



Supplement to 5/20/13 MPWMD Board Packet

Attached are copies of letters received between April 9, 2013 and May 13, 2013. These letters are also listed in the May 20, 2013 Board packet under item 23, Letters Received.

Author	Addressee	Date	Topic
Robert G. MacLean	Thomas Howard	5/9/2013	June 4, 2013 Meeting of the SWRCB
Thomas Howard	R. MacLean and D. Stoldt	5/3/2013	June 4, 2013 Meeting of the SWRCB
Diane DeWeese	David Stoldt	5/1/2013	Denial of Rebate Application
Nader Agha	D. Pendergrass and D. Stoldt	4/23/2013	People's Moss Landing Desalinization Project
Roger Dolan	David Stoldt	4/16/2013	Notes Related to the April 15, 2013 WMD Board Meeting
Roger Dolan	MPWMD Board	4/15/2013	Suggestions for Changes to MPWMD Mission Statement
Eric Sabolsice	David Stoldt	4/12/2013	Duration of MPWMD Mitigation Program Funding
Stephen G. Ma	Michael Boles	4/9/2013	Water Use Credit – APN: 001-781-023-000
Nader Agha	Arlene Tavani	4/4/2013	Response to Matrix

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CALIFORNIA
AMERICAN WATER

Robert MacLean
California American Water
1033 B Avenue, Suite 200
Coronado, CA 92118
www.calamwater.com

P 619-522-6361
F 619-522-6391

May 9, 2013

Mr. Thomas Howard
Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

RECEIVED

MAY 13 2013

MPWMD

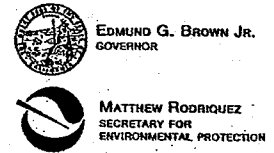
Dear Mr. Howard:

Thank you for your letter of May 3rd requesting California American Water's attendance at the State Water Resources Control Board meeting on June 4th in Monterey. We would be pleased to make a presentation regarding California American Water's compliance with State Water Board Order WR 2009-0060 at this meeting. Our corporate counsel, Tim Miller, will be contacting Caren Trgovcich regarding the details and arrangements.

Sincerely,

Robert G. MacLean
President

Cc: Caren Trgovcich, Chief Deputy Director, SWRCB
Tim Miller, Corporate counsel, California American Water
Dave Stoldt, General Manager, MPWMD



State Water Resources Control Board

MAY 03 2013

RECEIVED

MAY - 9 2013

MPWMD

Robert G. MacLean, President
California American Water
1033 B Avenue, Suite 200
Coronado, CA 92118

David J. Stoldt, General Manager
Monterey Peninsula Water Management District
5 Harris Court, Bldg. G
Monterey, CA 93940

Dear Messrs. MacLean and Stoldt:

REQUEST TO PROVIDE A PRESENTATION TO THE STATE WATER RESOURCES CONTROL BOARD ON JUNE 4, 2013 IN MONTEREY

The State Water Resources Control Board (State Water Board) will be holding its regularly scheduled Board Meeting in Monterey on June 4, 2013 in order to address many of the issues of interest to the State Water Board and the public in the Monterey area. One of the items of interest to the State Water Board is California American Water's compliance with State Water Board Order WR 2009-0060 and its progress in securing an alternate water supply as a substitute to pumping unauthorized Carmel River water.

The State Water Board requests your attendance at the Board Meeting to present your compliance with the conditions of Order WR 2009-0060 and the development of related projects to reduce Carmel River pumping. The Board Meeting will be held at 9:00 a.m. at the Monterey Institute of International Studies, 460 Pierce Street, Monterey. We will provide you with the Board Meeting agenda once it is finalized.

Please verify your attendance at the Board Meeting by calling Chief Deputy Director Caren Trgovcich at (916) 341-5619 or me at (916) 341-5615. Please also call us if you have any questions regarding your presentation to the State Water Board.

