



Solano Local Agency Formation Commission

3700 Hilborn Rd. Ste. 600 • Fairfield, California 94534
 (707) 439-3897 • FAX: (707) 438-1788

Staff Report

DATE: April 8, 2013
 TO: Local Agency Formation Commission
 FROM: Elliot Mulberg, Interim Executive Officer
 SUBJECT: **LAFCO Project No. 2013-01. City of Fairfield Out of Area Contract for Provision of Municipal Water Service to 2948 Rockville Road (Guru Nanak Sikh Temple)**

RECOMMENDATION: The Commission receive and file this report.

BACKGROUND:

At the February meeting the Commission authorized the executive officer to review the out of area service request and asked that I provide the Commission a description of the method used to assess the application.

DISCUSSION:

The process began by first reviewing Government Code Section 56133. The section allows LAFCO to review and approve, approve with conditions or deny out of area service requests. The section of the code goes on to say such approval is predicated on the following;

- 1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or affected residents and
- 2) The Commission has notified any alternate service provider.

Table 1 provides the basic information on the project.

Table 1: Project Information

Applicant: City of Fairfield / Guru Nanak Sikh Temple
 Project: Request to authorize contract between City of Fairfield and Sikh Temple for municipal water to subject property.
 Location: 2948 Rockville Road, Fairfield CA (unincorporated)
 Parcel Size: 7.78 acres
 Zoning: A-SV20
 Land Use: Code 1012 Rural Single Family ≥ 1 acre

Based on the code section the following questions would need to be answered.

- 1) Is there a verified threat to health and safety?
- 2) Does the agency have the capacity?
- 3) Is there a will serve letter?
- 4) Are there alternate service providers?
- 5) Have they been notified?
- 6) Does the alternate service provider have the ability to provide service?
- 7) Who is in the best position to provide service?
- 8) Has appropriate CEQA analysis been performed?

Is there a verified threat to health and safety?

On February 6, 2012 the property owners contacted the City of Fairfield requesting an out of area service agreement. They advised the City that their well water is not suitable for drinking, which led their congregation to rely on bottled water. Additionally the property owner informed the City that they have attempted to find alternatives to contracting with the city including installing filters to purify the water and boring a new well, but there were no improvements to water quality.

On August 9, 2012, the Solano County Environmental Health Department conducted an inspection of the water distribution system. The inspection found total coliform bacteria in the water sample in excess of bacteriological standards for drinking water. The Solano County Public Health Officer reviewed the letter by the Environmental Health Manager and concurred with his findings. That letter is attached.

The answer to the question is yes there is a verified threat to health and safety.

Does the agency have the capacity?

The 2008 Municipal Service Review for the City of Fairfield included a table showing projected water supplies and water usage in 2015. The estimated demand is 36,300 acre feet, while estimated supply is 44,900 acre feet, leaving a net additional capacity of 8,600 acre feet. Anticipated demand at the subject property is 50,000 gallons per month or 600,000 gallons per year. That converts to 1.84 acre-feet annually. It appears the City has sufficient capacity.

Is there a will serve letter?

Yes. LAFCO received a will serve letter dated February 25, 2013 which is attached.

Are there alternate service providers?

The only potential alternate service provider is Solano Irrigation District. The City and the District have an agreement to consult each other on requests to serve the Suisun Valley agricultural lands. The

agreement extends through 2100 however Section V, which prohibited Fairfield or SID from serving potable water to that parcel, expired on December 31, 2010. To avoid any potential future controversy SID has been consulted on the request.

Have they been notified?

Solano Irrigation District was sent a letter by email and regular mail of the out of area service request. An email was received confirming the receipt of the letter. Therefore the analysis meets the requirements of the code section.

Does the alternate service provider have the ability to provide service?

SID has responded that they do not have any means to abate the threat to public health for the subject property.

Who is in the best position to provide service?

The City of Fairfield is in the best position to provide service since they are a purveyor of potable water and connection to their system requires only 1,600 feet of piping.

Has appropriate CEQA analysis been performed?

On January 29, 2013, the City of Fairfield acting as Lead Agency according to the California Environmental Quality Act (CEQA), filed a Mitigated Negative Declaration. The City made the following determinations:

- The project will not have a significant effect on the environment,
- Mitigation measures were made a condition of approval of the project

The location of the proposed water connection is outside the city limits, sphere of influence, and voter approved urban limit line. The property is also not contiguous to the city's boundary and there are no plans for annexation.

