

WATER NEWS

News You Need to Know - NOW

By Ron Weitzman, President, WaterPlus

Cal Am's Current Water Proposal Needs a Whole New EIR

Cal Am had requested only a supplementary Environmental Impact Report for its new water-supply proposal on the grounds that it differed only slightly from its previous, now-abandoned proposal, but the many objections brought against the new proposal by Water Plus and others led the administrative law judge overseeing it to require a whole new EIR. The California Public Utilities Commission, which is assuming the position of lead agency on the currently proposed project, recently held three local "scoping" sessions on the EIR. Community groups and individuals suggested topics for inclusion in the EIR at these sessions. The following suggestions made by Water Plus reveal a number of serious weaknesses of the Cal Am proposal for its current project.

1. New to this project is the extensive involvement of the Seaside groundwater basin in both aquifer storage and recovery and groundwater replenishment. Both of these auxiliary water sources will be critical to the project if it is limited to only 5,500 acre-feet per year of desalinated water, which represents one of the two directions the project may take. Since both directions are possibilities, the EIR must consider both. The direction involving the two auxiliary water sources depends heavily on storage in the Seaside water basin. This dependency would make the total water supply available extremely unreliable and threaten increased saltwater intrusion in the basin. That is because both these sources would not supply sufficient water in dry years. The Carmel River would not have excess winter flow for storage, and farmers would need the treated sewer water in winter as well as summer during these dry periods.

Equally troublesome is the fact that aquifers leak. If they didn't, they would become lakes. Their discharge rate must therefore be equal to their recharge rate. According to a 2007 study of the Seaside basin by hydrologist Timothy J. Durbin, the recharge rate is about one-third of an acre-foot for every acre of surface area over the basin. At this rate, the leakage could be as much as 12,000 acre-feet a year, depending on the extent of the basin's surface area. This is definitely a topic that deserves study in the EIR because the project envisions storing water at one time and removing it for use at a later time, perhaps even years later. In that case, the removal could create a net loss in basin water volume so great as to result in saltwater intrusion.

The EIR must consider these possible contributions to unreliability of water supply and saltwater intrusion into the Seaside groundwater basin, especially as global warming progressively increases the frequency of dry years.

2. Although cost and financing are not topics of direct concern to an EIR, they certainly will be topics of at least indirect concern in the case of the current project. That is because this project envisions possible financing via the state's revolving fund at about 2.5% interest. Because funding from this source for a private company depends on the project's prevention or elimination of nonpoint pollution, as well as the borrower's being a non-profit organization, the project must identify a source of nonpoint pollution together with a demonstration of how it would prevent or eliminate it. That is certainly a topic for an EIR study to consider, regardless of whether Cal Am's financing plan could somehow circumvent the non-profit requirement.

3. For the project to proceed as proposed, the CPUC must make a certification of public convenience and necessity to preempt the Monterey County Ordinance 10.72 prohibiting a private company from owning and operating a desalination plant in the county. That certification depends on the non-existence of any feasible alternative project. Because at least one publicly-owned project has been proposed—the Pacific Grove or People's project—the EIR must determine its feasibility at least from an environmental viewpoint. This determination is especially important to Water Plus as a ratepayer advocacy group because a publicly-owned desalination plant can obtain financing at a much lower cost than a privately-owned one. For both convenience and necessity, a publicly owned and operated desalination plant would be far superior to one owned by a private company. That is why the Pacific Grove water-supply project is so important.

The Difference between OR and AND

The buzz surrounding the old Regional Desalination Project was that the mayors supported it while the water management district opposed it because in several phases it promised to provide from desalination more water than we currently obtain from the Carmel River. The current project proposed by Cal Am is planned to supply precisely the amount of water we have now. So you may wonder why the mayors in the regional water authority now work so intimately with the water management district as to have the appearance of collusion.

Here is a possible reason: At least Monterey and Seaside need additional water for planned development of their downtowns, while other local cities need it for household or business add-ons and for lots of record that now lack water credits. The mayors may reasonably expect that Cal Am will not allow the use of treated sewer water to be part of its project. In that case, Cal Am will build a desalination plant that will just replace the amount of excess water we currently draw from the Carmel River. At the same time, by promoting the development of treated sewer water promoted by the district, the mayors may get the additional water they need. Both the mayors and the district agree on the need for a desalination component of the new project, but while the water management district considers the second component to be either additional desalinated water OR treated sewer water (which it prefers), the mayors consider the second component to be additional desalinated water AND treated sewer water. That AND scenario would provide the additional water that the cities need. In pursuing these scenarios, both of which involve Cal Am ownership, neither the mayors nor the water management district appear to be concerned about their effect on ratepayers, particularly their pocketbooks.

The PUC Claims to Preempt the County Ordinance Prohibiting Cal Am from Owning a Desal Plant in the County

Despite objections from Water Plus and others, the Public Utilities Commission at the end of October adopted an administrative law judge's proposed decision that authorizes the commission to preempt the Monterey County ordinance that prohibits a private company like Cal from owning and operating a desalination plant in the county. Before the commission has even made a certification of public convenience and necessity for Cal Am's new project, required to authorize preemption, this decision would appear to make sense only if the county ordinance were unconstitutional so that any private company, not just Cal Am, could own and operate a desalination plant in the county. That is not the case, however. Stay tuned. 💧

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