CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

578th BOARD MEETING MINUTES

THURSDAY, 9 DECEMBER 2021, 9:00 a.m.

BOARD MEETING LOCATION

Zoom Teleconference and Webcast

BOARD MEMBERS PRESENT

Avdis, Nicholas Kadara, Denise Yang, Sean Bradford, Mark

Morgan, Nichole (State Water Board)

BOARD MEMBERS ABSENT

Ramirez, Carmen Brar, Raji

STATE WATER BOARD OFFICE OF CHIEF COUNSEL AND ENFORCEMENT STAFF PARTICIPATING IN THE MEETING

Jahr, Jessica Lancaster, David Moskal, Chris Toft-Dupuy, Bayley

REGIONAL BOARD STAFF PARTICIPATING IN THE MEETING

Armstrong, Scott Asami, Rebecca Baum, John "JJ" Brown, Janelle Busby, Rob Cardenas, Charles Carpenter, Katie Chow, Bob Coster, Lynn Cottrell, Maxine Coughlin, Gene Croyle, Christine Flower, Christopher Freigen, Susan Gamon, Danny Garver, Kelli Getachew, Girma Gevorgyan, Sara Gonzales, Marisol Harvey, Dale Hatton, Scott Hendricks, Greg Laputz, Adam Marshall, Jim Maxwell, Mindy McConnell, Sue Meuer, Jonathan Peters, Ashley Pulupa, Patrick Robins, Jeff Rodgers, Clay Snyder, Clint Tadlock, Stephanie Thomson, Sarah

ADDITIONAL ATTENDEES PRESENT WHO WERE IDENTIFIED

Bobker, Gary Cory, David Minutes 9 December 2021 Dunham, Tess Feyrer, Fred Garabedian, Michael Hart, Kate

AGENDA ITEM 1 – CALL TO ORDER

Acting Chair Kadara called the 578th Board meeting to order and made introductions. Executive Officer (EO) Pulupa introduced staff. Member Yang led the Pledge of Allegiance.

AGENDA ITEM 2 – BOARD MEMBER COMMUNICATIONS

Acting Chair Kadara submitted the following communications:

- 21/22 October 2021 Participated in the Annual Water Quality Coordinating Committee Meeting
- 28 October 2021 Participated in Early Action Plan (EAP) Meeting with State and Central Valley Water Board representatives and Environmental Justice Groups
- 12 November 2021 During monthly Allensworth food distribution, met with Patricia Pullen of 4 Creeks/Tule Subbasin Groundwater Sustainability Agency who conducted community outreach regarding testing of private wells
- 19 November Participated in an additional EAP meeting
- 2 December 2021 Met with State Water Board Member Laurel Firestone and Patrick Pulupa to discuss ways to seek funding sources to address education and capacity building for disadvantaged communities
- 6 December 2021 Traveled to Richmond, CA field station to view an updated version of UC Berkeley's Arsenic Remediation Project. Dr. Ashok Gadgil and his team will be moving the project to Allensworth for field testing
- 6 December 2021 Participated in the monthly Regional Board Chairs' Meeting

Member Bradford submitted the following communications:

- 21 October 2021 Attended the Water Quality Coordinating Committee Meeting.
- 15 November 2021 Toured fire-damaged areas near Oroville with Board staff from the Redding Office, staff from the Department of Water Resources, and other agencies.

Member Yang submitted the following communications:

- 15 November 2021 Toured fire-damaged areas near Oroville with Board staff from the Redding Office, staff from the Department of Water Resources, and other agencies.
- 9 December 2021 Spoke to disadvantaged farm community leader in Fresno about the March 2022 Small Grower's Summit.

AGENDA ITEM 3 – STATE WATER BOARD LIAISON UPDATE

State Water Board Member Nichole Morgan provided an update as follows:

