



- Board of Directors
Communications and Legislation Committee

2/10/2015 Board Meeting

8-3

Subject

Express Opposition to SB 143 (Stone, R-Indio) - Diamond Valley Reservoir: Recreational Use

Executive Summary

Existing law prohibits body-contact recreation in drinking water reservoirs, with certain exceptions. SB 143 ([Attachment 1](#)) would exempt Diamond Valley Lake (“DVL”) from this prohibition and allow body-contact recreation if certain conditions are met. SB 143 also makes legislative findings and declarations as to the necessity of a special exemption for the Diamond Valley Reservoir in the County of Riverside.

Background

DVL, Southern California’s largest drinking water storage reservoir, was dedicated into the Metropolitan system in March of 2000. DVL was constructed without federal or state funds and is paid for by Metropolitan ratepayers throughout Southern California. The lake nearly doubles Southern California’s surface storage capacity, helps secure six months of emergency storage southwest of the San Andreas Fault and reduces the threat of water shortages during drought and periods of peak summer use.

During the course of considering appropriate recreational activities at DVL, Metropolitan enlisted the aid of four prominent university professors to assess the potential public health impacts associated with body-contact recreation. Their work was reviewed and supported by an expert Blue Ribbon Panel. In 1997, a final report was issued to Metropolitan which indicated:

- A substantial body of scientific literature documents water quality degradation (specifically pathogen loading) due to body-contact recreation.
- The pathogen of most concern was *Cryptosporidium*, a difficult to disinfect microorganism which has been responsible for numerous waterborne disease outbreaks.
- Supplemental disinfection of *Cryptosporidium* would be necessary to maintain baseline public health risk levels. Under some recreational scenarios, the study projected that supplemental *Cryptosporidium* treatment might also be required to comply with drinking water standards.

This study helped inform the development of DVL’s recreational policies. By excluding body-contact recreation, Metropolitan could provide a high-quality boating experience while protecting the public health of downstream water consumers. Furthermore, this policy avoided any additional treatment costs for Metropolitan and its member agencies.

In October 1998, Metropolitan’s Board of Directors approved a policy for DVL which prohibited body-contact recreation (including swimming, water skiing, personal watercraft, and sailboarding). Subsequently in June 2003, the Board adopted rules and regulations applicable to DVL and Lake Skinner pursuant to California Health and Safety Code Section 117060 after finding and determining the regulations necessary to:

- Safeguard and protect the water quality of DVL and Lake Skinner, important sources of drinking water for the people of Southern California;

- Protect the health, safety, and security of visitors to DVL and Lake Skinner recreation areas;
- Protect the reservoirs, surrounding lands, and those structures, facilities, and equipment associated with their operation and maintenance; and,
- Facilitate public fishing and recreation on the reservoirs and their surrounding land.

Existing state law allows—but does not require—body-contact recreation on reservoirs operated by the state (e.g., State Water Project reservoirs) and federal facilities used as a source of drinking water supply. The Health and Safety Code allows for exceptions under the law for five water supply reservoirs throughout California and all of San Diego County with certain conditions. For the San Diego County and specified other reservoirs, various supplemental provisions were included to reduce the public health impact of body-contact recreation. These provisions include minimum levels of treatment, monitoring and reporting.

Metropolitan consistently maintains that body-contact recreation should be prohibited on its reservoirs which include DVL, Lake Mathews and Lake Skinner. Metropolitan's Board has previously opposed any legislation which would lift the prohibition on body-contact recreation at its facilities.

Metropolitan's position aligns with state law which prohibits body-contact recreation in reservoirs used for drinking water with the exception of those reservoirs granted use as per a legislative act or in those reservoirs with approved exemptions (Health and Safety Code Section 115825).

Details

On January 27, 2015, Senator Jeff Stone introduced SB 143 which would statutorily exempt DVL from the current body-contact restriction provided the water subsequently receives complete water treatment and DVL is operated in compliance with the regulations of the State Water Resources Control Board. The bill also provides that Metropolitan may adopt additional conditions that do not conflict with the State Water Resources Control Board's regulations, provided they enhance public safety and welfare.

In consideration of SB 143, staff reviewed the findings of the 1997 public health study in light of new scientific information and the installation of ozone disinfection at the Skinner Water Treatment Plant and found:

- Scientific studies continue to document microbial degradation of bodies of water subject to body-contact recreation.
- Metropolitan's ozone facilities were not built to disinfect *Cryptosporidium*; consequently, major capital expenditures would be required to control this pathogen. Because body-contact recreation was prohibited at DVL, *Cryptosporidium* disinfection facilities were not constructed by Metropolitan or other downstream users.

