

CEO BULLETIN



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

Week of November 22 – November 28, 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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1. Hazardous Waste Minimization Efforts

During the upcoming Water Utility Enterprise winter maintenance period, Valley Water will be making repairs to the sulfuric acid tank at the Santa Teresa Water Treatment Plant. A significant amount of sulfuric acid, 10,000 gallons, was present in the tank which needed to be removed prior to staff implementing repairs. In lieu of disposing the sulfuric acid as hazardous waste, a strategic decision was made to transfer the sulfuric acid from the Santa Teresa Water Treatment Plant to other Valley Water facilities to meet waste minimization requirements and to realize a significant cost savings.

Valley Water arranged to have a qualified chemical vendor transport the sulfuric acid between facilities. On November 14, 2019, one load of 5,000 gallons of sulfuric acid was transferred to the Penitencia Water Treatment Plant, and an additional load will be delivered to the Silicon Valley Advanced Water Purification Center as space becomes available in their tank. One of the significant benefits of doing this chemical transfer relates to the Environmental Protection Agency's (EPA) hazardous waste regulations. The EPA requires generators of hazardous waste to incorporate "waste minimization" practices that demonstrate a good faith effort to minimize the amount of hazardous waste generated. This practice of transporting the sulfuric acid to other Valley Water facilities and utilizing the chemical, as intended, is one way that demonstrates Valley Water's efforts to reduce hazardous waste and help meet the EPA's requirement for waste minimization.

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

2. Regional Water Quality Control Board Appointments

On Friday, November 22, 2019, Governor Newsom announced numerous reappointments to regional water quality control boards across the state. They included the following reappointments of interest to Valley Water.

William Kissinger, 59, of Mill Valley, was reappointed to the San Francisco Regional Water Quality Control Board, where he has served since 2012. Kissinger has been a partner at Morgan Lewis and Bockius since 2014. He was a partner at Bingham McCutchen from 2003 to 2014, senior deputy legal affairs secretary in the Office of Governor Gray Davis from 2001 to 2003, senior advisor for international economic policy for the National Economic Council at the White House from 2000 to 2001, and special assistant to the legal adviser at the U.S. Department of State from 1997 to 2000. Kissinger earned a Juris Doctor degree from the University of California, Berkeley School of Law. This position requires State Senate confirmation and the compensation is \$250 per diem. Kissinger is a Democrat.

Michael Johnston, 67, of Watsonville, was reappointed to the Central Coast Regional Water Quality Control Board, where he has served since 2011. Johnston was a consultant for Teamsters Local 890 and Teamsters Joint Council 7 from 2012 to 2017. He was campaign co-coordinator for Anna Caballero for Assembly in 2016, a consultant for Teamsters Local 948 and the California Teamsters State Council of Cannery and Food Processing Unions in 2011 and Salinas campaign coordinator for Anna Caballero for California State Senate in 2010. Johnston was campaign coordinator in the strategic research and campaigns department for the International Brotherhood of Teamsters from 2006 to 2009 and a business representative for Teamsters Local 890 from 1988 to 2005. This position requires Senate confirmation and the compensation is \$250 per diem. Johnston is a Democrat.

Jean-Pierre Wolff, 70, of San Luis Obispo, was reappointed to the Central Coast Regional Water Quality Control Board, where he has served since 2010. Wolff has been a viticulturist and owner of Wolff Vineyards since 1999. He was an independent technology consultant from 2000 to 2002, senior vice president at Global Energy Services from 1998 to 2000, and vice president and corporate officer at Electro-Test Inc. from 1981 to 1998. Wolff is vice president of the Coastal San Luis Resource Conservation District, chairman of the San Luis Obispo County Agriculture Liaison Advisory Board, and a member of the Dean's Advisory Council of the Cal Poly College of Agriculture, Food and Environmental Science at Cal Poly, San Luis Obispo. He earned a Doctor of Philosophy degree in science and technology from Walden University and a Master of Business Administration degree from Pepperdine University. This position requires Senate confirmation and the compensation \$250 per diem. Wolff is a Republican.

Staff is preparing letters of congratulations from the Valley Water Board Chair to each of these reappointed members.

For further information, please contact Rachael Gibson at (408) 630-2884.

