

Amador Regional Sanitation Authority

"Servicing Amador City, Martell, & Sutter Creek"

A G E N D A

DECEMBER 22, 2021

10:00 A.M. REGULAR Meeting

33 Church Street, Sutter Creek CA 95685

The Agenda can be found on the City of Sutter Creek's Website: www.cityofsuttercreek.org

THIS MEETING WILL BE CONDUCTED IN-PERSON AT 33 CHURCH STREET

and available by Zoom:

To Join Zoom Meeting

<https://us02web.zoom.us/j/3278978807>

or

Dial by phone:

301-715-8592

Meeting ID: 327 897 8807

Public comment will be accepted by email at info@cityofsuttercreek.org. All emails must be received prior to the start of the meeting.

1. CALL TO ORDER AND ESTABLISH A QUORUM – 10:00 AM

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. PUBLIC FORUM

Discussion items only, no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of the Amador Regional Sanitation Authority; however, any matter that requires action may be referred to staff and/or Committee for a report and recommendation for possible action at a subsequent Board meeting. Please note – there is a five (5) minute limit per topic.

4. CONSENT AGENDA

Items listed on the consent agenda are considered routine and may be enacted in one motion. Any item may be removed for discussion at the request of the Board or the Public.

*** A. Minutes of November 17, 2021**

Recommendation: Approve Minutes of November 17, 2021

*** B. Approval of Warrants**

Recommendation: Approve warrants.

*** C. 21-22 Budget Comparison and Cash Balance Report**

Recommendation: For information only.

*** D. System Status Report**

Recommendation: For information only.

5. ADMINISTRATIVE MATTERS

*** A. Correspondence to the City of Ione and Mule Creek CDCR**

Recommendation: For information and staff direction.

6. GENERAL MANAGER'S REPORT

7. BOARD MEMBER REPORTS

8. ADJOURNMENT

** Attachments*

Amador Regional Sanitation Authority

"Servicing Amador City, Martell, & Sutter Creek"

MINUTES SPECIAL MEETING OF THE BOARD OF DIRECTORS November 17, 2021

Present:

Robin Peters, Chairman
Richard Forster, Vice Chairman
Susan Bragstad, Board Member
Jim Swift, Board Member
Via Zoom:
Frank Axe, Board Member

Staff Present:

Amy Gedney, General Manager
Karen Darrow, City Clerk
Lance Roberts, Sutter Creek PW Director

1. CALL TO ORDER AND ESTABLISH A QUORUM

Meeting called to order by Chairman Peters at 10:00 A.M.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Chairman Peters led the Pledge of Allegiance.

3. PUBLIC FORUM

Dominic Atlan of Ione asked if there were any plans for creek diversion this year and asked at what level Preston gets to when the effluent becomes too difficult to treat.

Chairman Peters recommended that he get in touch with the General Manager directly.

Jim Scully of Ione commented noting that ARSA should be prepared for some legal issues as a result of Ione's past actions.

4. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: One potential case.

The Board went into closed session after the public was asked to temporarily leave the meeting. Chairman Peters noted that the public would be allowed back in after Closed Session was adjourned.

5. REPORT FROM CLOSED SESSION

Closed Session ended at 11:07 a.m. Chairman Peters checked around the building to invite any remaining members of the public back in and the clerk allowed the public back in through zoom.

Open Session reconvened at 11:09 a.m. and Chairman Peters noted that the ARSA Board gave direction to staff.

The Public Forum was re-opened for comment with no one seeking to comment.

6. CONSENT AGENDA

Items listed on the consent agenda are considered routine and may be enacted in one motion. Any item may be removed for discussion at the request of the Board or the Public.

A. Minutes of June 30, 2021

Recommendation: Approve Minutes of June 30, 2021

B. Approval of Warrants

Recommendation: Approve warrants.

C. Cash Balance Report

Recommendation: For information only.

D. System Status Report

Recommendation: For information only.

M/S Forster/Axe to Approve the Consent Agenda, with minor edits to the minutes.

AYES: Axe, Bragstad, Swift, Forster and Peters

NOES: None

ABSTAIN: None

ABSENT: None

MOTION CARRIED

7. ADMINISTRATIVE MATTERS

A. Revised Mitigation and Monitoring Program Requirements

Recommendation: For information only.

General Manager Gedney provided a summary of the Revised Mitigation and Monitoring Program requirements which will now require ARSA to calculate the water application rate and the nitrogen load across the irrigation fields. Additionally, she noted that ARSA will need to submit reports jointly starting with the November report. She also noted that in her discussion with regional board staff, they are focused on looking at the overall groundwater system, which is what has prompted the need for the revised requirements.

Chairman Peters noted that there was an error in the letter implying that the City of Sutter Creek's wastewater system needed to be investigated when it is actually the Mule Creek Department of Corrections' system that is being monitored. He asked staff to request that the letter be revised and resent to all parties.

8. GENERAL MANAGER'S REPORT

General Manager Gedney reported that Sutter Creek received ten inches of rain during the October rain event noting that it was a very significant storm that impacted the system very early in the year.

Board member Forster noted that the report should include a footnote that the rain totals were not an error for future analysis purposes.

General Manager Gedney noted that Sutter Creek found an I&I source but it was not as significant as they thought which alludes to problems elsewhere. She also noted that the City has smoke testing scheduled for early in December.

General Manager Gedney reported that they are waiting on response from the State in regards to the Henderson under drain repair.

9. BOARD MEMBER REPORTS

Board member Bragstad noted that Amador City is working on updating sewer rates.

ADJOURNMENT

- 10.** The meeting was adjourned at 11:26 a.m.

