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1 SAN LUIS OBISPO, CALIFORNIA, THURSDAY, NOVEMBER 13, 2014
2 2:00 P.M.
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5 BOARD CHAIR: Could we take a seat, please. Thank
6 you. So we are reconvening at 2:00 o'clock.
7 Our next item is Item 14, public forum. I do not have
8 speaker cards. Do we have anyone in the room who has a
9 speaker card for this public forum item?
10 I do not see any, so then I would like to move
11 to Item 15, which is a discussion and information item
12 relating to the irrigated lands regulatory program, so I
13 will ask Angela if you could -- or you're going to cover
14 it? That's all right.
15 MR. JEFFRIES: Mr. Chair, before you do that, I
16 think the attorneys asked us to hold our disclosure on
17 this item until we got to it.
18 BOARD CHAIR: All right, we'll start on my left
19 with Mr. Young.
20 MR. YOUNG: Shall I do it again?
21 MS. AUSTIN: Because there may have been parties
22 who were not present at your earlier disclosure, it
23 makes sense to perhaps briefly summarize.
24 MR. YOUNG: On November 5, I met with Parry Klassen
25 and Carol Stewart and Randy Sharrett on this agenda

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1 item, and they went over with me the changes that their
2 coalition had made with respect to notification that we
3 had been going over and discussing in a couple of work
4 meetings.
5 We met for maybe about 45 minutes, and I had read
6 my staff report at this point in time and was able to
7 draw upon, really, the same information that was in the
8 staff report that they were giving to me. There really
9 wasn't anything new for them to tell me about, and I had
10 looked at the table which showed the changes they were
11 going to make with respect to kind of well
12 identification so the staff would be able to follow up
13 and be certain that notification was done to staff's
14 satisfaction, and that was about it. It covered that
15 item.
16 BOARD CHAIR: Thank you, Mr. Young.
17 And before asking Mayor Delgado, just for the
18 record, also, we do have a court reporter, and so I will
19 ask each of us to not to speak in a too rapid a pace so
20 he'll be able to capture our discussion.
21 So Mayor?
22 MR. DELGADO: I don't have anything.
23 MR. JEFFRIES: I, too, met with Parry Klassen and
24 some of his staff, and Abby Taylor-Silva, at the
25 Growers-Shippers, in Salinas, on November 3rd. It

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1 lasted for probably 20 minutes, 30 minutes and basically
2 went over the same information that Mr. Young had just
3 provided to everyone, and since they had not -- when
4 they first called and made an appointment with me to
5 meet with them, the staff report was not out and didn't
6 realize that the staff and them were both on the same
7 page. So it was very nice meeting and they explained
8 how things are going. They're very happy with the
9 working relationship with our staff at this time.
10 BOARD CHAIR: Thank you. Dr. Hunter?
11 DR. HUNTER: Thank you. Yes, I also had the
12 privilege of meeting with Parry and staff, Carol Stewart
13 and as well as Claire Wineman, and I had the privilege
14 of meeting Randy Sharrett, a farmer in the Santa Maria
15 area. And I also did not have my staff report at that
16 time, but I had had my staff briefing, and so I had some
17 idea that the resolution and some of the issues that we
18 hadn't heard about in our prior meeting seemed to be
19 well on the road to being resolved and I was very
20 encouraged by that meeting. So thank you again.
21 BOARD CHAIR: Mr. Johnston?
22 MR. JOHNSTON: Well, I had the same meeting as
23 everybody else. I have the date in front of me on my
24 calendar. It was with Parry Klassen, Abby Taylor-Silva,
25 Carol Stewart and Eiskamp -- Rick, I believe, is his

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1 first name, Eiskamp -- John Eiskamp, who is a board
2 member of Salinas Valley Growers-Shippers, a berry
3 grower. I had already reviewed the staff report and the
4 letter so there was not much new for me to learn in the
5 meeting, and I paid for my own tea and English muffin.
6 BOARD CHAIR: Mr. Jordan?
7 MR. JORDAN: Thank you, Mr. Chair.
8 I did get a great offer from the Coalition, but I
9 was unable to make it. I was in Northern California
10 that week when they were done here. I repeat what I
11 said earlier this morning concerning the room. I had
12 the opportunity to meet with staff yesterday afternoon
13 and spent about three hours working on the Geotracker
14 and Geotracker Gamma, and as part of that discussion I
15 definitely asked some questions and got some answers
16 concerning both the role of Geotracker and how that
17 would fit into the notification process, and also the
18 look and the feel of, potentially, what contour maps
19 would look like and how they would be portrayed on
20 Geotracker, Geotracker Gamma, also.
21 BOARD CHAIR: Yes, Dr. Hunter.
22 DR. HUNTER: I neglected to mention that I also
23 attended that briefing on Geotracker, and I learned a
24 great deal about the program, and I had a chance to also
25 look at the preliminary contour mapping and get a sense

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1 of what kind of data and how the data is being
 2 represented and some of the challenges that we see
 3 coming ahead.
 4 BOARD CHAIR: Thank you. And in my case, not
 5 related to some of these structured meetings, I met on
 6 October 20th with Claire Wineman, and it was more of a
 7 general conversation to see how things were progressing
 8 with the aggregated approach order and any key issue
 9 emerging.
 10 And then I reached out to Mr. Jason Sharrett, who
 11 was with the California Strawberry Commission. He's
 12 their outreach program manager and he basically handles
 13 outreach with strawberry growers, and I was interested
 14 to get his perspective on how the aggregated approach
 15 order is working for some of his clients. So that was
 16 the essence of the conversation that we had.
 17 Thank you.
 18 So Mr. Harris, we introduced the Item 15 and
 19 Mr. Robertson, I believe, you will give us a
 20 presentation.
 21 MR. HARRIS: Item 15, Irrigated Lands Regulatory
 22 Program: Water Board Review of Central Coast
 23 Groundwater Coalition's Drinking Water Notification
 24 Process. Item 15 is a discussion item for the Board
 25 regarding Central Coast Groundwater Coalition's drinking

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1 water notification process and also addresses California
 2 Rural-Legal Association's related request for
 3 discretionary review of the notification process.
 4 This item is a continuation of the July 2014 Board
 5 meeting Item 13. At the July 2014 Board meeting, Board
 6 members asked staff to continue discussions with CCGC to
 7 identify information that CCGC would submit to the water
 8 board to ensure that staff could verify drinking water
 9 notifications. Staff also met with CRLA to discuss the
 10 drinking notification process.
 11 Staff would present the results of those
 12 discussions today to the Board. Discussion of this item
 13 and subsequent direction from the Board satisfies
 14 respondent part 1 of CRLA's request for discretionary
 15 view of the CCGC's groundwater monitoring program and
 16 the executive officer's letter approving the
 17 establishment of CCGC as it relates to the drinking
 18 water notification process.
 19 Staff will address part 2 of the CRLA's request for
 20 discretionary review of the CCGC groundwater monitoring
 21 program in early 2015. Part 2 regards the manner in
 22 which groundwater testing results of CCGC will be
 23 disclosed to the public, and Angela Schroetter and John
 24 Robertson and staff making the staff presentation.
 25 BOARD CHAIR: Thank you, Mr. Harris.

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1 Mr. Robertson?
 2 MR. ROBERTSON: Good afternoon, Board Members.
 3 First, at the outset, I want to acknowledge that
 4 CRLA is not in the room today. We received notification
 5 that they had some car trouble and are unable to make
 6 it. We spoke to them during the break, we spoke to a
 7 representative, Pearl Kan, of CRLA, and we'll convey
 8 what she communicated to us later in my presentation.
 9 And there's also a letter. I bring that up.
 10 So the purpose of this item today is to consider
 11 Central Coast Groundwater Coalition -- I will refer to
 12 them as CCGC -- their proposal for providing drinking
 13 water notification information.
 14 Additionally, this item will serve as the
 15 discretionary review in response to CRLA's request dated
 16 July 3, 2014. In that request, specifically CRLA asks
 17 that the Board consider aligning CCGC's process with the
 18 notification process for conducting individual
 19 monitoring.
 20 There was a second component to CRLA's July 3
 21 request which Mr. Harris referred to, and we will take
 22 that portion of up in early 2015.
 23 So just a quick reset to the July Board meeting.
 24 At that point in time I and Hector Hernandez essentially
 25 conveyed to you that we were unable -- staff was unable

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1 to link CCGC's groundwater results to individual ranches
 2 and therefore we could not do any subsequent follow-up
 3 or verify that notification had taken place at any of
 4 these ranches.
 5 Subsequent to the July Board meeting we had a
 6 series of, essentially, monthly meetings, technical in
 7 nature, with CCGC and their consultants, and they've
 8 been very productive. The goal there was to develop a
 9 relational key that allowed us to relate the two data
 10 sets.
 11 So the goal is that relational key that I
 12 referenced such that staff can identify the individual
 13 ranches associated with the groundwater results such
 14 that we can conduct follow-up. And it had to be such
 15 that it wasn't a 17-step process to get there. It had
 16 to be a reasonably efficient process because we're
 17 talking about human health exposure issues.
 18 So following our series of meetings, CCGC submitted
 19 a proposal on October 9. The primary component of that
 20 proposal is a relational key that would carry
 21 ranch-specific global ID and the field point name, or
 22 essentially the sample point name, whether it be a well
 23 or a tap.
 24 So I did this mock-up to try to -- sometimes a
 25 picture is worth a thousand words, and that's my hope

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1 here, to try to convey the concept. Here on the left
2 you have CCGC's data set and on the right you have the
3 Water Board's data set, and what we're trying to do or
4 what CCGC has proposed is this relational key that
5 carries a field that is common in both data sets, and
6 then it also carries a field that allows us to identify
7 the results and link them to specific ranches.
8 Additionally, in CCGC's proposal they also propose
9 to amend the exceedance report, and I'll come to that in
10 a little more in a couple slides, and then we still hold
11 the authority to ultimately require the notification
12 letters from CCGC.
13 So now coming back to Attachment 2 in the
14 exceedance report, this is in your staff report packages
15 as Attachment 2, and this is consistent with some
16 recommendations that some Board members gave me
17 following the July Board meeting about how we could
18 amend the exceedance report. Those fields to the right
19 in orange are additional fields that characterize the
20 nature of notification and follow-up actions. I think
21 these are good additions to the report.
22 Some of the factors that we have to consider in
23 making our recommendation includes the one that we put
24 before you in July which is staff must have sufficient
25 information such that we can do the follow-up work to

