

North Davis Meadows Community Conversation
May 3, 2018 - 7PM
Board Chambers, 625 Court St., Woodland
Meeting Summary

Link to Power Point: <http://www.yolocounty.org/home/showdocument?id=49905>

Speakers:

- **Don Saylor**, Yolo County Supervisor, District 2
- **Beth Gabor**, Manager of Operations & Strategy, Yolo County
- **Carrie Scarlata**, Assistant County Counsel, Yolo County
- **Jianmin Huang**, Supervising Environmental Health Specialist, Yolo County Department of Community Services & Yolo County Local Primacy Agency (LPA)
- **Ali Rezvani**, Sacramento District Engineer, State Water Resources Control Board
- **Mark Bartson**, Chief, Technical Operations Section, Division of Drinking Water - State Water Resources Control Board
- **Tara Thronson**, Supervisor's Deputy, District 2, Yolo County
- **Daryl Arbuthnott** – City of Davis Fire Chief

Key Messages:

- Water service, among other services, for the 95 homes in the North Davis Meadows (NDM) neighborhood is provided via the County Service Area (CSA). There is a CSA Advisory Committee comprised of residents of NDM.
 - Yolo County staff provide administrative support for the CSA. All costs incurred by the County to support the CSA are paid by the CSA.
 - The CSA is responsible for operation and maintenance of the wells and pipelines to provide domestic water to each home in NDM. To date, this operation has been managed under a contract with the City of Davis. The water system is considered a “Public Water System” under state law and is responsible for providing drinking water to residents that meet California water quality standards.
 - The system has been out of compliance since 2009 for water quality standards and is at risk of fines up to \$1,000 per day per contaminant: nitrates, iron and aluminum.
 - Additional contaminants may be identified in the future as State water quality standards change. For example, state action related to resetting a maximum contaminant level (MCL) for hexavalent chromium is expected and NDM will likely be above that MCL just as it is for nitrates, iron and aluminum.
 - The current wells in NDM are 31 and 22 years old and their infrastructure does not meet fire flow demands. Well #1 is pulling sand and has “reached the end of its useful life,” according to a 2015 memo from the well operator.
- Fire Protection
 - NDM is located within the boundaries of the Springlake Fire District. The Springlake Fire District contracts with the City of Davis to provide fire protection for NDM.
 - Ten of the eleven hydrants in NDM underperformed in recent tests.

- The City of Davis fire flow requirements are 1500 gallons per minute (gpm) at 20 pounds per square inch (psi) for 2 hours. NDM hydrants were performing at < 10 psi.
- Due to insurance and liability reasons, the City of Davis Fire Chief will only support connection of City water to NDM for potable water if it also includes water for fire flow. This is to assure there is a consistent and reliable source of water for fire protection.
- Point of Use (POU)
 - State law and regulations allow Public Water Systems to deploy point of use (POU) systems under certain circumstances.
 - A threshold question is the determination of income eligibility for the residents served by the Public Water System. A third party contractor would need to be hired to determine the community's Median Household Income and calculate if consolidation meets the State's definition of economically infeasible.
 - To use a POU system as a permanent solution, the community must have 100% participation from residents and develop a plan to maintain and monitor 100% system compliance.
 - The CSA, as the Public Water System, would be responsible for the costs of owning, maintaining, and conducting required testing of the in-home POU units at least annually. The individual POU units are not stand-alone homeowner solutions but rather part of a Public Water System.
 - The CSA would also have to submit a renewal application, meeting all requirements, for their State permit to use a POU system every three years.
 - The State would not require Point of Entry units. Each home, however, would be required to have a State-approved and tested POU system on at least one sink.
 - The State officials present at the May 3rd community meeting said if a POU system was approved, the upgrades to support it could potentially be eligible for a low-interest loan.
- Proposition 218 Protest Proceedings and Options
 - On March 20, 2018, the County Board of Supervisors held a Proposition 218 public hearing to consider a proposed fee increase to fund connecting the CSA to the City of Davis' water system.
 - The County received 46 protest ballots prior to the close of the public hearing. To be counted, Proposition 218 requires protests to be submitted prior to the close of hearing. NDM community members assert 53 property owners protested the fee increase (this includes seven protest ballots that the County never received or that were received after the close of the public hearing.)
 - Residents expressed interest in re-exploring options to address water quality, fire protection, and irrigation needs including:
 - Connect all water uses to the City of Davis (current proposal)
 - Dual-use connection: City water for drinking and fire protection; wells for irrigation
 - Two wells for all water uses (new or fixed NDM #1 well, engineering to determine if 500' vs. deep well is needed) with fire protection system upgrades.
 - Add Point of Use devices in homes, including system monitoring and compliance process if well water does not meet State quality standards.

