



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

September 9, 2022

Board Policy EL-7 Communication and Support to the Board
The BAOs shall inform and support the Board in its work.

Page		<u>CEO BULLETIN & NEWSLETTERS</u>
3		CEO Bulletin: Weeks of August 19 – September 8, 2022
5		September 2022 Water Tracker
		<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
		BMR/IBMR Weekly Reports: None.
8		Memo from David Cahen, Risk Manager, to the Board of Directors, dated 09/01/22, regarding Risk Management Communication.
		<u>INCOMING BOARD CORRESPONDENCE</u>
16		Board Correspondence Weekly Report: 09/08/22
17		Email from John Schultz, to the Board of Directors, dated 08/31/22, regarding Gray Water (C-22-0149).
18		Email from Virginia Holtz, to Director LeZotte, dated 09/01/22, regarding Water Supply (C-22-0150).
19		Appreciation Email from Chris Newman, to Director LeZotte, dated 09/02/22, regarding San Jose Water Bill Rates (C-22-0151).
21		Email from James Cooper, to the Board of Directors, dated 09/01/22, regarding Pond A4 Access (C-22-0152).
22		Email from Rick Challman, to the Board of Directors, dated 09/06/22, regarding Water Violation (C-22-0153).
27		Email from Brian McCormick, to Director Keegan, dated 09/05/22, regarding Homeless Activity along the Creeks (C-22-0154).
		<u>OUTGOING BOARD CORRESPONDENCE</u>
		None.

Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/attachments are available by submitting a public records request to publicrecords@valleywater.org.

CEO BULLETIN

CEO BULLETIN



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

Weeks of August 19 – September 8, 2022

Board Executive Limitation Policy EL-7:

The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

Item	IN THIS ISSUE
<u>1</u>	Update on State and Federal Actions Related to PFAS
<u>2</u>	Uvas Creek Fish Habitat Improvement Project Construction Completed

1. Update on State and Federal Actions Related to PFAS

The state and federal governments continue to move toward increased consumer notification and regulation of per- and polyfluoroalkyl substances (PFAS). PFAS have been widely used in consumer and industrial products such as stain-resistant fabrics, food packaging, and firefighting foams. PFAS can accumulate in humans, animals, and the environment.

On July 7, 2022, the State Water Resources Control Board Division of Drinking Water (DDW) proposed notification and response levels for Perfluorohexane Sulfonic Acid (PFHxS) at 2 and 20 parts per trillion, respectively. If a notification level is exceeded, drinking water providers must notify their governing bodies and DDW recommends they inform customers. If a response level is exceeded, the water provider must remove the source from service; use treatment or blending; or notify customers if the affected source remains in service without treatment.

PFHxS is one of the more commonly detected PFAS in water supplies throughout California. If the proposed notification and response levels are finalized there may be significant impacts to drinking water providers. Statewide data from over 1,000 drinking water sources sampled from 2017 to 2022 indicate that 95% of sources have PFHxS above the notification level and 15% have PFHxS above the response level. Based on Valley Water's voluntary testing of 55 groundwater monitoring wells, PFHxS was above the notification level in 15 wells and above the response level in 2 wells. These wells are not used for drinking water. PFHxS has not been detected in Valley Water's treated surface water.

On August 26, 2022, the U.S. Environmental Protection Agency (EPA) released a pre-publication rule to designate two PFAS substances (PFOA and PFOS) as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act. Valley Water is evaluating the potential implications of this rule.

Valley Water continues to track the rapidly evolving PFAS science and regulations, work with regulatory agencies and water retailers to evaluate potential sources and treatment technologies, and provide timely, transparent communication to our customers and the public.

For further information, please contact Greg Williams at (408) 630-2867.

2. Uvas Creek Fish Habitat Improvement Project Construction Completed

The recently completed Uvas Creek Fish Habitat Improvement Project is part of Valley Water's Stream Maintenance Program. The project was funded by the Safe, Clean Water and Natural Flood Protection program, project D4. Uvas Creek provides important habitat for steelhead trout and other native fish. Every year, steelhead migrate upstream through Uvas Creek, seeking appropriate sediment to build their gravel nests (redds). As they migrate upstream, they need a diversity of instream habitats such as sheltered pools to hide from predators, and fast flowing waters to forage for food. The objective of this project is to increase native fish habitat through gravel and large wood augmentation at three sites on Uvas Creek between Santa Teresa Boulevard and Miller Avenue in Gilroy.

