

California State Water Resources Control Board (SWRCB) Cease and Desist Order (CDO) to Cal-Am Water

Following up on communications from our board to the SWRCB expressing concerns that the Del Monte Forest Property Owners (DMFPO) had about previous drafts of the Cease and Desist Order, DMFPO board member Don Eastman travelled to Sacramento on Tuesday October 20, 2009, spoke before the board in opposition to the CDO and specifically objected to provisions in earlier drafts that would have placed a moratorium on water credits sold to property owners by the Pebble Beach Company (PBC) from excess water produced from the showpiece Water Reclamation Project here in the Del Monte Forest. The SWRCB did issue the CDO on October 20, 2009 but made several last minute amendments to the CDO all of which were beneficial to the interests of property owners in the Del Monte Forest. Of most importance, the SWRCB granted an exemption from the moratorium to people who have purchased water credits from PBC, and allowed PBC to continue to sell the water credits resulting from excess water produced by the Water Reclamation project. This was the key item of importance to PBC, the Pebble Beach Community Service District (CSD) and was of great importance to the Monterey Peninsula Water Management District (WMD). Obviously, the exemptions are also very important to property owners in the forest who have purchased the water credits or intend to purchase the water credits in the near future.

In another amendment, the SWRCB advanced the date of the moratorium from September 2, 2009 to October 20, 2009 meaning that construction projects which were fully approved and permitted on or prior to October 20, 2009 will be allowed to proceed.

Since the CDO contained several assignments of projects for Cal-Am, the modified CDO was changed to reflect the reality that those projects must be approved by the PUC (approval by the Coastal Commission was not specifically mentioned but the SWRCB did state that if recommendations for projects become impossible to implement that Cal-Am could return to the SWRCB and ask for a modifications of the order).

Perhaps the second most important amendment to the CDO was to postpone for a year the second reduction ordered by the SWRCB. The order to immediately reduce pumping from the Carmel River by 549 acre feet annually remained in the CDO, but the additional reductions of 121 acre feet annually will now start on October 1, 2011 rather than on October 1, 2010. The purpose of this one year continuance was to allow time for Cal-Am and the Marina Coast Water District to work with the California Public Utilities Commission, the California Coastal Commission and other agencies and entities to develop a regional desalinization, microfiltration reverse osmosis water treatment plant at the refuse disposal site north of the city of Marina.

While time is still needed for people at Cal-Am and other experts to assess the impact of the modifications to the CDO made on October 20, 2009, there is a bit of optimism that the need for water rationing will not be so extreme that lawns and gardens will be lost.

The DMFPO Board of Directors is not entirely pleased with this result. The board joins the elected officials that represent the Monterey Peninsula and the vast majority of other individuals, businesses and other organizations and entities on the peninsula who believe that a postponement of the CDO was the most logical approach. However, when the interests of property owners in the Del Monte Forest are considered, we obtained far more than half of what we could have hoped for from the modifications to the CDO that were made on October 20, 2009.