Sincerely,

Thomas Howard
Thomas Howard
Executive Director

sadie.macali@waterboards.ca.gov
nancyaguino@

cc: See next page.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE OFFICER

Messrs. MacLean and Stoldt:

- 2 -

MAY 03 2013

cc: Eric Sabolsice
Director of Operations
California American Water – Monterey
511 Forest Lodge Rd., Suite 100
Pacific Grove, CA 93950

Tim Miller
California American Water – Monterey
1033 B Avenue, Suite 200
Coronado, CA 92118

RECEIVED

May 1, 2013

MAY - 7 2013

Dave Stolt
General Manager
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA. 93942-0085

MPWMD

Subject: Denial of Rebate Application for 1091 Paloma Rd, Del Rey Oaks APN: 012-533-005-000

Dear Mr. Stolt,

My husband and I recently decided to replace our 10 year old washing machine because of all the advertisements we were seeing offering the \$500 "Free bates" for qualifying high efficiency models. When we went to purchase our machine, the sales staff was very helpful in making sure we chose the right model and completed the rebate forms for us. We submitted ours and were quite surprised to receive the response that we were not eligible for the rebate because of a water credit used back in 2004, almost 10 years ago.

The advertisements for these "Free bates" are very deceptive and lead the public to think that as long as you purchase the proper machine, you will get the rebate and is somewhat a form of false advertising. These advertisements should have a caveat included to make the buyer aware that not everyone will qualify and that there are restrictions to this offer. Even though a link to your website is included in the advertisement, not everyone uses computers and the phone number listed to call is for Cal Am.

We have a one bathroom home and go to extreme measures to save water. I realize that the installation of our bathtub, 10 years ago was a mistake and I have not used it in over 8 years because of its high water usage.

I hope that you will change the language in your advertisement to include a caveat so that the public will be made aware of restrictions to this offer before they purchase an appliance and that you will reconsider your decision of our rebate.

Sincerely,



Diane DeWeese

Cc: Stephanie Pentar



April 17, 2013

Charles DeWeese
1091 Paloma Road
Del Rey Oaks, CA 93940-0563

Subject: Rebate Application for 1091 Paloma Road, Del Rey Oaks APN: 012-533-005-000

This letter is to inform you that your recent application for rebate has been denied for the following reason:

- Water Permit No. _____ was issued _____ requiring toilet retrofit.
- No receipts were included with rebate application form. Please provide copies of receipts.
- Property is not supplied by a water distribution system or private well that derives water from the Monterey Peninsula Water Resources System within the boundaries of the Monterey Peninsula Water Management District. Application is included with this letter.
- Water credit was used on Permit No. 20304; washer is not eligible for rebate.
- Applicant is not owner of property. Written permission required from owner to receive rebate.
- Rebate No. _____ was issued for retrofit (toilets) on this property. No further rebate available.
- Appliance is not an approved high efficiency machine.
- Unable to identify appliance from information provided, please provide receipt that identifies the type, model, and cost of washer.
- Receipts are more than 90 days from application date.
- Rebates for Graywater Irrigation Systems are available retroactively for systems purchased on or after July 1, 2010.
- Unable to identify property, please provide assessor parcel number and owner information

The denial of a rebate application is a final determination of the Water District's General Manager. Final determinations of the General Manager may be appealed to the District Board within twenty-one (21) days after any such determination pursuant to District rule 70. If you believe this information is incorrect, please contact the District office at (831)-658-5601.

Sincerely,

A handwritten signature in black ink, appearing to read "Debbie Martin".

Debbie Martin
Conservation Technician

April 23, 2013

Via Email

RECEIVED

APR 24 2013

Mayor Dave Pendergrass – Chair MPWMD
Mr. David Stoldt – General Manager
Monterey Peninsula Water Management District
5 Ryan Ranch, Building D
Monterey, CA 93940

MPWMD

Re: People’s Moss Landing Desalinization Project

David Stoldt:

It has been brought to my attention that on several occasions in front of several people you have “bad-mouthed” the People’s MLDP and its personnel. You have clearly established, in open meeting settings, a slanderous attitude towards me with opinions you are unqualified to make, that suggest false premises regarding the PMLDP.