Karen Darrow, Secretary

Robin Peters, Chairman

Date Approved:

Amador Regional Sanitation Authority (ARSA)
Warrant List
December 2021

Type	Num	Date	Name/Account	Paid Amount
Bill Pmt -Check	1627	12/22/2021	Any & All Company	
Bill	1135	12/09/2021	Vehicle Maintenance	1,654.70
TOTAL				1,654.70
Bill Pmt -Check	1628	12/22/2021	Best Best & Krieger, LLP	
Bill	920521	11/16/2021	Legal	9,404.57
Bill	921483	12/03/2021	Legal	20,058.24
TOTAL				29,462.81
Bill Pmt -Check	1629	12/22/2021	City of Sutter Creek	
Bill	2021-12	12/08/2021	Contract with COSC	14,478.33
			Overtime	1,015.47
			Repairs & Maintenance	371.36
			Vehicle Maintenance	76.23
TOTAL				15,941.39
Bill Pmt -Check	1630	12/22/2021	Hunt & Sons, Inc.	
Bill	223084	11/15/2021	Fuel	191.97
Bill	235694	11/30/2021	Fuel	364.90
TOTAL				556.87
Bill Pmt -Check	1631	12/22/2021	Sterling Auto Repair	
Bill	19896	11/17/2021	Vehicle Maintenance	472.95
TOTAL				472.95
Bill Pmt -Check	1632	12/22/2021	SWRCB	
Bill	WD-0190019	12/08/2021	Taxes/Fees/Licenses	23,783.00
TOTAL				23,783.00
Bill Pmt -Check	1633	12/22/2021	Weber, Ghio & Associates, Inc.	
Bill	9327	11/08/2021	Engineering	315.25
Bill	9328	11/08/2021	Engineering	319.25
Bill	9329	11/08/2021	Engineering	741.00
TOTAL				1,375.50

Amador Regional Sanitation Authority (ARSA)
Budget vs. Actual
 July through November 2021

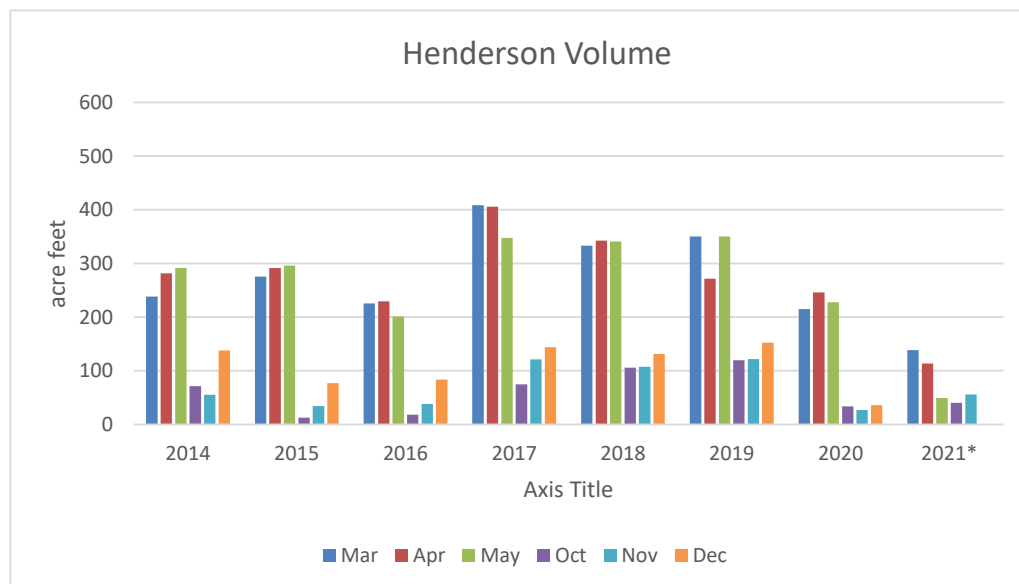
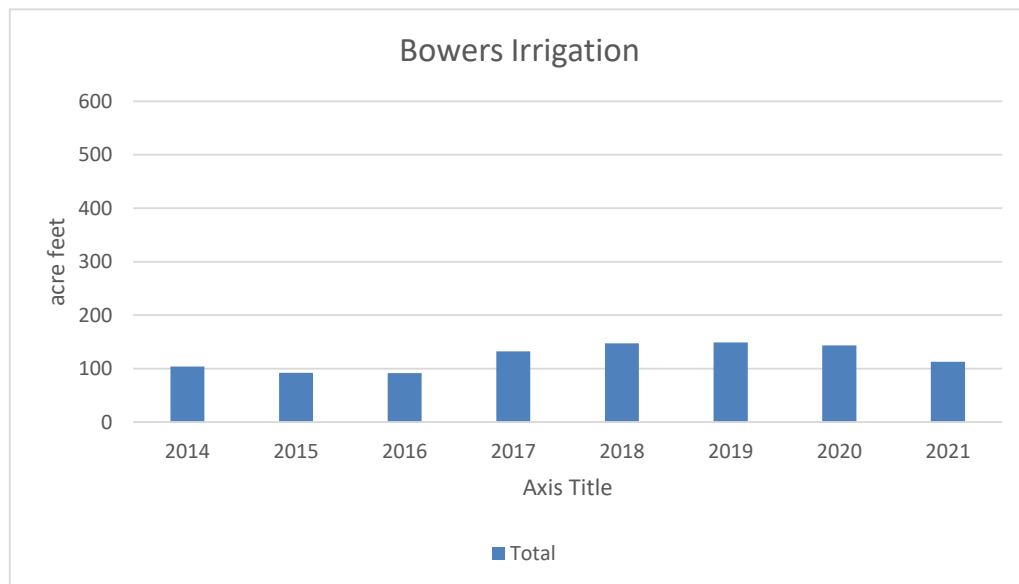
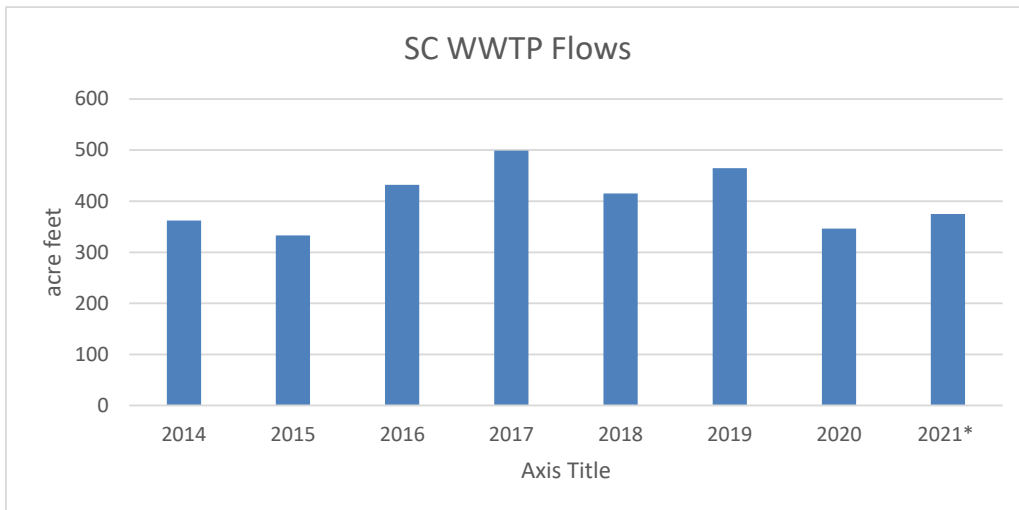
	Budget	Jul - Nov 21	% of Budget	Projected YE
Income				
Interest Income	150.00	79.44	53.0%	150.00
Reimbursed Expenses	19,000.00	0.00	0.0%	19,000.00
Use Fee Revenue				
Amador City	18,385.00	9,192.50	50.0%	18,385.00
Amador Water Agency	86,552.00	43,276.00	50.0%	86,552.00
City of Sutter Creek	387,956.00	193,978.00	50.0%	387,956.00
Total Income	512,043.00	246,525.94	48.1%	512,043.00
Expense				
Employee Services				
Contract with COSC	173,740.00	57,913.32	33.3%	173,740.00
Overtime	15,000.00	1,821.83	12.1%	15,000.00
Operations				
Audit & Accounting	6,000.00	0.00	0.0%	6,000.00
Contingency	42,192.00	0.00	0.0%	42,192.00
Engineering				
Inundation mapping	10,000.00	0.00	0.0%	10,000.00
Engineering - Other	35,000.00	6,668.25	19.1%	35,000.00
Flood Control	2,000.00	0.00	0.0%	2,000.00
Fuel	19,000.00	2,618.70	13.8%	19,000.00
General Supplies	500.00	0.00	0.0%	500.00
Legal	15,000.00	10,078.49	67.2%	15,000.00
Membership Dues	1,700.00	1,606.46	94.5%	1,700.00
O&M Building/Structures	1,500.00	0.00	0.0%	1,500.00
Repairs & Maintenance	20,000.00	241.18	1.2%	20,000.00
Risk Management - Liability	19,761.00	18,550.49	93.9%	19,761.00
Taxes/Fees/Licenses	55,000.00	207.31	0.4%	55,000.00
Tertiary Treatment Fees	70,000.00	0.00	0.0%	70,000.00
Vehicle Maintenance	5,000.00	3,148.72	63.0%	5,000.00
Weed Control	1,500.00	0.00	0.0%	1,500.00
Total Expense	492,893.00	102,854.75	20.9%	492,893.00
Net Income	19,150.00	102,854.75		19,150.00