- As part of Governor Newsom's October 19 Statewide Drought Proclamation, the State Water Board proposed a statewide emergency regulation to ban wasteful water practices. The State Water Board is likely to consider the regulations for adoption in January 2022. Similar state mandated emergency prohibitions were in place during the last drought and have been made permanent by local authorities in some areas. Once in effect, the regulation will remain in place for one year. The regulation applies to all Californians, including water use by businesses and institutions. These regulations will enhance water conservation. If adopted, reports of violations can be made to local water agencies and to saveourwater.ca.gov.
- Indoor water use standards are being considered. On 30 November 2021, the Department of Water Resources (DWR) and the State Water Board made a report to the legislature amending a standard for indoor residential water use be adjusted to 47 gallons per person per day starting in 2025 and to 42 gallons per person per day beginning in 2030. Current standards for indoor residential water use are 52.5 in 2025 and 50 gallons per person per day in 2030. These current standards are significantly higher than average water use, which is approximately 48 gallons per person per day. The recommended standards will only go into effect if approved by the legislature and enacted into law. These standards would not apply to individual customers. No specific limitation on people taking showers, doing laundry, and washing dishes on the same day. Instead, this applies to suppliers as part of a larger set of standards.
- On 1 December 2021, DWR and the U.S. Bureau of Reclamation submitted a new temporary change petition that modifies certain terms of the Central Valley project and the state water project from February 1 through April 30, 2022. The State Water Board will consider this petition early 2022.
- On 8 December 2021, State Water Board held a workshop where staff presented an informal item on updating and implementing the Bay Delta Plan. Staff also discussed the 2018 Bay Delta Plan amendments for the Lower San Joaquin

River flows and Southern Delta Salinity, as well as a timeline for completing the Sacramento Delta Update to the Bay Delta Plan.

- On 2 December 2021, the U.S. Environmental Protection Agency sent a letter to Governor Newsom discussing the Federal water infrastructure funding coming to the State. The Agency encouraged targeting resources to disadvantaged communities addressing lead contamination and tackling "forever chemicals." The State is waiting for the Agency-issued National program guidance and plans to roll out the funding as soon as possible. The historic \$1.2 trillion bipartisan Infrastructure Investment and Jobs Act will bring an estimated \$3.54 billion over a total of five years through the State revolving fund.
- On 16 November 2021, the State Water Board adopted the Racial Equity Resolution. Several regions also presented their racial equity efforts. Ms. Morgan acknowledged and thanked the Regions for supporting this effort. Lourin Hubbard, Denise Soria, Rebecca Asami, and Taran Sahota all participated in the Water Board's working group and contributed countless hours on top of their regular workload to help inform the State Water Board Racial Equity Resolution.

Comments from Board Members

Acting Chair Kadara thanked Ms. Morgan for the update.

Executive Officer (EO) Pulupa thanked Ms. Morgan for acknowledging the Central Valley Region's efforts with the Racial Equity Resolution.

AGENDA ITEM 5 – EXECUTIVE OFFICER'S REPORT

EO Pulupa updated the Board on the Region's COVID-19 vaccination and testing protocols and noted Executive Staff was working on a Return-to-the-Office Policy, which will include an all-staff survey. EO Pulupa further stated the current plan for the February 2022 Board Meeting was to meet in person with a webcast option. The laws allowing remote Board Meetings expire 31 January 2022.

Sustained Superior Accomplishment Award

Executive Officer Pulupa presented Sustained Superior Accomplishment Awards to the Strategic Planning Committee:

Employees: Christine Croyle, Rebecca Asami, Clint Snyder, Jonathan Meurer, Lynn Coster

UNIT: Multiple LOCATION: Multiple TITLE: Multiple SUPERVISOR: Multiple

Throughout the past two years, the Board's Strategic Planning Committee, composed of staff selected through a competitive process involving multiple programs and all three

offices, has diligently worked with the Board, Board's senior management, Board staff members, and a vast multitude of stakeholders to craft a Strategic Vision, A Mission Statement, a set of Shared Beliefs, and a Strategic Plan to guide the Central Valley Water Board's 19 water quality programs for the next 5-7 years.

The Strategic Planning Committee was able to pivot midway through the process to maintain progress on the development of a Strategic Plan, despite the difficulties imposed by the COVID-19 pandemic. Members of the Team were able to formulate a strategy that included multiple presentations before the Board, multiple opportunities for the public to provide input (including a public forum drawn together on exceptionally short notice), multiple surveys sent to staff and stakeholders, and a drafting process to arrive upon a Strategic Plan that the Board and the Board's management were all amenable to.

The collegiality and diligence of this team make them highly deserving of this award.

