

CEO BULLETIN



To: Board of Directors
From: Rick L. Callender, CEO

Weeks of August 14 – August 27, 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. Delta Plan Litigation Petition to Review

On August 12, 2020, the California Supreme Court denied water contractors' petition to review and de-publish the 3rd District Court of Appeal decision in the Delta Stewardship Council (DSC) Delta Plan litigation. Within this litigation, the Court of Appeals rejected contractors' arguments that Regulation WR P1 exceeds the DSC's jurisdiction and the administrative appeals process on projects filed for consistency with the Delta Plan effectively prevents or denies timely judicial review.

This ruling could impact Valley Water in a couple significant ways. First, regulation WR P1 requires agencies that receive water as a result of an export from the Delta to reduce their reliance on these exports over time. Reduced reliance is to be demonstrated through data reported in an agency's Urban Water Management Plan (UWMP). Consistency with this policy is required for any project considered to be a Covered Action under the Delta Plan, including, for example, multi-year water transfers, the conveyance project, and the Los Vaqueros Expansion project. Valley Water is currently working with other contractors and the Department of Water Resources on the methodology to report this information in UWMPs.

Second, when a project advances through the Covered Action certification process to demonstrate consistency with the Delta Plan, any person that claims the proposal is inconsistent with the Delta Plan may appeal the certification. If the Council grants the appeal, the filing agency must revise their certification and re-submit. Each appeal lasts approximately 120 days and there is no limit to how many times this process may repeat, which may have implications on a project's timeline. This process is upheld by the Court and published as Delta Stewardship Council Cases, 48 Cal.App.5th 1014 (2020).

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

2. Heat Illness Prevention Strategies

Working in high heat events can cause elevated core body temperatures which, if gone unchecked, can result in damage to the brain or other vital organs of the human body in severe cases. California's occupational, health & safety regulation, Heat Illness Prevention in Outdoor Places of Employment, Title 8 section 3395, outlines when heat illness requirements are mandatory. To combat heat illness, Valley Water has a Heat Illness Prevention Work Instruction which complies with all regulatory requirements. The work instruction outlines the details for staff to follow for safely working during times of elevated temperature weather events.

A key requirement is for staff to receive training to ensure they understand the heat illness prevention requirements. Over the years, Valley Water has provided multiple training sessions on this topic prior to the warm weather months. As this latest heat wave approached, training was scheduled, and to address COVID-19 concerns, Valley Water performed the Heat Illness training over the web via Zoom. Over 20 Valley Water staff attended the training session to ensure they received the proper training for working outdoors during the heat event. Coinciding with the training, heat advisory notifications were sent out to all Valley Water employees reminding them of the dangers when working in elevated temperatures, the importance of acclimatizing, the supplies and amount of water needed, and the steps to take to remain safe during this latest heat wave.

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

3. Oxygenation System Operating Status

As part of Safe Clean Water Project B1 (Impaired Water Bodies Improvement), Valley Water operates oxygenation systems in four reservoirs to address contaminants, including mercury. The systems extract pure oxygen from the air and deliver it to the bottom of the reservoirs. The systems are typically deployed and operated continuously during the spring and summer (April to September), and require regular mechanical maintenance. The oxygenation systems were running continuously the last three summer seasons but are susceptible to malfunction. This year, the Almaden and Calero reservoir oxygenation equipment failed in June and early July respectively, and repair of the units has been complicated by COVID-19 work stoppages and other factors. There is currently no estimated date for delivery of necessary parts. The Almaden unit can be brought online with minimal repair work and parts should be available by August 21, 2020. The Calero unit will require more extensive repairs and may not be brought online this season. An emergency Purchase Order for evaluation and repair is currently being processed. Valley Water is evaluating options for reducing future downtime, including the purchase of a backup unit, replacement of major aging components, and more frequent service. The Stevens Creek and Guadalupe oxygenation systems are functioning normally.

For further information, please contact Lisa Bankosh at (409) 630-2618

4. Regnart Creek Trail Joint Use Agreement

The City of Cupertino's proposed Regnart Creek Trail Project, if approved by Valley Water, would construct a 0.8-mile shared-use trail on an existing maintenance road to connect the Cupertino Civic Center complex to Wilson and Creekside Parks. This trail passes through a dense residential neighborhood. In June 2020, after a lengthy public input and CEQA process, the Cupertino City Council authorized entering into a Joint Use Agreement (JUA) with Valley Water. The JUA is undergoing final review by Valley Water's Community Projects Review Unit (CPRU) and Environmental Planning and will be brought to the Valley Water Board for consideration in Fall 2020.