- There is time to explore other options before a final decision is made regarding the low-interest loan for the Water Consolidation Project (anticipated in October 2018).
- Additional exploration and engineering work needs to be funded.
- If the community agrees to pursue a different path, NDM would still need to repay their \$915,000 loan from the County.

Next Steps:

- Yolo County staff will summarize the information currently available on the options the community discussed to address NDM's water needs.
- Yolo County staff will provide a proposed work plan and budget for additional research, analysis and engineering needed for the community to choose from should they agree to go down a different path.
- Questions raised at and following this meeting should be directed to: Tara.Thronson@yolocounty.org. Tara will compile the questions and will assist residents with finding the answers in existing reports and documents, or will add those needing additional research into the proposed work plan and budget.
- Information on the current and past options will be posted on the North Davis Meadows Water Quality website (www.YoloCounty.org/North-Davis-Meadows-CSA > Water Quality).
- Supervisor Saylor's office will schedule a follow up community meeting to discuss the proposed work plan and budget. The community will provide feedback and direction for a path forward.
- Actions that will require additional staff time, research and/or engineering will need funding approved, likely through a Proposition 218 process, to proceed.

Additional Discussion Questions:

Below are notes captured during the meeting.

Related to Fire Flow

- Is there anything in your report that gives specifications on the fire flow? Where is that available? I'd like to see the basis of the opinion that it's not adequate.
 - **Answer** – See the Wood Rodgers report from 2012 on the NDM Water Quality webpage: <http://www.yolocounty.org/home/showdocument?id=45174>
- I would like to see some numbers on the fire flow issue.
 - **Answer** – See the [Fire Hydrant Testing Results \(explanation of fire flow calculations\)](#) links on the NDM Water Quality webpage under the "Information Requested during Feb 1 Community Meeting" section.
- Back in September at the previous meeting we all got blindsided by water flow for fire. I was for the dual system but heard that didn't work. POU sounds great but it sounds like we are not addressing fire flow. Are we ignoring that issue?
 - **Answer** – The issue of inadequate fire flow has been known since 2010 (see Wood Rodgers memos on [NDM Water Quality webpage](#)). A POU solution would require fire flow infrastructure improvements to the well system.
- Are fire flow requirements based on opinion? Would a different Fire Chief or Marshall have a different requirement? These costs are getting passed on to us and pricing us out of the

neighborhood. The fire news is surprising. Why was the fire flow okay when it was built? Have the standards changed since then?

- **Answer-** Fire Chief: This recommendation is based on the 2016 California Fire Code and the 2015 International Fire Code, which were adopted by the City of Davis and incorporated into the City of Davis Municipal Code. Fire flow has been tested and is not adequate under the standards of those codes. From the Fire Chief's perspective – he cannot approve a system without a consistent and reliable water supply sufficient to provide adequate fire protection.
- We have lived out at NDM for 31 years. The fire pressure issue has never come up. Do you have logs of it being tested? This seems odd to me. It sounds to me like we haven't had fire flow pressure for 31 years. I'd be curious to see the logs and how often you test it.
 - **Answer-** Fire Chief: The City of Davis of Public Works staff does the testing. The fire flow concern can't be ignored now that it is known that there is an issue.
 - **Answer** – The issue of inadequate fire flow has been known since 2010 (see Wood Rodgers memos on [NDM Water Quality webpage](#)).
- Data on pressure of City of Davis fire hydrants compared to what they have in NDM to see the difference?
 - **Answer-** Fire Chief: The City of Davis fire hydrants are also tested, the City of Davis Public Works would know the details.
- Are we out of compliance or out of code for fire flow?
 - **Answer-** Fire Chief: NDM is not in compliance with the City of Davis Municipal Code, which is based on the California Fire Code and the International Fire code.
- What is the basis of the actual standard for citing fire flows? Where does the system requirements come from? What does the NFPA say? NFPA website has a discussion of the effectiveness of in home sprinklers, they seem pretty amazing and effective.
 - **Answer-** Fire Chief: NFPA is a standard, not a regulatory document. Sprinklers are a preventative measure.
- Are the fire rules under the County of Yolo different?
 - **Answer-** Fire Chief: I can't answer for the fire rules in Yolo County. Supervisor Saylor: NDM is served by the Springlake Fire Protection District. The Springlake Fire Protection District contracts with the City of Davis Fire Department to serve NDM.
- Is someone going to follow up with Public Works to see if there are files on the fire testing historical logs?
 - **Answer-** Supervisor Saylor: Yes we will follow up. You do have a CSA Advisory Committee and it would be great if you could provide them with assistance now that the community is energized as they have a lot on their plate right now. We will do what you want to do. We are here, if you don't want to proceed, that is fine. It is our job to tell you the consequences of those options to the best of our ability.

