




*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*

July 8, 2014

TO: Rio Dell City Council
FROM:  Jim Stretch, City Manager
SUBJECT: Water Curtailment Special Meeting/Implementation of
Water Shortage Contingency Plan

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Direct the implementation of the water shortage Contingency Plan, at least Stage 3, effectively immediately, including out of city residents serviced with city water, and lasting until notification by the State Water Resources Control Board, and
2. Direct staff to prepare a "Human Health and Safety Claims Form" by 7-9-14 in accordance with City Council decision on #1 above, and
3. Direct staff to prepare direct mailers and door hangers to every business and resident in the City with information about the mandatory water curtailment and fines and penalties in accordance with the Rio Dell Municipal Code Section 13.05.440, and
4. Direct staff to communicate with the various media for public service announcements regarding the mandatory water reductions in Rio Dell, and
5. Direct that enforcement of the water conservation measures shall be carried out by the Rio Dell Police Department and the City Manager, who shall issue warnings for the first offense and then citations thereafter, and
6. Direct staff to read water meters every other week as an indicator of compliance with the Stage 3 plan and to prepare an emergency water rate schedule with excess use penalty (twice the customary use) for excess domestic water use beyond minimal use for human health and safety, as suggested by the SWQCB as more than 50 gallons per person per day for indoor personal use. Such charges shall be based on recorded meter readings.

BACKGROUND AND DISCUSSION

On July 2, 2014 the City received a written notice from the State Water Resources Control Board (SWRCB) that the City's right to divert water from the Eel River was immediately curtailed and that the condition of curtailment shall continue until the State Water Board advises otherwise.

For agencies such as the City of Rio Dell who are diverting water from the North Fork and Main Stem of the Eel River and have no other source of water for the community, a form must be completed and submitted to SWRCB by July 9, 2014, explaining our sole source situation and

the measures we have implemented for the minimum use for health and safety, including but not limited to prohibitions of water uses listed below:

- More than 50 gallons per person per day for indoor personal use,
- Agriculture or commercial livestock operations,
- Outside uses including lawns, gardens, trees, swimming pools, car washing, etc.

The City's Water Shortage Contingency Plan provides additional detail as follows:

Emergency Action Stages and Trigger Levels

The following action stages and trigger levels have been developed to implement this plan. These stages are intended to serve as guidelines. However, unforeseeable circumstances may cause declaration of a higher action stage or postponement of an action stage other than when trigger levels occur. The Director of Public Works will determine the action stage. All restrictions under each applicable action stage shall be implemented immediately upon declaration of such stage. The Director of Public Works based upon current conditions affecting the water supply will determine lifting of an emergency action stage and resumption to the normal operating stage.

Stage 3 — Serious Water Shortage. Mandatory Reduction.

Customers will be notified via news media and other methods of this stage of water shortage emergency. Industrial users will be notified specifically via telephone and will be asked to voluntarily shutdown production during a Stage 3-water emergency.

City staff will make every attempt to keep the industrial users informed of the status of a water emergency prior to the declaration of a Stage 3 water emergency so they can prepare for a possible shutdown of production.

The following water uses will be prohibited for all water users:

- Landscape irrigation or watering of lawns or gardens;
- Washing of cars, boats, trailers or other vehicles;
- Filling of swimming pools or hot tubs;
- Serving of drinking water at restaurants unless requested;
- Filling or operating ornamental fountains, ponds or lakes;
- Sewer system maintenance, fire protection training or flushing of hydrants;
- Street cleaning or dust control;
- Use of hydrants for anything other than an emergency.

This stage takes effect when tank levels drop below 10 feet.

Citations will be issued for water waste, over-watering and water leaks. Fines and Penalties will be imposed in accordance with City Ordinances.

The Rio Dell Municipal Code Article VII, Section 13.05.440 reads:

Article VII. Water Conservation – Water Shortage

13.05.440 Water conservation.

When the City determines that water conservation measures are necessary, the City Council will ask that water users conserve water. An official water conservation plan will be adopted by the City Council. Public service announcements will be made to inform the users via news media and public posting. [Ord. 241 § 44, 2000.]

