

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Buster

SUBMITTAL DATE: October 27, 2011

SUBJECT: Recycled Water: The Regulatory Gap and the County's Role

RECOMMENDED MOTION: That the Board of Supervisors:

1. Direct the Chief Executive Office and County Counsel to consult the Environmental Health Director, Agricultural Commissioner, UC Riverside scientists and other agricultural water experts to ascertain County authority to review local water district proposals to replace current irrigation sources with recycled water.
2. Direct the Chief Executive Office and County Counsel to report their findings and recommendations to the Board of Supervisors within 60 days.

Background:

With water scarcity and cost rising, local water districts are under pressure to switch County agricultural uses to recycled water. The state Department of Public Health regulates drinking water potability. And the state's regional water boards gauge the quality of surface discharges so that streams and underground water tables are not impaired.

Yet no public agency focuses on the serious issues posed by recycled water use on agriculture – on the land, the farmer and the industry. The County has the ability and interest in doing so and has been the customary forum for farmers over many years.

The current proposal by Western Municipal Water District (WMWD) to supply citrus groves in the El Sobrante area with recycled water from the March sewer treatment plant is a good example of the gap in oversight.

Continue on page 2

**Bob Buster, County Supervisor
1st District**

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED to deny the recommendations and refer the matter to the Riverside County Water Task Force.

Ayes: Tavaglione, Stone, Benoit and Ashley
Nays: Buster
Absent: None
Date: November 1, 2011
xc: Supvr. Buster, Task Force

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev.Agn.ref.

Dist.

AGENDA NO.

3.42

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

SUBJECT: Recycled Water: The Regulatory Gap and the County's Role
Page 2

Two years ago the City of Riverside abandoned a plan to use its own treated effluent on Greenbelt citrus farms after UCR soil scientist Prof. Christopher Amrhein warned that boron, sodium and chloride in recycled water could damage trees, crops and render soils unusable for citrus and avocados. Ohio State University researchers also have determined boron elevations can have deleterious impacts on vineyards and grape production. (Study findings attached).

On September 27, 2011, the Riverside County Farm Bureau sent a letter to Western Municipal Water District expressing concern over the potential damage to agriculture from the elevated salt levels in the recycled water.(Letter is included).

WMWD, however, maintains that the levels of boron and other salt constituents in its recycled water are safe for agriculture and well within standards set by the Water Quality Control Plan for the Santa Ana River Basin.

Which agency is right?

Farmers and farmland should not be put at risk if the issues surrounding recycled water have not been settled decisively. Farmers, a shrinking minority in most water districts, need and deserve the independent and competent review of such plans that the County of Riverside can provide.(Such a review, in addition to checking water quality, could also determine whether there were adequate safeguards against raw sewage or improperly treated wastewater entering the agricultural system.)



Riverside County Farm Bureau, Inc.

21160 Box Springs Road, Suite 102, Moreno Valley, California 92557-8706

Telephone 951.684.6732 FAX 951.782.0621

E-mail President@RiversideCFB.com - Website www.RiversideCFB.com

Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

September 27, 2011

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Mr. John Rossi

General Manager, Western Municipal Water District

14205 Meridian Parkway

Riverside, CA 92518

Dear Mr. Rossi,

The Riverside County Farm Bureau (RCFB) is very concerned with Western Municipal Water District's (WMWD) plan to move forward with supplying citrus growers and nurseries in the Riverside area with recycled water for irrigation purposes. These growers currently irrigate with non-potable ground water from the Riverside Canal.

Growers in your service area are worried about the amount of boron (B) and sodium in recycled water. Based on a six year study, Dr. Christopher Amrhein from U.C. Riverside concludes that B "...will harm citrus, avocado and many ornamental plants grown on Riverside soils." The B danger is increased by elevated sodium levels in the recycled water which will limit the amount of leaching that can be achieved. Furthermore, in the study completed by Trussell Technologies and paid for by WMWD, their conclusion says, "...an increase in the irrigation water B concentration from 0.19 to 0.33 mg/l would likely not be a threat to orange production. However, this situation could arrive if low LFs (Leaching Fractions) are used or if regional soil types favor high soil-water B conditions."

Trussell Technologies also points out that there are too many local factors that affect how B in the irrigation and soil-waters interrelate. They point-out that "Hotter, more arid climates produce toxic conditions at lower B levels than cool, moist climates." "Given the number of local factors involved, it is often difficult to extrapolate safe irrigation water B levels from one region to another."

