be considered in assessing the liability amount.

CONDITIONS FOR REGIONAL BOARD ACCEPTANCE OF RESOLUTION:

Federal regulations require the Regional Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of the Permittee's Acceptance and Waiver, the Regional Board staff will publish a notice of the proposed resolution of the violations.

If no comments are received within the 30-day comment period, and unless there are new material facts that become available to the Regional Board, the Regional Board Executive Officer will execute the Acceptance and Waiver as a stipulated order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code sections 13385 and 13385.1.

If, however, significant comments are received in opposition to the settlement, this offer may be withdrawn. In that case, the Permittee's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the violations will be addressed in a liability assessment proceeding. At the liability assessment hearing the Permittee will be free to make arguments as to any of the alleged violations, and the Permittee's agreement to accept this conditional offer will not in any way be binding or used as evidence against the Permittee. The Permittee will be provided with further information on the liability assessment proceeding.

In the event the Acceptance and Waiver is executed by the Regional Board Executive Officer, full payment of the assessed amount shall be due within thirty (30) calendar days after the date the Acceptance and Waiver is executed. In accordance with California Water Code section 13385(n)(1) and California Water Code section 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement

Mr. David R. Lippman
Las Virgenes Municipal Water District

- 4 -

May 25, 2016

Account. Accordingly, the \$18,000 liability shall be paid by cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". Failure to pay the full penalty within the required time period may subject the Permittee to further liability.

Should you have any questions about this Conditional Offer or Notice of Violation, please contact Enforcement Unit staff Mr. Andrew Choi at (213) 576-6791 / andrew.choi@waterboards.ca.gov or Mr. Russ Colby at (213) 620-6373 / russ.colby@waterboards.ca.gov regarding this matter.

Sincerely,



Paula Rasmussen
Assistant Executive Officer

Enclosures:

Exhibit "1" - Notice of Violation
Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed)
Order

cc: (via email)
Mayumi Okamoto, Office of Enforcement, State Water Resources Control Board

Effluent Limit Violations

Violation Date	Discharge Point	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section	Penalty
09/30/15	001	September 2015	Average Monthly	Total Phosphorus	3.8	3	mg/L	2	27%	Serious	(h)1	\$3,000
09/30/15	005	September 2015	Average Monthly	Cyanide	5.4	4.2	µg/L	2	29%	Serious	(h)1	\$3,000
09/30/15	005	September 2015	Average Monthly	Bis (2-Ethylhexyl) Phthalate	5.4	4	µg/L	2	35%	Serious	(h)1	\$3,000
10/13/15	001	October 2015	Maximum Daily	Bis (2-Ethylhexyl) Phthalate	17	15	µg/L	2	13%	Chronic	(i)1	\$3,000
10/31/15	001	October 2015	Average Monthly	Bis (2-Ethylhexyl) Phthalate	8.5	5.9	µg/L	2	44%	Serious	(h)1	\$3,000
11/30/15	001	November 2015	Average Monthly	Bis (2-Ethylhexyl) Phthalate	8.6	5.9	µg/L	2	46%	Serious	(h)1	\$3,000
											Total	\$18,000

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER**

Las Virgenes Municipal Water District
Settlement Offer No. R4-2016-0179
NPDES Permit No. CA0056014

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Board), the Las Virgenes Municipal Water District (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the allegations of violations described in the Notice of Violation (NOV), which is attached hereto as Exhibit "1" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Permittee agrees to pay the penalties required by California Water Code section 13385, in the sum of \$18,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this Acceptance and Waiver waives its right to contest the allegations in the NOV and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

Andrew Choi, Enforcement Unit
Expedited Payment Program
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, California 90013

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice of and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Regional Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Regional Board Executive Officer to question the Expedited Payment Amount, the Regional Board Executive Officer will execute the Acceptance and Waiver.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. For such a liability hearing, the Permittee

Settlement Offer No. R4-2016-0179
CI No. 4760, NPDES Permit No. CA0056014

understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Regional Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1) and California Water Code section 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to sections 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$18,000 liability shall be paid by a cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Regional Board Executive Officer.

Please mail the check to:

State Water Resources Control Board
ATTN: ACL PAYMENT
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor, [95814]
P.O. Box 1888
Sacramento, California 95812-1888

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

Las Virgenes Municipal Water District

By: _____
(Signed Name) (Date)

(Printed or Typed Name) (Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13385

By: _____
Samuel Unger, P.E. (Date)
Executive Officer



RECEIVED

AUG 22 2016

David Lippman



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

August 19, 2016

Mr. David R. Lippman, P.E.
Director of Facilities and Operations
Las Virgenes Municipal Water District
4232 Las Virgenes Road
Calabasas, CA 91302

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7015 3010 0002 3190 1731

RESPONSE TO REQUEST FOR ALLEGED VIOLATION REVIEW – LAS VIRGENES MUNICIPAL WATER DISTRICT, TAPIA WATER RECLAMATION PLANT, 731 MALIBU CANYON ROAD, CALABASAS, CALIFORNIA (ORDER NO. R4-2010-0165, NPDES PERMIT NO. CA0056014, CI NO. 4760)

Dear Mr. Lippman:

Thank you for your submission dated June 6, 2016 regarding the Offer to Participate in Expedited Payment Program No. R4-2016-0179 for Las Virgenes Municipal Water District (Permittee), which assessed mandatory minimum penalties (MMPs) for effluent violations. This letter addresses your comments in this regard.