Related to Costs

- What do the consolidation project costs mean? Are those commitments? Then the numbers are estimates, soft numbers? Could the consolidation project costs go higher?
 - **Answer** – Sup. Saylor: The Proposition 218 for the water consolidation project was based on best-known estimates. Actual costs won't be known until construction bids are

received. The costs included in the Prop 218 are conservative estimates with contingencies with the hope that actual costs will be lower.

- The City used to be on a tiered system and that isn't allowed any more.
 - **Answer**- Sup. Saylor: The rates that are set by any municipality are publically set with ratepayer review and are governed by law. The rates may not legally be set at an amount higher than what is necessary to recover the costs to provide the service. We don't know what rates will be in the future. We gave the best information that we could at the time the survey was taken.
- I thought we were going to talk about the dual system. I don't understand how you can't switch the hydrants to the City. Scenario 3 appears to me to provide a lot of opportunities.
 - **Answer**- Sup. Saylor: At the time we did cost estimates, Scenario 3 infrastructure costs were estimated to be higher than the City only option.
- The cost savings under the dual system is in the usage rate?
 - **Answer** – Sup. Saylor: Yes. The dual system would be the cost of the existing project, plus additional engineering and infrastructure to repair and connect the wells to homes for irrigation. The costs related to an irrigation connection may not be eligible for a low-interest loan.
- Increasing City of Davis water costs is a question. Are the costs based on their delivery costs or is it a money making thing?
 - **Answer**- Sup. Saylor: All water rates are based on the costs to provide the service. All local agencies must follow substantive and procedural legal requirements to increase water rates, which must not be set higher than necessary to recoup costs. It's not a secret process or a money maker for the City, it only covers the costs of providing the water service.
- Does the City get some benefit from our interest in them?
 - **Answer**- Sup. Saylor: No. In 2012 or 2013, the State approached NDM with a consolidation proposal that would help the City of Davis' water project funding application. The City of Davis later changed course and moved on with the project with the City of Woodland and UC Davis without a need to partner with NDM. There is no known benefit to the City of Davis from serving NDM through this project.

Related to Point of Use

- You're referring to a single fixture or a whole house for point of use? No difference as far as inspections or other types of regulatory requirements can be done on the outside of the house? Nothing would be done coming up to feed the house, the product can be fed into the house from the outside? Wouldn't affect landscape, right?
 - **Answer**- State Water Board representative: It can be just one POU as that is all that is required.
- People appear to have been able to scramble together to get enough systems with all the requirements you presented. Is it your sense that these systems are simple enough that reasonable people can run them, maintain them and report them properly?
 - **Answer** – State Water Board representative: So far there have been less than ten communities that have implemented a POU solution for their public water system. Most of these communities have less than 50 homes. So far there have not been reports of

POU devices failing in the home. The challenge they have faced is meeting the 100% participation requirement. Some residents changed their mind and no longer wanted to use the POU solution.

