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**SEP 17 2019**

Clerk of the Napa Superior Court  
By: *C. Brannan*  
Deputy

August 21, 2019

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

**Subject: City of Napa Response to the 2018-2019 Napa County Grand Jury Final Report entitled "Napa County Water Quality: It's a Matter of Taste"**

Dear Judge Ortiz:

The City of Napa has received and carefully reviewed the 2018-2019 Napa County Grand Jury Report entitled "Napa County Water Quality: It's a Matter of Taste," dated June 14, 2019 (hereinafter "Grand Jury Report"). Pursuant to California Penal Code Sections 933 and 933.05, this letter documents the City's responses to each finding and recommendation in the Grand Jury Report (hereinafter "City Response"). The City Response was prepared by City staff, including the Utilities Director, and presented to the City Council for their consideration. At the public meeting on August 20, 2019, the City Council approved this City Response, and directed the City Manager to submit this City Response on behalf of the City Council.

Therefore, this City Response represents the required response to the Grand Jury Report from the City Council of the City of Napa, as well as the invited responses from the Mayor and Utilities Director of the City of Napa.

### **General Responses**

For clarity, the City Response only provides comments on matters under the control of the City of Napa. Thus, the City of Napa does not intend to make any representation regarding the operations of any of the other separate municipal agencies identified in the Grand Jury Report.

In the City of Napa, the municipal water system and services are managed and implemented by City staff in the Utilities Department, with the Utilities Director as the department head. Therefore, as relevant to the City of Napa (and this City Response) the

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references in the Grand Jury Report to the Public Works Department and Public Works Director are interpreted to be references to the Utilities Department and Utilities Director.

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

City Response – The City of Napa agrees with the finding.

**Grand Jury Report 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.*

City Response – The City of Napa disagrees partially with the finding.

The City agrees that T&O occasionally occurs due to our surface water source. This is common with all water providers who use surface water and is caused in many cases by algae that occurs naturally in the water reservoir.

However, the City disagrees that T&O is always predictable because species, growth and lysis of algal cells can change in a matter of minutes and without warning. All species of algae do not cause T&O; therefore, laboratory testing is necessary. Laboratory analyses to quantify odor-causing compounds geosmin and 2-Methylisoborneol (MIB) may require ten to fourteen days for results while water quality changes occur within hours. Geosmin and MIB are noticeable by some humans in the range of 5 parts per trillion. Analyses can and are currently used as guides, along with color and algal speciation, but not all T&O occurrences are predictable. By the time results are received, the water quality may have already changed multiple times. There are predictable annual phenomena such as lake turnover or destratification of the lake that causes T&O when the dense anoxic hypolimnion mixes throughout the water column because cooler air temperatures in the fall cool the surface, thereby increasing water density and causing it to sink. The City manages these situations by aerating the water, increasing the dosage of the pre-oxidant, potassium permanganate, and switching to alternate State Water Project source water.

The City also disagrees with the reference to color issues with the water in both this Finding and all others. The City of Napa's water meets all color standards and the treatment processes successfully remove color. Color issues within City of Napa system are limited to the direct result of the annual flushing program or localized water main breaks. In advance of the flushing program, the City notifies customers via press release, social media, and website to announce the areas included in the flushing program as well as posting weekly updates, local maps

and mobile signs in the streets during the annual program. Short term discoloration can also occur due to emergency water main breaks, for which advanced notification is not possible.

**Grand Jury Report 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.*

**City Response** – The City of Napa disagrees partially with this finding.

While City staff strive to provide consistent and adequate communication on water quality testing and T&O issues, occasionally a customer may feel unsatisfied with the content or detail provided to them. In these cases, we encourage that the customer seeks additional input from the City by reaching out to the supervisor or manager level to resolve their concerns.

