AGENDA

SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY

REGULAR MEETING OF THE POLICY BOARD

CITY OF SOUTH GATE
AZALEA ROOM
AZALEA SHOPPING CENTER
4761 FIRESTONE BLVD.
SOUTH GATE, CA 90280

THURSDAY, JUNE 2, 2016
7:00 P.M.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. PUBLIC COMMENTS

4. CONSENT CALENDAR

   **Consent Calendar items will be considered and approved in one motion
   unless removed by a Board Member for discussion.**

   a. SEWC BOARD OF DIRECTORS MINUTES OF APRIL 7, 2016
      
      Recommendation: Approve minutes as submitted.

   b. WARRANT REGISTER
      
      Recommendation: Approve Warrant Register

   **End of Consent Calendar**

5. PROPOSED SEWC JPA FISCAL YEAR 2016 / 2017 BUDGET

Arturo Cervantes, Lead Agency, City of South Gate
Recommendation: That the Board take the following action:

Approve the proposed SEWC JPA Fiscal Year 2016 / 2017 Budget as recommended by the Administrative Entity.

6. **SELECTION OF LEAD AGENCY FOR FY 2016-17 THROUGH FY 2017-2018**
   Arturo Cervantes, Lead Agency, City of South Gate
   Recommendation: That the Board take the following actions:

   1. Approve the selection of the City of Downey to be Lead Agency for the SEWC from July 1, 2016 through June 30, 2018; and

   2. Adopt Resolution 2016-01 in order to approve selection of the Lead Agency and to set the time and place for all Board and Administrative Entity meetings beginning July 1, 2016.

   Arturo Cervantes, Lead Agency, City of South Gate
   Recommendation: That the Board take the following action:

   That the Board conduct elections for the purpose of electing a Chair and Vice-Chair for FY 16 - 18.

8. **UPDATE ON OMEGA PLUME CONSENT DECREE**
   Adriana Figueroa, Chair, Administrative Entity
   Recommendation: That the Board take the following action:

   Receive and File an update on the status of the Environmental Protection Agency's Omega Plume Consent Decree.

9. **UPDATE ON STATEWIDE DROUGHT REGULATIONS**
   Adriana Figueroa, Chair, Administrative Entity
   Recommendation: That the Board take the following action:

   Receive and File an update on the State Water Boards' revised drought regulations.

10. **UPDATE ON THE STATUS OF SB 953 (LARA) central basin municipal water district, AND AB 1794 (GARCIA) municipal water districts: board of directors**
   Adriana Figueroa, Chair, Administrative Entity
   Recommendation: That the Board take the following action:
Receive and File an update on the status of SB 953 and AB 1794, both bills dealing with the governance and oversight of the Central Basin Municipal Water District.

11. BOARD OF DIRECTOR COMMENTS.

12. CHAIR / ADMINISTRATIVE ENTITY COMMENTS.

13. SECRETARY / LEAD AGENCY COMMENTS.

14. ADJOURNMENT.

The next meeting of the Southeast Water Coalition Joint Powers Authority Board of Directors is Thursday, August 4, 2016 at 7:00 p.m., at the Rio Hondo County Club, 10627 Old River School Rd., Downey, CA 90241.

I hereby certify, under penalty of perjury under the laws of the State of California, that the foregoing agenda was posted at South Gate City Hall, Leland R. Weaver Library, and Hollydale Library which are available for the public to view.

Carmen Avalos
City Clerk
The regular meeting of the Southeast Water Coalition Joint Powers Authority Policy Board was called to order at 7:05 p.m. by Chairperson Davila.

1. PLEDGE OF ALLEGIANCE

Mr. Todd Rogers, City of Lakewood Board Member, led the Pledge of Allegiance.

2. ROLL CALL

Naresh Solanki      City of Cerritos
Alex Saab          City of Downey
Todd Rogers        City of Lakewood
Leonard Shyrock    City of Norwalk
Tom Hansen         City of Paramount
Juanita Trujillo   City of Santa Fe Springs
Maria Davila       City of South Gate

Also Present:
Vince Brar         City of Cerritos
Dan Mueller        City of Downey
Jason Wen          City of Lakewood
Adriana Figueroa   City of Norwalk
Gladis Deras       City of Pico Rivera
Arturo Cervantes   City of South Gate
Hye Jin Lee        City of Whittier
Mohammad Mostahkami City of Downey
Kevin Sales        KJServices Environmental Consulting
Kristen Sales      KJServices Environmental Consulting
Ashley Medina      Office of Assemblymember Cristina Garcia
Iso Nakasato       Office of Assemblymember Cristina Garcia
3. **PUBLIC COMMENTS**
Melissa Bahmanpour, a teacher at Aspire Gateway Academy in South Gate, presented public comments at this time. Ms. Bahmanpour recounted that recently on the Aspire campus, they discovered signs put up on the bathroom sinks that stated the water was not suitable for drinking, and should only be used for washing. Ms. Bahmanpour inquired if this was a water quality issue with the City of South Gate. Mr. Arturo Cervantes (South Gate, AE) offered to speak to Ms. Bahmanpour regarding this issue after the meeting.

4. **CONSENT CALENDAR**
Board Member Rogers made a motion to approve the Consent Calendar and Board Member Hansen (Paramount) seconded the motion. The Board Members approved the Consent Calendar by a unanimous voice vote, with one abstention from Board Member Shyrock of Norwalk.

5. **UPDATE ON ADMINISTRATIVE SUPPORT SERVICES – KJSERVICES ENVIRONMENTAL CONSULTING**
Administrative Entity Secretary Arturo Cervantes presented an overview of KJServices Environmental Consulting's administrative duties and provided an update on the proposed month-to-month contract. Mr. Cervantes further explained the ongoing RFP for Strategic Planning Services, which is in addition to and separate from KJS' provisional Administrative Services contract.

Kevin Sales of KJServices provided a summary of the transfer of duties to Kristen Sales, also of KJServices.

Board Member Shyrock (Norwalk) inquired about the timeline for transition between the month-to-month contract to a full contract. Mr. Cervantes replied that would depend on the results of the Strategic Planning RFP and the Lead Agency transfer, but the lead time should be less than a year.

Board Member Saab (Downey) made a motion to receive and file the item. The motion was seconded by Board Member Hansen. The motion was approved by a unanimous voice vote of the Policy Board.

6. **PRESENTATION ON AB 1794 (GARCIA) MUNICIPAL WATER DISTRICTS: BOARD OF DIRECTORS**
Administrative Entity Chair Mrs. Adriana Figueroa (Norwalk) presented this item to the Policy Board.

Mrs. Figueroa recapped Senator Lara’s presentation at the February 4th Board Meeting. Mrs. Figueroa then introduced Ashley Medina, Legislative Director for Assemblymember Cristina Garcia.
Ms. Medina introduced herself to the Board and gave an update on the recent legislative progress of both AB 1794 (Garcia) and SB 953 (Lara), stating that Assemblymember Garcia’s bill passed out of the Committee on Local Government on April 6, 2016 with an 8-0 vote and Senator Lara’s bill passed 5-1.

Ms. Medina then gave a very thorough and comprehensive recap of the State Auditor’s investigation of the Central Basin, and a summary of Assemblymember Garcia’s outreach to water purveyors to construct AB 1794 in adherence to the Auditor’s findings and recommendations. AB 1794 was shaped with the involvement of and substantial input from local Central Basin water purveyors.

Assembly Bill 1794 would expand the current Central Basin Municipal Water District’s (CBMWD) Board from 5 members to 7, with 4 being elected and 3 appointed by the water purveyors. The bill would also establish a Technical Advisory Committee (TAC).

Ms. Medina clarified the details of AB 1794’s governance structure. She stated that the Technical Advisory Committee (TAC) will be made up of five representatives selected, one each, as follows: a large water purveyor, a small water purveyor, a City representative, and two elected purveyors selected from among all the water purveyors in the Central Basin. Elections among the forty Central Basin water purveyors are scheduled to take place in November, 2016.

Ms. Medina also made a brief mention of Senate Bill 953 (Senator Ricardo Lara) which also deals with Central Basin Municipal Water District governance issues as well as contracting and several other issues that were specifically identified in the State’s audit. AB 1794 and SB 953 may be reconciled into a single bill or modified so that each focuses on a specific area of concern identified by the audit, thereby eliminating the current overlap and conflict between the two bills.

Chair Davila (South Gate) request a motion to receive and file the update provided by Ms. Medina. Board Member Saab made a motion with a second by Board Member Rogers. The motion was approved by a unanimous voice vote of the Policy Board.

Policy Board Chair Maria Davila then opened the Item up for questions.

Board Member Saab asked how the three appointed positions to the CBMWD Board would be selected. One seat would be selected from among large water purveyors, one municipal seat, and one seat selected "at-large" from among all Central Basin water purveyors. Board Member Saab then asked how a "large purveyor" is determined. Mrs. Figueroa responded that these would include purveyors such as CalWater, Golden State Water, Park Water, and the Cities of Paramount and Santa Fe Springs, among others. Mr. Vince
Brar (Cerritos, AE) stated that the top five purveyors purchase at least 50% of all the water in the Central Basin.

Chair Davila asked Ms. Medina to talk about the possibility of conflicts of interest, with large purveyors electing themselves to the TAC. Ms. Media stated that elections would follow the standard 8-14 hybrid model used in State programs. In response to a question from Board Member Saab, Ms. Medina explained that TAC seats from Cities will be staffed with City employees with the necessary technical expertise. Board Member Shyrock then asked what the definition of “technical expertise” is, and Ms. Medina stated the language in AB 1794 is still being refined to include specific qualifications. Ms. Medina then clarified that no member could be both on the TAC and the Board; each seat would be an unique member.

There was a brief discussion among the Board members and Ms. Medina regarding compensation for CBMWD Board members and how that would be an issue if any of the appointed members to the Board were also city employees. The details of that potential conflict will need to be worked out in the details of the bill.

A number of additional questions were discussed on issues related to the term for CBMWD Board members (4 years) and if there were any term limits proposed for the positions (no terms limits as currently proposed). There was also a question related to alternates for the Board and TAC positions. There are no alternates envisioned for the Board positions but there may be for members of the TAC.

AE Chair Figueroa thanked Ms. Medina for hosting purveyor workshops and explained her own experience at these meetings, as did Mr. Brar, stating that the AE members who attended these purveyor workshops contributed to refining the Bill’s language and approve of the approach Assemblymember Garcia’s staff is using to craft the language.

Board Member Saab made a motion to receive and file the update. The motion was seconded by Board Member Rogers. The motion was approved by a unanimous voice vote of the Policy Board.

## 7. POSITION RECOMMENDATIONS FOR SB 953 (LARA) CENTRAL BASIN MUNICIPAL WATER DISTRICT, AND AB 1794 (GARCIA) MUNICIPAL WATER DISTRICTS: BOARD OF DIRECTORS

Administrative Entity Chair Mrs. Adriana Figueroa presented this item to the Policy Board.

Mrs. Figueroa gave a summary of 4 main points of Senator Lara’s SB 953, stating that it would address both the governance issue identified in the audit as well as directly addressing several issues identified in the audit. These four major points are:
Prohibits CBMWD from using sole source contracts, except as prescribed. This bill would require the CBMWD to rebid a contract if the CBMWD significantly changes the scope of work of the contract.

Requires the general manager of the CBMWD to submit a quarterly report to the CBMWD’s Board detailing all of the CBMWD’s contracts, contract amendments, and contract and amendment dollar amounts.

Modifies the governance structure of CBMWD. The proposed Board would consist of seven members, five members elected and two members appointed by the Board of Supervisors of the County of Los Angeles.

Prohibits CBMWD from providing any member of its Board of Directors with CBMWD funds to conduct community outreach activities.

It is possible that the governance related component of SB 953 will be dropped if a reconciliation between SB 953 and AB 1794 is undertaken.

Mrs. Figueroa went over the Administrative Entity’s draft letters of support to both AB 1794 and SB 953 with amendments, and suggested SEWC issue a position on both bills at the June Policy Board meeting.

The Policy Board members discussed the amendment recommendations for AB 1794 would include: details of the makeup of TAC members, the issue of compensation, and a detailed definition of “technical advisory.” The Policy Board members discussed the amendment recommendations for SB 953 would include: meeting water purveyors for input on governance.

Chair Davila suggested the Policy Board delay statement on either bill until after they reach their respective appropriation committees at the end of May.

Chair Member Davila made a motion to revive the Item at the June Policy Board meeting, when they would receive a new legislative update. The motion was seconded by Board Member Trujillo (Santa Fe Springs). The motion was approved by a unanimous voice vote of the Policy Board.

8. WHITTIER NARROWS OPERABLE UNIT

Administrative Entity Chair Mrs. Adriana Figueroa presented this item to the Policy Board.

Mrs. Figueroa gave an overview of the history of the Central Basin, which was established in part because of contamination moving from the San Gabriel Main Basin to the Central Basin via the Whittier Narrows. The EPA then established the Whittier Narrows Operable Unit (WNOU) as a Superfund Site. The City of Whittier operated the WNOU from 2005—2013, during which time they could not attain adequate reimbursements from the EPA. Currently, the WNOU is being operated by the California Department of Toxic Substance
Control (DTSC). The EPA and DTSC have asked the City of Whittier to resume the operation and maintenance of the WNOU.

Administrative Member Hye Jin Lee (Whittier) stated that the EPA ran out of money for the Superfund Site and the WNOU is currently not operating to capacity. Ms. Lee asked the Board for their support in drafting letters in favor of the City of Whittier’s efforts to convince the EPA and DTSC to fulfill their responsibilities and fund the WNOU.

Board Member Saab made a motion to send letters of support for the City of Whittier and the Whittier Narrow Operable Unit to State and Federal agencies. The motion was seconded by Board Member Trujillo. The motion was approved by a unanimous voice vote of the Policy Board.

9. BOARD OF DIRECTOR COMMENTS.
No comments were received.

10. CHAIR / ADMINISTRATIVE ENTITY COMMENTS.
Administrative Entity Chair Adriana Figueroa made no comments.

11. SECRETARY / LEAD AGENCY COMMENTS
No comments were received.

12. ADJOURNMENT
The meeting was adjourned at 8:04 p.m.

______________________________
CHAIRMAN

ATTEST:

______________________________
## South East Water Coalition Check Disbursements
### April 1, 2016 through May 31, 2016

**Warrant Register**

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**TOTAL** 8,630.19
SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT

Date: June 2, 2016
To: Southeast Water Coalition Board of Directors
From: Arturo Cervantes, Lead Agency, City of South Gate

Subject: SEWC JPA Proposed Fiscal Year 2016 / 2017 Budget

Recommendation: That the Board take the following action:

Approve the proposed SEWC JPA Fiscal Year 2016 / 2017 Budget as Recommended by the Administrative Entity.