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1 verify notification has taken place, both now and
2 looking forward in time.
3 So additional factors are CRLA wants to maximize
4 public's access to information regarding unsafe drinking
5 water, and CCGC members desire anonymity and stated at
6 the July Board meeting fears of loss of anonymity and
7 associated actions that might take place.
8 Now addressing CRLA's request for a discretionary
9 review, just a refresher, they requested in their July
10 3, 2014, letter that the Board consider aligning CCGC's
11 notification process with the Board's existing
12 notification process for growers doing individual
13 groundwater monitoring. So this relational key approach
14 is not a mirror of that, of the individual monitoring
15 notification process, so it does not fulfill CRLA's
16 request.
17 And CRLA -- I want to call your attention to a
18 supplemental. CRLA submitted a letter on November 7,
19 further defining what their position was with respect to
20 this after they had had a chance to read the staff
21 report. So I turn your attention to that.
22 So this table is on page 4 of your staff report.
23 This is an analysis of the different aspects and how the
24 two CCGC's notification process and the individual
25 notification process align or don't align. And

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1 essentially they don't align in three areas, and that is
2 with respect to the public availability of the notation
3 letters or the availability of the notification letters
4 to the Board or to the local County environmental health
5 agency.
6 I want to caveat that the Water Board has access to
7 the letters in the sense that if we make an appointment
8 for -- at initial gathering we can review the letters.
9 So we're left with three clear opposites with
10 respect to where we go with this. We can maintain the
11 status quo, which leaves us unable to do any
12 verification, we can require CCGC to provide all
13 notification letters. This option allows us to verify
14 and satisfy CRLA's interest in making information
15 public, but does not satisfy CCGC's members' concerns
16 regarding privacy and security.
17 And then the third option is to require additional
18 information via the relational key option that provides
19 specific well information and specific ranch
20 information.
21 This is a supplemental sheet also provided you.
22 These photos represent a supplemental sheet also
23 provided you. Staff, in the last month, has been
24 conducting verification work, going to individual
25 growers or growers conducting individual monitoring and

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1 verifying in those cases where there's exceedance that
2 notification has occurred, and you can see on the right
3 there's some wellhead posting and spigot postings, below
4 is an RO unit, reverse-osmosis unit for treatment at a
5 winery.
6 And then the upper left is actually a posting at
7 San Vicente Apartments which is located about 3,000
8 feet northeast of Soledad, and that's just actually on
9 the resident's fence.
10 So with regard to the staff's recommendations on
11 this item, we recommend no change in the existing CCGC
12 work plan approval conditions, essentially reserving the
13 right to require the notification letters. We would see
14 that as -- I'm going to borrow some words from some
15 Board members and say more extreme situations, not as a
16 regular course of action.
17 And then the executive officer plans to approve
18 CCGC's proposal submitted on October 9 that includes the
19 relational key that I referenced. That relational key
20 would provide ranch-specific global ID and associated
21 field point names for all groundwater wells.
22 That concludes my presentation. I'd be happy to
23 answer some questions.
24 BOARD CHAIR: Did you have additional information
25 you wanted to relate to the folks who are unable to be

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1 here today?
2 MR. ROBERTSON: Yes, I do. Thank you.
3 During the break we spoke with CRLA, and CRLA asked
4 staff, Pearl Kan asked that we convey two key points,
5 the first point being CRLA believes the Regional Board
6 has an obligation to be transparent and accountable to
7 the public, and I believe that's reflected in their
8 November 7 letter that, the gist of that.
9 Pearl also conveyed to us that CRLA would strongly
10 prefer that the second component of their discretionary
11 review be taken up in January, the late January Board
12 meeting.
13 BOARD CHAIR: Thank you.
14 DR. HUNTER: Just to be clear, can you restate what
15 that second part is?
16 MR. ROBERTSON: Sure. Pearl Kan conveyed that she
17 strongly preferred -- CRLA strongly preferred that the
18 second portion of the discretionary review request,
19 which is the evaluation -- or the public availability of
20 data via Geotracker, groundwater data via Geotracker be
21 addressed at the January 2015 Board meeting.
22 BOARD CHAIR: So looking on my left --
23 MR. YOUNG: I don't have any questions.
24 BOARD CHAIR: Mayor Delgado?
25 MR. DELGADO: Yes, I have a question.

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1 That chart, comparing to individual monitors'
2 notification process, had a few differences, and we have
3 gone over that before, but I wanted to ask here what's
4 the logic behind having the individual monitors' process
5 be a little bit more onerous than the third-party
6 collective? You know, there's three things that are
7 different there that are highlighted, so I'm just asking
8 the logic behind having them remain different.
9 MR. ROBERTSON: The individual process came into
10 existence first, and I think on some level it focused on
11 a certain transparency level associated with that.
12 The CCGC process came after that, slightly after
13 that, I believe, and I'll try to reconstruct the timing
14 of events in my head. And I can't speak to -- you know,
15 I can characterize that but I would rather not, why they
16 chose the path they did with respect to -- you're saying
17 it's less onerous.
18 I would characterize it slightly differently and
19 say that it's a little less transparent or it's less
20 transparent, and that results in a benefit of being less
21 onerous, I guess. They're not obliged to send the
22 letters to -- or copy the County health agency on
23 letters.
24 MR. DELGADO: So there's not really logic, you're
25 saying the reason is one came sooner than the other. So

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1 is it your thinking that in the future you'll reduce the
2 transparency to the individual so that they are the same
3 or do you think there's logic in keeping them separate
4 or keeping them different?
5 MR. ROBERTSON: I don't envision going forward
6 decreasing the transparency associated with,
7 understanding this is speculation on what we would do,
8 so I reserve the right to change my mind there, but --
9 MR. DELGADO: What would be the logic?
10 MR. ROBERTSON: I think I see where you're headed.
11 You create this imbalance, and I think I might have
12 referred, though, in a previous staff report, actually,
13 that there's an unfairness, perhaps, in this. What's
14 the resolution of that? I'm not --
15 MR. DELGADO: Would it be a reason to maintain an
16 unlevel playing field?
17 MR. ROBERTSON: I would characterize it as for the
18 benefit of what you get from the alternative. You know,
19 we always want to consider what we're trading and what
20 we're getting in that trade in response, so I guess I
21 would characterize it as in trade for the benefit that
22 is brought by the Coalition, whatever that might be.
23 That would be a fairly long discussion, and I don't want
24 to open that up right now.
25 MR. DELGADO: To keep it brief, would you say that

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1 per grower or per farm there's more staff time on the
2 individual side as compared to the third-party
3 cooperative side?
4 MR. ROBERTSON: I'm going to take a shot at this
5 and then I'm going to offer to let Angela also take a
6 shot at this because I believe she's more intimate with
7 the details. While Angela was on sabbatical I had a
8 great learning experience to get into the details
9 myself, which is a really healthy thing, and based on my
10 experience, the individual monitoring from a staff
11 perspective and implementation side is more efficient
12 right now than the cost to oversee the Coalition right
13 now. My hope is that changes through time that we build
14 efficiencies that are associated with the Coalition, and
15 I want to acknowledge that there is some added value
16 that comes with the Coalition that doesn't necessarily
17 exist with those that are in individual monitoring.
18 We get a synthesis of the reporting information
19 which you have become privy to, but we're evaluating,
20 basin by basin, technical memos or technical reports
21 that review the data and evaluate the data and,
22 ultimately, you've seen some of those contour maps, for
23 example, in previous Board meetings and preliminary
24 contour maps, but that's some of the value added that
25 you get out of a Coalition that you aren't getting out

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1 of the individual monitoring program.
 2 MR. DELGADO: Thank you.
 3 MS. SCHROETTER: So just to clarify, Mayor Delgado,
 4 for the individual growers who conduct the monitoring,
 5 it's actually staff who's issuing those drinking water
 6 notification letters directly to the growers or
 7 landowners. So we have them, right, so there's no
 8 inefficiency. We actually physically have those
 9 letters, copies of those copies in-house so we don't
 10 have to go out and get them or request them.
 11 The CCGC is working on behalf of their members to
 12 provide them with template letter notification, so it's
 13 not onerous to the individual growers, it's something
 14 that the Water Board staff is doing directly, just to
 15 make sure that you understand that point.
 16 Also, in terms of us copying the local
 17 environmental health agencies, we're doing that because,
 18 remember, those are that subset of wells which are not
 19 regulated by the Department of Public Health or, now,
 20 the Water Board, so, really, there's no jurisdiction,
 21 right, the agencies don't necessarily have a
 22 jurisdiction for regulating those wells, and neither
 23 does the State, and so the important thing is that the
 24 environmental health agencies be informed of those
 25 exceedances, and we've talked to them about that and

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1 they appreciate having that information, so that's the
 2 reason why we copy them.
 3 MR. DELGADO: So I assume that the cooperative was
 4 collating, summarizing, and providing you summary data
 5 from their members so that you didn't have to, and I was
 6 assuming that under the individuals, you and other staff
 7 were going to each individual grower and doing those
 8 steps. So I assumed that is more onerous or staff
 9 time -- more staff time is spent per individual grower
 10 than it was per member of the cooperative, but I'm sort
 11 of hearing it different. I'm hearing you say that there
 12 really is no savings in time to staff from the
 13 cooperative side.
 14 MS. SCHROETTER: With regard to the notification,
 15 no, because we have that information directly in front
 16 of us. With the Coalition, we're actually having to go
 17 through a translation, right, so we have to -- using
 18 this relational key, we identify which well it is and
 19 then translate that to which farm that is so we're going
 20 through that extra step, versus having that information
 21 transparently in front of us. I'd say it's probably a
 22 wash in terms of staff time.
 23 But I'd also say, to follow up with John's
 24 assessment of overall staff effort, there is some
 25 startup time in terms of the Coalition's development

