



PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

September 23, 2020

SCOTT OCHOA
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

SCOTT BURTON
UTILITIES GENERAL MANAGER

Chino Basin Watermaster
9641 San Bernardino Road
Rancho Cucamonga, CA 91730

Optimum Basin Management Plan Update Report

Dear Watermaster Board of Director's,

The City of Ontario (City) appreciates the opportunity to provide comments and suggested revisions to the currently drafted Optimum Basin Management Plan (OBMP) Update Report. At the September 17, 2020 meeting, the Advisory Committee recommended that the Chino Basin Watermaster (Watermaster) Board postpone consideration of the OBMP Update Report for one to two months to allow for consideration of further comments.

The City is writing this letter to provide further advice and assistance to the Watermaster Board regarding its consideration and potential approval of the Optimum Basin Management Program (OBMP) Update Report. Throughout this OBMP Update process Ontario has consistently held and shared the belief that there is a significant water resources topic that should be identified and addressed in the OBMP Update and subsequent environmental review. Unfortunately, this topic has yet to be considered in the OBMP Update Report in a meaningful way and was only narrowly identified in the environmental review without exploration of alternatives from the historical status quo. For this reason, expanded on herein, Ontario does not recommend approval of the OBMP Update Report at this point. Ontario is supportive of the approach expressed in the Appropriate Pool letter submitted to Watermaster this week.

One of the first written comments Ontario provided on this topic was in December 2018 in response to the draft OBMP Update White Paper and quoted below.

“[T]he recycled water supply (via IEUA) is at risk of becoming over-subscribed and has further seasonal limitations. The OBMP needs to fully understand and consider the availability of this resource. As this threshold is approached, plans for additional direct use, recharge, continued SAR obligation, potential Prop 1 (CBP) use and new supply sources need to be considered in the collective.”

The Santa Ana River Base Flow Obligation (SAR obligation) is a complex topic stemming back to the Orange County Judgement with a relationship to the Chino Basin adjudication that followed. There is no attempt herein to explain the topic other than to say, to the extent the OBMP is a foundational groundwater and water resources planning document for the Chino Basin, it must be part of the consideration. The OBMP

Update is intended to identify changed conditions since 1998-1999 and reset objectives with a long-term planning horizon. Historically the SAR obligation has been met with excess recycled water generated under the Regional Sewerage Contract between IEUA and its member agencies. The utilization of recycled water within the Chino Basin is orders of magnitude greater than was the case at the time of the original OBMP thanks to a tremendous effort by IEUA and the retail member agencies. The OBMP Update Report sets the goal of maximizing the use recycled water; therefore, the OBMP Update Report must consider all potential uses and recognize that the future is not bound by historical practices.

As stated by Watermaster staff during the September 10, 2020 Appropriative Pool meeting, they believe that this topic should be included and responded to Ontario's expressed view by saying "I couldn't agree with you more on this" and reflected on "how is it that the Parties missed such an important thing?" The SAR topic was identified in listening session one by three agencies and raised again in listening session two by five additional agencies, all in the context of a "want" within the OBMP Update. Watermaster staff explained that it was not included in the final OBMP Update Report because of comments on Technical Memorandum Number 1. While the listening sessions and comments were numerous, there does not appear to have been any tangible conclusion to the collective input on this topic as provided by the Parties.

In December 2019 the Parties and the Watermaster Board approved the consulting agreement to complete environmental review on the OBMP Update Implementation Plan. The Appropriative Pool (and individual Parties) purposely requested that Watermaster complete environmental review on storage first and separate from the entire OBMP Update. When the request was not obliged, Ontario turned its attention to the handling of the SAR obligation in the environmental review, conducted jointly by Watermaster and IEUA with IEUA acting as the Lead Agency.

In the September 10, 2020 Appropriative Pool meeting Ontario communicated a concern that the OBMP Update staff report (for additional expenditures on the environmental review) contained an incomplete narrative and appeared to unnecessarily target Ontario. Watermaster staff indicated that the staff report was written in a manner that calls attention to Ontario because "I didn't want the spotlight to be anywhere else". The information presented in the Watermaster staff report was incomplete and misleading. It is concerning that the Watermaster narrative is not more impartial and appears to be adversarial with a Party to the Judgement who they happen to disagree with. Watermaster is managing the OBMP Update effort, including the handling of the subject topic and as such, should accept responsibility for outcome.

