



SANTA CLARA VALLEY WATER DISTRICT

# NON-AGENDA

## January 10, 2025

**Board Policy EL-7 Communication and Support to the Board**  
*The BAOs shall inform and support the Board in its work.*

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10	Memo from Sheryl Higa, Risk Manager to the board, dated 01/06/26 providing communication for the Risk Management Unit.
	<b><u>INCOMING BOARD CORRESPONDENCE</u></b>
28	<b>Board Correspondence Weekly Report:1/08/25</b>
30	Email from Jean-Marie White to Director Ballard, dated 12/31/24, inquiring about the delay for Anderson Dam costing taxpayers \$100M. C-25-0001
31	Email from Ken Mauser to the board, dated 01/01/25, providing their services as a consulting agronomist and willing to discuss ways to help and preserve water resources. C-25-0002
32	Email from Thierry Currenti to the board dated 01/02/25, regarding the construction of an in-land desalination plant and offering to discuss a proposed solution. C-25-0003
33	Email from Libby Lucas to Director Estremera, dated 01/02/24, regarding Valley Water's proposed South Bay desalination pilot projects. C-25-0004
35	Email from Rita Norton to Nick Mascarello, Associate Environmental Planner (copied to the board), dated 01/10/25, providing input to the Greenhouse Gas Reduction Plan. C-25-0005
37	Email from Nestor De la O Vargas to the board, dated 01/05/25, sharing flyers of Keep Coyote Beautiful upcoming events. C-25-0006
	<b><u>OUTGOING BOARD CORRESPONDENCE</u></b>
41	Email from Director Santos to Sharon Root, dated 01/03/25, responding to follow up questions regarding encampment cleanup on Upper Penitencia Creek.
44	Email from Chair Hsueh to Dorota Niewczas, dated 01/06/25, responding to their inquiry regarding drinking water fluoridation.

# **CEO BULLETIN**



**To: Board of Directors**  
**From: Tina Yoke, Acting CEO**

## **Weeks of December 20, 2024 – January 9, 2025**

**Board Executive Limitation Policy EL-7:**

*The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.*

Item	IN THIS ISSUE
<u>1</u>	2025 State Water Project Allocation Update
<u>2</u>	Cost Share Agreement Between Valley Water and City of San Jose for Design of Montague Expressway Bridge Improvements, as part of the Lower Guadalupe Capacity Restoration Project
<u>3</u>	Golden Mussels found in the California Delta
<u>4</u>	<u>Beall</u> Regarding gate replacements on the Coyote-Alamitos canal, Director Beall would like background communication on the trail/public use of the canal and the cost so far on the gate replacements. IBMR-24-0020

### **1. 2025 State Water Project Allocation Update**

On Dec 23, 2024, the California Department of Water Resources (DWR) announced that the State Water Project (SWP) allocation for 2025 will increase from 5% to 15%. This adjustment follows increased precipitation from late November and early December storms which have increased reservoir levels and helped boost statewide precipitation levels to just above average for this time of year. DWR will continue to monitor precipitation and snowpack conditions throughout the winter and update the SWP allocation as additional information becomes available. The next update will likely come in January and will incorporate information from the first snow surveys of the season.

For further information, please contact Vincent Gin at (408) 630-2633.

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### **2. Cost Share Agreement Between Valley Water and City of San Jose for Design of Montague Expressway Bridge Improvements, as part of the Lower Guadalupe Capacity Restoration Project**

The Lower Guadalupe Capacity Restoration Project (Project), which recently entered the design phase, aims to restore 100-year flood capacity to the Lower Guadalupe River between Tasman Drive and Highway 101. As part of the Project, existing headwalls on the Montague Expressway Bridge will be raised.

The City of San Jose (City) is simultaneously working on a plan to incorporate an additional vehicular travel lane on the Montague Expressway bridge and an adjacent bicycle/pedestrian crossing that connects to the Guadalupe River Trail network.

Valley Water and the City have agreed to work together on a cost share agreement for the design of both party's required improvements at the Montague Expressway bridge. Valley Water will lead the design effort and will use the City's financial contributions for design consultant costs, project management labor costs, environmental permitting, and other incidental expenditures required to complete design.

The agreement has been drafted and is currently under review by the City and Valley Water staff. Once both parties complete their reviews and the agreement terms are finalized, the agreement will be routed for approval by Valley Water's CEO per EL.5.5.1. At the City council meeting on 12/17/2024 the City adopted a resolution authorizing the City Manager to negotiate and execute the cost-share agreement. It is anticipated that the agreement will be finalized and executed in early 2025.

For further information, please contact Bhavani Yerrapotu at (408) 630-2735.

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### 3. Golden Mussels found in the California Delta

Golden mussel, an invasive mollusk native to China and Southeast Asia, was recently discovered in the Sacramento-San Joaquin Delta. This discovery is the first known occurrence of golden mussels in North America. Like quagga and zebra mussels, golden mussels pose a significant ecological threat to California's native species, ecosystems, and water infrastructure due to their ability to colonize hard surfaces, clogging water intakes, screens, and pipes.

Golden mussels are similar in appearance, biology, and impacts to quagga and zebra mussels, but can establish themselves in waters with significantly lower calcium levels, higher salinity and has a wider temperature tolerance compared to quagga and zebra mussels.

In response to the recent discovery, staff is collaborating closely with the California Department of Fish and Wildlife, California Department of Water Resources, and other local stakeholders to assess the extent of golden mussel infestation and implement measures to mitigate its potential spread. These measures include expanding Valley Water's existing invasive mussel monitoring program to include golden mussels, establishing decontamination protocols for vessels and associated equipment used by Valley Water's staff and contractors before entering Valley Water's reservoirs, exploring exit vessel inspections at Calero and Coyote reservoirs in close coordination with Santa Clara County Parks, and enhancing public education and outreach efforts.

Staff will continue to actively monitor this rapidly evolving issue and collaborate with stakeholders and regulatory agencies to mitigate or eliminate its impact to our ecosystem and infrastructure.

For further information, please contact Sam Bogale at (408) 630-3505.