Valley Water has worked through a number of operational and environmental issues with the City of Cupertino to minimize impacts to Valley Water operations and protect water resources, but some impacts do remain. At the same time, trail neighbors have continuing concerns about privacy and security, and the City of Cupertino must address these concerns. To clarify the roles of Valley Water and other cities regarding trails on Valley Water lands, and to address operations impacts, Valley Water has developed new Trails Policy criteria and guidance that will be presented to the Valley Water Board for consideration later this year.

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

5. San Luis Reservoir Dam Raise Project

On August 13, 2020, the U.S. Bureau of Reclamation (Reclamation) released a public draft Supplemental Environmental Impact Report/Environmental Impact Statement for a proposed raise of B.F. Sisk Dam to create additional 130,000 acre-feet of storage capacity in San Luis Reservoir. Reclamation is partnering with the San Luis & Delta-Mendota Water Authority on this project that would raise the dam an additional 10 feet, above the previously approved project to raise the dam (by 12 feet) to address seismic concerns. Valley Water commented on several administrative drafts and will be reviewing the public draft during the 45-day comment period.

More information on the project can be found at the following website:

https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=44425

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

6. Shasta Lake Water Resources Investigation EIS and Feasibility Study

On August 6, 2020, the U.S. Bureau of Reclamation released a public draft Supplemental Environmental Impact Study (EIS) and Feasibility Report for a proposed raise of the Shasta Dam by 6.5 ft, 12.5 ft, or 18.5 ft. This draft Supplemental EIS addresses new and updated information since the Draft and Final EIS were published in July 2013 and July 2015, respectively.

More information on the project can be found at the following website:

https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=1915

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

7. South San Francisco Bay Shoreline Project - State Flood Control Subventions

On August 13, 2020, the Department of Water Resources (DWR) informed Valley Water that they have submitted a report to the legislature indicating that phase I of the South San Francisco Bay Shoreline Project (Shoreline Project) has met all of the requirements for State Flood Control Subventions (State Subventions) funding as required by law. With the submittal of this report, Valley Water has now completed all the regulatory steps required for eligibility.

The estimated eligibility of the project is up to a total of \$28,798,681 in State Subventions funding, currently the project elements that are eligible for reimbursement are \$10.5 million. The eligibility amount is based on the cost estimate used in the state's cost share report for the Non-federal costs of the project totaling \$41,140,974, and the approved reimbursement rate of 70%. Eligible elements for reimbursement include lands, easements, rights of way, relocations, disposal sites, fish and wildlife mitigation, planning, engineering, and design costs of the project.

In 2018, Valley Water sponsored SB 881 (Wieckowski) which added the Shoreline Project to the statutory list of eligible projects and outlined the approval process. Since then, Valley Water has worked with DWR to complete the state's cost share report, post the report for a 45-day public comment period, complete the North San Jose Flood Plain Management Plan, and complete a scope of work budget schedule, all of which were necessary steps to get the Shoreline Project officially listed on the State Subventions list.

Valley Water will be seeking to work with DWR to execute a funding agreement this fall, which would allow Valley Water to begin submitting reimbursement requests in 2021.

For further information, please contact Bart Broome at 916-202-0063

8. United States Bureau of Reclamation Releases Los Vaqueros Reservoir Final Federal Feasibility Report

The Los Vaqueros Expansion (LVE) Project will expand the existing reservoir owned by Contra Costa Water District in eastern Contra Costa County from 160 thousand acre-feet (TAF) to 275 TAF and construct new conveyance facilities, including the Transfer-Bethany Pipeline.

The United States Bureau of Reclamation (Reclamation) has released the Final Feasibility Report (Report), which documents potential costs and benefits for the LVE Project and defines the federal interests in the LVE Project. The Report is required to secure federal cost-share funding for construction costs and future financial contributions towards operation and maintenance related to delivering supplies to wildlife refuges. Federal interest in the LVE Project includes increasing Central Valley Project (CVP) operational flexibility; increasing the reliability of water supplies delivered to the San Francisco Bay Area and south of the San Francisco Bay Delta; and securing long-term water supplies for wildlife refuges as required by the Central Valley Project Improvement Act (CVPIA).

The Report concludes the LVE Project would provide positive benefits for urban, agricultural, and environmental purposes; contributes to meeting the Federal obligation for delivering water supplies to CVPIA wildlife refuges; and improves CVP operational flexibility. The recommended Federal cost share for construction costs is \$223.7 million (25 percent of the total construction costs).

The Final Feasibility Report is available on Reclamation's website at:
<https://www.usbr.gov/mp/vaqueros/>.

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

9. Valley Water 2020 Teacher Externship a Success

Valley Water hosted its third Teacher Externship the week of July 27 – July 31, 2020, in partnership with Ignited (a local non-profit that brings together companies, teachers, and funders to prepare the future workforce) and BAYWORK, (a water & wastewater industry consortium for workforce development).

