



May 11, 2016

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
E-mail: commentletters@waterboards.ca.gov

VIA E-MAIL

Re: Comment Letter – April 22, 2016 Draft of General Order for Recycled Water Use

Dear Board Members of the State Water Resources Control Board:

On behalf of the Wishtoyo Foundation (“Wishtoyo”) and its Water Initiative, we object to the State Water Resources Control Board’s (“SWRCB’s” or “State Board’s”) adoption of State Water Resources Control Order WQ 2016-00XX-DDW Draft Water Reclamation Requirements for Recycled Water Use dated 4/22/2016 (“General Order for Recycled Water Use” or “General Order”) for the same reasons as stated in our February 22, 2016 comment letter¹, and hereby incorporate the content and positions in that letter by reference.

As an initial matter, in the Revised Notice of Public Hearing and Notice of Opportunity For Public Comment for the Proposed General Order For Recycled Water Use dated May 2, 2016, the State Board seeks to limit parties’ written comments to “revised Finding 34.” The State Board provides no basis for such limitation. In fact, the State Board has made substantive changes to the January 21, 2016 draft of the General Order outside of Finding 34, which may have been made in response to Wishtoyo’s February 22, 2016 comment letter. Thus, this comment letter properly addresses our concerns about all changes in the April 22, 2016 revised draft of the General Order.

The General Order fails to comply with the California Constitution and Water Code

The State Board has revised the General Order by adding subpart “i.” to Section B.1., which simply states that recycled water distribution and use permitted under the General Order be in compliance with “*i. Policy for Water Quality Control for Recycled Water (Recycled Water Policy).*” The State Board has also revised Section B.3. such that Implementation or Operations and Management Plans under the General Order should now

¹ The Wishtoyo comment letter submitted to the State Water Board on February 22, 2016, was mistakenly dated February 22, 2015, and is referred to in this letter as Wishtoyo’s February 22, 2016 comment letter.

specify “a set of *reasonably practicable* measures to ensure compliance with this General Order.” Wishtoyo believes that the State Board may have made these revisions in response to our February 22 comments, but the revisions entirely fail to achieve General Order compliance with the California Constitution and Water Code. Neither the Recycled Water Policy, the provisions in the General order specifying the state has the authority to require “reasonably practicable measures” to ensure compliance with this General Order, nor any other provisions in the General Order require that the state, through its issuance of the Notice of Applicability (“NOA”) or other mechanisms, analyze whether or ensure that recycled water:

1. is used reasonably,
2. is not used wastefully,
3. is managed or used in a manner to protect groundwater supplies, and
4. is managed or used in manner to protect in-stream flow public trust protected resources.

(See Section B. Specifications, paragraph 1.i., 3; Attachment A Notice of Intent Section II Recycled Water Application paragraphs a.3 and b.3.; Findings paragraphs 14 and 23; and the entire General Order). While the General Order requires adherence to agronomic water application rates, these rates are in place to protect water quality, and do not function to ensure or require reasonable water use, prevention of water waste, and protection of groundwater and in-stream public trust resources. For all these reasons, as articulated in Wishtoyo’s February 22, 2016 comment letter, if the State Board issues this General Order, it will be in violation of Article X Section 2 of the California Constitution, Sections 100 and 275 of the California Water Code, and the California Public Trust Doctrine.

In sum, the State Board’s revisions to the General Order do not cure its failures to adhere to Article X Section 2 of the California Constitution, Sections 100 and 275 of the California Water Code, and the California Public Trust Doctrine.

The General Order Threatens to Facilitate New Unsustainable Water Uses and the Continuance of Wasteful and Unreasonable Water Uses that Threaten to Increase Strain on the State’s Water Resources Instead of Protecting and Securing Them

Because the General Order does not analyze or ensure that recycled water 1.) be used reasonably, 2.) not used wastefully, 3.) managed or used in a manner to protect groundwater supplies, and 4.) managed or used in manner to protect in-stream flow public trust protected resources, the revised Finding 23 of the General Order providing that “*This General Order furthers the human right to water by encouraging use of recycled water thus reducing demand on other other sources, including use of potable water used for non-potable uses where recycled water is available,*” is not supported, as the State Board provides no basis for this assertion.

The General Order contains no findings that bridge the analytical gap demonstrating that the human right to water or protection of in-stream flow public trust resources are being furthered by the General Order. In regions with flow deprived streams and overdrafted groundwater aquifers, the General Order does not require any analysis of the reasonableness of

the use of recycled water it authorizes or of whether the use of recycled water can be managed in a way that protects public trust resources and water supplies. One result of requiring such analysis and then the subsequently conditioning of recycled water to result in reasonable use and protection of public trust resources through NOAs or other General Order mechanisms, could be ensuring that water withdrawers from flow deprived streams or overdrafted groundwater aquifers that receive recycled water under the General Order leave an amount of water in the ground or instream equivalent to the amount of recycled water received through General Order authorization.

United Water Conservation District's ("United") June 10, 2015 attached letter to the Los Angeles Regional Board concerning a Regional Board issued Waste Discharge Requirement / Water Recycling Requirement ("WDR/WRR") authorizing the use of Oxnard GREAT recycled water by end users in a manner similar to the General Order (ie: the Oxnard GREAT WDR/WRR does not analyze whether or ensure that recycled water is used and managed reasonably and in a manner that protects groundwater water supplies and in-stream flow dependent public trust resources) highlights our concerns from the perspective of a water agency charged with protecting overdrafted aquifers. United's letter provides that:

"The term 'new water' should reflect water that resolves the overdraft problem i.e. leaving water in the ground, not water that expands water use and continues the over commitment of the resource. Using recycled water where it has not been used before is a good start. However, using recycled water and simultaneously allowing the same level of groundwater pumping that has maintained the critical overdrafting of the basins is not 'new water.' This will make regional sustainability more difficult to achieve and more expensive for those who haven't locked up special subsidized water deals for themselves."²

For all the reasons above, and as stated in Wishtoyo Foundation's February 22, 2016 comment letter, the General Order threatens to facilitate new permanent unsustainable water uses dependent on the state's water supplies and the continuance of wasteful and unreasonable water uses, both of which threaten to permanently increase demand and strain on the state's water resources instead of protecting and securing them. It does not, as provided in revised Finding 23 in the General Order "*further[] the human right to water by encouraging use of recycled water thus reducing demand on other other sources, including use of potable water used for non-potable uses where recycled water is available.*"

For the State Board to ensure the protection of water supplies and the public trust resources of its rivers and streams for its residents and wildlife, the State Board, as required by law, must manage all water, including recycled and new water, in an integrated manner that

² See also the following attached documents articulating this concern stated in Wishtoyo Foundation's February 22, 2016 comment letter: 1.) United's June 10, 2015 letter to the Los Angeles Regional Board concerning the Oxnard GREAT recycled water WDR/WRR; 2.) The July 9, 2015 transcript of the Los Angeles Regional Board hearing for adoption of the Oxnard GREAT recycled water WDR/WRR, including, but not limited to, testimony from United and Wishtoyo; and 3.) Fox Canyon Groundwater Management Agency's June 12, 2015 letter to the Regional Board concerning the Oxnard GREAT recycled water WDR/WRR.

requires that all of the state's water be used and managed reasonably, not wastefully, and, when feasible, in a manner that protects the state's groundwater supplies and instream flow dependent public trust resources. As expressed in Wishtoyo's February 22, 2016 comment letter, before any recycled water is allocated or authorized for use under the General Order, the General Order must require that the State Board conduct a reasonable use and public trust analysis for proposed and contemplated end uses of recycled water listed in a Notice of Intent ("NOI") submitted to the State Board, and must condition the use and management of recycled water based on results from this analysis in the NOA or through other General Order mechanisms as consistent with the Article X Section 2 of the California Constitution, Section 100 of the California Water Code, and the public trust doctrine. To accomplish this, the General Order must set forth a specific process to ensure a reasonable use and public trust analysis is conducted before issuance of the NOA, and must establish the proper state agency to conduct the reasonable use and public trust analyses. Further, the General Order must provide guidance and contain procedures that ensure the reasonable use and public trust analysis is conducted properly, and that ensures the NOA adequately conditions the use and management of recycled water in accordance with the reasonable use and public trust requirements of the California Constitution, California Water Code, and public trust doctrine.

Applicability of the General Order When a Specific Regional Board WDR/WRR Order is in Effect

The strikethroughs in Findings 33 and 34 materially alter the draft General Order dated January 21, 2016 by allowing an entity enrolled under a WDR/WRR issued by a Regional Board, to terminate its WDR/WRR at its discretion, and instead enroll at will without the applicable Regional Board's approval. This is especially concerning in the case where a WDR/WRR promulgated by a Regional Board with local expertise in protecting local groundwater aquifers and surface waters may be specialized and more protective of groundwater aquifers and surface waters, and has spent time and resources tailoring a WDR/WRR to provide needed and specific protections for local surface and groundwater resources. For this reason, Wishtoyo's position is that an applicable Regional Board must provide a holder of WDR/WRR authorizing the use and or distribution of recycled water with permission to enroll in the General Order in lieu of a WDR/WRR, and that the Regional Board must support its decision to grant permission to enroll in the General Order and terminate its WDR/WRR with concrete evidence that enrollment in the General Order will provide equivalent protection of surface and groundwater resources, and will ensure that the recycled water is used and managed in a manner consistent with the California Public Trust Doctrine and the reasonable use and waste preventions of the California Constitution and Water Code.

Thank you for considering our comments.

Sincerely,



Jason Weiner, M.E.M.
Water Initiative Director, General Counsel
Wishtoyo Foundation

Attachment 1

United Water Conservation District's June 10, 2015 letter to the
Los Angeles Regional Board concerning the Oxnard GREAT
recycled water WDR/WRR

Board of Directors
Lynn E. Maulhardt, President
Bruce E. Dandy, Vice President
Robert Eranio, Secretary/Treasurer
Sheldon G. Berger
Edwin T. McFadden III
Michael W. Mobley
Daniel C. Naumann



UNITED WATER CONSERVATION DISTRICT
"Conserving Water Since 1927"

Legal Counsel
Anthony H. Trembley

General Manager
E. Michael Solomon

June 10, 2015

2015 JUN 15 PM 12:59
CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

Los Angeles Regional Water Quality Control Board
Attention: Chris Morris, PE, PMP, Chief
NPDES Permitting – Municipal Unit
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Subject: Order No. R4-2011-0079-A01 (Amending Order No. R4-2008-0083- File No. 08-070) – Water Recycling Requirements and Waste Discharge Requirements for City of Oxnard Groundwater Recovery, Enhancement, and Treatment Program – Non-potable Reuse Phase I Project

Dear Mr. Morris:

United Water Conservation District (UWCD) submits the following comments regarding Order No. R4-2011-0079-A01 (File No. 08-070) that will be heard by the LARWQCB on July 9, 2015.