Issue 1:

The Permittee asserts that Settlement Offer No. R4-2016-0179 dated May 25, 2016 incorrectly stated that total phosphorus is a category 1 pollutant instead of a category 2 pollutant. Therefore, the total phosphorus result of 3.8 mg/L collected on September 30, 2015 is not subject to mandatory minimum penalties because the total phosphorus result did not exceed the effluent limitation by 40 percent or more.

Response 1:

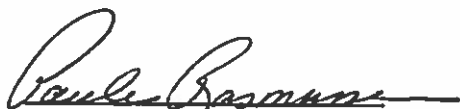
Regional Board staff evaluated the Permittee's response and concurs that total phosphorus is a category 1 pollutant. The correction is reflected on the Amended Exhibit "1" – Notice of Violation. However, California Water Code section 13385 (i) states that a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person violates a waste discharge requirement effluent limitation four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations. Therefore, the total phosphorus violation which occurred on September 30, 2015 is still subject to a mandatory minimum penalty of \$3,000.

Since the Las Virgenes Municipal Water District requested an additional review of these violations, the Regional Board has established new deadlines. If you intend to participate in the Expedited Payment Program, you must sign and return the Acceptance of Conditional Resolution and Waiver of Right to Hearing form by **September 19, 2016**. By signing the revised Acceptance and Waiver, Las Virgenes Municipal Water District agrees to pay the penalty of \$18,000 as indicated on the Amended Exhibit "1" – Notice of Violation and waives the right to a hearing.

If you do not elect to sign the Acceptance and Waiver, you will be contacted regarding formal enforcement action that will be initiated with regard to the contested violations.

If you have questions regarding this matter, please contact Mr. Andrew Choi at (213) 576-6791 / andrew.choi@waterboards.ca.gov or Mr. Russ Colby at (213) 620-6370 / russ.colby@waterboards.ca.gov.

Sincerely,



Paula Rasmussen
Assistant Executive Officer

Enclosure

Amended Exhibit "1" - Notice of Violation
Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order

cc: (via e-mail)
Mayumi Okamoto, Office of Enforcement, State Water Resources Control Board

Violation Date	Discharge Point	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
05/31/15	005	May 2015	Monthly Average	Bis (2-Ethylhexyl) Phthalate	27	4	µg/L	2	575%	Serious	(h)1	\$0
05/31/15	005	May 2015	Monthly Average	Trichloromethanes	145.1	80	µg/L	2	81%	Serious	(h)1	\$0
06/30/15	001	June 2015	Monthly Average	Bis (2-Ethylhexyl) Phthalate	7.2	5.9	µg/L	2	22%	Serious	(h)1	\$0
09/30/15	001	September 2015	Average Monthly	Total Phosphorus	3.8	3	mg/L	1	27%	Chronic	(l)1	\$3,000
09/30/15	005	September 2015	Average Monthly	Cyanide	5.4	4.2	µg/L	2	29%	Serious	(h)1	\$3,000
09/30/15	005	September 2015	Average Monthly	Bis (2-Ethylhexyl) Phthalate	5.4	4	µg/L	2	35%	Serious	(h)1	\$3,000
10/13/15	001	October 2015	Maximum Daily	Bis (2-Ethylhexyl) Phthalate	17	15	µg/L	2	13%	Chronic	(l)1	\$3,000
10/31/15	001	October 2015	Average Monthly	Bis (2-Ethylhexyl) Phthalate	8.5	5.9	µg/L	2	44%	Serious	(h)1	\$3,000
11/30/15	001	November 2015	Average Monthly	Bis (2-Ethylhexyl) Phthalate	8.6	5.9	µg/L	2	46%	Serious	(h)1	\$3,000
											Total	\$18,000

Settlement Offer No. R4-2016-0179
CI No. 4760, NPDES Permit No. CA0056014

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER**

Las Virgenes Municipal Water District
Settlement Offer No. R4-2016-0179
NPDES Permit No. CA0056014

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Board), the Las Virgenes Municipal Water District (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the allegations of violations described in the Notice of Violation (NOV), which is attached hereto as Exhibit "1" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Permittee agrees to pay the penalties required by California Water Code section 13385, in the sum of \$18,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this Acceptance and Waiver waives its right to contest the allegations in the NOV and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

Andrew Choi, Enforcement Unit
Expedited Payment Program
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, California 90013

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice of and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Regional Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Regional Board Executive Officer to question the Expedited Payment Amount, the Regional Board Executive Officer will execute the Acceptance and Waiver.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. For such a liability hearing, the Permittee

Settlement Offer No. R4-2016-0179
CI No. 4760, NPDES Permit No. CA0056014

understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Regional Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1) and California Water Code section 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to sections 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$18,000 liability shall be paid by a cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Regional Board Executive Officer.

Please mail the check to:

State Water Resources Control Board
ATTN: ACL PAYMENT
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor, [95814]
P.O. Box 1888
Sacramento, California 95812-1888

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

Las Virgenes Municipal Water District

By: David W. Pedersen 08/29/16
(Signed Name) (Date)
David W. Pedersen General Manager
(Printed or Typed Name) (Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13385

By: _____ (Date) _____
Samuel Unger, P.E.
Executive Officer