Background

At the March 17, 2016 Administrative Entity meeting, an ad hoc committee was formed to prepare the proposed Fiscal Year 2014/2015 SEWC budget. The ad hoc committee was formed by Arturo Cervantes (South Gate), Dan Mueller (Downey) and Hye Jin Lee (Whittier).

On May 6, 2016, the ad hoc committee convened via a conference call to discuss the SEWC JPA Proposed Fiscal Year 2016/2017 Budget (attached). Three budget alternatives were reviewed. Highlights of the discussion are the following:

- A review of current year budget and year-to-date expenditures;
- Detailed discussions of budget alternatives;
- The viability of member agency assessments and credits;
- The addition of a new budget line item for Consultant Contingencies in the amount of $25,000. These funds will be used, as needed, for expenses related to the work of the Strategic Planning consultant and for follow-on, implementation activities that may result from the strategic planning process.

The ad hoc committee recommended (Option #1) Fiscal Year 2016/2017 Budget includes a $10,000 per agency Assessment, however the amount of the assessment will be refunded by $7,500 to each agency. All the budget categories, except Program Management Services, remain at the same level as the approved Fiscal Year 2015/2016 budget.
The ad hoc committee also prepared two Alternative Budgets for consideration by the Administrative Entity. In each case the per category budget amounts remain the same as in recommended budget, the only differences occur in the amount of the Annual Assessment and the size of each agency's refund, if any.

Option #2
Each SEWC member agency will be charged a $10,000 Annual Assessment. The Annual Assessment will be credited back to each agency in full.

Option #3
Each SEWC member agency will be charged a $10,000 Annual Assessment. No funds will be credited back to the member agencies.

The ad hoc committee’s recommended Fiscal Year 2015/2016 Budget will reduce the year-to-year budget carry-over from an estimated $226,518 to $121,418; a 47% reduction.

Attachment(s):
1. SEWC JPA Proposed Fiscal Year 2016 / 2017 Budget
## SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY
### DRAFT FISCAL YEAR 2016-2017 BUDGET

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Date: June 2, 2016
To: Southeast Water Coalition Board of Directors
From: Arturo Cervantes, Lead Agency, City of South Gate

Subject: Selection of Lead Agency for FY 2016-17 Through FY 2017-18

Recommendation: That the Board take the following actions:

1. Approve the selection of the City of Downey to be the Lead Agency for the SEWC from July 1, 2016 through June 30, 2018; and

2. Adopt Resolution No. 2016-01 in order to approve selection of the Lead Agency and to set the time and place for all Board and Administrative Entity meetings beginning July 1, 2016.

Background

The City of South Gate is completing the second year of its two-year term as Lead Agency for the SEWC and the next Lead Agency will need to assume that role on July 1, 2016. In accordance with Section 7 (h) of the Joint Powers Agreement for the Southeast Water Coalition, the Board needs to select a member agency to take over as the Lead Agency on July 1, 2016.

It has been the practice of the SEWC to select the agency represented by the Chair to be the Lead Agency. Mr. Alex Saab currently represents the City of Downey and is presently serving as Vice-Chair. The City of Downey has confirmed that Mr. Saab is expected to continue as the designated representative for that agency after June 30, 2016. Assuming Mr. Saab is elected as Chair, it would be appropriate for the Board to designate the City of Downey to be Lead Agency effective July 1, 2016 and continuing through June 30, 2018.

Attachment(s):
SEWC Board of Directors Resolution 2016-01
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY DESIGNATING A LEAD AGENCY FOR THE PERIOD BEGINNING JULY 1, 2016 THROUGH JUNE 30, 2018 AND PROVIDING FOR MEETINGS OF THE BOARD OF DIRECTORS AND ADMINISTRATIVE ENTITY

THE BOARD OF DIRECTORS OF THE SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. DESIGNATION OF LEAD AGENCY. The Board of Directors hereby designates the City of Downey to serve as Lead Agency for the period beginning July 1, 2016 through June 30, 2018.

Section 2. BOARD OF DIRECTORS MEETINGS. The Board of Directors shall meet, as necessary, on the first Thursday of every even numbered month at 7:00 p.m. at the Columbia Memorial Space Center, 12400 Columbia Way, Downey, CA 90242.

Section 3. ADMINISTRATIVE ENTITY MEETINGS. The Administrative Entity shall meet, as necessary, on the third Thursday of every odd numbered month at 11:30 A.M. at the Columbia Memorial Space Center, 12400 Columbia Way, Downey, CA 90242.

Section 4. This Resolution providing for the designation of Lead Agency and setting the date, time and place of regular meetings of the Board of Directors and Administrative Entity is effective July 1, 2016.

Section 5. The Chair of the Administrative Entity shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED, and ADOPTED this 2nd day of June 2016.

______________________________
Chair, Board of Directors

ATTEST:

______________________________
Administrative Entity Chair
Date: June 2, 2016
To: Southeast Water Coalition Board of Directors
From: Arturo Cervantes, Lead Agency, City of South Gate

Subject: Election of the Chair and Vice-Chair for the SEWC Board of Directors for Fiscal Year 2016-2017

Recommendation: That the Board take the following action:

That the Board conduct elections for the purpose of electing a Chair and Vice-Chair for Fiscal Year 2016/2017.

Background

The Joint Powers Agreement for the Southeast Water Coalition provides for the election of the Board Chair, Vice Chair and such other officers as the Board finds appropriate. It has been the practice for the Board to elect or re-elect officers for each new fiscal year.

The City of South Gate is completing the second year of its two-year term as the Lead Agency for the SEWC. Mrs. Maria Davila who represents the City of South Gate, is currently serving as Chair. Mr. Alex Saab currently represents the City of Downey and is presently serving as Vice-Chair. Their terms end on June 30, 2016. Therefore, it would be appropriate for the Board to hold elections on June 2, 2016 and elect a new Chair and Vice-Chair for Fiscal Year 2016-2017.

It has been the practice of the SEWC to elect the primary representative from the Lead Agency to serve as Chair. With the Board’s approval, the City of Downey will take over as the Lead Agency on July 1, 2016. If the Board follows its past practice, it would be appropriate to elect Mr. Alex Saab as the Chair. The City of Downey has confirmed that Mr. Saab is expected to continue as the designated representative for that agency after July 1, 2016.

It has been the practice of the SEWC to elect as the Vice-Chair the representative for the agency that will be the Lead Agency in two years. In review of historical files, the next agency in line is the City of Whittier. If the Board follows its past practice, it would be appropriate to elect _________ as the Vice-Chair.

Attachment(s): None
Date: June 2, 2016
To: Southeast Water Coalition Board of Directors
From: Adriana Figueroa, Chair, Administrative Entity

Subject: UPDATE ON OMEGA PLUME CONSENT DECREE

Recommendation: That the Board take the following action:

Receive and File an update on the status of the Environmental Protection Agency's Omega Plume Consent Decree.

Background

The Site known as the Omega Chemical Company ("Omega") facility located as 12504 and 12512 Whittier Boulevard, Whittier, was a former hazardous waste treatment and storage facility.

During its years of operation, drum and bulk loads of waste solvents and chemicals from various industrial activities were processed at the site. During part of its operation, Omega was subject to regulation as an interim status hazardous waste facility in accordance with California Health and Safety Code section 25200.5.

The US Environmental Protection Agency (EPA) organized the Site into several Operable Units ("OUs") for purposes of determining appropriate remedial design and remedial action at each Operable Unit. OU2 consists of the contamination in groundwater generally downgradient of Omega, much of which has commingled with chemicals released at other locations into a regional plume containing multiple contaminates.

EPA's decision on the remedial action to be implemented for OU2 is embodied in an OU2 Interim Action Record of Decision ("ROD"), executed on September 20, 2011, in which DTSC concurred.

EPA has reached agreement with 66 "potentially Responsible Parties" (PRPs) to spend an estimated $70 million to implement the majority of EPA's 2011 Record of Decision for OU2. The agreement, a proposed Federal Consent Decree, was "lodged" on April 20,
2016 in federal court. It can be viewed or downloaded from a U.S. Department of Justice website at www.justice.gov/enrd/Consent_Decrees.html. The proposed Consent Decree, listed as "U.S., et al. v Abex Aerospace, et al.," was available for public comment for a period of 30 days from April 27, 2016 to May 27, 2016.

The PRPs have agreed to begin preparations of initial planning documents upon lodging of the agreement. Design work on the new water treatment systems, groundwater extraction wells and piping, is expected to begin later this year after court approval of the agreement and continue into 2017, with construction expected to begin in 2018. EPA will oversee design and construction of remedial action implementation within the northerly and southerly limits of Whittier Boulevard and Imperial Highway, respectively and easterly and westerly limits Bloomfield Avenue and Pioneer Avenue.

**Attachment(s):**
1. Statement of Work - Operable Unit 02
REMEDIAL DESIGN/REMEDIAL ACTION

STATEMENT OF WORK

OPERABLE UNIT 02

Omega Chemical Corporation Superfund Site

Los Angeles County, State of California

EPA Region 9

December 8, 2015
## TABLE OF CONTENTS

1. INTRODUCTION ...............................................................................................................1
2. COMMUNITY INVOLVEMENT ......................................................................................4
3. REMEDIAL DESIGN .........................................................................................................5
4. REMEDIAL ACTION .......................................................................................................12
5. LEADING EDGE INVESTIGATION ..............................................................................16
6. REPORTING .....................................................................................................................17
7. DELIVERABLES ..............................................................................................................19
8. SCHEDULES ....................................................................................................................28
9. DTSC PARTICIPATION ..................................................................................................31
10. REFERENCES ................................................................................................................31
1. INTRODUCTION

1.1 Purpose of the SOW. This Statement of Work (SOW) sets forth the procedures and requirements for implementing the Work, as defined in the Consent Decree (CD) relating to the Omega Chemical Corporation Superfund Site (Site), Operable Unit 2 (OU2) between the United States, the California Department of Toxic Substances Control (DTSC) and several potentially responsible parties, including members of the Omega Chemical Site PRP Organized Group (OPOG), McKesson Corporation (McKesson), and others, as may be added from time to time, identified as Settling Defendants in such CD. Parties performing work pursuant to the CD and this SOW are referred to hereinafter as “Settling Work Defendants” or "SWDs." The SWDs are identified in the CD.

1.2 Structure of the SOW. Section 2 (Community Involvement) sets forth EPA’s and SWDs’ responsibilities for community involvement. Section 3 (Remedial Design) sets forth the process for developing the Remedial Design (RD), which includes the submission of specified primary deliverables. Section 4 (Remedial Action) sets forth requirements regarding the completion and operation and maintenance of the Remedial Action (RA), including primary deliverables related to completion of the RA. Section 5 (Leading Edge Investigation) sets forth SWDs’ obligations regarding additional data collection and analysis in the Leading Edge (LE) Area. Section 6 (Reporting) sets forth SWDs’ reporting obligations. Section 7 (Deliverables) describes the content of the supporting deliverables and the general requirements regarding SWDs’ submission of, and EPA’s review of, approval of, comment on, and/or modification of, the deliverables. Section 8 (Schedules) sets forth the schedule for submitting the primary deliverables, specifies the supporting deliverables that must accompany each primary deliverable, and sets forth the schedule of milestones regarding the completion of the RD, RA, O&M, and LE Investigation (LEI). Section 9 (State Participation) addresses DTSC participation, and Section 10 (References) provides a list of references, including URLs.

1.3 Scope of the Remedy. The Scope of the Remedy for the purpose of this SOW and the CD includes the design, construction, and operation of one or more groundwater extraction and treatment systems to satisfy and maintain Performance Standards (defined in subparagraph (c) below) identified in the OU2 Interim Action Record of Decision, dated September 20, 2011 (ROD), applicable to the Northern Extraction (NE) Area, Central Extraction (CE) Area, and the northern portion of the LE Area as depicted in the ROD. (These areas are referenced in this SOW as the NE/CE Area.) The term Work Area is defined in the CD as the portions of OU2 that are the subject of Work under the CD and this SOW. The Scope of the Remedy is described further in the following paragraphs.

(a) The NE/CE Area is a portion of the area of the groundwater contamination defined by EPA as OU2 in its 2011 ROD. OU2 includes contaminated groundwater generally downgradient of OU1, commingled with chemicals released from properties near or within the OU2 boundary. The NE/CE Area is bounded by the OU2 boundary depicted in the ROD. Chemicals of concern (COCs) include but are not limited to tetrachloroethylene (PCE), trichloroethylene (TCE), 1,4-dioxane, and hexavalent chromium. OU1 includes the former Omega
Chemical facility and immediate vicinity. As reflected in the ROD, the area of contamination addressed by OU2 is more than 4 miles long and 1 mile wide. A Site map showing general locations of key SOW components (and locations depicted in ROD) is included as Appendix C to the CD.

(b) The ROD contemplates remedial extraction near the leading edge of the LE Area. That work is beyond the Scope of the Remedy described in this SOW and the CD as shown in Appendix C to the CD. Instead, the SOW and CD require specific additional investigation work in portions of the LE Area downgradient of the planned CE Area. EPA intends to use the results of the LEI, and other information (including information on the nature, extent, and movement of contamination in the LE Area and the status of the Golden State Water Company Pioneer Water Supply Wells), to determine whether to implement the remedy for the LE Area described in the ROD or propose a change in the remedy.

(c) The Performance Standards for the NE/CE Area are as follows:

(1) The RA shall provide sufficient hydraulic control laterally and vertically in the NE/CE Area to prevent spreading of the plume and the movement of groundwater contaminated with COCs exceeding EPA or State Maximum Contaminant Levels, or Notification Levels established by the California State Water Resources Control Board Division of Drinking Water, into less contaminated zones at OU2.

(2) Extracted water will meet permit requirements if permits are obtained and any ARARs or "To Be Considered" criteria that are appropriate for the selected water end use.

Additional performance standards shall also be developed during RD. They shall address: i) the level of hydraulic control to be achieved by the extraction of contaminated groundwater in the NE Area; ii) requirements related to air emissions, if any; and iii) other requirements specific to the end use of the treated groundwater.