- UWCD does not oppose the delivery of recycled water from the City of Oxnard's Advanced Water Purification Facility (AWPF) that is part of the City's Groundwater Recovery, Enhancement and Treatment (GREAT) program to Pleasant Valley County Water District's distribution system via the Calleguas Regional Salinity Management Pipeline (SMP) until the planned permanent connection can be constructed or additional flows into the SMP render the option not feasible, whichever comes first.

But, the following information and clarification should be part of the official record and discussion:

- UWCD is a named party (although not yet a signatory) to the City of Oxnard's Full Advanced Treatment Recycled Water Management and Use Agreement, and is mentioned several times as an agricultural irrigation user in Order No. R4-2011-0079-A01. However, the District has not been included in any of the discussions over the last six months regarding the use of the SMP. In fact, the District is not even included on the mailing list of the May 14, 2015 letter from the LARWQCB's letter to the City Manager of Oxnard regarding notice of the order (Order No. R3-2011-0079-A01 Amending Order No. R4-2008-0083).



UNITED WATER CONSERVATION DISTRICT

We also note that no representative from the Fox Canyon Groundwater Management Agency (FCGMA), a key player in Ventura County's groundwater management efforts (and the designated Groundwater Sustainability Agency (GSA) under the Sustainable Groundwater Management Act of 2014 – for the basins impacted by this order) has been included in the discussions or on the mailing list of the May 14, 2015 LARWQCB's letter.

This is unfortunate because UWCD and FCGMA, the two agencies with State mandated responsibility to protect the local groundwater resources, could have provided some valuable insights to the overall role of the project in the County's future groundwater sustainability planning efforts.

For example, in the INTRODUCTION section (page 2) for Order No. R4-2011-0079-A01 (paragraph 1) there is a sentence that states, "The GREAT Program would provide regional water supply solutions to Western Ventura County, all the groundwater basin to reach safe yield levels sooner (i.e. reducing the effects of groundwater overdraft conditions), and provide the City with local water resources."

This statement, along with the over use of the term 'new water,' have been used to encourage State representatives to move quickly in advancing the use of the SMP. These statements in the middle of one of the most serious droughts in the State's history are compelling to anyone not aware of the facts, but the statements are misleading and could result in future disagreements as local parties structure a groundwater sustainability plan. UWCD wants to provide clarification so no one mistakenly believes the GREAT Phase I project will, as currently configured, solve our local water problems. While this is a local, not a Regional Board issue, the Regional Board (and others who have lent their support to this project) should be aware of some of the facts of what this program could and won't do.

I will be attending the July 9, 2015 Public hearing for Order No. R4-2011-0079-A01 and respectively request the Regional Board to grant me up to 15 minutes to provide this clarification and to present the recycled water delivery agreement deal points via powerpoint presentation from the groundwater resource management perspective. I believe this request is reasonable given that UWCD/FCGMA not being included in the discussions leading up to this order and not being included in the mailing list but only receiving the notice from a third party.

Again, we are not opposing the use of the Calleguas SMP, which is a technical issue for the Regional Board and its staff. We have no argument with the technical data that has been presented to date. How the project has been 'sold' to State officials to expedite the use of the SMP does present potential confusion as our area moves forward in complying with the Sustainable Groundwater Management Act.



UNITED WATER CONSERVATION DISTRICT

Some of the background that will be presented, if granted the additional time to speak at the July 9th hearing, includes (but is not limited to):

- UWCD/FCGMA are mandated by the State of California to resolve the critical overdraft in Ventura County that has manifested into substantial seawater intrusion, causing increasing water quality and supply damage to our groundwater resources.
- Side or 'special' deals, along with trying to accommodate everyone's needs for financial reasons, has long been the problem in Ventura County that has continued the average 30,000 acre-feet annual over-drafting of the basins in spite of the 25 year State mandate to resolve the problem. In the last two years alone, the overdraft has been 100,000 acre-feet and more, each year.
- The term 'new water' should reflect water that resolves the overdraft problem i.e. leaving water in the ground, not water that expands water use and continues the over commitment of the resource. Using recycled water where it has not been used before is a good start. However, using recycled water and simultaneously allowing the same level of groundwater pumping that has maintained the critical overdrafting of the basins is not 'new water.' This will make regional sustainability more difficult to achieve and more expensive for those who haven't locked up special subsidized water deals for themselves.
- An additional significant concern of UWCD is that at present, UWCD and the Pleasant Valley County Water District (PVCWD) have not reached an agreement allowing PVCWD to place this recycled water into UWCD's two reservoirs. The reservoirs serve as an integral part of PVCWD's distribution system. The parties' existing agreement does not provide for this type of use of the UWCD reservoirs, and PVCWD may not use the UWCD reservoirs absent UWCD's consent. PVCWD has been aware of this issue for some time and to date, no agreement has been reached.

Using recycled water, with no or limited transfers of pumping authorization from the GREAT program, along with a proposed brackish water project by UWCD, are two of the key strategies that are being considered to leave water in the ground to eliminate (or at least reduce) the over-draft and work toward achieving sustainability. The costs of these projects alone are significant and spreading the costs fairly will be a key component of the future success of the Groundwater Sustainability Plan for the Oxnard Plain Basin.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Michael Solomon".

E. Michael Solomon
General Manager

Attachment 2

The July 9, 2015 transcript of the Los Angeles Regional Board hearing for adoption of the Oxnard GREAT recycled water WDR/WRR, including, but not limited to, testimony from United and Wishtoyo

THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

In the Matter of)
)
Regular Board Meeting)
_____)

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

BOARD ROOM

700 NORTH ALAMEDA STREET

LOS ANGELES, CALIFORNIA

THURSDAY, JULY 9, 2015

9:00 A.M.

Reported by:

Martha L. Nelson

APPEARANCESBOARD MEMBERS

Irma Munoz, Vice Chair

Fran Diamond

Maria Mehranian

Lawrence Yee

Madelyn Glickfeld

STAFF

Sam Unger, Executive Officer

Ronji Moffett

Frances McChesney

Paula Rasmussen

Deborah Smith

David Coupe

Cris Morris

Rene Purdy

Ginachi Amah

ALSO PRESENT

Burt Handy

Melissa Thorme, Camarillo Sanitary District,
City of Simi Valley, City of Thousand Oaks, and
California Association of Sanitation Agencies

Ann Heil, Sanitation Districts of Los Angeles County

Rita Kampalath, Heal the Bay

Brett Williams, for Assembly Member Jacqui Irwin

APPEARANCESALSO PRESENT

Greg Nyhoff, City of Oxnard

Steve Blois, Calleguas Water District

John Matthews, Pleasant Valley County Water District

James Dubois, Driscoll's/Reiter Bros.

John Krist, Farm Bureau of Ventura County

Jeanette Lombardo, California Women for Agriculture

Tony Morgan, United Water Conservation District

Jason Weiner, Wishtoyo Foundation/Ventura Coastkeeper

Cindy Forbes, State Water Resources Control Board, Drinking
Water Division

Kurt Souza, State Water Resources Control Board, Drinking
Water Division

Mr. Chi Diep, State Water Resources Control Board, Drinking
Water Division

Sutida Bergguist, State Water Resources Control Board,
Drinking
Water Division

Gerhardt Hubner, Ventura County Watershed Protection
District

Ashley Desai, Larry Walker and Associates

Michael Wang, Western States Petroleum Association

Alfredo Magallanes, City of Los Angeles Watershed Protection
Division

Jolene Guerrero, City of Los Angeles Watershed Protection
Division

Michael Trapp, on behalf of the stakeholders of the
Malibu Creek Enhanced Watershed Management Program

Bruce Hamamoto, Los Angeles County

APPEARANCESALSO PRESENT

Brandon Steets, Geosyntec Consultants

Hubertus Cox, City of Los Angeles

Hamad Tadayon, City of Los Angeles

Liz Crosson, Los Angeles Waterkeeper

Kristy Morris, Beach Cities Watershed Management Group

TJ Moon, County of Los Angeles on behalf of City of Los Angeles, Culver City, Flood Control District, County of Los Angeles

Rex Frankel, Friends of Los Angeles Clean Connect Creek to Peak Parks

Andy Winge, City of Palos Verdes

Heather Merenda, City of Santa Clarita

Joyce Dillard

Alfredo Magallanes, Dominguez Channel

Jason Pereira, CWE

Linda Lee Miller, L.A. County Department of Public Works

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| 1. | Roll Call | 16 |
| 2. | Order of Agenda. Note that the agenda items are numbered for identification purposes and may not necessarily be considered in this order. | 17 |
| 3. | Approval of draft meeting Minutes of the June 10-11, 2015 Board meeting. [Ronji Moffett, (213) 576-6612] | 18 |
| 4. | Board Member Communications. | 19 |
| | 4.a. Ex parte Disclosure. Board Members will identify any discussions they may have had requiring disclosure to Government Code section 11430.40. | |
| | 4.b. Board Member Reports. The Board Members will discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. | |

UNCONTESTED ITEMS

(Items marked with an asterisk are expected to be routine

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*and noncontroversial. The Board will be asked to approve these items at one time without discussion. Any Board member or person may request that an item be removed from the Uncontested calendar. **Items removed from the Uncontested calendar may be heard at a future meeting.***

Waste Discharge Requirements that Serve as NPDESPermitsAmendment

- *5. Consideration of tentative amended Waste Discharge Requirements for Calleguas Municipal Water District, Regional Salinity Management Pipeline, Thousand Oaks; NPDES No. CA0064521. (Comment submittal deadline was June 26, 2015). [Jau Ren Chen, (213) 576-6656] 20
- *6. Consideration of tentative amended Waste Discharge Requirements for Camrosa Water District (Camrosa Water Reclamation Facility), Camarillo: NPDES No. CA0059501 (Comment submittal deadline was June 8, 2015) [Steven Webb, (213) 576-6793] 20