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1 that is adding higher staff cost time to address those.
 2 MR. DELGADO: If the Coalition had this benefit to
 3 its members of being less transparent, if the result was
 4 that more individual growers signed onto the Coalition,
 5 would that reduce your staff time in the long run as
 6 that evolved over the years, if that pattern were to
 7 persist?
 8 MS. SCHROETTER: It's hard to say. Honestly, less
 9 transparency increases the level of staff effort that we
 10 have to do. So, remember that we have a process that
 11 for all the other regulatory programs in the Water
 12 Board, that's based upon full transparency, so as we
 13 deal with the Coalition and their data, we're having to
 14 construct ways to make the data less transparent to the
 15 public, which takes time, and so we're having to treat
 16 the subset of data differently and we're not accustomed
 17 to doing that so that's taking extra staff time.
 18 MR. DELGADO: Thank you.
 19 BOARD CHAIR: Thank you for the briefing and for
 20 the summary today. So now I think I've heard a slightly
 21 different pivot on the issue of the reporting to the
 22 health officers.
 23 So what you're saying is exactly the opposite of
 24 what I was thinking yesterday and prior, which is that
 25 you, as an agency, have undertaken this process of also

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1 informing the local environmental health officer, in
 2 part through relationship that you have or any
 3 established something that is part of what you do in any
 4 enforcement action where public health issues are
 5 involved, so this is just a feature of relationship,
 6 partnership, collaboration with the other entities that
 7 have some authority or ability to also support the
 8 solution going forward.
 9 So what has occurred now is that CCGC does not fall
 10 into that same pattern of relationship with the
 11 environmental health County program, and so they're
 12 not -- they never saw it as part of their program, it
 13 wasn't a condition of their notification process, and so
 14 at this point what CRLA is asking for is something that
 15 really just wasn't on the map in monitoring, where the
 16 monitoring program was designed to begin with. Is that
 17 what I'm -- did I get that right?
 18 MS. SCHROETTER: You're correct that the individual
 19 letters do get copied to the County, the Coalition's
 20 letters do not. We always had it part of our individual
 21 process, and actually I think it's probably more
 22 appropriate for Abby or Parry to speak to why the
 23 Coalition doesn't copy the letters to County. I do know
 24 that they are in discussions with the County to try to
 25 figure out how to share data in a way that is

1 appropriate for them.
 2 DR. HUNTER: Okay. And would that be -- that's
 3 just in Monterey County?
 4 MS. SCHROETTER: I'll let Abby and Parry speak to
 5 that.
 6 DR. HUNTER: Okay, maybe when they come to make
 7 their comments. Thank you.
 8 BOARD CHAIR: Abby, I have a speaker card so maybe
 9 that will be your opportunity to clarify those items.
 10 Do we have any question, Mr. Johnston?
 11 MR. JOHNSTON: Thank you, Mr. Wolff.
 12 I have a few questions, and they kind of go -- I
 13 don't want to get really afield from the question of how
 14 the Coalition notification process happens, but I'm just
 15 trying to understand a little bit. It probably applies
 16 to both the individual and the Coalition, so I
 17 understand the differences and similarities.
 18 First of all, can you just talk a little bit -- I
 19 read a little bit of the staff report about your current
 20 auditing practices and your look-forward plans for
 21 auditing both individual and Coalition members where
 22 there are reported -- wells with reported exceedance.
 23 Can you just explain a little bit the differences or
 24 similarities between how you're handling that?
 25 MS. SCHROETTER: Sure. So we just started doing

1 notification.
 2 And I do want to point out that at the last Board
 3 meeting one of the Board members asked about this last
 4 column on that exceedance report, and I think it says
 5 the "Manner of Notification." So that's another area
 6 where we're talking with the Coalition. What we're
 7 finding is that written notification to the users is
 8 really important. They need to have something that they
 9 can refer to about their drinking water notification, if
 10 they want to do any future follow-up, so on those tables
 11 on the left there's some lines where it says "verbal,"
 12 so only verbal notification. We are talking to the
 13 Coalition. I think there's only a very few Coalition
 14 members that have just a verbal notification, but we're
 15 following up with them to make sure those verifications
 16 are in writing.
 17 And the verbal notification, no one exists for the
 18 individual -- our individual notification letters
 19 require a written notification.
 20 MR. JOHNSTON: And your intent is to do the same
 21 process with the Coalition members who have reported
 22 drinking water wells with exceedances?
 23 MS. SCHROETTER: Yes. Right now we cannot
 24 determine who has been notified because we don't have
 25 the relational key. Once we get the relational key,

1 this, actually, just over the last month and a half. We
 2 have only conducted verifications for the individual, we
 3 have not yet visited a CCGC member, and basically those
 4 site visits include the following: So it's verification
 5 that the users have been notified, verification that
 6 there's posting at the wellhead so that users know that
 7 the water is not potable, and third thing is they verify
 8 that replacement water is being provided as is reported,
 9 So it's kind of the truth in reporting. There's no
 10 obligation for them to provide replacement water, but
 11 they do have to report to us what they're doing and so
 12 we're verifying that they're actually reporting what has
 13 occurred.
 14 Within those three components, the posting, we're
 15 learning, is not consistent. You know, it's kind of
 16 hard to figure it out. The posting really was patterned
 17 off of the small water system, right, the Consumer
 18 Confidence Reports and things, the public water systems
 19 and the small systems or the campground where it says
 20 "Non-potable Water."
 21 Well, how do you do that on a residence? It hasn't
 22 been done yet; so, as you saw in those pictures there,
 23 people do it differently, so we're trying to better
 24 understand that, but really it's to verify that the
 25 users have actually been notified, have received written

1 then we can better understand which individual farmers
 2 are and then we can do our verification of those in a
 3 similar fashion.
 4 MR. JOHNSTON: So I mean I would guess posting on
 5 the wellhead, the wellhead could be inside -- the
 6 wellhead could be off in a shed so I'm guessing that
 7 you're kind of, as you take your first pass through and
 8 figure out what practices are, thinking about coming up
 9 with some standardized practices.
 10 MS. SCHROETTER: That's correct, and we're also
 11 hoping to talk to the County Environmental Health and
 12 get their lessons learned for how they do that with
 13 smaller systems.
 14 MR. JOHNSTON: Is it a safe assumption that we're
 15 going to work with the same standardized practice with
 16 the Coalition and non-Coalition folks?
 17 MS. SCHROETTER: That's correct.
 18 MR. JOHNSTON: Now talk to me about your plan
 19 looking forward. Obviously, as part of the problem, and
 20 this is common, I think, to the individual reporters and
 21 the Coalition folks, is that who lives in the house
 22 changes, No. 1, and so just on that, first of all, kind
 23 of what's your thought on looking forward how we're
 24 going to deal with that? I realize this is also staff
 25 time intensive.

1 MS. SCHROETTER: So our individual notification
2 letter does require that the landowner inform the
3 current and future tenants, and I have confirmed with
4 Mr. Klassen from the Coalition that they also have a
5 similar follow-up that they do with the landowners.

6 MR. JOHNSTON: Have we considered requiring
7 something annually or something like that?

8 MS. SCHROETTER: We didn't specify a time in
9 relation to make sure the current tenant has been
10 informed as well as any future tenant. So we could
11 consider an annual update, but right now it's just to
12 make sure that the current tenant and any further
13 tenants.

14 MR. JOHNSTON: Since we're not in a position of
15 requiring bottled water, RO, whatever, because this is
16 not point-source pollution, basically, I guess my last
17 question had to do with have we given any thought -- I
18 know RO systems require maintenance, and have we given
19 any thought to follow up on that? What's your thought
20 on that?

21 MS. SCHROETTER: So I'll let John speak to that,
22 but one thing just to clarify is that the Water Board
23 can require replacement water and, in fact, we have,
24 right? That's the San Lucas case, so we do have the
25 authority to do that under Water Code section 13304 once

1 we determine that someone has caused or contributed to
2 the pollution. In this case, it's a notification
3 process and so we haven't reached that.

4 MR. JOHNSTON: San Lucas was easy because it was
5 one well, they changed it from grapes to lettuce and
6 there went the nitrates. That was a no-brainer.

7 MR. ROBERTSON: Right, it's a black-and-white case
8 that doesn't really exist in the real world.

9 Speaking to your question about RO, though, we've
10 been reluctant -- I'll use the Olin perchlorate case in
11 the Morgan Hill area as the example. So Olin
12 Corporation is the responsible party for the perchlorate
13 cleanup in that basin. They considered RO units for
14 small, like, domestic-well scenarios. The uncertainty
15 revolving around maintenance, the necessary maintenance,
16 I think, scared them away and scared others away from
17 using that as a strategy in the micro-context -- you
18 know, in the domestic well level or two- or
19 three-hookup-level scenarios, the problem being that
20 absent the necessary maintenance on the system, you're
21 getting breakthrough, people are being exposed to the
22 excessive nitrate concentration or the unsafe drinking
23 water.

24 So there's that necessary maintenance component and
25 there's no assurance necessarily that that's taking

1 place, so bottled water becomes the easy out on the
2 choice.

3 MR. JOHNSTON: So certainly some of both individual
4 and Coalition reporters are using RO and some of them
5 have been using it for some years. In some cases, this
6 is people who as a result of this process are providing
7 bottled water or RO. In other cases what we're getting
8 back from both individual and Coalition members is oh,
9 yeah, we've been doing this for years at this place.

10 So what's our thought going forward on that? I
11 know they are doing some pilot projects on RO as a
12 treatment mechanism, but -- or do we just figure that
13 that's not really something that we can deal with since
14 it's not mandated?

15 MR. ROBERTSON: It's hard to drive sort of
16 industry-level decisions there, too, from where we sit.
17 The pilot project that Dr. Hunter referred to earlier
18 today, the UCLA pilot project is on three disadvantaged
19 communities in the Salinas basin, all about 10 hookups,
20 12 hookups, and UCLA will underwrite the maintenance for
21 that during the test period, so --

22 MR. JOHNSTON: The maintenance, it's a single
23 hookup system, though.

24 MR. ROBERTSON: Right, right, exactly. And there's
25 no economic burden to the disadvantaged community during

1 that finite period. Beyond that, it's unclear what will
2 transpire.

3 MR. JOHNSTON: So this is kind of something we're
4 chewing on and don't know really where we're going with
5 it.

6 MR. ROBERTSON: Right, right. And I would broaden
7 that to "we," I would broaden that "we" to beyond Water
8 Board staff, too. Cleanup and abatement account staff
9 are trying to figure out is that an effective strategy.
10 I had a phone call last week about this as to how they
11 would expend the \$6 million that is set aside in the
12 cleanup and abatement account for this targeting
13 disadvantaged communities, is it appropriate for them to
14 consider RO units or under-the-counter treatment units
15 for individual domestic well scenarios for that very
16 issue of what happens after the warranty runs and
17 maintenance is necessary.

