



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

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SUPPLEMENT TO 1/28/10 MPWMD BOARD PACKET

Attached are copies of letters received between December 8, 2009 and January 20, 2010. These letters are also listed in the January 28, 2010 Board packet under item 23, Letters Received.

| Author | Addressee | Date | Topic |
|---------------|------------------|-------------|--|
| Ruben Saenz | Craig Anthony | 12/15/09 | Water Leak Adjustment |
| Sandy Barajas | Darby Fuerst | 12/17/09 | Approving Appointments to Outside Agencies |
| Sandy Ford | Stephanie Pintar | 12/18/09 | Inspection Findings Appeal |
| Aaron Bierman | Henrietta Stern | 1/4/10 | Suspension of Acceptance or Processing of Existing Water Distribution System Permits |
| Amy L. White | Regina Doyle | 1/8/10 | Water Supply Planning for the Monterey Peninsula |
| Craig Anthony | MPWMD | 1/14/10 | California American Water Company Rate Increase |

1
Ruben Saenz
587 Viejo Rd.
Carmel, Ca. 93923
Phone: 831-625-5066

Dec. 15, 2009

RE: Water Leak Adjustment

General Manager Cal AM
Mr. Craig Anthony
P.O. Box 951
Monterey, Calif. 93942

RECEIVED

DEC 17 2009

MPWMD

Dear Mr. Anthony:

I was billed \$4,504.56 for a major leak in our 2-inch main water line that is buried 18 inches in the ground and is covered by grass, poison oak, and shrubbery. Please help me to lower the cost of this water bill. The line extends from a Cal Am water tank at the top of Aguajito Rd, down a steep hill for over 1000 feet, to our home at 587 Viejo Rd. Enclosed are two letters written to American Water Resources, and the A&R plumbing bill for the PVC line repair. I am also enclosing a letter of agreement between California American Water and myself regarding monthly payments of \$98.32 per month that will end on June 2011.

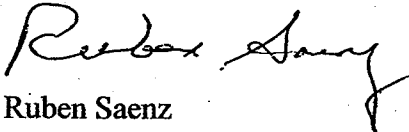
I ask for relief of a portion of this bill for the following reasons:

1. At age 69 years and on a fixed income, the added payments for 18 months will strain my budget. My wife was diagnosed with breast cancer Oct. 2009. She just underwent surgery and will be starting radiation treatment and chemotherapy this week. She has glaucoma and hypertension that require daily medications costing \$500.00 per month.
2. I feel we are being penalized because this leak was not intentional and could not have been prevented since the line is underground. Furthermore, I understand that we are in a drought and that surcharges were instituted to punish those who use excess water. If you look at my past water usage history we have never used this amount of water. If there were no surcharges our bill would have been $\$1.70480 \times 286 = \487.57 . In fairness, I am responsible for paying \$487.57. An amount greater than this is punishment for a crime I did not commit.
3. When the leak took place, our daughter and her two children ages 7 and 4 were living with us. The eldest is autistic and requires special treatment that costs over \$35,000.00 per year. We contribute a small amount to this cost. Her husband is in the army stationed in Baghdad, Iraq. Fortunately I was walking with the children and discovered wet soil that prompted me to investigate for a water leak. Please

take into consideration my present circumstances and the great burden this debt has imposed on me.

I thank you for any assistance you can give me. I will continue trying to pay the \$1,905.26 I still owe.

Sincerely,



Ruben Saenz

Cc; Board of Directors MPWMD



RECEIVED
DEC 21 2009
MPWMD

December 17, 2009

Darby Fuerst, General Manager
Monterey Peninsula Water Management District
Policy Action Committee
P.O. Box 85
Monterey, CA 93942

Subject: Approving appointments to Outside Agencies

Dear Mr. Fuerst:

At its December 15, 2009 meeting the City Council appointed Mayor Chuck Della Sala as their representative to the Monterey Peninsula Water Management District and the alternate is Councilmember Libby Downey.

If you have any questions regarding this matter, please phone me, at 646-3935.