(d) Compliance with the Performance Standards shall be verified by demonstrating lateral and vertical hydraulic control of the plume as described in ¶ 1.3(e). Although not a criterion for the Certification of RA Completion under ¶ 4.6, after the remedy has operated for a period of time, expected to last several years, compliance shall be determined by demonstrating continued hydraulic control and a decrease in COC concentrations in compliance wells over the long term recognizing that data must be interpreted to factor in potential and uncontrolled sources. The locations of the compliance wells shall be in accordance with ¶ 7.7(g) of this SOW (“Compliance Monitoring Plan”).

(e) To demonstrate hydraulic control, there must be evidence that the hydraulic capture zone created by the remedy encompasses the target zones of remediation in the NE/CE Area. The targeted zones will be within the OU2 boundary as
depicted in the ROD (and Appendix C to the CD) and will be more specifically identified during RD. The objectives are to: i) hydraulically contain COCs exceeding MCLs or notification levels within the NE/CE Area; and ii) intercept a significant amount of the higher concentration COC mass in the NE Area moving past Slauson Avenue, with a pumping rate no less than 300 gpm unless EPA approves a lower rate. Capture shall be estimated by particle tracking or other techniques acceptable to EPA, based on interpreted measured groundwater levels and a newly constructed groundwater flow model capable of particle tracking simulations or a similar approach. Hydraulic control shall be achieved as soon as possible after startup of the remedy and be maintained thereafter.

(f) Final groundwater extraction locations will be selected during remedial design. Extraction in the CE Area will be in the vicinity of Telegraph Road; extraction in the NE Area will be in the vicinity of Sorensen Ave.

(g) The current best estimate of the required pumping rate for the NE/CE Area is 1,100 gallons per minute (total). The design capacity of the extraction and treatment system will be the required pumping rate plus a safety factor. The required pumping rate and design capacity of the extraction and treatment system(s) may be modified during RD, if approved by EPA, after the completion of pre-design investigation work. The revised pumping rate may be greater or less than the best estimate cited above.

(h) The safety factor described above may be as low as 20% if the pre-design investigation work is satisfactorily completed to better estimate hydraulic conductivity in the NE/CE Area capture zone and refine the areas and depths targeted for hydraulic capture.

(i) Extraction wells in the NE/CE Area will perform in conjunction with one another to meet Performance Standards and variability in extraction rates between the two sets of extraction wells may be necessary to achieve capture in the target zones. Operating parameters will be optimized through the design and system startup and shakedown activities.

(j) In addition to groundwater extraction and treatment, the remedy requires the construction of water conveyance systems to transport extracted groundwater from the groundwater extraction wells to the water treatment plant(s) and from the treatment plant(s) to the end use location(s) of the treated water; installation of new groundwater monitoring wells and piezometers; monitoring of new and existing groundwater monitoring wells and piezometers; and the implementation of institutional controls (ICs) as defined in ¶ 7.7(h).

(k) Reinjection (shallow and/or deep), basin recharge, and reclamation will be evaluated during RD as potential end uses of the treated groundwater unless the parties mutually agree that it is no longer appropriate to evaluate one of the contemplated end uses after considering the cost-effectiveness and implementability of the end use. Drinking water may also be evaluated as a
potential end use, at the SWDs' discretion. As discussed in Section I.L of the Consent Decree, EPA has begun preparing an Explanation of Significant Differences to clarify that use of treated water for injection, recharge at existing spreading basins, reclamation, or a combination of these end uses are potential end uses for this interim remedy.

1.4 This remedial action is considered “interim”; EPA is not setting final “in situ” cleanup goals for the groundwater in the NE/CE Area at this time and neither this remedy nor the SOW require source control actions at contaminated sites or facilities within or adjacent to OU2 that are overseen by the Regional Water Quality Control Board or the Department of Toxic Substances Control. Nevertheless, the remedy is expected to begin the process of restoring contaminated groundwater in the NE/CE Area by removing contaminant mass from the groundwater.

1.5 The terms used in this SOW that are defined in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601, et seq., in regulations promulgated under CERCLA, or in the CD to which this SOW is an attachment, have the meanings assigned to them in CERCLA, in such regulations, or in the CD, except that the term “Paragraph” or “¶” means a paragraph of the SOW, and the term “Section” means a section of the SOW, unless otherwise stated.

2. COMMUNITY INVOLVEMENT

2.1 Community Involvement Responsibilities

(a) EPA has the lead responsibility for developing and implementing community involvement activities associated with Work required by this SOW. Previously, during the RI/FS phase of OU2, EPA developed a Community Involvement Plan (CIP) for the Site. Pursuant to 40 C.F.R. § 300.435(c), EPA expects to review the existing CIP and determine whether it should be revised to describe further public involvement activities during the Work that are not already addressed or provided for in the existing CIP.

(b) If requested by EPA, SWDs shall support EPA’s community involvement activities. This may include providing online access to initial submissions and updates of deliverables to Community Advisory Groups (CAGs) (if formed) and Technical Assistance Grant (TAG) recipients and their advisors (if a TAG is issued) and other entities to provide them with a reasonable opportunity for review and comment. EPA may describe in its CIP SWDs’ responsibilities for community involvement activities. All community involvement activities conducted by SWDs at EPA’s request are subject to EPA’s oversight.

(c) SWDs’ CI Coordinator. If requested by EPA after CD entry, SWDs shall, within 15 days, designate and notify EPA of SWDs’ Community Involvement Coordinator (SWDs’ CI Coordinator). SWDs may hire a contractor for this purpose. SWDs’ notice must include the name, title, and qualifications of the SWDs’ CI Coordinator. If designated, SWDs’ CI Coordinator must have
appropria}e qu}la}ifications and experience and is responsible for providing support regarding EPA’s community involvement activities, including coordinating with EPA’s CI Coordinator regarding responses to the public’s inquiries about Work required by this SOW.

3. REMEDIAL DESIGN

3.1 RD Work Plan. SWDs shall submit a Remedial Design Work Plan for the NE/CE Area (RD Work Plan) for EPA approval. The RD Work Plan must include:

(a) A brief description of the Site and Work Area within OU2, including the sources, nature, and extent of groundwater contamination; a description of the remedy; and geographic, hydrogeologic, cultural, and/or natural resource features relevant to the RD;

(b) Plans for implementing all RD activities identified in this SOW, in the RD Work Plan, or required by EPA to be conducted to develop the RD;

(c) A description of the overall management strategy for performing the RD;

(d) A description of the proposed general approach to contracting, construction, operation, maintenance, and monitoring of the RA as necessary to implement the Work, including a preliminary discussion of whether design and construction will be implemented utilizing a design/bid/build or design/build process (and design and construction submittals and approvals associated with each approach);

(e) A description of the responsibility and authority of all organizations and key personnel, including contractors, involved with the development of the RD;

(f) A description of any concerns about the quantity, quality, completeness, or usability of water quality or other data upon which the design will be based;

(g) Description of the planned pre-design investigation;

(h) Description of planned development and use of a groundwater model;

(i) Description of planned Work Area groundwater monitoring;

(j) Descriptions of the roles and responsibilities of water agencies, cities, or other third parties required for implementation of the remedy. Possible third-party roles include groundwater extraction well and treatment plant operation and acceptance of treated groundwater;

(k) Description of the technologies being considered for treatment of groundwater or other media, documentation that the technologies under consideration are capable of satisfying Performance Standards (defined in ¶ 1.3(c)), and a description of the need, if any, for pilot-scale or demonstration-scale treatability studies. Treatment may be required for disinfection, corrosion control, or other purposes, in addition
to removal of COCs, depending upon water end use. If a treatability study is required, the RD Work Plan (or a separate Treatability Study Work Plan) shall include a description of the technology to be tested, test objectives and procedures, planned measurements, data management and analysis procedures, health and safety requirements, residual waste management handling and disposal, and a schedule for completion of testing and preparation of a report that evaluates the performance and implementability of the technology;

(l) A description of the expected use(s), recipient(s), and delivery locations of the treated water;

(m) A description of the planned operation of the remedy including plans, if any, to operate the remedy at a seasonally-variable or non-constant rate;

(n) A preliminary description of the targeted zone of contamination, including a summary of geologic, water quality, or other data to be collected as part of the pre-design investigation to refine the targeted zone;

(o) Required effluent (treated water) quality for all COCs and other compounds requiring treatment;

(p) To the extent known when the RD Work Plan is submitted, plans for siting extraction wells, groundwater monitoring wells, treatment facilities, pipelines, and other components of the remedy;

(q) Descriptions of the planned use, condition, expected life, and the potential for increased maintenance or reduced lifespan (compared to new facilities) of any existing facilities (e.g., groundwater extraction wells, water treatment systems, water conveyance systems);

(r) Descriptions of permitting and other regulatory requirements, and plans for compliance with substantive requirements for portions of the Work for which permits are not obtained;

(s) Description of plans for obtaining access in connection with the Work, such as property acquisition, property leases, and/or easements;

(t) Description of plans for complying with restrictions on groundwater extraction and other relevant requirements included in the judgment "Central and West Basin Water Replenishment District, etc., vs. Charles E. Adams, et al.," Los Angeles Superior Court Case No. 786656;

(u) All supporting deliverables required to accompany the RD Work Plan as specified in the RD Schedule set forth in ¶ 1.1 (RD Schedule). These include a Work Area Monitoring Plan (WAMP) and Pre-Design Investigation Work Plan (PDIWP) (which include a Health and Safety Plan (HASP), Field Sampling Plan (FSP) and Quality Assurance Project Plan (QAPP)); and
(v) Provisions for complying with reporting requirements in this SOW, including periodic reporting and submittal of analytical data.

3.2 SWDs shall meet with EPA to discuss NE/CE Area design issues as necessary, as directed or determined by EPA.

3.3 Pre-Design Investigation. The purpose of the NE/CE Area Pre-Design Investigation (PDI) is to address data gaps by conducting additional field investigations.

(a) PDI Work Plan. SWDs shall submit a PDI Work Plan (PDIWP) for EPA approval. The PDIWP must include:

1. An evaluation and summary of existing data relevant to items (i) – (iii) below, and description of sampling and analysis activities needed to:
   (i) Define the areas and depths targeted for hydraulic control in the NE and CE Areas;
   (ii) Estimate hydraulic conductivity in the NE/CE Area capture zone;
   (iii) Select groundwater extraction rates and locations for design of the remedy; and
   (iv) Address any concerns about the quantity, quality, completeness, or usability of water quality or other data upon which the design will be based;

2. Plans for the installation of groundwater monitoring wells, the measurement of water levels from new and existing wells, the collection and periodic analysis of samples from new and existing groundwater wells, and aquifer testing in the NE/CE Area capture zone;

3. Preparation and submittal of a FSP and QAPP, or references or addendums to approved plans; and


(b) Following the PDI, SWDs shall submit a PDI Evaluation Report for EPA approval. This report must include:

1. A summary of the investigations performed;

2. A summary of investigation results, including a summary of validated data (i.e., tables and graphics), the results of data analyses, and a narrative interpretation of data and results;

3. Data validation reports and laboratory data reports; and

4. Conclusions and recommendations relevant to the RD.
(c) EPA may require SWDs to supplement the PDI Evaluation Report and/or to perform additional pre-design studies in the NE/CE Area.

3.4 **Groundwater Flow Modeling.** The purpose of Groundwater Flow Modeling is to provide information to support the design of the NE/CE Area remedy and to aid in evaluating the performance of the remedy.

(a) **Groundwater Flow Modeling Work Plan.** SWDs shall submit a Groundwater Flow Modeling Work Plan for EPA approval. The Plan must provide for:

1. The development, calibration, and use of a numeric groundwater flow model to support the selection of the following aspects of the remedy: minimum groundwater extraction rates; extraction well and treatment system flow capacities; and groundwater extraction, monitoring, and compliance well locations. The model shall be calibrated over an appropriate range of hydrogeologic conditions and have the capability to simulate transient conditions in three dimensions and conduct particle tracking simulations to evaluate hydraulic control. The modeling effort should consider the procedures outlined in EPA’s guidance document “A Systematic Approach for Evaluation of Capture Zones at Pump and Treat Systems, EPA/600/R-08/003, January 2008.”

2. Submittals documenting the development and calibration of the model and presenting the results of predictive simulations.


3.5 **Work Area Monitoring Plan.** The purpose of the Work Area Monitoring Plan (WAMP) is to provide current information on the extent and movement of contaminated groundwater to support the remedial design, and baseline information to be used in future evaluations of NE/CE Area remedy performance.

(a) SWDs shall submit a WAMP for EPA approval. The WAMP must include:

1. Provisions for monitoring groundwater elevations and groundwater quality annually until the NE/CE Area Remedial Action is operational. For the purpose of this provision, “operational” means that construction and startup activities have been completed;

2. Provisions for more frequent monitoring of groundwater elevations if needed to support development and calibration of a NE/CE Area groundwater flow model;
(3) Monitoring of wells and piezometers installed by EPA or SWDs as part of OU2 Work and of the "Koontz" and "Hawkins" monitoring wells installed by the Water Replenishment District of Southern California in 2014;

(4) Preparation and submittal of a FSP and QAPP, or references or addendums to approved plans; and

(5) Provisions for preparation and submittal of a report summarizing each annual sampling event. The scope and contents of each report/deliverable shall be detailed in the appropriate Sampling and Analysis Plans.

(b) Samples may be collected and analyzed by SWDs or other qualified parties if requirements in the WAMP and associated FSP and QAPP are satisfied.

(c) EPA will consider recommendations to substitute non-EPA wells for certain existing EPA wells.

(d) This paragraph does not require SWDs to perform monitoring of wells installed as part of investigations directed or overseen by the Regional Water Quality Control Board or the Department of Toxic Substances Control.

(e) Following each annual sampling event, SWDs shall submit a Work Area Monitoring Report for EPA approval. This report must include:

(1) A summary of the monitoring performed;

(2) A summary of monitoring results, including a narrative interpretation of data and results, a tabular summary of validated results, time-series graphs, and maps depicting interpreted water levels and the interpreted extent of contamination. The reports shall also incorporate any relevant extant groundwater data that are being collected by SWDs for non-OU2 work, as well as other publicly or readily available groundwater data generated by third parties for wells that are in or near the OU2 area. EPA will assist SWDs in obtaining third party data, if needed.

(3) Data validation reports and laboratory data reports.

(f) As required by ¶ 7.7(g) of this SOW SWDs will prepare and implement a NE/CE Area Compliance Monitoring Plan. That Plan must discuss appropriate monitoring scope and frequency necessary to allow the ongoing performance assessment of the NE/CE Area remedy. Once EPA approves this plan, SWDs will submit NE/CE Area Monitoring Reports in accordance with the Plan.