The large wood installed at the project sites are engineered log jams, which are designed to encourage development of shallower, more diverse-flowing water within the existing slow flowing habitat to increase the variety of habitat types. Two of the three sites in this project feature the "engineered bar apex jams" design approach, which were the first of their kind to be constructed in a Valley Water creek. Engineered bar apex jams mimic naturally forming log jams that result in a scour-pool at the upstream end, and a mid-channel sediment bar that forms with the deposition of gravels at the downstream side of the log jam. This results in the flow splitting around the newly formed sediment bar island, resulting in faster and more diverse flow patterns that increase habitat variety.

Planning and design of this project involved the concerted efforts of Valley Water engineers, biologists, stream maintenance staff, and design engineer consultants from AECOM and Balance Hydrologics in order to complete the necessary designs, flood analyses, permitting, biological surveys, and migration planning to minimize impacts of this project. Construction of the engineered log jams and gravel augmentation, conducted by Valley Water's field construction staff, started this summer in mid-June 2022 and was successfully completed by mid-August 2022.

On August 4, 2022, the project was featured in Gilroy Dispatch under the title "Uvas Creek work aims to help fish" (<https://gilroydispatch.com/uvas-creek-work-aims-help-fish/>).

For further information, please contact John Bourgeois at (408) 630-2990.

Outlook as of September 1, 2022

Based on continued drought conditions across California, imported water allocations remain low. The State Water Project allocation is at 5% of contract amount and the Central Valley Project allocation is zero. Both the State Water Project and U.S. Bureau of Reclamation have allocated Valley Water with emergency public health and safety water supplies. Santa Clara County continues to be in a water shortage emergency. Due to severe drought and increased reliance on imported water in the next 10 years while Anderson Reservoir storage is unavailable, meeting the Board of Directors call for 15% water use reduction relative to 2019 is essential. Valley Water Board of Directors approved an ordinance to enforce water waste restrictions on May 24, 2022, and Valley Water is now proceeding with an enforcement program.

Weather

- Rainfall in San José:
 - » Month of August, City of San José = 0 inches
- San José average daily high temperature was 83.7 degrees Fahrenheit in August, which is higher than the five-year average for August (82.7 degrees Fahrenheit)

Local Reservoirs

- Total September 1 storage = 31,077 acre-feet

Reservoir Storage	All Ten Valley Water Reservoirs	All Reservoirs Except Anderson
Current storage as % of unrestricted capacity	19%	36%
Current storage as % of restricted capacity ⁽¹⁾	50%	46%
Current storage as % of the 20-year average for September 1	39%	79%

(1) Per the Federal Energy Regulatory Commission's order, the capacity of Anderson Reservoir was restricted to the deadpool storage of about 3,050 acre-feet. The total restricted capacity for all ten reservoirs is 62,592 acre-feet.

- Approximately 200 acre-feet of imported water delivered into Calero Reservoir during August 2022
- Total estimated releases to streams (local and imported water) during August were 3,810 acre-feet (based on preliminary hydrologic data)

Groundwater

- Despite ongoing drought conditions, groundwater levels are stabilizing or increasing in some areas because of recent increases in managed recharge (made possible by emergency imported water supplies) and ongoing water conservation by the community. Other areas continue to have declines in water levels. The end of 2022 groundwater storage is projected to be in low Stage 1 (Normal) of the Water Shortage Contingency Plan. Valley Water continues to plan for dry and rapidly evolving conditions

	Santa Clara Subbasin		Llagas Subbasin
	Santa Clara Plain	Coyote Valley	
August 2022 managed recharge estimate	8,000	1,200	1,700
YTD managed recharge estimate	34,100	7,900	13,500
YTD managed recharge as % of 5-year average	106%	77%	110%
July 2022 pumping estimate	5,900	1,200	5,500
YTD pumping estimate	39,800	6,700	19,400
YTD pumping as % of 5-year average	103%	104%	92%
Current index well groundwater levels compared to August 2021	22 Feet Higher	3 Feet Higher	3 Feet Lower

All volumes are in acre-feet. All data is for 2022 except where noted. YTD = Year-to-Date

Imported Water

- In August, the State Water Project operated Banks pumping plant with an average daily production of 1,201 AF, resulting in a total export of 34,821 AF from the delta
- In August, the Central Valley Project operated Jones pumping plant with an average daily production of 5,372 AF, resulting in a total export of 155,779 AF from the delta
- There were no interruptions to delta pumping operations, due to water quality or otherwise, during the month of August

WY 2022 Imported Water Allocations	Allocation	Allocation (acre-feet)	Additional Allocation
State Water Project	5%	5,000	Additional allocation of human health and safety water secured
Central Valley Project	-	-	Public health and safety water only
State-wide Reservoir Storage	Capacity	Current Storage (acre-feet)	Average for Date (as of 8/30/22)
Shasta Reservoir	35%	1,594,189	58%
Oroville Reservoir	37%	1,321,998	63%
San Luis Reservoir	28%	572,398	73%
Semitropic Groundwater Bank	Capacity	Current Storage (acre-feet)	Date of Data
	80%	279,354	7/31/22
Estimated SFPUC Deliveries	July (acre-feet)	2022 Total to Date (acre-feet)	Five-year annual average (acre-feet)
	4,808	26,289	48,700