18 MR. JOHNSTON: I'd hate to be doing all this
19 education around protecting your health from the water
20 and then anybody who has got the RO filter under the
21 sink figures they are good.

22 MR. ROBERTSON: They're not.

23 MR. JOHNSTON: So at this point, though, back to
24 the question we're dealing with, this really does
25 represent a difference between the Coalition,

1 recommendation on dealing with the Coalition and how
2 we're dealing with individual monitors -- or individual
3 reporters. Thank you.

4 BOARD CHAIR: Before turning to Mr. Jordan, as a
5 reminder, if you could kind of speak slowly because I
6 see our good friend Mr. McClure getting his fingers a
7 little bit numb here trying to keep up with some of us
8 who have a more rapid speech than others.

9 Mr. Jordan?

10 MR. JORDAN: I should refrain from getting excited.

11 BOARD CHAIR: You can get excited as long as you
12 speak slowly.

13 MR. JORDAN: So walk me through letters on both
14 sides, Coalition or our side. So when you say that we
15 or they send a letter notifying a property owner of
16 exceedance, is that just a letter put in regular mail?

17 MS. SCHROETTER: So we learn of the exceedance via
18 the lab -- talking about the individual first, we send
19 out a letter to the grower and the landowner of that
20 exceedance. Those letters are also copied to the
21 environmental health agency.

22 MR. JORDAN: That's regular mail?

23 MS. SCHROETTER: Regular mail, that's correct. In
24 this letter it requires some specific things. It
25 requires any user of the well to be informed of the fact

1 tenants, users, and any future tenants, users, and then
2 you also need to respond to us that you have notified
3 them, how you notified them, and any type of replacement
4 water.

5 Is that all it is or is it more proactive on this
6 issue of current or future tenants that you have -- is
7 it just that like I explained it, or is it really more
8 pointed to the fact that we're asking you to do this
9 now, but every six months when your tenants change you
10 have to do that every six months, too, and --

11 MS. SCHROETTER: The reporting back is specific to
12 the current tenant.

13 MR. JORDAN: So just once?

14 MS. SCHROETTER: Right. But the letter directs
15 them that they are required to properly inform the new
16 tenants.

17 MR. JORDAN: And how about the Coalition?

18 MS. SCHROETTER: I'll let Parry speak to the
19 specifics, but my understanding is they have a similar
20 template letter they provide to the grower which the
21 grower would then send out to their users. They send
22 out their notice to the grower, I believe, Federal
23 Express, so then they have some confirmation of receipt.
24 And then the grower responds back to them with, I
25 believe, another template, and Parry can speak to that,

1 that that water is not safe for drinking, that they
2 provide written notification to any future tenants,
3 should the tenancy change, that they post the well. It
4 also requires them to respond back to us affirming that
5 they have properly notified the users, done the posting,
6 and if they have provided any replacement water or
7 treatment, to report that to us as well.

8 MR. JORDAN: What's the time line on that lag from
9 when you send it out?

10 MS. SCHROETTER: The lag from the lab?

11 MR. JORDAN: No, from when we send the letter out
12 to when we are looking for a response that they are
13 notifying and providing information on bottled --

14 MS. SCHROETTER: We require them to notify within
15 10 days of receiving the letter and I think to then come
16 back to us in 30 days.

17 MR. JORDAN: Does what comes back to us
18 specifically request discharger acknowledge the present
19 and future tenant issue or is it just part of the
20 letter?

21 MS. SCHROETTER: I'm not sure I understand your
22 question.

23 MR. JORDAN: Well, say the letter goes out, says
24 here's what you need to do, says you are in exceedance,
25 blah, blah, blah, and you need to notify your existing

1 which says basically I notified and here's what I'm
2 doing, the follow-up.

3 MR. JORDAN: Okay. Then the information I saw
4 yesterday said there's about 350 wells right now in the
5 Coalition process, right?

6 MS. SCHROETTER: I believe that's correct. I'll
7 let Parry --

8 MR. JORDAN: And my recollection -- that's what we
9 have data on, maybe, is what I'm saying.

10 And then my recollection was that that number is
11 eventually going to double in the Coalition. Was it
12 like there's 650 wells eventually targeted to be tested?
13 That was part of that whole time line for an extension
14 and --

15 MS. SCHROETTER: I'm not sure what you're referring
16 to right now. Maybe you should just let Parry speak to
17 the number of wells.

18 MR. JORDAN: All right. And then what Mr. Johnston
19 said is true, right, you could be looking at a well
20 serving residential users that is literally not within
21 eyesight of where the user is, right?

22 MS. SCHROETTER: That's correct. So, for example,
23 that well there at the bottom, it could be -- you don't
24 know if that's right next to the house or if it's out --

25 MR. JORDAN: And the posting requirement right now

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1 is just that it happens at the well, it's not actually
2 where it would come out of the ground and service the
3 user or users?
4 MS. SCHROETTER: The posting is at the
5 distribution, and it's really very general, the
6 statement in our letter, so we're learning now how we
7 might improve that instruction to growers.
8 MR. JORDAN: John, that slide that you have that
9 shows the notification follow-up report, talking about
10 that last column again, so that last column says how the
11 well owner of the property notifies the users, and then
12 the column that's four columns over to the left talks
13 about if or how they provided alternative water, right?
14 Which in a time line would come after. Just kind of
15 looking for a flow to go across the sheet. You know,
16 you get to the notification part first, before you start
17 worrying about how to provide the water, right?
18 MR. ROBERTSON: Yeah. It's a little non-intuitive
19 that way in terms of time.
20 MR. JORDAN: And then I know you're already talking
21 about some of the language there. For an individual
22 discharger, we just have one choice, notification,
23 right?
24 MS. SCHROETTER: That's right, it's written.
25 MR. JORDAN: Your recommendation is going to be, as

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1 part of the outcome of today, is that we offer that one
2 choice, also, in that column to the Coalition?
3 MS. SCHROETTER: At a minimum, right.
4 MR. JORDAN: Okay. On the CRLA's letter, on page
5 2, down at the bottom, they cite a California Government
6 Code that talks about who handles disclosure of normal,
7 available public information and letting that go to a
8 third-party agency.
9 Is there any validity to that point down there at
10 the bottom of the page or not? Bottom of page 2 under
11 Roman numeral II.
12 MS. OKUN: In the CRLA November 7 letter?
13 MR. JOHNSTON: Right, CRLA, November 7.
14 MS. OKUN: In terms of their position that we're
15 delegating a public function to a private entity, I
16 disagree with that characterization. What the Regional
17 Board's order and the State Board requires is some sort
18 of notification, some sort of notification about the
19 exceedances, and under the Water Code we have the
20 authority to require reporting to confirm that that
21 requirement was complied with.
22 It doesn't say who has to comply or in what manner,
23 and so what staff is proposing is an ultimate way for us
24 to determine that that requirement has been complied
25 with. So the whole notion of delegating a public

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1 function to a private entity, I disagree with in terms
2 of the premise for that.
3 As to whether the documents are public or not, I
4 mean, either the information that the Coalition has that
5 is provided to staff is public or the it's not, it
6 doesn't change the -- this program doesn't change the
7 character of that information being public. Once staff
8 acquires the documentation, unless it's subject to some
9 Public Records Act exception, then it's public
10 information.
11 In other cases it can depend on the context, but
12 either way, that information, to the extent there are
13 privacy or security concerns for information that is
14 trade secret, it's still protected from disclosure. So
15 the new provision that was enacted under the Public
16 Records Act that they cited, I think it's 62353.3
17 doesn't really affect this analysis.
18 But there are cases that say that where a private
19 third party has monitoring data that's relevant to the
20 public business and it's not used or collected or
21 maintained by the public entity, it's not a public
22 record.
23 MR. JORDAN: So you don't get the --
24 MS. OKUN: So just the fact that you can require
25 them to submit it alone doesn't necessarily make it a

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1 public record.
2 MR. JORDAN: And you don't get to jump that fence,
3 so to speak, of the public records issue because in the
4 one case the records we have for the single dischargers
5 are records we have and in the other case they are not
6 records we have, so you don't get to enjoy the same
7 benefit on both sides of that fence.
8 Their argument is that the information that we have
9 is publicly available but by authorizing a third party
10 entity to control other same information, it is not now
11 publicly available. Is that a true characteristic of
12 the situation?
13 MS. OKUN: At least for some of the information,
14 yeah.
15 MR. JORDAN: Okay. And that slide you had with the
16 eventual action by the executive officer, I know we're
17 talking about notification today, but part of the
18 process today will reconcile that miserable meeting we
19 were at where they said we can exceed it, then you
20 saying we can't, that we now know that we can actually
21 see where this is at, right?
22 MR. ROBERTSON: Right. So we will be able to
23 connect groundwater results from CCGC's sample wells
24 with ranch-specific information so that we can go do the
25 verification.

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1 MR. JORDAN: I'll ask Parry for some numbers when
2 he comes up here.

3 MR. HARRIS: Actually, Angela, we have made a
4 request on an extraordinary situation of very high
5 nitrates and we were provided the letters, the
6 information, is that correct?

7 MS. SCHROETTER: That's correct. They gave us --
8 I'm not sure of the actual letter, but we did get the
9 information for the farm in that case.

10 MR. JORDAN: And I'll ask Parry when he comes up
11 about the numbers, but I think that number that you have
12 to annually massage is going to increase over time, and
13 maybe even if this works out well, like we were talking
14 yesterday, this is a tremendous incentive, I think, for
15 other people who are doing individual monitoring to join
16 the Coalition, and so will we be looking down the road
17 at a consequence to staff resources on this manual
18 match-up of these global IDs or are we going to be able
19 to handle that on an ongoing basis?

20 MR. ROBERTSON: So I want to put in front of the
21 answer to that the fact that there's a lot of motivating
22 factors for individuals to join or not join the
23 Coalition. There's a cost consideration that is not
24 insubstantial, a per -acre cost, and there are others,
25 and actually our staff remind me of all the different

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1 factors and all the calls that they get along those
2 lines.

3 So is there going to be a sudden rush into the
4 Coalition? We'll see. I think that probably not. I
5 suspect probably not. Your underlying question, though,
6 is, can we handle it if it happens, you know, from a
7 resource perspective, can we handle it with respect to
8 the notification translation, you know, the relational
9 key work. I think we can, yeah, absolutely.

