

## **Editorial: Las Gallinas sanitary district board needs to pick a new member**

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NINE PEOPLE have applied for a vacant seat on the Las Gallinas Valley Sanitary District board.

That was good news. We were encouraged that so many residents are interested in serving on what is not generally considered a high-profile board.

The bad news is that the four sitting board members could not decide who to pick and voted on Wednesday to ask the Marin County Board of Supervisors to make the decision instead.

Talk about passing the buck.

This is their district. Voters elected them to lead and to represent them.

Punting this important responsibility to the Board of Supervisors does neither.

The four sanitary district board members know more about the applicants and what the job entails than county supervisors.

Asking supervisors to familiarize themselves with nine applicants is not the best use of their time — time they should be spending on the long list of pressing issues facing Marin County.

Having supervisors make the decision also undermines the democratic process. Sanitary district residents do not vote for four of the five supervisors, which means four supervisors elected by voters outside the district will be deciding who represents Las Gallinas ratepayers. Or those four supervisors could defer to Susan Adams, whose district includes the Las Gallinas Valley. That also would be the wrong way to fill the board seat.

Outsourcing this vital task to the supervisors also means a decision on who will fill the open seat will be further delayed. The term for the open seat created when Larry Loder resigned ends in November.

It also means supervisors will be selecting someone who essentially will be an incumbent when voters select board members in November 2013.

Serving on the Las Gallinas Valley Sanitary District board is an important job, one that involves crucial public health issues.

The district provides wastewater collection, treatment and recycling for more than 30,000 people in the Las Gallinas Valley between Novato and San Rafael. Directors oversee sewage treatment and recycling facilities on 400 acres on San Pablo Bay.

In 2011, the Novato Sanitary District board struggled mightily to select a new member to fill a vacant seat. The four members failed repeatedly over several meetings to agree on a replacement. They were on the verge of asking supervisors to settle the dispute.

Finally, after two months, Novato Sanitary District board members broke their stalemate and did their job — and selected a fifth member. It wasn't pretty but they made a good choice.

Las Gallinas Valley District board members have nine applicants to choose from. They face a difficult decision, but they gave up too quickly.

District ratepayers deserve better. Their board members need to do what they were elected to do.

## **Environmental Protection Agency threatens Ross Valley Sanitary District with civil penalty**

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Already under pressure from state environmental regulators, the Ross Valley Sanitary District has been notified by the U.S. Environmental Protection Agency that the agency plans to seek an unspecified "civil penalty" from the district for improperly disposing of material coated with a toxic substance.

According to a letter the district received from the agency last week, Ross Valley violated federal law by utilizing concrete coated with paint containing polychlorinated biphenyls as backfill at the site of its former wastewater treatment plant at 2000 Larkspur Landing Circle in Larkspur.

The letter states, "Before filing the complaint, however, we are extending to you the opportunity to advise the agency of any factors you believe the agency should consider before issuing the civil complaint."

The Ross Valley Sanitary District board discussed the letter in closed-door session after its board meeting Wednesday night. During the public portion of the meeting, the board voted to explore the development of a 10-year plan to fix its aging pipes and to cover its estimated \$147 million price tag.

Wendy Martin-Miller, the district's acting general manager, said there is reason to believe the EPA has misfired in this instance. Martin-Miller said she has located a letter that the district's former general manager, Brett Richards, submitted to the agency in August 2010 requesting permission to delay any further cleanup of the site until occupancy plans change for the property.

"The letter we received last week appeared as if we hadn't addressed this with them at all," Martin-Miller said.

She said the district dropped efforts to clean up the site after Campus St. James Larkspur LLC pulled out of an agreement to pay the district \$12 million for the rights to develop the property. Campus sued the district, asserting that it contaminated the land with polychlorinated biphenyls while conducting demolition and grading operations, and the district eventually agreed to pay Campus \$4.75 million to settle the lawsuit.

Martin-Miller said the PCBs found at the site were an additive to the paint that was used on buildings at the old treatment plant. When the buildings were demolished and the concrete was ground up and used as fill, those PCBs went into the ground.

But Martin-Miller said, "They're not like the PCBs that Pacific Gas and Electric Co. had problems with. These are solids and called non-bioavailable, meaning they don't leach into the water."

Martin-Miller said the EPA does not require removal of these types of PCBs if they are far enough away from areas commonly frequented by people or if they are present at very low concentrations. Martin-Miller said the district has taken several hundred soil samples at the site and found high concentrations at only a handful of locations.

