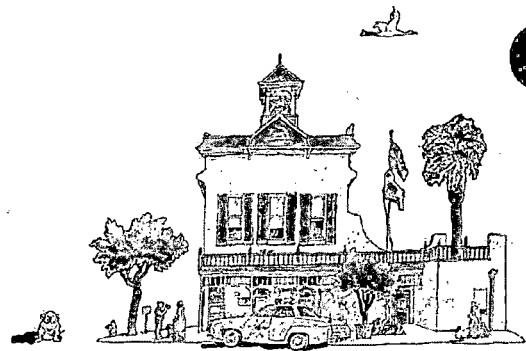


CITY OF CALISTOGA

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September 4, 2019

The Honorable Elia Ortiz
Presiding Judge
Superior Court of the State of California
County of Napa
825 Brown Street
Napa, CA 94559

FILED

SEP 10 2019

Clerk of the Napa Superior Court
By: C. Danna
Deputy

Subject: City of Calistoga Response to Napa County Grand Jury 2018-2019 Final Report on Napa County Water Quality: It's a Matter of Taste

Dear Judge Ortiz and Members of the Grand Jury:

The City of Calistoga has reviewed the subject Grand Jury report. This letter provides responses pursuant to California Penal Code Section 933, as noted below.

General Responses

The report requests responses from five separate municipal agencies, so it should be noted that all responses below are solely with respect to the City of Calistoga.

Calistoga's water is supplied by two sources: Kimball Water Treatment Plant and the North Bay Aqueduct that consists of water coming from the Sacramento Delta and treated and wheeled by the City of Napa from their Jamison Water Treatment plant (WTP) or it can be provided by the City of Napa from their Hennessey WTP or Milliken WTP. Generally, the majority of Calistoga's water is supplied by the Napa source, typically about 60%, and the balance (typically around 40%) by the City's owned and operated Kimball WTP. There will be some similarities with our responses to Napa's along with some uniqueness since we have our own local surface water supply and operate our own independent water treatment plant.

Finding 1 – *Drinking water supplied by all Napa County municipalities meets USEPA and State Water Resources Control Board Standards and is safe to drink.*

Response – The City of Calistoga agrees with the finding.

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Napa Superior Court
Court Executive Office

Finding 2 – *Drinking water supplied by each municipality is acknowledged by all Napa County Public Works officials to have, from time-to-time, predictable Taste and Odor (T&O) and color issues which, while not unsafe, the water-consuming public may find objectionable and a cause for concern.*

Response – The City partially disagrees with the finding.

The City agrees that T&O complaints occasionally occur, but disagrees that they are predictable. Complaints are unpredictable, and because the quality of raw surface water can change rather quickly and cannot be predicted with certainty. Surface water sources can change rapidly due to algae blooms, reservoir stratification, thermal turnover, and storm events. Generally speaking, these are not always predictable events.

The City also disagrees with the reference to color issues. The City of Calistoga's treatment process produces water that meets secondary color standards. Short term discoloration may occasionally occur due to unpredictable main breaks or flushing of the distribution system. In advance of the flushing program, the City notifies customers via press release, letters and our website to announce the areas to be flushed.

Finding 3 – *Communication of water quality testing and T&O and color issues to the public by all Napa County Public Works municipalities is inconsistent and, at times, inadequate.*

Response – The City disagrees with this finding.

The City publishes the Annual Consumer Confidence Report on our website (<http://www.ci.calistoga.ca.us/home/showdocument?id=32331>) and provides notification of its availability on our customers' utility bill. Operation and testing of the public water system is heavily regulated by the State of California. The City takes great pride in operating a well maintained system which meets or exceeds the State requirements for our treatment and distribution system.

Our staff follows up with each customer complaint and in most cases conducts a site visit to answer the questions they have and samples the water if deemed necessary. If the sample shows a low chlorine residual, other T&O, or color complaint, operations staff will flush the service line. If there continues to be T&O and color issues, staff will flush the distribution main their service line is fed from. This typically resolves the complaint, if it does not staff encourages customers to call us back. With each complaint staff fills out a complaint form that gets reported to the State Water Resource Control Board - Division of Drinking Water on a monthly basis.

Calistoga also issues press releases, letters and website communication when flushing or water shut offs are going to occur to notify customers there may be T&O or color issues as a result of this work. For non-emergency water shut offs we also use advance notice door hangers.

Finding 4 – *Napa County Public Works officials are aware of existing T&O and color issues and several municipalities are assessing and testing various options for improvement, including long-term capital improvement projects.*

Response – The City of Calistoga agrees with this finding.

Due to the nature of our surface water sources and length of transmission main from Napa, T&O color issues are a reality. Raw water is influenced by what happens in the watershed, runoff intensity, temperature, soil conditions, algal growth and many other variables. The City is reviewing options and is planning long-term capital projects to upgrade the Kimball WTP that we own and operate to include additional processes to reduce T&O color issues. The Napa source is also assessing upgrades as discussed in their response to this finding that will benefit Calistoga's water supply.