Ten (10) teachers from East Side Union High School District and Gilroy Unified School District attended this week-long virtual externship that provided a variety of activities and field trips that showcased the work of Valley Water. Teachers will utilize what they gain from the externship and create industry-aligned lessons for their classrooms. Their students will walk away with a broader awareness of and deeper interest in water and wastewater careers and the educational pathways to reach them.

The week of learning activities was organized by a team of staff from Valley Water's Education Outreach Program, Civic Engagement, Communications, and Recruitment & Talent Development. Special speakers from a variety of our operations and engineering groups helped round out the presentations with special guest speakers from Gavilan College and Project WET (Water Education for Teachers).

The week started with a welcome from Chair Hsueh and included the following activities:

- Virtual tours of our state-of-the art Silicon Valley Advanced Water Purification Center and Anderson Dam
- An opportunity to meet and ask questions with some of our trade employees, such as Assistant Water Plant Operators; and Instrument and Controls Technicians
- Education Outreach learning activities including visiting our outdoor classrooms
- Presentation from Safe, Clean Water team

Ignited has been running teacher externship programs with BAYWORK since 2016 and has prepared a long-term impact report of the value of teacher externships which shows that this program has reached more than 15,000 students, 75% at high needs schools.

To view the long-term impact report online visit:

<https://join.ignitededucation.org/sites/default/files/Ignited%20Water%20Week%20Evaluation.pdf>

To view a short video about the Externship and Ignited's annual outcomes report for 2016-2019 visit: <https://www.youtube.com/watch?v=P3V7EoJvF6c&feature=youtu.be>

For further information, please contact Anna Noriega at (408) 630-3089.

10. Valley Water Remote Ergonomic Program

Since the start of the shelter-in-place order, Valley Water employees have been instructed to work from home to the greatest extent possible. Ergonomics are equally important whether employees work in the office or are working remotely at home. Having an ergonomically optimized workspace prevents injury and recurring pain, as well as helps to maximize employee efficiency.

Many Valley Water employees were not prepared to work from home and had to improvise workstations while working at dining room and kitchen tables, or from their couches. Employees also face challenges such as having a lack of ergonomic equipment at home, limited workspace, and other constraints.

Valley Water recognized the concerns of working from home and have provided resources such as ergonomic consultations and evaluations to employees. Valley Water has a Certified Ergonomics Assessment Specialist on staff that employees can contact for concerns or inquiries. Virtual meetings are set-up and either a consultation or an evaluation is conducted. Follow-up meetings are continually scheduled until the employee's concerns are addressed.

Since the Ergonomic Program's virtual launch in March 2020, there have been a total of 16 consultations and evaluations completed. Employees have indicated concerns such as upper body discomfort, back, neck and shoulder pain, eye fatigue as well as wrist and hand discomfort. Also, there have been requests for product recommendations for home equipment purchases, requests for home workspace reviews and instructions for setting up equipment to maximize limited space. A focus of the consultations is about implementing proactive ergonomic behaviors such as taking micro-breaks throughout the workday and managing awareness of body postures while working.

The Ergonomic Program continues to be proactive in ensuring employee awareness by providing virtual on-line training. Additionally, on-line training specifically for "remote" ergonomics is currently being pursued for deployment.

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

11. Valley Water's Conservation Programs Featured At 2020 Water Conservation Showcase

Valley Water recently presented at the 17th annual Water Conservation Showcase, which was held virtually for the first time. The event hosts hundreds of advocates, researchers, business leaders, product manufacturers, and government officials every year to address the most pressing water issues and challenges facing the state of California. The event was held on July 21 and August 4, 18, and 25, 2020.

Valley Water, along with SFPUC, hosted a workshop titled "Laundry to Landscape". They discussed the two water agencies' Graywater Laundry-to-Landscape (L2L) Programs, including program

highlights, overall results, and what is involved in converting a part of a landscape into a laundry-to-landscape graywater system. In addition to program details, the panel discussed graywater system components, ideal site specifications, and logistics that will make installing an L2L graywater system easier, as well as key findings from agency surveys. The workshop can be accessed at <https://app.box.com/s/ni9s44hu4ssruc4z9gdmwe51jj75yckp/file/655060309057>.

Valley Water also participated on a panel titled “How to Build Your Career in the Water Industry”. The session was geared towards those seeking jobs or changing jobs within the water industry. The goal was to provide information about how to enter or advance along various career paths, including but not limited to, water conservation and water use efficiency. They shared individual stories from staff in water utilities and private industry; as well as learning about strategies and resources from BAYWORK, a collaborative of water and wastewater utilities working together to ensure workforce reliability. The workshop can be accessed at: <https://app.box.com/s/ni9s44hu4ssruc4z9gdmwe51jj75yckp/file/655056770454>.

