

July 12, 2002

The Honorable Lynn O'Malley Taylor
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988

Dear Judge Taylor,

On behalf of the Board of Directors of the Marin Municipal Water District I am herewith transmitting the responses to the Findings and Recommendations of the Grand Jury Report entitled "Bridging Troubled Waters – The Marin Municipal Water District and the Las Gallinas Valley Sanitary District". We appreciate the hard work and difficult subject taken on by the grand jury members of this committee. While we disagree with one of the recommendations, we want to acknowledge that they put a great deal of time into studying the issue. We applaud the sophistication of the product they produced. We have responded to the requested items with the attached form and explanation.

Significant changes have already occurred with the Las Gallinas Valley Sanitary District and we are optimistic about the ongoing relationship with them in the mutually beneficial effort of recycling wastewater.

If you have any questions, do not hesitate to call me at 945-1446.

Sincerely,

Pamela J. Nicolai
General Manager

Cc Foreperson
Marin County Civil Grand Jury
3501 Civic Center Dr., Room 303
San Rafael, CA 94903

Board of Directors, Marin Municipal Water District

**Report Title: BRIDGING TROUBLED WATERS – THE MARIN MUNICIPAL
WATER AND LAS GALLINAS VALLEY SANITARY DISTRICTS**

Report Date: April 19, 2002

Response by: Jared Huffman Title: President of the Board of Directors

FINDINGS

- I (we) agree with the findings numbered: 1, 2, 3, 4, 5, 6
- I (we) disagree wholly or partially with the findings numbered: 7, 8, 9, 13
(Attach a statement specifying any portions of the findings that are disputed;
include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendation numbered 1 has been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered 2 require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study,
and a timeframe for the matter to be prepared for discussion by the officer or
director of the agency or department being investigated or reviewed, including
the governing body of the public agency when applicable. This timeframe
shall not exceed six months from the date of publication of the grand jury
report.)
- Recommendations numbered 6 will not be implemented because they
are not warranted or are not reasonable.
(Attach an explanation.)

Date: _____ Signed: _____
Jared W. Huffman, President, Board of Directors

Number of pages attached 2.

Response to Grand Jury Report

Report Title: Bridging Troubled Waters – The Marin Municipal Water and Las Gallinas Valley Sanitary Districts

Report Date: April 19, 2002

FINDINGS with which we disagree wholly or partially:

7. 7. We do not feel that MMWD can speak specifically to the impacts of shutting down the recycling plant on the Las Gallinas Valley Sanitary District's permit or costs.
8. 8. MMWD has no plans to build the 1 million gallon storage tank this year. The tank in question will be a necessary part of the operation if the recycling plant is expanded in the future. Our current storage capacity already gives us the ability to manage the output, store the treated water and meet the peak demands.
9. 9. MMWD is not familiar with the expansion needs of LGVSD for accommodating future growth. Any expansion of wastewater production could be handled through an expansion of the recycled water plant but other options are possible too. LGVSD could create their own storage capabilities for effluent or could participate in a regional recycling operation that would transport the increased effluent to other areas of the North Bay.

13. It is highly inaccurate to state that we have done nothing since 1991 to look for alternatives to the use of zinc. The alternatives we are aware of are not promising enough to justify the risks inherent in field testing. The fact that we have not changed the process is not an indication of our level of consideration of other alternatives but rather a lack of a worthy alternative to test. And any testing ultimately requires we go to real live system testing that would make "guinea pigs" of our customers and risk higher exposure to lead and copper in their water. We feel this is totally inappropriate at this time since (1) the zinc levels that LGVSD will have to meet have not been finalized and (2) the new filtration system that they will be installing will likely address the issue of zinc along with all of the other metal removal requirements that they must meet.

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Report Date: April 19, 2002

RECOMMENDATIONS:

1. 1. Steps have already been taken to improve communications between the LGVSD staff and board. The LGVSD Board recently appointed members to the liaison committee with MMWD and one meeting has already occurred and another is scheduled. Coordination with operations staff has improved significantly over the last month.

2. 2. Both MMWD and LGVSD will be evaluating the options and opportunities for future expansion of the wastewater recycling plant. In anticipation of that possibility and as part of the cost / benefit analysis for both agencies, we have already begun the discussions of equitable sharing of costs.
6. 6. As mentioned in our response to Finding No. 13, the only “study” possibilities remaining for us to do are field tests that would directly involve our customers. In the Grand Jury analysis, they interviewed and relied on information from two other water districts (North Marin and Santa Clara) whose situation is quite different and who currently don't meet the standards that MMWD does.

Santa Clara Valley Water District (SCVWD) is a water wholesaler that is exploring alternative methods of corrosion control. They were unaware that Lead/Copper regulations, which only water retailers must comply with, could not be reduced from what they are achieving now. However, a spot check of a few of the 13 retail agencies shows that the lead and copper levels there are higher than at MMWD which allows more latitude in implementing new corrosion techniques. We also found that SCVWD switched from a 1:1 to a 1:3 zinc to orthophosphate in October, 2000 which has allowed the South Bay wastewater agencies to meet their discharge regulations. MMWD made this change for the sole benefit of Las Gallinas in 1992. While the SCVWD is exploring other corrosion control strategies, they have not committed to any changes.

North Marin Water District's method results in higher disinfection byproducts in the drinking water than we are comfortable with.

We are not insensitive to the situation that LGVSD finds itself in meeting their regulatory requirements. The fact that they are coming up against the timeframe for regulatory compliance is not of our making. We strongly feel that putting our drinking water customers at risk in order to test alternative methods that we believe will likely **reduce** our quality of water and we do not believe are necessary. Neither of the example alternatives evaluated by the Grand Jury would give us equivalent or better results than the current protocol.

At this time, we have no intention of conducting such field tests on our customers.