Date	Sutter Creek WWTP Flow (mg)	Bowers Irrigation (mg)	Henderson Freeboard	Henderson Volume in the System (af)	Henderson Outflow (mg)	Hoskins Irrigation (mg)	Mule Creek Inflow (mg)	Preston Freeboard	Preston Volume in the System (af)	Outflow to Ione (af)
Date	Sutter Creek WWTP Flow (mg)	Bowers Irrigation (mg)	Henderson Freeboard		Henderson Outflow (mg)	Hoskins Irrigation (mg)	Mule Creek Inflow (mg)	Preston Freeboard		Outflow to Ione (650acft)
2014										
1/31/2014	6.8	0.0	15'8"	97.41	7.1	0.0	3.4	17'1"	40.9	0.0
2/28/2014	12.3	0.0	11'5"	168.11	5.5	0.0	12.1	11'9"	90.0	0.0
3/31/2014	13.9	0.0	8'	238.53	7.3	0.0	0.0	13'2"	75.1	0.0
4/30/2014	11.0	0.0	6'2"	281.31	13.6	0.0	0.0	8'7"	128.4	5.2
5/31/2014	8.8	0.0	5'9"	291.52	12.2	0.0	0.0	12'3"	84.6	21.9
6/30/2014	8.2	8.2	7'1"	259.49	9.7	4.5	45.2	9'1"	121.9	28.4
7/31/2014	8.0	7.8	9'9"	200.95	13.0	4.7	31.4	10'3"	107.3	37.4
8/31/2014	8.4	5.8	11'6"	166.54	15.1	4.6	11.1	16'6"	45.4	38.9
9/30/2014	8.2	5.2	14'4"	117.57	16.4	4.6	10.1	19'3"	26.5	27.7
10/31/2014	8.1	3.7	17'7"	71.65	15.7	3.2	5.8	18'5"	31.7	14.1
11/30/2014	8.2	3.2	19'	55.07	16.2	0.8	0.0	13'3"	74.2	0.1
12/31/2014	16.0	0.0	13'1"	138.15	7.1	0.0	0.0	10'9"	101.4	0.0
Total Flow	117.9	33.9			138.9	22.4	119.1			173.7
Annual ac ft	361.8	104.0			426.3	68.7	365.5			533.1
2015										
1/31/2015	9.7	0.0	10'	195.84	4.2	0.0	0.0	10'5"	105.3	0.0
2/28/2015	13.3	0.0	7'1"	259.49	6.6	0.0	0.0	8'8"	127.27	0.0
3/31/2015	9.7	0.0	6'5"	275.27	12.3	1.7	0.1	6'8"	154.89	0.0
4/30/2015	8.5	0.0	5'9"	291.5	19.2	5.6	0.0	5'8"	169.7	8.8
5/31/2015	8.2	0.0	5'7"	295.65	12.7	7.3	0.0	9'3"	119.7	22.6
6/30/2015	7.2	5.7	8'7"	225.65	20.7	10.1	15.8	8'9"	126.2	28.3
7/31/2015	7.2	6.6	12'3"	152.77	22.7	10.0	24.8	8'1"	135.05	32.6
8/31/2015	7.5	7.5	15'9"	96.21	16.9	10.3	23.3	7'2"	147.73	32.6
9/30/2015	7.6	5.8	19'6"	49.71	14.6	6.5	15.6	8'9"	126.18	31.4
10/31/2015	7.8	4.5	24'1"	12.69	19.7	5.8	0.0	10'9"	101.4	23.0
11/30/2015	8.4	0.0	21'1"	34.46	3.9	0.0	0.0	14'6"	62.3	10.9
12/31/2015	13.4	0.0	17'2"	76.93	9.8	0.0	0.0	14'	67.0	6.6
Total Flow	108.4	30.1			163.4	57.3	79.6			196.6
Annual ac ft	332.7	92.3			501.4	175.8	244.2			603.5
2016										
1/31/2016	19.0	0.0	12'1"	155.78	12.4	0.0	0.0	11'4"	94.7	3.9
2/29/2016	10.7	0.0	10'9"	180.9	17.8	0.0	0.0	8'7"	128.4	4.0
3/31/2016	17.7	0.0	8'7"	225.65	15.1	0.0	0.0	5'7"	171.0	3.4
4/30/2016	10.7	0.0	8'5"	229.3	13.7	0.0	0.0	5'7"	171.0	9.1
5/31/2016	9.3	0.0	9'9"	200.95	23.0	0.0	0.0	7'7"	141.9	27.3
6/30/2016	8.3	2.9	14'4"	117.57	32.2	2.2	0.0	9'8"	114.5	36.0
7/31/2016	9.0	9.0	20'1"	43.79	25.4	5.3	35.9	7'6"	143.1	40.9
8/31/2016	9.2	9.2	22'3"	24.88	8.7	3.2	32.9	8'3"	132.8	44.1
9/30/2016	8.3	6.3	25'8"	4.96	10.8	2.2	10.3	13'2"	75.1	37.5
10/31/2016	11.0	2.5	23'2"	18.35	5.9	0.0	4.0	14'4"	63.83	6.4
11/30/2016	11.2	0.0	20'8"	38.22	5.3	0	0.0	14'2"	65.38	0.0
12/31/2016	16.5	0.0	16'8"	83.5	10.4	0.0	0.0	11'6"	92.82	0.0
Total Flow	140.8	29.8			180.8	12.9	83.2			212.6
Annual ac ft	432.1	91.5			554.9	39.6	255.2			652.5

