

To: Board of Supervisors  
 From: David Twa, County Administrator  
 Date: August 16, 2016



Contra  
 Costa  
 County

Subject: RESPONSE TO CIVIL GRAND JURY REPORT NO. 1606, ENTITLED "RECLAIMING OUR WATER"

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**RECOMMENDATION(S):**

ADOPT report as the Board of Supervisors' response to Civil Grand Jury Report No. 1606, entitled "Reclaiming Our Water".

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The 2015/16 Civil Grand Jury filed the above-referenced report, attached, on May 24, 2016, which was reviewed by the Board of Supervisors and subsequently referred to the County Administrator, who prepared the attached response that clearly specifies:

- A. Whether the finding or recommendation is accepted or will be implemented;
  - B. If a recommendation is accepted, a statement as to who will be responsible for implementation and a definite target date;
  - C. A delineation of the constraints if a recommendation is accepted but cannot be implemented within a six-month period; and
  - D. The reason for not accepting or adopting a finding or recommendation.
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<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

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Action of Board On: **08/16/2016**  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
 Candace Andersen, District II Supervisor  
 Mary N. Piepho, District III Supervisor  
 Karen Mitchoff, District IV Supervisor  
 Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: August 16, 2016

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Julie DiMaggio Enea  
 (925) 335-1077

By: Stephannie Mello, Deputy

cc:

## BACKGROUND: (CONT'D)

### Findings

F1. Among obstacles to using more recycled water are: determining who will pay for installing the necessary infrastructure and distribution system; finding a willing customer; and minimizing the financial and legal impacts to the current potable water purveyor.

*Response: The respondent agrees with the finding.*

F2. Water purveyors and wastewater processors can share water treatment costs and revenues under a JPA (Joint Powers Authority).

*Response: The respondent agrees with the finding.*

F3. State matching grants and low-interest loans are available for small indirect potable reuse projects, which could potentially increase water supply.

*Response: No response is required of the County.*

F4. Indirect potable reuse projects are ideal for areas in the County where other new water sources are unavailable.

*Response: No response is required of the County.*

F5. It is difficult to develop large recycled water projects without the cooperation and commitment of water purveyors and customers.

*Response: No response is required of the County.*

F6. Where recycled water can be wheeled to one customer, it could "free up" an equivalent amount of fresh water that could then be wheeled to another customer who might be willing to pay more, thus creating "win-win" results for recycled water projects.

*Response: No response is required of the County.*

F7. While stormwater capture and reuse has potential for contributing to the County's long-term water needs, the County has focused on NPDES compliance.

*Response: The respondent agrees with the finding. The County's Clean Water*

*Program is currently focused on National Pollutant Discharge Elimination System (NPDES) compliance for the permit issued by the Regional Water Quality Control Board (the State agency that regulates stormwater discharges into creeks, the bay, and the delta). The new permit requires the County to investigate reuse of stormwaters, which the Clean Water programs will be investigating during the next term of the permit (five years). Once the stormwater is captured, the next challenge will be a distribution system to deliver, and a plan to utilize, the stormwater. Currently a distribution system does not exist and will be expensive to construct.*

F8. Contra Costa County and its cities could adopt water saving and recycling ordinances for large commercial buildings, similar to those adopted in other large urban locations such as San Francisco.

*Response: The respondent agrees with the finding.*

F9. Satellite wastewater treatment plants are feasible in situations where the user is distant from existing recycled water distribution systems, needs water for irrigation, and is able to meet the costs to build and operate the plant.

*Response: No response is required of the County.*

F10. The County is below the State average in use of recycled water.

*Response: The respondent agrees with the finding.*

F11. Desalination technology continues to evolve, including smaller scale solar powered and HDH (“Dewvaporation”) pilot plants, although neither has been developed to full commercialization.

*Response: The respondent agrees with the finding.*

F12. Citizen involvement (possibly through an Advisory Council) is a key to getting buy-in for recycle and IPR/DPR projects because it is citizens who pay for, consume, and depend on a reliable source of pure water.

*Response: The respondent agrees with the finding.*

F13. There is no single point of contact for water recycle and reuse issues in the County.

*Response: The respondent agrees with the finding. Ryan Hernandez, Manager of the Contra Costa County Water Agency, is the staff person designated to respond to questions about the County’s policy goals related to water. However, Mr. Hernandez is not the point of contact for the related issue of stormwater capture (Flood Control is) nor is Mr. Hernandez the Countywide point of contact. Water recycle and reuse handled by a variety of different agencies and the County is not*

*the lead agency.*

## **Recommendations**

R1. The Board of Supervisors should consider facilitating (possibly through a Task Force) the formation of a JPA to promote water recycling , stormwater capture and desalination projects.