Superior Accomplishment Award

Executive Officer Pulupa presented Superior Accomplishment Awards to the following staff:

Employee: Girma Getachew

UNIT: Confined Animals Unit LOCATION: Sacramento Office TITLE: Environmental Scientist SUPERVISOR: Daniel Gamon, Supervising WRCE

This Superior Accomplishment Award (SAA) is awarded to Dr. Girma Getachew (Girma), whose incredible dedication in so many areas have greatly contributed to the Confined Animal Facilities Unit's success. Girma's scientific knowledge as a certified crop advisor and PhD soil agronomist, sets the bar for excellence. He is a key role model and great source of knowledge for the unit. His attention to detail, in-depth understanding of how dairies operate, and unique skills as an agronomist are instrumental to the team's successful regulatory oversight.

Due to his vast experience in the confined animal facilities regulatory program, he can effectively mentor new staff in their review of nutrient and waste management plans. As an agronomist, he provides invaluable input during the review of nutrient management plans. Girma's mentoring skills and on the job training to has enhanced other staff's professional growth and helped the program gain the respect of the industry.

During facility inspections and investigations, Girma actively engages with the dischargers who are sometimes resistant to complying with government regulations, yet he has developed a reputation for fairness and consistency. His professional style and approach to improved regulatory oversight increases the unit's efficiency. We are very fortunate to have Girma working in the Confined Animal Facilities Unit and he is well deserving of this award.

Employee: Katie Carpenter

UNIT: Non-15 Unit LOCATION: Fresno Office TITLE: Engineering Geologist SUPERVISOR: Scott Hatton, Supervising WRCE

Katie Carpenter is a tremendous asset to the Non-15 Program in the Fresno office. Katie's attitude and work ethic, in addition to her in-depth technical knowledge and experience with the Water Board, allows her to take on some of the most challenging tasks that our office has encountered. Katie consistently demonstrates her ability to be the lead staff on complex projects and provides thorough review allowing management to make well-informed decisions. Management consistently receives high praise for Katie from both the public and co-workers.

Katie has recently taken the lead for reviewing Nitrate Initial Assessments submitted for food processors and domestic wastewater treatment facilities to comply with the nitrate control program of CV-SALTS. Her knowledge of the facilities and CV-SALTS requirements were crucial to her review of the Assessment reports.

Katie's new role within the unit is to continue drafting a General Order for food processors within the region to allow efficient and consistence permitting.

Katie also has her hands in the day-to-day permitting tasks including: issuing Notices of Applicability and Monitoring and Reporting Programs for existing General Orders, reviewing Reports of Waste Discharge to begin the start of the permitting process for individual Waste Discharge Requirements, review of a CEQA document for modification to a major winery, handling multiple inquiries from the public and regulated community related to CV-SALTS and Local Agency Management Programs, and processing Public Records Act requests.

Katie possesses a vast amount of experience and knowledge of the Non-15 Program and is a valuable member of our Fresno office team. he is very deserving of this award.

Employee: Marisol Gonzalez UNIT: NPDES LOCATION: Redding Office TITLE: Engineering Geologist SUPERVISOR: Bryan Smith, Supervising WRCE

Marisol Gonzalez is an engineering geologist with the Redding office's NPDES Unit. Marisol joined the NPDES Unit in September 2020, after transferring from the Cannabis Regulatory program where she had worked since she started with the Central Valley Water Board in June 2017. While in the Cannabis program, Marisol was known for being a top producer and completed many inspections and reports and helped plan other work regarding mapping and site selection. When the Cannabis program went through a fiscal contraction, Marisol agreed to take on a new role and moved to the NPDES Unit. In the NPDES Unit, Marisol quickly dove in and began learning the ins and outs of regulating surface water discharges under the NPDES program. Despite the limitations and challenges of learning a new program in the telework environment, Marisol completed training and took on challenging projects. She is currently working on an NPDES permit for one of the largest dischargers in the Redding office and tackling its complex issues.

Marisol fit in with her new teammates in the NPDES unit right away, and brings a positive, ready-to-work attitude. She is proving herself to be a valuable addition to the unit and program and her efforts are very much appreciated.

Comments from Board Members

Acting Chair Kadara, Member Bradford, Member Avdis, and Member Yang congratulated staff on their accomplishments and thanked Supervisors and EO Pulupa for taking the time and effort to recognize exceptional staff.