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### 4. Beall

**Regarding gate replacements on the Coyote-Alamitos canal, Director Beall would like background communication on the trail/public use of the canal and the cost so far on the gate replacements**  
**IBMR-24-0020**

The Coyote Alamos Canal was used several decades ago to move water from Coyote Valley to the Almaden Lake area along the Santa Teresa Foothills for more than 8 miles. This canal is no longer used to transport water and even though it crosses through lands owned by City of San Jose, County of Santa Clara, and private individuals, Valley Water is still responsible for maintaining and repairing the canal which at times fills with rainwater/runoff. There is a maintenance road along the canal that has multiple gates that are of various styles and in various conditions. Most gates are located at the boundary of a different landowner. Several have been vandalized or are missing. For many years, community members have used this as an unofficial trail, but it is not a public trail and in fact users are trespassing when they hike along it. Valley Water and various agencies have posted no trespassing signs, fences, and gates with limited success.

Recently, Valley Water staff received complaints from several property owners/residents who live right below the canal that trespassers and late-night activities had increased. The complaints about trespassers and illegal use on the Coyote Alamos Canal access road led staff to initiate a project to replace missing or vandalized gates along the canal from Miracle Mile Road to Monterey Road.

Cost for the gate replacements for the two gates built so far are as follows, \$7,638.74 for labor and \$987.04 for materials, for a grand total of \$8,625.78.

For further information, please contact Rachael Gibson at (408) 630-2884.

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A monthly assessment of trends in water supply and use for Santa Clara County, California

## Outlook as of January 1, 2025

On December 2, 2024, the California Department of Water Resources (DWR) announced an initial State Water Project (SWP) allocation of 5% of contract amount for 2025; however, on December 23, DWR increased the allocation to 15%. An initial Central Valley Project (CVP) allocation of water for 2025 has not yet been released.

### Weather

- Rainfall in San José:
  - » Month of December, City of San José = 2.48 inches
  - » Rainfall year total = 4.02 inches or 81% of average to date (rainfall year is July 1 to June 30)
- January 1, 2025, Northern Sierra snowpack was 162% of normal for this date

### Local Reservoirs

- Total January 1 storage = 31,871 acre-feet

Reservoir Storage	All Ten Valley Water Reservoirs	All Reservoirs Except Anderson
Storage as % of unrestricted capacity	19%	37%
Storage as % of restricted capacity (1)	51%	48%
Storage as % of the 20-year average for January 1	48%	92%

(1) Per the Federal Energy Regulatory Commission’s order, the capacity of Anderson Reservoir was restricted to the deadpool storage as of October 1, 2020

- Approximately 40.6 acre-feet of imported water was delivered into Calero Reservoir during December 2024
- Total estimated releases to streams (local and imported water) during December were 6,600 acre-feet (based on preliminary hydrologic data)

### Treated Water

- Below average demands of 4,350 acre-feet were delivered in December
- This total is 83% of the five-year average for the month of December
- Year-to-date deliveries are 82,922 acre-feet or 87% of the five-year average

### Groundwater

- Groundwater conditions remain healthy throughout the county. Groundwater levels in most of the regional monitoring wells are the same as, or higher, than last month due to normal, seasonal increases. While most of the water levels are lower relative to December 2023, all except one are higher than the prior five-year average for December. The end of 2024 groundwater storage is projected to be in Stage 1 (Normal) of the Water Shortage Contingency Plan

	Santa Clara Subbasin		Llagas Subbasin
	Santa Clara Plain	Coyote Valley	
December 2024 managed recharge estimate	6,600	1,500	2,400
YTD managed recharge estimate	63,900	16,500	25,900
YTD managed recharge as % of five-year average	116%	112%	125%
November 2024 pumping estimate	4,800	1,200	3,000
YTD pumping estimate	62,400	12,900	36,800
YTD pumping as % of five-year average	98%	113%	96%
Current index well groundwater levels compared to December 2023	8 Feet Lower	1 Foot Lower	Same Level

All volumes are in acre-feet. All data is for 2024 except where noted. YTD = Year-to-date.

## Imported Water

- In December (through December 31st), the SWP operated Banks pumping plant with an average daily export of 8,220 acre-feet, resulting in a total export of 254,826 acre-feet from the Sacramento-San Joaquin Delta for the month
- In December (through December 31st), the CVP operated Jones pumping plant with an average daily export of 5,589 acre-feet, resulting in a total export of 173,267 acre-feet from the Sacramento-San Joaquin Delta for the month
- Multiple fish protection thresholds and outflow requirements were triggered at the Sacramento-San Joaquin Delta export facilities this past month. Project facilities, including delta exports, were operated to maintain flow requirements in the delta for the month of December

WY 2024 Imported Water Allocations	Allocation	Allocation (acre-feet)	Details
SWP	15%	15,000	Allocation increased on 12/23/24
CVP	TBD	TBD	Announcement expected late February
State-wide Reservoir Storage	Capacity	Current Storage (acre-feet)	Average for Date (as of 1/3/25)
Shasta Reservoir	77%	3,508,013	130%
Oroville Reservoir	69%	2,354,833	126%
San Luis Reservoir	69%	1,412,029	109%
Semitropic Groundwater Bank	Capacity	Current Storage (acre-feet)	Date of Data
	87%	304,084	12/31/24
Estimated SFPUC Deliveries	November 2024 (acre-feet)	2024 Total to Date (acre-feet)	Five-Year Annual Average (acre-feet)
	3,614	44,274	47,000

## Conserved Water

- Saved 83,174 acre-feet in FY23 through Valley Water's long-term conservation program (baseline year is 1992)
- Long-term program goal is to save nearly 100,000 acre-feet by 2030, 110,000 acre-feet by 2040, and 126,000 acre-feet by 2050
- On June 13, 2023, the Board of Directors adopted a resolution to support water conservation as a way of life in Santa Clara County and an ordinance with a set of permanent water waste prohibitions

## Recycled Water

- Estimated December 2024 production = 848 acre-feet
- Estimated year-to-date through December = 16,866 acre-feet or 100% of the five-year average
- Silicon Valley Advanced Water Purification Center produced an estimated 1.5 billion gallons (4,493 acre-feet) of purified water in 2023. Since the beginning of 2024, about 4,981 acre-feet of purified water has been produced. The purified water is blended with existing tertiary recycled water for South Bay Water Recycling Program customers

## CONTACT US

To find out the latest information on Valley Water projects or to submit questions or comments, email [info@valleywater.org](mailto:info@valleywater.org) or use our **Access Valley Water** customer request system at <https://deliver.com/2yukx>.