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| 7. | Executive Officers Report (Samuel Unger,
(213) 576-6605] | 21 |
| 8.a. | Update from State Board [Fran Spivy-Weber] | -- |
| 8.b. | Update on Division of Drinking Water
[Cindy Forbes, State Board] | 109 |

PUBLIC FORUM

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| 9. | Any person may address the Board regarding any
matter within the Board's jurisdiction provided
the matter does not appear elsewhere on this agenda,
has not been scheduled to appear on a future agenda,
and is not expected to be imminently scheduled for
the Board's consideration. Remarks will be limited
to three (3) minutes, unless otherwise directed by
the Chair. If a person intends to use a PowerPoint
presentation or other visual aids, you must contact
Ronji Moffett, (213) 576-6612, at the Regional Board
at least 48 hours prior to the meeting to arrange for
equipment use and be prepared to load any PowerPoint
presentation on the computer prior to the meeting to
assure the orderly conduct of the meeting. | 41 |
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Contested Items:CONTESTED ACTION ITEMSWaste Discharge Requirements that Serve as NPDESPermits**Amendment-**

10. Consideration of tentative amended Waste Discharge Requirements for Joint Outfall System (JOS), Pomona Water Reclamation Plant (WRP), Pomona; NPDES No. CA0053619. (Comment submittal deadline was June 8, 2015) [Veronica Cuevas, (213) 576-6662] 43

Amendment-

11. Consideration of tentative amended Waste Discharge Requirements for Joint Outfall System formerly referred to as County Sanitation Districts of Los Angeles County (Whittier Narrows Water Reclamation Plant), El Monte; NPDES No. CA0053716. (Comment submittal deadline was June 8, 2015) [Raul Medina, (213) 620-2160] 43

Amendment-

12. Consideration of tentative amended Waste Discharge Requirements for Camarillo Sanitary District - Camarillo Water Reclamation Plant (WRP), Camarillo; 43

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NPDES No. CA0053597. (Comment submittal deadline was June 8, 2015) [Veronica Cuevas, (213) 576-6662]

Amendment-

13. Consideration of tentative amended Waste Discharge Requirements for the City of Thousand Oaks - Hill Canyon Wastewater Treatment Plant (WWTP), Camarillo; NPDES No. CA0056294. (Comment submittal deadline was June 8, 2015). [Veronica Cuevas, (213) 576-6662] 43

Amendment-

14. Consideration of tentative amended Waste Discharge Requirements for City of Simi Valley (Simi Valley Water Quality Control Plant), Simi Valley; NPDES No. CA0055221. (Comment submittal deadline was June 8, 2015) [Raul Medina, (213) 620-210] 43

Waste Discharge Requirements and Water Recycle**Requirements****Amendment-**

15. Consideration of tentative Waste Discharge Requirements and Water Recycling Requirements for the City of Oxnard (Groundwater Recovery, Enhancement, and Treatment Program - Nonpotable Reuse Phase I) 66

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Project), Oxnard; File No. 08-070. (Comment submittal deadline was June 15, 2015). [Elizabeth Erickson, (213) 576-2264]

Basin Plan Amendment

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| 16. | Consideration of tentative Basin Plan Amendment to incorporate Stakeholder-Developed Groundwater Quality Control Measures for Salts and Nutrients in the Lower Santa Clara Groundwater Basin of Ventura County. (Comment submittal deadline was June 19, 2015) [Dr. Ginachi Amah, (213) 576-6685] | 133 |
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WORKSHOP

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| 17. | Public Workshop on the draft Enhanced Watershed Management Programs (EWMPs) submitted pursuant to Part VI.C of the Los Angeles County Municipal Separate Storm Sewer System (MS4) NPDES Permit (Order No. R4-2012-0175). (Staff will make a presentation on the review process for the draft EWMPs. Permittees will be invited to give brief presentations on their EWMPs. Other interested | 162 |
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persons will have the opportunity to make oral comments subject to time limits. *(The Board may provide feedback to staff on the draft EWMPs; however, no action or voting will take place at this workshop.)* [Renee Purdy, (213) 576-6622; Ivar Ridgeway, (213) 620-2150]

INFORMATION

The following items are for informational purposes only. No voting will take place on these matters.)

- | | | |
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| 18. | Update on Western States Petroleum (WSPA)
[Dr. Kwangil Lee, (213) 576-6734] | 147 |
| 19. | Update on the Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters Total Maximum Daily Load (TMDL) for Toxics. [Dr. LB Nye, (213) 576-6785] | 163 |

CLOSED SESSION

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| 20. | As authorized by Government Code section 11126, the Regional Board will be meeting in closed session. Closed session items are not open to the | 147 |
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public. Items the Board may discuss include the following: [Jennifer Fordyce (JF) (916) 324-6682; Frances McChesney (FM) (916) 341-5174; David Coupe (DC) (510) 622-2306.

20.1 *State Department of Finance, State Water Resources Control Board and Los Angeles Regional Water Quality Control Board v. Commission on State Mandates*, Supreme Court of California Case No. S214855. [Challenging the Commission's decision that portions of the 2001 Los Angeles County MS4 permit created unfunded state mandates]. (JF)

20.2 *In re: Los Angeles Region Water Permit - Ventura County*, Commission on State Mandate Test Claim No. 110-TC-01 [Regarding a test claim filed by Ventura County Watershed Protection District and the County of Ventura alleging that portions of Order No. R4-2010-0108 created unfunded state mandates]. (JF)

20.3 *City of Redondo Beach v. Los Angeles Regional Water Quality Control Board and State Water Resources Control Board*, Los Angeles Superior Court Case No. BS152287 [Challenging assessment of

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administrative civil liability in Order on
Complaint No. R4-2008-0058M]. (FM)

20.4 *Green Acres, LLC v. Los Angeles Regional Water
Quality Control Board and State Water Resources
Control Board*, Los Angeles County Superior Court
Case No. BS138872 [Challenging the Basin Plan
Amendment prohibiting on-site wastewater disposal
systems in the Malibu Civic Center area]. (FM)

20.5 *Balcom Ranch v. State Water Resources Control
Board and Los Angeles Regional Water Quality
Control Board*, Ventura County Superior Court Case
No. 56-2012-00419048-CU-MC-VTA [Challenging
assessment of administrative civil liability in
Order on Complaint No. R4-2010-0023) (DC)

20.6 *In re: Petitions of the City of San Marino et al.
for Review of Order No. R4-2012-0175, SWRCB/OCC
File A-2236(a)-(kk)* [Challenging the Los Angeles
County MS4 Permit]. (JF)

20.7 *In re: Los Angeles Region Water Permit - Cities of
Los Angeles County*, Commission on State Mandate
Test Claim No. 13-TC-01 [Regarding a test claim

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filed by several cities within Los Angeles County alleging that portions of Order No. R4-2012-0175 created unfunded state mandates]. (JF)

20.8 *In re: Los Angeles Region Water Permit - County of Los Angeles, Commission on State Mandate Test Claim No. 13-TC-02 [Regarding a test claim by the County of Los Angeles and Los Angeles County Flood Control District alleging that portions of Order No. R4-2012-0175 created unfunded state mandates]. (JF)*

20.9 *City of Los Angeles, Acting by and through Its Board of Harbor Commissioners v. California Regional Water Quality Control Board, Los Angeles Region (Los Angeles County Superior Court), Case No. BS154971 (DC) [Challenging that the Los Angeles Water Board acted beyond its jurisdiction in adopting waste discharge requirements.] (DC)*

20.10 Consultation with counsel about:

(a) A judicial or administrative adjudicatory proceeding that has been formally initiated to which the Regional Board is a party;

(b) A matter that, based on existing facts

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and circumstances, presents significant exposure to litigation against the Regional Board; or

(c) A matter which, based on existing facts and circumstances, the Regional Board is deciding whether to initiate litigation.

(JF/FM/DC)

20.11 Consideration of the appointment, employment, or Evaluation of performance about a public employee. (JF/FM/DC)

1 BOARD MEMBER YEE: Yes.

2 MS. MOFFETT: The motion carries.

3 EXECUTIVE OFFICER UNGER: And just real briefly,
4 can we -- maybe the court reporter can help us, can we
5 recall who seconded the motion for Item 11?

6 BOARD MEMBER GLICKFELD: It was me.

7 EXECUTIVE OFFICER UNGER: Yeah. Thank you.

8 BOARD MEMBER GLICKFELD: Thank you.

9 VICE CHAIR MUNOZ: It literally (inaudible) so --

10 BOARD MEMBER GLICKFELD: Yes. There's so much
11 controversy on this item. I'm really glad I came
12 (inaudible).

13 VICE CHAIR MUNOZ: We're glad you're here, so --

14 BOARD MEMBER YEE: Your timing was impeccable.

15 VICE CHAIR MUNOZ: Okay. Moving on to Item 14.

16 Will all those who are going to be speaking on
17 this item please stand and raise your right hand?

18 (Whereupon, all witnesses testifying on Item 15
19 are sworn.

20 VICE CHAIR MUNOZ: Thank you.

21 We have a Staff report from Ms. Cris.

22 MR. COUPE: Vice Chairman Munoz, if I could just
23 get a procedural question --

24 VICE CHAIR MUNOZ: Yes.

25 MR. COUPE: -- or issue out of the way?

1 This is in response to a letter that -- and an
2 accompanying CD that I received about a half-an-hour ago
3 from Mr. Weiner who is the Water Initiative Director and
4 General Counsel for the Wishtoyo Foundation and its Ventura
5 Coastkeeper Program. My understanding is that the deadline
6 to submit comments on the tentative waste discharge
7 requirements and water (inaudible) requirements was
8 approximately a few weeks ago, give or take a few days.

