

WATER RATEPAYERS ASSOCIATION OF THE MONEREY PENINSULA

19 September 2016

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SUBJECT: SEPTEMBER 21 MEETING OF THE GOVERNANCE COMMITTEE AND
CONSIDERATION OF APPROVAL OF A CHANGE IN MATERIALS FOR
THE MONTEREY PIPELINE

Chairman Kampe and Committee Members:

The Water Ratepayers Association of the Monterey Peninsula (“WRAMP”) submits this letter to question Agenda Item 3 of the 21 September 2016 meeting of the Governance Committee for the Monterey Peninsula Water Supply Project. Agenda Item 3 is to

Consider for Approval a Change of Material Specifications for the Monterey Pipeline

Action: The committee will consider approval of a recommendation to California-American Water for installation of a ductile iron pipeline instead of steel.

The Project Description, including information disclosed for public review prior to certification of the EIR for the project, will change if the pipeline material changes. If characteristics of the proposed pipeline material could cause a direct physical change or a reasonably foreseeable indirect physical change in the environment--e.g., properties of ductile iron could have foreseeable impacts on repair and maintenance that could require greater disruption to city streets along the pipeline's route with associated impacts to traffic and circulation, as well as possible impacts to drinking-water standards--those changes should be identified. As a starting point, ductile iron pipelines should be described, in contrast to steel, so the residents of the Monterey Peninsula understand the significance of the proposed change in material.

Committee Decision or Recommendation on Matter Having Direct or Indirect Change in the Environment Requires Prior CEQA Review

As you are aware, Article V, Section A, of the *Agreement to Form the Monterey Peninsula Water Supply Project Governance Committee* specifies that the Governance Committee may not make a decision or recommendation on any Category A matter that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, as defined by section 21065 of the California Public Resources Code, unless and until such time as the action has been subject to review by an appropriate agency in accordance with CEQA. If the pipeline material proposed for use in the Monterey Pipeline (ductile iron) was not described and analyzed in the EIR certified by the Monterey Regional Water Pollution Control Agency (MRWPCA), the Governance Committee should not take action on the proposal specified in Agenda Item 3 until the required review has been completed.

Lack of Information for the Public Regarding the Proposed Change in Pipeline Material

WRAMP's membership became aware of the 21 September meeting last week and could find no staff report that would provide background information regarding the proposed change. Accordingly, there is nothing to explain why the proposal is being put forward or how ductile iron would perform for the Monterey Pipeline Project. The environmental impact report ("EIR") that was certified for the Pure Water Monterey Project by the MRWPCA did not specify that ductile iron was to be used for the Monterey Pipeline, so there is nothing in the EIR to document that CEQA review has been conducted for the proposal before the Governance Committee on 21 September.

What CEQA Requires

The Lead Agency for the Pure Water Monterey Project is MRWPCA. It certified the EIR and approved the Pure Water Monterey Project that will use the pipeline. The pipeline is an indispensable component of that project. Now, however, the pipeline material that is essential to the success of the Monterey Peninsula Water Supply Project that includes the Pure Water Monterey Project is proposed to be ductile iron. The affected public has no idea what this change implies and it has not been informed.

As a starting point, the MRWPCA should inform the public about the proposed use of ductile iron pipe and determine whether that could cause a change in the environment. If the change of pipe material does not create the conditions described in CEQA Guidelines Section 15162, WRAMP suggests that the MRWPCA consider preparation of a Supplement or an Addendum to its already-certified EIR. The governing sections of the CEQA Guidelines are included for your reference.

WRAMP looks forward to the efforts of the Governance Committee and the MRWPCA to ensure that the affected public is informed about the proposed change to the Monterey Pipeline Project and that the proposed change complies with the requirements of CEQA.

Sincerely,

/s/ Ron Weitzman

Ron Weitzman, President
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State Water Resources Control Board
CPUC Office of Ratepayer Advocates
Jim Johnson, Monterey Herald
Sara Rubin, Monterey County Weekly
Royal Calkins, Monterey Bay Partisan

14 CCR § 15163

§ 15163. Supplement to an EIR

(a) The lead or responsible agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:

(1) Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and

(2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

(b) The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

(c) A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.

(d) A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.

(e) When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

14 CCR § 15164

§ 15164. Addendum to an EIR or Negative Declaration

(a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.