### FOLLOW US

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# **BOARD MEMBER REQUESTS and Informational Items**

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-24-0020	12/20/24	Beall	Gibson Baker	Hoang Williams	Regarding gate replacements on the Coyote-Alamitos canal, Director Beall would like background communication on the trail/public use of the canal and the cost so far on the gate replacements.	01/09/25		



# MEMORANDUM

FC 14 (01-25-23)

**TO:** Board of Directors

**FROM:** Sheryl Higa

**SUBJECT:** Risk Management Unit Communication

**DATE:** January 6, 2025

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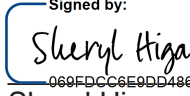
The purpose of this memorandum is to provide you a with copy of recent Risk Management staff's communication with parties/individuals that have filed a claim against Valley Water.

Please find the following:

- 1) November 26, 2024 - Letter acknowledging receipt of claim to Adrian Jacobs (District 5).
- 2) December 11, 2024 - Late Claim letter to Connie De La Cruz (N/A).

For additional information, please contact me at 408-630-2213.

Signed by:

  
069FDCC6E9DD486...

Sheryl Higa  
Risk Manager  
Risk Management Unit



November 26, 2024

Adrian Jacobs  
10185 Stonydale Dr.  
Cupertino, CA 95014

Re: Receipt of Claim – L2450008

Dear Mr. Jacobs:

We received your claim regarding the property damage resulting from the section of the oak tree that fell on July 28, 2024.

We are currently investigating the claim and will notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2213 or at [shiga@valleywater.org](mailto:shiga@valleywater.org)

Sincerely,

Signed by:  
  
069FDCC6E9DD486...  
Sheryl Higa, ARM  
Risk Manager  
Risk Management Unit





**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT**  
**California Government Code Sections 900 and following**

<p><b>The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:</b></p> <p>Clerk of the Board                  Santa Clara Valley Water District-HQ                  5700 Almaden Expressway                  San Jose, CA 95118</p> <p>Or submit the completed form electronically to:                  clerkoftheboard@valleywater.org</p>	Clerk of the Board's Date Stamp	
	<b>For SCVWD Use Only</b>	
	Date Received: <b>11/25/24</b>	<b>ROUTING</b>
	<input type="checkbox"/> Via U.S. Mail	<input checked="" type="checkbox"/> CEO
	<input type="checkbox"/> Hand Delivered	<input checked="" type="checkbox"/> District Counsel
	<input type="checkbox"/> Email	<input checked="" type="checkbox"/> Risk Management
<input checked="" type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB	
	<input checked="" type="checkbox"/> BOD (District #): <b>5</b>	

*With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.*

Name of Claimant:		Email Address:	
Address of Claimant: 10185 Stonydale Drive		City: Cupertino	State: CA
		Zip: 95014	
Address to which Notices should be sent, if different from above:		City:	State:
		Zip:	
Home Phone Number:	Cell Phone Number: 408-663-7937	Work Phone Number:	
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: Relationship to the minor:	
Date and time of incident or loss: 07/28/2024 05:35pm	Location of incident or loss (address): As Above	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report Case #: <input checked="" type="checkbox"/> No	

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (Please attach additional sheets if necessary):

A large top section of a Valley Water oak tree snapped and fell onto my property, destroying completely my bank retaining wall, fence and causing a loss of land into the creek.



**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT  
California Government Code Sections 900 and following**

Page 2 of 2

In detail, describe the damage or injury (Please attach additional sheets if necessary):

The tree section has completely destroyed the bank retaining wall, to the extent that it has collapsed completely, pulling the entire fence down including a large section of my land. In the absence of the retaining wall, there is now significant risk that more of my land will collapse into the creek and with winter approaching heavy rainfall could be disasterous to my property and nearby pool.

List Name(s) and contact information of any witness(es) or District employee involved (if any):

Glenn Micko, Associate Engineer - Civil, Watersheds O&M Engineering Support Unit, Valley Water District, gmicko@valleywater.org, Tel: 408-630-2597


**DAMAGES CLAIMED:** Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000?       Yes                       No  
 Court Jurisdiction: (Check One)               Limited Civil               Unlimited Civil

ITEMS	CLAIM AMOUNT
1. Unknown	\$ Unknown
2.	\$
3.	\$
4.	\$
<b>TOTAL AMOUNT</b>	<b>\$ Unknown</b>

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)**

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 25<sup>th</sup> day of NOVEMBER, 2024   
 Claimant's Signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given of a denial of claim in accordance with **Section 913**, not later than six months after the date such notice is personally delivered or deposited in the mail.
- (2) If written notice is not given of a denial of claim in accordance with **Section 913**, within two years from the accrual of the cause of action.



December 11, 2024

EMAIL: Dorothy Dora dorothydora665@gmail.com

Connie De La Cruz  
284 Hames Hollow  
Aptos, CA 95003

Re: Late Claim

Dear Ms. De La Cruz:

The claim which was presented to the Santa Clara Valley Water District on December 6, 2024 is being returned because it was not presented within six (6) months after the event or occurrence as required by law. See sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

**WARNING**

Your only recourse at this time is to apply without delay to Valley Water's Board of Directors for leave to present a late claim. See sections 911.4 to 912.2, inclusive, and section 946.6 of the Government Code. Under some circumstances, leave to present a late claim may be granted. See Government Code section 911.6.

If you have any questions, you can contact the Risk Management Unit at (408) 630-2652 or at [RiskManager@valleywater.org](mailto:RiskManager@valleywater.org).

Sincerely,

DocuSigned by:  
  
A16A1D1E4675476...  
Lillian Dennis  
Management Analyst II  
Risk Management Unit

Enc: Late Claim



Valley Water

Clerk of the Board's Date Stamp	
For SCVWD Use Only	
Date Received: 12/06/24	ROUTING
<input type="checkbox"/> Via U.S. Mail	<input checked="" type="checkbox"/> CEO
<input type="checkbox"/> Hand Delivered	<input checked="" type="checkbox"/> District Counsel
<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> Risk Management
<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB
	<input type="checkbox"/> BOD (District #): _____

The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:

Clerk of the Board  
 Santa Clara Valley Water District-HQ  
 5700 Almaden Expressway  
 San Jose, CA 95118

Or submit the completed form electronically to:  
 clerkoftheboard@valleywater.org

With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.