Sincerely,

Sandy Barajas
Sandy Barajas
Assistant City Clerk

c: City Clerk's file

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December 18, 2009

Alexander Lawton Ford

Stephanie Pintar
Monterey Peninsula Water Management District
Post Office Box 85
Monterey California 93942

Consultants and Administrators
Flexible Benefit Plans

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DEC 21 2009

RE: Inspection Findings Appeal APN 007-161-007

MPWMD

Dear Stephanie,

About a month ago I applied to the county for an administrative permit to rent my house weekly to vacationers. A water release form was requested, and has since been deemed unnecessary. To comply with the request, your agency inspected the dwelling and found my laundry sink nonconforming. This letter is to appeal that finding.

I bought the house ten years ago. Since owning it I have improved it bit by bit. I re-roofed and repainted it first, then several years later I replaced all the windows and doors with upgraded weatherproof materials. It became obvious during that time that the plumbing was antiquated, so in 2002 I replumbed with new copper, and I laid ceramic tile in the laundry room. During that remodel, I thought the laundry sink was both unsightly and unneeded, so I removed it. Naturally I was unaware of my error then. I did, however, leave its drain in place, and I added a recirculating system. I have since installed a low-use dishwasher and I am completing a xeriscape of the large yard. Recently I renewed the electrical service.

After frank discussions with your cordial staff, I decided to replace the sink with a new, and more compact model. I used the original drain, and tapped into the new copper risers for the washer. I disclosed this to each of your employees. I have no plans to sell or remodel the house. With my recent insight into water issues here, of course I want to retain my original water credits for me and more importantly for my children.

I understand you often see fraud in this area. I don't know what I would do if I were in your position. But for me, the denial and removal order seems like a confiscation of my valuable property, without any just cause, and without any violation or wrongdoing on my part. It is also an additional expense.

I have followed both the letter and spirit of your regulations. I assure you I have never sought to mislead you or your staff in any way.

Needless to say I hope you can and will reverse this matter.

Very truly yours,

Alexander Lawton Ford

BIERMAN

Hydrogeo



A Professional Company

Hydrogeologic Consulting & Water Resource Management
Office: (831) 688 8888 Cell: (831) 334 2371 E-Mail: abierman@comcast.net
3153 Redwood Drive, Aptos, CA. 95003

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JAN 5 2010

MPWMD

January 4, 2010

Monterey Peninsula Water Management District
Attn: Henrietta Stern, Project Manager
5 Harris Court, Building G
Monterey, California 93942

Subject: Suspension of 'Acceptance' or, 'Processing' of Existing Water Distribution System Permits

Bierman Hydro-Geo-Logic, P.C. (BHgl) has prepared this letter to discuss the proposed first reading of an ordinance to; "temporarily suspend 'acceptance' and/or, 'processing' of existing Water Distribution System (WDS) permits for all wells within the District that derive a water supply from fractured hard-rock aquifers"¹. BHgl is in disagreement with the proposed ordinance for the follow reasons;

- There are existing land owners/applicants² which have completed Pre-Applications in addition to pump testing their wells during the last pump season (Aug 1---Oct 31, 2009)³ and/or, completed pump testing in previous pump seasons (June 1---December 30, 2008) which followed MCHD⁴/MPWMD⁵ guidelines that are now in the reporting stages and close to submittal formal WDS permits. The financial burden for these applicants would be costly and unprecedented, and therefore, BHgl is requesting that MPWMD establish a grace period and/or, a list of applicants that should be considered 'in-line' and able to move forward with obtaining WDS permits. The list could be based on Pre-Application submittal and pump testing dates.
- Monterey Peninsula Water Management District (MPWMD) already has rules and regulations⁶ to demonstrate well adequacy for associated use, which is based on several factors, including, but not limited to; 1) whether or not the pumping wells calculated yield⁷ meets the projects proposed maximum day demand (MDD) in equivalent 12-hr cyclic pumping scenarios, 2) whether or not there is more than 5% constructive groundwater interference between neighboring wells (within 1,000 feet) saturated thickness and, 3) whether there is potential significant irreversible impacts that could exist to Sensitive Environmental Receptors⁸ (SER) and, 4) Groundwater quality for potable use.
- As per Monterey County Health Department (MCHD)⁹, the County requires and addresses well sighting locations by assuring setback requirements to leach-field and leach-field expansion areas are met, not only on the well parcel, but on neighboring parcels. The County confirms the well site and location is adequate based on public health and safety prior to drilling commences.