Treated Water

- Below average demands of 10,460 acre-feet delivered in August
- This total is 88% of the five-year average for the month of August
- Year-to-date deliveries are 62,321 acre-feet or 91% of the five-year average

Conserved Water

- Saved 76,584 acre-feet in FY21 through Valley Water's long-term conservation program (baseline year is 1992)
- Long-term program goal is to save nearly 100,000 acre-feet by 2030 and 110,000 acre-feet by 2040
- On June 9, 2021, the Board called for a 15% reduction in water use compared to 2019 and for retailers, cities, and the County to implement local water restrictions. On May 24, 2022, the Board approved an ordinance to enforce outdoor water waste restrictions against runoff, midday watering, and watering after rainfall, and a limit of two days a week of watering for non-functional turf. The governor has called for 15% water savings compared to 2020. Both are shown below

Baseline Year	Valley Water	
	2019	2020
July Savings	16%	19%
Cumulative*	4%	10%

*Cumulative for 2019 baseline begins in June 2021 and for 2020 baseline begins in July 2021

Recycled Water

- Estimated August 2022 production = 2,011 acre-feet
- Estimated year-to-date through August = 11,715 acre-feet or 100% of the five-year average
- Silicon Valley Advanced Water Purification Center produced an estimated 1.7 billion gallons (5,150 acre-feet) of purified water in 2021. Since the beginning of 2022, about 3,303 acre-feet of purified water has been produced. The purified water is blended with existing tertiary treated recycled water for South Bay Water Recycling Program customers

Alternative Sources

- As of December 10, 2019, Valley Water's wastewater contract right from Palo Alto/Mountain View remains at 11,200 acre-feet/year

CONTACT US

To find out the latest information on Valley Water projects or to submit questions or comments, email info@valleywater.org or use our **Access Valley Water** customer request system at <https://deliver.com/2yukx>.



FOLLOW US



BOARD MEMBER REQUESTS and Informational Items



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: David Cahen
Risk Manager

SUBJECT: Risk Management Communication

DATE: September 1, 2022

The purpose of this memorandum is to provide you a with copy of recent Risk Management staff's communication with parties/individuals that have filed a claim against Valley Water.

Please find the following:

- 1) August 25, 2022 – Notice of Recommended Claim Denial to Jensen Landscape dba Monarch Landscape LLC.
- 2) September 1, 2022 – Letter to Jackie Feierman acknowledging receipt of claim.

For additional information, please contact me at 408-630-2213.

DocuSigned by:

David Cahen

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David Cahen
Risk Manager



Clean Water • Healthy Environment • Flood Protection

August 25, 2022

Danny Alvarenga
Risk Management Analyst
Jensen Landscape dba Monarch Landscape, LLC.
550 South Hope Street Suite 1675
Los Angeles, CA 90071

Re: Notice of Recommended Claim Denial – L2120018

Dear Mr. Alvarenga:

We have investigated your claim submitted on June 14, 2022 and reached the conclusion that the Santa Clara Valley Water District (Valley Water) bears no liability for the Workers Compensation subrogation claim.

Since Valley Water is not responsible for this claim, we will therefore be recommending to our Board of Directors (Board) that the claim be denied.

This item is scheduled to be heard at the September 13, 2022, Board meeting which begins at 1:00 pm. You have the right to appear before the Board to contest our recommendation.

In the event of a Board meeting date change, I will provide you with advance notice. You can also monitor the Board meeting schedule and associated agenda items at:
<https://scvwd.legistar.com/Calendar.aspx>.

If you have any questions, please contact me at (408) 630-2213.

Sincerely,

DocuSigned by:


David Cohen
Risk Manager





Clean Water • Healthy Environment • Flood Protection

September 1, 2022

Jackie Feierman
Wedgewood Manor c/o Common Interest
315 Diablo Road Suite 221
Danville, CA 94526

Re: Receipt of Claim – L2120025

Dear Jackie Feierman:

We received the claim on behalf of Wedgewood Manor Homeowners Association related to the damages caused by a fallen tree limb that occurred on June 7, 2022.

