

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

Week of February 7 – February 13, 2020

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. Annual Hazardous Waste Generator Fees

Each year, Valley Water is required to pay hazardous waste generator fees to the Department of Toxic Substance Control, collected by the California Board of Equalization's Department of Tax and Fee Administration. The generator fee is imposed on each site that generates hazardous waste of 5-tons or more in each calendar year. The fee is calculated for each site's generation of waste regardless of the final disposition of the waste, i.e., recycled or disposed. During calendar year 2019, Valley Water disposed of approximately 88-tons of hazardous waste from sixteen different locations. Eleven of the locations generated less than 5-tons of hazardous waste, and therefore paid no fees. The five Valley Water locations that generated over 5-tons of hazardous waste, resulted in a total of \$1,200 in generator fees to the State.

In a previous CEO Bulletin, it was reported that a significant amount of Sulfuric Acid was removed from the Santa Teresa Water Treatment Plant to allow for tank repairs. In lieu of disposing the Sulfuric Acid as hazardous waste, the Sulfuric Acid was transferred to other Valley Water facilities to use in-process. By transferring the Sulfuric Acid between facilities, instead of disposing it as hazardous waste, it not only saved Valley Water the costs associated with hazardous waste transport and disposal, it also saved Valley Water from paying \$4,800 in generator fees to the State.

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

2. Completion of McKelvey Park Flood Detention Basin Construction

The McKelvey Park Flood Detention Basin is a part of the larger Permanente Creek Flood Protection Project which is a Safe, Clean Water project. The project is currently under construction through three separately bid contracts at various stages of completion: Rancho San Antonio Detention Basin; McKelvey Park Detention Basin; and the Permanente Creek Channel Improvements. When completed, the Permanente Creek Flood Protection Project will protect approximately 2,200 parcels. The construction of the Permanente Creek Channel Improvements was accepted by the Board on April 9, 2019, and construction of the Rancho San Antonio Detention Basin is currently in progress and is anticipated for completion in late 2020.

Construction of the McKelvey Park Flood Detention Basin has just been completed. In the week of January 27, 2020, the County Department of Environmental Health and various departments of City of Mountain View (MV) have signed off the completed work. Valley Water staff is requesting Board acceptance of Phase 1 construction on February 11, 2020, and later on the same date, Mountain View staff is requesting the Mountain View City Council to accept the complete work. A grand opening event on February 29, 2020 is being coordinated with MV staff.

For further information, please contact Ngoc Nguyen at (408) 630-2632.

3. Emergency Operations Center Training

On February 3-6, 2020, Emergency Services and Security held three Emergency Operations Center (EOC) trainings for Valley Water personnel that staff Valley Water's EOC. This four-day span of classes included Incident Command System (ICS)/EOC Interface, EOC Operations and Management, and Essentials in Action Planning. These trainings follow the California Specialized Training Institute (CSTI) standard under the State of California Office of Emergency Services (CA OES). Valley Water follows the training model within the CA OES credentialing program with regard to EOC training requirements. There are also multiple online trainings that accompany these three in-class training sessions, which are included in Valley Water's EOC training requirements.

On February 6, 2020, Valley Water's Administration Building experienced a unique power outage that began mid-morning and lasted until after 9:00 PM that evening. During the power outage, the EOC scheduled training made adjustments to the real-life scenario and relocated the to the Administration Building 1st Floor break room. The training was ultimately completed while Valley Water responded to the power outage and needs from building occupants. During this training, CSTI also had an auditor reviewing the course at Valley Water. The auditor provided positive feedback to Valley Water for the demonstration of flexibility and resiliency in completing the training while balancing a response to the power outage event.