9 Again, this is -- this was something that was
10 submitted again for the Board's consideration about 30
11 minutes ago. I've had a chance to review the letter and the
12 attached CD. Mr. Weiner is certainly free to provide some
13 oral comments to the Board. But in my judgment, given the
14 lateness of the submittal, and given the fact that
15 regulations specifically allow for the Board not to include
16 evidence as part of the administrative record if, in fact,
17 the prejudice is demonstrated to any party of the Board. It
18 would be recommendation not -- for the Board not to accept
19 the late submitted letter and the accompanying CD.

20 But again, that's just my recommendation. You're
21 free to accept it. You're free to take a look at the
22 letter, if you want, and review it accordingly. I have
23 reviewed it. The issues themselves pertain to issues of
24 waste and unreasonable use which, in my judgment, are really
25 water rights issues that are more appropriately addressed to

1 the State Water Resources Control Board as opposed to the
2 Regional Boards that are concerned with the regulation of
3 water quality.

4 VICE CHAIR MUNOZ: Board Members? Any response?
5 We'll take the recommendation? So done.

6 Staff report.

7 MS. C. MORRIS: Again, my name is Cris Morris, and
8 I'm the Unit Chief of the Municipal Permitting Unit. I'm
9 here to discuss Item 15, an amendment to the R4-2011-0079
10 for the Oxnard Advanced Water Purification Facility, which
11 is also known as the AWPf, and the corresponding Monitoring
12 and Reporting Program order R4-2008-0083.

13 These amended permits, in tandem with Item 5, take
14 readily -- take a readily available supply of high quality
15 water from the Oxnard Groundwater Recovery Enhancement and
16 Treatment, or the GREAT Program, an existing infrastructure,
17 that is the brine line, and put that high quality water to a
18 critical beneficial use, irrigated agriculture, during a
19 severe drought. This can be accomplished during this window
20 of time since there is currently not much effluent in the
21 brine line.

22 The supply of high quality water is from Oxnard's
23 GREAT Program.

24 In 2006 the City of Oxnard estimated their water
25 demand of 27,000 acre feet per year would double to 44,000

1 acre feet per year by 2028. At that time, Oxnard residents
2 depended on local groundwater and some imported potable
3 supplies. The City Council directed their staff to develop
4 the GREAT Program to create a future supply of recycled
5 water from the municipal waste from the Oxnard Wastewater
6 Treatment Plant.

7 By 2008 the Regional Water Board and the Division
8 of Drinking Water had permitted the initial phase of the
9 three phases of the GREAT Program. Phase 1, the Nonpotable
10 Recycle Project, includes the treatment of municipal waste
11 by the -- by the AWPf to produce recycled water for
12 irrigation, industry and recreation. The Groundwater
13 Injection Project, or Phase 2, will use wells to inject
14 recycled water into the aquifers along the coastal area to
15 restore the depleted aquifers and ensure the presence of a
16 barrier between the ocean and the municipal groundwater
17 supplies. And finally, the third phase is the Groundwater
18 Desalination Project which includes a treatment system to
19 desalt brackish groundwater for potable, agricultural and
20 industrial uses.

21 The first phase of the GREAT Project is nearing
22 its completion with a functioning treatment plant and a
23 distribution system under construction. The treated water
24 from the AWPf was first used for recycling earlier this year
25 with irrigation at a local golf course. The groundwater

1 injection and desalination projects comprising of Phases 2
2 and 3 respectively require additional permitting before they
3 can be implemented.

4 The Phase 1 AWWPF treats the wastewater from the
5 Oxnard Wastewater Treatment Plant using microfiltration,
6 reverse osmosis, and ultraviolet/advanced oxidation. The
7 construction of the treatment facility was completed around
8 2011, and the facility has a current capacity of 6.5 million
9 gallons per day, or MGD.

10 In 2014 the Division of Drinking Water, or DDW,
11 granted approval of the treatment system's performance for
12 delivery of irrigation water. And earlier this year the
13 AWWPF started supplying water to a local golf course. The
14 construction of additional permanent pipeline for irrigation
15 distribution throughout the Oxnard Plain is still underway
16 and is due for completion in 2017.

17 To make the best use of the AWWPF treatment
18 capacity and to help the growers in the Oxnard plan with a
19 more plentiful source of high quality water, especially
20 during the summer and early fall, a request was made to the
21 Regional Water Board to allow the use of the Regional Salt
22 Management Pipeline, or the RSMP, to transport the recycled
23 water to the growers. The RSMP, or the brine line,
24 transports the brine waste from the desalters in the
25 Calleguas Creek Watershed to the ocean and is -- and is

1 permitted by an NPDES permit that you previously addressed
2 as Agenda Item 5. Currently the RSMP is only partially in
3 use with only one discharge in the section of the pipeline
4 needed for this temporary use. The permanent pipelines to
5 connect from the AWPf to the irrigation networks in the
6 Oxnard Plain are scheduled to be completed in 2017.

7 This image shows the distribution of the recycled
8 water using the Calleguas RSMP. The AWPf is pumped into the
9 RSMP upgradient of a pressure sustaining station and is
10 distributed to the growers and the irrigation network
11 further up the pipeline where it is locally metered. About
12 0.3 mgd of brine is currently entering the RSMP. The AWPf
13 recycled water will enter the RSMP at a minimum flow rate of
14 3 mgd and mix with the Camrosa brine. Water quality being
15 distributed to the Oxnard growers will be monitored to
16 ensure that the blended water meets irrigation and
17 groundwater quality requirements. It is projected that the
18 implementation milestones of the Total Maximum Discharge
19 Load, or TMDL, can be maintained despite this two-year
20 repurposing of the RSMP pipeline.

21 In the shared portion of the RSMP the requirement
22 flow will blend with brine the. Mass balance calculations
23 show that the resulting water is of better quality than the
24 groundwater that the growers currently use on their crops.

25 To illustrate this, this slide shows that

1 combining the brine with the Total Dissolved Solids, or TDS,
2 concentration of 7,200 milligrams per liter with the
3 advanced treatment recycled water which has a concentration
4 of 73 milligrams per liter, the resulted blended water has a
5 concentration of TDS of 699 milligrams per liter. The
6 groundwater concentration of TDS in this area is 1,077
7 milligrams per liter. Please note that the blended
8 concentration shown here depends on a minimum flow of 3
9 million gallons per day -- per day from the AWPf to the
10 growers.

11 Agriculture is a major component of Ventura
12 County's economic health, and the farmers have concerns
13 about the availability of water for irrigation in this area.
14 Groundwater supplies much of this water, but overdrafting of
15 the Oxnard and Pleasant Valley aquifers and the extended
16 drought are restricting the irrigation water available to
17 the growers.

18 The colors of this map show the groundwater
19 elevation and the dark orange color indicates where the
20 groundwater levels are depleted. The blue circle on the
21 left shows where Oxnard's AWPf is located and the circle on
22 the right indicates the Oxnard Plain and the Pleasant Valley
23 farms and greenhouses.

24 The state legislature established the Fox Canyon
25 Groundwater Management Agency and the United -- United

1 Conservation Water District to protect the groundwater upon
2 which growers depend, while preventing seawater intrusion.
3 This -- this figure comes from the Fox Canyon agency and
4 their jurisdiction is outlined in red. Since 1991, Fox
5 Canyon has reduced the pumping credits for growers who
6 extract water in an attempt to naturally replenish the
7 aquifers they oversee. United Water Conservation District
8 has been active since the 1960s in the construction of
9 spreading facilities to add surface and potable water to the
10 groundwater.

11 The amended Orders support local protection of
12 groundwater by encouraging the use of recycled water in lieu
13 of increased groundwater pumping that may result in seawater
14 intrusion. In the unforeseen event that the temporary use
15 of the RSMP contributes to the degradation of the
16 groundwater quality, the amended permit includes a provision
17 that the permit may be terminated or modified at a
18 subsequent Regional Water Board meeting.

19 And now to the comments. The City of Oxnard with
20 Calleguas Municipal Water District and Pleasant Valley
21 County Water District asked to reduce and change monitoring,
22 add recycled water uses and clarify future discharge
23 locations.

24 Our response to this set of comments is that we
25 worked with the City of Oxnard to revise the monitoring

1 requirements while still collecting the necessary
2 information to ensure the water quality being discharged
3 from the RSMP to the irrigation piping network. We also
4 added additional uses for the recycled water and the option
5 to distribute it via tanker truck or a residential loading
6 station. Distribution centers for recycled water for
7 residences and businesses is becoming more common with the
8 drought, including in the Bay Area, Fresno, Las Virgenes,
9 and now Oxnard.

10 United Water Conservation District expressed
11 concern that the distribution of recycled water to the
12 growers would impact the groundwater quality without proper
13 management.

14 Regional Water Board recognizes that groundwater
15 management is a local issue. The Regional Board supports
16 the Sustainable Groundwater Management Act of 2014, or GMA,
17 signed by Governor Brown on September 16, 2014 in which the
18 legislature recommends the development of local groundwater
19 management plans. The United Water and Fox Canyon and local
20 water agencies created Resolution Number 2013-02 and signed
21 it on June 26, 2013 to address the implementation of the
22 first phase of the GREAT Program through a collaborative
23 process.

24 The Regional Board encourages Fox Canyon
25 Groundwater Management Agency, as the lead of the

1 Sustainable Groundwater Management Act, or GMA, to
2 coordinate recycled water use, surface water use and
3 groundwater use for the regional benefit. In addition, a
4 modification to the permit has been made to require that the
5 groundwater pumping records submitted to Fox Canyon also be
6 reported to the Regional Water Board.

7 In addition to the previously mentioned comments,
8 letters in support of this project and these amendments were
9 received from Assembly Member Jacqui Irwin, City of Oxnard,
10 the Calleguas Municipal Water District, the Pleasant Valley
11 County Water District, United Water Conservation District,
12 Fox Canyon Groundwater Management Agency, the Ventura County
13 Coalition Labor, Agriculture, Business, and Houweling's
14 Tomatoes, the Ventura County Agricultural Water Quality
15 Coalition, and the Ventura County Agricultural Association.

16 The proposed amendments to Order number 2011-0079
17 and 2008-083 contain the following elements. For the Order
18 the amendments added temporary connections between the AWPf,
19 the RSMP, the Pleasant Valley -- Valley Distribution System,
20 and two separate growers to allow early distribution of the
21 AWPf treated water to the growers of the Oxnard Plain. The
22 amendment also expanded recycled water uses following DDW
23 approval to include consolidation of backfill, soil
24 compaction, dust control, sanitary sewer flushing, cleaning
25 roads and sidewalks and other outdoor uses. They also

1 expanded distribution to include recycled water filling
2 stations following DDW and the Executive Officer's approval.
3 The temporary allowance to utilize the RSMP expires two
4 years after adoption with an option to amend the Order in
5 the future, if required.

