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9 *State Water Resources Control Board*

EXEMPT FROM FILING FEES
[GOV. CODE, § 6103]

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SACRAMENTO

12
13 **CALIFORNIA MANUFACTURERS AND**
14 **TECHNOLOGY ASSOCIATION AND**
15 **SOLANO COUNTY TAXPAYERS**
ASSOCIATION,

16 Petitioners,

17 v.

18 **STATE WATER RESOURCES CONTROL**
19 **BOARD,**

20 Respondent.
21
22
23

Case No. 34-2014-80001850

SUPPLEMENTAL DECLARATION OF
MARK BARTSON IN SUPPORT OF
STATE WATER BOARD'S
SUPPLEMENTAL RESPONSE BRIEF

Dept: 44
Judge: Hon. Christopher E. Krueger
Trial Date: August 26, 2016
Action Filed: May 29, 2014

24 I, Mark Bartson, declare:

25 1. I have personal knowledge of the facts stated in this declaration and would
26 competently testify to the following if called upon to do so. I submit this supplemental
27 declaration in support of the State Water Board's Supplemental Response Brief, filed pursuant to
28 the Court's Orders dated November 15, 2016, and January 17, 2017.

1 2. I have reviewed the Petitioners' Supplemental Memorandum of Points and
2 Authorities In Support of Petition for Writ of Mandate and, in particular, Exhibit 1, Hexavalent
3 Chromium MCL Water System Compliance Survey. (Survey.) The Survey appears to be limited
4 to capital costs, except as noted in some footnotes to the Survey.

5 3. The Petitioners' Survey states that Soquel's Estimated Total Spend is \$10,000,000
6 and Amount Spent to Date is \$300,000. Staff in the Division of Drinking Water contacted Mr.
7 Taj Dufour, Chief Engineer at Soquel Creek Water District (Soquel) by email. Mr. Dufour
8 informed staff via email that Soquel has spent \$3,500,000 to date in capital costs for its project to
9 date, of an estimated total project cost of approximately \$9,000,000. (Exh. A.)

10 4. In paragraph 17 of my March 10, 2017, Declaration, I implied that Soquel Creek
11 has completed its permanent project. While the project is not complete, Soquel continues to
12 comply with the Maximum Contaminant Level (MCL) for Hexavalent Chromium with its
13 interim, leased treatment system.

14 5. Petitioners' Survey shows that Indio Water Authority (Indio) has spent only
15 \$291,000. Staff from the Division of Drinking Water called Mr. Miguel Pena, Water Operations
16 Superintendent at Indio, who stated via email that Indio has spent \$6,800,000 in capital costs in
17 coming into compliance with the Hexavalent Chromium MCL. Staff confirmed from records in
18 Division of Drinking Water files that the treatment systems for the three wells have been online
19 for approximately one year. (Exh. B.)

20 6. There are two public water systems not listed on the petitioners' Survey which
21 have completed Hexavalent Chromium compliance projects. These two systems are the
22 California Water Service Company – Willows and California Water Service Company – Dixon,
23 which serve approximately 7,100 and 9,300 people, respectively. The total for research and
24 construction of the two treatment systems was approximately \$8,800,000, of which over
25 \$7,000,000 has been spent. State funding was provided through Proposition 50 as a
26 demonstration study to develop the treatment technology to ensure compliance with the MCL for
27 Hexavalent Chromium for these two systems. Proposition 50 funding of \$5 million was allocated
28 and the balance was provided by the two water systems.

1 7. The City of Glendale Public Water System (Glendale) is not included in
2 Petitioners' Survey. Glendale managed and completed a major research effort over a nearly 10
3 year period to identify and evaluate technologies for removing hexavalent chromium from
4 drinking water supplies. The cost for the study was \$10.5 million dollars, and it included
5 installing treatment at one of the sources with elevated Hexavalent Chromium. The information
6 on treatment options developed by the project provided a broad benefit to the regulated
7 community, stakeholders and the State Water Board and served as part of the basis for the
8 adoption of the MCL. The project was supported financially by many different agencies and
9 entities including the Cities of Glendale, Los Angeles, Burbank, and San Fernando; the USEPA;
10 the California Water Service Company; the California Department of Public Health (now the
11 State Water Resources Control Board), and the California Department of Water Resources
12 through Proposition 50; the Water Research Foundation; the Association of California Water
13 Agencies; the National Water Research Institute; the US Bureau of Reclamation; the
14 Metropolitan Water District of Southern California; the San Fernando Valley Industry Group; and
15 numerous vendors of various chromium removal systems.

