



Community Hospital of the Monterey Peninsula®
Innovative healthcare with a human touch

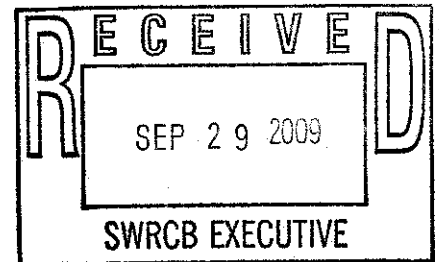
September 29, 2009

VIA PRIORITY OVERNIGHT MAIL

VIA ELECTRONIC MAIL TO:

commentletters@waterboards.ca.gov

State Water Resources Control Board
c/o Jeanine Townsend
Clerk to the Board
1001 I Street
Sacramento, CA 95814



Re: Comment Letter: Cal Am CDO Hearing Workshop

Dear Chair Hoppin and Members of the Board:

I am writing on behalf of Community Hospital of the Monterey Peninsula ("CHOMP") to comment further on the proposed Cease and Desist Order ("Draft Order") regarding diversions from the Carmel River by California American Water Company ("Cal-Am"). CHOMP previously commented by its letter dated August 25, 2009. In that letter CHOMP requested that the State Water Resources Control Board ("SWRCB") include language in the Cease and Desist Order ("Order") to ensure the Order does not interfere with CHOMP's ability to complete development of important medical facilities at CHOMP's Ryan Ranch Outpatient Campus consistent with entitlements approved and issued by the City of Monterey in November of 2002.

As outlined in CHOMP's August 25, 2009 letter, the approved medical office buildings at Ryan Ranch are a critical component of CHOMP's integrated plan for meeting the changing medical and health care needs of an aging population on the Monterey Peninsula. Timely completion of these facilities is essential to CHOMP's fiscal health, to CHOMP's mission of ensuring the availability of the highest level of health care services to the community, and thus to the protection of the public health and safety.

The SWRCB's September 16, 2009 revised Order ("Revised Order") contains no exemptions that would allow for new connections or increased water use at existing connections for new or expanded medical facilities, police and fire stations, or similar critical public health and safety uses. Section 3.b of the Revised Order would allow very limited relief from the annual reductions required by section 3.a(2) if necessary to protect public health and safety. However, the Revised Order does not allow for any relief from section 2's prohibition of new connections or increased use at existing connections for important public health and safety purposes. Given the likely prolonged duration of the Order, its lack of any

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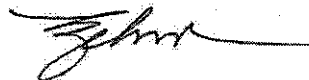
exception that could make water available for important public health and safety uses is shortsighted and a direct threat to the public health and safety of the residents of the Monterey Peninsula.

Once again, CHOMP appreciates the importance of protecting the Carmel River's environmental resources. However, common sense and basic regard for human needs compels the SWRCB to balance environmental concerns with the public health and safety needs of people of the Monterey Peninsula. If CHOMP and other public and private stewards of the public health and safety are to fulfill their respective obligations, the SWRCB must include some flexibility in the Order to allow new and expanded public health and safety uses. CHOMP respectfully requests that the SWRCB include language in the Order similar to the following:

The provisions of this order shall not prevent the use of Carmel River water for new and expanded uses that are important to the public health, safety, and welfare. Such uses shall be limited to new and expanded medical and health care uses and facilities, police and fire facilities, senior and disabled citizen housing, and similar priority projects. Under this exemption, up to 10 AF of water shall be made available for completion of Community Hospital of the Monterey Peninsula's Ryan Ranch Outpatient Campus approved by the City of Monterey in 2002.

We appreciate the SWRCB's consideration of CHOMP's concerns with respect to these very important issues.

Very truly yours,



Laura Zehm,
Vice President And Chief Financial Officer

cc: Governor Arnold Schwarzenegger
Senator Dianne Feinstein
Senator Barbara Boxer
Congressman Sam Farr
Senator Abel Maldonado
Assemblyman Bill Monning
Linda S. Adams, Secretary for Environmental Protection
Mike Chrisman, Secretary for Natural Resources
Supervisor Dave Potter
Mayor Chuck Della Sala, City of Monterey
Darby Fuerst, MPWMD
Dan Limesand, CHOMP
David C. Sweigert, Fenton & Keller