13.05.450 Water shortage.

When the City has determined that there is potential for a water shortage or when an emergency shortage occurs, City officials will take appropriate actions to conserve and ration water. The City will adopt and enact a water shortage contingency plan. [Ord. 241 § 45, 2000.]

13.05.460 Warnings, civil fines and penalties.

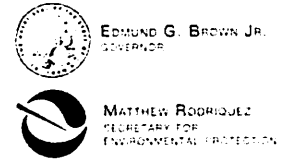
Any person, business or corporation violating any provisions of this chapter or the water shortage contingency plan shall receive an immediate written warning from the City for the first offense. Civil fines and/or penalties shall be imposed should the first offense warning be ignored. Any person, business or corporation violating any of the provisions set forth in this chapter or the water shortage contingency plan shall be fined an amount of \$250.00 for the second offense and \$500.00 for the third or more offense. The City will have the authority to disconnect water service to any known violator. The City reserves the right to enforce the provisions of this chapter through any appropriate means, including but not limited to small claims court. Regardless of which procedure is chosen by the City, the penalty and/or judgment shall include reasonable enforcement costs to the City, including but not limited to staff time, court costs, and the City Attorney costs. [Ord. 241 § 46, 2000.]

13.05.470 Enforcement.

Enforcement of water conservation measures shall be carried out by enforcement officers appointed by the City Manager. Enforcement officers shall issue citations. [Ord. 241 § 47, 2000.]

A draft Health and Safety Claims Form will be circulated at the meeting. Hopefully, the City Council will have all of the information it needs to declare a Stage 3 Mandatory Reduction mandate for the city water users and receive an exception from the SWRCB as to the immediate curtailment of water from the Eel River.

Attachments: State Water Resources Control Board letter of June 30, 2014
State Water Resources Control Board Human Health and Safety Claims Form
City of Rio Dell Eater Shortage Contingency Plan (September, 2000)
City of Rio Dell Municipal Code Section 13.05.440 et. seq. (Water Shortage)
July 8, 2014 email to Barbara Evoy, Deputy Director, SWRCB-Water Rights



State Water Resources Control Board

June 30, 2014

RIO DELL, CITY OF CALIFORNIA MUNICIPAL WATER CORPORATION
RANDY JENSEN
675 WILDWOOD AVE
RIO DELL, CA. 95562

In Regards to Water Right(s): A023196, A023197, A031164

NOTICE OF UNAVAILABILITY OF WATER AND IMMEDIATE CURTAILMENT FOR THOSE WITH POST-1914 WATER RIGHTS DIVERTING WATER IN THE NORTH FORK EEL RIVER, MAINSTEM EEL RIVER, AND THE VAN DUZEN TRIBUTARY

On January 17, 2014, Governor Edmund G. Brown, Jr. proclaimed a State of Emergency (Proclamation) to address the record dry conditions around the State. On the same day, as directed by the Proclamation, the State Water Resources Control Board (State Water Board) issued a statewide notice of water shortages and potential for future curtailment of water right diversions.

Curtailement of Post-1914 Water Rights:

Based upon the most recent water availability and water demand projections, the State Water Board has determined that the existing water supply in the North Fork Eel River, Main Stem Eel River, and the Van Duzen tributary is insufficient to meet the needs of senior water rights holders. With this notice, the State Water Board is notifying all holders of Post-1914 water rights (Permits, Licenses, Registrations and Certificates issued by the State Water Board) within the North Fork Eel River, Main Stem Eel River, and the Van Duzen tributary of the need to immediately stop diverting under their water rights, with the exceptions discussed below. This condition of curtailment will continue until water conditions improve. Even if there may be water physically available at your point of diversion, that water is necessary to meet senior water right holders' needs that you are not entitled to divert. If precipitation occurs in the following months, you should not commence diversion before being notified by the State Water Board that water is legally available for diversion under your priority of right.