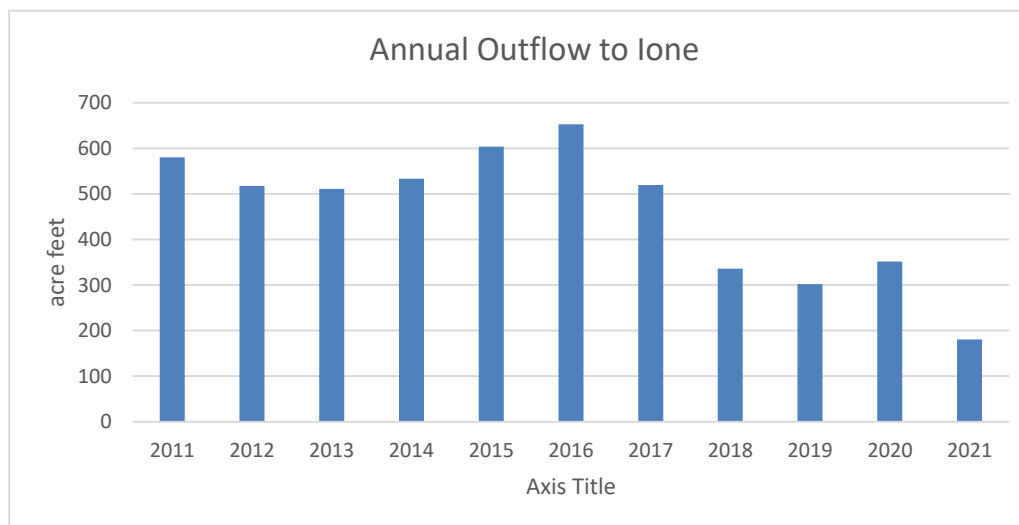
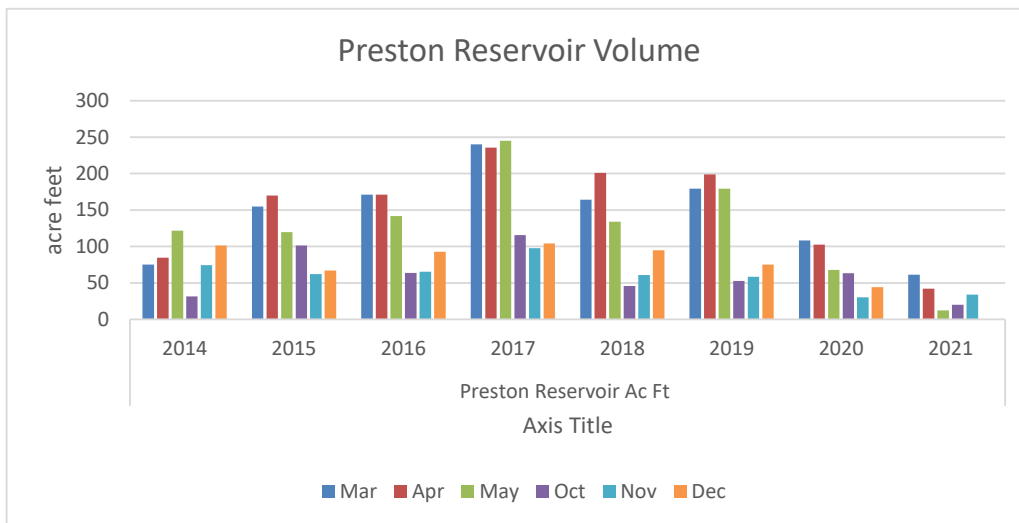
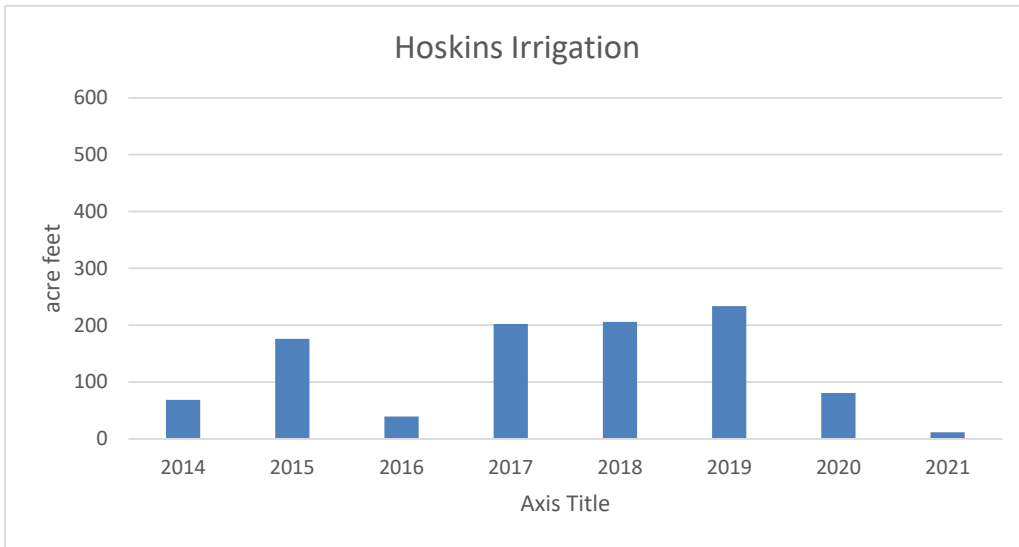
ARSA SYSTEM FLOWS
2014 - Present