I was very disappointed to learn of the outcome with the Water Supply Planning Committee of our “response” to the MPWMD initial matrix. There was no discussion whatsoever among the committee regarding the discrepancies we brought to your attention by way of our “response” matrix. As examples, in the original MPWMD matrix Deep Water failed to disclose their litigation history. It also failed to notice the public that much of its framework was dismissed in the PUC EIR certified December 17, 2009, in relation to Regional Project alternatives, and that no work has been done to date to mitigate those PUC concerns. We noted in our “response” matrix that our research showed within the five year time frame that Dennis Ing was named in a Monterey County Superior Court case (GNM116777) that involved Nader Agha. The People’s Moss Landing Desal Project is well into its EIR, whereby Deep Water is announcing it has made a deposit. All of the work completed and in process has been self-funded by PML and has cost ratepayers or MPWMD nothing.

It was reported to me that when my attorney Mr. Paul Hart handed you color copies of the exhibits, Mr. Stoldt, you tossed them around in total disrespect. This action by you was unprofessional and totally unwarranted. Your action not only reflected your bias and unwillingness to consider our response, it really demonstrated you inability to deal with the public; an important and necessary ability to possess in your executive position. You owe me and my attorney an apology.

You have made recommendations attempting to influence others including elected officials based on unfounded reasoning, misleading statements, and inaccurate information with regard to the project, its intake, its suggested subsurface intakes, and outfalls. You have also made detrimental comments such as "the pipe is beyond repair," which is unfounded, misleading, and flat out wrong. If the pipe is beyond repair why are MBARI, MLML and Phil's Fish Market still using it today? We have always publicly acknowledged there is a need for some repair and have included those costs in the overall project budget. I think it also important to note the presence of a "grandfathered" permit for 60 MGD of intake, which admittedly will need revision, but this puts our project well ahead in the area of both operational permits, as well as environmental permitting.

It has always been and remains our intention to implement subsurface intakes. We are fully aware that the Coastal Commission and Ocean Plan recommend subsurface intakes. I am not sure where the idea of "surface intake" came from, but the fact that you are associating the PMLDP with surface intake and communicating that it will not be approved by the Coastal Commission is yet another example of you making statements that are unfounded. What evidence do you possess to prompt you to make such a statement? None of our information we have presented has ever indicated surface intake. You must stop fabricating information and putting it out to the public immediately.

Only an engineer whose expertise lies in the area of building desal plants can determine whether or not modifying wells three feet apart is achievable. Had our response to the RFQ we submitted, been thoroughly read, you would have learned that our site contains **nine (9) pumping stations not wells** as you are asserting. Where did you get the information that the project is calling for the use of nine (9) subsurface wells? You stated that the studies of water intake would take two (2) years for data and collection. I don't know which planet you are from. Studies have been conducted by local organizations for years and that data is readily available to the public. These are yet further examples of you making statements that are unfounded. You are either ignorant of the facts, or you are intentionally trying to create faulty data sets and impressions relate to the People's Moss Landing Desal Project.

Our consulting engineer, with years of experience in the world of desalinating ocean water, has inspected our site, including intake and infrastructure. It is his opinion that no fatal flaws exist in our "grandfathered" facility, what expertise do you possess that suggests you are better qualified to render such a judgment?

My request and demand is that you stop immediately from making any further misleading or slanderous statements regarding our project. The PUC mandates that all qualified alternatives be given equal weight in their deliberations, and at the very least an unbiased equal review of the data is warranted. I must admit, I find it curious that an agency such as the MPWMD, which has failed for 40 years to implement a solution for a new water source, has such arrogance against a project that is viable, "grandfathered", well into its EIR process and very cost effective; and is subjected to such intolerance by you and the entity you represent.

As I mentioned earlier in my letter you owe me and my attorney an apology for being so disrespectful.

Sincerely,
Nader Agha
Nader Agha

Cc: MPWMD Board of Directors
Media

Arlene Tavani

From: Dave Stoldt
Sent: Wednesday, April 17, 2013 10:08 AM
To: Bob Brower; Brenda Lewis (Lewis4water@gmail.com); Dave Potter; David Pendergrass (sandcitymyr@aol.com); Jeanne Byrne; Judi Lehman (jlehman@redshift.com); Kristi Markey (kristimarkey@gmail.com)
Cc: Dave Laredo; Stephanie Pintar; Arlene Tavani
Subject: FW: The WMD mission statement
FlwUp: -1

I received this follow-up to our Board meeting from Roger Dolan.