- How successful are these point of use systems around California that you have installed? Have you approved a standard system? How does that work?
 - **Answer** - State Water Board representative: The State maintains a list of approved POU devices. If the community develops an implementation plan and receives a permit for a public water system point of use solution, there will also be pilot testing of the chosen device in the community to confirm it is meeting water quality standards.
- You talked about a 2% threshold of cost. Exactly what is the cost items that are included in that? What about the cost of water itself?
 - **Answer**: “the estimated annual cost of centralized treatment, per household, plus the median annual water bill from the most recent 12 months per household is more than two percent (2%) of the annual MHI of the customers served by the community water system.”
https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/rs_2018_0008_with_regs.pdf
- Regarding non-compliance of POU, where you found non-compliance what does that path look like for non-compliance? In those situations what is the path to rectification and who is culpable?
 - **Answer**- State Water Board representative: A plan by the regulatory agency would be put together for 100% participation, then fines, compliance orders, or other options would be determined until the community develops a reasonable solution. The regulation has not been adopted yet. We are still determining how to best implement it. The Public Water System (CSA) must provide an acceptable proposal. Creating that 100% participation can be a part of that 3-year permit. When a house is sold there has to be a process where the new people moving in are made aware of the POU requirement.
- If 100% want POU and then someone doesn't want to be involved anymore. Is the community responsible?
 - **Answer**- State Water Board representative: The water system would be responsible for non-compliance. The water system is the CSA – the residents of North Davis Meadows.
- The State of California is strongly considering limited well water construction and use in the future. Do you have any information why this was even presented? Is there any discussion about the future use of wells almost exclusively for water supply? At what rate does groundwater get replenished?
 - **Answer**-Sup. Saylor: Yes, there are steps being taken statewide to manage groundwater. We have a sustainable groundwater management agency. It is an ongoing issue. Groundwater availability is always at risk. We don't know the rate of recharge in the basins.
- I don't think we have to treat for the secondary elements - aluminum and iron.
 - **Answer**- State Water Board representative: For secondary elements there is no absolute requirement. The primary element – nitrates - is the issue.

Related to Risks of No Action

- Is the water here safe to drink? Why do we spend so much time talking about the drinking water when it is a dollar a bottle?
 - **Answer-** State Water Board representative: No, the water is not safe to drink based on state law and regulations and scientific findings. The water is particularly unsafe for vulnerable groups of people such as pregnant women and infants.
- We are making a good faith effort to determine a solution and if we don't there is a risk of fines. We came up with a solution which we are now backing away from. Will we still be seen as making a good faith effort with the state water board if we stop and restart?
 - **Answer-** State Water Board representative: The LPA has the legal authority to levy fines when the time comes that they feel there is no longer a good faith effort. Additionally, some of the loan funds are revolving funds. There may be limited funds in the future. From an environmental planning perspective, we want to see timely efforts made to achieve compliance. What we want to see is due diligence to compliance. If resolution lingers too long there might be requests to impose fines.

Related to the Proposition 218 and Next Steps

- If we do a survey and show the community is against the 218 and we want to look at other options, will you bring it to the Board of Supervisors to withdraw their support?
 - **Answer-**Sup. Saylor: Yes, I will, but I suggest we don't withdraw the process that is underway as no commitments are necessary until September/October. My suggestion is to explore alternative options in the meantime. I hope you understand that any cost incurred in the exploration must be funded by the neighborhood.
- Litigation is being considered by some community members to stop the city-only project. If we don't like the project, are we are stuck with the 218 approach? If nothing happens by September then we would be outside of the window to proceed with litigation.
 - **Answer-** Sup. Saylor: The decision to litigate is something you will have to decide yourself.
- Is there an appeal process of the 218?
 - **Answer-** County Counsel: There is no administrative appeal available. Your option is litigation or, if another option is considered and the community prefers that route, to have the Board of Supervisors reconsider it. It doesn't have to wait until September. There is an outstanding amount of money owed to the County so if we repeal it then there are some concerns there. Just because we have adopted a new fee, it doesn't mean we have to collect the full amount. We could just collect the money owed to the County.
- Is our CSA responsible for all the fees associated with the CSA? Including litigation?
 - **Answer-**Sup. Saylor: Yes. The CSA is responsible to pay the cost of legal defense for any litigation in addition to any other fees. You can choose to go that route, but be aware that you would be covering the legal defense costs.