

To: Board of Directors
From: Norma J. Camacho, CEO

Chief Executive Officer Bulletin Week of April 26 – May 2, 2019

Board Executive Limitation Policy EL-7:

The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

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Prevention Through Design Program

One of the best ways to prevent occupational injuries, illnesses, and fatalities is to eliminate hazards and minimize risks early in the design or re-design process and incorporate methods of safe design into all phases of hazard and risk mitigation. Although a long history of designing for safety for the general public exists in the U.S., less attention has gone to factoring the safety, health and well-being of workers into the design, re-design and retrofit of new and existing workplaces, tools and equipment, and work processes. The National Institute for Occupational Safety and Health currently leads a nationwide initiative called Prevention through Design (PtD). PtD addresses occupational safety and health needs by eliminating hazards and minimizing risks to workers throughout the life cycle of work facilities, tools, equipment, machinery, substances, and work processes including their construction, manufacture, use, maintenance, and ultimate disposal or re-use.

Valley Water is coordinating and working with other agencies, such as San Francisco Public Utilities Commission, to begin the stages of researching PtD strategies for formal program implementation at Valley Water. To prepare for program implementation, Valley Water is attending the American Society of Safety Professionals (ASSP) Risk Assessment Certificate program which focuses on hazard identification, risk analysis and risk evaluation. A focus of the certification requirement is the instruction of PtD criteria in the following three (3) modules:

1. Foundational understanding of the American National Standards Institute (ANSI)/ASSP Z590.3 PtD standard
2. Overview of different risk assessment tools used in the PtD standard (ANSI/ASSP Z590), and
3. Practical applications and case studies.

Valley Water PtD full program implementation is scheduled for mid-FY2021.

For further information, please contact Tina Yoke at (408) 630-2385.

Notice of Violation Issued for 2018 Stream Maintenance Program Projects

Valley Water conducts Stream Maintenance Program (SMP) activities in accordance with various permits issued by regulatory agencies, including the San Francisco Bay Regional Water Quality Control Board's (Water Board) Order No. R2-2014-0015. During the 2018 construction season, the following SMP projects were constructed by a contractor under the management of a Construction Management Firm (CM Firm):

1. Stevens Creek Downstream of El Camino Real Bank Stabilization Project
2. Matadero Creek Sediment Removal Between West Bayshore Road and Louis Road Project.

From July through October 2018, SMP compliance staff conducted regular inspections of the project sites and observed numerous violations of SMP permits, including inadequate Best Management Practice (BMP) implementation, water quality exceedances, and unauthorized removal of large woody debris and rootwads. SMP compliance staff first reported observations to the CM Firm and Valley Water project managers to advise the contractor of the necessary corrective actions. As required under SMP permit conditions, all violations were then reported to the appropriate permitting agencies.

On March 26, 2019, the Water Board issued Valley Water a Notice of Violation (NOV) for the above-mentioned projects. To comply with the NOV, a technical report will be submitted to the Water Board by May 27, 2019, and will include a Corrective Action Plan outlining measures Valley Water will implement to prevent similar violations in the future and a Reporting Plan to document implementation of the corrective actions within a specified schedule.

Although BMPs and compliance measures were made available to the contractor during the 2018 construction season, Valley Water is taking steps to ensure these measures are more clearly communicated to construction staff on a project-specific basis. Valley Water has already taken actions to prevent future violations such as implementation of a pre-qualification process for SMP project contractor selection, development of an Enforcement Response Plan to provide guidelines for the escalation of enforcement actions, and providing in-house construction management oversight.

For further information, please contact Sue Tippetts at (408) 630-2253.

Groundwater Benefit Zone Study Well Owner Communication and Related Open Houses

Following a scientific study, Valley Water is considering some changes to the groundwater benefit zones to ensure well users pay a fair, equitable rate based on the benefits received. The areas benefiting from Valley Water activities to maintain sustainable groundwater are divided into these different geographical zones. Different groundwater charges (rates charged for pumping groundwater) apply to each zone based on the set of activities that benefit the zone. Total Valley

Water revenue will not increase because of this process.

Valley Water recently sent letters to well owners most directly impacted by the proposed zone changes:

1. Well owners not currently in a zone that would be included in a proposed zone, and
2. Well owners currently in a zone that would be removed from any zone.

The letters included frequently asked questions, which are available, along with other information, at www.valleywater.org/gwbenefits.

Valley Water will also host two (2) open houses for the public to learn more about the Groundwater Benefit Zone Study and the proposed changes to groundwater benefit zones. The South County Open House will be hosted at the Morgan Hill Community and Cultural Center on Tuesday, April 30, 2019, from 6 P.M. to 8 P.M. The North County Open House will be hosted at the Fox Building at West Valley College on Tuesday, May 7, 2019, from 6 P.M. to 8 P.M. At the open houses, Valley Water will provide interested stakeholders more information about the study and proposed changes and will receive related feedback.

Due to technical issues with our address database for well owners, a third open house is being added to accommodate well owners receiving their study notification letters during the week of April 29, 2019. Details will be forthcoming and posted to the study website.

For further information, please contact Rick Callender at (408) 630-2017.

LeZotte

Staff is to come back to the Board with information on new rural zoning proposals being considered by the County for unincorporated lands and include information on upcoming planning meetings.

R-19-0004

The intended outcome of the County of Santa Clara Planning Department's Zoning Ordinance Amendment Project is to (1) draft proposed zoning amendment to support agricultural operations and preserve open space, (2) to develop objective development standards, and (3) to address other issues unique to the rural zones (i.e., regulations of stables). This includes streamlining permitting for agricultural supportive uses, preventing the conversion of agricultural lands, and mitigating the impacts of urbanization and residential development.

In total, the County has held six (6) meetings across Santa Clara County. They concluded their first phase of community engagement and outreach by hosting the final two (2) meetings in south county (City of Morgan Hill) on April 8 and 11, 2019. County staff is focused on developing proposed draft amendments to the zoning ordinance based on feedback received from the community and will share the draft amendments with the community as part of the second round of community engagement and outreach, which is anticipated to begin in the Summer of 2019. Valley Water has coordinated with the County to be notified of any future meetings and will monitor the progress of this project.

A detailed response is included in the May 3, 2019, Non-Agenda package.

For further information, please contact Jerry De La Piedra at (408) 630-2257.

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