It is obvious, Mr. Rossi, that the high concentrations of B in recycled water combined with the heavy clay soils of Riverside, and the hot, arid climate of our region, that the use of recycled water by the citrus and nursery industries in the Riverside area will eventually kill the industry over time.

Moreover, Trussell Technologies states that "The fact that reclaimed waters are often higher in concentrations of salts, particularly boron, chloride and sodium, is the leading cause of concern." As noted by Dr. Amrhein, the elevated sodium levels in the recycled water will cause problems with soil permeability making it difficult to control

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harmful accumulations of all salts, including chloride as well as boron. Addressing boron levels alone will not resolve the issue of over-all salt accumulation due to the effect of elevated sodium on clay-rich soils.

The RCFB believes that it would be most beneficial to the citrus growers and nurseries in the area if the WMWD would investigate ways to either begin removing B and sodium from the recycled water or use the recycled water to irrigate street medians and parks where it can be safely used. Of course the best solution to this dilemma is to continue supplying growers with the non-potable water they have been receiving from the Riverside Canal. All costs associated in solving the B problem should be borne by those who generate the waste water, and not just passed on to agriculture.

Citrus farming in Riverside County is a \$140.5 million industry while nursery stock production adds another \$169.3 million to the economy of Riverside County. Is WMWD willing to sacrifice a portion of these industries knowing that eventually high concentrations of B and salts will destroy these crops?

In conclusion, the use of recycled water in the Riverside area will eventually destroy the citrus and nursery production industry because of the high concentrations of B and salts in the water. That combined with many local factors including soil types and a hot, arid climate, all add to the eventual destruction of the citrus and nursery production in the Riverside area.

Crops and soil conditions are highly sensitive and the risk of long-term consequences is too great to get this wrong. We appreciate WMWD's desire to reuse water, and we are confident that there are appropriate irrigation uses for it such as landscaping, parks, medians, etc. where there are no economic consequences should WMWD's assumptions be incorrect.

The RCFB urges WMWD to re-evaluate the use of recycled water in the Riverside area for citrus and nursery production. Growers in that area cannot afford to lose their livelihood due to a poor decision by WMWD.