16 8. Petitioners' Survey listed some public water systems that are likely to not spend
17 additional funds to come into compliance because the public water systems will be consolidated
18 with another public water system. In these cases, the costs for the consolidation will likely be
19 either paid from funds administered by the State Water Board or paid by the system that will
20 result from the consolidation. In particular, the Rosamond Community Services District
21 Consolidation project would connect the Antelope Valley, First Mutual and 60th Street water
22 systems as part of a regional consolidation project. This project would be designed to resolve the
23 Hexavalent Chromium compliance issue for each of these three systems. These consolidation
24 projects are also designed to improve system reliability and provide a greater economy of scale.

25 9. Petitioners' Survey shows that the North Edwards Water District (NEWD) has
26 not yet expended any funds for a project to comply with the MCL for Hexavalent Chromium.
27 However, NEWD is currently undertaking a construction project designed to resolve violations of
28 the MCLs for both Arsenic and Hexavalent Chromium. The project includes the consolidation of

1 the NEWD system with two nearby public water systems that have violated the MCL for
2 Hexavalent Chromium: Sunset Apartments and Fountain Trailer Park. To date, NEWD has
3 expended approximately \$2.9 million of the estimated total \$7.8 million cost of the project,
4 according to the State Board's Division of Financial Assistance.

5 10. Petitioners' Survey states that Mesquite Mine has Estimated Total Spend of
6 "unknown," and that it "has not developed a compliance plan." As I stated, though, in my March
7 10, 2017, Declaration, Mesquite Mine has used its existing Reverse Osmosis system to come into
8 compliance with the Hexavalent Chromium MCL.

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct and that this declaration was executed on March 22, 2017, in
11 Sacramento, California.

12 
13 Mark Bartson

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EXHIBIT A

Bartson, Mark@Waterboards

From: Weininger, Jonathan@Waterboards
Sent: Friday, March 17, 2017 11:48 AM
To: Bartson, Mark@Waterboards
Cc: Sweigert, Jan@Waterboards
Subject: FW: Cost of San Andreas SBA-IX WTP

Good Morning Mark – Soquel Creek sent this email last week. Is it what you are looking for now? Or is there something more specific?

Thanks,

Jonathan Weininger
Division of Drinking Water | (831) 655-6932

From: Taj Dufour [<mailto:TajD@soquelcreekwater.org>]
Sent: Tuesday, March 07, 2017 12:58 PM
To: Weininger, Jonathan@Waterboards; Christine Mead
Cc: Sweigert, Jan@Waterboards
Subject: RE: Cost of San Andreas SBA-IX WTP

Hi Jonathan,

As a follow up to our conversation last Friday, I thought I should provide you with at least the amount of money Soquel Creek Water District has expended to date, and what is estimated going forward to meet the MCL requirement of 10ppb.

We've spent over \$3.5M to date, and we have not yet completed design of the full scale treatment facility to be located at the Bonita well site. This amount includes rental of the demonstration facility at San Andreas Well which has been \$10k/month, but as I indicated to you, Ionex has indicated the rental rate will increase on 1/1/18 to \$59,309/month. We will not entertain this outrageous rental amount and will seek a compliance plan from your office. The total estimated cost for our system of ~14,000 connections to implement Cr. 6 treatment is over \$9M. It should be understood that construction of such treatment facilities include CEQA preparation costs (including monitoring and mitigation plans), permitting (recall this project is in the Coastal Zone and required a lengthy coastal permitting process), hazardous waste treatment requiring an industrial storm water permit (for SBA-IX brine treatment), among other costs and challenges. Another very concerning thing is if the State is relying on vendors for cost information, we were informed by our SBA-IX vendor that their contractual bid amount for equipment cost will be increased by 43% (originally was \$1,625,620 now \$2,328,353).

If you require additional information, please contact me.

Taj

Taj Dufour, P.E.
Engineering Manager/Chief Engineer
Soquel Creek Water District
5180 Soquel Dr.
Mail to: P.O. Box 1550 Capitola, CA 95010
Tel: (831) 475-8501, Ext. 123
Cell: (831) 332-9699
e-fax: (831) 824-9943

tajd@soquelcreekwater
www.soquelcreekwater.org

From: Weininger, Jonathan@Waterboards [<mailto:Jonathan.Weininger@waterboards.ca.gov>]
Sent: Friday, March 03, 2017 4:35 PM
To: Taj Dufour; Christine Mead
Cc: Sweigert, Jan@Waterboards
Subject: RE: Cost of San Andreas SBA-IX WTP

Thank you for the quick reply Taj.