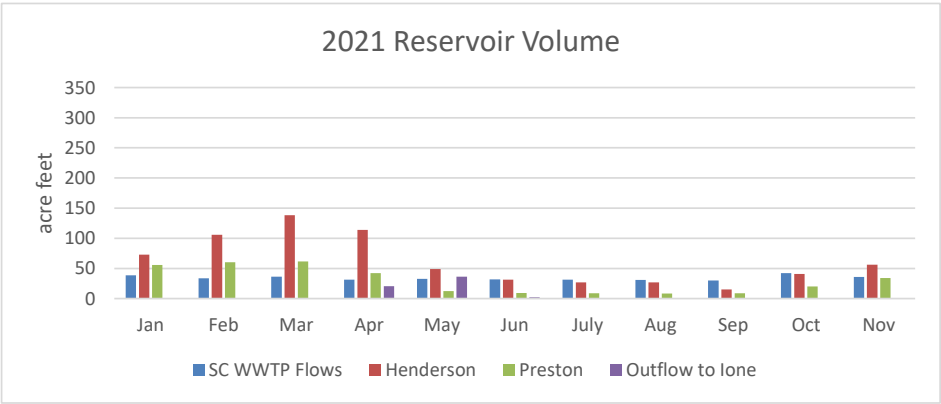
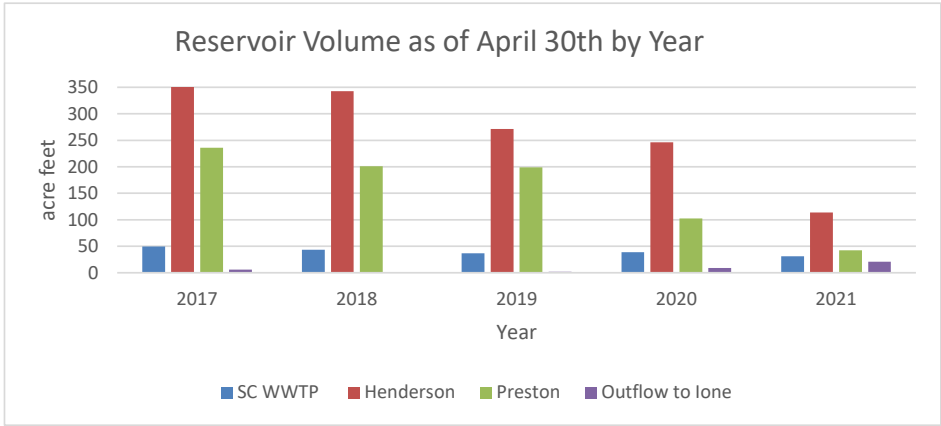
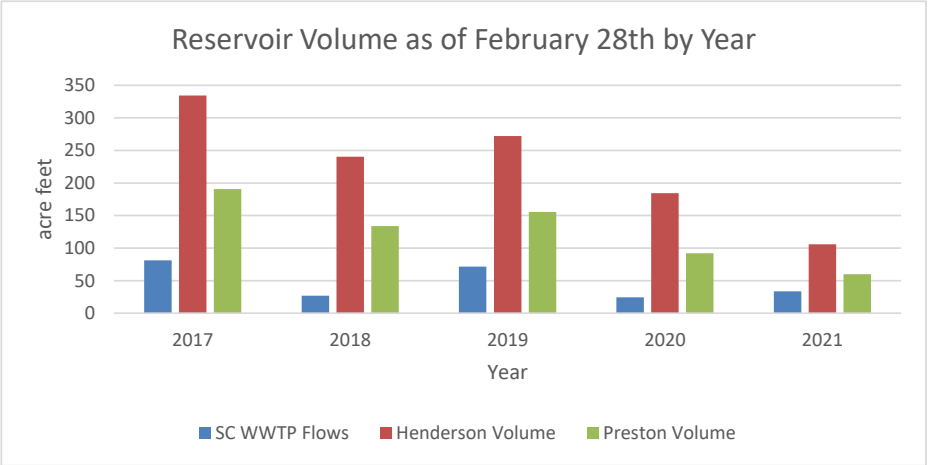
Date	Sutter Creek WWTP Flow (mg)	Bowers Irrigation (mg)	Henderson Freeboard	Henderson Volume in the System (af)	Henderson Outflow (mg)	Hoskins Irrigation (mg)	Mule Creek Inflow (mg)	Preston Freeboard	Preston Volume in the System (af)	Outflow to Ione (af)
2017										
1/31/2017	30.9	0.0	9'3"	211.4	10.7	0.0	0.0	6'8"	154.9	0.0
2/28/2017	26.5	0.0	4'1"	334.2	10.2	0.0	0.0	4'4"	190.6	0.0
3/31/2017	15.5	0.0	1'5"	408.37	14.1	0.0	0.0	1'5"	240.4	1.5
4/30/2017	16.1	0.0	1'6"	405.9	34.9	0.0	0.0	1'8"	235.9	5.9
5/31/2017	9.6	0.0	3'7"	347.5	38.0	2.7	0.0	1'2"	244.9	27.4
6/30/2017	8.9	8.0	6'7"	271.3	36.0	8.8	0.0	3'2"	209.8	36.2
7/31/2017	8.6	8.7	1'1"	176.05	35.0	10.7	0.0	6'11"	151.3	41.8
8/31/2017	8.8	8.7	13'9"	126.97	20.6	8.6	0.0	7'6"	143.1	12.1
9/30/2017	8.7	8.7	16'2"	90.32	18.3	11.9	0.0	6'10	152.5	0.0
10/31/2017	8.0	8.1	17'4"	74.8	13.8	9.4	0.0	9'7"	115.53	17.2
11/30/2017	11.5	0.9	14'10"	121.56	9.7	7.4	0.0	11'1"	97.54	27.2
12/31/2017	9.5	0.0	12'9"	143.91		6.3	0.0	10'6"	104.35	0.0
Total Flow	162.6	43.1			241.3	65.8	0.0			169.3
Annual ac ft	499.0	132.2			740.6	202.1	0.0			519.6
<i>Average ac feet per Year</i>	<i>313.51</i>	<i>76.46</i>			<i>385.57</i>	<i>74.90</i>	<i>216.80</i>			<i>485.36</i>
2018										
1/31/2018	13.6	0	9'7"	206.1	8.4	0	0	8'8"	128.4	0
2/28/2018	8.7	0	7'10"	240.4	5.1	0	0	8'3"	133.9	0
3/31/2018	22.1	0	4'1"	332.9	8.00	0	0	5'11"	164.1	0
4/30/2018	14.1	0	3'9"	342.6	23.8	6.0	0	3'3"	200.9	1.15
5/31/2018	9.3	0	3'10"	340.6	16.9	9.9	0	8'2"	133.9	27.71
6/30/2018	8.4	5.3	5'8"	295.1	21.2	9.6	0	15'1"	59.6	37.73
7/31/2018	9.3	9.2	10'0"	193.7	35.4	9.5	0	22'0"	17	42.85
8/31/2018	9.7	9.7	11'7"	163.6	12	5.8	0	20'9"	22	0
9/30/2018	9	9	13'11"	123.9	16	10.7	0	19'3"	36.2	0
10/31/2018	8.9	8.9	15'2"	106	16.2	10.0	0	11'	45.6	0
11/30/2018	10.5	5.8	15'1"	107.2	14.9	5.6	0	14'10"	60.9	0
12/31/2018	11.7	0	13'6"	131.2	15.2	0	0	11'2"	94.9	0
Total Flow	135.3	47.9	0		193.1	67.1	0	0		109.44
Annual ac ft	415.2	147.0	0.0		592.6	205.9	0.0	0.0		335.9
2019										
1/31/2019	17.4	0	10'5"	185.4	36.7	0	0	8'3"	133.9	0