Sincerely,

Grant Chaffin
President

CC: RCFB Board

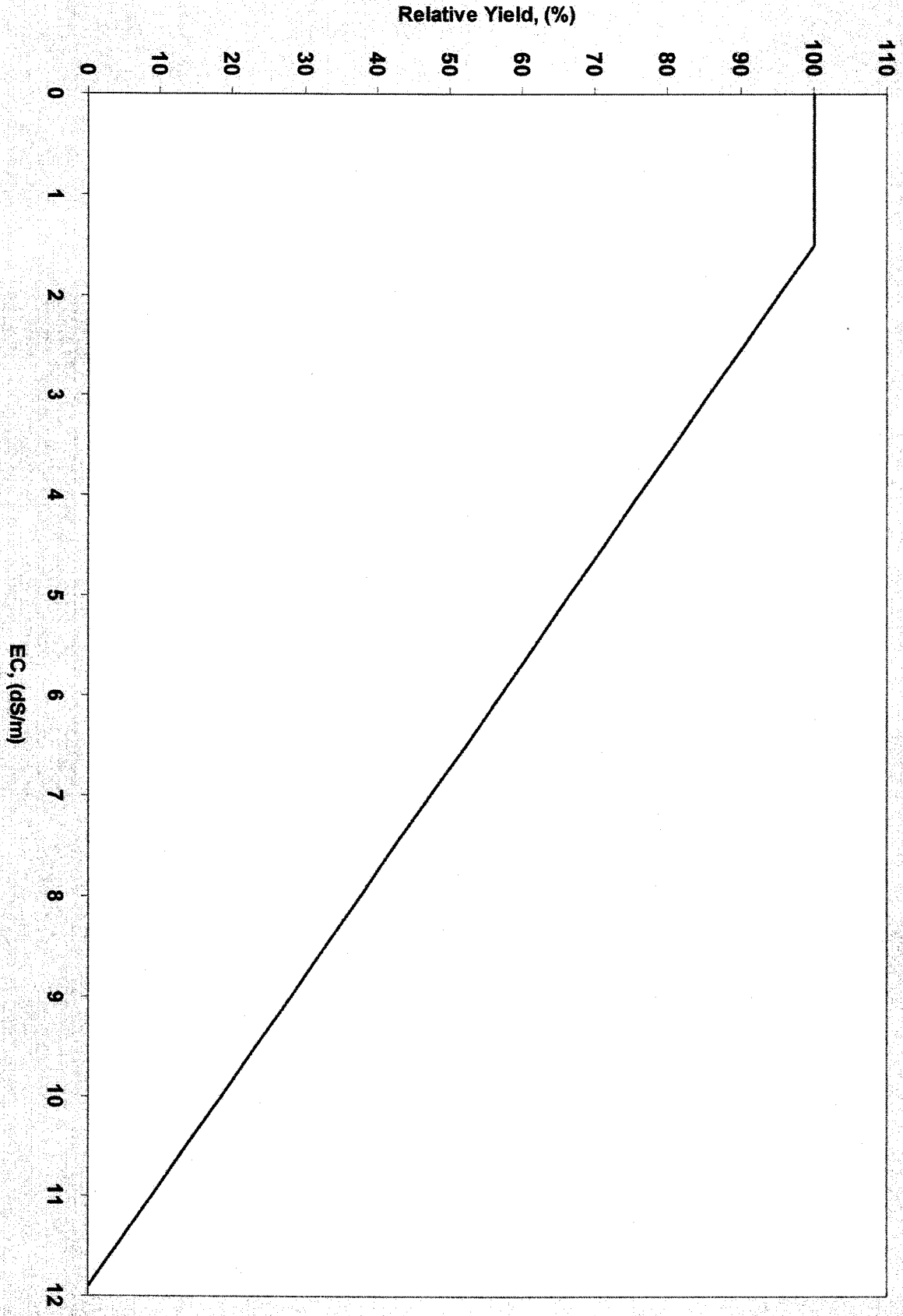
WMWD Board

RWQCB Board

Kurt Berchtold, Executive Director, RWQCB

Malissa H. McKeith

Grape Yield Potential vs. Soil Salinity



Irrigation Water Quality

Boron

- **Grapes are very sensitive to boron**
- **Threshold soil concentration for yield reduction: 0.5 - 0.7 mg/L**
- **Typical Boron toxicity symptoms for grapes are spotting, yellowing and/or drying at tips and edges of older leaves**



Securing Your Water Supply

John V. Rossi
General Manager

Charles D. Field
Division 1

Thomas P. Evans
Division 2

Brenda Dennstedt
Division 3

Donald D. Galleano
Division 4

S.R. "Al" Lopez
Division 5

October 6, 2011

Mr. Grant Chaffin, President
Riverside County Farm Bureau, Inc.
21160 Box Springs Road, Suite 102
Moreno Valley, CA 92557-8706

Re: Western's Recycled Water Program

Mr. Chaffin,

The District has received your Sept. 27, 2011 letter expressing the Riverside County Farm Bureau's concerns with Western Municipal Water District's (WMWD) recycled/nonpotable water program. Western appreciates those concerns but must respectfully disagree with your statement that "the use of recycled water in the Riverside area will eventually destroy the citrus and nursery production industry...".

Western has worked diligently with industry groups such as the WaterReuse Association and stakeholders in our retail service area to provide this region with yet another safe, reliable source of irrigation water. More than 50 agricultural professionals growing a variety of crops within Western's north service area are already permitted to employ this combination of recycled water and locally-produced nonpotable groundwater, and are anxious to begin receiving deliveries. In fact, large commercial nurseries located in Western's south service area are waiting for this new service due to the benefits that using this water will provide regarding reliability and product diversification and lower salt content.

Historically, Western served nonpotable water to between 9,000 and 10,000 acres of citrus production that ranged across our retail service area. However, owing to development, primarily residential in nature, this planted acreage has dwindled to only several hundred acres. This phenomenon occurred throughout western Riverside County irrespective of water source or quality.

Your letter references a six-year study by Dr. Christopher Amrhein of the University of California, Riverside concluding that boron "...will harm citrus, avocado, and many ornamental plants grown on Riverside soils." As you noted, Western engaged Trussell Technologies, Inc. to provide additional investigations regarding the use of recycled

water on citrus. That analysis did not reveal any multi-year peer-reviewed studies conducted by Dr. Amrhein regarding boron toxicity in Riverside County, and the District would appreciate access to such data.