10 MR. HARRIS: I'm going to add a couple points and
11 that is the Regional Board, we don't live in isolation,
12 of course, and our parent, the State Water Board, does
13 have a significant influence on how we run our programs.

14 There are a number of items that are up in the air
15 right now. One is a petition regarding the Central
16 Valley's orders that the State Board still has to hear,
17 and there is recommendations that still have to come out
18 of the expert panel that the Board convened to answer
19 some very specific questions.

20 Indications from the State Board right now are that
21 there likely will be some direction coming down. I
22 don't know exactly what that means, so if we come back
23 here in a year, the environment in which we work might
24 be very different and so some of the answers we give you
25 today may not be the same ones we give you in a year.

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1 MR. JORDAN: Nothing new there, is there?

2 Then, lastly, can you tell me what your thoughts
3 are, because you haven't really addressed this, so this
4 kind of framework that we're talking about gets in
5 place, it works, and then what are the back-end
6 audit-type of processes that you envision? Is there
7 going to be a percentage of properties you pull out and
8 give them a list and then you go out and visit? Do you
9 request the forms and get your hands on the forms and we
10 get right back to this issue of the Public Records Act?
11 How is the back end of that going to work to make sure
12 what's going on in that notification worksheet and the
13 work flow is actually taking place?

14 MS. SCHROETTER: So right now I believe that we
15 have, I think we have about -- there's over 2,000 wells
16 that the individuals have sampled. I want to say it's
17 like 2,400 or something like that, and I think we have
18 about 200 letters, 190-something the Regional Board has
19 issued.

20 I think of the number of wells that the Coalition
21 has sampled, there's, I think, about 120 notification
22 letters, so together, 300, 350. We will not be able to
23 verify all of them so we will be taking a random sample
24 and verifying or auditing a subset of those.

25 In addition, we will probably be specifically

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1 looking at a subset of letters that we identify looking
2 at other data from the irrigated lands regulatory
3 program. So, for example, areas where there are nitrate
4 hot spots in general or there was fertilizer
5 over-application, things like that, we will be pulling
6 those out specifically to conduct some verification.

7 And then also, where we have sufficient
8 information, high nitrates, to determine that there is a
9 public health threat, I think that we would also be
10 specifically looking at those to ensure that people have
11 safe drinking water. So those would be the sort of
12 different scenarios, but specifically I think you're
13 correct that, in general, we're going to be looking at a
14 percentage.

15 MR. JORDAN: But that's okay. So that's all just
16 work in progress. So then as far as the Coalition is
17 concerned, you'll go there, right?

18 MS. SCHROETTER: Yes.

19 MR. JORDAN: So you don't have the problem of the
20 record is here specifically?

21 MS. SCHROETTER: Well, just like with the
22 individuals, we'll be going to the property of the CCGC
23 member and requesting to verify that they have in fact
24 notified their users, that there is a posting --

25 MR. JORDAN: Because those are --

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1 MS. SCHROETTER: That's a field audit.
2 MR. JORDAN: -- return responses you would already
3 have on file here for an individual user.
4 MS. SCHROETTER: That's correct.
5 MR. JORDAN: Not for a Coalition user.
6 MS. SCHROETTER: Right, you would be looking at the
7 information the Coalition provides and verifying it in
8 the field.
9 MR. JORDAN: And so out in the field, okay.
10 Thank you, Mr. Chair.
11 MR. ROBERTSON: If I can just flip a piece of
12 information over, there are about 120 notification
13 letters that have been issued under individual by the
14 Regional Board staff. There's about 195-ish -- 209
15 fresh off the grill, 209 for Coalition.
16 BOARD CHAIR: So this agenda item is specifically
17 on the notification, and when you compared and
18 contrasted the individual program versus the Coalition
19 program in terms of the amount of information received,
20 and you touched base on that, my understanding was that
21 the Coalition was going to provide you, also, more
22 metrics about penalizing data, trends, and then also in
23 addition to the nitrate exceedance, some other
24 constituents, measurements above and beyond what is
25 required with individual monitoring. Is that a correct

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1 statement?
2 MS. SCHROETTER: That's correct.
3 BOARD CHAIR: So basically, when questions were
4 made by some of my fellow Board members about, you know,
5 the merits of one approach versus the other, meaning the
6 Coalition versus the individual, the Coalition does have
7 some added value, added benefits in terms of providing a
8 richer information and also some additional analysis.
9 MS. SCHROETTER: That's correct. They are
10 providing additional analyses. They are also providing
11 some independent interpretation of the data to provide
12 that data in context.
13 BOARD CHAIR: All right. And then, lastly,
14 Mr. Johnston was bringing up a point which is a good
15 one, in regard to the system and some of the concerns
16 about the expiration of the cartridges. You know, you
17 called it maintenance, but it's really replacing the
18 cartridge.
19 You know, the technology of RO and the challenges
20 that the system is only as good as you maintain it is
21 the same when you have RO installation where you have
22 high boron content in the water or in some cases other
23 constituents, in some cases arsenic, so a similar set of
24 issues apply in other aspects of the RO technology. So
25 are we suggesting that perhaps because of the

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1 application of RO systems for nitrates we need to look
2 at a different way on how to assure the proper
3 replacements of the cartridges? Because the challenge,
4 also, is that it's not data based, it's utilization
5 based. These cartridges have a certain amount of
6 gallons of capacity, so it's not such an easy fix as
7 saying, well, you know, every six months replace it and
8 you're good to go. It doesn't work that way. In some
9 applications, it may only be three months.
10 MR. HARRIS: Dr. Wolff, I think your comments -- I
11 was going to hold off, but I think it's appropriate now
12 to talk about -- if we listen to ourselves, we are
13 talking about, you know, drinking water, safe drinking
14 water, water treatment systems.
15 We now have a Division of Drinking Water, and I
16 think that this organization for a number of years now
17 has filled a void in trying to protect public health in
18 the drinking water area because there was no State
19 leadership, there was -- at least with these small
20 communities or individual wells, and my hope is, and I
21 know Dr. Hunter and Matt Keeling attended, and
22 Mr. Johnston attended the Governor's task force on safe
23 drinking water.
24 My hope is that at some point in the future, and
25 I'm glad that Mr. Moore is here listening to this

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1 discussion, this is a tremendous burden, and the other
2 Board members had asked about whether the Coalition is
3 good or bad for us in terms of our workload, I would
4 suggest that just having to deal with the drinking water
5 issue, which we really are not -- yes, we can require
6 replacement water, yes, we do have a role there, but at
7 some point I think we are exceeding what we should be
8 doing either in terms of what our responsibilities are
9 and what our resources are, and my hope is that the
10 State is going to take, in the future, a much stronger
11 lead in dealing with this issue.
12 Mr. Moore mentioned the safe drinking water plan
13 that's out, and the assistant executive officer, Michael
14 Thomas, actually went to the meeting at Salinas, so he
15 was there, and I think they were taking comments from
16 the public on how does this -- what do you think of the
17 plan. So my hope is that the State is going to take a
18 greater leadership role in this and that we can begin to
19 back off having to put so much resources into protecting
20 drinking water, you know, setting up placards and all
21 the rest.
22 BOARD CHAIR: The point is well taken. In fact,
23 where I was heading in my comment is that we're
24 becoming -- you know, we talk here about the RO system.
25 I mean we don't want to become the cartridge police and

1 making a determination when to make these replacements,
2 so I think your point about relying on the drinking
3 water division more in some of those areas certainly
4 does make sense as we move forward, so that was a little
5 of comment I wanted to add.

6 Did you have anything to add?

7 So this is now then the opportunity for both Claire
8 Wineman and Abby to speak, and also Parry, likewise, if
9 you would deal with some questions for you, so we're not
10 going to time you on that.

11 MR. JEFFRIES: The comments are all is good and the
12 questions are all good, but the issue that we have today
13 is notification, and that's what we should be dealing
14 with and not stray off into other areas which we'll
15 probably come back to at a later date. And I think the
16 question of our previous Board meeting was the
17 clarification of notification between the Coalition and
18 our staff, and I think that's what we're here for today,
19 is to get that clarification. I think that has been
20 done, but -- you know, we can get carried off in a whole
21 different tangent and I don't want to do that today.

22 BOARD CHAIR: You know, I did point out that this
23 was about notification. What I was addressing is one
24 comment made regarding to the RO system and some of
25 these inherent weaknesses, pointing out that, yes, it

1 is.

2 And the other point was to further clarify the
3 comment from staff regarding some of the benefits
4 associated with the Coalition versus individual
5 monitoring.

6 So I certainly now leave it up to my colleagues
7 here to ask questions to Mr. Parry.

8 Mr. Jordan, you had questions for Mr. Parry?

9 MR. JORDAN: I think, just looking through my
10 notes, the number is more like 500, right?

11 MR. KLASSEN: I'll go through some of those numbers
12 for you in my presentation.

13 MR. JORDAN: Really, my only concern was the number
14 is 350 right now, and will be 500, maybe you get some
15 stragglers in the geographic boundary that say, "Hey,
16 now I'm kind of liking what you're doing" --

17 MR. KLASSEN: We're finding those already.

18 MR. JORDAN: And they stagger in late. And I think
19 John has answered the question, but we have the
20 capability to do that little manual alignment thing, and
21 it's not going to be too big of a burden on the staff.
22 Okay, so my questions are good. Thank you.

23 MR. KLASSEN: All right, Chair Wolff and members of
24 the Board, I appreciate the chance to come and speak to
25 you today. I do slow well, so I will speak slowly.

1 Mr. Harris stole my thunder. I was about to start
2 out and I'll shorten my beginning. Regarding September
3 24, almost a year ago, we got a mandate down from the
4 State Water Board -- thank you, some in the audience and
5 others for that -- but we have a statement, a very short
6 statement that staff and us are responding to, and I
7 think over the last 12 months we've done -- both sides
8 have done well. "For wells on a discharger's farm or
9 ranch the Central Coast Water Board will require that
10 the discharger notify the user with within 10 days. For
11 all other wells, the Central Coast Water Board will
12 notify the users promptly."