Name of Claimant: <u>CONNIE DE LA CRUZ</u>		Email Address: <u>dorothydora065@gmail.com</u>	
Address of Claimant: <u>CONNIE DE LA CRUZ - BROKAW CREEK AT</u>		City: <u>SAN JOSE</u>	State: <u>CA</u>
		Zip: <u>95112</u>	
Address to which Notices should be sent, if different from above: <u>284 HAMES HOLLOW</u>		City: <u>APTUS</u>	State: <u>CA</u>
		Zip: <u>95003</u>	
Home Phone Number: <u>408-417-7242</u>	Cell Phone Number: <u>SAME</u>	Work Phone Number: <u>0</u>	
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: Relationship to the minor:	
Date and time of incident or loss: <u>Between 9/26/22 and 9/30/22</u> <u>MORNING TO NOON</u>	Location of incident or loss (address): <u>HOMELESS ENCAMPMENT ON BROKAW CREEK IN SAN JOSE CA.</u>	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report Case #: <input checked="" type="checkbox"/> No	

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (Please attach additional sheets if necessary):

VALLY WATER; Between 9/26/2022 to 9/30/2022 VALLEY WATER EMPLOYEES WENT TO CONDUCT A CLEAN UP OF TRASH AND DEBRIS AT THE CREEK ONE BROKAW IN SAN JOSE CA. VALLY WATER'S FIRST STOP WAS MY TENT (HOME) VALLEY WATER EMPLOYEES TORE UP MY TENT (Leaving the bathroom) & ENTERED ILLEGALLY, AND VANDALIZED MY HOME. VALLEY WATER EMPLOYEES DIDNT EVEN CLEAN UP THE MESS, AND DEBRIS THEY LEFT BEHIND. VALLEY WATER CONTINUED TO DRIVE TOWARDS THE OTHER 5 TENTS AND TOOK 3 BAGS (WHICH WERE ON TOP OF THE DIRT RD) AND ONLY THAT. THERE WERE 4 OTHER TENTS WITH SO MUCH GARBAGE AROUND THEM BUT THEY DID NOT EVEN GET OUT OF THEIR TRUCKS TO CLEAN ANYTHING, TURNED AROUND AND LEFT. THIS IS THE SECOND TIME VALLEY EMPLOYEES FAIL TO COMPLY WITH RULES PROVIDED TO THE EMPLOYEES WHEN CONDUCTING A CLEAN-UP.



**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT**  
 California Government Code Sections 900 and following  
 Page 2 of 2

In detail, describe the damage or injury (Please attach additional sheets if necessary):

1. MENTAL ANGUISH, I NEED HIP REPLACEMENT AND MORE MEDICAL PROBLEMS.
2. HAVING TO STAY AT SOMEONE'S HOUSE WHILE PROMISING TO PAY THEM BACK (WHICH I DO NOT, THERE WILL BE REPLICATIONS.)
3. BALLEAGLE ENTRY
4. VANDALISM
5. DESTROYING MY PERSONAL PROPERTY - CLOTHING, AND ALL MY THINGS.
6. THROWING AWAY MY MEDS, BANDAGES, CREAMS NEEDED FOR ONE OF MY CONDITIONS MY BOX WITH BILLS, RECEIPTS, LEGAL PAPERS ECT.

List Name(s) and contact information of any witness(es) or District employee involved (if any):

RICARDO NALAWAGAN - (408) 759-9430  
 HECTOR REYES - NO PHONE - LIVES AT CREEK E BRAKAW  
 COMPANY NEXT DOOR VIDEO CAMERAS IF AVAILABLE.  
 Kristina Dant Krausht - (408) 288-0186

DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000?  Yes  No  
 Court Jurisdiction: (Check One)  Limited Civil  Unlimited Civil

ITEMS :	CLAIM AMOUNT
1. TENT, BED, COVERS (DOWN COMFORTER) MAKEUP, CURTAIN, IRON, BLOW DRYER	\$ 800.00
2. Backpack 1,200 worth of clothes, 2 wigs, ALL THINGS @ CANDORS	\$ 1,700.00
3. COOKING GAS STOVE, SA TABLE W/ CHAIR / RUGS @ REACHING POLES, UTENSILS, GAS LASTERS @	\$ 300.00
4. TOILETRIES, FAKE EYELASHES (5 BOXES) PERFUMES @ DOLE \$ 600.00	\$ 3,500.00
#2,500 PAIN AND SUFFERING 1,000.00	
<b>TOTAL AMOUNT</b>	<b>\$6,300.00</b>

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)**

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 26 day of November, 2024

*[Signature]*  
 Claimant's Signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given of a denial of claim in accordance with **Section 913**, not later than six months after the date such notice is personally delivered or deposited in the mail.
- (2) If written notice is not given of a denial of claim in accordance with **Section 913**, within two years from the accrual of the cause of action.