The Trussell Technologies, Inc. Technical Memorandum did conclude, "[B]ased on published studies performed in other regions, an increase in the irrigation water B concentration from 0.19 to 0.33 would likely not be a threat to orange production. However, this situation could arrive if low LFs are used or if regional soil types favor high soil-water B conditions." This conclusion is consistent with the guidance contained in the Water Quality Control Plan for the Santa Ana River Basin (also known as the Basin Plan), which was updated in February 2008. The Plan defines water quality objectives as "...the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area." Specifically citing boron, the Plan acknowledges "boron concentrations in excess of 0.75 mg/L may be deleterious to certain crops, particularly citrus." It then establishes a water quality objective of 0.75 mg/L for boron. The most recent water quality data from the Western Water Recycling Facility indicates boron concentrations of 0.25 mg/L.

Further, as we explained during our May 2, 2011 meeting with Steven Pastor, Ben Drake and Andy Wilson, the reality of the situation is that for most of the year, especially during the high irrigation demand summer season, the distribution system that delivers water to many of the properties in the El Sobrante area will continue to deliver primarily the same locally produced nonpotable groundwater it currently does.

It should also be noted that this local water source was not available to Western customers until quite recently. From the District's inception in 1954 until 2008, all of Western agricultural customers were supplied by Colorado River Aqueduct (CRA) water with average total dissolved solid (TDS) concentrations of approximately 665 mg/L. It wasn't until Western's 2000-04 infrastructure investments that an alternative source of locally produced nonpotable groundwater was made available to the District's nonpotable customers. As Western diversified our water supply portfolio with that new water source, so too are we now seeking to diversify our water supply portfolio even further by adding yet another source of safe, reliable irrigation water, one that provides even lower TDS concentrations (< 550 mg/L). As the Riverside basin water is not enough to meet annual demands, additional water is required. Consequently, lower salt (TDS) levels from the recycled water, as compared to Colorado River water, will provide an additional benefit.

Millions of gallons of recycled water are used across the United States and the world to irrigate schools, parks and agriculture, including citrus. The California Department of Health Services recognizes this fact and the high-quality, tertiary-treated water produced by the Western Water Recycling Facility can be safely used for all those purposes – including irrigation of food crops.

WMWD was formed in 1954 to bring imported water – at that time exclusively CRA water – to western Riverside County. Western's primary mission then and now remains providing safe water, whether for domestic consumption or agricultural irrigation, to its customers. Western staff and technical experts have thoroughly researched this issue and the preponderance of evidence clearly documents that the water will not have long-term negative impacts to soil and groundwater quality within the District's service area.

The District appreciates your interest in this matter. I hope we have clarified the facts relative to the District's recycled water program.

Respectfully,



John V. Rossi
General Manager
Western Municipal Water District

cc: Western MWD Board of Directors
Kurt Berchtold, Executive Director, SARWQCB



John V. Rossi
General Manager

Securing Your Water Supply

Charles D. Field
Division 1

Thomas P. Evans
Division 2

Brenda Dennstedt
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Division 4

S.R. "Al" Lopez
Division 5

October 12, 2011

Supervisor Bob Buster
County of Riverside
4080 Lemon St.
Riverside, CA 92502-1527

RE: WESTERN'S RECYCLED WATER PROGRAM

Dear Supervisor Buster,

We are reaching out to you today to provide some refresher information regarding Western Municipal Water District's expansion of local water resources through the use of recycled water.

As you'll note from the attached letter to Mr. Tom Wilson, a current Western customer, there are some apparent misconceptions regarding the quality of the recycled water and the levels of boron related to water for citrus trees.

The use of recycled water is critical for sustainable management of Southern California's long-term water supplies. Using treated recycled water instead of potable water to irrigate parks, schools, and customer and commercial outdoor properties has a significant and positive impact on our region's ability to survive. There are many scientific studies documenting that the quality of the water to be delivered is safe and ready for use by the District's customers, and that the water will not have negative impacts to soil and groundwater quality in the District's service area.

Western has completed the expansion and upgrade of our wastewater treatment plant, the Western Water Recycling Facility, to produce high quality, tertiary-treated recycled water, a source that will be used specifically for irrigation purposes. The plant upgrade expands treatment capacity from 1 million to 3 million gallons per day. Customers, such as the Riverside National Cemetery and more than 50 current nonpotable users, are ready for the delivery of recycled water.