In the majority of cases, staff provide consistent and adequate communications to customers related to water quality testing and T&O issues. Front line staff in the Water Administration office (of the Utilities Department) that are responsible for receiving and responding to customer inquiries are provided training and direction to address the most common customer inquiries. Those front line staff provide customers with troubleshooting techniques and ask clarifying questions to address the situation as best as possible. Staff use official American Water Works Association publications such as Handling Water Quality Complaints, Plain Talk About Drinking Water, Water Quality Complaint Investigator's Field Guide and Diagnosing Taste and Odor Problems Field Guide. Inquiries are escalated as needed within the Water Administration office and to the Water Quality Manager for direct contact and communication with the customer. Depending on the final resolution, follow-up information and publications are provided. When a complaint requires collecting a sample at a customer's home, we provide a written report to the customer which includes a cover letter, copy of analysis and chain of custody of sample collection. Each complaint is logged in a database, tracked and reported monthly to the State regulatory agency.

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

**City Response** – The City of Napa agrees with this finding.

Due to the nature of our surface water sources, T&O 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 has

taken many proactive steps to minimize T&O issues as noted in the response to Finding 5 below.

Looking forward, the City is in the planning stages for substantial and expensive Hennessey Water Treatment Plant upgrades beginning in 2022 with costs that will exceed \$10 Million. These improvements, in part, will seek to address T&O issues. In addition, the City has also sponsored and undertaken a "Watershed Study and Monitoring and Analysis Plan" with implementation scheduled to start in fall 2019. This is a joint study with Napa County to sample water quality in the watersheds as winter runoff occurs into the reservoirs. The City recognizes the significance of the T&O issues and is actively working to address the root cause of these issues with watershed protection and the best available treatment techniques while remaining fiscally responsible to its customers.

**Grand Jury Report 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.*

City Response – The City of Napa disagrees with this finding.

The City recognizes the importance of T&O and color issues and consistently puts forth extensive efforts and resources to manage source water and the treatment process to reduce T&O. Examples of these proactive efforts include:

- Optimize Ozone treatment at Barwick Jamieson Water Treatment Plant
- Optimize potassium permanganate (KMnO<sub>4</sub>) treatment at Hennessey Water Treatment Plant (HTP)
- Alternate tower valves to optimize source water inflow to HTP and Milliken Water Treatment Plant (MTP)
- Switch treatment plants to serve the highest quality water when operationally feasible
- Operate an air injection system near the Lake Hennessey intake tower
- Monitor, analyze, and speciate algae in Lake Hennessey and Milliken Reservoirs
- Apply PAK27 algaecide to control algae in Lake Hennessey and Milliken Reservoir
- Analyze for geosmin and 2-methylisoborneol (MIB) T&O compounds
- Optimize the chlorine residual according to source water quality
- Ensure rapid water storage tank turnover within the distribution system to alleviate water age.

Both color and odor are State and Federally regulated secondary drinking water contaminants as listed in Title 22 Code of Regulations, Division 4. Environmental Health, Chapter 15. Domestic Water Quality and Monitoring Regulations, Article

16. Secondary Drinking Water Standards. The City must and does provide drinking water with color less than the maximum contaminate level (MCL) of 15 units. Additionally, the City must and does provide drinking water with odor less than 3 Threshold Odor Number (TON) units. The City of Napa is required to notify the SWRCB and its customers through the annual water quality report when regulatory standards are not met. Information about Secondary Drinking Water Standards may be found at the Division of Drinking Water's website: [https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/Chemicalcontaminants.html](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Chemicalcontaminants.html). As referenced by the SWRCB, the City of Napa meets and often exceeds drinking water standards.

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

City Response – The City of Napa partially disagrees with this finding.

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. The City uses reference materials published by the American Water Works Association including Handling Water Quality Complaints, Plain Talk About Drinking Water, Water Quality Complaint Investigator's Field Guide and Diagnosing Taste and Odor Problem Field Guide. Staff are advised of water system information and internal communication of system operations regarding the source in use. The City uses its website and social media to inform customers of source water usage and operational changes when it notices increased inquiries from customers. Since customer tastes are subjective, and inquiries are often due to issues on the customer side of the meter including hot water heater failures, unknown and unmaintained water softeners and water filters, personal communication is the most effective means of troubleshooting so as to understand descriptions of water T&O variations. The aforementioned protocols and guides are used to remain consistent in the handling of water quality complaints from customers. The City tracks and reports all received water quality complaints as required by Title 22 Code of Regulations, Chapter 17. Surface Water Treatment, Article 6. Reporting. The City strives to ensure uniform handling of water quality T&O inquiries. It should be noted that because T&O is subjective, two customers may describe their observations of the same glass of water very differently.