13 So from that direction we have a notification
14 process where somebody is getting a letter from us,
15 FedEx, a letter in a couple days from Regional Board
16 notifying that property owner to notify the user.
17 That's happening in 30 days. We're getting back
18 information about the treatment that's being done, the
19 placement -- we're getting so much information in one
20 year through our efforts to protect public health that I
21 think when you really stand back and get an overview, I
22 think both have done an excellent job in this area of
23 notifying hundreds. We notified now 209 users through
24 our members' notification, and the Regional Board staff
25 has done 100-and-odd to 300 to 400 people that didn't

1 know about it maybe a year ago, now are aware of it.
2 Many of them already have treatment.

3 So I think it's good to keep that in mind, that
4 there wasn't a lot of direction and her getting to the
5 point now where I think we have a pretty good way to
6 verify, that staff can verify what we're doing as well
7 as the information we're getting back.

8 So I have to preface everything out, the statements
9 today, that it's raining so I'm not going to be in a bad
10 mood for any reason at all. I drove through a driving
11 rain, so nothing is going to turn my mood bad today.

12 So anyway, our total, just to review again, we've
13 sampled 1,118 wells. Of that, 683 are domestic wells.
14 Our samples, total number of samples is 1,625 irrigation
15 and domestic wells. Twenty-four percent of the domestic
16 wells, of those 683, 24 percent were above the drinking
17 water standards so those were the ones that received --
18 the 209 that received exceedance notifications.

19 So those are some of the statistics. They're a
20 little different from Regional Board staff because we
21 just had another round go out last week, so that was the
22 latest update on that.

23 I have to complement John or Angela, they came up
24 with a great term -- "relational key." We have a far
25 less inventive term. We're calling it a supplemental

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1 list of what we've prepared with staff over the last
2 several months. Since that meeting in Santa Barbara, we
3 had talked on the phone, in meetings, back and forth
4 with our technical folks and theirs to figure out how to
5 do what staff needs, which is the verification process.
6 So the list that you saw -- and I don't have slides
7 today so if I can borrow their slides, if you wouldn't
8 mind, and we can put up that spreadsheet that we're
9 going to do, and I'm not going to go into a lot of
10 details, but what you will see on there is the
11 ranch-specific global ID -- let me back up.
12 Our supplemental list will be providing a
13 ranch-specific global ID, the associated field point
14 name, all the information that staff will be able to do
15 in one step, take these exceedance reports, do that
16 relational key together and they will have that
17 finished. So it's not something they have to do over
18 and over and over. Once they have our list, that's
19 going to be completed.
20 So we maintain that this approach will be easy for
21 staff to verify compliance on a large scale while
22 simultaneously protecting the promises made to the
23 members at the beginning of the program, the fact that
24 we can give some level of confidentiality to their
25 names. And the concerns -- and you can characterize

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1 them as you would, but they're concerns that members
2 have about alternative sorts of things that could happen
3 to them if this information got out. It hasn't happened
4 yet, but that doesn't mean it couldn't in the future.
5 We heard one person say that they would like those
6 letters so they can go out and shame the growers that
7 have high exceedances, and that seems to be an
8 inherently unfair approach to somebody that may have
9 picked up a ranch six months ago and they've got an
10 exceedance, why should they be shamed for having a well
11 that had exceedances.
12 So we think the concerns of our members are worth
13 protecting. We are giving this information, providing
14 it to Regional Board staff so they can do what they're
15 charged with doing. So the supplemental list, and we
16 are going to be providing, will be going out, we call it
17 extended exceedance report, is that we will include a
18 brief follow-up description of the actions taken on the
19 individual wells -- that's what you see highlighted in
20 orange -- and replacing the water action, date
21 initiated, date report, user notification date, manner
22 of notification, and what we are going to need to do
23 because when we had growers signed up for our Coalition,
24 if we're going to go back to them and say after this
25 meeting -- if this is approved, we're going to back go

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1 to them and say Regional Board wants this information,
2 are you okay with us sharing it. If they say yes, it
3 will go on there. If they say no, we give the Regional
4 Board the names of those members and they can do that
5 follow-up information. And we'll notify the members of
6 that, of that premise. And I believe that our members,
7 100 percent, will be willing to provide the information
8 and in the format that you see here.
9 Okay. So the other thing, too, we have been --
10 we've been doing our best to be transparent with staff.
11 I think our back-and-forth as we've developed this
12 notification process has been forthright. We have met
13 with Ken and his staff in small meetings where we can
14 talk about these issues at length. Staff brings up,
15 well, maybe we ought to get that in writing. We have,
16 in almost every instance, gone back and implemented that
17 in our letter-writing information.
18 The follow-up requirement when a tenant leaves,
19 that's in our letters. We are telling them they should
20 be notified, and we're willing to go into an annual
21 revisit of our exceedances, so send them a letter and
22 say have any of the residents changed here and have you
23 done this notification of the new residents?
24 Now, one thing in talking to many of our members is
25 there's still, I think, a little bit of a concept out

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1 there that there's a lot of turnover in these rural
2 residential houses. This is not really the case with
3 most farms anymore. These farmhouses that are left in
4 Salinas, Santa Maria and such, they're apprised to the
5 people that work for these farms.
6 The guys that usually -- the families that live out
7 there usually are the irrigators, they're the equipment
8 managers, they're people that work for a farm for years
9 and years and years. These are not houses that have
10 people coming in and out of them like the old day-labor
11 camps. Those labor camps, for human health and other
12 reasons, are long gone.
13 So, yes, there may be resident changes, but the
14 majority of the people that go in and out of these
15 houses are not doing it on a rapid basis. I just give
16 that as a background. We still would like to go in and
17 do this verification to make sure that there's -- the
18 new occupants are informed about the water quality in
19 that residence.
20 So the other thing that we've done recently is two
21 weeks ago we met with the Monterey County Health, Santa
22 Cruz County Health and Santa Clara County Health. We
23 brought them into our office, we gave them a
24 presentation, showed them what we were proposing here
25 today and asked about their receipt of the letters from

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1 Regional Board staff, and they acknowledged that they
2 had been getting them.

3 They told us in that meeting that they prefer an
4 aggregated meeting, that they prefer an aggregated
5 approach because they have a stack of letters now that
6 they're getting which is what the staff has said, and I
7 think that's appropriate. But being people that handle
8 a lot of data, like all of us, they appear from what --
9 looking at this, preferred this as an aggregated
10 approach to getting lots of letters, so that's what
11 we're committed to doing with them.

12 We made arrangements at this meeting two weeks ago
13 to start supplying the information. We also learned
14 about some new monitoring data that we hadn't heard
15 about or was available so we're going to be adding that
16 to some of our other reports that we're doing for the
17 Regional Board.

18 So, let's see, we want to make sure that the
19 counties do have the information they need. One thing
20 that was pointed out that we're going to begin asking
21 is -- their big concern in Monterey County is the larger
22 systems, the two to 15, I believe, or the four to 15,
23 because those systems have to be monitored quarterly,
24 and they wanted to make sure that any of our members, if
25 they had more than two hookups, that they were informed

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1 of that so that they would be able to do this additional
2 sampling. And this is for -- not only for nitrates
3 but -- well, it's actually more for human health-type of
4 microbial contamination that they use sampling.

5 Nitrates, when they find in a well, generally if
6 it's over the nitrate drinking water standard, they
7 don't go back to that every quarter and sample it like
8 they would for this microbial contamination.

9 So we'll be meeting with San Luis Obispo,
10 Santa Barbara County and asking them the same questions
11 here. We've been playing phone tag with them to get
12 these meetings together, but we will offer them the same
13 sort of summary aggregation of information.

14 Then let's see, the other point -- I think that's
15 my general points that I wanted to cover here. We have
16 one other thing. We're talking about -- some of our
17 responses that you see here were in verbal
18 communications, we talked to our Board this week, our
19 Central Coast Board, and we are going to go back to
20 those individuals who did the verbal notification and
21 get from them a written document that says that they
22 handed them written notification as well.

23 So again, this was kind of something that in the
24 State order didn't say specifically that it had to be
25 written notification, staff thought it would be better

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1 if it was written, so we agreed. I don't think we had
2 an argument with that. So let's get it in writing.

3 There's no fear out there, I don't think, of
4 members of showing that they are doing good things with
5 their tenants of these houses. So we're committing to
6 do that with our -- with those individual members. We
7 have 15, total, that were non-rent and five were office
8 spaces, so this is field offices where people would come
9 in and they have their morning meeting on where they're
10 picking and where they're irrigating, they say "Don't
11 drink the water in here," they didn't give them anything
12 in writing, so they're willing to go forward. And
13 there's two members who actually live in the houses
14 themselves, so they kind of -- I don't know if they need
15 to write to themselves or how that would work. So
16 anyway, those two are covered. So the rest of them, we
17 will get written verification that the verbal
18 communication has been accomplished.

19 So I think the other thing I wanted to talk about,
20 going forward, just remember, too, we're just about done
21 sampling now. I mean individuals should be finished.
22 We're finished, essentially, with all of our members.
23 What we're finding now is we just sent our renewal
24 invoices out here the last couple weeks and we're
25 getting growers that are adding parcels and we ask them

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1 "Is there a domestic well?" "Yes." "Did the domestic
2 have individual sampling?" And then they go back to the
3 previous owner and, you know, it's one of these
4 forehead-slapping, "Oh, I don't think it was, so can the
5 Coalition do the sampling for us?" So we're providing
6 the option for them to go back, get that well into
7 compliance, and do the notification, if it's
8 appropriate, of that well.

9 So that's the plan going forward, and once all
10 these exceedance reports are finished, we'll give a time
11 line to staff, we'll provide all this information, and
12 then it's essentially complete, other than these
13 periodic updates that we've been talking about, somebody
14 has a new well that's not been sampled.

15 So we're kind of over the hump, I think, with the
16 individual and the Coalition domestic well sampling. So
17 I think on that point, and again changing the residence,
18 we'll recheck with the tenant on an annual base, that's
19 a realistic thing to do.

