

MEETING SUMMARY

CV-SALTS EXECUTIVE COMMITTEE POLICY SESSION NOTES – OCTOBER 24, 2019

PREPARED FOR: Kern River Watershed Coalition Authority (KRWCA)

PREPARED BY: Stephanie Tillman/Land IQ

DATE: October 31, 2019

INTRODUCTION

The purpose of this meeting summary is to document the presentation and discussion items from the October 24, 2019 CV-SALTS Executive Committee Policy Session. The main purpose of this meeting was to review the changes to the CV-SALTS basin plan amendments resolution that was adopted by the State Board hearing on October 16, 2019; Management Zone Pilot Study Projects; P&O Study Work Plan draft; dedesignation of South Lost Hills Oilfield Aquifer; public education and outreach committee activities.

BACKGROUND

Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) is a collaborative stakeholder driven and managed program to develop sustainable salinity and nitrate management planning for the Central Valley. The goals of CV-SALTS are as follows:

- Sustain the Valley's lifestyle
- Support regional economic growth
- Retain a world-class agricultural economy
- Maintain a reliable, high-quality urban water supply
- Protect and enhance the environment

CV-SALTS includes four working groups:

1. Technical
2. Public Education and Outreach
3. Economic Social Cost
4. Other (CEQA, policy development, etc.)

ACRONYMS

AID – Alta Irrigation District Archetype	NIMS – Nitrate Implementation Measures Study
ACP – Alternative Compliance Program	P&O Study – Prioritization and Optimization Study
BP – Basin Plan	SGMA – Sustainable Groundwater Management Act
BPTC – Best Practicable Treatment and Control	SMCL – Secondary Maximum Contaminant Level
GSA – Groundwater Sustainability Agency	SNMP – Salt and Nutrient Management Plan
IAZ – Initial Analysis Zone	SSALTS – Strategic Salt Accumulation Land and Transport Study
ICM – Initial Conceptual Model	WQO – Water Quality Objective
ILRP – Irrigated Lands Regulatory Program	
LSJR – Lower San Joaquin River	
MUN – Municipal beneficial use	
MZ – MZ	

SUMMARY AND RELEVANCE TO KRWCA

- **State Water Board hearing update (Patrick Palupa)** – The State Board adopted the CV-SALTS resolution with some amendments, by a unanimous vote. The changes don't significantly change how the Regional Board envisioned implementing the new Basin Plan; however, they will have to reallocate resources because they need funding to make amendments, rather than focusing entirely on implementation.
- **Management Zone (MZ) Pilot Study Projects (Richard Meyerhoff)** – Reviewed current status of pilot study efforts, including Early Action Plan development, continuing Steering Committee meetings, and the development of templates for other MZs to follow once implementation of CV-SALTS begins. The main issues left to be resolved include the baseline allowance for how much drinking water should be supplied to each family, and the process for how the Regional Board would change MZ boundaries presented in a MZ proposal.
- **P&O Study Workplan – (Richard Meyerhoff and Vicki Kretsinger)** – Richard Meyerhoff summarized the revisions to the last draft of the P&O study. Anne Littlejohn also provided a generalized draft schedule for the Regional Board's staff report, public workshop, and adoption of P&O study by Regional Board by the end of 2020.
- **Dedesignation on Lost Hills Aquifer** – Committee voted to approve.
- **Public Education and Outreach Committee** – CVSC website has been updated; emphasized importance of updating outreach matrix, presented draft early notice to comply postcards for dischargers, PEOC committee will be providing short information blurbs for representative to send out by email, etc. to keep information their members about CV-SALTS.