2/28/2019	23.3	0	6'6"	271.9	4.8	0	0	6'6"	155.5	0
3/31/2019	20.2	0	3'6"	350.4	7.6	0	0	4'8"	179.3	0
4/30/2019	11.9	0	2'9"	271.4	15.8	4.2	0	3'2"	198.8	2
5/31/2019	12.7	0	3'6"	350.4	24.0	5.8	0	4'8"	179.3	20.9
6/30/2019	10	5.2	5'10"	288.5	26.5	12.3	0	7'3"	146.8	29
7/31/2019	7.6	9.9	8'11"	217.9	22.9	13.8	0	14'7"	62.2	40.6
8/31/2019	10	10	10'7"	184.2	13.4	11.8	0	17'2"	40.3	6.2
9/30/2019	9.6	9.4	12'6"	148.3	13.7	10.4	0	17'1"	40.9	0
10/31/2019	9	9	14'3"	119.6		12.2	0	16'5"	52.6	0
11/30/2019	7.2	5.1	14'1"	121.6	9.3	5.7	0	14'11"	58.5	0
12/31/2019	12.6	0	12'3"	152.2	0	0	0	13'2"	75.1	0
Total Flow (mg)	151.5	48.6	0		174.7	76.2	0	0		98.7
Annual ac ft	464.9	149.1	0.0		536.1	233.8	0.0	0.0		302.9
2020										
1/31/2020	10.3	0	11'2"	172.9	8.5	0	0	12'2"	85.5	0
2/29/2020	8	0	10'7"	184.2	3.5	0	0	11'7"	91.9	0
3/31/2020	12.85	0	8'11"	214.9	7.4	0	0	10'1"	108.4	0
4/30/2020	12.61	0	7'8"	246.1	6.3	0	0	10'8"	102.4	8.84
5/31/2020	8.2	1.4	8'6"	227.5	4.2	7.5	0	13'11"	67.8	23.9
6/30/2020	8.3	8.3	11'6"	166.5	6.3	5.7	0	19'6"	25.1	28.9
7/31/2020	8.3	8.3	14'11"	108.5	19.2	3.9	0	15'10"	50.7	0
8/31/2020	8.3	8.3	17'11"	67.6	13.3	2.3	0	14'0"	67	0
9/30/2020	8.2	8.2	19'2"	53.3	8.4	2.3	14	13'0"	76.7	13.9
10/31/2020	8.8	8.8	21'2"	33.7	11.9	2.4	0	17'9"	63.2	23.4
11/30/2020	9.1	3.5	22'	26.8	7.62	2.3	0	18'8"	30.1	30.7
12/31/2020	9.9	0	21'0"	35.9	8.8	0	0	16'8"	44.1	0
Total Flow (mg)	112.86	46.8	0		105.42	26.4	14	0		129.64
Annual ac ft	346.4	143.6	0.0		323.5	81.0	43.0	0.0		397.9
2021										
1/31/2021	12.6	0	17'6"	72.7	3.9	0	0	15'3"	55.6	0
2/29/2021	10.9	0	16'1"	106	2.6	0	0	14'9"	60	0
3/31/2021	11.9	0	13'1"	138.2	3.5	0	0	14'7"	61.5	0
4/30/2021	10.2	0	14'7"	113.7		0	0	16'11"	42.2	20.7
5/31/2021	10.7	6.6	19'10"	49	27.2	0	0	21'4"	12.5	36.2
6/30/2021	10.4	7.4	21'5"	31.4	8.7	0	0	20'10"	9.17	1.9
7/31/2021	10.2	7.1	22'1"	26.8	3.9	0.154	0	21'0"	9	0
8/31/2021	10.1	6.9	22'6"	27	5.6	2	0	21'6"	8.5	0
9/30/2021	9.7	5.2	23'8"	15.2	6.9	1.7	0	21'0"	9	0
10/31/2021	13.8	3.6	20'5"	40.6	5	0	0	10'0"	20	0
11/30/2021	11.7	0	18'11"	55.99	7.9	0	0	9'10"	33.9	0
12/31/2021										
Total Flow (mg)	122.2	36.8	0		75.2	3.854	0	0		58.8
Annual ac ft	375.0	112.9	0.0		230.8	11.8	0.0	0.0		180.5