The introduction of body-contact recreation at DVL would also require modification of existing infrastructure (e.g., sanitation facilities) to accommodate expected increases in boating visitors. Because of the steep terrain surrounding the lake, locating and constructing such facilities would be both difficult and expensive and a safety issue for swimmers to both access and exit the water. Other impacts include: (1) additional security measures and law enforcement staffing to protect visitors and Metropolitan facilities, (2) additional staffing for boat inspections to address potential quagga mussel contamination of the reservoir, (3) monitoring of the reservoir to ensure compliance with proposed recreational water quality standards, and (4) adapting recreation to ensure compatibility with the surrounding Southwestern Riverside County Multi-Species Reserve.

The increased number of visitors associated with body-contact recreation may constrain Metropolitan's ability to manage water quality (e.g., algae treatment with copper sulfate could conflict with recreational activities). Further, the elevation of DVL can change substantially throughout the year depending on water supply conditions resulting in limited access to the reservoir due to boat ramp access.

Finally, DVL is the linchpin of Metropolitan's water storage system serving 19 million people in Southern California. It is essential infrastructure for storing State Water Project supplies and holding the emergency supply for the region in the case of an earthquake or other catastrophic water supply disruption. The integrity of the reservoir is an important contributor to Southern California's water supply reliability especially during the current drought and is essential to supporting the region's trillion dollar economy.

In summary, passage of SB 143 may result in: (1) water quality degradation in DVL, (2) increases in treatment costs, (3) increased infrastructure costs, and (4) potential operational and physical constraints. Requirements of SB 143 are incompatible with Metropolitan's mission of providing its customers with the highest water quality; consequently, staff recommends an oppose position on this bill.

Policy

Policy Principle: Protection and Enhancements of Water Quality, Admin. Code Section 1301

Oppose AB 1918 (Thompson) amending the Metropolitan Water District Act, M.I. 42917, April 14, 1998

Allow recreational activities, but no activities involving body contact, M.I. 43238, October 13, 1998

Diamond Valley Lake and Lake Skinner Recreation Area Rules and Regulations, M.I. 45394, June 10, 2003

Oppose AB 672 (Klehs) regarding recreational use of drinking water reservoirs, M.I. 46267, June 14, 2005

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not subject to CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Section 15378(b)(2) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options

Option #1

Adopt the CEQA determination that the proposed action is not subject to CEQA and authorize the General Manager to express opposition to SB 143.

Fiscal Impact: Unknown at this time

Business Analysis: The cost of meeting water quality standards and providing necessary infrastructure improvements as well as the safety risk due to body-contact recreation would be prevented.

Option #2

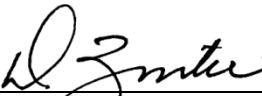
Do not express a position on SB 143.

Fiscal Impact: Unknown, but potentially significant increased costs to meet water quality standards and provide necessary infrastructure improvements.

Business Analysis: The cost of meeting water quality standards and providing necessary infrastructure improvements may substantially increase following opening of DVL to body-contact recreation.


Staff Recommendation

Option # 1



Dee Zinke
Deputy General Manager, External Affairs

2/5/2015
Date



Jeffrey Kightlinger
General Manager

2/5/2015
Date

Attachment 1 – Senate Bill 143, dated 1/29/2015

Ref# ea12635777

SENATE BILL**No. 143**

Introduced by Senator StoneJanuary 27, 2015

An act to add Section 115843 to the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 143, as introduced, Stone. Diamond Valley Reservoir: recreational use.

Existing law, with certain exceptions, prohibits recreational use, in which there is bodily contact with water, in a reservoir in which water is stored for domestic use and establishes water standards for those exempted reservoirs.

This bill would exempt from this prohibition recreational activity in which there is bodily contact with water by any participant in the Diamond Valley Reservoir if certain standards are met.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Diamond Valley Reservoir in the County of Riverside.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 115843 is added to the Health and Safety
- 2 Code, to read:
- 3 115843. (a) In the Diamond Valley Reservoir, recreational
- 4 uses shall not include recreation in which there is bodily contact
- 5 with the water by any participant, unless both of the following
- 6 conditions are satisfied:

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1 (1) The water subsequently receives complete water treatment,
2 including coagulation, flocculation, sedimentation, filtration, and
3 disinfection, before being used for domestic purposes.

4 (2) The reservoir is operated in compliance with regulations of
5 the State Water Resources Control Board, as provided in Section
6 115830.

7 (b) The recreational use may be subject to additional conditions
8 and restrictions adopted by the entity operating the water supply
9 reservoir, if the conditions and restrictions do not conflict with
10 regulations of the State Water Resources Control Board and are
11 designed to further protect or enhance the public health and safety.

12 SEC. 2. The Legislature finds and declares that a special law
13 is necessary and that a general law cannot be made applicable
14 within the meaning of Section 16 of Article IV of the California
15 Constitution because of the unique recreational needs of the
16 Diamond Valley Reservoir in the County of Riverside and the
17 enactment of this special law is necessary for the use of water for
18 the public good.

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