3.6 Treatability Study. If required by the approved RD Work Plan, SWDs shall submit a Treatability Study Work Plan (TSWP) for EPA approval, perform a Treatability Study (TS) in accordance with the approved TSWP, and submit a TS Evaluation Report for EPA approval. If required, the TSWP shall be prepared in accordance with EPA’s Guide

3.7 Preliminary (30%) RD. SWDs shall submit a Preliminary (30%) RD for EPA’s comment and approval. The Preliminary RD must present and justify the concepts, preliminary assumptions, design criteria, Performance Standards (as defined in ¶ 1.3(c)), other requirements, and preliminary interpretations and calculations used in the design, including (but not limited to) the following:

(a) Any updates to information provided in the RD Work Plan;

(b) Projected treatment plant influent quality over the design life of the water treatment systems, with a description of the methodology used to develop the estimate;

(c) A description of the expected waste streams, including approximate rates or volumes to be generated (e.g., spent carbon, spent resin, backwash water);

(d) A general description of the planned system control strategy and level of operator oversight;

(e) Preliminary drawings and specifications;

(f) A description of how the RA will be implemented in a manner to minimize energy use, water use, and waste generation, and otherwise minimize the environmental footprint of the RA without delaying or compromising its effectiveness, in accordance with EPA’s Principles for Greener Cleanups (Aug. 2009);

(g) A description of monitoring and control measures to protect human health and the environment, such as air monitoring and dust suppression, during the RA;

(h) The planned contracting strategy. Specifically, SWDs shall indicate in the Preliminary RD if they are interested in pursuing a conventional design/bid/build strategy or the design/build approach to design and construction. The conventional design/bid/build approach is one in which the design is taken to the 100 percent completion level to allow contractor bidding of the construction work. The design/build approach is one in which the design is developed to about the 60 percent completion level followed by subsequent field engineering during construction. If SWDs propose the design/build approach, the Preliminary RD will include a list of the components to be included in the Intermediate Design for EPA’s review. EPA will make a final decision on whether to approve the SWD proposed design/bid/build or design/build strategy at the time it approves the Preliminary Remedial Design;

(i) Any proposed revisions to the RA Schedule that is set forth in ¶ 1.1 (RA and O&M Schedule); and
Any supporting deliverables required to accompany the Preliminary RD as specified in the RD Schedule and updates, if needed, to the supporting deliverables required to accompany the RD Work Plan.

3.8 **Intermediate (60%) RD**: If SWDs propose and EPA approves a design/build approach at the end of the Preliminary RD, SWDs shall conduct the Intermediate Design activities in accordance with the RD Work Plan and Preliminary RD. The Intermediate Design begins with the completion of the Preliminary Design and ends with the completion of approximately 60 percent of the design effort. Supporting deliverables that would, in a design/bid/construct approach, be submitted as part of the Pre-final RD would be submitted with the Intermediate Design. They include an Operation and Maintenance (O&M) Plan, Compliance Monitoring Plan (CMP), Construction Quality Assurance (CQA) Plan, Emergency Response Plan (ERP), and an Institutional Controls Implementation and Assurance Plan (ICIAP). SWDs shall also update, if needed, the supporting deliverables required to accompany the RD Work Plan or Preliminary RD. The submittal shall also include a memorandum indicating how comments on the Preliminary RD were incorporated into the Intermediate RD. After EPA approves the Intermediate (60%) RD, if required, SWDs will provide detailed reports on the status of design activities in the progress reports required by ¶ 6.1 of the SOW. All significant changes to the design and significant design decisions will be highlighted and require EPA review and approval prior to implementation. SWDs will submit to EPA inspection reports, interim as-built drawings, and other information as it becomes available to ensure that EPA is aware of all significant design changes and decisions. SWDs will provide additional design information and arrange progress meetings with EPA and/or its construction oversight contractor as requested by EPA.

3.9 **Pre-final (95%) RD.** SWDs shall submit the Pre-final (95%) RD for EPA’s comment if a conventional design/bid/build strategy is used. The Pre-final RD must be a continuation and expansion of the previous design submittal and address EPA’s comments regarding the Preliminary RD. The Pre-final RD will serve as the approved Final (100%) RD if EPA approves the Pre-final RD without comments.

Alternatively, if a design/build contracting strategy is used, a revised 60% submittal will be submitted which fully addresses EPA comments on the Preliminary and Intermediate Design submittals in lieu of the requirements in this paragraph.

The Pre-final RD, if required, must include:

(a) A complete set of construction drawings and specifications that: (1) are certified by a professional engineer registered in the State of California; (2) are suitable for procurement; and (3) follow the Construction Specifications Institute’s MasterFormat 2012;

(b) Survey and engineering drawings showing existing features within the Work Area, such as elements, property borders, easements, and subsurface utilities;
(c) Pre-final versions of the same elements and deliverables as are required for the Preliminary RD;

(d) A memorandum indicating how comments on the Preliminary RD were incorporated into the Pre-final RD;

(e) A capital and O&M cost estimate;

(f) A specification for photographic documentation of the RA; and

(g) Supporting deliverables as specified in the RD Schedule (Operation and Maintenance (O&M) Plan; Compliance Monitoring Plan (CMP), a Construction Quality Assurance (CQA) Plan, Emergency Response Plan (ERP), and an Institutional Controls Implementation and Assurance Plan (ICIAP)). SWDs shall also update, if needed, the supporting deliverables required to accompany the RD Work Plan or Preliminary RD.

3.10 **Final (100%) RD.** If a Pre-final RD submittal is required, unless EPA approves the Pre-final RD without comments, SWDs shall submit the Final (100%) RD for EPA approval. If submitted, the Final RD must address EPA’s comments on the Pre-final RD and include final versions of all pre-final RD deliverables and a memorandum indicating how EPA comments on the Pre-final RD were addressed in the Final RD.

4. **REMEDIAL ACTION**

4.1 **RA Work Plan.** SWDs shall submit a RA Work Plan for the NE/CE Area (RA Work Plan) for EPA approval that describes or includes:

(a) Updates to the roles and responsibilities of key organizations and personnel, schedule, contracting strategy, and planned submittals to EPA during RA;

(b) Any outstanding issues regarding access, permitting, water rights, third-party agreements, or substantive requirements for activities within the Work Area;

(c) An updated health and safety plan that covers activities during the RA; and

(d) O&M and compliance monitoring provisions required by ¶7.7 (f) or ¶7.7(g) relevant to startup of the remedy.

Changes to the RA as set forth in the RA Work Plan and approved RD shall not be undertaken without the prior approval of EPA.

4.2 **Independent Quality Assurance Team.**

[Not Used.]
4.3 Meetings and Inspections

(a) **Preconstruction Conference.** SWDs shall hold a preconstruction conference with EPA and others as directed or approved by EPA and as described in the *Remedial Design/Remedial Action Handbook*, EPA 540/R-95/059 (June 1995). SWDs shall prepare minutes of the conference and shall distribute the minutes to EPA and the DTSC.

(b) **Inspections**

(1) EPA or its representative expect to conduct periodic inspections of, or have an on-site presence during, the Work. At EPA’s request, the Supervising Contractor or other designee shall accompany EPA or its representative during inspections.

(2) Upon notification by EPA of any deficiencies in the RA Construction, SWDs shall take all necessary steps to correct the deficiencies and/or bring the RA Construction into compliance with the approved RD, any approved design changes, and/or the approved RA Work Plan. If applicable, SWDs shall comply with any reasonable schedule provided by EPA in its notice of deficiency.

4.4 Emergency Response and Reporting

(a) **Emergency Response and Reporting.** If any event occurs during performance of the Work that causes or threatens to cause a release of Waste Material (as defined in the CD) on, at, or from the Work Area and that either constitutes an emergency situation or that may present an immediate threat to public health or welfare or the environment, SWDs shall: (1) immediately take all appropriate action to prevent, abate, or minimize such release or threat of release; (2) immediately notify the authorized EPA officer (as specified in ¶ 4.4(c)) orally; and (3) take such actions in consultation with the authorized EPA officer and in accordance with all applicable provisions of the Health and Safety Plan, the Emergency Response Plan, and any other deliverable approved by EPA under the SOW.

(b) **Release Reporting.** Upon the occurrence of any event during performance of the Work that SWDs are required to report pursuant to Section 103 of CERCLA, 42 U.S.C. § 9603, or Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11004, SWDs shall immediately notify the authorized EPA officer orally.

(c) The “authorized EPA officer” for purposes of immediate oral notifications and consultations under ¶ 4.4(a) and ¶ 4.4(b) is the EPA Project Coordinator, the EPA Alternate Project Coordinator (if the EPA Project Coordinator is unavailable), or the EPA Emergency Response Program, Region 9 (if neither EPA Project Coordinator is available). The identity of the EPA Project Coordinator and the EPA Alternate Project Coordinator are provided in the CD.
For any event covered by ¶ 4.4(a) and ¶ 4.4(b), SWDs shall: (1) within 14 days after the onset of such event, submit a report to EPA describing the actions or events that occurred and the measures taken, and to be taken, in response thereto; and (2) within 30 days after the conclusion of such event, submit a report to EPA describing all actions taken in response to such event.

The reporting requirements under ¶ 4.4 are in addition to the reporting required by CERCLA § 103 or EPCRA § 304.

### 4.5 Waste Material Shipments

(a) SWDs may ship hazardous substances, pollutants, and contaminants from the Work Area to an area outside the Work Area only if they comply with Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3), and 40 C.F.R. § 300.440. SWDs will be deemed to be in compliance with CERCLA § 121(d)(3) and 40 C.F.R. § 300.440 regarding a shipment if SWDs obtain a prior determination from EPA that the proposed receiving facility for such shipment is acceptable under the criteria of 40 C.F.R. § 300.440(b).

(b) SWDs may ship Waste Material from the Work Area to an out-of-state waste management facility only if, prior to any shipment, they provide notice to the appropriate state environmental official in the receiving facility’s state and to the EPA Project Coordinator. This notice requirement will not apply to any shipments leaving the Work Area when the total quantity of all such shipments does not exceed 10 cubic yards. The notice must include the following information, if available: (1) the name and location of the receiving facility; (2) the type and quantity of Waste Material to be shipped; (3) the schedule for the shipment; and (4) the method of transportation. SWDs also shall notify the state environmental official referenced above and the EPA Project Coordinator of any major changes in the shipment plan, such as a decision to ship the Waste Material to a different out-of-state facility. SWDs shall provide the notice after the award of the contract for RA Construction and before the Waste Material is shipped.

(c) SWDs may ship Investigation Derived Waste (IDW) from the Work Area to an area outside the Work Area only if they comply with Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3), 40 C.F.R. § 300.440, *EPA’s Guide to Management of Investigation Derived Waste*, OSWER 9345.3-03FS (Jan. 1992), and any IDW-specific requirements contained in the ROD. Wastes shipped outside of the Work Area to a laboratory for characterization, and RCRA hazardous wastes that meet the requirements for an exemption from RCRA under 40 CFR § 261.4(e) shipped outside of the Work Area for treatability studies, are not subject to 40 C.F.R. § 300.440.

### 4.6 Certification of RA Completion

(a) **RA Completion Inspection.** The RA is “Complete” for purposes of this ¶ 4.6 after construction and startup are complete, the remedy is functioning as designed, and the Performance Standards have been achieved. SWDs shall schedule an
inspection for the purpose of obtaining EPA’s Certification of RA Completion. The inspection must be attended by SWDs and EPA and/or their representatives.

(b) **RA Report.** Following the inspection, SWDs shall submit a RA Report to EPA requesting EPA’s Certification of RA Completion. The report must: (1) include certifications by a registered professional engineer and by SWD’s Project Coordinator that the RA is complete; (2) include as-built drawings signed and stamped by a registered professional engineer; (3) be prepared in accordance with Chapter 2 (Remedial Action Completion) of EPA’s *Close Out Procedures for NPL Sites* guidance (May 2011); (4) contain monitoring data to demonstrate that Performance Standards have been achieved; and (5) be certified in accordance with ¶ 7.5 (Certification).

(c) If EPA concludes that the RA is not Complete, EPA shall so notify SWDs. EPA’s notice must include a description of any deficiencies. EPA’s notice may include a schedule for addressing such deficiencies or may require SWDs to submit a schedule for EPA approval. SWDs shall perform all activities described in the notice in accordance with the schedule.

(d) If EPA concludes, based on the initial or any subsequent RA Report requesting Certification of RA Completion, that the RA is Complete, EPA shall so certify to SWDs. This certification will constitute the Certification of RA Completion for purposes of the CD, including Section XVI of the CD (Covenants by Plaintiff[s]). Certification of RA Completion will not affect SWDs’ remaining obligations under the CD.

### 4.7 Certification of Work Completion

(a) **Work Completion Inspection.** SWDs shall schedule an inspection for the purpose of obtaining EPA’s Certification of Work Completion. The inspection must be attended by SWDs and EPA and/or their representatives.

(b) **Work Completion Report.** Following the inspection, SWDs shall submit a report to EPA requesting EPA’s Certification of Work Completion. The report must: (1) include information to demonstrate that the Work is complete; (2) include certifications by a registered professional engineer and by SWDs’ Project Coordinator that the Work, including all O&M activities, is complete; and (3) be certified in accordance with ¶ 7.5 (Certification).

(c) If EPA concludes that the Work is not complete, EPA shall so notify SWDs. EPA’s notice must include a description of the activities that SWDs must perform to complete the Work. EPA’s notice must include specifications and a schedule for such activities or must require SWDs to submit specifications and a schedule for EPA approval. SWDs shall perform all activities described in the notice or in the EPA-approved specifications and schedule.

(d) If EPA concludes, based on the initial or any subsequent report requesting Certification of Work Completion, that the Work is complete, EPA shall so certify
in writing to SWDs. Issuance of the Certification of Work Completion does not affect the following continuing obligations: (1) activities under the Periodic Review Support Plan; (2) obligations under Sections VIII (Access), XX (Retention of Records), and XIX (Access to Information) of the CD; (3) Institutional Controls obligations as provided in the ICIAP; and (4) reimbursement of EPA’s Future Response Costs under Section XI (Payments for Response Costs and DTSC Response Costs) of the CD.

5. LEADING EDGE INVESTIGATION

5.1 Leading Edge Investigation. The purpose of the Leading Edge Investigation (LEI) is to conduct additional field investigations in the LE Area.

(a) SWDs shall submit a Leading Edge Investigation Work Plan (LEI Work Plan) for EPA approval. The LEI Work Plan must include:

(1) Plans for the installation and sampling of well clusters at three locations downgradient of the Continental Heat Treating property located at 10643 Norwalk Blvd. in Santa Fe Springs, CA.