Member Avdis further stated he was appreciative for the level of detail provided in the EO Report and thanked staff for their efforts.

AGENDA ITEM 6 – ADOPTION OF MINUTES FROM PRIOR BOARD MEETING

Motion to adopt previous Board meeting minutes from 15 October 2021.

Motioned: Member Avdis Seconded: Member Yang

Roll Call Vote:

Member Avdis	Yes
Member Bradford	Abstain
Member Yang	Yes
Acting Chair Kadara	Yes

Approved by Roll Call Vote of 3-0-1

AGENDA ITEM 7 – ADOPTION OF UNCONTESTED CALENDAR AGENDA ITEMS 11 AND 12

UNCONTESTED CALENDAR

(Cal. Code Regs., tit. 23, section 647.2, subd. (f).) Uncontested items are those items that are not being contested at the Board Meeting and will be acted on without discussion. If any person or Board Member requests discussion, the item may be removed from the Uncontested Calendar.

WASTE DISCHARGE REQUIREMENTS (AGENDA ITEM 11)

- a. All State Packers, Inc., Rivermaid Trading Company Fruit Processing Facility, San Joaquin County Consideration of New Waste Discharge Requirements
- b. Triangle Rock Products, Inc., Florin Road Aggregate Plant, Sacramento County, Consideration of Amended Waste Discharge Requirements R5-2011-0028

RESCISSIONS (AGENDA ITEM 12)

- County of Fresno, Department of Public Works and Planning, Millerton Lake Mobile Home Village (CSA 44) Wastewater Treatment Facility, Fresno County – Waste Discharge Requirements Order 85-255
- b. Del Rey Packing Company, Raisin Processing and Grape Dehydrating Plants, Fresno County – Waste Discharge Requirements Order 96-198
- c. Patterson Frozen Foods Inc., Patterson Frozen Foods, Stanislaus County Waste Discharge Requirements Order 94-262

Motioned: Member Avdis Seconded: Member Bradford

Roll Call Vote:

Member Yang	Yes
Member Bradford	Yes
Member Avdis	Yes
Acting Chair Kadara	Yes

Approved by Roll Call Vote of 4-0-0

AGENDA ITEM 8 – Water Quality Program Priorities, Discussion of 22/23 Program Priorities

EO Pulupa stated December was the time of year staff reviewed priorities for the 19 water quality programs. EO Pulupa reviewed the Portfolio Management process and the five program areas of Permitting Programs Planning, Monitoring, and Assessment, Administrative, Special Permitting Programs, and Enforcement and Cleanup.

All 19 programs have an annual workplan with Program Managers assigned to each Program. The Executive Sponsors (Assistant Executive Officers) work with the Program Managers to ensure executive level of review for each of the workplans. The current priorities cover the 2022/2023 fiscal year. After the priorities are approved, staff will work on plan development January through March 2022. The Executive Management Group will then approve the work plans in April 2022. In August 2022, EO Pulupa will report to the Board on the priorities and kick-off meetings with staff will commence to develop a shared mission. EO Pulupa then presented the proposed priorities for the various water quality programs.

Questions and Comments from Board Members

Member Bradford thanked EO Pulupa for the presentation and requested the Board members receive a copy of the presentation for potential follow-up questions.

EO Pulupa stated staff would be moving forward and developing work plans based off the presentation. However, he felt a larger discussion was warranted at the February 2022 Board Meeting to review the workgroups and relative Board participation.

Member Yang indicated he looked forward to the workgroup discussion.

Acting Chair Kadara stated it was a very comprehensive presentation and CV-SALTS was a part of multiple priority programs due to the Central Valley's concentrations of salinity and nitrates. She further stated the priorities were in line with the recently adopted Strategic Plan and it would be important to provide opportunities for the Board members to get out in the field in 2022.

Comments from Interested Persons

Annie Jones, private citizen, and college student studying environmental studies at California State University Monterey Bay, indicated she was born and raised outside of the city limits of Exeter and her parents' property relied on well water. Ms. Jones asked how these wells would be monitored under the CV-SALTS program and how often. EO Pulupa indicated staff would follow-up with the exact requirements pertaining to that well.