Submitted by John Rossi

11/1/11 Item 3.42
(date)

The reality of the situation is that for most of the year, especially during the high irrigation demand summer season, the distribution system that delivers water to Mr. Wilson's property will continue to deliver mostly the same nonpotable water it provides currently. The water will still consist of locally-produced nonpotable groundwater. Should any recycled water actually make it to the portion of the distribution system serving Mr. Wilson's property, it will be blended and diluted further by the other nonpotable source water.

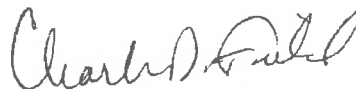
Approximately 55 other customers who receive the same service are now waiting for the conversion to be completed in order for the recycled water service to begin. All of these customers have completed the steps necessary for the conversion of the nonpotable water system. This conversion is required by the State Department of Public Health in order to begin the transmission of recycled water through our system. These requirements mandate that the District consider the entire water distribution system to be a recycled water system once recycled water, in any quantity, is introduced into the water system.

Thank you for the opportunity to provide you this information about a critical project for the District and region. If you should have any questions, please don't hesitate to contact us at 951-571-7224.

Best regards,



THOMAS P. EVANS
Board of Director



CHARLES D. FIELD
Board of Director



John V. Rossi
General Manager

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Division 4

S.R. "Al" Lopez
Division 5

October 6, 2011

Tom H. Wilson
14170-A El Sobrante Road
Riverside, CA 92503

Re: Notice of Conversion of Facilities
Western Municipal Water District Account No. 15643-2 and No. 15640-1

Dear Mr. Wilson:

As you know, the District has exchanged correspondence and held a number of discussions with you over the past couple of years in an attempt to gain your cooperation for compliance with the requirement for conversion to recycled water use. Said requests and notices have gone well beyond any other efforts with the approximately 55 other customers who receive the same service and are now waiting for the conversion to be completed in order for the recycled water service to begin. All of these customers have completed the steps necessary for the conversion of the nonpotable water system, which are required in order to begin the transmission of recycled water through said system.

Your correspondence to the District alleges that we are proposing to deliver unsafe water to our customers. This allegation is unsupported by the evidence and is without merit. The District has detailed numerous scientific studies documenting that the quality of the water to be delivered is safe and ready for use by the District's customers. Further, the evidence documents that the water will not have long term negative impacts to soil and groundwater quality in the District's service area. We have also reviewed a copy of the correspondence you sent to the Santa Ana Regional Water Quality Control Board. The District has reviewed all of the points raised in your correspondence and does not find that any of your information changes the District's position, nor does it refute the authority of the District to move forward with the actions to convert our facility to recycled water.

Additionally, as explained in our earlier meetings, the reality of the situation is that for most of the year, especially during the high irrigation demand summer season, the distribution system that delivers water to your property will continue to deliver mostly the same nonpotable water it currently does. At those times that recycled water is conveyed through the distribution system, much of the water will still originate in the current locally-produced nonpotable water source. Nonetheless, state regulatory requirements mandate that the District consider the entire water distribution system to be a recycled water system once recycled water, in any quantity, is introduced into the water system.

This letter serves as the Notice of Conversion of Facilities in regard to the above-mentioned nonpotable water accounts. Please be advised that in the event you elect not to facilitate the conversion as described below, the District will have no choice but to proceed with applicable enforcement measures pursuant to the District's Rules And Regulations Governing Water Service And Water Users, Article II General Use Regulations, Section Q Penalty for Violation, which provides that the District shall have the right to discontinue water service to the premises of any Customer for failure to comply with any rule or regulation of the District. The rules and regulations of the District, which have been violated, include Sections 1.3 and 7.0 of the Rules and Regulations Governing the Supply and Use of Recycled Water, which provide that the District reserves the right to require Customers to use recycled water in lieu of nonpotable or potable water and this provision applies to existing Customers.

This Notice serves as notification of the District's intention to proceed with the applicable enforcement measures, including discontinuance of service, and/or make the conversion of facilities, in the event of your noncompliance and sets forth an explanation of the violation and terms for a reasonable opportunity to comply.