MEETING NOTES

Basin Plan Amendments – State Board changes to resolution: Patrick Pulupa (Regional Water Board)

- Resolution changes the State Board directed do not impact implementation of the Basin Plan.
- Main changes include:

- Removal of 10-year possible extension of exception for good cause
- Note that there is no longer the option to use a volume-weighted average to allocate assimilative capacity as an alternative compliance pathway (page 9 of draft resolution, paragraph i).
- State Board has changed their stance on what assimilative capacity is and how it can be used, influenced by litigation and by increased importance of non-point source policy.
- Now you can be in compliance by doing something/making investments with the intent to be in compliance; i.e. you don't have to be meeting goals immediately to be in compliance, you just have to be working towards them. This recognizes that it takes time for results to be observed in groundwater.
- Explicit reference to non-point source policy, which resulted from Coastkeeper 2 litigation (page 5 of draft resolution, paragraph l).
- Regional Board has to be in compliance with Coastkeeper 2 on all WDRs – if they aren't, they'll get sued and they'll lose.
- Encourages cooperation with other agencies and regulations, such as SGMA. However, CV-SALTS should not rely on other agencies. (see paragraph r on page 6)
- Paragraph t (page X) refers to ensuring community engagement
- Number 2 (page 6) requires more reporting to State Board, which was not unexpected by Regional Board
- Number 4 (page 7) is what Regional Board needs to do to put bookends on requirements of CV-SALTS program. Provision 13248 is a vague provision (Patrick describes it as “squishy”) so that's why “intends” was changed to “shall” – to ensure that it is actually done.
- Paragraph c (page 8) – the resolution could read/be interpreted “if it's not reasonable, feasible or practicable, then aquifer restoration is not required” even though that's not its intent. So this paragraph was included to make it clear that restoration is still a goal no matter what.
- Paragraph d (page X) makes explicit that domestic well sampling is required.
 - Parry noted that on Central Coast, people are refusing water that would be provided to them because to get it, they have to have their well sample data put on GeoTracker, which is a public database. In this resolution, residents have to provide consent to have their well sampled. Some might not want to because for example, they might want to sell their house or property, and owner might not want water quality known. You can refuse to have sampling done. The question was asked, can you consent to have it sampled but not consent to have it published? There is no clear answer at this point.
 - Another point was made that nitrate sampling itself is affordable, but GeoTracker is very expensive – it's not a state-maintained database, and even though it's not particularly efficient or user friendly, it is better than other private ones, according to Regional Staff board. It is still up for discussion what will happen if you consent to have your well sampled, and there is a nitrate hit, but resident doesn't want it published.
 - Parry noted that at some point, each MZ is going to have a huge database of water quality. Daniel suggested that at some point, if SAMP is organized well, we might not have need for GeoTracker.

- Patrick noted that people get paid a lot more to do programming and web development in private industry than in state government, so that's basically why the State has a hard time developing an efficient database and management system
- DWR contracts out database management to private company, which is why they are ahead of water board in terms of database management
- Water Board has 68 databases, none of which talk to each other, so their system is very inefficient and this adds to costs
- Paragraph e (page X) refers to an "alternative process". Patrick is not sure what that would be; Regional Board will be working on that within the next year. It gives the Regional Board authority to re-draw MZ boundaries.
- Paragraph f (page X) highlights that the provision to provide drinking water is still not fully fleshed out and somewhat controversial. Patrick did not have specifics on how this would end up.'
- Paragraph g (page X) is a result of Coastkeeper 2
- Paragraph h (page X) refers to length of time for aquifer restoration; 10-year extension for exception was removed, but Water Board still has goal of achieving restoration by 50 years; though may recognize that some basins may require more time. This is just a goal; not that it has to be achieved in this amount of time.
- Paragraph k (page 10) – drought and conservation policy took a back seat to P&O study.
- Paragraph l (page X) – this change was result of issue with EPA, particularly the economic analysis. USEPA told them this a few weeks before the hearing, and they couldn't get it done in time. Economics would change for RO as a means of compliance. But this wouldn't have a huge impact on most permittees because there aren't many that are over the 1,600 mg/L TDS limit of discharge, according to permit records. Can't approve multi-discharger variance. If there is a discharger that needs a variance because they are over the limit, regional board with work with USEPA for that specific permit.

