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Fee Exempt - Public Entity, Gov. Code § 6103

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17 a Municipal Water District

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA

19 FOR THE COUNTY OF SAN BERNARDINO, RANCHO CUCAMONGA DISTRICT

20 CHINO BASIN MUNICIPAL WATER)
21 DISTRICT,)
22)
23 Plaintiff,)
24)
25 vs.)
26)
27 CITY OF CHINO, et al.,)
28)
29 Defendants.)

CASE NO.: RCV 51010
[Assigned for All Purposes to the Hon. Michael Gunn]
JOINT RESPONSE OF WESTERN MUNICIPAL WATER DISTRICT AND INLAND EMPIRE UTILITIES AGENCY AND JOINDER TO CHINO BASIN WATERMASTER'S RESPONSE TO WATERMASTER COMPLIANCE WITH DECEMBER 21, 2007 ORDER CONDITIONS 1 THROUGH 4

Western Municipal Water District (hereinafter referred to as "WMWD") and Inland Empire Utilities Agency (hereinafter referred to as "IEUA") hereby join Watermaster's *Response To Comments of Special Referee on Watermaster Compliance With December 21, 2007 Order Conditions 1 through 4* and offer the following additional response with respect to Condition Subsequent Number Four (hereinafter referred to as "CEQA").

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1 Watermaster's April 1, 2008, *Watermaster Compliance With Condition Subsequent Number*
2 *Four*, which is the subject of Section III of Watermaster's above-captioned response, articulates
3 consummated determinations or actions made, or anticipated to be made, by WMWD and IEUA
4 concerning CEQA

5 In 2007, WMWD engaged the services of Tom Dodson & Associates, which prepared the 2000
6 *Optimum Basin Management Program Programmatic Environmental Impact Report*, for purposes of
7 reviewing and making CEQA recommendations regarding the expansion of Desalter II. In January 2008,
8 WMWD adopted a categorical exemption concerning the expansion

9 Tom Dodson & Associates has and continues to be engaged by IEUA for CEQA purposes
10 relative to current activities regarding the location of test wells and anticipated future actions in
11 connection with the production of groundwater associated with the expansion of Desalter II. Attached
12 hereto, is Tom Dodson's Declaration detailing current and anticipated activities in this regard relative
13 to CEQA

14 Tom Dodson & Associates has been fully engaged with respect to CEQA matters relative to the
15 Peace I and Peace II process. Mr. Dodson's Declaration provides assurance that CEQA considerations
16 have and will continue to be fully addressed concerning the expansion of Desalter II.

17
18 Respectfully Submitted

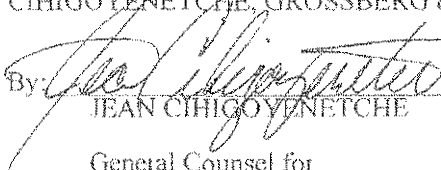
19 DATED: April 29, 2008

JOHN J. SCHATZ

20 By: 
21 John J. Schatz
22 Special Counsel for
23 WESTERN MUNICIPAL WATER DISTRICT

24
25 DATED: April 29, 2008

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20 CHINO BASIN MUNICIPAL WATER)
21 DISTRICT,)

22 Plaintiff,)

23 vs.)

24 CITY OF CHINO, et al.,)

25 Defendants.)
26 _____)

CASE NO.: RCV 51010

[Assigned for All Purposes to the Hon. Michael Gunn]

DECLARATION OF TOM DODSON IN
SUPPORT OF JOINT RESPONSE OF
WESTERN MUNICIPAL WATER DISTRICT
AND INLAND EMPIRE UTILITIES AGENCY
AND JOINDER TO CHINO BASIN
WATERMASTER'S RESPONSE TO
DECEMBER 21, 2007 ORDER CONDITIONS
1 THROUGH 4

27 I, Tom Dodson, declare and state as follows:

28 1. That I am an environmental specialist and President of Tom Dodson & Associates. I have
personal knowledge of the following facts and if called to testify as to them, could and would
competently do so.

2. I write this declaration on behalf of Tom Dodson & Associates (hereinafter referred to
as "TDA").

1 3. I have been requested to provide a summary of efforts underway to comply with the
2 California Environmental Quality Act (hereinafter referred to as "CEQA") for the proposed Chino Creek
3 Wellfield (related to hydraulic control), Chino Desalter Capacity Expansion, and Basin Re-operation.

4 4. Over the past several months, I have attended many stakeholder meetings (more than five
5 (5) such meetings) to discuss implementation of these three projects and the appropriate environmental
6 documentation to comply with CEQA for each project. Beginning in 1999, TDA was placed under
7 contract with Inland Empire Utilities Agency (hereinafter referred to as "IEUA") as the lead CEQA
8 Agency to assist in complying with the CEQA for several regional water programs.

9 5. TDA prepared and assisted the IEUA to process and adopt environmental documents for
10 many regional water programs and specific projects. This included two program environmental impact
11 reports (certified by the IEUA Board), one subsequent environmental impact report (certified by the
12 Chino Desalter Authority), and more than twenty (20) other environmental determinations for second
13 tier projects designed to implement the Optimum Basin Management Program (hereinafter referred to
14 as "OBMP"), or Peace 1.

15 6. TDA is presently working with the Chino Basin Watermaster (hereinafter referred to as
16 "CBW"), IEUA, Western Municipal Water District (hereinafter referred to as "WMWD") and other
17 stakeholders to implement the three identified projects: Chino Creek Wellfield, Chino Desalter Capacity
18 Expansion and the Basin Re-operation Program. The following text summarizes the current
19 environmental review status for each project.