Opportunity To Comply

As set forth in the September 2, 2010 Notice Of Determination, you are required to take the following actions. You are hereby required to contact the District, on or before October 14, 2011 in order to schedule the following activities. In any event, the following activities must be completed on or before November 15, 2011:

1. Site inspection by District staff
2. Onsite irrigation/use plans for submittal to the California Department of Public Health
3. Onsite plumbing retrofits if deemed necessary by the site inspection
4. Identification and training of a Onsite Recycled Water Supervisor
5. Cross connection tests (if potable water is present on site)
6. Use of appropriate signage
7. Obtaining a Recycled Water Use Permit

Please note the Western will pay for all reasonable onsite plumbing retrofits, required signage, and initial cross-connection control testing.

Alternatives To Compliance

The District and its customers are not in a position to subsidize the cost of installing an alternative delivery system and providing a different water supply at the request of a specific customer. If you wish to use an alternative delivery arrangement, at your cost and expense, please contact the District and we would meet with you to review such options and estimated

costs. For example, District staff would be willing to discuss further with you the following general concepts for alternative systems:

Option	Description	Estimated Design/CM Costs (@ ~18% of construction)	Estimated Construction Costs	Estimated Total Construction Costs	Remarks
1	Serve Potable Water from West	\$54,850	\$304,680	\$369,530	Watering schedule may require onsite tank.
2	Serve Potable Water from North	\$16,750	\$93,000	\$109,750	Watering schedule may require onsite tank.
3	Serve Potable Water from 1650/1515 Zones	\$40,335	\$224,085	\$264,420	Provides more reliable service than options 1 & 2.
4	Serve Potable Water from Lockwood Tank Line	\$83,520	\$464,020	\$547,540	Provides more flow than option 2.
5	Serve Potable Water via Converted Nonpotable Line	\$25,000	\$68,705	\$93,705	Additional costs may be incurred to relocate existing services to parallel nonpotable line.
6	Provide Untreated Water from Upper Feeder	\$128,235	\$712,418	\$840,650	The condition of the existing pump station to supply untreated water has not been evaluated; additional costs may be incurred.
7.	Provide Onsite Blending (potable and nonpotable / recycled)	\$60,880	\$338,240	\$399,120	The blending ratio has not been evaluated. Assumes excavated material remains onsite. Cost may vary depending on location of reservoir.

The District will be pleased to provide diagrams of the proposed alternative alignments at your request. Please note that the costs referenced above are preliminary and may increase due to site-specific conditions, future construction cost increases and requisite inspection fees. You will also be required to pay a fee to connect to the potable water system (if that system is selected):

- 1-inch meter \$ 5,029.00
- 1 ½-inch meter \$10,149.84
- 2-inch meter \$16,245.84
- 3-inch meter \$30,480.00
- 4-inch \$50,810.00

These connection fees are subject to increases in the near future; depending on the alternate alignment selected, not all large meter sizes may be available due to hydraulic limitations in the existing potable water distribution system.

In the event you elect one of the potable water alternatives, you will be required to pay the applicable potable water service rate, which is substantially higher than the rate you will be paying as a recycled water customer. In addition, please note that regardless of whether, and to what extent, you may elect to pursue any of these alternatives, the recycled water conversion must move ahead as scheduled and as set forth above.

Offer To Meet

The District is willing to take the additional step of meeting with you in advance of facility conversion and enforcement action/service termination to go over the steps for conversion, alternative delivery options and the scheduling of service termination. You are hereby required to make a request for such a meeting no later than October 14, 2011. District staff is also willing to answer any questions or additional concerns in addition to the concerns and points you have already raised in numerous correspondence and discussions. This offer is above and beyond what is normally provided in the case of service termination or enforcement actions. Please be advised that any such meeting would not constitute an appeal or implementation of any other hearing procedures since the deadlines for electing to utilize such administrative remedies have expired.

Termination Of Service

In the event you refuse to utilize any of the options set forth above on or before October 14, 2011, the District will have no choice but to take the necessary actions to enforce its Rules and Regulations, which will include commencement of the transfer of your nonpotable water service to recycled water supplies and/or termination of service. Said conversion and/or enforcement will take place in the following manner:

Conversion

1. Completion of the process outlined in "Opportunity to Comply" above.

Enforcement

1. Meter Nos. 15640-1 and 15643-2 will be removed from the meter box.
2. The nonpotable service line(s) will be isolated and a blind flange(s) installed.
3. Service will not be restored until the process outline in "Opportunity to Comply" above is completed.