Hope you have a good weekend.

Jonathan Weininger
Division of Drinking Water | (831) 655-6932

From: Taj Dufour [<mailto:TajD@soquelcreekwater.org>]
Sent: Friday, March 03, 2017 4:31 PM
To: Weininger, Jonathan@Waterboards; Christine Mead
Cc: Sweigert, Jan@Waterboards
Subject: RE: Cost of San Andreas SBA-IX WTP

Hi Jonathan and Jan,

We are actually renting the treatment system at San Andreas Well. Recent cost information we have on the Bonita full scale treatment project may be misleading, as the vendor has requested significant cost increases.

Taj

Taj Dufour, P.E.
Engineering Manager/Chief Engineer
Soquel Creek Water District
5180 Soquel Dr.
Mail to: P.O. Box 1550 Capitola, CA 95010
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Cell: (831) 332-9699
e-fax: (831) 824-9943
tajd@soquelcreekwater
www.soquelcreekwater.org

From: Weininger, Jonathan@Waterboards [<mailto:Jonathan.Weininger@waterboards.ca.gov>]
Sent: Friday, March 03, 2017 4:24 PM
To: Taj Dufour; Christine Mead
Cc: Sweigert, Jan@Waterboards
Subject: Cost of San Andreas SBA-IX WTP

Good Afternoon Christine and Taj,

We received a request from our Technical Programs Branch about the cost of hexavalent chromium treatment plants that are now in operation. They are looking for the total cost of hexavalent chromium treatment plants. When you get a chance and if the information is readily available and public, would you mind you sending us the total cost of the San Andreas WTP constructed in 2014?

Thank you,

Jonathan Weininger, P.E. | Sanitary Engineer, Monterey District
State Water Resources Control Board | Division of Drinking Water

EXHIBIT B

Bartson, Mark@Waterboards

From: Richter, Paul@Waterboards
Sent: Wednesday, March 01, 2017 9:46 AM
To: Leung, Eugene@Waterboards
Cc: Delgado, Manuel@Waterboards; Williams, J. Steven@Waterboards
Subject: IWA Ionex Capital Cost for Chromium-6 treatment

Eugene,

I called Miguel and this is the cost.

In the early discussions, I recall the estimated cost was \$1M each well.

Paul J. Richter, P.E.

Associate Sanitary Engineer -- Riverside District
State Water Resources Control Board
Division of Drinking Water
1350 Front Street, Room 2050
San Diego, California 92101

e-mail: Paul.Richter@waterboards.ca.gov
telephone: 619.525.4354
facsimile: 619.525.4383

From: Miguel Pena [<mailto:mpena@indio.org>]
Sent: Wednesday, March 01, 2017 9:35 AM
To: Richter, Paul@Waterboards
Subject: Capital Cost for Chromium-6 treatment

Paul,

Capital Costs

3 Well Sites - \$6,800,000

The 3 wells we selected to treat are very unique and include; a typical well site, a well with the treatment site 0.5 miles away, and well treatment at the corporate yard. Below is the capital cost breakdown for our Well AA site:

Typical Well Site -- Well AA

Treatment Unit -	\$1,000,000
Site Work -	\$447,209
Engineering/Inspection -	<u>\$410,271</u>
	\$1,857,480

Hope this helps.

Miguel

DECLARATION OF SERVICE BY E-MAIL and U.S. Mail

Case Name: **California Manufacturers and Technology Assoc. v. State Water
Resources Control Board**

No.: **34-2014-80001850**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On March 24, 2017, I served the attached **SUPPLEMENTAL DECLARATION OF MARK BARTSON IN SUPPORT OF STATE WATER BOARD'S SUPPLEMENTAL RESPONSE BRIEF** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Andrew L. Collier, Esq.
DOWNEY BRAND LLP
621 Capitol Mall, 18th Floor
Sacramento, CA 95814
acollier@downeybrand.com
Attorneys for Petitioners

Clifton J. McFarland, Esq.
MITCHELL CHADWICK LLP
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
cmcfarland@mitchellchadwick.com
Attorneys for Petitioners

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 24, 2017, at Sacramento, California.

Mercedita Schwarzkopf

Declarant



Signature