We will investigate the claim and notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2213 or at dcahen@valleywater.org

Sincerely,

DocuSigned by:

David Cahen

David Cahen
Risk Manager





CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT California Government Code Sections 900 and following

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<p>The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:</p> <p>Clerk of the Board Santa Clara Valley Water District-HQ 5700 Almaden Expressway San Jose, CA 95118</p> <p>Or submit the completed form electronically to: clerkoftheboard@valleywater.org</p>	Clerk of the Board's Date Stamp	
	For SCVWD Use Only	
	Date Received: 8/31/22	ROUTING
	<input type="checkbox"/> Via U.S. Mail:	<input checked="" type="checkbox"/> CEO:
	<input type="checkbox"/> Hand Delivered:	<input checked="" type="checkbox"/> District Counsel
	<input checked="" type="checkbox"/> E-mail: COB	<input checked="" type="checkbox"/> Risk Management
<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB	
	<input checked="" type="checkbox"/> BOD (District #): 7	

With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.

Name of Claimant: Wedgewood Manor Homeowners Association			
Address of Claimant: 14225 Lora Drive		City: Los Gatos	State: Ca Zip: 95032
Mailing Address to Which Notices Should be Sent if Different From Above: Wedgewood Manor c/o Common Interest 315 Diablo Road Suite 221		City: Danville	State: Ca Zip: 94526
Home Phone Number:	Cell Phone Number:	Work Phone Number: 408-370-9902 x310	
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: _____ Relationship to the minor: _____	
Date and time of incident or loss: 6/7/2022, 2:40 PM	Location of incident or loss (address): 14225 Lora Drive by unit #58	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report #: <input checked="" type="checkbox"/> No	

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (Please attach additional sheets if necessary):

It was a limb from a tree on the Water District property.



CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
California Government Code Sections 900 and following

Page 2 of 2

In detail, describe the damage or injury (*Please attach additional sheets if necessary*):
The limb fell across a fence, hitting the fence, hitting a pole light. It completely blocked the driveway around the property.

List Name(s) and contact information of any witness(es) or District employee involved (if any):

Brett Stutz. brett.wedgewood@gmail.com. 408-239-6621. David Cahen, Lillian Dennis,

DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000?

☒ Yes

☐ No

Court Jurisdiction: (Check One)

☐ Limited Civil

☐ Unlimited Civil

ITEMS	CLAIM AMOUNT
1. Removal of limb	\$ 4,000.00
2. Repair fence and lamp post	\$ 4,500.00
3.	\$
4.	\$
TOTAL AMOUNT	\$ 8,500.00

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 31 day of August, 2022 Jackie Feerman

Claimant's signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given of a denial of claim in accordance with **Section 913**, not later than six months after the date such notice is personally delivered or deposited in the mail.
- (2) If written notice is not given of a denial of claim in accordance with **Section 913**, within two years from the accrual of the cause of action.

Willie & Bros Construction & Maintenance Inc

1431 Morrill Ave
San Jose, CA 95132
(408) 316-5431
williet@williebroconstruction.com



INVOICE

BILL TO

Wedgewood Manor HOA c/o Common Interest Management.
1500 E. Hamilton Ave Suite 210
Campbell, California 95008

INVOICE

1452

DATE

08/22/2022

TERMS

Net 30

DUE DATE

09/21/2022

DESCRIPTION	HOUR	RATE	AMOUNT
Replaced light post and installed new light post, and repaired shortage with light fixture to have the other light post working.			
Replaced damage boards, and cleaned work area.			
Services			4,500.00
Dumping fee, material and labor			
BALANCE DUE			\$4,500.00

Make all checks payable to Willie & Bros Construction & Maintenance Inc

Accounts not paid within 30 days of the date of the invoice are subject to a 10% monthly finance charge until account is paid in full.



A•PLUS
GROW YOUR FOREST IN THE CLOUD

985 Walnut Avenue
Vallejo, CA 94592

Invoice

Date	Invoice #
6/12/2022	0249338

Bill To

Wedgewood Manor HOA
c/o Common Interest Management
PO Box 4579, Dept 139
Houston, TX 77210

Work Location

Wedgewood Manor HOA
14225 Lora Drive
Los Gatos, CA 95032

P.O. No.	Due Date	Terms	Rep
	7/12/2022	Net 30	RH

Item	Description	Qty	Rate	Amount
A Plus Tree Care	#249338 2022 [#XN2761860] 6/12 Emergency Failed Tree At Wedgewood Manor HOA Common Interest Management Services	1	4,000.00	4,000.00
<div>PLEASE NOTE OUR NEW CORPORATE ADDRESS A PLUS TREE, INC 985 WALNUT AVENUE VALLEJO, CA 94592</div>				

Total \$4,000.00

Balance Due \$4,000.00

Phone #	Fax #	E-mail	Web Site
(866) 815-2525	(510) 740-3961	kelleen@aplustree.com	aplustree.com