6 For the MRP we added sampling and reporting
7 requirements to ensure protection of water quality
8 objectives at the upgradient temporary connection between
9 the RSMP and the Pleasant Valley Distribution System. And
10 the reporting requirements were also expanded to include
11 copies of reports to Fox Canyon Groundwater Management
12 Agency.

13 All in all these proposed amended Orders encourage
14 the use of recycled water in lieu of increased groundwater
15 pumping.

16 Staff recommends amending the existing Orders with
17 the Change Sheet. You should have a goldenrod change sheet
18 in your packets.

19 And that concludes my presentation.

20 VICE CHAIR MUNOZ: Thank you. We have numerous
21 cards. Out of respect for Assembly Member Jacqui Irwin, I'd
22 like to ask Brett Williams to come forward.

23 MR. WILLIAMS: Good morning, Madame Vice Chair and
24 Members of the Board. My name is Brett Williams. I'm the
25 Legislative Director for Assemblywoman Jacqui Irwin. If

1 it's okay, I'd like to read a statement from the
2 Assemblywoman.

3 VICE CHAIR MUNOZ: Yes, absolutely.

4 MR. WILLIAMS: Thank you.

5 "Thank you for the opportunity to speak in support
6 of this common sense proposal that you are considering
7 today. I'm joined by stakeholders in this project. They
8 have come to address your Board to share their reasons for
9 support.

10 "One of my priorities is water security in Ventura
11 County. Like many agricultural communities we have
12 significant water challenges, most notably water quality and
13 water supply in both our surface water and groundwater
14 basins. Of course, water quality and water supply are
15 inextricably linked. And the problems associated with them
16 are exacerbated by the drought.

17 "In order to being working towards solutions it is
18 necessary that we come together as community partners and
19 work for our collective good. Over the past few months I
20 have been working directly with these stakeholders in
21 Ventura County. And I'm pleased to say that we believe that
22 we have successfully established common ground and forged a
23 better path forward.

24 "As you've already heard from the staff report,
25 the City of Oxnard has constructed and owns the Advanced

1 Water Purification Facility. This facility should be the
2 envy of our neighbors and drought-stricken California;
3 instead it languishes. Every day there are 5 million
4 gallons of wastewater that could be recycled, but instead go
5 to an ocean outfall. Currently there is no infrastructure
6 in place to delivery this recycled water to our eager
7 customers. However a temporary solution, the solution
8 before you today is available.

9 "Calleguas Municipal Water District manages a
10 regional salinity management pipeline that sends the
11 leftover byproduct of desalinization, or brine, to the
12 ocean. This pipeline can be used to temporarily delivery
13 water from the Oxnard plant to farmers on the Oxnard Plain.
14 Currently, the volume of brine in the pipeline is very low.
15 And when mixed with recovered water from the Oxnard plant
16 the resulting water will have significant lower salinity
17 than -- than the growers' alternative, which is well water.

18 "If the project is approved today the growers will
19 have increased water security and higher water quality.
20 When agriculture gains security in its water future the
21 entire county benefits.

22 "Ventura County is special. The rich soil that
23 has been deposited in our plains and valleys is among the
24 richest in the world. Our climate is exceptional, one of
25 the few places on earth to enjoy two growing seasons each

1 year.

2 "The October -- October is our heaviest watering
3 month. And with your Board's approval today, construction
4 can begin on the temporary connecting pipes needed to
5 transport this recovered water. That would mean they would
6 have the capability to deliver the recycled water to our
7 agricultural customers in time for the fall crops, the heavy
8 planting season.

9 "This drought will force us to continue to make
10 very difficult choices. But today we present you with a
11 reasonable and attainable proposal that can help us now.
12 Thank you for your time and your consideration."

13 VICE CHAIR MUNOZ: Thank you for your testimony.

14 We have Mr. Greg Nyhoff from the City of Oxnard
15 and various others who will be given ten minutes for their
16 presentation. You have a total -- yeah.

17 The group can come up on that, and you have a
18 total of ten minutes.

19 MR. NYHOFF: Thank you very much. Greg Nyhoff,
20 City Manager for Oxnard.

21 I first just want to say thank you to Cris and to
22 Sam. Cris, that was a great report. I won't repeat any of
23 the things that I've already said. I want to say just
24 thanks to you for moving this through expeditiously. It's
25 been great.

1 Thanks to the partners that are with us today.
2 This is truly a regional effort, that we've come together
3 arm -- arm in arm to address this -- to put this solution
4 forward to address this severe drought.

5 I want to thank Assemblywoman Irwin, as well. She
6 pulled us together in a time when we were just working on it
7 but not together. And we're all here today for this
8 project.

9 I look at this project and, you know, I'm the city
10 manager for Oxnard, and the mayor and council send their
11 regards, that we have municipal waste that we treat today.
12 And we take that discharge and we discharge it into the
13 ocean. And so I'm not an engineer, but just common sense
14 tells you what better use in this severe drought than to
15 purify it and then to ship it to our very, very critically
16 important economy of agriculture within our community,
17 outside of our own boundaries.

18 So we're excited to be here before you today.
19 We're excited to -- to get going and using our facility.
20 It's been sitting idle for a couple of years now. It's
21 fully ready to go. We've got the staff onboard. So we're
22 excited to be here today and get this working.

23 So thank you again for your consideration today.

24 MR. BLOIS: Good morning, Madame Chair -- Vice
25 Chair, distinguished Members of the Board. I'm Steve Blois.

1 I used to be --

2 VICE CHAIR MUNOZ: Well, welcome. Welcome back.
3 As a former Board Member, you used to be up here with us.

4 MR. BLOIS: This is my first time back. Thank you
5 for -- for noting that. And please don't dock me the 30
6 seconds we just took.

7 Currently I serve as a director of the Calleguas
8 Water District. And I'm also -- my division includes North
9 Oxnard. With me today, also, is director Andres Santamaria
10 whose district includes South Oxnard. I also serve as
11 Calleguas' representative on the Metropolitan Water District
12 Board. And as such I would like to address some of the
13 regional benefits of the proposed amendments for the City of
14 Oxnard Recycling Plant.

15 Calleguas serves all but one of the major cities
16 in Ventura County in a population of 630,000. Our area is
17 75 percent dependent upon imported water from the State
18 Water Project. There is only enough infrastructure in place
19 to deliver a small quantity of Colorado River water to our
20 area.

21 As you know, the State Water Project is vulnerable
22 to drought regulatory cutbacks and earthquake. But
23 capturing and treating wastewater which would otherwise flow
24 to the ocean, this project develops a new supply of locally
25 produced water for Oxnard which reduces their dependence on

1 imported water and increases water supply reliability, not
2 only for Calleguas' service area but for all of Southern
3 California. It also reduces stress on the fragile delta
4 ecosystem through which the State Water Project must flow.
5 It's a great example of a new local water resource
6 development which together will lessen our dependence on
7 imported water and improve water reliability throughout
8 Southern California.

9 We commend the efforts of your staff for
10 developing these amendments. Sam has shown great leadership
11 in the areas of salt managements and water supply
12 development since he spearheaded the process to establish
13 the 2007 Calleguas Creek Watershed's TMDL, Salts TMDL. That
14 TMDL was developed through an extensive stakeholder process
15 and will ultimately result in the construction and operation
16 of the 38-mile long salinity management pipeline and
17 multiple groundwater desalters to remove salts from the
18 watershed and deliver them to the ocean.

19 In conclusion, the temporary use of the SMP to
20 convey the City of Oxnard recycled water to growers on the
21 Oxnard Plain will not only give those growers some relief
22 from the impacts of our current drought that will reduce the
23 water supply reliability -- excuse me, reduce the risk of
24 seawater intrusion by shifting pumping from coastal to
25 inland wells, and it will improve the water supply

1 reliability for the entire region and reduce stress on our
2 delta.

3 The work of your staff to make this possible is
4 yet another example of their willingness to work with water
5 suppliers and dischargers to find creative solutions to
6 water quality and water supply problems. We respectfully
7 request that your Board approve these amendments. Thank
8 you.

9 VICE CHAIR MUNOZ: Thank you.

10 MR. MATTHEWS: Good morning. My name is John
11 Matthews. I'm here representing the Pleasant Valley County
12 Water District.

13 AS a general overview for Pleasant Valley, we're
14 an agricultural water supplier. We rely primarily on
15 groundwater, as well as surface water, through some projects
16 that you've approved in the past. We serve about 12,000
17 acres of prime agricultural land. I like what somebody else
18 said today, it's Assembly Member Irwin's comments, this is
19 some of the best agricultural acreage, not just in
20 California but in the world. And it supports a great
21 portion of our economy in Ventura County.

22 I'd first like to state -- take the time to thank
23 Staff who we've worked with, your staff, in the past on the
24 Ag Waiver Project, and as well as Steve mentioned, the
25 Calleguas Creek Watershed TMDL.

1 Ventura County is special. We don't mean to be
2 egotistical, but we do have a great relationship among the
3 water agencies there, as I think you saw from Ms. Morris'
4 list of people that are supporting this.

5 We support the GREAT Project, number one, because
6 it's been on the horizon for us for a long time. When I
7 started working on this project with the City of Oxnard way
8 back when I had dark hair. It's been a long time. It's
9 been vetted. It's gone out to the public. I tried to think
10 last night when I was telling my family, it's been about 20
11 years since this first -- we first met with representatives
12 from the City of Oxnard. It takes a long time to do
13 something as great as what the city has done here.

14 In Pleasant Valley what we've done is we, during
15 this timeframe, we have instituted conservation measures now
16 during this drought. And we're going to continue to do that
17 if, in fact, we approve this today where we can get this
18 recycled water out to us.

19 What it allows us to do is get off our deep
20 aquifer wells. As I said, we really have two sources of
21 water, surface water and well water. By taking this
22 recycled water and introducing it to our system we'll be
23 able to reduce our pumping.