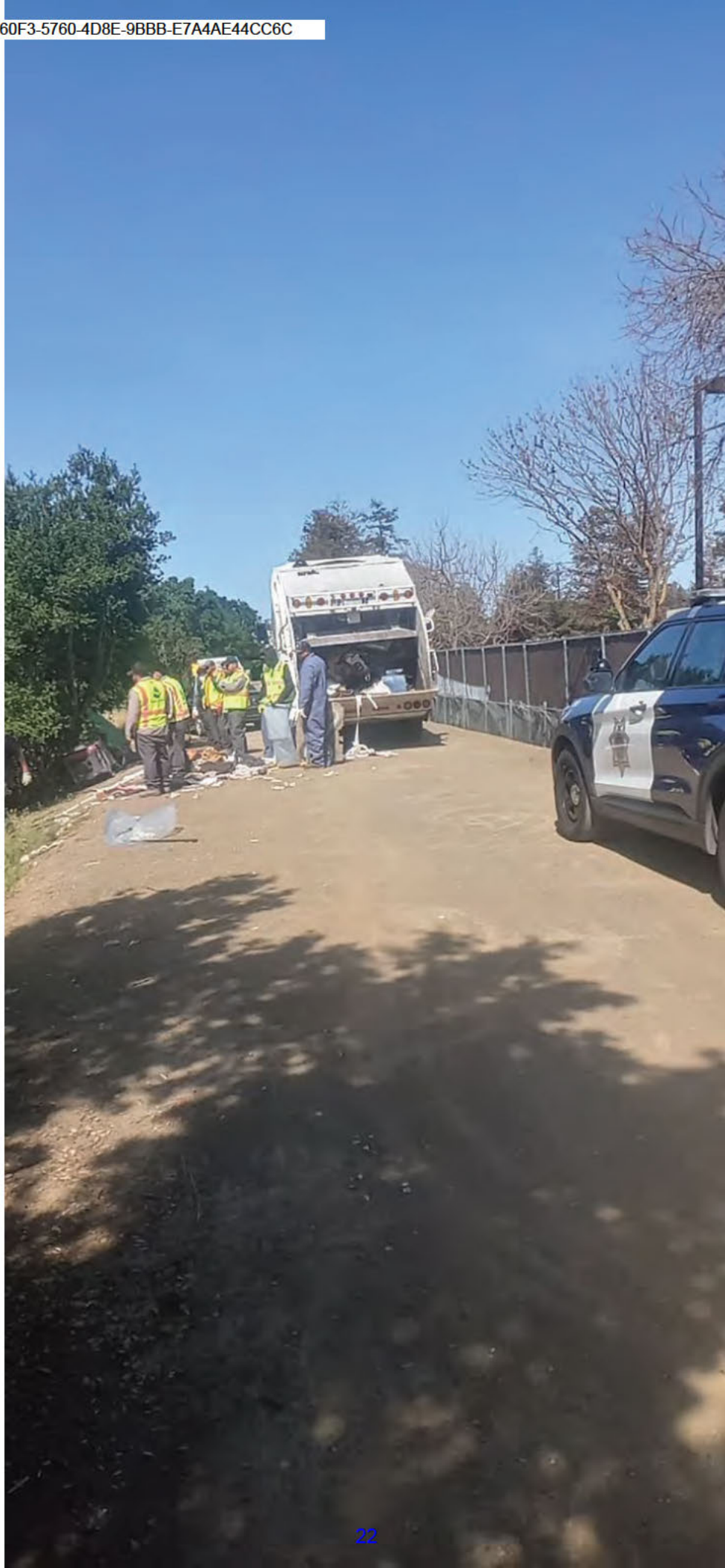




















# **INCOMING BOARD CORRESPONDENCE**

Board Correspondence (open)

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-24-0293	12/30/24	12/30/24	All	WENDY LI	Email from Wendi Li to Director Ballard, dated 12/30/24, regarding unsheltered encampments near the Hamilton Place Neighborhood Association.	Refer to Staff	Hakes	Bilski	01/07/25	01/07/25	n/a	01/13/25
C-25-0001	12/31/24	01/01/25	All	JEAN-MARIE WHITE	Email from Jean-Marie White to Director Ballard, dated 12/31/24 (received by COB on 1/1/25), inquiring about the delay for Anderson costing taxpayers \$100M	Refer to Staff	Chan	Mccarter	01/09/25	-	n/a	01/15/25
C-25-0004	01/02/25	01/02/25	Estremera	LIBBY LUCAS	Email from Libby Lucas to Director Estremera, dated 01/02/24, regarding Valley Water's	Refer to Staff	Baker	Struve Gin	01/10/25	-	n/a	01/16/25

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
					proposed South Bay desalination pilot projects.							
C-25-0005	01/03/25	01/03/25	All	RITA NORTON	Email from Rita Norton to Nick Mascarello, Associate Environmental Planner (copied to the board), dated 01/10/25, providing input to the Greenhouse Gas Reduction Plan.	Refer to Staff	Hakes	Infante	01/11/25	-	n/a	01/17/25

**From:** [Candice Kwok-Smith](#)  
**To:** [Candice Kwok-Smith](#)  
**Subject:** FW: Why do we need to spend an additional \$100M?  
**Date:** Wednesday, January 1, 2025 12:09:07 PM

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**From:** Jean-Marie White [REDACTED]  
**Sent:** Tuesday, December 31, 2024 2:18 PM  
**To:** Shiloh Ballard <[SBallard@valleywater.org](mailto:SBallard@valleywater.org)>  
**Cc:** Jeffrey Hare [REDACTED]  
**Subject:** Re: Why do we need to spend an additional \$100M?

**\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\***

Resending to proper address!

On Dec 31, 2024, at 14:15, Jean-Marie White [REDACTED] wrote:

To my favorite Water district board member :

I was just reading this [article](#), and I'm just flabbergasted that a 3-month delayed caused by some "re-scheduling" from FERC will cost taxpayers another \$100M. What exactly are we paying for here? This seems like irresponsible use of our money.

Copying Jeffrey since he always seems on top of these issues.

Jean-Marie

**From:** [Ken Mauser](#)  
**To:** [Board of Directors](#)  
**Subject:** Water Use Efficiency  
**Date:** Wednesday, January 1, 2025 4:53:52 PM

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**\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\***

Just to set the record straight. I have been a working agronomist in the turf and ornamental industry since 1974, and a water use efficiency expert since 1991. I have a lot of experience in doing a better job of applying and utilizing water and getting the most efficiency out of that water.

The problem I have with water districts is you sing a great song about water conservation and all the things you have or are doing, and suggestions you preach to save water and what you want the industry and general public to do to save water. But I seldom if ever see any of the water districts take the recommendations of the industry experts because you think we have a vested interest in the products or services we might sell instead of believing that our true passion is helping and preserving the precious water resources we have. Don't prejudge us based on perceptions you may have or what you might have heard from people within your organization who are afraid they don't have the best ideas and suggestions. In the 50 years I have been involved with the differences between the knowledge level and ideas in the industry versus the information coming from the government or other governmental agencies, the industry is 5 to 10 years ahead of the information you are being given or the ideas you are hearing.

Controlling water, whether it comes from the sky or out of an irrigation system or a faucet, is the object of water use efficiency.

I am at your disposal if you should want to talk about this subject.

Respectfully,

Ken Mauser  
Consulting Agronomist  
KM Enterprises  
[REDACTED]  
Henderson, NV 89015  
[REDACTED]

**From:** [Currenti, Thierry](#)  
**To:** [Board of Directors](#)  
**Subject:** Floating Offshore Desalination Plant  
**Date:** Thursday, January 2, 2025 4:32:27 AM  
**Attachments:** [image001.png](#)

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**\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\***

Dear members,

We have been informed that you are considering building an in-land desalination plant as one of Valley Water's missions is to provide Santa Clara County with a reliable water supply. Onshore facilities projects are facing a lot of challenges and together with our partner VEOLIA (world leader in the water technology sector), we have decided to offer an innovative solution to overcome those challenges. Our solution is a Floating Production Unit (FPU) of Fresh Water moored at quay or offshore shallow/deep water allowing to de-risk development roadmap of desalination projects with below advantages:

- Less environment impact (seawater intake and brine disposal are performed in deeper waters for from the coast)
- No land acquisition (solving land availability and reducing CAPEX)
- Higher coastal residents' acceptability (no proximity with industrial plant)
- Shorter permitting process
- De-risked schedule with full fabrication in shipyard
- Low CAPEX if BOT business model is selected
- High-capacity production up to 300,000 m<sup>3</sup>/d
- Power supply from shore or autonomous power generation using low carbon process

If you believe that this solution could present advantages for your county and that Walley Water could be the bearer of such a project with the authorities, we would be happy to initiate discussions with you on the subject.