3. Senate Bill 142 Lactation Accommodation

California Senate Bill (SB) 142 was signed by the Governor on October 10, 2019 and will take effect January 1, 2020. The bill expands worker protections for lactation accommodation. SB 142 requires the following:

- 1) Requires that a lactation room be safe and free of hazardous materials, contain a surface

to place a breast pump and personal items, include a place to sit, have access to electricity or alternative devices needed to operate an electric or battery-powered breast pump, not be a bathroom and be in proximity to the employee's work area, shielded from view, and free from intrusion.

- 2) Requires that an employer provide access to running water and a refrigerator or employee-provided cooler in close proximity to the employee's workspace.
- 3) Requires employers to educate employees on their rights, including the process by which employees are able to request lactation accommodation, employer obligations, and the right of employees to file complaints with the Labor Commissioner. The employer must make this policy available to employees upon hire and when a lactation accommodation request is made.
- 4) Prohibits an employer from discharging, acting discriminatingly towards or retaliating against an employee for exercising or attempting to exercise any right to lactation accommodation.
- 5) Imposes a fine of \$100 for each day that an employee is denied reasonable break time or adequate space to express milk.

Valley Water's Human Resources, District Counsel and Facilities Management have reviewed SB 142 and has determined Valley Water is already compliant with all facilities and employment requirements.

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

4. Update to the Pajaro River Watershed and Bay Area Integrated Regional Water Management Plans

Valley Water participates in the Pajaro River Watershed (Pajaro) Integrated Regional Water Management (IRWM) and the Bay Area IRWM regions. IRWM is a collaborative effort among a diversity of regional stakeholders to identify and implement water management solutions that increase regional self-reliance, reduce conflict, and achieve social, environmental, and economic objectives of the region. Each IRWM region develops a plan that defines regional interests, issues, and water management objectives and strategies. Per California Department of Water Resources (DWR) guidelines, the Regional Water Management Group (RWMG) oversees the development and maintenance of the IRWM plan (Plan).

DWR released new Plan guidelines in 2016 and the IRWM Proposition 1 funding solicitation (Prop 1) in 2019. To be eligible for Prop 1 funding, regions are required to have a Plan that meets the 2016 guidelines. The Pajaro RWMG unanimously adopted their updated Plan on October 22, 2019, and the Bay Area RWMG unanimously adopted their updated Plan on October 28, 2019. Pajaro is submitting a Prop 1 proposal that requests funding for Advanced Metering Infrastructure in Gilroy. The Bay Area is submitting a Prop 1 proposal that requests funding for the following Santa Clara County projects:

- 1) River Oaks Stormwater Capture Project (City of San Jose is project sponsor)
- 2) Bay Area Regional Water Conservation (Valley Water is one of nine agency sponsors)
- 3) Palo Alto Flood Basin Tide Gates Improvements (Valley Water is project sponsor)
- 4) San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation (San Francisquito Creek Joint Powers Authority is project sponsor)

The Bay Area proposal was due November 15, 2019, and the Pajaro proposal is due December 20, 2019.

The Pajaro and Bay Area Plans will be submitted to DWR prior to Prop 1 proposal submission to ensure Prop 1 funding eligibility. Once DWR approves the Plans, each agency on the RWMG or

submitting a project for Prop 1 funding will need to adopt their respective Plan. Valley Water plans to recommend the adoption of the DWR-approved Pajaro and Bay Area Plans to the Board of Directors in January or February 2020.

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

5. Kremen

**Director Kremen is requesting a list of small community services districts and well owner associations that can support small water districts.
I-19-0019**

The State Division of Financial Assistance provides funding opportunities for drinking water system improvements; provides support for small water systems and for improving technical, managerial, and financial capacity; and certifies drinking water treatment and distribution operators. Small water systems interested in learning about related support can contact the Division of Financial Assistance at (916) 327-9978 or at

https://www.waterboards.ca.gov/water_issues/programs/grants_loans/.

Several organizations that may be able to provide technical or financial assistance for small water systems include:

California Rural Water Association: <https://calruralwater.org/>

Rural Community Assistance Corporation: <https://www.rcac.org/>

American Water Works Association: <https://www.awwa.org/>

The State Water Resources Control Board, Division of Drinking Water (DDW) regulates Public Water Systems that have more than fifteen (15) service connections while the Santa Clara County Department of Environmental Health (DEH) regulates State Small Water Systems with five (5) to fourteen (14) service connections. Private domestic wells with fewer than five service connections are not regulated by DDW or DEH. Both DDW and DEH maintain lists of water systems they regulate, but these lists are not published.

For more information, please contact Bhavani Yerrapotu at (408) 630-2735.