Permission to initiate diversions during or following significant rainfall events may be posted at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml#notices. You can get immediate email updates from the State Water Board about these notices by subscribing to "Drought Updates" at: http://www.waterboards.ca.gov/resources/email_subscriptions/.

Compliance Certification Required:

Curtailed diverters are required to complete an online Curtailment Certification Form (Form) within seven days of receipt of this notice. The Form confirms cessation of diversion under the specific post-1914 water right, and, if applicable, identifies the alternate water supply that may

By: [Signature] CHAIR THOMAS HOWARD, EXECUTIVE DIRECTOR

If you are a municipality, a public water system or district, please check the measures you are currently taking to conserve water and limit consumptive use:

- Metered usage Tiered pricing Leakage detection and repair program
- Percent mandatory reduction _____% Amount mandatory reduction _____ gallons per day
- Other measures (be specific) _____

Please state the reason why the alternate sources below are infeasible and provide name and phone number of the alternate supplier(s) you contacted:

- Bottled water suppliers
Contact information _____
Reason infeasible _____
- Hauled water suppliers
Contact information _____
Reason infeasible _____
- Existing or new groundwater wells
Contact information _____
Reason infeasible _____
- Local water purveyor
Contact information _____
Reason infeasible _____
- Others
Contact information _____
Reason infeasible _____

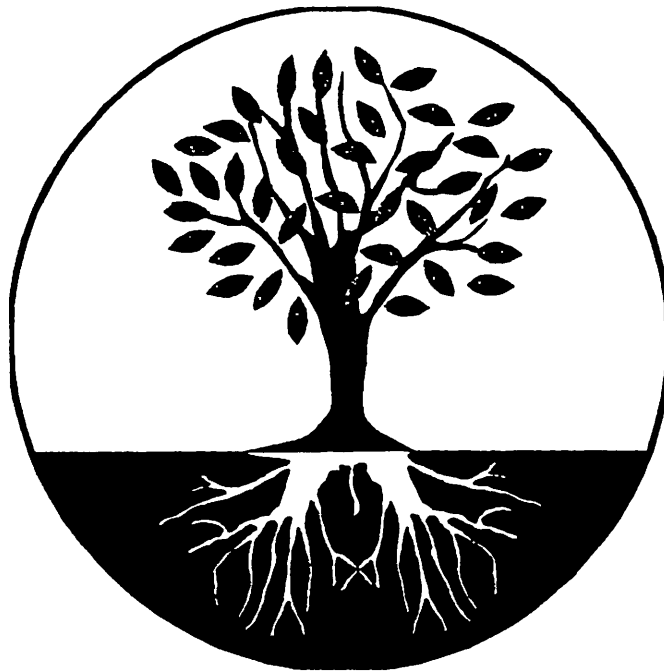
Please identify the person who is submitting this form:

Name: _____	Date : _____
Title (owner, agent, general manager, etc.) _____	
Address: _____ _____	
Phone No. _____	Email: _____

CITY OF RIO DELL

WATER SHORTAGE CONTINGENCY PLAN

SEPTEMBER, 2000



WATER USAGE

Current annual customer water usage, based on consumption from July 1999 through June 2000, is 83 million gallons, broken down into the following categories:

No. of Accts.	Type	Consumption
1079	Residential	*104,572 units
34	Business	*6,374 units

Demand and usage is expected to remain fairly constant until system improvements are made to increase productivity and transmission capacity.

**There are 748 gallons in one unit of water.*

WATER SUPPLY

The City of Rio Dell provides water to residential and retail users within the City's corporate limits and the surrounding urban area.

The City of Rio Dell obtains its water from two wells at the Eel Rivers Sawmill located on the north side of the Eel River across US highway 101. Rio Dell is situated on the south side on Eel River on highway 101; therefore the water must be pumped across the Barsanti Bridge. Two times in recent history transmission of the water across the bridge has been severed by floodwaters of the Eel River taking out the pipeline.

The water from the wells have extremely high levels of iron and manganese. Iron and manganese are considered by the State to be secondary health standards, whose limits are based on aesthetics. Although secondary standards are not considered a health risk, high levels do create problems by corroding the infrastructure; clogging filters; staining laundry, fixtures and basins and of course black colored water.