Waiting for your feedback, we stay at your disposal for further information.

Regards

**Thierry CURRENTI**  
New Markets Business Director  
Innovation & Growth Group



TRUE.  
BLUE.  
TRANSITION.

**From:** [Jack Lucas](#)  
**To:** [Board of Directors](#)  
**Subject:** desalination in South Bay proposed pilot projects  
**Date:** Thursday, January 2, 2025 3:10:03 PM

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**\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\***

Tony Estremera, Chaiman  
Valley Water Board of Directors  
Santa Clara County

January 2, 2025

Dear Chairman Estremera,

In regards South Bay desalination pilot projects that are being proposed by Valley Water I do urge the Board to conduct in depth documentation for the scoping report on this venture and circulate it publicly and to regulatory agencies. In particular please consult with San Francisco EPA on siting of desalination treatment facilities and subsurface intake conduits in proximity to Super Fund Toxic plumes in upper aquifers of Santa Clara Valley adjacent to Moffett Field and Coast Casey retention basin.

The Moffett Field Super Fund toxic plume has been joined by the Middlefield Ellis Whisman (MEW) plume and is in ongoing remediation as it slowly migrates north to the Bay. Siting a desalination facility here just across Stevens Creek channel would undoubtedly draw these plumes into the facility and needs evaluation by EPA as to whether the TCE, PCB and other persistent contaminants can be cleared up by desalination. Also diverting of this mega plume spreads vapor intrusion exposure under NASA and Google industrial park.

In regards the desalination facility sited at Coast Casey and Charleston Slough, subsurface contaminants there relate to a Perkin Elmer Warehouse super fund plume and a medical instruments mercury cleaning disposal business. This regulatory monitoring was conducted by SFRWQCB but perhaps needs updating to address contaminants more recently identified by EPA as hazardous to human health.

Subsurface intake operations for desalination plants are a serious concern in these two areas as inevitably they lead to upper aquifer subsidence which would affect Moffett Field's runway and the low lying Palo Alto residential area that extends from #101 to Middlefield Road, between San Francisquito and Adobe Creeks. There is also likelihood of contaminants leaching from Shoreline Park's San Francisco refuse disposal dump.

As to the surface water intake conduits for these two desalination facilities which are presently proposed just beyond the salt pond levees, believe levee erosion is a serious concern, especially at low tide. If intakes were sited two miles further out in Coyote Estuary channel they could provide more consistent water supply.

In all three proposed desalination facility sites there is critical impact to marsh wetlands and loss of habitat for South Bay and Wildlife Refuge endangered species. San Francisco Bay Wildlife Refuge was established as an essential stopover element for the Pacific Flyway and is protected by the historic international migratory bird treaty. Intake conduits will disorient anadromous fish migration and Stevens Creek is supposed to be protected under FAHCE agreements. Recreation boating obstructions may be a problem.

Finally, do wonder if under a cost benefit analysis the drinking water supply realized by these desalination plants can produce an affordable supplement to the region's needs. Adjacent Moffett Field and the City of Palo Alto are supplied by SFPUC Hetch Hetchy water so are not likely applicants.

In accordance with CEQA mandated alternative analysis, do hope the District will consider connection to a coastal desalination site that might be coordinated with Santa Cruz County. A feasible connection to coast might follow old rail line that once passed through tunnel at Wrights Station above Lexington Reservoir. Such a delivery point would meld into Valley Water facilities infrastructure without any additional expense. The initial investment in a coastal desalination plant would be a major expense but its assured longevity of supply and caliber on uncontaminated sea water would more than compensate in drinking water quality to taxpayer.

Thank you for any guidance you can give to this process that will include consultation with EPA and NASA.

Libby Lucas  
Los Altos

**From:** [Rita Norton](#)  
**To:** [Nick Mascarello](#)  
**Cc:** [Board of Directors](#)  
**Subject:** Comments on draft VW's Greenhouse Gas Reduction Plan  
**Date:** Friday, January 3, 2025 12:39:13 PM

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**\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\***

Dear Board and staff-

Thank you for the opportunity to provide input into the draft Plan. While the draft Plan is quite comprehensive and detailed for what it covers, it neglects a major contributor of greenhouse gas emission that the Valley Water is responsible for emitting now and even more so, possibly in the future.

The GHG EMISSIONS INVENTORY does not acknowledge the use of concrete in Valley Water's proposed major projects.

Among these projects is Pacheco Dam for which the District should include in this draft Plan.

The draft Plan should indicate the amount of concrete to be hauled in and the concomitant amount of concrete's emissions. This calculation should be included for all construction projects. Some projects are maintenance of existing facilities. Others, such as Pacheco are still on the drawing board, and its future contributions to greenhouse gases in terms of new concrete should be added to the potential inventory.

According to research, in total, one ton of cement typically produces about 0.8 to 0.9 tons of CO2 emissions, resulting in approximately 8% of the world's anthropogenic CO2 emissions, and about 25% of all industry carbon emissions.

Used to build much of the infrastructure that enables today's modern society—dams, roads, bridges and buildings—concrete is the second-most widely used substance on Earth, behind only water. And according to the IEA, the cement sector is the third-largest consumer of energy and the second-largest emitter of carbon dioxide when looking at industrial players alone.

Making cement is by its nature a highly energy-intensive process. Raw materials like clay and limestone are heated to more than 2,500 degrees Fahrenheit to turn them into a binding agent for sand, gravel or other coarse materials. But unlike other major construction commodities, concrete produces carbon emissions in two ways, not just one.

I recommend the correlated indices for emissions from projected concrete use by Valley Water is the responsible action to provide in this draft Plan at this time and be provided in this Plan and as well in the upcoming review of Pacheco

environmental impacts.

How many tons of concrete would be used in the construction of Pacheco? Multiply this by the factor shown above to make this calculation- ---and next see what offsets would be needed.

As alternatives to Pacheco are considered, these emissions make a strong case for projects that are much less dependent on concrete.

I look forward to your discussions going forward. Many thanks.