Explanation of the Violation – Responses to Latest Statements

Because the General Manager's Decision on your Notice of Appeal was not appealed to the District Board or Directors, the District's response to your letter of December 6, 2010 is the same as to your Notice of Appeal. In addition, the following responses are provided to the points raised in your response to the District Manager's Decision, dated December 6, 2010. However, please be advised that as a result of your failure to request a hearing before the District's Board of Directors the District now considers appeal of this matter closed.

1. District's authority to pass and enforce Ordinance 377 The District is a Municipal Water District organized pursuant to the Municipal Water District Law of 1911, California Water Code section 71000. A Municipal Water District is empowered by the Legislature to acquire, control, distribute and sell water; to acquire, construct and operate sewage facilities; and, to exercise all powers expressly granted by, or necessarily implied from, the Municipal Water District Law. This includes the express authority to develop, distribute, and sell recycled water. Pursuant to California Water Code section 71610, California Municipal Water Districts "may acquire, control, distribute, store, spread, sink, treat, purify, *recycle*, recapture, and salvage any water, *including sewage and storm waters.*" ([emphasis added].) Thus any claims that the State Water Resources Control Board has exclusive jurisdiction over all aspects of recycled water are without merit. The right of a water district to enact and require compliance with reasonable rules and regulations for service to customers has been explicitly recognized by the courts. (*See Metropolitan Water Dist. v. Marquardt* (1963) 59 Cal. 2d 159; *Nourse v. Los Angeles* (1914) 25 Cal. App. 384.) There is therefore no question that the District has the authority to enact and enforce Ordinance 377.

2. Water Code Section 13550 Section 13550 provides an avenue for having a particular use of water declared a waste within the meaning of Section 2, Article X of the California Constitution. If the State Water Resources Control Board makes the requisite findings, then the use of potable water at issue becomes unlawful, and the user has no right to put the supply to that use. Water Code section 13550 does not require purveyors of recycled water to seek a hearing before the State Water Resources Control Board before providing recycled water to customers within their jurisdiction. Your citation to the State Water Resources Control Board's decision in *In the Matter of the Complaint by the City of Santa Barbara against the use of Potable Water* is inapposite. The fact that the City in that case voluntarily appealed to the State Water Resources Control Board before converting a customer to recycled water does not mean that it was required to follow that course of action. In fact, nothing in Section 13550 states that a Municipal Water District, such as the District, must appeal to the State Water Resources Control Board before converting customers within its jurisdiction to recycled water.

3. Due Process Pursuant to its enabling legislation, and its authority under California and United States Constitutions, the District has the authority and obligation to hold hearings on matters within its jurisdiction, including where and when it will provide recycled and non-potable water service. Determination of the appropriate form of procedural due process requires evaluation of all the circumstances and accommodation of competing interests, in which an individual's right to fairness must be respected. (*Rogal v. American Broadcasting Companies, Inc.* (3rd Cir., 1996) 74 F.3d 40, 24.) In the United States Supreme Court's decision in *Memphis Light, Gas & Water Division v. Craft* (1978) 436 U.S. 1, the Court held that a public utility must provide adequate notice and a hearing before termination of service in order "to afford

reasonable assurance against erroneous or arbitrary withholding of essential services.” (*Id.*, at 18.) The Court further held that notice required in such cases is one which is “reasonably calculated” to inform the customer of the availability of an opportunity to present their objections, and the necessary hearing is one which provides an opportunity for the presentation of a customer's complaint to a utility employee that he is being overcharged or charged for services not rendered. (*Id.*, at 14-16; *see also Perez v. City of San Bruno* (1980) 27 Cal. 3d 875 [applying the *Memphis Light* decision to California utilities].) The District’s Rules And Regulations Governing the Supply and Use of Recycled Water guarantee any customer who will be converted to recycled water multiple hearings before a final decision is made. Thus, the level of due process available to you and those similarly situated far exceeds the level of due process required by the *Memphis Light* decision.