**Grand Jury Report 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.*

City Response – The City of Napa agrees with this finding.

**Grand Jury Report 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.*

**City Response** – The City of Napa agrees with this finding.

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 customers who have concerns about their water quality, including T&O issues, are able to contact the Water Division office for additional information. Furthermore, Consumer Confidence Reports (CCRs) from 2012 to present are readily available on the City's website: <http://www.cityofnapa.org/672/Water-Quality-Report> while the most current CCR is available at the Water Division office, Community Service Building, and City Hall.

**Grand Jury Report 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.*

**City Response** – This recommendation has been implemented, in part. Additional portions of this recommendation have not yet been implemented, but will be implemented by June 30, 2020.

The City will enhance the water quality page on its website to include regulatory detail of the extensive water quality tests that are taken throughout the water system. If results do not meet USEPA and State standards, customers will be notified through some combination of radio, Nixle alerts, official website posts, email blasts, social media, and roadside message sign boards as appropriate to the situation. For example, notifications were made for pre-cautionary boil water notices in select areas affected by the 2014 South Napa earthquake and in October 2017 when pump stations were burned, the system was temporarily depressurized and the quality of the water could not be guaranteed. The City lifted the notice after confirmation sampling proved the water was safe to drink and met all USEPA and State standards in the compromised areas.

Currently, the City regularly publishes information about water quality, hydrant flushing, water conservation, infrastructure improvements, et cetera on the City's website and social media platforms. The annual drinking water quality report,

posted on the City's website, details drinking water quality as mandated by the SWRCB and EPA. Additionally, the City annually hosts "Tap Water Day" events at the Barwick Jamieson Canyon Water Treatment Plant where individuals from the community are welcomed to tour the facility, participate in educational discussions, view informational posters and PowerPoint presentations, and meet and talk with staff.

**Grand Jury Report 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.*

City Response – This recommendation has been implemented.

When deemed appropriate and necessary, the City provides information about T&O and color issues via the City's website, social media platforms and the media. For example, there was an unprecedented T&O incident in 2009 in the State Water Project source water. Staff responded to the incident with customer outreach, intense action to flush the pipelines, and a letter to the Editor to describe the incident, what occurred, and how it will be prevented in the future. For more routine events, the City will often engage on social media like Facebook and Napa Nextdoor to provide citizens with up to date information on customers concerns with T&O issues.

**Grand Jury Report 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.*

City Response – This recommendation has not been implemented but will be implemented in the future in the timeframe summarized below.

The City recognizes the significance of the T&O issues and is actively working to address the root cause of these issues. While the City recognizes the desire for the prompt implementation of these recommendations, the established time frame for the actions described below are beyond the 2021-2022 budget year specified in the recommendation. The proposed actions consist of a long-term study and multi-year construction projects, which rely in part on future water rate setting procedures.

Since 2017, the City has been working with the County under a joint MOU to develop a computer model and monitoring plan throughout the tributaries of the Hennessey and Milliken watersheds to further understand runoff into the reservoir across varied land uses. The long-term goal is to understand natural and manmade changes throughout the watershed that may affect the quality of source water such that the City and County can readily identify problem areas and work with stakeholders to protect source water. In conjunction with the County, the City expects to implement a sampling and analysis plan at numerous sites in both watersheds in October 2019. Data will be gathered for 2 to 3 years and will inform appropriate next steps.

The City has funds budgeted in fiscal year (FY) 2019-2020 to start the pre-design process for potential improvements to the Hennessey Water Treatment Plant, which will in part address seasonal T&O issues.