Sincerely,

Rita Norton

**From:** [Néstor De la O Vargas](#)  
**To:** [Meghan Azralon](#); [Linh Hoang](#); [Board of Directors](#)  
**Subject:** KCCB BioBlitz  
**Date:** Sunday, January 5, 2025 1:18:44 PM  
**Attachments:** [250209-BioBlitz-IG Post \(1\).png](#)

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**\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\***

Hello,

Keep Coyote Creek Beautiful is hosting a BioBlitz on February 9th. More information below!  
\*\*\*\*\*

**Hellyer Park BioBlitz**

**Location: 996 Hellyer Ave, Cottonwood Lake - Southwest trail entrance, San Jose, CA 95111**  
**Sat Feb 9th**  
**9AM-11:30AM**

Join Keep Coyote Creek Beautiful, Bioblitz Club, Santa Clara Valley Bird Alliance, and Peninsula Open Space Trust for a BioBlitz!

A BioBlitz is an event that focuses on finding and identifying as many species as possible in a specific area over a short period of time. At a BioBlitz, scientists, families, students, teachers, and other community members work together to get an overall count of the plants, animals, fungi, and other organisms that live in a place.

Join the BioBlitz at Hellyer Park where you and experts come together to explore, document, and catalog all of the living things that reside there.

Docents will guide you and teach you to use the iNaturalist app on your smartphone to record all the living things you encounter. Flowers, trees, butterflies, dragonflies, and beetles, birds, and squirrels. We love them all - now let's go find them!

The best part? All you need to participate is a smart phone with the iNaturalist app!

So bring your family and prepare for an in-depth tour of this great trail.

\*Community service hours available\*

*Hosted by Keep Coyote Creek Beautiful , Bioblitz Club, Santa Clara Valley Bird Alliance, and Peninsular Open Space Trust. Registrants will be added to the email contact lists of each organization to receive their monthly e-newsletter*

RSVP: <https://250209-bioblitz.eventbrite.com/?aff=vw>

Sincerely,  
Néstor De la O Vargas  
Event Assistant  
Keep Coyote Creek Beautiful  
408.660.3339

COMMUNITY  
SERVICE  
HOURS!!

# Hellyer Park

## BioBlitz

FEBRUARY 9TH  
9AM-1130AM

Become a Community Scientist



Join experts to explore nature  
& document what lives in this park!





# HELLYER PARK BIOBLITZ

FEBRUARY 9: 9AM-1130AM



# **OUTGOING BOARD CORRESPONDENCE**

**From:** [Candice Kwok-Smith](#) on behalf of [Board Correspondence](#)  
**To:** [Mark Bilski](#); [Jennifer Codianne](#); [Shanika Richards](#)  
**Cc:** [Board of Directors](#); [Max Overland](#)  
**Subject:** FW: Removal of homeless encampments on Penitencia Creek  
**Date:** Friday, January 3, 2025 11:16:46 AM

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Good morning,

C-24-0290 has been approved, sent and closed.

Thanks,  
Candice

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**From:** Candice Kwok-Smith **On Behalf Of** Board of Directors  
**Sent:** Friday, January 3, 2025 11:16 AM  
**To:** [REDACTED]  
**Subject:** Re: Removal of homeless encampments on Penitencia Creek

**Sent on Behalf of Vice Chair Santos:**

Dear Sharon Root,

Thank you for your follow-up inquiry. Valley Water's January 2 enhanced cleanup on Upper Penitencia Creek occurred first thing in the morning as soon as our cleanup crew mobilized the necessary equipment and materials. Per our usual practice, San Jose Police Department officers were present to ensure the safety of Valley Water staff during the cleanup. This was an independent Valley Water operation, but our team does worked closely with the City of San José's BeautifySJ staff so that each agency was aware of the other's cleanup and abatement operations and coordinated as needed.

Even if offers of available housing may no longer be required before removing encampments, camping and re-encampment activity will continue to pose a challenge for agencies like Valley Water as long as people have nowhere else to go. The only way to achieve a lasting reduction of encampments is through increased housing and shelter options countywide.

Thank you again for your message. You can also report concerns to Valley Water via our online system at <https://access.valleywater.org/s/>.

Stay safe and healthy,



Richard Santos  
Vice Chair, District 3

C-24-0290

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**From:** Sharon Root [REDACTED]  
**Sent:** Friday, December 27, 2024 1:18 PM  
**To:** Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>  
**Subject:** Re: Removal of homeless encampments on Penitencia Creek

\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\*

Thank you for your reply.

Could you tell me what time you will be at the N. Jackson encampment? They were given their 72 hour move notice about a month ago. Do you know if BeautifySJ or the police will also be helping you? There was a court judgement up North that cities no longer have to have available housing before you can remove an encampment. So you should be able to clear out the encampment and install a no encampment sign. The fence that they tore out to make an entrance also needs to be repaired to prevent them from coming back.

The number of tents just keeps growing and growing. They had beautiful Christmas lights strung in the trees that they somehow lit up for Christmas.

Sharon

On Fri, Dec 27, 2024 at 9:02 AM Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)> wrote:

**Sent on Behalf of Vice Chair Santos:**

Dear Sharon Root,

Thank you for reaching out to Valley Water and sharing your experiences regarding the encampments of unsheltered people near your home.

Our encampment cleanup crew is scheduled to visit Upper Penitencia Creek between Capitol Ave. and Jackson Ave. on January 2 to perform an enhanced cleanup and to remove several encampments that pose high environmental and safety risks. Please understand that our efforts in this area are a work in progress and will require repeated visits, continual education, and, ultimately, increased housing and shelter options for the unsheltered people residing here. Valley Water is not a housing or social services agency, but we are committed to using the power we have as an environmental stewardship agency to protect our waterways in collaboration with cities and the County as they fulfill their housing, social service, and public safety roles.

Regarding encampment activity underneath Piedmont Road at Penitencia Creek, Valley Water does not own or manage this land. However, our staff have inspected this area and have provided information to City of San Jose's BeautifySJ team. You may also contact BeautifySJ via this website: <https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/beautifysj/encampment-management-program>

As an additional tool to address the negative impacts associated with encampment activity, Valley Water will begin progressive implementation of the recently adopted Water Resources Protection Zones Ordinance in January 2025. While the ordinance prohibits unsanctioned camping on all Valley Water property, due to the current lack of housing and shelter options in our county, Valley Water will first focus on first removing high priority encampments that pose the most serious environmental and safety concerns. Ordinance enforcement will continue progressively as more housing and shelter alternatives become available. Valley Water knows that we will only be successful in reducing encampments on our lands if lasting solutions to homelessness continue to come online. We are committed to helping address the regional shelter and housing crisis by collaborating with local agencies to provide land for temporary and permanent housing options as our authority and resources allow. Valley Water will continue working with our partners to implement sustainable solutions to address unsheltered homelessness in Santa Clara County.