The City of Fairfield has agreed to provide municipal water service to the parcel, at the landowner's expense upon the Commission's authorization. The estimated cost to provide this service is \$93,000 and includes permits and construction. The service will require 1/2" water service/meter with a 3" diameter extension with a total distance of approximately 1,600 linear feet.

CONCLUSION:

LAFCO should provide the City of Fairfield authorization to engage in an out-of-service area contract for the provision of municipal water services to parcel 2948 Rockville Road (APN: 0150-260-040) located outside of the Fairfield City Limits and the City's sphere of influence, pursuant to Government Code Section 56133.

SOLANO
PUBLIC
HEALTH



Bela T. Matyas, MD, MPH
Public Health Officer/Deputy Director

August 24, 2012

Paul Randhawa
Guru Nanak Sikh Temple
PO Box 26
Fairfield, CA 94533

RE: Review of public health risks associated with the use of the water well at 2948 Rockville Road, Fairfield, CA – APN 0150-260-040

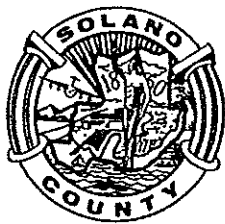
Dear Mr. Randhawa,

On August 8, 2012 you contacted Solano County Public Health to obtain a declaration regarding the well at the above referenced location. Please be aware that Public Health has a Memorandum of Understanding with the Department of Resource Management, Environmental Health Services Division to perform reviews pertaining to on-site water systems. Terry Schmidtbauer, Environmental Health Manager, has provided a letter dated August 24, 2012 regarding investigation findings of the well and water system serving this location. I have reviewed the letter authored by Mr. Schmidtbauer and concur with his findings.

Sincerely,

Bela T Matyas, MD, MPH
Public Health Officer





SOLANO COUNTY
Department of Resource Management
 Environmental Health Division
 675 Texas Street, Suite 5500
 Fairfield, CA 94533
www.solanocounty.com

Telephone No: (707) 784-6765
 Fax: (707) 784-4805

Bill Emlen, Director
 Clifford K. Covey, Assistant Director

August 24, 2012

Guru Nanak Sikh Temple
 Attn: Paul Randhawa
 PO Box 26
 Fairfield, CA 94533

Re: Review of Public Health Risks Associated with the Use of the Water Well at 2948 Rockville Road, Fairfield, CA – APN 0150-260-040

Mr. Randhawa,

The Solano County Department of Resource Management (DRM) performed an evaluation on August 9, 2012 of the water distribution system for the Guru Nanak Sikh Temple at the above referenced location. This water system is comprised of an on-site well and associated water distribution piping. The evaluation was performed after receipt of requests by DRM and Solano County Health and Social Services Department from you to support connection to the City of Fairfield's public drinking water supply due to continued bacteriological contamination of the on-site water distribution system. The purpose of DRM's evaluation was to determine the public health risks associated with the water distribution system and if an alternate safe and reliable water supply is warranted. Below is an overview of this department's review and findings:

Review:

The water well serving the system was constructed and inspected by this office with final inspection made on December 1, 1999 under DRM permit W-99-36. Based on public information in our files and evaluation by staff the well is 340' deep with a 3½" thick, 53' deep annular seal of bentonite clay.

Total coliform bacteria were detected in a water sample collected by representatives of the Guru Nanak Sikh Temple and analyzed on July 26, 2012 by National Testing Laboratories, Ltd for

Building & Safety
 David Cliche
 Building Official

Planning Services
 Mike Yankovich
 Program Manager

Environmental
 Health
 Terry Schmidtbaucr
 Program Manager

Administrative
 Services
 Suganthi Krishnan
 Sr. Staff Analyst

Public Works-
 Engineering
 Matt Tuggle
 Engineering Manager

Public Works-
 Operations
 Wayne Spencer
 Operations Manager

drinking water standards. Water with a presence of total coliform bacteria does not meet acceptable bacteriological standards for drinking water.

DRM staff collected a water sample from the water system on August 9, 2012. The presence of total coliform bacteria was also found in this water sample, confirming that water from the site's water distribution system does not meet bacteriological standards for drinking water.

During the August 9, 2012 evaluation by DRM, it was observed that the water distribution system's piping connected to the water well was dilapidated. The condition of the water system piping may be contributing to problems with total coliform bacteria found in the water system. The finding of total coliform bacteria in multiple water samples collected from the distribution system shows that the well and/or piping is subject to contamination.

