



# California Regional Water Quality Control Board

## Santa Ana Region



Linda S. Adams  
Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
Governor

July 18, 2008

Mr. Ken Manning, Chief Executive Officer  
Chino Basin Watermaster  
9641 San Bernardino Road  
Cucamonga, CA 91730

Rich Atwater, General Manager  
Inland Empire Utilities Agency  
P. O. Box 9020  
Chino Hills, CA 91709

### RESPONSE TO YOUR JULY 15, 2008 LETTER CONCERNING SCHEDULE FOR CONDITION SUBSEQUENT NO. 6

Dear Messrs. Manning and Atwater:

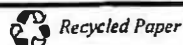
Thank you for your July 15, 2008 letter. I have reviewed the letter and find your continuing inability to meet the Maximum Benefit commitments of your agencies to be disturbing. I view these commitments to be the good faith promises of your agencies, not only to the Regional Board, but also to downstream entities, who accepted your assurances that, in return for Maximum Benefit Objectives, you would perform as promised.

Given the economic benefits that the economic analysis completed by your consultant have demonstrated, it is clear that your residents will accrue enormous benefits from your integrated water resources activities, including those which depend on the Maximum Benefit Water Quality Objectives.

Your agencies have combined to build state-of-the-art wastewater treatment facilities, desalting facilities, recharge basins, and have implemented other difficult projects to further the integrated water resources program in the Chino Basin. Yet, implementation of a well field, critical to your commitment for hydraulic control, is providing challenges that you have not overcome.

We should clarify that our concern is not the initial loss of hydraulic control. The hydraulic control component of your Maximum Benefit commitments was recognized by all as the result of a valid scientific and engineering evaluation, and the Regional Board staff, as well as other stakeholders, recognized that monitoring and assessment might later find that complete hydraulic control had not been achieved. However, Watermaster and IEUA provided strong commitments that, if problems with the effectiveness of hydraulic control were identified in the future, those problems would quickly be remedied.

*California Environmental Protection Agency*



July 18, 2008

We are very disappointed that, in your July 15<sup>th</sup> letter, you reported that, "the CCWF (Chino Creek Well Field) start up is projected to occur in November 2013 which is one year later than projected in March 2007." and "... Since February 2008 there has been no significant progress on the project..." Given the commitments of your agencies, this is unacceptable. This is exactly why I suggested to you that it would probably be best for the successful completion of your Maximum Benefit commitments if the requirements and schedule to achieve the hydraulic control commitments were required and monitored by the Court.

I have scheduled an item for the Regional Board's September 5, 2008 meeting so that Watermaster and IEUA may provide information to the Board regarding the issue. Alternatives the Board could consider if adequate progress is not demonstrated include requesting that the Court impose and enforce the schedule for the project to achieve hydraulic control, and scheduling a hearing concerning whether the Maximum Benefit Objectives continue to be appropriate, given the repeated slippage in the hydraulic control schedule.

Sincerely,



Gerard J. Thibeault  
Executive Officer  
Santa Ana Regional Water Quality Control Board

cc. Regional Board  
Anne Schneider, Special Referee  
Mark Wildermuth, Wildermuth Environmental

**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 July 21, 2008 I served the following:

**1) LETTER CONCERNING SCHEDULE FOR CONDITION SUBSEQUENT NO. 6**

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 July 21, 2008 in Rancho Cucamonga, California.

  
\_\_\_\_\_  
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Chino Basin Watermaster

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