

MINUTES OF BOARD WORKSHOP

June 22, 2016-CV-Salts Workshop
 Central Valley Regional Water Board
 11020 Sun Center Drive, Suite 200



WEDNESDAY JUNE 22, 9:00 A.M.
CV-SALTS WORKSHOP

On Wednesday, June 22, 2016, The Central Valley Regional Water Quality Control Board (CVRWQCB) held a CV-Salts workshop Workshop to Discuss the Framework for a Salt and Nitrate Management Plan for the Central Valley

BOARD MEMBERS PRESENT

Kadara, Denise, Vice-Chair	Longley, Karl, Chair	Schneider, Robert	
----------------------------	----------------------	-------------------	--

STATE BOARD MEMBERS PRESENT

D'Adamo, Dee Dee			
------------------	--	--	--

STATE BOARD OFFICE OF CHIEF COUNSEL STAFF AND OTHER STAFF PRESENT

Pulupa, Patrick, Attorney III			
-------------------------------	--	--	--

STAFF PRESENT

Altevogt, Andrew	Creedon, Pamela	McClure, Danny	Snyder, Clint
Chilcott, Jeanne	Laputz, Adam	McConnell, Sue	Rodgers, Clay
Coughlin, Gene	LittleJohn, Anne	Meeks, Glenn	Stevens, Brett

OTHERS PRESENT

Allen, Mary	Dickey, John	Johnson, Tim	Safi, Sam
Archibald, Elaine	Digiorgio, Joe	Kafka, Stephen	Satin, Morton
Ashlock, Tim	Dulac, Charles	Kretsinger, Vicki	Schoemann, Sally
Barclay, Diane	Escobar, Juan	Laizon, Bobbi	Sherman, Steven
Barclay, Greg	Felton, Mark	Lau-Staggs, Rosa	Shih, Lucinda
Beevends, Mila	Filbrandt, Olivia	Liebersbach, Debbie	Sonke, Dan
Bell, Nicole	Fleischer, Burt	Madrone, Abigail	Sowers, Michael
Black, Jimmy	Gallock, Charlotte	McGlothlin, Chris	Stern, Nicole
Blakely, Bob	Gutierrez, Jose	Miller, David	Sullivan, Stacey
Bobker, Gary	Hampton, David	Minshew, Hudson	Tellers, Josie
Brydie, Lita	Havingfeld, Kavna	Nelson, Jonathan	Turner, Melissa
Callman, Elissa	Heeringa, Nathan	Nordstrom, Michael	Voight, Lysa
Campbell, Christine	Heldt, Randy	Ores, Debi	Webster, Debbie
Carlo, Penny	Hinojosa, Tracy	Ramirez, Pedro	Weenan, Rob
Castro, Antonio	Innes, Gordon	Rempel, Jenny	Wong, Michelle
Cativiela, JP	Ising, Chris	Ringelberg, Erick	Yamashita, George
Chichizola, Regina	Jensen, Ryan	Rodriguez, Arturo	Zimmerman, Christine
Clary, Jennifer	Johnson, Michael	Ruby, Tim	

Following initial introductions of the Chairman and Board Members, Central Valley Water Board staff and CV-SALTS stakeholders gave the Board an update on the current proposed strategies for the development of the stakeholder driven, Central Valley-wide Salt and Nitrate Management Plan (SNMP). The morning session included descriptions ambient

groundwater quality assessment for the Central Valley; the Nitrate Implementation Study (NIMS); the Strategic Salt Accumulation Land and Transport Study (SSALTS); and the proposed nitrate discharge permitting implementation strategy. A stakeholder member panel was present to discuss the presented topics and answer questions.

Comments from the public regarding the morning presentations began the afternoon session. Following the public comments, presentations were provided on the proposed overall implementation strategy for salinity management and the recommended policies to facilitate implementation of the SNMP, including use of Secondary Maximum Contaminant Levels (SMCLs) for salinity related constituents, the use of salinity classes for protection of agricultural beneficial uses, potential alternative compliance policies relating to the use of offsets, exceptions and management zones to manage nitrates and salinity in the Central Valley and a conservation/drought policy. A stakeholder member panel was also present in the afternoon session to discuss the topics and answer questions. More public comments were received at the end of the afternoon session presentations. The work shop ended with Board discussion on next steps, direction to staff to insure that timelines are met, and encouragement to stakeholders to provide written alternatives to the proposals heard during the work shop.