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

4. Environmental Planning Services On-Call Contract: Request For Proposals

Valley Water issued a Request for Proposals (RFP) for environmental planning services on January 23, 2020. The intent of the RFP is to solicit and contract a range of on-call services to assist with the environmental planning and permitting process for current and future capital and operations projects. Valley Water anticipates executing two or more on-call contracts with multi-disciplinary environmental planning teams, each with a \$5 million cap over a five-year period. Proposals are due on February 26, 2020 and Valley Water anticipates the on-call contract agreements to be brought to the board for authorization in summer of 2020.

This contracting approach will greatly streamline the procurement of environmental planning services. This will improve consistency and timeliness in addressing environmental planning and permitting tasks across the agency.

Environmental planning and compliance services to be provided by the on-call contract will range from technical studies (such as archaeological, air quality, and noise analyses); developing sections of, or completing stand-alone environmental documentation, to satisfy requirements of the California Environmental Quality Act and the National Environmental Policy Act; conducting analyses in support of or obtaining regulatory agency permits; and assisting with stakeholder outreach and the public review processes.

For further information, please contact Lisa Bankosh at (408) 630-2618.

5. Establishment of Emergency Steering Committee

Emergency Services and Security has established an Emergency Steering Committee to align Valley Water emergency-related efforts, set priorities, and build emergency function capacity. The committee is sponsored by Tina Yoke, Chief Operating Office of Information Technology and Administrative Services and led by Alexander Gordon, Emergency Services and Security Manager. Committee members include key Deputy and Assistant Operating Officers as well as select Unit Managers throughout Valley Water. The goals of committee include building a culture where all Valley Water maintains a year-round focus on emergency preparedness, and to build a model organization that implements preparedness, mitigation, response/continuity and recovery measures. The focus will be all-inclusive to the four Valley Water divisions (Water Utility, Watersheds, External Affairs and IT/Administration), and will address field operations, emergency center coordination and support, as well as partnerships with cities/county and water retailers. With this committee, Valley Water as a whole can address the emergency preparedness needs that support Valley Water's mission to provide safe, clean water and natural flood protection to Santa Clara County.

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

6. New Stricter Response Level Established for PFOA and PFOS by the CA Division of Drinking Water

On February 6, 2020, the California State Water Resources Control Board - Division of Drinking Water (DDW) announced lower levels for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) in drinking water that trigger responses by local water systems. The State Board set new response levels of 10 parts per trillion (ppt) for PFOA and 40 ppt for PFOS, based on a running four-quarter average. Previously, the combined response level for PFOA and PFOS was 70 ppt. Now that the reporting is separate and lower, the number of exceedances across the State is expected to increase.

If the newly established response levels are exceeded, DDW recommends that the water provider either 1) remove the drinking water source from service, 2) utilize treatment or blending, or 3) if water system plans to keep affected source in service without treatment, provide customer notification within 30 days.

In 2019, the State Board began issuing orders for phased well testing throughout the state to help inform potential drinking water standards. Based on results of required testing completed to date, PFOA was not detected above the notification level in Santa Clara County. PFOS was detected in six North County water supply wells with a maximum value of 8.2 ppt, prompting the water retailer to remove the wells from service out of an abundance of caution. PFOA or PFOS have not been detected above the newly established response levels in Santa Clara County water supply wells tested to date. Based on Valley Water's initial sampling, we do not anticipate the lowered response level to be an issue for the treated water we deliver.

To better understand the presence and extent of PFAS in local water supplies, Valley Water has initiated regional groundwater monitoring and sampling of raw water supplies to the three treatment plants as well as treated water produced. Valley Water will continue to coordinate closely with water retailers on this issue and appraise the Board as new information becomes available.

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

7. Saratoga Creek Hazard Tree Removal and Restoration Project Update

The Saratoga Creek Hazard Tree Removal and Restoration Project, a project that will remove Nonnative eucalyptus trees along Saratoga Creek between Prospect High School and Cox Avenue in District 5 is progressing. The public review period for the project's Draft Initial Study/Mitigated Negative Declaration (IS/MND) closed on September 16, 2019. Responses to comments will be included in the final MND which is anticipated to be approved in the next couple of weeks. The issuance of permits from jurisdictional regulatory agencies is also expected following approval of the MND. This will allow for work on the first phase to begin following the bird nesting season which generally concludes in August.