Finding 5 – *Public Works officials countywide treat T&O and color issues as less important than Federal and State regulated contaminant standards, thereby minimizing T&O and color concerns in their water treatment standards and reporting.*

Response – The City of Calistoga disagrees with this finding.

The City treats all complaints with the same urgency and concern as evidence in our complaint and response log (see attached). Staff actively responds as described above and considers the complaint an indication of the systems performance, and promptly investigates, remediates and follows-up with the customer's complaint. Please also reference City of Napa's response to this same finding as this water is a significant part of our supply as well.

Finding 6 – *All municipalities lack formal written procedures for the handling of water quality complaints.*

Response – The City of Calistoga agrees with this finding with qualifications.

While the City does not have a formal written procedure for handling water quality complaints, the City does have resources and protocols in place to guide staff in responding to complaints. Staff is advised of water system information and internal communication of system operations regarding the source in use. The City staff communicates directly with the customer about the complaint as described above in Finding 3. We also inform the customers through our

website, letters or press releases of operational activities that may affect T&O or color. Preparing a standard operating procedure for this can easily be accomplished.

Finding 7 – There are large disparities in household drinking water and wastewater rates between the municipalities, with smaller up-valley cities in Napa County paying much higher costs for the same amount of residential drinking water and wastewater.

Response – The City of Calistoga agrees with this finding.

Rates are highly variable and there are many factors that each municipality must deal with. Some of these include the conditions and criteria contained in the operating permit issued by the state, state laws in general, and the number of paying customers. A primary contributor to increased rates in smaller jurisdictions is the “economies of scale” factor. Larger cities that have a broader base to spread their fixed costs over and small cities do not, which explains why smaller, more remote cities customer bills are higher. For example, Calistoga has a population of just over 5,000, while Napa has almost 80,000 people. Calistoga is basically 6% or 1/16th the size of Napa. However, Calistoga has the same basic infrastructure: a dam, a reservoir, multiple pump stations, tanks, a water treatment plant, and water transmission and distribution system. Calistoga also must operate, maintain, test and report using the same regulations and standards required by the state that the larger cities have, with only a 1/16th the population base to pay for the same “fixed” services. Furthermore, our surface water resources must travel a long distance to supply our customers (e.g. Kimball 3 miles north of town, Napa 11 miles south of town). Lastly, there are no significant local groundwater resources available as an alternative, which down valley cities can access.

Finding 8 – Residents of mobile home parks, gated communities and apartment buildings do not always receive communication about water quality or T&O issues – rather owner/operator/manager of the site receives required water quality notifications and is not required to pass the notification on to individual residents.

Response – The City of Calistoga agrees with this finding with qualifications.

The City notifies the individual and/or entity on record for the metered connection and makes a good faith effort to reach consumers who are served and are not bill-paying customers, such as renters or workers within the City. Additionally, all citizens who have concerns about their water quality, including T&O issues, are able to contact the Public Works office or file a formal complaint through our website. Consumer Confidence Reports (CCRs) are readily available on the City’s website:

<http://www.ci.calistoga.ca.us/home/showdocument?id=32331>. Additionally, the City has

NIXLE Alerts to notify citizens if there is an emergency or the need to issue a boil water notice.

Recommendation 1 – *Each Napa County municipality's Department of Public Works explain on its City and/or Department of Public Works website, in water invoices, via social and other local media, what ongoing water quality tests are taken, where and when they are taken, and what is required if results do not meet USEPA and State standards. Each of Napa County's five Department of Public Works should implement these actions no later than June 30, 2020.*

Response – The recommendation has been implemented.

The City currently includes information such as its Customer Confidence Report (CCR) on its website at: <http://www.ci.calistoga.ca.us/home/showdocument?id=32331> and continues to utilize the website, letters and press releases to inform and educate its residents on water quality issues. The City commits to continuing this recommended action.

Recommendation 2 – *Each Napa County municipality's Department of Public Works advise citizens of known and anticipated T&O and color issues by notices on its Department of Public Works website and within social media and news media. Each of Napa County's five Department of Public Works should implement these actions no later than June 30, 2020.*

Response – The recommendation has been implemented.

The City previously utilized and will continue to utilize its website at: <http://www.ci.calistoga.ca.us/home/showdocument?id=32331> and letters or press releases to inform and educate its residents on water quality issues. The City commits to continuing this recommended action.

Recommendation 3 – *Each Napa County municipality's Department of Public Works identify, evaluate and estimate water treatment process improvements and longer-term capital improvement programs that could mitigate T&O and color issues in their respective water treatment operations. Each of Napa County's Department of Public Works should implement these actions no later than June 30, 2020 for the 2021/2022 budget year.*

Response – The recommendation has not been implemented, but will be evaluated and considered in the future.