24 And I'd be remiss not to thank those people who
25 have worked so hard on this, our partners, the City of

1 Oxnard, the city of -- or the -- Calleguas, and Assembly
2 Member Irwin's Office, and all the others that have worked
3 on this. This is a great regional project that we know is
4 not the solution. We've got a long way to go everywhere in
5 this state and in Ventura County. But in my -- my belief is
6 it's a small step but a good step towards sustainable
7 groundwater usage in Ventura County. So I hope you support
8 this.

9 Thank you.

10 VICE CHAIR MUNOZ: Thank you so much.

11 MR. DUBOIS: Good morning, Board Members. My name
12 is James Dubois from Driscoll's. We are a marketer and
13 shipper of fresh berries. I'm also here on behalf of Reiter
14 Bros. which is one of the main Driscoll growers, and also
15 one of the main ag users who would be receiving GREAT water.

16 We support the proposal in front of you today.
17 Access to recycled water, to this recycled water source is
18 critical to our operations in the Oxnard Plain. Reduce --
19 it would -- it reduces the amount of water that we pump from
20 our wells, which you saw on that map, which are located in
21 an area of declining water levels and salinity intrusion,
22 seawater intrusion. This water is also of much higher water
23 quality, reduced chloride sodium, critical constituents,
24 even when blended with the brine in the salinity management
25 pipeline.

1 The portion of the water that we apply to the crop
2 is to leach salts out of the root zone. The cleaner the
3 water the -- the lower the leaching fraction. So this
4 water, when delivered to our farms, has the potential to
5 actually help us reduce the total amount of water that we
6 apply to our crops, while maintaining yields and fruit
7 quality.

8 The improved water quality also allows us to
9 develop new production systems such as soilless media or
10 otherwise a substrate or hydroponic. This growing system
11 which requires very high quality water has the potential to
12 reduce total water use, as well, and does not require the
13 use of soil fumigants. But again, high quality water is
14 critical to those growing systems.

15 I think what you see is a rare alignment of
16 cities, growers, water districts towards -- around this --
17 around this project. Please help us get this across the
18 finish line. Thank you.

19 MR. KRIST: I guess I have to talk fast now that
20 there's very little time left.

21 Good morning. My name is John Krist. I'm the
22 Chief Executive Officer --

23 VICE CHAIR MUNOZ: Excuse me.

24 MR. KRIST: Yes?

25 VICE CHAIR MUNOZ: We're going to give you an

1 additional five minutes because --

2 MR. KRIST: Awesome.

3 VICE CHAIR MUNOZ: -- because you had a total of
4 ten minutes for two groups of you.

5 MR. KRIST: Okay. Then I'll talk a little more
6 slowly. Okay.

7 Again, good -- good morning, Madame Chair, Members
8 of the Board. My name is John Krist and I'm the Chief
9 Executive Officer of the Farm Bureau of Ventura County which
10 represents more than 1,000 farming families and agricultural
11 employers in Ventura County. And I'm here today to urge you
12 to approve the WDR and WRR amendments that are before you.

13 Ventura County's \$2 billion a year agricultural
14 industry is almost entirely dependent on local water
15 resources, mainly groundwater but also surface water and a
16 small amount of recycled water. And our primary sources are
17 all facing unprecedented stress. The current drought is
18 certainly one of them, forcing growers to pump more
19 groundwater to keep their crops healthy and stay in
20 business. But other factors, including regulatory mandates,
21 have reduced the capacity of local facilities to capture and
22 store surface water, even when rainfall and runoff are
23 relatively abundant.

24 Ventura County certainly is not alone in this. As
25 a member of the California Farm Bureau Federation my

1 organization has a front-row seat for the water crisis
2 afflicting agriculture statewide. Throughout California, as
3 you well know, aquifers are being over pumped, reservoirs
4 are dwindling, rivers are running dry, and once productive
5 farmland is being idled.

6 Unlike most of the rest of the state, however,
7 Ventura County is doing something to address these issues.
8 Building on the long local history of cooperation and
9 collaboration among urban and agricultural water users, the
10 City of Oxnard and some of our major farming operations have
11 developed an innovative partnership to bring this new
12 recycled water source online. The supply developed through
13 the GREAT Program has the potential to reduce Ventura
14 County's reliance on imported state water and to enhance our
15 ability to sustainably manage our critical groundwater
16 basins.

17 The project before you will not solve all of our
18 problems, but it represents a significant step toward a
19 future in which we manage all of our water resources,
20 whether they lie underground, flow down a river channel, or
21 are discharged from a municipal wastewater plant smarter and
22 more efficiently. And I encourage you to cast your vote
23 today for that future.

24 Thank you.

25 VICE CHAIR MUNOZ: Thank you.

1 Next we have Ms. Lombardo, also a former Drinking
2 Water Board member. Let's just hope for all of us that we
3 will have futures after being Board Members. (Inaudible.)

4 MS. LOMBARDO: Yes. Two past members. I think
5 you realize how important this is. So it's good to see you
6 all again.

7 Know that today is a very important day for the --
8 my agricultural community. This project offers hope in
9 assisting many Oxnard Plain growers with keeping family
10 farms running, their staff employed and growing food that
11 feed our county and our state.

12 This has not been an easy road to get here. And
13 even though I'm a republican, I believe in giving credit
14 where it's due. And I'd personally like to thank
15 Assemblywoman Jacqui Irwin and Brett. I started working
16 with them in March. Actually, I think Jacqui reached out to
17 me at the Capital WAG (phonetic) day. And she spent over
18 two hours with me trying to understand the situation and
19 realizing my frustration and embarrassment that we had this
20 great facility in our -- sitting their idle, just for lack
21 of conveyance.

22 Jacqui and her staff worked to get us all working
23 together and talking. I'm sure we were driving the staff
24 here crazy, calling individually.

25 I'd like to thank the staff. Your creativity and

1 flexibility shown in finding a temporary solution fully
2 embraces the spirit that Governor Brown called for in the
3 Emergency Drought Proclamation. So here we are. It's been
4 a lot of work for a lot of folks here today, and sometimes
5 it does take a village.

6 To the Board, I urge a yes vote on this item. And
7 I say to you, never underestimate the impact that your
8 decision has on so many lives. Excuse me.

9 As the California Women for Ag, State Task Force
10 Director for Water, I, like John, have sort of been at the
11 front row of many waters used throughout the state. And we
12 have many days of difficult decisions for farmers, and
13 they're not over yet. But today is a good day. Your
14 decision is easy. And this is a win-win solution for
15 everyone. And I thank you for your consideration.

16 Personally, if I could, I want to thank you for
17 your service. And I know that's something you never hear. I
18 can only imagine the increase in your workload with this
19 drought. I wish I was still serving with you. Know that
20 your leadership is appreciated as our state works these dark
21 days in our history.

22 Thank you very much.

23 BOARD MEMBER MEHRANIAN: Thank you.

24 The next speaker is Tony Morgan, substituting for
25 Russell (inaudible), United Water Conservation District.

1 MR. MORGAN: Good morning. My name is Tony
2 Morgan. I'm the Deputy General Manager for Groundwater and
3 Water Resources at United Water Conservation District.
4 Thank you for the opportunity to address you today.

5 United Water Conservation District applauds the
6 Board for their decision to allow the use of the salinity
7 management pipeline for conveyance of the Phase 1 treated
8 wastewater from the AWPf facility. It's appreciated that
9 the staff were able to work with stakeholders from Ventura
10 County to come up with a way to make this project
11 permittable.

12 We thought at this time it would be appropriate to
13 set the stage a little regarding groundwater conditions in
14 Ventura County. Many parts of the county are heavily
15 dependent on groundwater resources. And this reliance makes
16 groundwater a critical component of our water supply
17 portfolio.

18 This reliance has manifested itself in overdrafted
19 groundwater basins on the Oxnard Plain and the recognition
20 that seawater has intruded into the potable aquifers
21 underlying the Oxnard Plain since about the 1930s. The
22 condition of overdraft and seawater intrusion continue
23 today.

24 Overdrafting of the basins in the Oxnard Plain is
25 not a function solely of the drought. The water supply

1 demand imbalance of the systems in the area have continued
2 for decades and have been acknowledged by multiple entities,
3 including the California Department of Water Resources, the
4 State Water Resources Control Board, and the U.S. Geological
5 Survey. The treated water from the AWPf was originally
6 envisioned as a much needed element towards solving this
7 water supply-demand imbalance on the Oxnard Plain. It still
8 has a definite role in that function.

9 This initial capacity of about 7,000 acre feet per
10 year in phase 1 will not provide significant benefit to the
11 aquifers. Groundwater potentially not pumped by
12 agricultural users when the substitute the AWPf will be
13 pumped instead by the City of Oxnard.

14 If this situation results in the City of Oxnard
15 reducing their importation of state water or if an expansion
16 of demand occurs due to the availability of this water
17 source, then it's possible for the overdrafted Oxnard Plain
18 aquifers to experience a net increase in groundwater
19 pumping. We recognize that this Phase 1 effort is needed to
20 get the AWPf operational and trust that the stakeholders and
21 regulatory entities realize the inherent responsibilities
22 this project brings with respect to groundwater management
23 in our county. This means there should be no net increase
24 in water use.

25 If the Board elects to approve this project, and

1 we urge you to do so, the stakeholders of the Oxnard Plain
2 will have the responsibility for making this project a
3 reality. Pipeline rights of way must be negotiated.
4 Pipelines must be funded and constructed. Agreements for
5 the use of facilities must be executed, stakeholder training
6 programs initiated, and the local groundwater
7 sustainabilities must work to determine how Phase 1 waters
8 and other potential future phases from the AWPf might be
9 used to the benefit of the aquifers, as well as the City of
10 Oxnard.

11 Our work is not done with your approval of the
12 project. There's plenty of heavy lifting ahead. To help us
13 facilitate the implementation of Phase 1 of this project,
14 United Water Conservation District has two requests of this
15 Board. As included in Mike Solomon's letter dated June
16 10th, 2015, there currently does not exist an agreement
17 between United and Pleasant Valley County Water District for
18 the use of United's terminal reservoirs for recycled water.
19 These reservoirs are owned and maintained by United to
20 assist in distributing water into Pleasant County --
21 Pleasant Valley County Water District's system.