In FY 2020-2021 the City plans to update the 20-year Master Plan for Water System Capital Improvements that must balance treatment, transmission and distribution pipeline investment needs. The Plan will include a companion long-term financing plan to construct improvements. Upgrades to the Hennessey Treatment Plant are a major undertaking that will require a bond issuance to be financed across generations of water rate payers that will benefit from the infrastructure. Water rates, subject to the Proposition 218 process, are scheduled to be reviewed and calculated in FY 2021-2022. Should water rate adjustments be approved sufficient to construct the improvements, upgrades to the Hennessey Treatment Plant will employ the best available treatment techniques. Coupled with long-term source water protection and reservoir water quality management, treatment upgrades will more effectively address T&O as well as meet everchanging and more restrictive water quality regulations.

**Grand Jury Report 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.*

City Response – This recommendation has been implemented.

Both color and odor are State and Federally regulated secondary drinking water contaminants as listed in Title 22 Code of Regulations. The regulation for secondary standards requires any detected contaminants to be included in the Annual Consumer Confidence (CCR) Water Quality Report. The SWRCB Division of Drinking Water mandates report content. If the results of color and odor testing are below the detection level set by the State, they will not be published in the CCR per State requirements.



In addition to publishing required data in the CCR, the City will publish odor and color quality measures and results on the water quality page of the website, by June 30, 2020, as identified in Recommendation 1. The City understands the intent of Recommendation 4 is to make odor and color data available to the public and the water quality page on the website will achieve this with more content and timely data than would be allowed under State regulations in the CCR.

***Grand Jury Report 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.***

***City Response*** – With respect to establishing a formal written complaint policy, this 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, this recommendation will not be implemented because it is not warranted.

The City does not intend to provide a written response for every complaint, since that would not result in an efficient use of ratepayer funds. Most water quality complaints are adequately handled orally (either over the phone, or an in-person conversation) and do not warrant the extra time and resources to provide a written response. However, some complaints do warrant a written response, which they receive. The formal written complaint policy the City has agreed to prepare as part of this recommendation will identify circumstances and requirements for these situations.

***Grand Jury Report 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.***

***City Response*** – This recommendation has been implemented, in part. Additional portions of this recommendation will not be implemented because it is not reasonable for the City to attempt to directly communicate with end users of City water services that are not the City's customers.

The City's relationship is with the City's customer (the water system account holder); therefore, the City does not manage contact information for individual end users within a mobile home park, gated community or apartment complex. In those circumstances, the City's customer is typically the property owner (which may be

a home owners' association, or property owners' association), or a representative of the property owner (such as a management company, or other representative of a landlord). Thus, it is that City customer that has a direct relationship with each end user of City water; which means that City customer is best suited to impart information that the City provides regarding their water service to the end users (tenants).

Nonetheless, as shown below, the City of Napa already makes good faith efforts to clearly communicate and interact with all customers, including end users that are 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, 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 to Social Media 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 to notify all persons as stated in the Response to Recommendation 1.

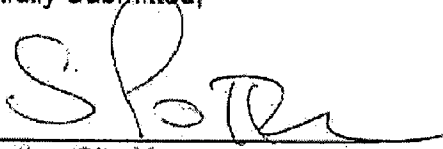
**Grand Jury Report Recommendation 7** – *The LAFCO Municipal Service Review of drinking water and wastewater countywide resources are due in February 2020. Each Napa County municipality's senior municipal elected officials should review, evaluate, respond to, and where appropriate, incorporate the LAFCO 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.*

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

The Utilities Director 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 Napa thanks the Grand Jury for its service during the 2018-2019 term. We take our responsibility to deliver safe and reliable water to Napa customers very seriously, and we strive to do it in a prudent, efficient, and cost-effective manner. If you or the Grand Jury Foreperson have any questions regarding the City's response, please let me know.

Respectfully Submitted,



Steve Potter, City Manager

cc: Kort van Bronkhorst, Foreperson, 2018-2019 Napa County Grand Jury  
Michael Barrett, City Attorney  
Phil Brun, Utilities Director  
Joy Eldredge, Deputy Utilities Director  
Erin Kebbas, Water Quality Manager