Update on MZ Pilot Study – Richard Meyerhoff (GEI Consultants)

- Final deliverable from grant money is the templates for other MZs to follow
- Planned to have final meetings in September, but is now scheduled for November 11 and 12 (needed to pause for State Board hearing/approval of BPA)
- Focus on Early Action Plans
- EAP revisions to last draft:
 - Siting locations updated language regarding requirements
 - Emphasized need for English and Spanish in outreach notices
 - Built in language so that changing residents is considered
 - Major discussion item: how much water should be allowed per household as a baseline
 - There is a range of recommendations from literature (65 to 285 gallons per month per family of four), so the current version is just a placeholder and needs to be revisited.

- Outline for preliminary MZ proposal
 - EAP development (process, schedule, etc.)
 - Plan to finalize MZ proposal
 - Attachments
 - GSAs
 - Example Notice to Comply letters
 - List of permitted dairies
 - Outreach strategies
 - Public meeting records
 - EAP
 - Notices of Participation
 - Letters sent to dairies, CAFOs and poultry farms
 - See links in agenda package and PPT presentation.
- Initial MZ Proposal – revisions addressed
 - Comments on Sections 2 and 3 (presented by Vicki K.)
 - Comments on assessment methodology (of nitrate concentrations)
- Guidance Templates
 - Outline
 - Actual templates
 - 4 example templates included in agenda package
 - MZ Boundary Delineation
 - Highlights are in draft template in agenda package
 - Hydrology is primary focus
 - Determined by stakeholders
 - Should consider other boundaries such as GSA, land uses, dischargers, basins, public water systems, DACs, agency boundaries
 - Keys to success
 - Downgradient nitrate migration – potential impacts
 - Use hydrology as main component
 - Documentation
 - Show technical justification
 - Characterization of Proposed MZ
 - Groundwater Quality analysis to ID potentially impacted areas
 - EAP Template
 - Agenda package page 21
 - Richard thinks it's too long
 - Development tasks and steps
 - Summary tables

- Timeline – Richard will revise according to comments to clarify Priority 1 and 2 areas
 - Tim Moore asked what happens when a discharger is low threat and would normally apply under a de minimis permit – would be below threshold, but then would be eligible for conservative approach with stricter requirements; seems antithetical because it would be adding regulatory burden to low threat dischargers. No specific answer from Regional Board.
 - Comments for templates due on November 8, 2019.

P&O Study Workplan Project Updates – Richard Meyerhoff

- Actual workplan and revisions – link to document (about 130 pages)
 - Workplan is a deliverable in the BPA – due 6 months after notice to comply
 - All the timelines in the BPA are tied back to the notice to comply, not to the workplan date
 - Received comments on Aug 15 workplan from three organizations
 - Agenda packet includes table of comments and responses
 - Revisions to workplan resulted in minor increase in budget
- Draft Salinity Sustainability Management Plan
 - This is a document title that we have never discussed, but it is language from the BPA that refers to what you have to develop if you are not participating in the P&O study.
- Ann Littlejohn (Regional Board) provided a summary of schedule for the P&O study topics/amendments:
 - Staff report and public workshop next summer
 - Goal is a hearing by the end of 2020
 - Most is prescriptive, except process for Regional Board to change MZ boundaries, which will have to be fleshed out much more.

Beneficial Use Dedications – Daniel Cozad, Seneca, Kennedy/Jenks

- Draft letter was submitted to Executive Committee and there were no significant comments. Committee voted to approve.

PEOC Update (links provided in agenda package)

- Outreach matrix needs to be updated; it’s important to document outreach
- Postcards for early notification of notices to comply – draft was presented; request edits within next two weeks – Executive Committee wants Regional Board to send these out
- Link to new website homepage is in agenda package.
- PEOC will be providing monthly blurbs, using outreach info from past efforts for email, etc.

Schedule

- November 14 Policy Meeting
- Proposed 2020 calendar