The EPA's threatening letter is just the latest challenge facing the district.

Last month, state officials notified the district that it is violating state law by allowing sewage to overflow into local waterways and failing to allocate adequate resources for repair of its failing pipes. The San Francisco Bay Regional Water Quality Control Board has told the district it must submit a plan by Jan. 25 for bringing the district into compliance.

Matthew Buffleben, supervisor of the Water Quality Control Board's investigative unit, attended the Ross Valley Sanitary District board meeting Wednesday night. He said the board expects the district to come up with a short-term plan for fixing 45 pipe locations, which are most likely to fail first; a longer-term plan for repairing another 800 locations; and a strategy for producing the needed revenue for keeping all 200 miles of the district's pipes in working order.

On Wednesday afternoon, the district's board held a workshop to review its options for capital improvements. They included a 10-year, a 15-year and a 20-year plan. Later, during its evening meeting, the board voted 3-2 — with board member Pamela Meigs abstaining and board member Frank Egger dissenting — to look further into ways of financing a 10-year plan. This plan calls for fixing 167 miles of pipe at a cost of \$147 million.

"I just don't feel comfortable voting for it tonight," Egger said. Both Egger and Meigs expressed concern regarding the effect that higher rates would have on low income ratepayers.

But in its letter, the Water Quality Control Board cautioned the district it could face fines of up to \$10 per gallon of spilled sewage "and/or \$1,000 to \$10,000 per day per violation." In April 2012, the district agreed to pay the state board more than \$1.5 million as part of a settlement agreement to atone for releasing more than 3 million gallons of sewage, most of it in two large spills in December 2010.

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## Las Gallinas board can't decide; asks county to fill vacancy

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The Las Gallinas Valley Sanitary District voted Wednesday to ask the Marin County Board of Supervisors to appoint someone to fill a vacancy on its board created by the resignation of Larry Loder.

Las Gallinas Valley Sanitary District General Manager Mark Williams said district members struggled to choose from the nine applicants.

"They had a difficult time selecting who they wanted," Williams said.

The term for the open seat ends November 2013.

Engineering management consultant William Teiser, business developer Philip Boland, marketing consultant and small business owner Robert Dobrin, retired public works director Rabi Elias, self-employed consultant Marnie Glickman, Marin County Director of Human Resources Joanne Peterson, self-employed real estate and financial investor James Shaw, the district's former manager Peter Vine and construction consultant Craig Yates have submitted applications.

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## **Southern Marin sewer merger election set**

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A proposal to merge four Southern Marin sewer districts will go before voters in a mail-in ballot on May 7.

The county Board of Supervisors on Tuesday approved a mail-in ballot to determine whether the Alto, Almonte, Homestead Valley and Richardson Bay sanitary districts should merge, noting the four small districts will share the election cost of up to \$60,000.

The election was triggered after more than 1,900 residents signed petitions opposing the merger in November.

The Marin Local Agency Formation Commission could have forced a merger to occur without a vote, but commissioners voted 4-3 in September to let residents weigh in through a signature-gathering and election process.

## Supes toss vacancy appointment back to Las Gallinas Valley sewer board

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It's up to the Las Gallinas Valley Sanitary District to attempt to fill its vacant seat again, after the Marin County Board of Supervisors declined to do it for them Tuesday.

Earlier this month, sanitary district directors, split 2-2 over who to appointment to fill the vacancy, asked the supervisors to name someone to the post, left vacant by the resignation of longtime director Larry Loder.

District director Megan Clark said the Las Gallinas board tried, but was unable to reach an agreement.

"There were nine applicants and we worked to get that down to five and then from that we voted again and there were two top contenders," Clark said.

The term for the open seat ends in November.

Supervisor Susan Adams said the board opted Tuesday to stay out of the district's appointment process.

"I don't believe the Board of Supervisors is the best body to make the decision," Adams said. "Let the voters decide," she added, despite the cost. "I suggest they try one more time to make a decision."

Adams noted the service of Loder, former county assistant public works chief, will be "greatly missed."

If the sanitary board is unable to make a decision, a mail-in ballot allowing voters to decide would cost approximately \$80,000 to \$100,000, according to Registrar of Voters Elaine Ginnold. An election involving polling places would cost about \$140,000.

Clark said she respects the supervisors' decision and hopes the sanitary district can come to an agreement.

"We hope to save the (public) election costs," Clark said.

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