AGENDA ITEM 9 – Grassland Bypass Project Update – Information Item

Ashley Peters, Water Resource Control Engineer, stated the Grassland Bypass Project Waste Discharge Requirements apply to surface water discharges from the Grassland drainage area. The named dischargers for the project are the San Luis and Delta Mendota Water Authority and the Bureau of Reclamation. Ms. Peters provided an overview of the project, described the selenium water quality objective, summarized monitoring results, and discussed recent project activities.

After reviewing the grassland drainage area map, Ms. Peters indicated the Grassland drainage area is surrounded by the West side San Joaquin River Watershed Coalition to the North and Westlands Water Quality Coalition to the South. The drainage area includes approximately 97,000 acres of agricultural land located South of important wetlands. Discharges from the Project area flow North to Mud Slough in the San Joaquin River. Waste discharge requirements (WDRs) regulating surface water discharges from the Project have been in place since 1998. The current Order, adopted at the end of 2019, addressed storm-induced subsurface agricultural drainage. Previous WDRs have also addressed agricultural drainage occurring during the irrigation season. Irrigation season discharges ceased in 2014 and are now managed within the project area. Due to potential impacts on fish and wildlife, selenium is the main water quality

concern for the project. Selenium loads from the project have been reduced by 98%. Salt is also a concern, and salt loads from the project had been reduced by 82%. The Grassland drainage area is a founding member of the CV-SALTS Program.

Subsurface agricultural drainage is an important issue for the Project. Plants get waterlogged when irrigation or stormwater combine with shallow groundwater to raise the water table. Tile drains present under large portions of the Grassland drainage area are used to remove shallow groundwater from the root zone to keep plants healthy. This subsurface drainage can mobilize selenium and salts present within soils. In the 1980s, Westlands Water District discharged selenium laden drainage through San Luis drain to Kesterson Reservoir, causing waterfowl deformities and mortality. This raised concerns that grassland discharges could also impact waterfowl and nearby wetlands, which are extremely important to the Pacific Flyway.

By managing and rerouting the drainage, over 100 miles of natural channels in wetlands supply canals and over 60,000 acres of wetlands are no longer threatened or impaired by selenium. The Grassland Bypass Project was implemented through a Use Agreement between the Bureau and the Water Authority. The Bureau (the owner of the San Luis drain) allows the Water Authority (the operator) to use the drain for management of agricultural drainage so that it can be separated from wetland channels. Those conditions have historically included load limits and goals to achieve further reductions. The Basin Plan has site-specific selenium objectives adopted by the Central Valley Water Board in 1996. In 2018, US EPA proposed an update to the selenium standard promulgated in 1992. However, as drafted, the standard would maintain site-specific objectives. Staff continues to monitor developments at US EPA and elsewhere to stay current with evolving recommendations.

There have been no exceedances of the five microgram per liter four-day average selenium water quality objective (applicable beginning in 2020) at any of the receiving waterbody sites. No discharges to wetland supply channels have occurred and no stormwater monitoring of these channels was triggered. Ms. Peters noted project representatives would present additional detailed monitoring results from individual monitoring sites. An updated drainage management plan was submitted in December 2020.

Ms. Peters then described how splittail deformities were the subject of a presentation at the State of the Estuary Conference held in 2019. The deformities occurred in a cohort of fish collected in 2011 and are potentially attributed to selenium in the San Joaquin River. No subsequent splittail deformities had been reported. Several meetings with the researchers, dischargers, and sister agencies were held in early 2020 to discuss the research and identify outstanding questions related to selenium impacts to splittail.

Two efforts are underway to help staff gain a better understanding of selenium impacts: a review of existing fish tissue data and additional monitoring. A 13267 Order was issued by the EO to the Water Authority and Bureau in February 2020. This Order required a review of all available fish tissue data for the Grassland Watershed in comparison to US EPA's draft aquatic life criteria and Office of Environmental Health Hazard Assessments (OEHHA) human health reference values. This Order required a forward-looking comparison of existing data to draft criteria proposed around the objectives for this Project. This effort also required monitoring conducted in concurrence with the National Marine Fisheries Service to help better understand selenium impacts. The dischargers have undertaken this effort gracefully (although it is challenging, and they are not the only source of selenium). Dischargers continue to work closely with Water Board staff and National Marine Fishery Service staff to make sure that the work being done provides value and answers difficult questions.