During the September 10, 2020 Appropriative Pool meeting Ontario asserted that they had "a heck of a time" trying to get the draft environmental document prior to issuance for public review. Watermaster staff insinuated that Ontario was not being accurate in its assertion based on Watermaster's facts. Ontario made considerable effort to address its concerns on this topic prior to and during the environmental review. Specifically related to the inaccurate narrative that Ontario waited until July 15th to make comments, the following is the chronology of events. In late February Ontario made a verbal request of Watermaster staff to obtain a copy of the draft environmental document prior to public release, which was not granted. Ontario followed up with an e-mail request on March 5, 2020 which was again, not granted. Following the email request, Ontario sent a formal letter request to Watermaster on March 13, 2020 (see attached). Ontario was then told that as individual chapters were completed, they could be reviewed at the Watermaster office. Eventually individual chapters were made available to Ontario (but not the entirety of the report). Within several days of receiving individual chapters, Ontario provided written comments to Watermaster and IEUA on March 24th.

Ontario received a response to its environmental review comments and, as stated by Watermaster staff during the September 10, 2020 Appropriative Pool meeting, "the comments were responded to and Ontario

does not accept the responses.” Ontario’s comments were focused primarily on the subject topic and its incomplete coverage including consideration of alternatives. Essentially, the response was that Ontario’s concerns would not be addressed any further in the OBMP Update and environmental review – end of story. On March 27, 2020 the environmental document was released for public review. Ontario provided similar comments as part of the public review process on May 11, 2020, received a response from IEUA prior to the Final SEIR release on July 2nd. Finally, Ontario submitted response comments to the Final SEIR on July 15, 2020.

There is no question that this significant water resources topic is worthy of real consideration in the water resources strategic planning contained within the Chino Basin OBMP Update Report. In doing so, the Parties will have a better strategy, more complete environmental review, grant funding opportunities may be more readily pursued, and it lays the groundwork for the creative solutions of the future. The City of Ontario’s advice and recommendation to the Watermaster Board is for the OBMP Update Report to define this topic, consider its implications within the context of the OBMP Update Report and provide an opportunity for the Parties to review and comment on the revised draft report prior to Watermaster Board approval.

I would also like to suggest that Watermaster and the Party’s may benefit from a “lessons learned” debriefing at the conclusion of the OBMP Update Report. If something like this is conducted Ontario would be happy to participate including meeting with individual Board Members and/or Mr. Kavounas as appropriate.

Sincerely,



Scott Burton
Utilities General Manager

C: Peter Kavounas, Watermaster General Manager
John Bosler, Appropriative Pool Chair
Brian Geye, Non-Agricultural Pool Chair
Bob Feenstra, Agricultural Pool Chair

CITY OF



ONTARIO

ONTARIO MUNICIPAL UTILITIES COMPANY

PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

March 13, 2020

SCOTT OCHOA
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

SCOTT BURTON
UTILITIES GENERAL MANAGER

VIA EMAIL

Peter Kavounas, General Manager
Chino Basin Watermaster
9641 San Bernardino Road
Rancho Cucamonga, CA 91730

SUBJECT: STAKEHOLDER REVIEW OF DRAFT OBMP UPDATE CEQA EIR

Dear Mr. Kavounas,

In an email to you and Shivaji Deshmukh on March 5, 2020, Scott Burton requested that the City have the opportunity to review the draft Environmental Impact Report (EIR) for the Optimum Basin Management Plan (OBMP) Update prior to the document being released for public review and comment. Subsequently, I spoke with Watermaster staff, IEUA staff, and consultants regarding this and other questions and concerns related to the OBMP CEQA documents.

It is my understanding that the draft EIR is nearly complete and that public review is scheduled to begin this month. On behalf of the City, I am requesting a copy and two to three business days to review the administrative draft of the OBMP Update EIR in advance of its release for public review. Other Watermaster parties may desire the same opportunity. It is essential for the parties who are most likely to implement the projects in the OBMP Update and who will therefore be responsible for the associated mitigation to have an opportunity to review, understand, and help shape appropriate mitigation measures.

I look forward to a collaborative and transparent process that includes all stakeholders for the benefit of the Basin and those who utilize it.

Sincerely,



Katie Gienger, P.E.
Water Resources Manager

cc: Scott Burton, Utilities General Manager, City of Ontario
Shivaji Deshmukh, General Manager, Inland Empire Utilities Agency
John Bosler, Chair, Appropriative Pool