Historic ARSA Volume Comparisons



Historic ARSA Volume Comparisons





Amador Regional Sanitation Authority

*"Servicing Amador City, Martell, & Sutter
Creek"*

December 3, 2021

Via Email and Certified Mail

Patrick Covello
Warden
California Department of Corrections and Rehabilitation
4001 Highway 104
P.O. Box 409099
Ione, CA 95640

Re: Lower Henderson/Preston Wastewater Disposal System

Dear Mr. Covello:

This letter addresses the vitally important and ongoing wastewater disposal arrangement among the Amador Regional Sanitation Authority ("ARSA"), the City of Ione ("City"), and the California Department of Corrections and Rehabilitation ("CDCR") (collectively, "the Parties"). We are writing to confirm ARSA's right to dispose of secondarily treated wastewater through the lower Henderson/Preston System. For the reasons explained below, ARSA is legally permitted and will continue discharging secondary effluent to the lower Henderson/Preston System in accordance with its current contractual arrangements with the Parties.

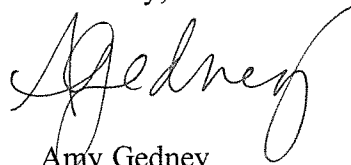
Since 2007, the Agreement to Regulate Use of Henderson/Preston Wastewater Disposal System ("2007 Agreement") has governed the Parties' rights and obligations to discharge wastewater through the Henderson/Preston System. As you are aware, the 2007 Agreement provides that ARSA may discharge, and the City *must* accept, annually up to 650 acre-feet of secondary effluent for disposal. CDCR may, solely through ARSA's existing outfall system and in strict compliance with its existing wastewater permit, discharge up to 350 acre-feet of secondary effluent annually, counted against ARSA's disposal right. CDCR's ability to discharge to the City under the 2007 Agreement is therefore derivative of and subordinate to ARSA's disposal right, not independent of it.

The 2007 Agreement remains in effect until 2037. Although there are limited rights to terminate the 2007 Agreement before 2037, CDCR has not taken the required steps to terminate, and the City of Ione has not effectively done so, for the reasons set forth in the attached letter from ARSA to the City, which letter is incorporated herein. Because no Party has effectively taken steps to end the 2007 Agreement early, it remains in effect until 2037, and ARSA is legally permitted and will continue to discharge to the lower Henderson/Preston System. Any actions taken by CDCR to prevent, reduce, interrupt, interfere with, or circumvent ARSA's rights to do so would be inconsistent with CDCR's contractual obligations to ARSA.

In addition, CDCR leases the Henderson/Preston System to ARSA in accordance with the 2007 Agreement under Ground Lease No. L-2070. The Lease terminates on September 18, 2037, to coincide with the termination date of the 2007 Agreement. The Lease acknowledges that CDCR leases to ARSA infrastructure that facilitates an essential utility service, and termination of ARSA's flows to the lower Henderson/Preston System would leave no alternative means for disposal. The Lease expressly recognizes that the Henderson/Preston System is part of a wastewater system, regulated under the California Water Code, and termination of the Lease is not practicable nor feasible as it would render an essential utility service inoperable. Any actions taken by CDCR to prevent, reduce, interrupt, interfere with, or circumvent ARSA's rights to discharge to the Henderson/Preston System would be inconsistent with CDCR's contractual obligations to ARSA under the Lease. In the event of any actual or threatened breach of the Lease agreement, ARSA may seek equitable injunctive relief from a court of competent jurisdiction.