The City of Rio Dell lost one third of its water production on June 23, 2000, when Well #3 completely and permanently failed. Even prior to the failure of this well the city would experience shortages during peak high water demand times. Residents and businesses have been asked to conserve water through an 'Odd Even' water conservation plan. The 'Odd Even' plan asks users at **Odd** numbered homes or businesses to water outdoors **only on Wednesday and Friday**. **Even** numbered homes and businesses are asked to restrict outdoor water usage to **only Tuesday and Thursday**. Saturday, Sunday and Monday will be a time for the city's water wells, tanks, pumps and system to recover. To meet future demands the City will have to find an alternate source of water that will produce high volume and superior quality water.

WORST CASE SUPPLY SITUATION

The City experiences a water source deficiency during peak water demand times and transmission capacity problems following natural disasters. In theory, the two worst case situations would be 1.) if another one of the two remaining water wells were to fail or 2.) if the water system transmission failed due to flooding, earthquake or other natural disaster.

Conservation and back-up rationing programs are needed to insure that water demand is met until a new water source is in place and system improvements can be completed that will increase productivity, transmission and capacity.

The average monthly water demand is 6.9 million gallons. The average daily demand is 230,555 gallons. It is hard to predict how the two remaining water wells will be able to handle production and demand in the future.

The city's water reserves consist of a 250,000 redwood tank, 27,000 redwood tank and a 250,000 steel tank. This gives the city a maximum water reserve of 527,000 gallons of water. Without a water-rationing plan in place the reserves would not last long in an emergency situation.

EMERGENCY ACTION STAGES AND TRIGGER LEVELS

The following action stages and trigger levels have been developed to implement this plan. These stages are intended to serve as guidelines. However, unforeseeable circumstances may cause declaration of a higher action stage or postponement of an action stage other than when trigger levels occur. The Director of Public Works will determine the action stage. All restrictions under each applicable action stage shall be implemented immediately upon declaration of such stage. The Director of Public Works based upon current conditions affecting the water supply will determine lifting of an emergency action stage and resumption to the normal operating stage.

Stage 1 – Voluntary Conservation Measures. Voluntary compliance with conservation measures.

The City will initiate a water conservation program to provide public information on ways to reduce water use. Water customers and the community will be made aware of the emergency action stages and restrictions under the water storage contingency plan.

Customers are encouraged to reduce water usage by taking the following voluntary water conservation measures:

- Refrain from landscape watering between the hours of 10:00 a.m. and 6:00p.m.;
- Restrict outdoor water usage to an 'Odd Even' water conservation plan. Under this plan Odd numbered homes and businesses will be asked to restrict there outside water usage to Wednesday and Friday. Even numbered homes and businesses will be asked to water outdoors only on Tuesday and Thursday;
- Refrain from allowing water to run off any lawns, landscape, or garden into adjoining streets, gutters, sidewalks, parking lot or alley;
- Refrain from hosing or washing sidewalks, walkways, driveways, parking lots or other hard surfaced areas;
- Refrain from washing cars, boats, trailers, or other vehicles except by hose with a shut off nozzle and bucket;
- Equip any hose with a shut off nozzle;
- Promptly repair all leaks in plumbing fixtures, water lines, and sprinkler systems;
- Equip ornamental fountains, ponds or lakes with a water recycling system;

- Equip commercial car washes with a water recycling system;
- Refrain from filling or refilling a swimming pool, spa or hot tub;
- Install low flow shower heads, low flush water closets and faucet aerators;
- Operators of restaurants provide on each table a notice of water emergency and refrain from serving drinking water except upon specific request by a customer;
- Operators of hotels and motels provide in each room a notice of water situation or emergency.

This will be the normal operating stage for the water system.

Stage 2 – Mandatory Conservation Measures. Mandatory implementation of conservation measures.