DRM also reviewed available documents regarding water systems on surrounding parcels. An adjacent parcel to the west has a public water system permit to operate a transient, non-community water system from the State of California, Department of Public Health, Division of Drinking Water and Environmental Health Services Division. This water system also utilizes an on-site well and there has been a history for the presence of total coliform bacteria in the water wells serving this public water system. Currently this public water system is required by the state to maintain a disinfection system on their drinking water well as a permit condition to operate. As a condition of the permit, the operator must maintain the water system in good operating condition and routinely report bacteriological water quality to the state. Conversely, the water system serving the Guru Nanak Sikh Temple is not deemed by the state to be a public water system and no permit, maintenance, or reporting to the state is required and no monitoring to ensure acceptable water quality is present is being provided by the state.

Findings:

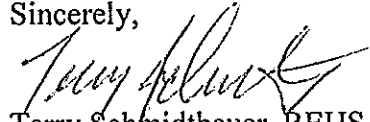
The water supplied by the on-site water distribution system at the Guru Nanak Sikh Temple (2948 Rockville Road, Fairfield) currently does not meet minimum acceptable bacteriological standards for drinking as there is a presence of total coliform bacteria in the water, requiring action to be taken to provide consistently safe, reliable water for drinking. Potable water obtained from a municipal source is always the preferred option to ensure a safe drinking water supply is provided since public water systems are regulated by the State of California, Department of Public Health, Division of Drinking Water and Environmental Management, to ensure proper drinking water quality and quantity. It is our understanding that you are requesting the City of Fairfield to provide municipal water service to the property. The Environmental Health Services Division within DRM does not object to the City of Fairfield providing municipal drinking water connection to the Guru Nanak Sikh Temple (2948 Rockville Road, Fairfield, APN 0150-260-040), subject to Local Agency Formation Commission (LAFCO) approval, in order to protect public health.

Additional options you may wish to consider include replacing or repairing the existing water system's distribution piping and/or installing a disinfection / treatment device which is properly maintained with routine sampling of the drinking water quality to ensure proper function and to verify water quality standards are met. Drilling a new water well may also be an option. If you

wish to pursue this option, we recommend that you consult with a well driller and/or geological firm regarding the quantity and quality of water at a greater depth in vicinity of your property. A permit is required from DRM if you decide to drill a new well.

We appreciate the time that you took to meet with our staff at your facility on August 9, 2012 and to discuss information regarding the water system. If you have any questions or need further assistance, please contact Jeffrey Bell at (707) 784-3302.

Sincerely,



Terry Schmidtbauer, REHS
Environmental Health Manager

Cc: Dr. Matyas, Solano County Health Officer
Shaun Pritchard, Executive Officer - LAFCO

**Solano Local Agency Formation Commission**

3700 Hilborn Rd. Ste. 600 • Fairfield, California 94534
(707) 439-3897 • FAX: (707) 438-1788

February 22, 2013

Mr. Cary Keaten
Solano Irrigation District
810 Vaca Valley Parkway Suite 201
Vacaville, CA 95688

Subject: Out of Area Service Request to provide potable water to Guru Nanak Sikh Temple 2948 Rockville Rd, Fairfield CA

Dear Mr. Keaten:

On January 30 Solano LAFCO received an application from the City of Fairfield requesting approval to provide potable water at the above address. As you may be aware the property owners have received notification from the Solano County Division of Environmental Health that the well on that property was contaminated posing a threat to the health and safety of the public using that facility. As the preferred solution is hooking up to a municipal water system the property owner has requested to be hooked up to the City of Fairfield's municipal water system.

Government Code Section 56133 allows LAFCO to review and approve, approve with conditions or deny out of area service requests. The section of the code goes on to say such approval is predicated on the following;

- 1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or affected residents and
- 2) The Commission has notified any alternate service provider.

LAFCo has received documentation of the health threat from the Solano County Division of Environmental Health. We understand that SID can be considered a potential service provider. This letter serves as notice under item 2 as required by section 56133.

While it is not required to get approval of the alternate service provider we understand that SID and the City of Fairfield have a long standing agreement to consult each other on proposals to serve Suisun Valley agricultural lands. Therefore, we are inquiring as to whether SID is agreeable to the application by the City of Fairfield to provide service.

Since this action is related to a threat to public health we would appreciate a prompt response. If board action is required we request that you place this item on the March 2013 agenda. Should you have any questions feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Elliot Mulberg".