It should be noted that T&O and color are secondary standards. Capital projects to improve T&O and color issues are expensive to add on to water treatment plants and need to be weighed against capital investments needed to meet

primary standards. The proposed actions would need to include long-term studies evaluating alternatives, cost benefits, and funding opportunities, approval from City Council, possible approval of rate increases and would entail multi-year construction projects to implement. The City realizes the importance of T&O and color complaints and has a 10-year Master Plan improvement to our Kimball WTP that includes taste and odor process improvements. The City also is cognizant of the significant capital and operating expenses these additional improvements add. If implemented, these costs will affect rate payers and are subject to the Prop 218 approval process. Based on our archives of complaints, last year a total of 12 complaints would have been addressed. The cost benefit would need to be done, weighed, evaluated and presented to our community/customers and City Council for approval.

The City will directly benefit from the City of Napa proposed Hennessey Water Treatment Plant, as well as any future capital improvements they approve for Jamison and Milliken plants.

Recommendation 4 – *Each Napa County municipality's Department of Public Works publish T&O and color quality measures and results as part of their Annual Consumer Confidence Water Quality Report provided to citizens. Each of Napa County's Department of Public Works should implement this action in the 2019 Report published by June 30, 2020.*

Response – The recommendation specific to publishing data in the Annual Consumer Confidence Water Quality Report has been implemented. Please note we are not aware of a rating, regulated threshold or ability for a lab test to quantify "Taste" as this is subjective.

Recommendation 5 – *Each Napa County municipality's Department of Public Works establish a formal written complaint policy identifying how complaints should be received, processed, tracked, and responded to, and reported, including a written complaint notice to be issued for every complaint. Each of Napa County's Department of Public Works should implement these actions no later than June 30, 2020.*

Response – With respect to establishing a formal written complaint policy, the recommendation has not yet been implemented, but will be implemented by June 30, 2020.

With respect to a written complaint notice to be issued for every complaint, the recommendation has mostly been implemented. The written complaints will be reported as required by the State Water Control Board.

Recommendation 6 – *Each Napa County municipality's Department of Public Works establish a formal written communication policy identifying how to better communicate*

and interact with customers in mobile home parks, gated communities, and apartment residents that are beyond the water meter. Each of Napa County's Department of Public Works should implement these actions no later than June 30, 2020.

Response – The recommendation will not be implemented because it is not reasonable.

The City's relationship is with the water system account holder; therefore, the City does not manage contact information for individuals within a mobile home park, gated community or apartment complex. The management company, landlord, HOA, business owner or responsible party is best suited to impart information that the City provides regarding their water service to the tenants and users. However, as shown below, the City of Calistoga puts forth a good faith effort to communicate and interact with all customers, including those beyond the water meter.

When notification information is disseminated that is relevant to end users beyond the City's direct customer, it includes language advising the customer to provide notification to others that drink the water. This is applicable to mobile home parks, apartments, schools, hotels, restaurants and many other circumstances. For example, a notification letter for disinfection byproducts included the following advisory:

Secondary Notification Requirements

Please share this information with all other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

The information is also posted on the City website and available for anyone to access. Often information is posted as Press releases so that it is available to everyone. If an incident occurs where water quality is deemed a threat to public health, the City will use a multi-tiered approach along with NIXLE alerts.

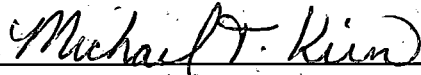
Recommendation 7 – *The LAFCO Municipal Service Review of drinking water and wastewater countywide resources are due in February 2020. Each Napa County municipality's senior municipal elected officials should review, evaluate, respond to, and where appropriate, incorporate the LAFCO MSR recommendations into each Napa County municipality's operating and long-range plans. Each of Napa County's senior municipal elected officials should implement these actions no later than June 30, 2020.*

Response – The recommendation has not yet been implemented, but will be implemented once the LAFCO Municipal Service Review has been finalized.

The Director of Public Works will take the lead to review, evaluate, respond to, and where appropriate, incorporate actions into operating parameters and long-range planning, subject to the approval by City Council.

The City of Calistoga appreciates the Grand Jury's interest in our water operations. We strongly agree with you that our "drinking water meets USEPA and State Water Resources Control Board Standards and is safe to drink." We take our responsibility to deliver safe and reliable water to the citizens of Calistoga very seriously and strive to do it in a prudent, efficient, and cost-effective manner. If you have any questions regarding the City's response, please contact Derek Rayner in our Public Works Department at 707-942-2828 or myself at 707-942-2806.

Respectfully Submitted,



Michael T. Kirn, City Manager

cc: Michelle Kenyon, City Attorney
Chris Canning, Mayor
Derek Rayner, Director of Public Works
Jeremy Rosenthal, Chief Water Officer
Ben Zacharia, Utility Systems Superintendent