Customers shall comply with the following water conservation measures:

- Refrain from landscape watering between the hours of 10:00 a.m. and 6:00p.m.;
- Restrict outdoor water usage to an ‘Odd Even’ water conservation plan. Under this plan Odd numbered homes and businesses will be asked to restrict there outside water usage to Wednesday and Friday. Even numbered homes and businesses will be asked to water outdoors only on Tuesday and Thursday;
- Refrain from allowing water to run off any lawns, landscape, or garden into adjoining streets, gutters, sidewalks, parking lot or alley;
- Refrain from hosing or washing sidewalks, walkways, driveways, parking lots or other hard surfaced areas;
- Refrain from washing cars, boats, trailers, or other vehicles except by hose with a shut off nozzle and bucket;
- Equip any hose with a quick acting shut-off nozzle;
- Promptly repair all leaks in plumbing fixtures, water lines, and sprinkler systems;
- Equip ornamental fountains, ponds or lakes with a water recycling system;
- Equip commercial car washes with a water recycling system;
- Refrain from filling or refilling a swimming pool, spa or hot tub;
- Restaurants provide on each table a notice of water emergency and refrain from serving drinking water except upon specific request by a customer;
- Hotels and motels provide in each room a notice of water emergency.

Customers will be notified via news media and other methods of this stage of water shortage emergency and implementation of mandatory conservation measures.

Industrial water users will be specifically notified via telephone and City staff will make every attempt to keep them informed of the status of the water emergency so they can prepare for a possible shutdown of production.

This stage takes effect when tank levels drop below 50% of their capacity.

Warnings will be issued for water waste, over-watering and water leaks. Citations will be issued and Fines and Penalties imposed in accordance with City Ordinances.

Stage 3 – Serious Water Shortage. Mandatory Reduction.

Customers will be notified via news media and other methods of this stage of water shortage emergency. Industrial users will be notified specifically via telephone and will be asked to voluntarily shutdown production during a Stage 3-water emergency.

City staff will make every attempt to keep the industrial users informed of the status of a water emergency prior to the declaration of a Stage 3 water emergency so they can prepare for a possible shutdown of production.

The following water uses will be prohibited for all water users:

- Landscape irrigation or watering of lawns or gardens;
- Washing of cars, boats, trailers or other vehicles;
- Filling of swimming pools or hot tubs;
- Serving of drinking water at restaurants unless requested;
- Filling or operating ornamental fountains, ponds or lakes;
- Sewer system maintenance, fire protection training or flushing of hydrants;
- Street cleaning or dust control;
- Use of hydrants for anything other than an emergency.

This stage takes effect when tank levels drop below 10 feet.

Citations will be issued for water waste, over-watering and water leaks. Fines and Penalties will be imposed in accordance with City Ordinances.

Stage 4 – Disaster Shortage/Rationing. Major catastrophe or contamination of the water supply. Priorities for all water use will be for human consumption, sanitation and fire protection.

All water users will be limited to amounts required for human consumption, sanitation and fire protection. No water will be available for nonessential use or for commercial or industrial processes.

Customers will be notified via news media and other methods of this stage of water emergency.

If contamination of the water supply occurs, consult with County/State health officials on the need to institute a boil order before use of any water.

This stage will take effect when a disaster related event impacting the water supply occurs.

Citations will be issued for water waste, over-watering and water leaks. Double Fines and Penalties will be imposed in accordance with City Ordinances.

Article VII. Water Conservation – Water Shortage

13.05.440 Water conservation.

When the City determines that water conservation measures are necessary, the City Council will ask that water users conserve water. An official water conservation plan will be adopted by the City Council. Public service announcements will be made to inform the users via news media and public posting. [Ord. 241 § 44, 2000.]

13.05.450 Water shortage.

When the City has determined that there is potential for a water shortage or when an emergency shortage occurs, City officials will take appropriate actions to conserve and ration water. The City will adopt and enact a water shortage contingency plan. [Ord. 241 § 45, 2000.]