20 So any questions? I know there were many from
21 staff.

22 BOARD CHAIR: Just an observation. I think writing
23 a letter to yourself would be a little tinge of
24 narcissism.

25 So questions? And by the way, what we're going to

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1 do is a round of questions here, and then before Claire
2 and Abby, we'll give our court reporter a break.
3 MR. JORDAN: As part of that I heard you say
4 written verification of verbal, but what you're actually
5 talking about is just going back and getting written
6 verification of those that you've done verbal in the
7 past, right?
8 MR. KLASSEN: Yes. Somebody that said they did
9 verbal, we're going to say give it to us in writing
10 MR. JORDAN: What you're willing -- graciously
11 willing to accept is written notification from this
12 point out, and that written notification is to the users
13 will also give you a proof of notification, some method
14 of proving notification. Right now you're using FedEx.
15 MR. KLASSEN: We FedEx the notification to our
16 member and then the member sends back to us a signed
17 document saying that we notified that occupant of the
18 house. So we don't get copies of -- we send a template
19 that the member can give to the tenant, English or
20 Spanish, but we're not asking for that.
21 MR. JORDAN: Copies of the actual notifications of
22 the users?
23 MR. KLASSEN: No, we're not doing that.
24 MR. JORDAN: Is that a problem with staff?
25 MS. SCHROETTER: That's the same model that we have

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1 so --
2 MR. JORDAN: Okay, perfect.
3 And then you're also graciously offering the tenant
4 turnover thing, look at that on an annual basis and just
5 kind of repeat the process?
6 MR. KLASSEN: Yes.
7 MR. JORDAN: Thank you.
8 MR. JOHNSTON: You mentioned Santa Clara, Santa
9 Cruz, Monterey, Santa Barbara, San Luis Obispo
10 counties --
11 MR. KLASSEN: The last two we haven't met yet.
12 MR. JOHNSTON: San Benito?
13 MR. KLASSEN: No, we haven't --
14 MR. JOHNSTON: You don't have any members in San
15 Benito?
16 MR. KLASSEN: We do, but they're not calling staff.
17 I'm not sure of the exact connections over there, to get
18 them to call us back. We're not getting a response.
19 MR. JOHNSTON: They don't all have telephones.
20 MR. KLASSEN: I didn't say that.
21 BOARD CHAIR: Mayor Delgado?
22 MR. DELGADO: Yes. I'm hesitant because I don't
23 want to beat a dead horse, but I'm trying to figure out
24 the value to the Board of having less transparency with
25 the cooperative. So Parry, you've done a mountain of

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1 effort, you and your colleagues, on getting all these
2 samples.
3 So while you're up there I want to ask staff, are
4 we getting more work done because of Parry's entourage
5 effort or is that same amount of work or more also
6 getting done by the individual monitors?
7 MS. SCHROETTER: I would say that from a data
8 perspective, actual data, we're getting the same data,
9 right, the sampling parameters are the same.
10 For a subset of the CCGC's they do have some
11 higher-level analytes like age dating and isotopes, but
12 from a data perspective, they are providing additional
13 interpretation. So, for example, they're looking at
14 their data with our data with the County's data, as
15 Parry mentioned, and they are producing contour maps, so
16 there will be an additional interpretation that the
17 Board has that will help us to evaluate hot spots and
18 things like that.
19 I'm not sure what the answer is to your question in
20 terms of what is the benefit of additional transparency,
21 which is how you kind of phrased it in the beginning.
22 MR. DELGADO: What is the benefit of less
23 transparency?
24 MS. SCHROETTER: Sorry, of less transparency.
25 There is an additional amount of effort to deal with

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1 data differently.
2 MR. DELGADO: So that's a negative.
3 MS. SCHROETTER: So that's negative, so that's the
4 trade-off.
5 MR. DELGADO: What's the trade-off? I hear a
6 negative. I don't hear the trade-off.
7 MS. SCHROETTER: Well, they are providing some
8 additional information in the form of interpretation,
9 but the trade-off for us is that we're having to treat
10 data differently and respond to PRAs and things like
11 that and deal with less transparency.
12 MR. DELGADO: Okay.
13 And let me ask you, Parry, you're probably a great
14 one to ask this question, what's the value added in this
15 Board allowing your cooperative to be a little bit less
16 transparent?
17 MR. KLASSEN: Well, I want to back up just a
18 second. Let's pretend we're not here, we weren't doing
19 what we did and Regional Board staff would have another
20 1,100 reports to go through, 683 wells that had 209
21 exceedances, so they would have to deal with 209 more
22 exceedances. So I guess I'm not seeing the drawback to
23 the lack of the fact that you don't have my members'
24 name on a letter in front of you. I'm not seeing a loss
25 in value of transparency to that, because what's

1 transparency for -- see, what do you want to see on the
2 other side of this clear wall that we're apparently
3 blocking from view?

4 MR. DELGADO: Well, the other perspective is not
5 here because their car broke down, but I think CRLA
6 would probably have a perspective that's different than
7 that, so we're sort of doing this in their absentia, so
8 I'm trying to think a little bit in that regard.

9 MR. KLASSEN: So I guess I repeated it at the
10 beginning, there's a concern about what can be done with
11 the information that we're not provided, so that
12 that's -- that's a real concern.

13 MR. DELGADO: It doesn't seem to be a real concern
14 of the individual monitors. It doesn't seem like
15 there's enough concern for them to join the cooperative,
16 and they haven't been complaining or sending in letters,
17 so it seems like they're trying out the thing that your
18 members fear with apparently no problems.

19 MR. KLASSEN: So far.

20 MR. DELGADO: So far.

21 MR. KLASSEN: Right. And I think we went from zero
22 to 150 miles an hour in about four months. There was a
23 lot of growers out there, never had a coalition here in
24 the Central Coast, they had no idea how this would
25 operate. We had 400,000 acres -- 200,000 acres that

1 MR. DELGADO: So the more that he and his
2 cooperative does, it sounds like you're saying, the
3 higher your workload increases.

4 MS. SCHROETTER: I wouldn't characterize it that
5 way. I think it doesn't increase with the amount of
6 data he's collecting, it's just extra work for us to
7 treat it differently. It's just a fundamental aspect of
8 having Coalition and individual monitors, so we're just
9 treating the data differently.

10 MR. KLASSEN: Let me add onto that, we took all the
11 individual monitoring results and we're plugging into
12 our contour mapping effort, so I think we're adding
13 value to what you all want to see, what the public needs
14 to see through no effort of theirs other than complying
15 with the regu- -- the individuals.

16 So we're taking what they did and we're plugging it
17 in and we're not -- you know, our members are paying for
18 that to be done, to give the public a better map, a
19 better contour, a better view of what the nitrate levels
20 are in the region, so I think there's some -- there is
21 value in that.

22 MR. YOUNG: I thought there was quite a bit of
23 benefit to the value-added package that we were getting
24 from this. Only with your last questions, I think, has
25 that been made apparent. You know in terms of the

1 agreed, let's take a risk and go with this group.

2 There was a lot of members -- growers looking at
3 this, saying is this something we want to get involved
4 with? Because they have no history of it like we do in
5 the Central Valley, so I think there's a lot to that.
6 We have people calling us wanting to join now, even
7 after. They don't have to do any monitoring, but they
8 still want to join and be part of it.

9 MR. DELGADO: Okay, last question. Given these 209
10 responses that apparently you're not -- seems like it's
11 less workload for you but I heard you saying earlier it
12 isn't really, so help me out here.

13 MS. SCHROETTER: The letters that the Coalition is
14 sending? I mean they are sending the letters so that's
15 209 less letters that we have to send, and then we
16 verify them, once we get this relational key we'll do
17 the translation, and then follow up, do the
18 verification.

19 So I don't think -- that amount of work is
20 insignificant compared to treating the data differently.
21 So for staff to issue 200 more letters over the period
22 of time, they're template letters, we drop in the data,
23 it's not that significant amount of work. Treating
24 the data, holding the data differently is a significant
25 amount of work for us.

1 trade-offs, more transparency, less transparency -- I
2 mean, the Coalition was authorized by the State Water
3 Board order as a method we could go down, and they came
4 to us and said "Look, we'd like to do it this way." And
5 for whatever reason, whether their fears are justified
6 or not in terms of them being unfairly targeted, we
7 tried to keep this, you know, process going forward and
8 getting the wheels on the wagon so we get the Coalition
9 operating and get as many members on as possible.

10 Am I wrong, John and staff, that if we ask the
11 Coalition to harmonize the data that you're couple up
12 with, that you're analyzing differently, that they could
13 do the same thing with your individual data? Right now
14 you're saying there's more work for you to do because
15 you're looking at individual well data differently,
16 right?

17 MS. SCHROETTER: Right. I'm not trying to say
18 there's no value to the data.

19 MR. YOUNG: No, I didn't take it that way either.
20 You were saying that there's increased effort on your
21 part because you're looking at the individual well data
22 one way, they are looking at it another way, correct?

23 MS. SCHROETTER: Let me put this in different
24 words. Basically, we put all -- let me give you the
25 bare bones of how we treat the data. So the Coalition

1 data is uploaded to Geotracker. We don't have to do
2 anything more with it. It's using all of the Geotracker
3 existing functionality, just like all the other
4 regulatory programs. It will get posted on Geotracker,
5 just like all the other regulatory programs -- I'm
6 sorry, individual data.

7 The Coalition data, when it comes in, because
8 there's a higher level -- or a lower level of
9 transparency, we have to actually create tools to make
10 them less transparent. So we're building functionality
11 that did not exist in Geotracker basically to build
12 firewalls so that the data cannot be seen. That's not
13 insignificant, right, and so that's the level of effort
14 that we're having to juggle with right now.

15 In addition, we will have to deal with the contour
16 maps, right, so after we're done reviewing and
17 considering our approval of the contour maps, we will
18 have to figure out and address how those contour maps
19 get displayed or not displayed on Geotracker. That's
20 the added function, added effort that we're going to
21 have to entertain.

22 So that's not necessarily saying that's not --
23 whether that's worth it or not, given what they are
24 doing, it's just extra staff effort that we're
25 expending.

1 MR. YOUNG: Well, how much staff effort are we
2 saving, if at all, by having them evaluate the data and
3 to create contours? Is there no benefit to us?

4 MS. SCHROETTER: The contour maps that they're
5 interpreting, there's value there. They're taking into
6 account all the different types of data, so there is
7 value to that. And it's interpretive, but it's extra,
8 right. So I'm trying to estimate how much time staff
9 would save. You know, is probably not insignificant,
10 the effort to compile all the data.

11 MR. HARRIS: You know, we might be able to answer
12 your question, Mr. Young, next year when we have the
13 report and we see -- we've seen bits and pieces. I
14 think next spring when we get the actual report, and
15 this is not, as you all know, it's not a stagnant
16 program and it continues to evolve. The level of
17 transparency, even in the last year, has evolved through
18 these discussions and I assume it will continue to
19 evolve, but I think we can answer your question better
20 next spring.