(i) Each well cluster will include multiple wells installed in the approximate locations depicted in Appendix C to the CD.

(ii) It is estimated that up to five wells will be required in each cluster and the deepest well in each cluster will be up to 500 feet deep.

(iii) The number and depth of wells in each cluster, and final locations, must be approved by EPA.

(iv) The wells installed as part of the LEI shall be sampled quarterly for three quarters after installation and incorporated into the Work Area Monitoring Plan (WAMP).

(2) Preparation and submittal of an FSP and QAPP, or addendums to approved plans.

(b) Following the LEI, SWDs shall submit a LEI Evaluation Report for EPA approval. This report must include:

(1) A summary of the investigations performed;

(2) A summary of investigation results, including a summary of validated data (i.e., tables and graphics), the results of data analyses, and a narrative interpretation of data and results;
(3) Data validation reports and laboratory data reports; and

(4) Conclusions and recommendations.

6. REPORTING

6.1 Progress Reports. Commencing with the month following entry of the CD and until EPA approves the RA Completion, SWDs shall submit progress reports to EPA on a monthly basis. After a minimum of one year of monthly reporting, SWDs may request, and EPA will consider, a reduction in the reporting frequency. The reports shall summarize activities that took place during the prior reporting period, including:

(a) The actions that have been taken toward achieving compliance with the CD;

(b) A summary of results of sampling, tests, and other data received or generated by SWDs and references to respective deliverables providing the associated information to EPA;

(c) A description of all deliverables that SWDs submitted to EPA;

(d) A description of all activities relating to RA that are scheduled for the next eight weeks;

(e) A description of any delays encountered or anticipated that may affect the future schedule for implementation of the Work, a description of efforts made to mitigate those delays or anticipated delays, and, once RA Construction begins, percentage completion;

(f) A description of any modifications to the work plans or other schedules that SWDs have proposed or that have been approved by EPA;

(g) A description of activities undertaken in support of the Community Involvement Plan (CIP) during the reporting period and those to be undertaken in the next six weeks;

(h) A summary of efforts to reach agreement with Golden State Water Company (GSWC) to shut down its three existing Pioneer water supply wells and replace those wells with a single deep well, and implement an agreement if reached. SWDs shall, upon request, submit plans or reports related to replacement of the existing Pioneer wells.

After completion of the RA, SWDs will continue to provide periodic reports to EPA in accordance with the approved O&M Plan and CMP.

6.2 Notice of Progress Report Schedule Changes. If the schedule for any future activities described in the Progress Reports changes, SWDs shall notify EPA of such change at least 7 days before performance of the activity when known, or when discovered if within 7 days of performance of the respective activity.
6.3 **Annual Performance Evaluation Reports.** After EPA issues a Certificate of Completion of the Remedial Action, SWDs shall submit annual performance evaluation reports to EPA for approval that provide and evaluate information generated during the preceding calendar year by implementation of the O&M Plan and CMP. The reports shall include or provide:

(a) An Executive Summary;

(b) An Introduction, including a brief Site background;

(c) A conceptual site model and any refinements made to the conceptual site model since the previous annual report;

(d) The status of the remedial action;

(e) A summary of groundwater monitoring activities completed since preparation of the previous annual report (e.g., monitoring well installation, groundwater level and potentiometric measurements, water quality analyses, aquifer testing);

(f) Groundwater monitoring and analytical results generated since preparation of the previous annual report, including validated data; potentiometric maps; hydrographs of groundwater elevations for key wells; isoconcentration contours and posted concentrations for key contaminants in plan view and cross section; concentration-time series for key contaminants for key wells; analysis of spatial and temporal trends (including statistical analysis where appropriate); and description of any significant changes in the nature and extent of contamination. Separate analyses and separate figures should be prepared for each hydrostratigraphic unit if conditions vary significantly between units;

(g) Areas and depths depicting groundwater targeted for hydraulic capture, and the results of capture zone analyses;

(h) A summary of the operation and performance of the treatment facility(ies), including days operational/ non-operational, treatment volumes and/or rates, untreated and treated water quality, contaminant mass removed, achievement of Performance Standards and compliance with permit requirements, significant operational problems, and disposal of treatment residuals (e.g., spent carbon and resin);

(i) Evaluation of institutional controls (e.g., description of institutional controls planned or in place, efforts completed to implement and/or evaluate the effectiveness of institutional controls);

(j) Any recommendations for RA optimization or improvements for consideration by EPA (e.g., proposed changes in routine monitoring, recommended or planned remedy improvements); and

(k) Laboratory analytical reports provided in an appendix.
EPA may require modifications to the report content over the life of the remedy.

7. DELIVERABLES

7.1 Applicability. SWDs shall submit deliverables for EPA approval or for EPA comment as specified in the SOW. If neither is specified, the deliverable does not require EPA’s approval or comment. Paragraphs 7.2 (In Writing) through 7.4 (Technical Specifications) apply to all deliverables. Paragraph 7.5 (Certification) applies to any deliverable that is required to be certified. Paragraph 7.6 (Approval of Deliverables) applies to any deliverable that is required to be submitted for EPA approval.

7.2 In Writing. All deliverables under this SOW must be in writing unless otherwise specified.

7.3 General Requirements for Deliverables. All deliverables must be submitted by the deadlines in the RD Schedule, RA Schedule, or LEI Work Schedule, as applicable. SWDs shall submit all deliverables to EPA in electronic form. SWDs shall also, upon request, provide EPA and/or DTSC with paper copies of any deliverable.

7.4 Technical Specifications

(a) Sampling and monitoring data should be submitted in Electronic Data Deliverable (EDD) format acceptable to EPA. Other delivery methods may be allowed if electronic direct submission presents a significant burden or as technology changes.

(b) Spatial data, including spatially-referenced data and geospatial data, should be submitted: (1) in the ESRI File Geodatabase format; and (2) as unprojected geographic coordinates in decimal degree format using North American Datum 1983 (NAD83) or World Geodetic System 1984 (WGS84) as the datum. If applicable, submissions should include the collection method(s). Projected coordinates may optionally be included but must be documented. Spatial data should be accompanied by metadata, and such metadata should be compliant with the Federal Geographic Data Committee (FGDC) Content Standard for Digital Geospatial Metadata and its EPA profile, the EPA Geospatial Metadata Technical Specification. An add-on metadata editor for ESRI software, the EPA Metadata Editor (EME), complies with these FGDC and EPA metadata requirements and is available at https://edg.epa.gov/EME/.

(c) Each file must include an attribute name for each site unit or sub-unit submitted. Consult http://www.epa.gov/geospatial/policies.html for any further available guidance on attribute identification and naming.

(d) Spatial data submitted by SWDs does not, and is not intended to, define the boundaries of the Site.
7.5 Certification. All deliverables that require compliance with this ¶ 7.5 must be signed by the SWDs’ Project Coordinator, or other responsible official of SWDs, and must contain the following statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

7.6 Approval of Deliverables

(a) Initial Submissions

(1) After review of any deliverable that is required to be submitted for EPA approval under the CD or the SOW, EPA shall: (i) approve, in whole or in part, the submission; (ii) approve the submission upon specified conditions; (iii) disapprove, in whole or in part, the submission; or (iv) any combination of the foregoing.

(2) EPA also may modify the initial submission to cure deficiencies in the submission if: (i) EPA determines that disapproving the submission and awaiting a resubmission would cause substantial disruption to the Work; or (ii) previous submission(s) have been disapproved due to material defects and the deficiencies in the initial submission under consideration indicate a bad faith lack of effort to submit an acceptable deliverable.

(b) Resubmissions. Upon receipt of a notice of disapproval under ¶ 7.6(a) (Initial Submissions), or if required by a notice of approval upon specified conditions under ¶ 7.6(a), SWDs shall, within 14 days or such longer time as specified by EPA in such notice, correct the deficiencies and resubmit the deliverable for approval. After review of the resubmitted deliverable, EPA may: (1) approve, in whole or in part, the resubmission; (2) approve the resubmission upon specified conditions; (3) modify the resubmission; (4) disapprove, in whole or in part, the resubmission, requiring SWDs to correct the deficiencies; or (5) any combination of the foregoing.

(c) Implementation. Upon approval, approval upon conditions, or modification by EPA under ¶ 7.6(a) (Initial Submissions) or ¶ 7.6(b) (Resubmissions), of any deliverable, or any portion thereof: (1) such deliverable, or portion thereof, will be incorporated into and enforceable under the CD; and (2) SWDs shall take any
action required by such deliverable, or portion thereof. The implementation of any non-deficient portion of a deliverable submitted or resubmitted under ¶ 7.6(a) or ¶ 7.6(b) does not relieve SWDs of any liability for stipulated penalties under Section XV (Stipulated Penalties) of the CD.

7.7 Supporting Deliverables. SWDs shall submit each of the following supporting deliverables for EPA approval, except as specifically provided. The deliverables must be submitted, for the first time, by the deadlines in the RD Schedule, RA Schedule, or LEI Work Schedule, or any other EPA-approved schedule, as applicable. SWDs shall develop the deliverables in accordance with all applicable regulations, guidances, and policies (see Section 10 (References)). SWDs shall update each of these supporting deliverables as necessary or appropriate during the course of the Work, and/or as requested by EPA.

(a) **Health and Safety Plan.** The Health and Safety Plan (HASP) describes all activities to be performed to protect on site personnel and area residents from physical, chemical, and all other hazards posed by the Work. SWDs shall develop the HASP in accordance with EPA’s Emergency Responder Health and Safety and Occupational Safety and Health Administration (OSHA) requirements under 29 C.F.R. §§ 1910 and 1926. The HASP should cover RD and LEI activities and should be, as appropriate, updated to cover activities during the RA and updated to cover activities after RA completion. EPA does not approve the HASP, but will review it to ensure that all necessary elements are included and that the plan provides for the protection of human health and the environment.

(b) **Emergency Response Plan.** The Emergency Response Plan (ERP) must describe procedures to be used in the event of an accident or emergency that occurs as part of the performance of the Work (e.g., release of contaminated water, contaminated treatment media, or treatment chemicals to the environment.). The ERP must include:

1. Name of the person or entity responsible for responding in the event of an emergency incident;
2. Plan and date(s) for meeting(s) with the local community, including local, State, and federal agencies involved in the cleanup, as well as local emergency squads and hospitals;
3. Notification activities in accordance with ¶ 4.4(b) (Release Reporting) in the event of a release of hazardous substances requiring reporting under Section 103 of CERCLA, 42 U.S.C. § 9603, or Section 304 of EPCRA, 42 U.S.C. § 11004; and
4. A description of all necessary actions to ensure compliance with Paragraph 12 (Emergencies and Releases) of the CD in the event of an occurrence during the performance of the Work that causes or threatens a release of Waste Material from the Site that constitutes an emergency or
may present an immediate threat to public health or welfare or the environment.

(c) **Field Sampling Plan.** One or more Field Sampling Plans (FSPs) shall be required to complete the PDI, conduct O&M, and conduct compliance monitoring. A FSP addresses sample collection activities and is supplemented by a QAPP. A FSP must be written so that a field sampling team unfamiliar with the project would be able to gather the samples and field information required. SWDs shall develop a FSP in accordance with *Guidance for Conducting Remedial Investigations and Feasibility Studies*, EPA/540/G 89/004 (Oct. 1988).

(d) **Quality Assurance Project Plan.** One or more Quality Assurance Project Plans (QAPPs) shall be required. A QAPP addresses sample analysis and data handling regarding the Work. A QAPP must include a detailed explanation of SWDs’ quality assurance, quality control, and chain of custody procedures for all treatability, design, compliance, and monitoring samples. SWDs shall develop one or more QAPPs in accordance with *EPA Requirements for Quality Assurance Project Plans*, QA/R-5, EPA/240/B-01/003 (Mar. 2001, reissued May 2006); *Guidance for Quality Assurance Project Plans*, QA/G-5, EPA/240/R 02/009 (Dec. 2002); and *Uniform Federal Policy for Quality Assurance Project Plans*, Parts 1-3, EPA/505/B-04/900A though 900C (Mar. 2005). The QAPP(s) also must include procedures:

1. To ensure that EPA and its authorized representatives have reasonable access to laboratories used by SWDs in implementing the CD (SWDs’ Labs);

2. To ensure that SWDs’ Labs analyze all samples submitted by EPA pursuant to the QAPP for quality assurance monitoring;

3. To ensure that SWDs’ Labs perform all analyses using EPA-accepted methods (i.e., the methods documented in *USEPA Contract Laboratory Program Statement of Work for Inorganic Analysis*, ILM05.4 (Dec. 2006); *USEPA Contract Laboratory Program Statement of Work for Organic Analysis*, SOM01.2 (amended Apr. 2007); and *USEPA Contract Laboratory Program Statement of Work for Inorganic Superfund Methods (Multi-Media, Multi-Concentration)*, ISM01.2 (Jan. 2010)) or other methods acceptable to EPA;

4. To ensure that SWDs’ Labs participate in an EPA-accepted QA/QC program or other program QA/QC acceptable to EPA;

5. For SWDs to provide EPA with notice at least 14 days prior to any sample collection activity;

6. For SWDs to provide split samples and/or duplicate samples to EPA upon request;
(7) For EPA to take any additional samples that it deems necessary;

(8) For EPA to provide to SWDs, upon request, split samples and/or duplicate samples in connection with EPA’s oversight sampling; and

(9) For SWDs to submit to EPA and DTSC all sampling and tests results and other data in connection with the implementation of the CD.