Dave

From: Roger Dolan [mailto:r2dolan@gmail.com]
Sent: Tuesday, April 16, 2013 9:47 AM
To: Meg Giberson; John Walton; Bob Siegfried; Janet Brennan; Thomas A. Gardiner; Margaret Robbins
Cc: TODD NORGAARD; Skip Lloyd
Subject: The WMD mission statement

Notes related to the April 15, 2013 WMD board meeting

Last evening, I presented the recommendations related to the Mission Statement. They were unanimously rejected. The commentary was interesting and in one respect, very disappointing.

Suggestion: Add the words "safe and reliable" to the description of the mission relative to the water supply which was simply described as sustainable in the draft.

Several of the directors spoke and they all indicated that they were opposed to accepting the mission of providing a safe and reliable water supply. Brenda said that the safety and reliability was up to MRWPCA, not WMD and the rest of the directors who spoke agreed with her. I found this conclusion to be surprising and inappropriate. As I understand it, the current plan is for PCA to own and operate the process system that will produce about 6mgd of RO + hydrogen peroxide/UV oxidation and disinfection treated recycled water for delivery to WMD for six months of the year. MWD will take the water and inject it into the ground from which CalAm can extract it. CalAm will pay WMD and WMD will pay PCA. How WMD avoids accepting responsibility for the safety and reliability of this supply is beyond me. Certainly, PCA has a product reliability responsibility to WMD, but WMD will be the party responsible to the consumers and must have safeguards in place.

If the community has a concern for its safety and turns to WMD for assurance, I'm afraid they will just be told to contact PCA and that WMD is not responsible for its safety (even as they pump substantial quantities into the ground).

I do not feel that we can endorse the GWR project where a key party in the supply chain is disavowing interest, concern and liability for the quality of the product. I see this as a serious defect. The CVAWC is meeting with Keith and Dave this Friday. We should address this.

Suggestion: Add a one-year strategic goal of revisiting the Conservation Plan; consider strengthening the rules on low flow appliances and fixtures; eliminating the fixture counting program; add having the WMD inspector

Who checks the low flow facilities be the person to fill in the Tiered Rate water demand criteria form and other conservation program elements such as workshops, leakage control etc.

The directors decided not to do this. The reasons were interesting. Jeanne said that the current program was working as it provided leverage to encourage the installation of low flow appliances etc in remodel jobs as a way to get credit for added fixtures. None of the directors got a copy of our letter before the meeting, so she had not factored in the possibility that on transfer of property or major remodel all of the fixtures could be required to be retrofitted; thus eliminating the need to do the trading negotiations.

Kristy said that she disagreed with the suggestion because she said that she was convinced that there was a correlation between the size of a house and the number of people in the house. We believe that too, but it is unclear just what that has to do with water conservation. She also said that there are many in the community who would object to the elimination of the fixture unit limitations.

Brenda said that she agreed with us about the fixture count, but didn't support the strategic goal addition.

The rejection of the Conservation Program suggestion is quite harmless as it was a suggestion motivated more by our interest in eliminating one of the causes of the displeasure that the community feels with WMD. The board seems oblivious to the issue and feels that the program is working well. The deliberate, considered rejection of acceptance of responsibility for the safety and reliability of the water supply is a cause of substantial concern.

Carmel Valley Association
P.O. Box 157, Carmel Valley, California 93924
www.carmelvalleyassociation.org



Since 1949

Dear Board of Directors:

The Water Committee of the Carmel Valley Association would like to suggest two changes to the MPWMD Mission Statement to:

- 1) Undertake a review and revision of the District's conservation program;
and
- 2) Expand the wording of the statement to make clear your full responsibility associated with the water supply.

The Conservation Program

The Mission Statement should include as a goal for the first year, updating of the Conservation Program to ensure effectiveness and to eliminate unproductive program elements.

Program elements that should be retained

The requirement to use only low water consuming appliances and fixtures should be retained because it has contributed substantially to water savings. For example, limits on oversized tubs and high flow showerheads should be kept as they directly affect water use. However, an individual only uses one shower or tub at a time, regardless how many there are in the home. Anyone showering too long is going to be charged with tier 3 or 4 water rates.