We value our long-term partnership with CDCR and look forward to maintaining it through the life of the 2007 Agreement and the Lease. While we are always willing to discuss solutions that are reasonable and fair to all Parties, we feel it important for CDCR to understand that ARSA will continue to discharge secondary effluent to the lower Henderson/Preston System, prior to any discharges from CDCR, in accordance with the contractual arrangements among the Parties and state laws and regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Gedney", with a stylized flourish at the end.

Amy Gedney
General Manager
Amador Regional Sanitation Authority

cc: ARSA Board

Amador Regional Sanitation Authority

*"Servicing Amador City, Martell, & Sutter
Creek"*

December 3, 2021

Via Email and Certified Mail

Michael Rock
Interim City Manager
City of Ione
1 East Main St.
P.O. Box 398
Ione, CA 95640

Re: Lower Henderson/Preston Wastewater Disposal System

Dear Mr. Rock:

This letter addresses the vitally important and ongoing wastewater disposal arrangement among the Amador Regional Sanitation Authority ("ARSA"), the City of Ione ("City"), and the California Department of Corrections and Rehabilitation ("CDCR") (collectively, "the Parties"). We are sending you this letter now to confirm ARSA's right to dispose of secondarily treated wastewater through the lower Henderson/Preston System. For the reasons explained below, ARSA is legally permitted and will continue discharging secondary effluent to the lower Henderson/Preston System in accordance with its current contractual arrangement with the Parties.

Since 2007, the Agreement to Regulate Use of Henderson/Preston Wastewater Disposal System ("2007 Agreement") has governed the Parties' rights and obligations regarding wastewater disposal through the Henderson/Preston System. As you are aware, the 2007 Agreement provides that ARSA may discharge, and the City *must* accept, annually up to 650 acre-feet of secondary effluent for disposal. CDCR may, solely through ARSA's existing outfall system and in strict compliance with its existing wastewater permit, discharge up to 350 acre-feet of secondary effluent annually, counted against ARSA's disposal right. Because CDCR's rights are derivative of ARSA's existing rights, the City must prioritize ARSA's discharges over those of CDCR's.

The 2007 Agreement remains in effect until 2037. The 2007 Agreement does contain limited termination provisions, but there are specific terms and conditions that must be strictly followed for such early termination due to the importance of the contractual relationship. Under Section 8a, if the City requests termination of ARSA's flows to the lower Henderson/Preston System, ARSA must be provided a five-year notice that meets specific conditions. Such notice

may only be given *after* the City and CDCR have resolved how to provide adequate reclaimed water for the Castle Oaks Golf Course. On July 19, 2017, ARSA received a letter from the City requesting that ARSA terminate flows to the lower Henderson/Preston System. The letter claimed that the City's growth has made it possible for the City and CDCR to supply all the reclaimed water needed by the Castle Oaks Golf Course.

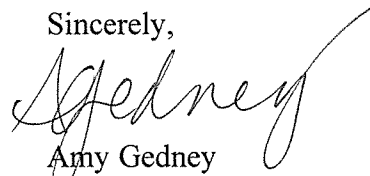
At the time of the City's 2017 letter, however, the provision of adequate reclaimed water for the Castle Oaks Golf Course had not been resolved. In fact, that issue remains unresolved today. The Central Valley Regional Water Quality Control Board ("Regional Board") has identified concerns with the quality of Mule Creek State Prison's wastewater, including the presence of volatile organic compounds ("VOCs") in the prison's discharge. The Regional Board first identified these issues in 2018, and today the legality and safety of the prison's wastewater remain unresolved. On October 21, 2021, the Regional Board ordered additional monitoring and reporting requirements for VOCs under the waste discharge permits for all the parties, including the City and ARSA's shared permit governing ARSA's flows and the City's tertiary plant, and separately, CDCR's permit governing the prison's wastewater treatment plant. Additional assessment by the Regional Board is needed to evaluate the water quality impacts of the prison's wastewater discharges. This assessment could result in a final determination that CDCR cannot discharge to the City. For these reasons, the City and CDCR have still not demonstrated that adequate reclaimed water is available for the golf course.

Moreover, CDCR is not a permitted discharger under the City and ARSA's shared permit, Water Reclamation Requirements Order No. 93-240. This permit only allows wastewater treatment and reuse based on the flows from ARSA's outfall system to Preston Reservoir. California Water Code Section 13264 and Order No. 93-240 require a Report of Waste Discharge to be filed with the Regional Board prior to any new discharge or making any material changes to any discharge. A material change includes the addition of major industrial waste discharges or discharges resulting in a change of the character of the waste. A Report of Waste Discharge must first be filed and evaluated by the Regional Board to ensure that the prison's discharges are in compliance with all water quality laws and regulations. No reports or evaluations were in place as of the City's 2017 letter, and to our knowledge, none are in place now.

The City has therefore not fulfilled the conditions under Section 8a of the 2007 Agreement required for ARSA to eliminate flows to the lower Henderson/Preston System. The City has not resolved the provision of adequate reclaimed water to the golf course, which includes obtaining all water quality permits or permit modifications required by state laws and regulations. The 2007 Agreement thus remains in full effect until 2037, and ARSA is legally permitted and will continue to discharge to the lower Henderson/Preston System.

I am certain we both agree that water quality is vital for the safety and preservation of our respective communities. We value our long-term partnership with the City and look forward to maintaining it through the life of the 2007 Agreement. While we are always willing to discuss solutions that are reasonable and fair to all Parties, we feel it is important for the City to understand that ARSA will continue to dispose of secondary effluent to the lower Henderson/Preston System, in accordance with the 2007 Agreement and state laws and regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Gedney", with a long, sweeping flourish extending from the end of the name.

Amy Gedney
General Manager
Amador Regional Sanitation Authority

cc: ARSA Board