(e) Construction Quality Assurance/Quality Control Plan (CQA/QCP). The purpose of the Construction Quality Assurance Plan (CQAP) is to describe planned and systemic activities that provide confidence that the RA Construction will satisfy all plans, specifications, and related requirements, including quality objectives. The purpose of the Construction Quality Control Plan (CQCP) is to describe the activities to verify that RA Construction has satisfied all plans, specifications, and related requirements, including quality objectives. The CQA/QCP must be reviewed and approved by EPA prior to the initiation of the RA and include the following:

1. Identify, and describe the responsibilities of, the organizations and personnel implementing the CQA/QCP, including qualifications and lines of authority;

2. Describe the Performance Standards (PS) required to be met to achieve Completion of the RA;

3. Describe the activities to be performed: (i) to provide confidence that PS will be met; and (ii) to determine whether PS have been met;

4. Describe verification activities, such as inspections, sampling, testing, monitoring, and production controls, under the CQA/QCP;

5. Describe industry standards and technical specifications used in implementing the CQA/QCP;

6. Describe procedures for tracking construction deficiencies from identification through corrective action;

7. Describe procedures for documenting all CQA/QCP activities; and

8. Describe procedures for retention of documents and for final storage of documents.

(f) O&M Plan. The O&M Plan describes requirements for inspecting, operating, and maintaining the RA after achievement of Performance Standards. SWDs shall develop the O&M Plan in accordance with Operation and Maintenance in the Superfund Program, OSWER 9200.1 37FS, EPA/540/F-01/004 (May 2001). The O&M Plan and CMP should complement each other, with the O&M Plan focused on extraction well and treatment plant operation and maintenance and the CMP
focused on requirements related to hydraulic control and treatment plant effluent quality. SWDs shall provide a draft O&M Plan during the design process, and subsequently update the plan to incorporate any manufacturer or vendor information and any design modifications implemented during the construction or startup phases of the RA. The O&M Plan must be reviewed and approved by EPA prior to initiation of O&M activities and include the following:

1. A description of material and maintenance needs, and anticipated equipment replacement for significant components;
2. Criteria to determine when activated carbon and resin replacement are needed, if applicable;
3. A summary of O&M staffing, training and certification requirements;
4. A description of routine data collection and analysis activities to be conducted during O&M, including:
   i. Flow rates and volume of groundwater extracted from each extraction well;
   ii. Water quality at remedy extraction wells and within the treatment system(s) to monitor operation and determine the need for activated carbon and resin replacement, if applicable;
   iii. Water quality measurements from new and existing monitoring wells and/or piezometers within the capture zones of the NE/CE Area extraction wells to provide early warning of conditions that may require changes in remedy operation. The O&M Plan shall identify the existing (or new) multi-level monitoring wells (or well clusters) located within the predicted capture zones. The early warning monitoring shall include the collection of samples from multiple depths in the contaminated portion of the aquifer;
5. Description of records and reports that will be generated during O&M, such as daily operating logs, laboratory records, maintenance records, and monitoring reports;
6. A description of planned routine reporting to EPA and DTSC;
7. A description of the plans for the disposal of materials used and wastes generated during O&M (e.g., spent treatment media, wastewater);
8. Provisions for submittal of a FSP, QAPP, and HASP, or addendums to approved plans, to address data collection and analysis related to O&M;
9. Provisions for notification to EPA and DTSC at least 72 hours in advance of any planned shutdowns lasting more than 72 hours; and
(10) Description of planned corrective actions in case of systems failure, including: (i) alternative procedures to prevent the release or threatened release of Waste Material which may endanger public health and the environment or may cause a failure to achieve the Performance Standards; (ii) analysis of vulnerability and additional resource requirements should a failure occur; (iii) notification and reporting requirements should O&M systems fail or be in danger of imminent failure; and (iv) community notification requirements.

(g) Compliance Monitoring Plan. The CMP describes data collection and analysis activities needed to demonstrate that the Work satisfies requirements related to hydraulic control and complies with treatment plant effluent requirements. It shall complement the O&M Plan and be supplemented by the Periodic Review Support Plan. The CMP shall be implemented after EPA approval. It shall be amended, with EPA approval, as necessary over the life of the remedy and include or accomplish the following:

(1) Identify requirements related to hydraulic control and treatment plant performance, including “performance criteria” described in this SOW and the Performance Criteria subsection of Section 2.12.2 in the ROD as appropriate when applied to the NE/CE Area and the water end use selected in the RD, minimum groundwater extraction rates established during design, and treatment plant effluent requirements;

(2) Describe the types of data to be collected, sampling and data gathering methods, monitoring locations, and sampling and measurement frequencies. The data shall include the following at a minimum:

(i) The measurement of hydraulic head at two or more nested wells or piezometer clusters installed adjacent to each extraction well. The wells shall be placed and constructed to allow measurements at multiple locations and depth intervals to help evaluate whether the groundwater extraction system is achieving the required hydraulic control. Water level measurements at the performance monitoring points coupled with groundwater flow modeling will be the primary means of evaluating the extent of capture associated with the NE/CE Area extraction well fields. Performance monitoring points shall be sufficient in number and adequately located to verify that groundwater moving from the area of contaminated groundwater targeted for hydraulic control is intercepted by the remedy extraction wells. Initial monitoring frequency for hydraulic head shall be high enough to assess temporal variability, and the cause of the variability, and may be reduced over time with EPA approval.

(ii) Water quality measurements at one or more depths in multiple groundwater compliance wells downgradient of the NE/CE Area
capture zone. Analytical data will be collected from the monitoring wells before startup to establish baseline conditions and during operation. Wells monitored to establish baseline conditions may or may not serve as compliance wells. The assessment and identification of locations where groundwater quality data that are not impacted by sources outside the NE/CE Area capture zone will be conducted. One of the monitoring objectives will be to collect groundwater quality data able to screen out sources from outside the target zone that impact groundwater quality down-gradient of the CE Area extraction well field. The compliance wells shall be new multi-level monitoring wells (or well clusters). Compliance well screens shall be designed to minimize the dilution of groundwater samples and be sufficient in number and adequately located to verify that groundwater moving from the area of contaminated groundwater targeted for hydraulic control is intercepted by the remedy extraction wells. Each multi-level compliance well or well cluster shall allow the collection of samples from aquifer zones corresponding to the contaminated portion of the aquifer.

(iii) Water quality monitoring of treated water to verify compliance with Performance Standards and other requirements

(iv) Air emission monitoring to verify that air emissions, if any, comply with Performance Standards.

(3) Describe how monitoring and performance data shall be analyzed, interpreted, and reported to determine compliance, measure progress, and provide early warning of conditions that may require changes in remedy operation. Evaluations of compliance with hydraulic control requirements shall use multiple lines of evidence, including (but not limited to) groundwater flow gradients computed from water levels, groundwater flow model simulations, and groundwater analytical results. Claims of change, difference, or trend in water quality shall include the use of appropriate statistical concepts and tests.

(4) Provisions for periodic reporting, initially monthly, of compliance information to EPA and the DTSC. The reports will include a summary of remedy performance and compliance status in the reporting period, along with tabularized operational and performance data, including (but not limited to) system operating times, extraction rates, and noteworthy highlights and problems (and how they were resolved);

(5) Provisions for submittal of a FSP, QAPP, and HASP, or addendums to approved plans;
(6) Procedures for notification to EPA and the DTSC after SWDs’ receipt of information indicating noncompliance or potential noncompliance with Performance Standards. Notification shall occur within one working day of receipt of information indicating noncompliance or potential noncompliance.

(h) **Institutional Controls Implementation and Assurance Plan.** The Institutional Controls Implementation and Assurance Plan (ICIAP) describes plans to implement, maintain, and enforce the Institutional Controls (ICs) at the Site related to the Work. SWDs shall develop the ICIAP in accordance with *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites*, OSWER 9355.0-89, EPA/540/R-09/001 (Dec. 2012), and *Institutional Controls: A Guide to Preparing Institutional Controls Implementation and Assurance Plans at Contaminated Sites*, OSWER 9200.0-77, EPA/540/R-09/02 (Dec. 2012). Specific provisions required by the ROD (Section 2.12.2) are:

1. Annual notifications to all water rights holders in the Central Basin to explain the goals of the remedy, the status of the remedy’s implementation, the nature and extent of OU2 groundwater contamination and the most recent available groundwater data, and discuss any related State or local restrictions and prohibitions on well-drilling and groundwater use without necessary approvals and permits;

2. Periodic meetings with EPA, State and local agencies with jurisdiction over well drilling and groundwater use within the Central Basin to exchange information on the planned or current operation of production wells within OU2 or its vicinity;

3. An annual review of available documentation maintained by the State and local entities to determine if water supply wells have been installed or a purveyor or other water rights holder had increased groundwater production or production capacity within OU2 or its vicinity;

4. Provisions, to the extent feasible, for contemporaneous notification from State and local agencies with jurisdiction over well drilling and groundwater use within the Central Basin.

The ICIAP should specify SWD roles and responsibilities, which should include drafting and submitting to EPA a notice containing the information described in 7.7(h)(1) relevant to the Work Area; participation, if requested, in meetings described in 7.7(h)(2); the annual review described in 7.7(h)(3); and efforts to assist State and local agencies in implementing the provisions described in 7.7(h)(4).

(i) **Periodic Review Support Plan.** The Periodic Review Support Plan addresses the studies and investigations that SWDs shall conduct to support EPA’s reviews of
whether the RA is protective of human health and the environment in accordance with Section 121(c) of CERCLA, 42 U.S.C. § 9621(c) (also known as “Five-year Reviews”). SWD shall develop the plan in accordance with Comprehensive Five-year Review Guidance, OSWER 9355.7-03B-P (June 2001), and any other relevant five-year review guidances.

The Periodic Review Support Plan shall identify information that SWDs will submit to EPA before each Five-year Review in time to allow its use or consideration. EPA typically begins a Five-year Review nine to 12 months before its completion date. The Plan may specify that the information will be provided as part of an Annual Performance Evaluation Report, or separately.

8. SCHEDULES

8.1 Applicability and Revisions. All deliverables and tasks required under this SOW must be submitted or completed by the deadlines or within the time durations listed in the RD, RA, and LEI Work Schedules set forth below. SWDs may submit proposed revised schedules for EPA approval. Upon EPA’s approval, the revised schedules supersede the RD, RA, and LEI Work Schedules set forth below, and any previously-approved schedules.
## 8.2 RD Schedule

<table>
<thead>
<tr>
<th>Primary Deliverable</th>
<th>Supporting Deliverables (due at same time as primary deliverable)</th>
<th>¶ Ref.</th>
<th>Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Remedial Design Work Plan (RD Work Plan)</td>
<td>Work Area Monitoring Plan (WAMP) and Pre-Design Work Plan (PDIWP) (which include a HASP, FSP, and QAPP)</td>
<td>3.1</td>
<td>60 days after the Effective Date and EPA’s Authorization to Proceed regarding SWD Project Coordinator under CD Paragraph 10.c</td>
</tr>
<tr>
<td>2. Treatability Study Work Plan &amp; Treatability Study Evaluation Report (if required by RD Work Plan)</td>
<td></td>
<td>3.6</td>
<td>As (and if) required by approved RD Work Plan</td>
</tr>
<tr>
<td>3. PDI Report</td>
<td></td>
<td>3.3</td>
<td>As specified in approved PDI WP</td>
</tr>
<tr>
<td>5. Groundwater Flow Model Development and Calibration Report</td>
<td></td>
<td>3.4</td>
<td>As specified in approved Groundwater Flow Modeling Plan</td>
</tr>
<tr>
<td>7. Work Area Monitoring Report</td>
<td></td>
<td>3.5</td>
<td>60 days after receipt of final laboratory reports from Work Area samples</td>
</tr>
<tr>
<td>8. Preliminary (30%) RD</td>
<td></td>
<td>3.7</td>
<td>90 days after EPA approval of Groundwater Modeling Predictive Simulations Report</td>
</tr>
<tr>
<td>9. Intermediate (60%) RD</td>
<td>CQA/QCP, O&amp;M Plan, CMP, ICIAP, ERP</td>
<td>3.8</td>
<td>90 days after EPA approval of the Preliminary Design if SWDs select and EPA approves a design/build approach</td>
</tr>
<tr>
<td>10. Pre-final (95%) RD</td>
<td>CQA/QCP, O&amp;M Plan, CMP, ICIAP, ERP</td>
<td>3.9</td>
<td>90 days after EPA comments on Preliminary RD if SWDs select and EPA approves a design/bid/build approach</td>
</tr>
<tr>
<td>11. Final (100%) RD</td>
<td>Same as above</td>
<td>3.10</td>
<td>60 days after EPA comments on Pre-final RD if SWDs select and EPA approves a design/bid/build approach</td>
</tr>
<tr>
<td>12. Submittal of Analytical Data, whether or not validated</td>
<td>3.3, 3.5, 3.6, 5.1, 7.7(f), 7.7(g), 7.7(i)</td>
<td>3.3, 3.5, 3.6, 5.1, 7.7(f), 7.7(g), 7.7(i)</td>
<td>45 calendar days after sample shipment to the laboratory or 14 days after receipt of analytical results from the laboratory, whichever occurs first</td>
</tr>
<tr>
<td>13. Progress Reports</td>
<td></td>
<td>6.1</td>
<td>As specified in approved RD Work Plan</td>
</tr>
</tbody>
</table>
## 8.3 RA and O&M Schedule

<table>
<thead>
<tr>
<th>Description of Deliverable / Task</th>
<th>Ref.</th>
<th>Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 RA Work Plan</td>
<td>4.1</td>
<td>60 days after EPA Approval of the Final RD</td>
</tr>
<tr>
<td>2 Award RA contract</td>
<td>3.1, 4.1</td>
<td>60 days after EPA Approval of the Final RD</td>
</tr>
<tr>
<td>3 Pre-Construction Conference</td>
<td>4.3(a)</td>
<td>15 days after award of RA contact</td>
</tr>
<tr>
<td>4 Start of Construction</td>
<td>3.1, 4.1</td>
<td>30 days after award of RA contact</td>
</tr>
<tr>
<td>5 Completion of Construction and Start-Up activities</td>
<td>4.6</td>
<td>As specified in approved RA Work Plan</td>
</tr>
<tr>
<td>6 Pre-final Inspection</td>
<td>4.6</td>
<td>60 days after completion of construction and start up</td>
</tr>
<tr>
<td>7 Pre-final Inspection Report</td>
<td>4.6</td>
<td>45 days after completion of Pre-final Inspection</td>
</tr>
<tr>
<td>8 Final Inspection</td>
<td>4.6</td>
<td>45 days after Completion of Work identified in Pre-final Inspection Report</td>
</tr>
<tr>
<td>9 RA Report</td>
<td>4.6</td>
<td>45 days after Final Inspection</td>
</tr>
<tr>
<td>10 Work Completion Report</td>
<td>4.7</td>
<td>60 days after completion of Work</td>
</tr>
<tr>
<td>11 Annual Performance Evaluation Report</td>
<td>6.3</td>
<td>March 30 of each year after the completion of RA</td>
</tr>
<tr>
<td>12 Periodic Review Support Plan</td>
<td>7.7(i)</td>
<td>At the same time as the first Annual Performance Evaluation Report</td>
</tr>
</tbody>
</table>

## 8.4 Leading Edge Investigation Work Schedule

<table>
<thead>
<tr>
<th>Description of Deliverable, Task</th>
<th>Supporting Deliverables (due at same time as primary deliverable)</th>
<th>Ref.</th>
<th>Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Leading Edge Investigation Work Plan</td>
<td>FSP and QAPP, or addendums to approved plans</td>
<td>5.1</td>
<td>60 days after Effective Date and EPA’s Authorization to Proceed regarding SWD Project Coordinator under CD Paragraph 10.c</td>
</tr>
<tr>
<td>2 Leading Edge Investigation Report</td>
<td></td>
<td>5.1</td>
<td>As specified in approved LEI Work Plan</td>
</tr>
</tbody>
</table>

Appendix B
9. DTSC PARTICIPATION

9.1 Copies. SWDs shall, at any time they send a deliverable to EPA, send a copy of such deliverable to the DTSC unless copies to DTSC are not required under the CD. EPA shall, at any time it sends a notice, authorization, approval, disapproval, or certification to SWDs, send a copy of such document to the DTSC.