Program elements that can be eliminated

We recommend eliminating those elements of the fixtures and appliances program that limit the freedom of citizens while making no beneficial impact on water consumption. We understand that at the time the fixture-limiting program was adopted, similar programs were in existence in water-limited areas across the country, but the more nuanced and effective tiered rate system is more commonly accepted today.

Some elements may appear to have a benefit, but are redundant to, or even in conflict with the far more successful and effective tiered rate system. Any apparent slight correlation between fixture count and water use in existing dwellings is due to the fact that larger families prefer to live in homes with several bathrooms and larger families (more people, not more fixtures) use more water. Also, most of the larger homes are older and are more likely to have high use fixtures and appliances. The new, tiered rates take the larger families into consideration, not in a punitive or restrictive way, but rather these rates provide a greater water allocation for the larger families. That is fair.

*Submitted at
4/15/13 Board
meeting.
Item 13*

We suggest that the District cease counting fixtures and limiting the size of sink bowls, and concentrate on ensuring that low flow toilets, showerheads, lavatory faucets, dishwashers, clothes washers, etc., are used. This means that a home inspection will still be needed on sale or major remodel. The expensive, useless and irksome record keeping and bargaining over a bar sink, etc, will come to an end. Also, home remodeling and additions will move ahead, subject only to inspection of the type of fixtures and appliances and no longer concerned about the number.

Program elements that can be added -

One of the shortcomings of the tiered rate structure is that the tier rate is set by self-reporting. This practice dangles a tempting prize in front of homeowners to inflate some of the water use criteria. Some are bound to seize it. If WMD makes the recommended change on fixture counts, a WMD inspector will still visit each new and remodeled home. So, why not have the inspector fill out the form, rather than the homeowner? We would not suggest a heavy-handed interrogation. But, a face-to-face interview coupled with a look around the property can be expected to increase the level of correct tier criteria data. It is unlikely that CalAm is checking to see if large animals or an oversized lot, or a large number of residents really exist at the site.

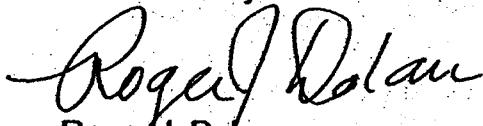
The wording of the mission

The draft states: *"The mission of the Monterey Peninsula Water Management District is to provide for long-term sustainable water supply, and to manage and protect water resources for the benefit of the community and the environment"*.

It is recommended that the words "safe and reliable" be inserted ahead of "long term" and elsewhere in the document, as appropriate. The community needs to know that you believe that our supply must be safe and reliable. Few would challenge the fact that the Groundwater Recharge project is sustainable. However, it will be essential for you to set forth the data, reasoning and safeguards that can assure the community of its safety. The Aquifer Storage project must be designed within a range that will ensure its reliability. Of course, the sustainability of the Desal project will be questioned, but compromises will be made to ensure reliability.

Thank you for your consideration of these suggestions.

Carmel Valley Association Water Committee


 Roger J. Dolan
 Chair



**CALIFORNIA
AMERICAN WATER**

Eric Sabolsice
511 Forest Lodge Rd.
Suite 100
Pacific Grove, CA 93950
eric.sabolsice@amwater.com

P 831.646.3291
F 831.375.4367

RECEIVED

April 12, 2013

APR 15 2013

David Stoldt, General Manager
Monterey Peninsula Water Management District
5 Harris Court
Monterey, CA 93940

MPWMD

Re: Duration of MPWMD Mitigation Program Funding

Dear Mr. Stoldt:

As you know, various California Public Utilities Commission ("CPUC") orders relating to California American Water's funding of the MPWMD's Mitigation Program require California American Water to include in our upcoming general rate case any request for Mitigation Program funding beyond 2014. We have received and evaluated the testimony of Suresh Prasad to support that request. We appreciate the District's cooperation in that regard.

In evaluating Mr. Prasad's testimony, it appears to assume that the Mitigation Program will need to be fully funded through December 31, 2017, the last day of our rate case period. California American Water contends that this would likely "overfund" the Mitigation Program compared to California American Water's contingent obligation arising from State Water Resources Control Board orders 95-10 ("Order 95-10") and WR 2009-0060 ("CDO").