A letter to the seven property owners in the first phase of tree removal was sent on February 7, 2020. The letter provides a project status update, informs the property owners of the Board's recent approval of an updated encroachment remediation approach. Due to project site threats to health and safety associated with the trees and the project implementation goals and regulatory permit compliance, the site is not eligible for interim licensing. The letter provides notice that misaligned

fences and other personal items within the project limits must be removed from public property by April 1, 2020. An invitation is included to owners to discuss details of the removal requirement with staff and participate in Valley Water's fence cost sharing program if a property line fence is desired.

A similar letter was sent to the remaining creek side neighbors within the project reach providing a status update and notice that a request to remove personal items will be forthcoming in preparation for the next phases of work.

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

8. Upper Llagas Creek Flood Protection Project: Phase 1 Construction

Phase 1 Work Completed in 2019

Phase 1 construction began on September 3, 2019. With the late start to the instream construction season, the Contractor did not propose activities which would require dewatering. Instead, construction activities for the 2019 work period focused on several of the Project's mitigation elements and preparation of the site for dewatering and channel excavation beginning May 1, 2020. The 2019 activities included removal of vegetation as a bird nesting deterrent, removal of concrete rubble at Lake Silveira (on-site compensatory wetlands mitigation), trash and debris removal in Reach 4 and 5, fence installation, installation of bat boxes, girdling of trees for snag habitat, cutting the pilot channel for Llagas Creek restoration around Lake Silveira, destruction of monitoring wells, invasive species removal (*Arundo donax*-Reach 4 and mastication of blackberry (*Rubus armeniacus*) at Lake Silveira), herbicide application for control of invasives, installation of bird spikes and plywood for nesting deterrents at existing bridge crossings, soil sampling, and winterization activities.

Summary of Anticipated Phase 1 Construction Activities in 2020

The Project team anticipates dewatering Lake Silveira and Llagas Creek will occur beginning May 1, 2020 for creation of the Lake Silveira wetlands, including the inlet and outlet structures. The proposed step pools features within Llagas Creek downstream of Lake Silveira are anticipated to be constructed during the 2020 summer. Herbicide application will occur in the spring at the blackberry areas adjacent to Lake Silveira and fence installation will continue at Lake Silveira in 2020. Installation of signage for the protection of the Conservation Easement will occur within the restored Llagas Creek channel and the constructed wetlands. Construction of Reach 7a will continue with the excavated material from 7a to be utilized to construct the wetlands. Reach 7a work will include construction of maintenance roads, grade control structures, and drainage swales. Planting the wetlands and associated riparian habitat at Lake Silveira is anticipated to begin October 2020.

Construction in Reaches 4 and 5 will commence May 1 and will include widening and deepening existing Llagas Creek, construction of maintenance roads and associated infrastructure (i.e. box culvert crossings), removal of legacy trash and debris, construction of maintenance ramps, bankfull benches, low flow fish passage channel, instream complexities, grade control structures, and the removal of the Denil fish ladder and hardscape downstream of Buena Vista Avenue. Herbicide application will occur in the spring as needed to control invasive species. Planting is anticipated in the completed portion of Reaches 4 and 5 in fall/winter 2020.

For further information, please contact Heath McMahon at (408) 630-3126.

9. Valley Water Receives Outstanding Business Award from the Mountain View Chamber of Commerce

On March 6, 2020, Valley Water will be honored at the Mountain View Chamber of Commerce's 25th Annual Celebration of Leaders Awards Gala as an Outstanding Business. This category recognizes businesses who have made an exceptional contribution to the Mountain View community. Valley Water is receiving the award in recognition of the work they have done at McKelvey Park on the Permanente Creek Flood Protection Project, as well as the recent agreement signed with Mountain View to develop recycled water, which will ultimately benefit the Mountain View community as a whole. The event will take place at the Computer History Museum in Mountain View, CA on Friday, March 6, 2020 from 6:00-9:30 p.m., and Valley Water will be provided tickets to the event as both a member and an awardee. A Board Schedule Request has been submitted to alert the Board and solicit attendees.