*Response: The recommendation will not be implemented because it is not warranted. The Flood Control District, Clean Water Program and County Water Agency work through the Transportation, Water and Infrastructure Committee (TWIC), a two-member committee of the Board of Supervisors that reports directly to the full board. The TWIC engages with County staff and special district representatives to discuss water issues, and provides direction to staff and recommendations to the Board of Supervisors.*

*In addition to the TWIC, the State encouraged counties and other agencies involved in water issues to participate in an Integrated Regional Water Management (IRWM) Planning process to determine how to spend significant portions of State water bond funding. Projects seeking funding through IRWM grants that are not within or consistent with an IRWM Plan are ineligible for funding. Other grant programs may require that a project be within or consistent with an IRWM Plan. Contra Costa County and various water and sanitary districts and other relevant agencies are participating in the East Contra Costa County Integrated Regional Water Management Plan, which has developed a comprehensive planning process and enhanced community and project based communications.*

R2. CCCSD and CCWD should explore the feasibility of cooperatively developing an IPR Injection Well Project.

*Response: No response is required of the County.*

R3. CCCSD, CCWD, and DSRSD should consider the formation of a JPA to expand CCCSD's tertiary treatment capacity in order to free up fresh water for domestic and commercial customers.

*Response: No response is required of the County.*

R4. The Board of Supervisors should consider directing that priority be given to capture and reuse of stormwater where possible in all new County flood control projects.

*Response: The recommendation will not be implemented because it is not*

*reasonable. The first priority for the County and Flood Control District should be maintenance and continued operation of the current facilities. Capture and reuse of stormwater should be investigated but not mandated. Once again, stormwater is difficult to store after it is captured. After it is stored, a distribution system to deliver and utilize the stormwater will need to be developed. Currently a distribution system does not exist, and will be expensive to construct.*

R5. The Board of Supervisors should consider adopting ordinances that promulgate recycling and recovery of water on a County-wide basis.

*Response: The recommendation has been implemented. The County has historically supported conservation through development and adoption of a water conservation landscape ordinance, a dual plumbing ordinance to maximize use of recycled water where feasible, and an ordinance to use recycled water for dust control and compaction for construction purposes during drought. Water conservation is emphasized, as it has multiple benefits: it reduces water demand, reduces water treatment requirements, and reduces energy use.*

*Additionally, the Delta Water Platform, revised and adopted by the Board in May of 2014, establishes policy goals for the Delta specific to water conservation and recycling.*

**Excerpt from Delta Water Platform:**

**5. Water Conservation**

- a. *Support and encourage water conservation activities as a primary first step in any proposed statewide water management strategy.*
- b. *Support and encourage water conserving landscapes.*
- c. *Maximize reuse of reclaimed wastewater.*
- d. *Support acceleration of mandatory water meter requirements throughout the state.*
- e. *Support and advocate for improved agricultural water conservation practices.*

R6. The city should consider adopting requirements relating to the use of reclaimed water for planned communities and large commercial buildings to maximize its use.

*Response: No response is required of the County.*

R7. The district should consider facilitating the use of satellite wastewater treatment plants, where appropriate.

*Response: No response is required of the County.*

R8. The Board of Supervisors should consider adopting a County goal to exceed the State average for recycled water use and establish a target date.

*Response: The recommendation will not be implemented because it is not reasonable. The Board of Supervisors has limited jurisdiction over recycled water production, delivery and use, which is within the purview of the local water districts. The County has no oversight responsibility for or authority over the water districts, which are governed by independent elected boards.*

R9. The County and Districts should consider meeting to discuss each District's need for land for demonstration of scaled-up recycling and desalination projects using green technologies, which may qualify for State grant money, and the County's ability to lease such land.

*Response: The recommendation will be implemented upon request by the local water districts.*

R10. To promote public awareness and citizen involvement, the Board of Supervisors should consider establishing a citizen 's "Water Reuse Advisory Council" which includes citizen stakeholders and technology experts to advise them on all water reuse issues affecting the County.

*Response: The recommendation will not be implemented because it is not warranted. Water reuse falls under the purview of the local water districts. It would be appropriate and more effective for the water districts to establish citizens' advisory bodies for this purpose.*

R11. The Board of Supervisors should consider designating a single point of contact within County government for water recycle/reuse issues or establishing a permanent water sustainability subcommittee under their Transportation, Water and Infrastructure Committee to advise the committee on water reuse issues.

*Response: The recommendation has been partially implemented. Ryan Hernandez, Manager of the Contra Costa County Water Agency, is the staff person designated to respond to questions about the County's policy goals related to water. However, Mr. Hernandez is not the point of contact for the related issue of stormwater capture (Flood Control is) nor is Mr. Hernandez the Countywide point of contact. Water recycle and reuse handled by a variety of different agencies and the County is not the lead agency.*

## ATTACHMENTS

Civil Grand Jury Report No. 1606 "Reclaiming Our Water"