4. Use of Conveyance Line Your complaint that the District has no authority to convert the Agricultural Water Conveyance Line (“Conveyance Line”) running from the Riverside Canal, as well as the former El Sobrante distribution system to recycled water is also without merit. With regard to the Conveyance Line, nothing in the grant which made development of the Conveyance Line possible restricts the District from converting the line to recycled water. Individual parties who were not signatories to the grant documents have no vested rights to the line, or private right of action to challenge its use. The parties who do, the State Water Resources Control Board, the District, and the Santa Ana Watershed Project Authority, do not disapprove of the proposed use of the Conveyance Line. Lastly, as stated in previous correspondence, the line will continue to convey locally-produced nonpotable groundwater into the nonpotable distribution system after recycled water is introduced into the system. State law, including California Department of Public Health regulations, requires the District to treat any water in a system that is used to convey recycled water as though it is recycled water. For that reason, even though the water that will be delivered to the former non-potable customers will be a mixture of raw water from the Riverside Canal and recycled water, the District will be required to treat it all as recycled water.

5. Quality of Water to be Delivered Your letter alleges that the District is proposing to deliver unsafe water to its customers. This allegation is unsupported by the evidence and is without merit. The General Manager’s Decision detailed numerous scientific studies documenting that the quality of the water to be delivered is safe and ready for use by the District’s customers. Further, the evidence documents that the water will not have long term negative impacts to soil and groundwater quality in the District’s service area. The District stands by the evidence in the General Manager’s Decision.

In addition, the District has reviewed a copy of the correspondence you sent to the Santa Ana Regional Water Quality Control Board dated August 17, 2011. You sent a copy of that letter to the District which was received on August 18, 2011. The District has reviewed all of the points raised in your correspondence and does not find that any of your information changes the District's position, nor does it refute the authority of the District to move forward with the actions set forth in this Notice of Conversion of Facilities.

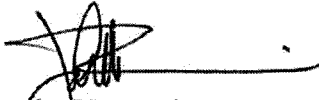
To conclude and summarize, the use of recycled water is critical for sustainable management of our long-term water supplies. Using treated recycled water instead of potable

water to irrigate our parks, schools, and customer and commercial outdoor properties will have a significantly positive impact on our region's ability to survive and prosper well into the 22nd century. Recycled water is a safe, virtually drought-proof source of additional water for our region.

As noted earlier, during the high irrigation demand summer season, the distribution system that delivers water to your property will continue to deliver mostly the same nonpotable water it currently does. At those times that recycled water is conveyed through the distribution system, much of the water will still originate in the current locally-produced nonpotable water source.

Please feel free to contact me if you have any questions and/or if you are willing to have a meeting as proposed above.

Sincerely,



John V. Rossi
General Manager
Western Municipal Water District

cc: Joseph J. Bernosky
Jeff Ferre, Best, Best & Krieger
Brenda Meyer (site file)
Jeffrey D. Sims

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: STEVE PASTOR
21160 BOX SPRINGS RD #102
Address: MORENO VALLEY CA 92557
(only if follow-up mail response requested)

City: MORENO VALLEY **Zip:** 92557

Phone #: 951.684.6732

Date: 11/1/11 **Agenda #** 3.42

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**



Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: John Rossi

Address: 14205 MERIDIAN
(only if follow-up mail response requested)

City: RIVERSIDE **Zip:** 92518

Phone #: 201-1524

Date: 11/1/11 **Agenda #** 3.42

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

 Support X Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

 Support Oppose Neutral

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Andy Wilson

Address: _____
(only if follow-up mail response requested)

City: Riverside **Zip:** 92508

Phone #: 951-780-2959

Date: Nov 1 2011 **Agenda #** 3.42

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
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Support **Oppose** **Neutral**

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**



Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: TOM EVANS

Address: 14205 MERIDIAN
(only if follow-up mail response requested)

City: RIVERSIDE **Zip:** 92518

Phone #: 201-1524

Date: 11/1/11 **Agenda #** 3.42

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

 Support X **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
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 Support **Oppose** **Neutral**

I give my 3 minutes to: _____

Riverside County Board of Supervisors
Request to Speak



Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: CHARLIE FIELD

Address: 14205 MERIDIAN
(only if follow-up mail response requested)

City: RIVERSIDE **Zip:** 92518

Phone #: 201-1524

Date: 11/1/11 **Agenda #** 3.42

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
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I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**



Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: RANDY RECORDS

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: 951-741-8456

Date: 11/1/2011 **Agenda #** 3.42

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
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_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**



Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: PAUL JONES

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: 11/1/11 **Agenda #** 3.42

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** ~~_____ **Oppose**~~ _____ **Neutral**

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_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____