22 Our first request is that the Regional Board
23 condition its approval of the revised order on completion of
24 a written agreement between United and Pleasant Valley
25 County Water District for the use of those reservoirs as

1 part of this project.

2 Our second request is that the Regional Board
3 provide clarification on the regulatory provisions which
4 would govern once recycled water is placed into the
5 reservoirs. For example, what new reporting requirements
6 would be required of United? Or what happens when multiple
7 sources of water, for example, surface water from multiple
8 sources, groundwater and recycled are mixed into those
9 reservoirs. Specifically, what are the obligations of the
10 District when that condition occurs?

11 I want to be clear that United Water Conservation
12 District supports Phase 1 of this project. The takeaway
13 message for me today is that this project will not solve the
14 overdraft seawater intrusion or water supply and demand
15 issues of the Oxnard Plain. We, the stakeholders of Ventura
16 County, have much more to do as we move towards achieving
17 sustainability with our water resources.

18 As a prelude, you can expect to see Ventura County
19 stakeholders in front of you again in the not too distant
20 future. As we advance new concepts in projects for your
21 consideration with the cooperation and willingness to
22 embrace new ideas shown on this project, we look forward to
23 working together with your Board and your staff.

24 Thank you for the opportunity to speak today.

25 VICE CHAIR MUNOZ: Thank you. And then last we

1 have Mr. Jason Weiner from the Wishtoyo Foundation and
2 Ventura Coastkeeper.

3 MR. WEINER: Hi. Jason Weiner on behalf of
4 Wishtoyo Foundation and its Ventura Coastkeeper Program.

5 While we support the GREAT Project, we object to
6 the Regional Board's adoption of the tentative amendment.
7 Our overarching concern is that water supplied by Oxnard
8 GREAT to agricultural and municipal end-users in the Oxnard
9 Plain should be used: One, reasonably; two, in a manner
10 that stops years of severe overdraft of the Oxnard Plain
11 aquifers by more -- by mandating that more water is left in
12 the ground; and three, to help achieve protection of the
13 Santa Clara River's instream flow, public-trust protected
14 resources that have been unnecessarily taken from the
15 communities up and down the stream. Not to -- not -- the
16 water supply in aquifers should not be used to perpetuate
17 decades of unnecessary harm to these resources, unreasonable
18 use of the Santa Clara River in the Oxnard Plain in
19 unsustainable water resources management that has run
20 contrary to legislative mandates and state and federal laws.

21 Specifically, we object to the Regional Board's
22 adoption of the WDR/WRR requirements in the Oxnard GREAT
23 tentative amendment for three reasons.

24 One, the WDR/WRR fails to mandate that Oxnard
25 GREAT recycled water be used reasonable for uses that are

1 sustainable for the arid Oxnard Plain region and that it
2 adhere to the best available municipal and agricultural
3 efficiency and conservation practices and requirements.

4 The reasonable water use provisions and waste
5 prohibitions of Article X, Section 2 of the California
6 Constitution require that the WDR and WRR contain provisions
7 that ensure Oxnard GREAT water delivered to Pleasant Valley
8 Water District and other water users is used reasonably and
9 not wastefully. Pleasant Valley Water District and other
10 plain -- Oxnard Plain users are growing water-intensive
11 crops that are not sustainable for the region and have
12 otherwise not implemented best available water efficiency
13 and conservation practices.

14 Two, the water recycling requirements in the
15 Oxnard GREAT WDR-WRR amendment pertaining to the use of
16 Oxnard GREAT water are properly before the State Water
17 Resources Control Board and not this Board. The State Water
18 Board is a state agency tasked with administrative -- and
19 administration of water rights, ensuring reasonable water
20 use under the California Constitution, protecting instream
21 flow dependent on public-trust resources, and with resolving
22 our complaint, along with CAUSES (phonetic) and Center for
23 Biological Diversity's complaint which is a public trust and
24 reasonable use and unreasonable method of diverging a
25 complaint against United, Fox Canyon and the -- and the

1 State Water Board.

2 The provision of recycled water to end-users in
3 the Oxnard Plain in lieu of end-users using Santa Clara
4 River's flows and the need to sustain and protect the
5 river's instream flow dependent on public trust resources is
6 part of the remedy and physical solution the complaint
7 requests.

8 And lastly, the WDR-WRR fails to consider and
9 protect the Santa Clara River's ecological, recreational,
10 Native American, cultural public-trust protected instream
11 flow dependent resources harmed by United's diversion of
12 Santa Clara River flows that dewater the Santa Clara River
13 outside of very wet seasons or during or immediately after
14 large storm events.

15 Recycled water provided by Oxnard GREAT is derived
16 from the discharges from United and Fox Canyon Groundwater
17 Management Agency end-users who receive Santa Clara River
18 flows diverted by United from Freeman Diversion Dam located
19 at Santa Clara River mile 10.5. The public trust
20 doctrine --

21 VICE CHAIR MUNOZ: Please wrap up your comments.

22 MR. WEINER: Yeah. Almost done. Please, may I?

23 VICE CHAIR MUNOZ: Thirty seconds.

24 MR. WEINER: -- may I finish?

25 The public trust doctrine and the reasonable use

1 provisions in Article X, Section 2 of the California
2 Constitution require the state to consider and ensure so far
3 as feasible that the amount of water supplied by Oxnard
4 GREAT to water users in the Santa Clara River watershed whom
5 would otherwise obtain Santa Clara River water directly or
6 indirectly be used in a manner that helps protect the Santa
7 Clara River's instream flow dependent public-trust
8 resources. This could be accomplished here by -- by the
9 state -- by the state mandating that for all new reclaimed
10 water supplied by Oxnard GREAT to end-user in the Oxnard
11 Plain, that United allows an equivalent amount of Santa
12 Clara River flows beyond what it currently allows to pass by
13 the Vern -- Vern Freeman Diversion Dam.

14 Because United delivers flows it diverts from the
15 Santa Clara River directly to Pleasant Valley Water
16 District, the WDR-WRR should require United to decrease the
17 amount of Santa Clara River flows it diverts by the amount
18 of water Oxnard GREAT provides to Pleasant Valley District.

19 VICE CHAIR MUNOZ: Okay. Thank you.

20 MR. WEINER: Thank you. And I apologize for the
21 last minute comments. We were not aware that the Regional
22 Board was hearing on the matter of where this water was
23 going to be used and how it was going to be used. So we
24 wanted to come before you today to voice these concerns.
25 And we will be involved in this process going forward, but

1 we were not involved in the -- in the stakeholder group, and
2 neither have the communities up and down the Santa Clara
3 River who depend upon their public trust resources. Those
4 are marginalized communities who have not heard their
5 voices -- or had their voices heard in front of regulatory
6 bodies.

7 Thank you.

8 VICE CHAIR MUNOZ: Thank you.

9 Would Staff like to make any comments or remarks
10 based on testimony that was just provided?

11 If not, we'll go to -- was that a no?

12 EXECUTIVE OFFICER UNGER: Yeah. We have a couple
13 of things we'd like to address, Chair.

14 MS. C. MORRIS: Yeah, I can address that, Sam.

15 EXECUTIVE OFFICER UNGER: Yeah. Why don't you,
16 please?

17 MS. C. MORRIS: With respect to monitoring the
18 water quality, we actually have a monitoring station located
19 right at the RSMP before it discharges into the Pleasant
20 Valley irrigation network. And we -- so we monitor the --
21 the flow going to all the farmers, and we monitor the
22 quality of the water at that point, at that location, which
23 is somewhere representative, or actually would be the worst
24 case for the water quality for what is being distributed.

25 Getting into beyond that, into the network,

1 once they add other water is -- is beyond our scope. It's
2 not something that I would want to get into. I mean, I
3 don't think we would need to. We're -- we're doing it as --
4 before it gets added to all the other water sources.

5 EXECUTIVE OFFICER UNGER: And I would just like to
6 make a comment. I think United asked that we condition the
7 approval upon reaching an agreement on the reservoir that is
8 used to store water. Again, I think that's outside of our
9 purveyance. I've heard anecdotally that there's been
10 discussion about this reservoir for more than a decade, and
11 maybe even close to two decades. And really it's a local
12 issue that United and Pleasant Valley stakeholders should be
13 working out amongst themselves.

14 Our goal is to ensure that the water quality that
15 is distributed to the farms and may eventually either run
16 off the farms with the surface waters or percolate into
17 groundwater is of sufficient quality. And we think that
18 the -- the WDR's that you have before you certainly meet
19 that requirement.

20 MS. C. MORRIS: You want to talk about Jason's
21 comment?

22 EXECUTIVE OFFICER UNGER: Well, do you want to
23 say --

24 MS. C. MORRIS: No, I don't want to say. No.

25 EXECUTIVE OFFICER UNGER: Yeah. I think in terms

1 of Mr. Weiner's comments, again, I think he brings up some
2 very interesting points that really are beyond the scope of
3 this -- these WDRs diversion of water from the Santa Clara
4 River I think is properly a matter for the State Board, not
5 for this Regional Board. And again, we're -- this
6 particular action we're taking today really just makes an
7 available supply of high quality water and marries it to the
8 resource -- or excuse me, to the infrastructure that can
9 carry it to where it can be used beneficially to support
10 agriculture.

11 I think that's all I have, unless you have
12 specific questions.

13 MS. C. MORRIS: The only thing I wanted to say is,
14 is keep in mind that the plan is -- the plan was always to
15 provide water to the farmers through the AWPf. They just
16 don't have the pipelines installed yet. So what we're
17 allowing them to do is use a different pipeline.

18 VICE CHAIR MUNOZ: That makes it very clear.
19 Thank you. Okay.

20 Board Member Yee, we'll start on your end.

21 BOARD MEMBER YEE: Well, it's days like today that
22 make me a proud Board Member from Ventura County, to see the
23 amount of cooperation and support that agencies and groups
24 have come together in support of this particular amendment.

25 I would support this amendment regardless of

1 whether there's a drought or not because I think it's a
2 really important step in the right direction. You know,
3 we're no longer in the golden age of water. And we have to
4 completely change our mindsets to be thinking about
5 conservation, recycling and reuse, and certainly
6 cooperation. And I think GREAT is -- is an acronym for this
7 program, to be using, you know, recycled water to support
8 the viability of agriculture in Ventura County.