20 A. The Chino Desalter Capacity Expansion was recently approved by both WMWD (on
21 behalf of local stakeholders) and the State Water Resources Control Board after adoption
22 of a Categorical Exemption by WMWD. This project is now ready for implementation.
23 A copy of the Categorical Exemption, which cites the authority and includes the rationale
24 for the Exemption, was attached as an exhibit to Watermaster's April 1, 2008,
25 *Watermaster Compliance with Condition Subsequent Number Four*. The Categorical
26 Exemption only addresses internal physical desalter facility equipment modifications.

1 Associated activities, to include groundwater production, will be addressed as indicated
2 below.

3 B. The first step in the Chino Creek Wellfield project is to install test wells with the
4 objective of defining the best location for future production wells that will increase the
5 volume of water delivered to the Desalters and achieve hydraulic control of the Chino
6 Basin in accordance with the adopted OBMP. An Addendum to the OBMP Program
7 Environmental Impact Report (hereinafter referred to as "PEIR") has been drafted for
8 installation of the test wells and adjacent monitoring wells for adoption by the IEUA on
9 behalf of stakeholders. This Addendum will be presented in the near future to the IEUA
10 Board for consideration in conjunction with authorization to proceed with installation of
11 the test and monitoring wells for this project. It is anticipated that this process will be
12 completed within thirty to forty-five (30-45) days.

13 C. The second step in the Chino Creek Wellfield project is to install the production well
14 and deliver high salt content water to the Desalter for treatment and subsequent delivery
15 to potable water supply agencies, such as the City of Ontario. The environmental
16 documentation for this phase of the project must await completion of the test wells,
17 related modeling and selection of the locations for installation and operation of the
18 production wells.

19 At this time, it is envisioned that a Negative Declaration with mitigation measures will
20 be prepared for adoption by the IEUA, as the lead agency, as the appropriate
21 environmental determination for compliance with CEQA. However, all parties
22 understand that once the Initial Study is completed, it may be necessary to prepare a
23 narrowly focused Environmental Impact Report (hereinafter referred to as "EIR") if the
24 Initial Study identifies any potentially significant adverse environmental impacts that
25 cannot be mitigated to a less than significant impact level, either on a project specific or
26 cumulative impact level.

1 The appropriate environmental determination will be presented to the stakeholders; the
2 documentation will be prepared and processed by IEUA as the lead agency in accordance
3 with mandated CEQA procedural requirements; and then the final package will be
4 approved/certified by the IEUA Board on behalf of stakeholders. After approval of the
5 CEQA environmental documentation, the project can proceed. It is anticipated that,
6 barring any unforeseen delays, this process can be completed in the next six to eight (6-8)
7 months.

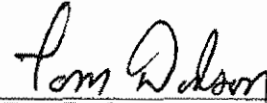
8 D. The environmental review of the Basin Re-operation program has been initiated and it
9 is anticipated that a Subsequent PEIR, based on the BMP PEIR, will be prepared. A
10 project description that was approved in connection with the Peace II process has been
11 compiled for internal use and the EIR review process will be forthcoming. Since the
12 Chino Creek Wellfield project is a component of the Basin Re-operation program, the
13 new program EIR cannot be completed until that review process is completed or,
14 alternatively, integrated into the Basin Re-operation environmental review process. I
15 anticipate about nine to twelve (9-12) months to complete the process for the Basin Re-
16 operation documentation. We can initiate the review process for the Basin Re-operation
17 documentation in the near future through the issuance of a Notice of Preparation and the
18 hosting of area scoping meetings.

19 7. The above summary of the CEQA environmental review requirements and procedures
20 for these three key projects/programs represents my best understanding of the current status of their
21 CEQA compliance. The estimates presented above reflect my professional estimate and opinion
22 regarding the type of environmental documentation and preliminary schedules for complying with
23 CEQA for these projects.

24 // // //
25 // // //
26 // // //
27 // // //

1 Obviously, extraneous factors could alter the above procedural processes and schedules, but in my
2 opinion the estimates provided above are realistic CEQA compliance procedures and reasonable
3 schedules.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st day
5 of May, 2008 in San Bernardino, California.

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Tom Dodson
Tom Dodson & Associates

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CHINO BASIN WATERMASTER

Case No. RCV 51010

Chino Basin Municipal Water District v. The City of Chino

PROOF OF SERVICE

I declare that:

I am employed in the County of San Bernardino, California. I am over the age of 18 years and not a party to the within action. My business address is Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On May 2, 2008 I served the following:

- 1) **JOINT RESPONSE OF WESTERN MUNICIPAL WATER DISTRICT AND INLAND EMPIRE UTILITIES AGENCY AND JOINDER TO CHINO BASIN WATERMASTER'S RESPONSE TO WATERMASTER COMPLIANCE WITH DECEMBER 21, 2007 ORDER CONDITIONS 1 THROUGH 4**
- 2) **DECLARATION OF TOM DODSON IN SUPPORT OF JOINT RESPONSE OF WESTERN MUNICIPAL WATER DISTRICT AND INLAND EMPIRE UTILITIES AGENCY AND JOINDER TO CHINO BASIN WATERMASTER'S RESPONSE TO WATERMASTER COMPLIANCE WITH DECEMBER 21, 2007 ORDER CONDITIONS 1 THROUGH 4**

BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by United States Postal Service mail at Rancho Cucamonga, California, addresses as follows:

See attached service list: Mailing List 1

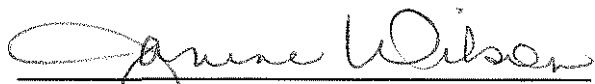
BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

BY FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax number(s) indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting fax machine.

BY ELECTRONIC MAIL: I transmitted notice of availability of electronic documents by electronic transmission to the email address indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting electronic mail device.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 2, 2008 in Rancho Cucamonga, California.



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