13.05.460 Warnings, civil fines and penalties.

Any person, business or corporation violating any provisions of this chapter or the water shortage contingency plan shall receive an immediate written warning from the City for the first offense. Civil fines and/or penalties shall be imposed should the first offense warning be ignored. Any person, business or corporation violating any of the provisions set forth in this chapter or the water shortage contingency plan shall be fined an amount of \$250.00 for the second offense and \$500.00 for the third or more offense. The City will have the authority to disconnect water service to any known violator. The City reserves the right to enforce the provisions of this chapter through any appropriate means, including but not limited to small claims court. Regardless of which procedure is chosen by the City, the penalty and/or judgment shall include reasonable enforcement costs to the City, including but not limited to staff time, court costs, and the City Attorney costs. [Ord. 241 § 46, 2000.]

13.05.470 Enforcement.

Enforcement of water conservation measures shall be carried out by enforcement officers appointed by the City Manager. Enforcement officers shall issue citations. [Ord. 241 § 47, 2000.]

Article VIII. General Provisions

13.05.480 Constitutionality.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of the City of Rio Dell, State of California, hereby declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared invalid or unconstitutional. [Ord. 241 § 48, 2000.]

13.05.490 Criminal fines and penalties.

Any person, firm or corporation violating any of the provisions of this chapter or the water shortage contingency plan shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding \$500.00, or by imprisonment in the County Jail of the County of

Humboldt, State of California, for not more than six months, or by both fine and imprisonment. In addition, any defendant shall pay restitution to the City for staff, court and attorney costs for enforcement. [Ord. 241 § 49, 2000.]

Jim Stretch

To: Barbara Evoy (bevoy@waterboards.ca.gov)
Subject: Rio Dell water curtailment

From: Jim Stretch [mailto:cm@riodellcity.com]
Sent: Tuesday, July 08, 2014 12:05 PM
To: Barbara Evoy (bevoy@waterboard.ca.gov)
Cc: 'Frank Wilson'; gordar2@att.net; Jack Thompson; julie woodall; Melissa Marks (m.marks97@yahoo.com)
Subject: City of Rio Dell, Humboldt County, water curtailment

Hello Barbara Evoy:

The City of Rio Dell relies 100% on the diversion from the Main Stem of the Eel River for the community's water supply. We have no other source of water. We abandoned our ground water wells years ago due to high levels of manganese and the contaminants Pentachlorophenol (PCP) and Trichlorophenol (TCP) from an old mill site. The abandoned wells were physically separated from our water system in 2006 and are not an option.

This morning I had a conversation with Matt Quint of your office about our City Council's special meeting this evening about implementing the local Stage 3 Mandatory Reduction Plan (attached). As you will see on page 5, Stage 3 prohibits all outdoor water use. As we talked, I indicated that I did not know if we could attain the maximum use of 50 gallons per person per day for indoor personal use. I asked about a recently completed median landscape project through our downtown area. Without some level of irrigation, we will lose \$200,000 of new trees and landscape that have not taken hold yet. That's when he mentioned the maximum diversion of 4,500 gallons per community per day which was not in the June 30, 2014 curtailment letter.

We are a community of 3,420 residents with the Eel River as the east boundary of the City. We are currently diverting 357,000 gallons of water per day. Assuming that we can somehow limit our use of water to 50 gallons/person/day, which is close to 50% less than our normal use, we would need to divert daily 188,100 gallons to survive, assuming a water loss of 10% in our old system. A limit of 4,500 gallons/day is out of the question.

The City is preparing the water use exemption form that came with the curtailment letter. Our proposal is to implement our Stage 3 Mandatory Curtailment with a target of 50 gallons /person/day for indoor use, but it will be substantial hardship. We will do our best to meet that target.

Apparently ours is a unique situation. Though we may not be a senior water right holder, it appears within the realm of possibility that the Eel River may drop to such an historic low level this summer that river water will not enter our infiltration gallery. That means zero water for the community! We do not have a backup plan for zero water. But we believe that people should have a superior right to water over others with senior water rights who use water for something other than health and safety purposes.

Should you have any questions for the City of Rio Dell, please do not hesitate to phone me at (707) 764-3532 or email me as noted above. Thank you for your consideration.

Jim Stretch, CM