Condition number 11 of Order 95-10 requires California American Water to implement all measures in the MPWMD's Mitigation Program for the District's Water Allocation Program Environmental Impact Report not implemented by the MPWMD after June 30, 1996. Except as otherwise provided in Condition 9, California American Water is to comply with all provisions of Order 95-10 "until fully implemented" pursuant to Condition 9(d) of the CDO. Condition 11 of the CDO states that all of the conditions of the CDO and Order 95-10 remain in effect until the Deputy Director of the State Water Resources Control Board's Division of Water Rights concurs with California American Water's certification that it has obtained a permanent supply of water that has been substituted for California American Water's unpermitted diversions from the Carmel River.

Read together, California American Water contends that its obligation to implement the Mitigation Program, if not implemented by the MPWMD, ends once the Deputy Director of Water Rights concurs with California American Water's certification that it has a permanent water supply that has been substituted for our unpermitted diversions from

David Stoldt
Monterey Peninsula Water Management District
April 12, 2013
Page 2 of 2

the Carmel River. Based on the current schedule for the Monterey Peninsula Water Supply Project, that could occur before December 31, 2017. In such a case, California American Water contends that it would not be appropriate to fund the Mitigation Program beyond that date and has every intention to terminate any agreement between California American Water and the MPWMD funding the Mitigation Program as of that date.

California American Water looks forward to working with the MPWMD on implementing the Mitigation Program consistent with and to the limit of California American Water's legal obligation to do so. I will contact Mr. Prasad to discuss his testimony, consistent with this letter. Please do not hesitate to contact me if you have questions about the Mitigation Program and its funding.

Sincerely,



Eric Sabolsice
Director of Operations

cc: Robert MacLean
David Laredo
Edward Simon



MONTEREY PENINSULA
COLLEGE

OFFICE OF THE SUPERINTENDENT/PRESIDENT

April 9, 2013

RECEIVED

APR 12 2013

Mr. Michael Boles
Conservation Representative
Monterey Peninsula Water Management District
Post Office Box 85
Monterey, CA 93942-0085

MPWMD

RE: Water Use Credit-APN: 001-781-023-000

Dear Mr. Boles,

Thank you for your March 28th letter regarding the 60 month extension due to expire January 2013. In November 2012, Monterey Peninsula Community College District (MPC) had submitted a request for an additional extension. In follow up communications and as per your e-mail, you had explained that due to the current moratorium against Cal Am and the inability for credit holders to use their credits, WPWMD would be extending expiration dates for these credits with written notices forthcoming. At this time we have not received any notice of that extension.

In reviewing this situation, I do have some concerns about how your water demand guidelines are being applied to other public agencies. In particular, your MPWMD Rule 25.5 (D), states that Water Use Credit on a Redevelopment Project site may, in addition to the time limits and parameters outlined in 25.5 (C), have its expiration date extended for still two additional 60 month periods, to afford a Redevelopment Project a maximum period of 240 months. As you may be aware, MPC has been incrementally implementing its Long Term Facilities Master Plan over the past ten years. The implementation of the plan is tied in part to the availability of matching funds from the state, which of course hinges on the state's overall economic health. While your guidelines provide Redevelopment Projects extended time limits, I believe from a public policy perspective, MPC should be afforded similar exemptions.

We await your response in reference to the water use credit extension request and should you require additional information, please do not hesitate to contact my office.

Sincerely,

Stephen G. Ma
Vice President for Administrative Services

cc: Stephanie Pintar
David Stoldt
Kristi Markey
Dr. Walter Tribley

Arlene Tavani

RECEIVED

From: Nader Agha <naderagha@sbcglobal.net>
Sent: Thursday, April 04, 2013 2:45 PM
To: Arlene Tavani
Subject: RESPONSE TO MARTRIX

APR - 4 2013

Dear Ms. Travani:

MPWMD

We will be submitting our response (electronic) to the matrix tomorrow Friday, April 5th by end of business. This response is to the matrix that was compiled by district staff and presented at the March 18, 2013 full board meeting.

At this time we are requesting our response be placed on the earliest possible agenda for presentation, discussion and board action re: reconsideration of the selected alternative.

Please contact me if you have any questions. Thank you.

Carmelita Garcia

Business Manager

O: (831) 646-9030

F: (831) 372-2021

Monterey Office

449 Alvarado Street Monterey, CA 93940

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