Ms. Peters then reviewed key findings of the first 13267 report. A key finding of the report for aquatic life is that detections above US EPA's fish tissue criterion have declined significantly with the last occurrence in 2015. For human health, a key finding is that of more than 400 fish muscle samples reviewed from Mud Slough in the San Joaquin River, only six were measured above OEHHA's human health reference values based on consumption of three 8-ounce servings of fish per week (with the last occurring in 2003). Staff requested additional comparison of fish tissue data to the most conservative advisory OEHHA tissue level for seven 8-ounce servings per week. Lastly, initial modeling of estimated protective water column concentrations for specific fish species ranged from 2.05 to 6.70 micrograms per liter.

The Central Valley water board has contracted with the United States Geological Survey (USGS) to conduct further research into the splittail deformities. The research contract includes collection of splittail with visual examination for deformities to document whether they are still occurring. \$100,000 of discretionary funds have been used to fund the contract. Additional funding is needed to complete laboratory analysis of the samples. Key questions include are deformities still occurring, are they attributable to Project discharges, and are the selenium objectives adequate. Staff expects that together with the technical and monitoring reports required by the 13267 Order and the research being performed will help generate valuable information to determine answers. A revision of the initial 13267 Order is due on December 15th and the final 13267 reports are expected in early 2023. The first deliverable on the contract is the fish sample archive memorandum due December 20th with the final deliverable due in Spring of 2024. Several steps have been taken to provide opportunities for public input and involvement with the Project after the 2019 adoption. A stakeholder meeting was held January 2021, as well as of the public comment periods for the Drainage Management Plan. Topics discussed at the stakeholder meeting included an overview of the Grassland Bypass Project and discussion of the Drainage Management Plan and monitoring results. The next stakeholder meeting will be held in winter 2022.

David Cory and Chris Linneman reviewed the Project and Stormwater Management Plan after two years of operation. They provided a summary of the Grassland Bypass Project, a summary of the operational objectives, a summary of operations and monitoring results, and a summary of the 13267 Order.

Comments from Interested Persons

Gary Bobker, the Bay Institute, indicated he has been involved with the Grassland Bypass Project since its inception. The Project initiated because of the confluence of a proposal by agencies and discharges to reroute subsurface drainage from the wetland channels to the San Luis Drain and Mud Slough. The second was a proposal by the environmental community and regulators to condition use of the drain on selenium load reductions. Those two things together resulted in a dramatic improvement. It is a victory in terms of changing the conditions on the ground. Mr. Bobker felt the dischargers deserved credit for both agreeing to take a different path and investing a lot of energy and resources in the actions necessary to ensure compliant selenium loads. Despite the incredible success in reducing the selenium load, selenium is a persistent trace element that bioaccumulates in the environment and it has effects at very low levels (lower than the permitted selenium objective). Mr. Bobker indicated he wished to raise concerns about the adequacy of the existing objectives. He stated he was pleased to see the planning staff recommended the evaluation of selenium criteria effectiveness in protecting beneficial uses as one of the priorities. The second concern was these reductions still had major impacts as shown by the splittail results from 2011. Mr. Bobker hopes the continuing research will show that they aren't continuing to have impacts. Mr. Bobker recommended additional funding be provided for this effort.

Comments from Board Members

Member Avdis asked what the contributing factor(s) were in the improvement of numbers. Ms. Peters noted this Project has an irrigation season as well as storm season. Dischargers put a lot of effort into managing those irrigation season discharges and as of 2015 there are no longer discharges to Lead Slough. In addition, there had been substantial reductions in selenium loads coming out of this Project.

Acting Chair Kadara asked about additional funding to complete the lab samples. Ms. Peters replied the funding is still needed and the funds that have been put towards this contract will allow field sample collection, evaluation for visual deformities in the fish, and storage of the fish for future laboratory analysis. Acting Chair Kadara further stated there has been significant improvement in selenium discharges and water quality surrounding this Project.

Member Bradford thanked the team for the presentation.

AGENDA ITEM 10 – JEN CA Placer Ranch, LLC, Placer Ranch Project, Placer County – Consideration of New Waste Discharge Requirements (WDID#5A31CR00548)

Due to a lack of a quorum, this agenda item will be heard at the 17/18 February 2022 Board Meeting.

Meeting Adjourned

The Board meeting adjourned at 1:30 p.m. to the 17/18 February 2022 Board Meeting.