

**MINUTES OF A REGULAR MEETING OF  
THE MAIN SAN GABRIEL BASIN WATERMASTER  
729 NORTH AZUSA AVENUE, AZUSA, CALIFORNIA  
FEBRUARY 4, 2009 AT 3:00 O'CLOCK P.M.**

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A regular meeting of the Main San Gabriel Basin Watermaster was duly and regularly held in the Conference Room of the City of Azusa Light and Water Administration Facility, at 729 North Azusa Avenue, in the City of Azusa, County of Los Angeles, State of California, 91702, on Wednesday, February 4, 2009 at the hour of 3:00 p.m.

**CALL TO ORDER**

James Byerrum, Chairman, called the meeting to order and presided thereover.

**ROLL CALL OF WATERMASTER MEMBERS**

The following members of Watermaster were present on roll call:

**PRESENT:** Dan Arrighi, Robert W. Bowcock, James Byerrum, Pat Malloy, Michael Quinn and Charles E. Shaw.

**ABSENT:** Thomas Love

**STAFF AND OTHERS PRESENT**

Staff present at the meeting included: Carol Williams, Executive Officer; Fred Fudacz, Attorney; Stephen Johnson, Consulting Engineer; Tony Zampielo, Assistant Executive Officer; Donna DiLaura, Administrative Coordinator; and Wendy La, Staff Engineer.

Others present included: Henry Barbosa, Todd Brown, Mark Carney, Barbara Carrera, Al Contreras, Jonathan Contreras, Ken Deck, Craig Gott, Gary Hofer, Tom Lindros, Henri Pellissier, Jim Prior, Victor Meza, Martin Ray, Alice Shiozawa, Tom Tait and Che Venegas.

**ADOPTION OF AGENDA**

The Chairman then asked if there were any changes to be made to the agenda. On motion made by Mr. Malloy, seconded by Mr. Arrighi, and unanimously carried, the agenda was adopted as presented.

**TIME RESERVED FOR PUBLIC COMMENT**

No comments offered.

**CONSENT CALENDAR**

On motion made by Mr. Quinn, seconded by Mr. Malloy, and unanimously carried, the following items were approved:

- a) Minutes of a Public Hearing and Regular Meeting of Watermaster held January 7, 2009.
- b) Lists of Demands: Items 13749 through 13786 in the amount of \$322,851.70 on the Administrative Fund, and Items 848 through 850 in the amount of \$283,616.38 on the Replacement Water Fund.
- c) Financial Statements, January 2009

**AUTHORIZATION TO EXECUTE INDIVIDUAL PRODUCER CYCLIC STORAGE AGREEMENTS**

The Chairman reported that it was the time and place to consider the renewal of a number of Individual Producer Cyclic Storage Agreements. The Executive Officer reported that the Individual Producer Cyclic Storage Agreements were initially executed in 2004, in order to allow Watermaster to buy replenishment water from Upper San Gabriel Valley Municipal Water District on the producer's behalf, and ensure the water is not counted as production for at least one year. She noted that the terms of these agreements would be for another five years. The Chairman deferred approval of five of the Agreements to a later date due to lack of the six required votes with any board member abstaining. Those deferred were agreements with City of Arcadia, California Domestic Water Company, Covina Irrigating Company, San Gabriel County Water District and Suburban Water Systems. The Chairman noted that, as advised by the Attorney, Watermaster should act on each of the remaining ten agreements individually.

On motion made by Mr. Bowcock, seconded by Mr. Malloy, and unanimously carried, Watermaster approved the Individual Producer Cyclic Storage Agreement between Watermaster and the City of Alhambra in the amount of 10,000 acre-feet for a five-year term.

On motion made by Mr. Arrighi, seconded by Mr. Malloy, and unanimously carried, Watermaster approved the Individual Producer Cyclic Storage Agreement between Watermaster and the City of Azusa in the amount of 15,000 acre-feet for a five-year term.

On motion made by Mr. Shaw, seconded by Mr. Malloy, and unanimously carried, Watermaster approved the Individual Producer Cyclic Storage Agreement between Watermaster and California American Water - Duarte in the amount of 2,200 acre-feet for a five-year term.

On motion made by Mr. Arrighi, seconded by Mr. Quinn, and unanimously carried, Watermaster approved the Individual Producer Cyclic Storage Agreement between Watermaster and California American Water – San Marino in the amount of 3,625 acre-feet for a five-year term.

On motion made by Mr. Quinn, seconded by Mr. Malloy, and unanimously carried, Watermaster approved the Individual Producer Cyclic Storage Agreement between Watermaster and the City of Glendora in the amount of 5,000 acre-feet for a five-year term.