9.2 Review and Comment. The DTSC will have a reasonable opportunity for review and comment prior to:

(a) Any EPA approval or disapproval under ¶ 7.6 (Approval of Deliverables) of any deliverables that are required to be submitted for EPA approval; and

(b) Any disapproval of, or Certification of RA Completion under ¶ 4.6 (Certification of RA Completion), and any disapproval of, or Certification of Work Completion under ¶ 4.7 (Certification of Work Completion).

EPA will coordinate in advance with DTSC to clarify EPA/DTSC lead roles and minimize duplication to the maximum extent practicable.

10. REFERENCES

10.1 The following regulations and guidance documents, among others, apply to the Work. Any item for which a specific URL is not provided below should be available on one of the two EPA Web pages listed in ¶ 10.2:

(a) A Compendium of Superfund Field Operations Methods, OSWER 9355.0-14, EPA/540/P-87/001a (Aug. 1987).


(h) Permits and Permit Equivalency Processes for CERCLA On-Site Response Actions, OSWER 9355.7-03 (Feb. 1992).


(j) National Oil and Hazardous Substances Pollution Contingency Plan; Final Rule, 40 C.F.R. Part 300 (Oct. 1994).


(m) EPA Guidance for Data Quality Assessment, Practical Methods for Data Analysis, QA/G-9, EPA/600/R-96/084 (July 2000).


(o) Comprehensive Five-year Review Guidance, OSWER 9355.7-03B-P, 540-R-01-007 (June 2001).


(r) Quality management systems for environmental information and technology programs -- Requirements with guidance for use, ANSI/ASQ E4-2004 (American Society for Quality. 2004).


(x) USEPA Contract Laboratory Program Statement of Work for Inorganic Analysis, ILM05.4 (Dec. 2006).

(y) USEPA Contract Laboratory Program Statement of Work for Organic Analysis, SOM01.2 (amended Apr. 2007).


(aa) Summary of Key Existing EPA CERCLA Policies for Groundwater Restoration, OSWER 9283.1-33 (June 2009).


(cc) USEPA Contract Laboratory Program Statement of Work for Inorganic Superfund Methods (Multi-Media, Multi-Concentration), ISM01.2 (Jan. 2010).


(ee) Groundwater Road Map: Recommended Process for Restoring Contaminated Groundwater at Superfund Sites, OSWER 9283.1-34 (July 2011).


(hh) Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach, OSWER 9200.2-125 (Sep. 2012)


(ll) Broader Application of Remedial Design and Remedial Action Pilot Project Lessons Learned, OSWER 9200.2-129 (Feb. 2013).

Groundwater Remedy Completion Strategy: Moving Forward with the End in Mind, OSWER 9200.2-144 (May 2014).

10.2 A more complete list may be found on the following EPA Web pages:

Test Methods Collections  http://www.epa.gov/fem/methcollectns.htm

10.3 For any regulation or guidance referenced in the CD or SOW, the reference will be read to include any subsequent modification, amendment, or replacement of such regulation or guidance. Such modifications, amendments, or replacements apply to the Work only after SWDs receive notification from EPA of the modification, amendment, or replacement.
Appendix C

Map of Omega Site
Appendix C: Map of Site with Locations of Key Work Components Notated and Compared with ROD Locations
Date: June 2, 2016
To: Southeast Water Coalition Board of Directors
From: Adriana Figueroa, Chair, Administrative Entity

Subject: Update on Statewide Drought Regulations

Recommendation: That the Board take the following action:

Receive and File an update on the new statewide drought regulations.

Background

On May 9th, Governor Jerry Brown announced an executive order outlining the State’s plans to continue to implement statewide drought regulations. Among the regulations was that the Department of Water Resources (DWR) and the State Water Board will require monthly reporting by urban water suppliers on a permanent basis.

The State Water Resources Control Board's new regulations adopt a statewide water conservation approach that replaces the prior percentage reduction-based water conservation standard with a localized “stress test” approach that mandates urban water suppliers act now to ensure at least a three year supply of water to their customers under drought conditions. Local water purveyors would have to "certify" with the State that they have sufficient water supplies to meet the three year supply requirement.

Attachment(s):
1. California Water Boards Fact Sheet - 36 Month Urban Water Supply Now Basis For Local Emergency Water Conservation Efforts
2. California Water Boards Fact Sheet - State Water Board Adopts ‘Stress Test’ Approach to Water Conservation Regulation

Item No. 9
36 Month Urban Water Supply Now Basis For Local Emergency Water Conservation Efforts

On May 18, the State Water Resources Control Board adopted a statewide water conservation approach that replaces the prior percentage reduction-based water conservation standard with a localized “stress test” approach – that mandates urban water suppliers act now to ensure at least a three year supply of water to their customers under drought conditions.

The adopted emergency regulation followed improved water supply conditions around most of the state and recognition that urban water suppliers are in a better position to plan for, and accommodate, local drought impacts to their water supply, following their experiences conserving upwards of 24 percent of their water use these past 10 months.

The adopted regulation establishes standards with locally developed conservation standards based upon each agency’s specific circumstances. The regulation now requires individual urban water suppliers to self-certify the level of available water supplies they have assuming three additional dry years, and the level of conservation necessary to assure adequate supply over that time.

This self-certification would include information provided by regional water distribution agencies (wholesale suppliers) about how regional supplies would fare during three additional dry years. Both urban water suppliers and wholesale suppliers are required to report the underlying basis for their assertions, and urban water suppliers are required to continue reporting their conservation levels.

Urban water suppliers are now required to reduce potable water use in a percentage equal to their projected shortfall in the event of three more dry years. In other words, if an individual water district projects it would, under the specified assumptions, have a 10 percent shortfall after the next three years at the current rate of use, their mandatory conservation standard would be 10 percent.

The regulation keeps in place the monthly reporting requirements and specific prohibitions against certain water uses. Those prohibitions include watering down a sidewalk with a hose instead of using a broom or a brush, or overwatering a landscape to where water is running off the lawn, over a sidewalk and into the gutter. Prohibitions directed to the hospitality industry also remain in place. Prohibitions against home owners associations taking action against homeowners during a declared drought remain as well. As directed by Governor Brown’s Executive Order B-37-16, the Board will separately take action to make some of these requirements and prohibitions permanent.
The adopted regulation is the result of review of many meetings, written and oral comments from a public workshop on April 20 to receive input on conservation needs through the summer and fall, and lessons learned since the Water Board first adopted drought emergency water conservation regulations.

The new conservation standards will take effect in June and remain in effect until the end of January 2017.

**Improved Water Supply and Conditions; and Conservation – Reason for Change**

Winter 2016 saw improved hydrologic conditions in parts of California. More rain and snow fell in Northern California as compared to Central and Southern California; yet, due to California’s water storage and conveyance systems, concerns over supply reliability have eased compared to last year throughout urban California. Consequently, the unprecedented mandatory state-driven conservation standards in place over the last ten months must transition to conservation standards based on supply reliability considerations at the local level. However, conservation standards are still needed in case this winter was a short reprieve in a longer drought.

The Board has been monitoring state hydrology, water supply conditions, including local supply reliability, and the conservation levels achieved by the State’s 411 urban water suppliers. Hydrologic conditions in parts of California – particularly northern California – have markedly improved relative to 2014 and 2015. Many reservoirs are above historic averages for late spring, and water allocations are up in most cases for the State Water Project.

In addition, the water production reports submitted to the State Water Board have shown that the majority of urban water suppliers have successfully responded to mandatory conservation expectations over the last 20 months. Public awareness of drought conditions and the public’s extraordinary response this past ten months should lead to continuing conservation.

Should severe drought conditions return, the Board stands ready to return to stronger conservation mandates to ensure urban water suppliers can meet local water needs in the long term.

The adopted drought emergency water conservation regulation allows suppliers to define an individualized conservation standard on their specific water supply and demand conditions. Each water supplier is required to evaluate its supply portfolio and self-certify the accuracy of its information while also providing the underlying information and assumptions; the State Water Board would assign each supplier a mandatory conservation standard equal to the percentage deficiency the supplier identifies in its supply under specified assumptions. Additionally, certain statewide requirements on small suppliers and businesses would be lifted.
Governor and Board Actions Achieved Historic Conservation Statewide

In his April 1, 2015 Executive Order, Governor Brown mandated a 25 percent water use reduction by users of urban water supplies across California.

In May 2015, the State Water Board adopted an emergency regulation requiring a cumulative 25 percent reduction in overall potable urban water use over the following 9 months. The May 2015 Emergency Regulation used a sliding scale for setting conservation standards, so that communities that have already reduced their residential gallons per capita per day (R-GPCD) through past conservation had lower mandates than those that had not made such gains since the last major drought. Conservation tiers for urban water suppliers were set between eight percent and 36 percent, based on residential per capita water use for the months of July - September 2014.

During this time, statewide water conservation was unprecedented. In the last 10 months alone, the state realized nearly a 24 percent savings in water use as compared to same period 2013, resulting in some 1.30 million acre-feet of water conserved throughout California, enough to supply 6.5 million people with water for an entire year.

On Feb. 2, 2016, based on Governor Brown's November 2015 Executive Order, the State Water Board approved an updated and extended emergency regulation that continued mandatory reductions through October.

The February 2016 Emergency Regulation responded to calls for continuing the conservation structure that has spurred savings, while providing greater consideration of some localized factors that influence water needs around the state: climate differences, population growth and significant investments in new local, drought-resilient water supplies such as potable wastewater reuse and desalination. The February Emergency Regulation is longer in effect. Under the new reporting structure adopted by the Board May 18, water districts will continue to report water use, but their conservation standard will be based on any shortfall in projected supply over three drought years.

On May 9, Governor Brown issued an Executive Order directing actions aimed at using water wisely, reducing water waste, and improving water use efficiency for the years and decades ahead. The Executive Order, in part, directed the State Water Board to extend the emergency regulations for urban water conservation through the end of January 2017. As called for in his Executive Order, it is anticipated the State Water Board will be working closely with the Department of Water Resources and other agencies to define and establish water efficiency standards for the state to ensure a more reliable water supply and to make state water users more resilient and prepared over the long-term.

(This fact sheet was last updated May 18, 2016)
State Water Board Adopts ‘Stress Test’ Approach to Water Conservation Regulation

For Immediate Release
May 18, 2016

Contact: George Kostyrko
gkostyrko@waterboards.ca.gov

SACRAMENTO – The State Water Resources Control Board today adopted a statewide water conservation approach that replaces the prior percentage reduction-based water conservation standard with a localized “stress test” approach that mandates urban water suppliers act now to ensure at least a three year supply of water to their customers under drought conditions.

Recognizing persistent yet less severe drought conditions throughout California, the newly adopted emergency regulation will replace the Feb. 2 emergency water conservation regulation that set specific water conservation benchmarks at the state level for each urban water supplier. Today’s adopted regulation, which will be in effect through January 2017, requires locally developed conservation standards based upon each agency’s specific circumstances.

These standards require local water agencies to ensure a three-year supply assuming three more dry years like the ones the state experienced from 2012 to 2015. Water agencies that would face shortages under three additional dry years will be required to meet a conservation standard equal to the amount of shortage. For example, if a water agency projects it would have a 10 percent supply shortfall, their mandatory conservation standard would be 10 percent.

“Drought conditions are far from over, but have improved enough that we can step back from our unprecedented top-down target setting,” said State Water Board Chair Felicia Marcus. “We’ve moved to a ‘show us the water” approach, that allows local agencies to demonstrate that they are prepared for three more lousy water years. This reporting will show us what agencies plan to do, and how they do, throughout the year. Trust, but verify. In the meantime, we’ll be watching and prepared to come back with the 25 percent state mandate early next year if necessary, which we hope it won’t be.”

All of the projections and calculations used to determine the new conservation standards will be disclosed publicly. They will include information provided by regional water distribution agencies (wholesale suppliers) about how regional supplies (including imported water, recycled water, groundwater, storm water, and desalinated water) would fare during three...
additional dry years. The regulation requires urban water supplier to continue their monthly conservation reporting.

The adopted regulation also keeps in place the specific prohibitions against certain water uses. Those prohibitions include watering down a sidewalk with a hose instead of using a broom or a brush, or overwatering a landscape to where water is running off the lawn, over a sidewalk and into the gutter. Prohibitions directed to the hospitality industry also remain in place. Prohibitions against home owners associations taking action against homeowners during a declared drought remain as well.

The adopted regulation is the result of feedback from urban water suppliers, a public workshop on April 20 to receive input on conservation needs through the summer and fall, and lessons learned since the Water Board first adopted drought emergency water conservation regulations.

“El Nino didn’t save us, but this winter gave us some relief,” said Chair Marcus. “It’s a reprieve though, not a hall pass, for much if not all of California. We need to keep conserving, and work on more efficient practices, like keeping lawns on a water diet or transitioning away from them. We don't want to cry wolf, but we can't put our heads in the sand either.”

As directed by Governor Edmund G. Brown Jr. in Executive Order B-37-16, the Board will separately take action to make some of the requirements of the regulation permanent. The new emergency conservation standards take effect in June and remain in effect until the end of January 2017. More information on the Board action today can be found here.

Background

In his April 1, 2015 Executive Order, Gov. Brown mandated a 25 percent water use reduction by users of urban water supplies across California. In May 2015, the State Water Board adopted an emergency regulation requiring an immediate 25 percent reduction in overall potable urban water use. The regulation used a sliding scale for setting conservation standards, so that communities that had already reduced their R-GPCD through past conservation had lower mandates than those that had not made such gains since the last major drought.

On Feb. 2, 2016, based on Gov. Brown’s November 2015 Executive Order, the State Water Board approved an updated and extended emergency regulation to continue mandatory reductions through October, unless revised as they were today. The extended regulation took into account some factors that influence water use: climate, population growth and significant investments in new local, drought-resilient water supplies such as wastewater reuse and desalination. The February Board action reduced the maximum conservation standard to below 25 percent, but above 20 percent, depending on how credits were applied.