9 And I'm sorry to say, golfers, but I think that's
10 a much, much higher priority than sending water to a golf
11 course.

12 And I appreciate the position of United Water.
13 But I really feel that sufficient measures have been taken
14 with this amendment to protect the groundwater. So I
15 strongly support this.

16 BOARD MEMBER DIAMOND: I concur with my -- with my
17 colleague in what he's just said. I think that this is --
18 this is a step in the right direction, not only for the
19 reuse of water. We have to be using water wisely all over.
20 And this is one step. We need to be looking at wastewater
21 and how we can use it efficiently throughout our region, in
22 Ventura's, as well as Los Angeles.

23 And I'm really proud that we're doing this. And I
24 look forward to finding other ways to reuse our water in
25 ways that are efficient and recognize that we're not just in

1 a drought, we're in a whole new water world. And we have to
2 become not only water secure but water independent. And I'm
3 glad we're leading the way here and look forward to doing it
4 in many other ways within our region.

5 BOARD MEMBER MEHRANIAN: I don't have much left.
6 I agree with it. And I think we keep talking about change
7 of behavior of how to use water, and this is a very good
8 example of that. And I'm all for it.

9 VICE CHAIR MUNOZ: Board Member Glickfeld?

10 BOARD MEMBER GLICKFELD: Thank you.

11 I do want to commend our staff.

12 I do want to commend the County of Ventura and all
13 of its various agencies that have come together.

14 You know, I knew -- I worked in Oxnard, did some
15 work in Oxnard when they first started doing this recycling.
16 They were doing it before anybody was doing it. And
17 frankly, at this point, before this project, they were
18 way -- they're now -- they were way behind their colleagues
19 in L.A. County, the County Sanitation Districts. They were
20 pretty -- and the City of Los Angeles, when they adopt their
21 next recycling plans they will have a scarcity of recycled
22 water. I hope that Ventura County gets to the point of
23 having a scarcity of recycled water.

24 You know, as I said, I will support this. But I
25 do want to bring up two issues that I hope that all of you

1 think about, which is, you know, the next phase is for the
2 saltwater intrusion barriers, the first saltwater intrusion
3 barriers that have ever happened in Ventura County. And
4 these are just critical because however this groundwater
5 basin is being managed, saltwater intrusion has not stopped,
6 in fact it's increased.

7 And I think that we have to make sure, because it
8 is our job to protect the basins' water quality, we have to
9 ensure that when Phase 2 comes online an adequate amount of
10 recycled water will go into that -- that barrier to protect
11 against further saltwater intrusion.

12 And I assume that there's going to be a big
13 competition for this water through non-potable lines,
14 through reservoirs, and through the groundwater saltwater
15 injection barrier. And I hope that our staff can find a way
16 to play a role in this because this is a water quality issue
17 that we are addressing in salt and nutrient plans for other
18 groundwater basins.

19 So I'm asking, Sam, that you become engaged.

20 And I also am asking that -- that -- I saw the
21 Farm Bureau here and he spoke very well. But I also
22 recognize him as a representative for our Irrigated Lands
23 Program, cooperative program. I hope that this is an
24 opportunity to solve a bad salt runoff pollution problem for
25 agricultural runoff, for farmers to take that lead they have

1 with technology to just minimize the runoff and put just
2 enough water on their plants to keep them going. So I see
3 you nodding. I'm hoping that's the case.

4 But I really think, Sam, that we should be
5 rethinking how we make sure that water is not wasted in this
6 area following the State Board's lead, but also ensuring
7 that the water that comes off of farms is not diluted with
8 the resources that you want to preserve.

9 So thank you.

10 EXECUTIVE OFFICER UNGER: Yeah. Well, thank you
11 for those comments, Board Member Glickfeld. I think there
12 is -- there may be opportunity for us to become more
13 involved in waste and reasonable use. There is some, I
14 guess, some thoughts coming from the State Board that the
15 Regional Boards may have a greater role in that area of the
16 Water Code than has been used before. And we will certainly
17 follow up and try to understand in a better manner what
18 exactly the Regional Boards have authorities to regulate
19 under waste and reasonable use.

20 BOARD MEMBER GLICKFELD: What about the saltwater
21 intrusion barrier and making sure that there's enough
22 water --

23 EXECUTIVE OFFICER UNGER: Well, that's --

24 BOARD MEMBER GLICKFELD: -- put in there and
25 balancing that off? I think that's going to be a really

1 high priority for us. Everybody is not having -- they're
2 all locally independent, and nobody is going to have any
3 water if that saltwater continues to pour in.

4 I'm presuming that the Groundwater Management Act
5 will bring improvements to the way this groundwater basin
6 has happened. But we want to make sure that there's an
7 opportunity to block more saltwater intrusion, that it's
8 used to the maximum possible.

9 EXECUTIVE OFFICER UNGER: What I -- what I might
10 suggest is that I would like to have Chief Deputy Executive
11 Officer Deb Smith and I to reach out to State Board and to
12 see how they're developing whatever guidance and policies
13 they may have for Regional Boards to implement the waste and
14 reasonable use doctrines. And I think what we'd like to do
15 is possibly come back here, I don't want to commit to when
16 exactly, but with the information on it and we can discuss
17 that with you if that's -- if that's appropriate. So --

18 VICE CHAIR MUNOZ: I think that's good.

19 EXECUTIVE OFFICER UNGER: So we'd be happy to do
20 that.

21 VICE CHAIR MUNOZ: Okay. So are there any
22 additional comments? If not, I'd like to entertain a
23 motion.

24 EXECUTIVE OFFICER UNGER: Could I -- could I just
25 have one comment before you --

1 VICE CHAIR MUNOZ: Yes, of course.

2 EXECUTIVE OFFICER UNGER: I just want to say, on
3 this project, you know, when the stakeholders first
4 approached us, I think we all sat in a meeting with Cris and
5 Deb and we said, "Do you want this in July?"

6 And they said, "You mean July 2015 or 2016?"

7 I mean, with the amount of work that Cris did to
8 fast track this and make it a priority so that the growers
9 can utilize this water in concert with their growing season
10 was just amazing. She worked long hours to pull this
11 together, to put in the protections in the WDRs that are in
12 now that will not exasperate overdraft. And so just working
13 with a multitude of details that she had to do was just
14 absolutely amazing. So I think we all owe her a great debt,
15 actually.

16 MS. SMITH: And also, there is a companion permit
17 to make this happen which was Cassandra Owens doing the
18 brine line -- reopening the brine line permit through the
19 well. That was on consent today. But those two, Staff put
20 permits together and made this happen, so --

21 EXECUTIVE OFFICER UNGER: That's all I wanted to
22 say. Thank you, Deb.

23 BOARD MEMBER YEE: I'd like to thank all of those
24 involved in the tremendous work that -- that's brought this
25 amendment to us today.

1 And so I would like to move the documented order
2 as presented.

3 BOARD MEMBER DIAMOND: Second.

4 VICE CHAIR MUNOZ: I have a first and a second.

5 May we have a roll call please?

6 MS. MOFFETT: Yes. Ms. Diamond?

7 BOARD MEMBER DIAMOND: Yes.

8 MS. MOFFETT: Ms. Glickfeld?

9 BOARD MEMBER GLICKFELD: Yes.

10 MS. MOFFETT: Ms. Mehranian?

11 BOARD MEMBER MEHRANIAN: Yes.

12 MS. MOFFETT: Ms. Munoz?

13 VICE CHAIR MUNOZ: Yes.

14 MS. MOFFETT: And Mr. Yee?

15 BOARD MEMBER YEE: Yes.

16 VICE CHAIR MUNOZ: Okay. We're going to take a
17 five minute break and then come back.

18 (Off the record at 11:02 a.m.)

19 (On the record at 11:14 a.m.)

20 VICE CHAIR MUNOZ: We're going to start with Ms.
21 Forbes from the State Board. I think she's here.

22 MS. FORBES: Okay.

23 VICE CHAIR MUNOZ: And then we'll move on to the
24 item.

25 EXECUTIVE OFFICER UNGER: So where is --

Attachment 3

Fox Canyon Groundwater Management Agency's June 12, 2015
letter to the Regional Board concerning the Oxnard GREAT
recycled water WDR/WRR

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



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2015 JUN 12 PM 12:12
CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

EXECUTIVE OFFICER
Jeff Pratt, P.E.

June 10, 2015

Los Angeles Regional Water Quality Control Board
Attn: Cris Morris, P.E., Chief
320 West 4th Street, Suite 200
Los Angeles, CA 90013

SUBJECT: COMMENTS FOR TENTATIVE ORDER NOS. R4-2011-0079 AND R4-2008-0083

Dear Mr. Morris:

Thank you for the opportunity to comment on the "Tentative Amendment to Water Recycling Requirements and Waste Discharge Requirements (Order No. R4-2011-0079) and Monitoring and Reporting Program (Order No. R4-2008-0083), City of Oxnard Groundwater Recover Enhancement and Treatment Program Non Potable Reuse Phase I Program (File No. 08-070, CI-9456)." We have reviewed amended Order No. R4-2011-0079, and support the Tentative Order with the following comments and suggested revisions.

1. It is our experience that Phase I of the GREAT Program has not provided the regional benefits promised as described in the Tentative Order. Therefore, on Page 2, Section 1, fifth sentence, we request the following be deleted, "*would provide regional water supply solutions to western Ventura County, allow the groundwater basin to reach safe yield levels sooner (i.e., reducing the effects of groundwater overdraft conditions), and.*"
2. To date we have not seen a reduction in imported water due to the GREAT Program, therefore, it is more appropriate to state that use of Recycled Water "may reduce," versus "will reduce" imported water. On Page 4, Section 10, last paragraph, first sentence, replace "*will*" with "*may*." Sentence would now read, "*The use of recycled water may replace imported potable water.*"

If you have any questions, please call me at (805) 654-2073, or Gerhardt Hubner at (805) 654-5051.

Sincerely,


Jeff Pratt, P.E.
FCGMA Executive Officer

800 South Victoria Avenue, Ventura, CA 93009-1610
(805) 654-2014 FAX: (805) 654-3350
Website: www.fcgma.org