Thanks again for your message. You may contact Assistant Operating Officer Mark Bilski at [mbilski@valleywater.org](mailto:mbilski@valleywater.org) with any follow-up information. You can also report encampment-related concerns to Valley Water via our online system at <https://access.valleywater.org/s/>.

Stay safe and healthy,



Richard Santos  
Vice Chair, District 3

C-24-0282

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**From:** Sharon Root [REDACTED]  
**Sent:** Wednesday, December 4, 2024 8:17 PM  
**To:** Rebecca Eisenberg <[Reisenberg@valleywater.org](mailto:Reisenberg@valleywater.org)>  
**Cc:** Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>  
**Subject:** Removal of homeless encampments on Penitencia Creek

\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\*

Rebecca,

I have been quite surprised that you do not reply to any emails sent to you. And I was extremely disappointed to see that you voted against the extremely watered down version of the ordinance. Your reasoning that there are already enough rules, and another one is not needed is baseless .... and in the past year every response I have received from the water company is that "until we have some new laws or ordinances we cannot remove the homeless from the creek banks". And on the Water Co website it states that the duty of the "The purpose of the Board, on behalf of Santa Clara County, is to provide Silicon Valley safe, clean water for a healthy life, environment and economy." When are YOU going to start doing this?

The crazy homeless people under the Piedmont bridge that crosses Penitencia Creek have returned again, and their stolen shopping carts are once again parked on top at the corner.

And last week one of them, or another homeless person living further up the creek showed up nude, hiding among the trees at my son's home on Poppy Lane. When approached he was hardly able to talk or answer questions, and seemed to be out of it due to drugs. He was given some clothes and food and he finally left.

The encampment on N Jackson is still getting larger and going strong.

We also have a video of a homeless lady that is often seen riding her bike into the Denny's parking lot near Berryessa and Capitol Ave to an encampment, but this time she has a top on, but is nude from the waist down. A lovely sight for young children!

With the new water guidelines, although watered down, can something now be done.... not just on the Guadalupe, but on Penitencia Creek as well. The last time the homeless on N Jackson were given notice to move nothing happened except the area around them was cleaned up to make it nicer for them. And the clean up was done with a very expensive police protection price tag. Now, can you give them a notice to move .... and mean it? Then go in and move them, get them help, or something. The police are willing to protect you.

The city has been able to do it before. On the other side of the N Jackson bridge an encampment was removed, 12 dumpsters of trash was collected, and it has stayed clean for over about a year.

Thanks,  
Sharon Root

**From:** [Candice Kwok-Smith](#) on behalf of [Board Correspondence](#)  
**To:** [Emelia Lamas](#); [Queen Douglas](#); [Sam Bogale](#); [Aaron Baker](#)  
**Cc:** [Board of Directors](#); [Max Overland](#)  
**Subject:** FW: Fluoride Ruling- What is your action plan?  
**Date:** Monday, January 6, 2025 10:21:30 AM  
**Attachments:** [image001.png](#)

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Good morning everyone,

C-24-0291 has been approved, sent and closed.

Thanks,  
Candice

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**From:** Candice Kwok-Smith **On Behalf Of** Board of Directors  
**Sent:** Monday, January 6, 2025 10:20 AM  
**To:** [REDACTED]  
**Subject:** Re: Fluoride Ruling- What is your action plan?

***Sent on Behalf of Chair Hsueh:***

Dear Dorota Niewczas,

Thank you for your email dated December 25, 2024, inquiring about Valley Water's plans regarding drinking water fluoridation following the recent ruling by a federal district court in California ordering the U.S. Environmental Protection Agency (EPA) to take regulatory action to address concerns related to drinking water fluoridation. Although the ruling does not conclude that fluoridated water is injurious to public health, the court determined that there is sufficient scientific research to merit the EPA evaluating whether regulatory action is needed to address any potential risks.

As a public water agency, Valley Water's core mission is to provide Silicon Valley safe, clean water for a healthy life, environment, and economy. To this end, Valley Water ensures that the drinking water delivered to the community meets or exceeds all current federal and state drinking water standards and is safe for human consumption. Since 2016, Valley Water supplements the naturally occurring level of fluoride to the optimal fluoride level of up to 0.7 parts per million in the drinking water supplied to the eastern part of Santa Clara County. The addition of fluoride to prevent tooth decay is in accordance with recommendations by the California State Water Resources Control Board's Division of Drinking Water (DDW) and the U.S. Department of Health and Human Services.

While Valley Water is aware of the recent court decision related to drinking water fluoridation, Valley Water relies on the expertise and recommendations of state and federal regulatory agencies and public health professionals to inform water treatment practices. To that effect, Valley Water is actively collaborating

with industry associations and other water utilities to get further clarification from our regulatory agencies regarding potential changes to fluoridation practices. Valley Water remains committed to continuing to abide by the most current regulatory requirements and to adjust its practices based on guidance provided by relevant regulatory agencies.

For additional information, we invite you to visit our Fluoridation webpage (<https://www.valleywater.org/your-water/water-quality/how-we-clean-your-water/fluoridation>).

Again, thank you for reaching out to us. If you have any other concerns, please feel free to contact Sam Bogale, Treated Water Division Deputy Operating Officer, at 408-630-3505 or [sbogale@valleywater.org](mailto:sbogale@valleywater.org).

Sincerely,



Nai Hsueh  
Chair, District 5

C-24-0291

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**From:** Dorota Niewczas [REDACTED]  
**Sent:** Wednesday, December 25, 2024 9:23 PM  
**To:** Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>  
**Subject:** Fluoride Ruling- What is your action plan?

**\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\***

Hello,

I am writing to inform you that a federal judge in California has ruled that the addition of fluoride to the drinking water is unsafe.

Here is some information:

<https://www.cbsnews.com/news/epa-fluoride-drinking-water-federal-court-ruling/>

Many counties are moving to remove fluoride from the water supply following this ruling. What is your action plan to remove fluoride from the drinking water to uphold public safety?

Best,

Dorota Niewczas  
Safety Research Associate who lives in San Jose