Morning Presentations

Jeanne Chilcott, Environmental Program Manager in the Rancho Cordova Office, presented on:

- The overview of the CV-SALTS and Work Shop structure; and
- The ambient groundwater quality evaluation.

Joe LeClaire, Associate Environmental Scientist for CDM-Smith, presented on:

- The NIMS report, describing the potential measures that could be utilized to address nitrate impacts in groundwater throughout the Central Valley, implementation methodology and estimated costs; and
- The Alta Irrigation NIMS pilot study, used to help estimate costs and implementation methodology.

Richard Meyerhoff, CV-SALTS Technical Project Manager, CDM-Smith, presented on:

- The SSALTS report, describing the implementation alternatives evaluated to balance salt loading within the Central Valley;
- The need for a regulated brine line, as all other potential management measures address only about 15% of the salt accumulating annually; and
- Total estimated construction cost for the brine line infrastructure.

Discussion

Board comments/questions included:

- Clarification on the “sustainability” definition;
- Whether similar issues exist outside of California;
- The feasibility of a brine line and knowing financial contributions up front; and
- Concern of the Bay-Area if more salt is discharged to the Bay

General Responses/Discussions included:

- Sustainability goal is to achieve no long-term impacts;
- A brine line example is the Santa Ana system, paid for by discharger capacity fees. Fiscal responsibility has not determined for the proposed brine line, although the Federal agencies are already involved and have a great deal of experience. Unresolved issues surrounding a brine line could be addressed by a committee over the long-term as part of the planning phase including possibilities to supply high quality drinking water and/or more water for Agriculture through desalinization. Controlling discharges to the Bay would be a key factor;

Tess Dunham, CV-SALTS Stakeholder Member, presented on:

- The proposed SNMP nitrate management implementation framework which included:
 - Use of the 10 mg/L nitrate MCL or something else as a water quality objective or trigger;

- Ties into the three main management goals of the SNMP:
 - (1) Provide safe drinking water,
 - (2) Balance Salt and Nitrate Loading, and
 - (3) Managed restoration where reasonable and practicable;
- Management zones vs. individual dischargers; And
- Allocation of assimilative capacity vs. exceptions.

Participating Stakeholder Panel Members

David Corey, Central Valley Salinity Coalition Chair

JP Catiuela, CV-SALTS Stakeholder Member Representing Dairies

Debbie Webster, CV-SALTS Stakeholder Member Representing POTWs

Bruce Houdesheldt, CV-SALTS Stakeholder Member Representing Irrigated Ag.

Laurel Firestone, CV-SALTS Stakeholder Member Representing Community Water Center and the Environmental Justice Groups

Discussion

Board comments/questions included:

- The percent of groundwater restoration that CV-SALTS envisioned;
- The use of 10 mg/L nitrate MCL as a trigger level, as that number may be too high;
- Concern about how we answer the remaining questions (ie “triggers”) before the end of this year, and that it may get to the point that staff will be asked to provide a strawman and put out some numbers that we can begin to look at and have a discussion around; and
- A concern of having both individual permits and management zones within the same area.

Panel member comments/questions included:

- Noted that restoration options must be exhaustively studied for feasibility and practicality before de-designation of a beneficial use is considered;
- Comments that goal #1(Safe Drinking Water) should be implemented by the individual communities rather than dischargers developing and implementing drinking water solutions;
- Concerns that the current plan is still lacking some basic, fundamental framework;
- Concern with the use of a volume-weighted average to assess assimilative capacity;
- The need for flexibility in resource management, especially with management zones; and
- The concern that that the management zone approach is too inclusive and that POTWs need some flexibility for small versus large dischargers.