¹ E-mail from Henrietta Stern, MPWMD, dated December 8, 2009, 9:09pm.

² BHgl Clients Specifically, Powell; Price; Druid Hills Ranch; Littig; King; Saddle Mt. RV Park;

³ State of California Waterworks Standards, Source Capacity Standards, March 2008.

⁴ Monterey County Health Department; "Source Capacity Test Procedures" May 2008, and were generated from earlier guidelines entitled "Well Capacity Procedures in Fractured Bedrock Formations" dated March 1996, revised, January 2002, and March 2008.

⁵ Monterey Peninsula Water Management District; *Procedures for Preparation of Well Source and Pumping Impact Assessments*, dated September, 14 2005, Revised May 2006.

⁶ Monterey Peninsula Water Management District; *Rules and Regulations of MPWMD, July 21, 2009 & Procedures for Preparation of Well Source and Pumping Impact Assessments*, September, 14 2005, Revised May 2006.

⁷ Adjusted 24-hr specific capacity times the wells available drawdown (1/3 of the wells saturated thickness).

⁸ MPWMD *Procedures for Preparation of Well Source and Pumping Impact Assessments*: SERs include the Carmel Valley Alluvial Aquifer (CVAA) and certain tributaries within the Carmel Valley River Watershed.

⁹ Monterey County Health Department; Monterey County Code, Title 15.08 Water Wells.

Monterey Peninsula Water Management District
 Memorandum Regarding Temporary Suspension of WDS permits
 January 4, 2010

- In response to citizen concerns¹⁰, specifically, whether “areas” containing existing legal lots of record (<1-acre) are adequate size for a well. This lot size is considered adequate because it has been established that a neighboring parcel (or well parcel) on a public sewage disposal system will not pose a threat to the well or the wells groundwater quality to where it would cause adverse impacts to public health and safety so long as, at a minimum; 1) the minimum setbacks from the well to sanitary sewer line, storm drain, or industrial discharge line are maintained^{11,12} and, 2) there is a lack of seepage pits, leach-fields and required expansion disposal field in an “area” with an established public sewage disposal systems. However, it should be noted that areas with existing lots of record (< 1-acre) where seepage pits/leach-fields are existing (portions of Carmel Meadows) MCHD will not allow domestic water wells to be drilled.
- As per the Carmel Highlands Wastewater Management Study¹³, well adequacy for associated use should be on a case-by-case basis, and depends primarily on the density of seepage pits/leach-fields in relation to the density of wells, depth of overburden/soil, depth to impermeable and weathered bedrock, the well’s perforated interval, and the feasibility of connecting to a public sewage disposal system (all of which is already generally assessed by MCHD prior to issuance of a well permit).

Other Notes:

There is no reason that a well perforated in a fractured hard-rock aquifer cannot be a long-term sustainable supply for a single family dwelling (SFD) or combination of SFD and caretaker/guesthouse with water conservation/drought tolerant landscaping. BHgl believes an over-pumped well is the lack of the well owner to understand water conservation and the wells sustainable extractable yield. A well owner needs to understand that a fractured hard-rock well is sustainable as long it is pumped at a rate that it is capable of supporting. Well operation requires, but is not limited to, observation of volumes pumped, static and pumping groundwater levels & groundwater level trends and specific capacities rates over time to ensure the wells long term sustainability.