Since July 2014, the State Water Board has been tracking water conservation for each of the state’s larger urban water suppliers (those with more than 3,000 connections) on a monthly basis. Compliance with individual water supplier conservation requirements is based on
cumulative savings. Cumulative tracking means that conservation savings will be added together from one month to the next and compared to the amount of water used during the same months in 2013. Under the new reporting structure, water districts will continue to report water use, but their conservation standard will be based on any shortfall in projected supply over three drought years.

With nearly 1.3 million acre-feet of water conserved from June 2015 through March 2016, the state saved an impressive amount of water during the worst of the drought months. Statewide cumulative savings from June 2015 to March 2016 totaled 23.9 percent compared with the same months in 2013. During the last month of reporting, statewide average water use was 66 residential gallons per capita per day (R-GPCD) for March 2016.

On May 9, Governor Brown issued an Executive Order directing actions aimed at using water wisely, reducing water waste, and improving water use efficiency for the years and decades ahead. The Executive Order, in part, directed the State Water Board to extend the emergency regulations for urban water conservation through the end of January 2017.

California has been dealing with the effects of an unprecedented drought. To learn about all the actions the state has taken to manage our water system and cope with the impacts of the drought, visit Drought.CA.Gov. Every Californian should take steps to conserve water. Find out how at SaveOurWater.com. While saving water, it is important to properly water trees. Find out how at www.saveourwater.com/trees. In addition to many effective local programs, state-funded turf removal and toilet replacement rebates are also available. Information and rebate applications can be found at: www.saveourwaterrebates.com/.

###
Date: June 2, 2016  
To: Southeast Water Coalition Board of Directors  
From: Adriana Figueroa, Chair, Administrative Entity  

Subject: Update on the status of SB 953 (Lara) central basin municipal water district, and AB 1794 (Garcia) municipal water districts: board of directors

Recommendation: That the Board take the following action:

Receive and File and update on SB 953 and AB 1794, both bills dealing with the governance and oversight of the Central Basin Municipal Water District.

Background

At the Policy Board's last meeting on April 7, 2016, the Board Members received a detailed presentation from Ms. Ashley Medina of Assemblymember Cristina Garcia's office on the Assembly member's proposed bill AB 1794. The bill would address issues related to the governance of the Central Basin Municipal Water District (CBMWD) that came to light through the State's audit of that organization.

At the same meeting, staff presented information about a second bill, sponsored by Senator Ricardo Lara, SB 953 which also proposes a number of governance and oversight changes aimed at the CBMWD in response to the State's audit.

Staff presented two draft letters of Support, one in response to each bill, and suggested that, even though the two bills had some conflicting elements, it would be prudent to support each and encourage each legislator to continue their efforts to develop effective legislation that would address the changes to the CBMWD's governance and operation that were recommended by the Auditor.

In response to the number of issues in each bill that still needed to be resolved and key details that needed to be determined, the Board voted to delay taking a position on either bill until their next meeting. At that time the Board Members would receive a further update on the status of each bill and determine if either or both had been refined sufficiently for the Board to adopt a position.

Senate Bill 953 was heard before the Senate Appropriations Committee on Friday, May 27, 2016. Assembly Bill 1794 is also slated to be heard by the
Update on the status of SB 953 (Lara) central basin municipal water district, and AB 1794 (Garcia) municipal water districts: board of directors

Assembly's Appropriations Committee though a date has not yet been published on the California Legislative Information web site.

Attachment(s):
1. SB 953 - current text of the bill
2. AB 1794 - current text of the bill
An act to add Article 2 (commencing with Section 71730) to Chapter 5 of Part 5 of Division 20, and to add Part 11.6 (commencing with Section 72770) to Division 20 of the Water Code, relating to the Central Basin Municipal Water District.

LEGISLATIVE COUNSEL’S DIGEST

SB 953, as introduced, Lara. Central Basin Municipal Water District. Existing law, the Municipal Water District Law of 1911, authorizes the formation of a municipal water district to acquire and sell water. The district law authorizes a municipal water district to make contracts.

This bill would prohibit the Central Basin Municipal Water District from using sole source contracts, except as prescribed. This bill would require the district to rebid a contract if the district significantly changes the scope of work of the contract. This bill would require the general manager of the district to submit a quarterly report to the district’s board detailing all of the district’s contracts, contract amendments, and contract and amendment dollar amounts. By imposing new duties on a municipal water district, this bill would impose a state-mandated local program.

The district law requires the board of directors of a municipal water district to consist of 5 members and each member is required to be a resident of the division from which he or she is elected.

This bill would require the board of directors of the Central Basin Municipal Water District to consist of 7 members, 5 members elected and 2 members with certain qualifications appointed by the board of supervisors of the County of Los Angeles, as prescribed. This bill would prohibit the Central Basin Municipal Water District from providing any
member of its board of directors with district funds to conduct community outreach activities.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Central Basin Municipal Water District.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.


The people of the State of California do enact as follows:

SECTION 1. Article 2 (commencing with Section 71730) is added to Chapter 5 of Part 5 of Division 20 of the Water Code, to read:

Article 2. Central Basin Municipal Water District

71730. (a) For the purposes of this article, “district” means the Central Basin Municipal Water District.

(b) It is the intent of the Legislature in enacting this article that the district make better use of the funds it spends on services, that it does not unnecessarily use amendments that limit competitive bidding for its contracts, and that its contract amendments reflect the authorization of the district’s board.

71731. (a) The district shall not use sole source contracts unless one of the following conditions is met:

(1) The contract is limited to an emergency circumstance.

(2) The circumstances are that only one vendor can meet the district’s needs.

(b) Before executing a sole source contract, the district shall provide written justification demonstrating the reasons for not competitively bidding the services. The justification shall include all of the following information:

(1) The background of the purchase.
(2) A description of the vendor’s uniqueness.
(3) An explanation of the consequences of not purchasing from the vendor.
(4) Market research to substantiate a lack of competition.
(5) An analysis of pricing and alternatives.

71732. The district shall rebid a contract if the district significantly changes the scope of work of the contract. Significant changes include, but are not limited to, changes to the nature of the services or work products.

71733. The general manager of the district shall submit a quarterly report to the district’s board detailing all of the district’s contracts, contract amendments, and contract and amendment dollar amounts.

SEC. 2. Part 11.6 (commencing with Section 72770) is added to Division 20 of the Water Code, to read:

PART 11.6. CENTRAL BASIN MUNICIPAL WATER DISTRICT

72770. For the purposes of this part, “district” means the Central Basin Municipal Water District.

72771. Notwithstanding any other provision of this division, the board of directors of the district shall consist of seven members who shall each serve four-year terms. The members of the board of directors shall be selected as follows:

(a) Five members of the board of directors shall be elected in accordance with Part 3 (commencing with Section 71250) and Part 4 (commencing with Section 71450). Members of the board of directors of the district who were elected on or before January 1, 2018, shall continue to serve their term as provided in Section 71252.

(b) (1) Two members of the board of directors shall be appointed by the board of supervisors of the County of Los Angeles in a public meeting. The board of supervisors shall consider any nominations of candidates for appointment made by a water retailer that purchases water from the district, if any, and may also consider other qualified candidates for appointment. Each member of the board of directors appointed pursuant to this subdivision shall possess the following qualifications:

(A) Residence within the boundaries of the district.
(B) Knowledge of the water industry and familiarity with the role and responsibilities of a municipal water district.

(2) If a member of the board of directors appointed pursuant to this subdivision is unable to serve for the duration of his or her term, the board of supervisors shall appoint a member to fill that vacancy in the same manner specified in paragraph (1).

72772. The district shall not provide any member of its board of directors with district funds to conduct community outreach activities.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the Central Basin Municipal Water District as described in the California State Auditor’s December 3, 2015, report number 2015-102.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
An act to add Chapter 1.6 (commencing with Section 71265) to Part 3 of Division 20 of the Water Code, relating to municipal water districts, and declaring the urgency thereof, to take effect immediately.

AB 1794, as amended, Cristina Garcia. Central Basin Municipal Water District.

Existing law, the Municipal Water District Law of 1911, provides for the formation of municipal water districts and grants to those districts’ specified powers. Existing law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Existing law requires the board of directors of a district to consist of 5 members and each director to be a resident of the division from which the director is elected.

This bill would require the board of directors of the Central Basin Municipal Water District to be composed of 8 directors, until the directors elected at the November 6, 2018, election take office, when the board would be composed of 7 directors, as prescribed. This bill
would require the Central Basin Municipal Water District to establish a technical advisory committee composed of 5 water purveyors selected every 2 years, as specified, to meet on a quarterly basis for certain purposes. By imposing new duties on the district, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.


The people of the State of California do enact as follows:

SECTION 1. Chapter 1.6 (commencing with Section 71265) is added to Part 3 of Division 20 of the Water Code, to read:

Chapter 1.6. Central Basin Municipal Water District

71265. For the purposes of this chapter:
(a) “District” means the Central Basin Municipal Water District.
(b) “Large water purveyor” means one of the top five purveyors of water as measured by the total purchase of potable and recycled water from the district for the three prior fiscal years.
71266. (a) Except as provided in subdivision (b) and notwithstanding any other provision of this division, the board of directors of the district shall be composed of seven directors as follows:
(1) Four directors, one director elected for each division established pursuant to subdivision (c) by the voters of the division.
Each director shall be a resident of the division from which he or she is elected.
(2) Three directors appointed by the water purveyors of the district in accordance with Section 71267.
(b) Until the directors elected at the November 6, 2018, election take office, the board of the district directors shall be composed of eight directors as follows:

(1) Five directors in accordance with Section 71250.

(2) Three directors appointed by the water purveyors of the district pursuant to Section 71267.

(c) The board of the district directors shall divide the district into four divisions in a manner as to equalize, as nearly as practicable, the population in the respective divisions pursuant to Section 71540.

71267. (a) The executive director general manager of the district shall notify each water purveyor of the district and provide a 60-day period during which the district will accept nominations for appointment of individuals to the board of the district directors.

(b) Individuals nominated for appointment to the board of directors shall demonstrate eligibility and relevant technical expertise.

(c) (1) The three directors appointed by the water purveyors shall be selected by the water purveyors of the district every four years as follows:

(A) One director shall be selected by all large water purveyors from the nominees of large water purveyors. Each large water purveyor shall have one vote.

(B) One director shall be selected by all cities that are water purveyors of the district from the nominees of cities. Each city shall have one vote.

(C) One director shall be selected by all of the water purveyors of the district from any nominee. The vote of each purveyor shall be weighted to reflect the number of service connections of that water purveyor.

(2) Each nominee for director who receives the highest number of votes cast for each office described in paragraph (1) is appointed as a director to the board of the district directors and shall take office in accordance with Section 71512. The district general manager shall collect the votes and report the results to the water purveyors. Votes for an appointed director are public records.

(d) Each appointed director shall live or work within the district.

(e) In order to ensure continuity of knowledge, the directors appointed at the first purveyor selection shall classify themselves by lot so that two of them shall hold office until the selection of
their successors at the first succeeding purveyor selection and one
of them shall hold office until the selection of his or her successor
at the second succeeding purveyor selection.

(f) (1) The term of a director appointed pursuant to
subparagraph (A) of paragraph (1) of subdivision (c) is terminated
if the appointed director no longer is employed by or a
representative of a large water purveyor.

(2) The term of a director appointed pursuant to subparagraph
(B) of paragraph (1) of subdivision (c) is terminated if the
appointed director no longer is employed by or a representative
of a city.

(3) The term of a director appointed pursuant to subparagraph
(C) of paragraph (1) of subdivision (c) is terminated if the
appointed director no longer is employed by or a representative
of a water purveyor.

(g) An appointed director shall not do either of the following:

(1) Hold an elected office.

(2) Be a president, vice president, chief financial officer, or
shareholder of a private company that purchases water from the
district.

(h) A vacancy in an office of appointed director shall be filled
in accordance with the selection process described in subdivisions
(a) to (c), inclusive.

71268. (a) (1) The district board of directors shall establish
a technical advisory committee composed of the representatives
of five water purveyors selected before December 31, 2016, and
every two years thereafter, as follows:

(A) One position shall be selected by the large water purveyors
from nominated large water purveyors, each large water purveyor
having one vote.

(B) One position shall be selected by the cities that are water
purveyors of the district from nominated cities, each city having
one vote.

(C) Three positions shall be selected by all water purveyors of
the district from nominated water purveyors with the vote of each
purveyor weighted to reflect the number of service connections of
that water purveyor.

(2) Each nominated water purveyor that receives the highest
number of votes cast for each position described in paragraph (1)
is selected to the position. The district general manager shall
collect the votes and report the results to the water purveyors. Votes for a position on the technical advisory committee are public records.

(b) In composing the technical advisory committee, a person and an alternate from each water purveyor selected to a position pursuant to subdivision (a) shall serve on the technical advisory committee. A purveyor may change the person or alternate that serves on the technical advisory committee at any time. Those selected shall demonstrate eligibility and relevant technical expertise.

(c) The executive director general manager of the district shall notify each water purveyor of the district and provide a 60-day period during which the district will accept nominations to serve on the technical advisory committee.

(d) (1) To be eligible to serve on the technical advisory committee, a water purveyor shall not have an individual employed by or representing that water purveyor on the board of the district directors.

(2) A water purveyor shall not hold more than one technical advisory committee seat.

(3) No person selected to represent a water purveyor on the committee shall be a president, vice president, chief financial officer, or shareholder of a private company that purchases water from the district.

71269. (a) The technical advisory committee shall meet on a quarterly basis for the following purposes:

(1) To review the district’s budget and projects for the purpose of providing nonbinding advice to the district’s general manager and the board of directors.

(2) To review and approve proposed changes to the administrative code relating to ethics, director compensation, and benefits.

(3) To review and approve proposed changes relating to procurement.

(b) The board of the district directors shall not make a change described in paragraph (2) or (3) of subdivision (a) unless the technical advisory committee approves the change by majority vote before the change comes to a vote of the board of the directors.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to
local agencies and school districts for those costs shall be made
pursuant to Part 7 (commencing with Section 17500) of Division
4 of Title 2 of the Government Code.
SEC. 3. This act is an urgency statute necessary for the
immediate preservation of the public peace, health, or safety within
the meaning of Article IV of the Constitution and shall go into
immediate effect. The facts constituting the necessity are:
In order that the provisions of this act take effect before the
November 8, 2016, election for the board of directors of the Central
Basin Municipal Water District, it is necessary that this act take
effect immediately.