General Responses/Discussions included:

- The amount of restoration is more a time-related component issue rather than a percent goal;
- Permitting options may include a mixture of management zones and individual permits. It is possible that management zones may not be needed everywhere;
- With regards to the use of a volume weighted average, Board members indicated that some specific methodologies and timelines must be in place to prevent debates that could go on for years and would want alternative proposals provided in writing.;
- A comment that management goal #1 is already difficult; 2 and 3 more so, and the need to focus on 1 and 2 and then evaluate. In some areas, all 3 goals may not be possible; and
- Assurance that the management zone groups would coordinate closely with impacted communities when developing safe drinking water plans.

Public Comments on the Morning Session

Sandra Garcia of the AGUA Coalition commented that they believe that many elderly and children members of her community are getting sick from drinking the impacted water and that the problem needs to be fixed at the root, with the dischargers, not just worry about fixing the water after the damage has been done.

Arturo Rodriguez commented that there seems to be a major disconnect between the Water Board actions and the communities with poor water quality. There needs to be more effective community outreach. Noted that people living in impacted areas did not think much was being done to fix poor water quality or that any attention was being given to the issue. He encouraged to see the issue being discussed in this forum.

Ryan Jensen of Community Water Center commented that the residents in the Cutler/Orosi area, in the Alta Irrigation District Pilot study area, were working on a long term shared solution because of the chronic nitrate issues in the area, but the deal breaker for these small water systems is the ongoing O&M costs; so, a mechanism is needed where these ongoing costs can be subsidized by polluters rather than being borne by the residents who are not at fault.

Afternoon Presentations

David Cory, Central Valley Salinity Coalition Chair, presented on:

- The proposed SNMP salinity management implementation framework approach which included:
 - Existing conditions of the production zone;
 - How salinity management differs from nitrate management;
 - Prioritization of the salinity management implementation with the first priority controlled degradation as move toward balance and managed restoration; and
 - Conceptual cost estimates and timelines for the programs.

Discussion

Board comments/questions included:

- The comment that salt management is an important issue that we have to work hard to address it, as we can irrigate with high nitrate levels in the water, but not with high salt concentrations; and
- The concern of whether people outside of the CV-SALTS know what is going on with regards to the CV-SALTS program?

General Response/Discussion:

- CV-SALTS has stepped up its outreach both at the local level and to get the political will to spend the money that is needed to to manage the salt in the Central Valley.

Tim Moore of Risk Science and CV-SALTS Executive Committee Meetings Facilitator presented on:

- Proposed SNMP Implementation Policies which included:
 - Basin plan changes to Secondary MCLs for salinity water quality objective to allow use of the full range of SMCL values and the proposed use of filtered samples to assess compliance for salinity related constituents, and the proposed change in the compliance sampling point.
 - AGR beneficial use protection classes for Salinity in Groundwater;
 - Proposed alternative compliance strategies using offsets, exceptions and management zones;
 - Drought Policy- use of long-term averages and use of credits for storm water recharge.

Participating Stakeholder Panel Members

David Corey, Central Valley Salinity Coalition Chair

Debbie Webster, CV-SALTS Stakeholder Member Representing POTWs (CVCWA)

Elaine Archibald, CV-SALTS Stakeholder Member Representing Water Purveyors (CUWA)

Laurel Firestone, CV-SALTS Stakeholder Member Representing Community Water Center and the Environmental Justice Groups

Discussion

Board comments/questions included:

- A question of whether the proposed SMCL policy's use of an annual average makes the "not too exceed" limits go away;
- With regards to offsets, a question of how the Chino example applies to the impacts to rural, disadvantaged communities (i.e. hotspots);
- A question of how the CV-SALTS SNMP interfaces with sustainable groundwater basin management and the Sustainable Groundwater Management Act; and
- Questions about the use of assimilative capacity, the use of the term "exceptions" and the Board's capability to account for longer term data and credits;

Panel member comments/questions included:

- Regarding the proposed SMCL policy, concerns about the four changes, as it relates to surface waters, including:
 - 1) The increasing of the objective from 500 mg/L to 1,000mg/L- concerns about higher TDS in their source water;
 - 2) The change to dissolved sample results is a change in the objective as it will allow for higher levels of total metals to be discharged;
 - 3) Compliance period to change to an annual average;
 - 4) Compliance sampling point change — compliance samples taken at intake does not protect the entire waterbody.