On motion made by Mr. Arrighi, seconded by Mr. Malloy, and unanimously carried, Watermaster approved the Individual Producer Cyclic Storage Agreement between Watermaster and Golden State Water Company in the amount of 3,000 acre-feet for a five-year term.

On motion made by Mr. Quinn, seconded by Mr. Malloy, and unanimously carried, Watermaster approved the Individual Producer Cyclic Storage Agreement between Watermaster and La Puente Valley County Water District in the amount of 2,000 acre-feet for a five-year term.

On motion made by Mr. Arrighi, seconded by Mr. Malloy, and unanimously carried, Watermaster approved the Individual Producer Cyclic Storage Agreement between Watermaster and the City of Monrovia in the amount of 2,000 acre-feet for a five-year term.

On motion made by Mr. Malloy, seconded by Mr. Arrighi, and unanimously carried, Watermaster approved the Individual Producer Cyclic Storage Agreement between Watermaster and the City of Monterey Park in the amount of 7,500 acre-feet for a five-year term.

On motion made by Mr. Quinn, seconded by Mr. Malloy, and unanimously carried, Watermaster approved the Individual Producer Cyclic Storage Agreement between Watermaster and Sunny Slope Water Company in the amount of 300 acre-feet for a five-year term.

## **REPORT FROM BASIN WATER MANAGEMENT COMMITTEE**

Mr. Bowcock reported that the Basin Water Management Committee met on January 14, 2009, and discussed various items, and encouraged those who are interested to read through the Board packet for more details. Mr. Bowcock then reported on the following four items.

Mr. Bowcock reported that the Los Angeles County Department of Public Works provided an excellent presentation on possible water conservation projects and future partnership opportunities in the Main San Gabriel Basin. Mr. Bowcock stated that the committee will continue to work with LACDPW to consider potential projects.

Recommendation to implement work-based fee to evaluate new well applications from potential new Parties to Judgment – Mr. Bowcock reported that the Committee discussed the costs incurred by Watermaster in the preparation of staff reports and permitting for Section 28 applications from potential new Parties to the Judgment who wish to drill new private wells. He noted that Watermaster currently absorbs any such costs because there is no fee associated with processing these applications. Mr. Bowcock stated that it is the Committee recommendation that Watermaster direct staff to develop and impose a work-based fee on any Section 28 application to drill a new well submitted by a potential new Party to the Judgment, with the fee determined on a case by case basis by the cost to conduct studies and prepare a

prepare a staff report.

On motion made by Mr. Bowcock, seconded by Mr. Shaw, and unanimously carried, the Committee recommendation was adopted.

Recommendation to terminate TestAmerica contract for Title 22 lab services, and to negotiate and execute lab services contract with next low bidder(s) for contract through June 30, 2010 – Mr. Bowcock reported that due to poor performance by TestAmerica, the Committee directed staff to contact the labs that had submitted the next low bids for FY 2008-09 to determine if those prices would still be honored, and to negotiate a laboratory services contract with the next lowest bidder to conduct lab services for the remainder of this contract year (June 30, 2009) as well as for the FY 2009-2010 contract year. The next low bidder (Weck Lab) agreed to honor its original bid and can begin providing contracted services immediately. Mr. Bowcock stated that it is the Committee recommendation that Watermaster approve the immediate termination of the contract with TestAmerica, and also approve execution of a new laboratory services contract with Weck Lab.

On motion made by Mr. Bowcock, seconded by Mr. Arrighi, and unanimously carried, Watermaster authorized termination of the Laboratory Services Contract with TestAmerica for Title 22 lab services, effective immediately.

On motion made by Mr. Bowcock, seconded by Mr. Malloy, and unanimously carried, Watermaster authorized execution of a Laboratory Services Contract with Weck Lab for the remainder of this contract year (June 30, 2009) as well as for the FY 2009-2010 contract year to perform Title 22 lab services.

Ratification of letter to Regional Water Quality Control Board commenting on proposed NPDES permit for potable water system discharges – Mr. Bowcock reported that the Committee discussed at length the new draft general NPDES permit for discharges from potable water systems from the Los Angeles Regional Water Quality Control Board. The new draft regulations view discharges from potable water sources as a concern and propose requiring strict oversight, special permitting, fees, and penalties. Mr. Bowcock noted that there is strong opposition to this draft permit. Mr. Bowcock stated that the Committee had instructed staff to prepare a letter to the LARWQCB articulating Watermaster's concerns and opposition for submittal by the January 30, 2009 deadline for public comments. Due to the short comment deadline, staff did so, and Mr. Bowcock stated that it is the Committee recommendation that Watermaster ratify said letter.