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

10. Valley Water renews agreement to fund SJPd patrols to address criminal activity along streams and provide a safe work environment for staff and volunteers

Valley Water has renewed its agreement with the City of San José (City) for the San José Police Department (SJPd) to conduct patrols targeting criminal activities along local waterways, including Coyote Creek and Guadalupe River.

Through this agreement, Valley Water provides funding for the law enforcement personnel cost of the City's Stream Stewardship Law Enforcement (SSLE) Program. This program targets criminal activity impacting quality of life and safety along local waterways and is vital to ensure a safe environment for staff and volunteers to undertake stream stewardship activities. During an eight (8) month pilot between May and December of 2019, SJPd conducted numerous criminal activity patrols along streams within the City.

Under the amended agreement, Valley Water will provide additional funding of up to \$200,000 for the SSLE Program's criminal activity patrols for a new eight (8) month term. As an added requirement, each officer assigned to the program will attend environmental crimes training intended to enhance officers' ability to identify environmental code violations as they are encountered and to take appropriate enforcement actions.

SJPd will work with Valley Water to identify sections of streams that will be the focus of patrols. SJPd will notify Valley Water of any criminal activity discovered by law enforcement personnel in or along the streams so that Valley Water can warn its employees, contractors, and volunteers working in those areas.

Officers on Stream Stewardship Law Enforcement teams will continue to refer unhoused individuals encountered during the sweeps to the appropriate city or county agency, or social service provider.

For further information, please contact Melanie Richardson at (408) 630-2035.

11. LeZotte Safe, Clean Water Program Renewal Budget and Schedule Information R-20-0002

At the January 28, 2020 Board Meeting, Director LeZotte requested a budget breakdown and

project schedule to be submitted as a non-agenda item to provide supplemental information on the Safe Clean Water Program renewal project budget.

This week's non-agenda includes the staff response to Director LeZotte's BMR request (R-20-0002), which includes additional budget and project information regarding the exploratory Safe, Clean Water Program renewal effort.

For further information, please contact Marta Lugo at (408) 630-2237.

12. Keegan & Santos

**Director Keegan requested that, similar to the County of Santa Clara and the City of San Jose, staff consider allegations made about Downtown Streets by local media sources in regards to inappropriate use of funds; and Director Santos requested that this information also be shared with the Homeless Encampment Ad Hoc Committee
R-20-0004**

The response to BMR-20-0004 has been included in the Non-Agenda.

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

13. Varela

**Director Varela request to acquire information about how the newly formed ACWA Latino Caucus could host a panel discussion at the ACWA Spring Conference.
I-20-0002**

Director Varela's request was responded to in an in-person discussion with Valley Water staff.

Director Varela is leading an effort create an ACWA (Association of California Water Agencies) Latino Caucus to advance issues important to the Latino community. Director Varela reached out to Valley Water staff for assistance in moving the effort forward with ACWA.

Valley Water discussed the issue with Michael Cervantez, ACWA's Senior Regional Affairs Representative. He said he is planning to meet with ACWA leadership to find a path forward in formalizing a diversity effort that could include the proposed Latino Caucus. The formalization of a new internal body would need to be approved by a vote of the ACWA Board of Directors.

At this time, ACWA has agreed to work with the ACWA Region 5 Board in planning a discussion panel regarding issues important to diversity. Director Varela is leading the effort and is moving forward with planning.

Director Varela was provided contact information for Michael Cervantez and Adam Quinonez at ACWA to work on the effort directly.

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