Recommendation for thorough environmental review prior to proposing any changes to implementing SMCLs;

- A comment that the 500 EC over source water policy in the Tulare Lake Basin Plan is no longer attainable and needs to be addressed;
- Concern that an exception does not essentially become a dedesignation of a use and that the potential for restoration be extensively evaluated before de-designating an areas use; and
- A concern that offsets may allow a condition of pollution or nuisance that could disproportionately impact a down-gradient, disadvantaged community;

General Responses/Discussions included:

- The "not too exceed" limits could possibly go away. Board staff is also currently using annual averages and worked closely with the Division of Drinking Water to establish the use of annual averages to be consistent with how drinking water systems are monitored;
- With regards to the offset question, all alternative compliance strategies must identify any potential "hot-spot" areas and require that if you are being given any additional flexibility, especially on nitrate, impacted users must be mitigated (i.e. provided safe drinking water);
- CV-SALTS is coordinating with the SGMA process, but doesn't want to wait for their process. The structure of management zones is being developed so that it fits together with any efforts on SGMA where appropriate;
- Extended discussion of the use of assimilative capacity and longer averaging periods (e.g. wet and dry year cycle time frames such as El Nino years versus dry years) as compared to exceptions and where and when offsets might fit in. Goal is to insure forward progress with flexibility, but regulate when needed.

Public Comments

Lucinda Shih of Contra Costa Water District commented with regards to the proposed SMCL policy that they are concerned about the potential impacts of the proposed changes on surface waters in the Delta. They are concerned that water quality would increase in salinity and increase their cost to pretreat surface water.

Response: Pamela Creedon – The Delta Plan objectives still apply. We're not changing those. And we are holding the SMCL objectives to the same standard as a primary MCL or more stringent, but wanted to ensure that wastewater dischargers aren't being held to a higher level of standard than drinking water suppliers are.

Elissa Callman of the City of Sacramento commented with regards to the proposed SMCL changes that they have issues with the use of filtered samples and potential degradation of surface water used for drinking purposes. They also have issues with the lack of detailed implementation components for the policy and the potential impacts on drinking water treatment costs.

Gary Bobker, Program Director at The Bay Institute commented that there are a host of unrealistic assumptions and unexplored options that go along with the brine line salt management strategy. They have concerns that exporting salt into the San Francisco Bay area would have detrimental effects. They feel that we need to look quantitatively and rigorously at what the in-valley options are.

Jennifer Clary of Clean Water Action commented that she supports Laurel Firestone's and Elaine Archibald's comments. She also wanted to clarify that treatment of nitrate impacted water is on the very bottom of the list when it comes to options, as it is expensive. Reduction of nitrate loading is critical in order to solve the problem. We need to adopt strict policies that ensure nitrate loading is reduced.

Eric Ringelberg of The Freshwater Trust commented that what was heard today was a blanket program that was credible and can lead, over a very long time scale, to some benefits. But what we really need is a vehicle for creative solutions. Whether you call it a credit program, or an offset program, those are means of achieving additional financial support for getting towards the outcomes in the framework of the plan. They want to work with staff, POTWs and conservation community to attempt to develop a credit program that will fit this plan.

Regina Chichizola of the Pacific Coast Federation of Fishermen's Association commented that their members are dependent on the fisheries of the Sacramento River. They are concerned that with this plan the salinity, selenium, nitrate, dissolved oxygen, and pH issues in the Bay delta will move into the Bay and will affect fisheries there. They applaud the Boards focus on groundwater, but want to make sure that surface waters are not neglected and the fisheries are restored. They indicated that the main focus should be on land retirement, rather than just pumping more salt into the Bay.

The Board workshop adjourned at 3:00 p.m. to the Board meeting, next day