Recommendations:

- Require mandatory monitoring of all wells within 500 feet of pumping well to protect not only neighboring well owners but, the new well owner’s interest in groundwater quality and quantity. This will help protect existing and new well owners and determine appropriate production limits to the well being approved for a WDS permit.
- Require technical calculations and pumping impact assessments on all wells and sensitive environmental receptors (SERs) within 2,000 feet of pumping well to protect neighboring wells and SERs interest in groundwater quality and quantity.
- In areas of shallow bedrock and lack of public sewage disposal system on existing parcels less than 1-acre, require mandatory installation of an alternative, enhanced wastewater treatment system to treat effluent leachate water to tertiary standards. This type of system will include settling tanks and dosing tertiary leachate to evaporation beds. It would require quarterly monitoring and reporting to both MCHD and/or State Water Resources Control Board (SWRCB) to ensure operational requirements are met and sustained.
- Limit production on wells, including replacement wells that pre-date MPWMD rules and regulations (i.e., grandfathered-in) which are using an excessive amount of water to where the volume used is

¹⁰ MPWMD Board Meeting, December 14, 2009; Public Comment suggested that there are liabilities and restrictions on neighboring properties (<1-acre lots) due to wells drilled on adjoining neighboring properties.

¹¹ Monterey County Health Department; Monterey County Code, Title 15.08 Water Wells.

¹² California Department of Water Resources, California Wells Standards, Bulletin 74-90, supplement to Bulletin 74-81, 1991.

¹³ Questa Engineering Corporation in cooperation with Todd Engineers, Denise Duffy and Associates; Carmel Highlands Onsite Wastewater Management Study, December, 2009.

Monterey Peninsula Water Management District
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 January 4, 2010

more than 5% of the neighboring wells saturated thickness. As BHgl understands, MPWMD, Rule 20-A requires District staff to set system limits for previously existing systems pursuant to Rule 40-A.

- Establish the MPWMD district boundary as the Carmel Valley Alluvial Aquifer (CVAA) watershed boundary, not some arbitrary boundary which has no relation the CVAA watershed.
- Conduct an analysis on the groundwater extraction volumes from the wells drilled in both granitic and shale fractured aquifers within the CVAA watershed boundary to determine whether the extraction volumes will adversely impact baseflow to the CVAA or projected reduction in baseflow conditions to the CVAA in the long term.
- Require 72-hr constant rate testing on all wells, including replacement wells, whether or not the replacement well is for a well that preceded MPWMD district rules and regulations.

Summary:

There are existing regulations at MCHD¹⁴, MPWD¹⁵ and/or the State¹⁶ that limits a wells actual yield to something less based on conservative factors each agency imposes to obtain a water system permit. Land owners and applicants who propose to drill a well on their property (whether it be a existing lot of record of less than 1-acre in a area of public sewage disposal, or, a new parcel greater than 2.5 acres on a septic/leach-field system) should be allowed to do so, as the land owners have prevailing water rights¹⁷.

If temporary suspension of WDS permits are initiated, it would be detrimental to land owners/applicants because of the finical burden associated with their respective property as they have not, or can-not obtain a Cal-Am connection and, there is no water allocation from Cal-Am in the foreseeable future (Cease and Desists Order).

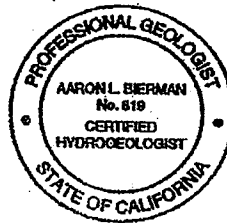
Conclusion:

In conclusion, temporary suspension of 'acceptance' and/or, 'processing' of existing WDS permits for all wells within the District that derive a water supply for fractured hard-rock aquifers is considered excessive and unnecessary as there are rules and regulations already existing that effectively determine whether a well is adequate for intended use for the project proposed.

BHgl recommends NO temporary suspension of the WDS permitting process.

Respectfully submitted,

Aaron Bierman



Aaron Bierman
 Certified Hydrogeologist #819

¹⁴ Monterey County Health Department, "Source Capacity Test Procedures" dated May, 2008, and were generated from earlier guidelines entitled "Well Capacity Procedures in Fractured Bedrock Formations" dated March 1996, revised, January 2002, and March 2008.

¹⁵ Monterey Peninsula Water Management District, *Procedures for Preparation of Well Source and Pumping Impact Assessments*, dated, September, 14 2005, Revised May 2006.

¹⁶ State of California Waterworks Standards, Source Capacity Standards, March 2008.