On motion made by Mr. Bowcock, seconded by Mr. Shaw, and unanimously carried, Watermaster ratified the letter submitted to LARWQCB on January 30, 2009, regarding the proposed permit to regulate discharges from potable water systems.

## **INFORMATION ITEMS**

The following items listed on the agenda for information of Watermaster were noted, and ordered received and filed:

- a) Permanent transfer of 2.12 acre-feet Base Annual Diversion Right from Ralph Covell

to Aqua Capital Management LP

- b) Permanent transfer of 16.19 acre-feet Prescriptive Pumping Right from Ralph Covell to Aqua Capital Management LP (transfer does not include 17.22 acre-feet 2008-09 carryover)
- c) Temporary assignment or lease of 15.00 acre-feet Production right from Hemlock Mutual Water Co. to Valley County Water District for FY 2008-09
- d) Temporary assignment or lease of 43.14 acre-feet Production right from Vulcan Materials Co. to City of Azusa for FY 2008-09
- e) Temporary assignment or lease of 962.90 acre-feet Production right from Aqua Capital Management LP to Valley County Water District for FY 2008-09
- f) Notice of Change of Designee for City of Alhambra to Mary K. Swink
- g) Notice of Change of Designee for MillerCoors LLC to Cynthia L. Goldman
- h) Notice of Change of Designee for City of Monrovia to Ron Bow
- i) Notice of hearing on petition for appointment of USGVMWD's representatives to Watermaster for 2009
- j) Transmittal of SGVMWD monthly report for December 2008
- k) Notice from City of Irwindale of Public Information Meeting re proposed Materials Recovery Facility and Transfer Station, February 12, 2009
- l) Various newspaper articles

#### **ATTORNEY'S REPORT**

The Attorney reported that a hearing is scheduled for February 25, 2009 for confirmation of the Upper District appointees to Watermaster.

Relative to the arbitration regarding cost allocation issues among the Baldwin Park Operable Unit CRs, the Attorney reported that the non-Fairchild CRs do not want the Water Entities to intervene at this time. He noted that Fairchild has severe liquidity problems, and may file for bankruptcy. The Attorney stated that the dispute continues in arbitration, and he does not expect a final resolution before the end of March.

#### **ENGINEER'S REPORT**

The Consulting Engineer reported that the level of the Baldwin Park Key Well, as of January 30, was 200.5 feet. He noted that the Key Well is approximately 8 feet lower than at this time last year, and dropping. The Consulting Engineer also reported that canyon storage is very near minimum pool, at just over 16,000 acre-feet compared to 43,000 acre-feet at this time last year.

time last year. He stated that USG-3 is off, and no releases are being made from Morris. Additionally, the Consulting Engineer stated that the six area landfills were inspected and no violations were found.

Relative to hydrologic conditions, the Consulting Engineer stated that rainfall at the Los Angeles Civic Center to date is 5.0 inches, compared to 7.0 inches this time last year, and rainfall at the San Gabriel Dam to date is 5.83 inches. Lastly, he reported that production for the first two quarters of the year is 136,000 acre-feet, very near the 135,000 acre-feet produced at this time last year.

## **EXECUTIVE OFFICER'S REPORT**

The Executive Officer welcomed the new Chairman. She reported that the Upper District appointed Directors Al Contreras and Ed Chavez are expected to be seated at the March Watermaster meeting.

The Executive Officer also reported that the Administrative Committee will need to meet to consider recommendations for Watermaster committee appointments and representatives to outside organizations for 2009. She requested that those interested in serving on a committee please contact her directly.

Finally, the Executive Officer introduced Ms. Wendy La, Watermaster's new Staff Engineer.

## **COMMENTS FROM WATERMASTER MEMBERS**

Mr. Malloy welcomed Ms. La, and stated that it is a pleasure working with her.

Chairman Byerrum stated that he is honored to have been appointed as Chairman, and he is looking forward to working on the many challenges in the Basin. Chairman Byerrum welcomed back Al Contreras to Watermaster.

## **ADJOURNMENT**

The Chairman asked if there were other business to come before Watermaster, and there being none, upon motion duly made by Mr. Shaw, seconded by Mr. Arrighi, and unanimously carried, the meeting was adjourned to the next regular meeting of Watermaster on Wednesday, March 4, 2009, at 3:00 p.m. in the Conference Room of the City of Azusa Light and Water Administration Facility at 729 North Azusa Avenue, Azusa, CA 91702.

SECRETARY'S SIGNATURE

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DAN ARRIGHI

ATTEST:

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JAMES BYERRUM  
CHAIRMAN