Elliot Mulberg
Interim Executive Officer

Cc: Paul Fuchslin



CITY OF FAIRFIELD

Founded 1856

Incorporated December 12, 1903

COUNCIL

Mayor
Harry T. Price
707.428.7395

Vice-Mayor
Rick Vaccaro
707.429.6298

Councilmembers
707.429.6298

Pam Bertani

Catherine Moy

John Mraz

• • •

City Manager
Sean P. Quinn
707.428.7400

• • •

City Attorney
Gregory W. Stepanicich
707.428.7419

• • •

City Clerk
Jeanelle Bellinder
707.428.7384

• • •

City Treasurer
Oscar G. Reyes, Jr.
707.428.7496

DEPARTMENTS

Administrative Services
707.428.7394

• • •

Community Development
707.428.7461

• • •

Community Resources
707.428.7465

• • •

Fire
707.428.7375

• • •

Police
707.428.7362

• • •

Public Works
707.428.7485

PUBLIC WORKS DEPARTMENT

February 25, 2013

Mr. Paul Randhawa
Guru Nanak Sikh Temple Guduwara
2948 Rockville Road
Fairfield, CA 94534

Subject: Water Service Request

Dear Mr. Randhawa,

This letter is to confirm that the City of Fairfield will provide water service to the Sikh Temple location on Rockville Road, subject to approval of an Outside Water Service Agreement by the City Council.

If you have any questions, please feel free to contact Felix Riesenbergs at (707) 428-7481.

Sincerely,

GEORGE R. HICKS
Public Works Director

cc: Erin Beavers, Community Development Director
Steve Hartwig, Assistant Public Works Director/City Engineer
Felix Riesenbergs, Assistant Public Works Director/Utilities
Elliot Mulberg, Interim Executive Officer Solano LAFCO

Subject: RE: Out of area service agreement for Sikh Temple property
From: Paul Fuchslin (PFuchslin@sidwater.org)
To: emulberg@solanolafco.com; CKeaten@Sidwater.Org;
Cc: PFuchslin@sidwater.org;
Date: Tuesday, February 26, 2013 1:11 PM

Elliot:

We reviewed the request and reviewed our ability to serve, including any conflicts within an agreement between Fairfield and the Solano Irrigation District.

While the subject parcel is located within the District boundary, we have no ability, nor any plans to establish an ability, to serve potable water to said parcel. Further, section V of said agreement, which prohibited Fairfield or District from serving potable water to the subject parcel expired on December 31, 2010.

Based on the threat to the public health as noted in your letter and the notice above regarding the District's ability to serve, the District does not have any means to abate the threat to public health for the subject property.

Best regards,

-Paul

Paul Fuchslin, P.E.

Director of Engineering

Solano Irrigation District

707-448-6847 x4020

From: Elliot Mulberg [mailto:emulberg@solanolafco.com]
Sent: Friday, February 22, 2013 3:13 PM



Solano Local Agency Formation Commission

3700 Hilborn Rd. Ste. 600 • Fairfield, California 94534
(707) 439-3897 • FAX: (707) 438-1788

March 1, 2013

Mr. Dave Feinstein
City of Fairfield
1000 Webster St.
Fairfield, CA 94533

Subject: Out of Area Service Request to provide potable water to Guru Nanak Sikh Temple 2948 Rockville Rd, Fairfield CA

Dear Mr. Feinstein:

On January 30 Solano LAFCO received an application from the City of Fairfield requesting approval to provide potable water at the above address. As you may be aware the property owners have received notification from the Solano County Division of Environmental Health that the well on that property was contaminated posing a threat to the health and safety of the public using that facility. As the preferred solution is hooking up to a municipal water system, the property owner has requested to be hooked up to the City of Fairfield's system.

Government Code Section 56133 allows LAFCO to review and approve, approve with conditions or deny out of area service requests. The section of the code goes on to say such approval is predicated on the following;

- 1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or affected residents and
- 2) The Commission has notified any alternate service provider.

LAFCO has received documentation of the health threat from the Solano County Division of Environmental Health. The Solano Irrigation District (SID) as a potential alternate service provider has been notified of the application on February 22, 2013. In addition SID has indicated they have no ability nor any plans to establish an ability to provide service.

At the February 11 meeting, given that the proposed out of area service request was to remedy a threat to health and safety, the commission delegated authority to approve the request to the executive officer. Under that authority I am hereby authorizing extending services with the condition that LAFCO receive a signed agreement within 90 days of the date of this letter.

Should you have any questions feel free to contact me.

Sincerely,

Elliot Mulberg
Interim Executive Officer

Cc: George R. Hicks, Public Works Director
Erin Beavers, Community Development Director