¹⁷ Under the Appropriation Doctrine, the individual who first uses the groundwater has the greatest right to it. This is often called the "first in time, first in right" concept. The rights of subsequent users are ranked according to when they first used the groundwater. At some point, all the groundwater will be spoken for and no groundwater will be availability for any new users.

LandWatch

monterey county

Post Office Box 1876
 Salinas, CA 93902-1876
 Salinas Phone: 831-422-9390
 Monterey Phone: 831-375-3752
 Website: www.landwatch.org
 Email: landwatch@mchw.org
 Fax: 831-422-9391



January 8, 2010

Regina Doyle, Board Chair
 Monterey Peninsula Water Management District
 P.O. Box 85
 Monterey, CA 93942-0085

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JAN 11 2010

Subject: Water Supply Planning for the Monterey Peninsula

MPWMD

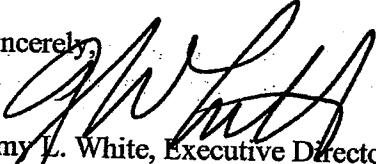
Dear Ms. Doyle and Members of the Board of Directors:

LandWatch Monterey County supports the District's efforts to develop water supplies that help address the proposed Cease and Desist Order. Your focus on incremental projects is consistent with sustainable long term water supply planning for the Monterey Peninsula as well as the findings of the State Water Resources Control Board. We specifically applaud the District's efforts to develop the Aquifer Storage and Recovery project, the 95-10 desalination plant as well as your recent decision to work with the Monterey Regional Water Pollution Control Agency to develop a groundwater replenishment program for the Seaside Aquifer.

While we acknowledge the work being undertaken to develop the Regional Project, its completion may be years in the making. There is not a large desalination plant that has operated successfully in the United States for any sustained period of time and no assurance that a local facility will not encounter similar difficulties. Additionally, recent concerns expressed by the Agricultural Land Trust on the FEIR for the Coastal Water Project raise significant environmental and water rights issues that may require years to resolve. These issues, along with the 19 permits needed by the Regional Project before it moves ahead, call into question a timely completion of the proposed project. Finally, because the Regional Project relies almost exclusively on a large desalination plant to meet the regulatory needs of the Monterey Peninsula, any delay in that project jeopardizes the Peninsula's water future. We should not rely on one major source for our future water supply.

We urge you to continue your commitment to develop new water supplies. Actions by the District will assure local ratepayers a meaningful voice in our water future. Without your ongoing efforts, future water decisions will be made by agencies outside the jurisdiction and/or direct influence of Peninsula residents.

Sincerely,


 Amy L. White, Executive Director
 LandWatch Monterey County



California American Water

P.O. Box 578, Alton IL 62002
1-888-422-5261

RECEIVED
JAN 20 2010
MPWMD

AMW003 POKB26 00005137

Mpwnd

PO Box 85

Monterey CA 93942-0085

01/14/2010

Account Number:
Premise Number:
Schulte Bridge 15 W Bridge N Schulte

Dear Valued Customer:

Last summer the California Public Utilities Commission approved new rates for water customers on the Monterey Peninsula. However, these rates have not yet been charged to our customers because their complexity required extensive changes to our billing system.

We're now asking the California Public Utilities Commission to allow us to modify the new rates in order to account for the time period that has elapsed between approval and actual application to customers' bills.

If the modified rates are approved they would go into effect during the current billing cycle, which means they could apply retroactively to water you are using this month.

The rates will impact customers who use more water than is needed for basic indoor use. If you believe this increase would affect you adversely, you may want to make changes to your water use habits and patterns now. You can contact us for free conservation items and information about rebates and water wise house calls at 831-646-3205.

The California Public Utilities Commission will carefully track the result of these modifications to ensure we do not collect more or less revenue than we are allowed.

Please contact our 24-hour customer service center at 1-888-237-1333 with any questions. Pongase en contacto con el centro de servicio al cliente las 24 horas de California American Water llamando al: 1-888-237-1333.

Thank you,

Craig E. Anthony
General Manager
California American Water