More information about the showcase can be found at:
<https://www.waterconservationshowcase.com/>.

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

12. Valley Water's Independent Advisory Panel Meeting No. 6 (July 29, 2020)

In 2013, Valley Water appointed the prestigious National Water Research Institute (NWRI) to assemble an Independent Advisory Panel (IAP) to provide a credible third-party science-based review of its water reuse program. The goal of the IAP is to furnish guidance and recommendations that would assist Valley Water to make informed decisions about future recycled water and potable reuse in Santa Clara County.

A total of six (6) IAP meetings have been convened at Valley Water since 2013, with the latest being held on July 29, 2020. The IAP members have reviewed key operational and planning studies and evaluated the feasibility of the Recycled and Purified Water program and associated efforts including public outreach. Their valuable recommendations and input have been important in guiding the program and keeping it on the right path.

IAP meeting No.6, which was held in virtual format on July 29, 2020, focused on the latest developments pertinent to the Countywide Water Reuse Master Plan (CWRMP) and Reverse Osmosis Concentrate Management (ROCM) program.

The IAP members and attendees were presented with the summary of various updated components and elements of CWRMP and ROCM, including:

- Project portfolios including eight indirect and direct potable reuse (IPR and DPR) portfolios with four groundwater recharge portfolios, one surface water augmentation portfolio, one raw water augmentation (RWA) DPR portfolio and two treated water augmentation DPR.
- Regulatory and permitting aspects for each water reuse portfolio, including public and environmental health implications.
- Reverse Osmosis Concentrate management options associated with reuse portfolios, environmental implications and permitting challenges, scientific investigations and studies as well as permitting requirements and challenges.

Valley Water Board Chair Nai Hsueh opened the meeting by addressing the nearly 85 people that attended, which included representatives from the U.S. Environmental Protection Agency (EPA), SF Bay Regional Water Quality Control Board, the cities of Palo Alto, Mountain View, Sunnyvale,

San Jose, Gilroy, and Morgan Hill. The IAP is expected to submit their report to Valley Water by the end of August 2020.

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

13. Week-long Coyote Creek Fish Rescue and Relocation Effort Completed Ahead of Upcoming Anderson Reservoir Drawdown

On August 17, 2020, Valley Water began rescuing and relocating federally threatened Central California Coast Steelhead, in response to the Federal Energy Regulatory Commission (FERC) directed drawdown of Anderson Reservoir, scheduled to start on October 1, 2020.

Reduced water levels in Anderson Reservoir result in decreased amounts of cold water for steelhead in Coyote Creek below the dam. To protect steelhead residing in the creek, a large team of 18 biologists comprised of Valley Water staff and a consultant team participated in a week-long effort to capture and relocate the steelhead to Upper Penitencia Creek, an area of the watershed that will remain cooler and more suitable for the steelhead in the months to come. The fish rescue plan was developed and relocation sites were pre-selected by Valley Water in consultation with the California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS). To aid in the fish capture and encourage fish to congregate in specific pools along Coyote Creek, Valley Water reduced the amount of water released into Coyote Creek from Anderson Reservoir. Given adverse conditions including extreme temperatures and poor air quality due to area wildfires, work was completed on schedule with a total of sixty-seven (67) steelhead/rainbow trout captured and relocated. Creek flows have been returned to normal levels.

The planned fish rescue effort was highlighted on Valley Water's blog, social media pages, through a Nextdoor post and on notification signs placed along the Coyote Creek trail or path. Valley Water also filmed the effort and will be sharing that video with local members of the media and the community, as well as on the Valley Water webpage.

For further information, please contact Rachael Gibson at (408) 781-4739.

14. Wellness Program During COVID-19

Valley Water's Wellness Program is continuing to provide wellness opportunities for employees at home or onsite. A dedicated resource site "Staying Well During COVID-19" contains information including links to Valley Water's fitness partners, tips on how to keep a positive mindset, and COVID-19 related updates for Valley Water's health insurance benefits. In addition, Valley Water continues to provide free Wellness Seminars via Zoom that focus on mental resiliency, stress management, and survival strategies for working remotely.

Starting in August 2020, the Wellness Program will start providing opportunities for employees to engage in company-wide walking challenges via the wellness portal Virgin Pulse, and a remote cooking class focused on "Quarantine Cuisine". The Wellness Program has also signed a contract to provide flu shot vouchers to employees who would like to access this service at any participating Safeway or Albertsons.

The Wellness Program is committed to continuing remote based offerings for employees throughout the COVID-19 pandemic.

For further information, please contact Anna Noriega at (408) 630-3089.