21 MR. YOUNG: All right.

22 Then lastly, Mr. Klassen, you mentioned, you sent
23 out 209 exceedance letters. So my question is, how many
24 of those wells were known to be in exceedance before the
25 irrigated lands program went into effect, if you know?

1 MR. KLASSEN: That's one of those hindsight is
2 20/20. We wished we would have asked them that. We
3 didn't ask that question directly. We should have so we
4 would have known how many to answer the question,
5 because we've wondered that ourselves because we hear
6 anecdotally -- I put an RO system on years ago,
7 especially in the Santa Maria Valley, so that's a long
8 way of saying I'm not sure how many did actions before.

9 MR. YOUNG: Let me make just this general comment.
10 Because, and this is for Claire and Abby, as well as
11 anyone else, maybe more so than for you, Parry, we had a
12 lot of resistance from ag going through, you know, our
13 proceedings, didn't want to have groundwater included in
14 the monitoring. And so here we have situation where at
15 least we now know, because of what we have done, there's
16 209 letters that have gone out and people being notified
17 that they're drinking contaminated water.

18 Now, maybe some already do that, maybe the owners
19 of those wells have already notified people, but I'm
20 going to take some credit on behalf of the Water Board
21 that we just pushed through with this resistance to get
22 to where we are today and doing what I think we should
23 have been doing, which was trying to protect our
24 drinking water.

25 So I hope with our other items that we like to butt

1 heads with, maybe we can chalk this up to, you know,
2 experience and let's try to get to the bottom line with
3 some of this stuff and work towards the benefit of the
4 whole.

5 BOARD CHAIR: Let me get back a little bit to the
6 notification itself. Two questions. The first one, for
7 the individual monitoring, we have exceedance and the
8 well, you send the notification. Do you do this yearly?

9 MS. SCHROETTER: No, there's -- there's no
10 re-notification.

11 BOARD CHAIR: So if we compare and contrast how
12 robust the notification is in the case of individual
13 wells we send a letter once, that's it, unlike the
14 Coalition, which yearly sends a letter.

15 MS. SCHROETTER: The Coalition is proposing that --

16 MR. KLASSEN: -- proposing to do that, we're
17 willing to do that.

18 MR. ROBERTSON: And I would foresee that we would
19 do follow-up verification to ensure that through time on
20 the individual side that it's being repeated, too.

21 BOARD CHAIR: And the second question to make sure
22 I understand you correctly, with the individual
23 monitoring, we send the letter through the U.S. Postal
24 Service?

25 MS. SCHROETTER: That's correct.

1 BOARD CHAIR: Whereas the Coalition sends it
2 through FedEx so we do have a traceability that it did
3 get there.

4 MR. HARRIS: Does ours go certified?

5 MS. SCHROETTER: It does not, but we require a
6 response so when we get the response back we can verify
7 the receipt.

8 BOARD CHAIR: You know, since the topic is
9 notification, I wanted to kind of drill down to that a
10 little bit to make sure I have a good understanding.

11 MR. KLASSEN: Let me add just one thing that I went
12 over quickly. The south counties that were added to the
13 Coalition after the State order, we took over the
14 individual monitoring, so we had to do two samples. And
15 when we went back to the domestic wells for the second
16 time and it was in exceedance, we re-notified them there
17 was an exceedance. Kind of a footnote, but just in the
18 south we did that.

19 BOARD CHAIR: Thank you.

20 I had offered to give you a break, you said you
21 were still fine, but others need a break, so let's take
22 a break. Let's reconvene at 4:00 o'clock.

23 (A short recess was taken)

24 BOARD CHAIR: Let's reconvene. It's 4:00 o'clock.

25 We do have a couple of speaker cards, so I will

1 start with Abby.

2 MS. TAYLOR-SILVA: My name is Abby Taylor-Silva.
3 I'm with the Growers-Shipper Association of Central
4 California.

5 It's nice to see you. There were two items that
6 were brought up that I wanted to clarify. One, on the
7 date of the installation, we do have a column in the new
8 report that we are providing to staff that in some
9 instances does show you dates that go quite a bit back,
10 so sometimes we do have that information and if we do
11 we're going to provide it, but Parry is right, hindsight
12 being 20/20, we would have loved to have known that
13 originally.

14 Additionally, to Mr. Jordan's question of Parry
15 about verbal notifications, there are very few that are
16 verbal at this time and are working really hard to get
17 those in writing, but just to be really clear, the ones
18 that were verbal, there are only about 11 of our members
19 who that situation pertains to, and we do have
20 documented from them this is the date I talked to the
21 person, this is the conversation and their signature
22 so -- but we are going to beef that up, of course.

23 I also wanted to touch on the discussion of value,
24 and we've talked about this so many times, but sometimes
25 it's good to bring it up again. There are a few items

1 that, I think, provide a lot of value in this program.

2 One, we're following a quality control plan. We
3 are using the same lab, we're using the same contractors
4 for every well sample. There's tremendous consistency
5 in our program and in the data that you can't get by an
6 individual program. I think that provides a lot of
7 value and a lot of ability to be comfortable with our
8 results.

9 Additionally, we are linking field point names, so
10 we're working really hard right now, and working with
11 staff, that if the well had been sampled previously,
12 that it's linked back up. So it's complex, I couldn't
13 really describe the whole process to you but it's taking
14 a lot of work and we're doing it to give you a more
15 consistent product in the end.

16 The contour maps, you know, the one thing about the
17 contour maps that I think is really interesting, when we
18 first created this program, the contour maps were meant
19 to provide anyone, anyone in the irrigated lands or
20 outside, with an idea of whether or not they were in an
21 area that could have high nitrate water.

22 Now, some of the functionality of the contour maps
23 is kind of taken care of with these exceedance
24 notifications that weren't required when we built the
25 program. So the contour maps, though, still provide

1 immense value to the public because people outside of
2 this irrigation lands order now have this value added
3 that they never would have had.

4 Additionally, I just want to take a moment and say
5 that this process took a lot of blood, sweat and tears,
6 rolling up of sleeves and hard work by staff and the
7 CCGC, and I really commend your staff. Thank you so
8 much for taking the time to work with us and finding
9 solutions.

10 The solution you're being presented, it was a true
11 compromise from our members and there was a lot of
12 discussion that went back and forth, but we feel like
13 it's a good compromise, and we really appreciate all the
14 discussion about the letters and how seriously they are
15 taking that, so thank you.

16 I'll be happy to answer questions.

17 BOARD CHAIR: Thank you, Abby.

18 Claire.

19 MS. WINEMAN: Good afternoon, my name is Claire
20 Wineman, and I am the president of the Growers-Shippers
21 Association of Santa Barbara and San Luis Obispo
22 Counties, and I also serves as a Board member of the
23 Central Coast Groundwater Coalition.

24 I would just like to briefly speak in support of
25 the staff recommendation. Again as Abby mentioned, it's

1 the result of thorough discussions and problem solving
2 on both sides, and also there's been some discussion
3 about the trade-off, and I'd like to speak to some of
4 the many benefits in terms of the compliance and
5 long-term movement toward the goal of improving water
6 quality.

7 Abby and Cara get the brunt of this, too, but we're
8 like a board of colleagues. All of us are moving our
9 members relentlessly towards the goal of compliance and
10 improving water quality, so we are very insistent upon
11 that, and consistent, and that's definitely a large
12 service and one that works a lot better in the context
13 of a coalition or cooperative and everybody kind of has
14 the same goal that we're moving towards, and if you keep
15 the herd together it's easier to nip at their heels.

16 So with that, we look forward to continued
17 collaboration on implementing the program and appreciate
18 your acceptance of staff's recommendation. Thank you.

19 BOARD CHAIR: Thank you, Claire. And that was a
20 very interesting analogy you presented to us.

21 I would like to ask Mr. Harris to remind our Board
22 of the final process for this Item 15.

23 MR. HARRIS: This is just a discussion. I think
24 we're just looking for direction from you. There's not
25 a vote involved, so if you concur with staff's

1 second bullet up there in terms of intent.

2 A couple comments I have is, you know, I heard
3 Parry say, talking about transparency, you know, I think
4 we're focusing on the results of the transparency to
5 gauge whether we want transparency or not, and
6 transparency can be good or bad. In your particular
7 case you might view it as leading to something bad, but
8 that doesn't mean that the transparency is not a good
9 thing or shouldn't happen, so I think transparency is
10 good.

11 To counter that, I think that at some point both
12 sides of this issue have to begin to trust the people
13 that are sitting at the little table in front of you,
14 and their staff, and they have to begin to appreciate
15 the intent of both sides' stance and what and where
16 staff will go with that and begin to trust them in that,
17 and I guess trust us up here in some sort of oversight
18 role, and I think this is a step in that direction.

19 I think you're moving towards a spot where we
20 accomplish what we want to accomplish, we offer some
21 protections up on privacy from the situations just as
22 were outlined, you know -- you know, a farmer that's
23 just been there six months and has legacy issues on his
24 land and is not going to get publicly pillared -- but at
25 the same time we give the tools to the Water Board and

1 recommendation, that's really what we want to know.

2 BOARD CHAIR: Correct.

3 MR. HARRIS: We have got a couple of comments that
4 staff said we will address or are addressing, but for
5 the most part we're looking for you to give us the
6 thumbs up, thumbs down, thumbs sideways.

7 BOARD CHAIR: Yes. Because in the original
8 language of the order, the executive officer has the
9 discretion of making decisions and specifically you had
10 agreed that all changes would be presented to the Board
11 for review, so this is the process here. It's not a
12 vote but it's consensus based, so we'll open to any
13 deliberation that my colleagues have. We'll start on
14 the right with Mr. Jordan.

15 MR. JORDAN: I'm going to get on the bus. I agree
16 with staff's recommendation. I don't really like the
17 phrasing of the recommendation because I think there are
18 some changes being made, you're refining the method that
19 allows you to actually identify the sites and the wells
20 with their data and our data, so I know it's a change
21 from where we were the last time we talked. I think
22 there's some directions you will take from our
23 discussion on the notification that are changes, too.

24 So I don't know so much that I'm agreeing with the
25 first bullet, but I'm definitely agreeing with the

1 the Water Board staff to do what we want to do. I think
2 that is a step closer to that. As we keep saying, it's
3 a trip where we keep adding and take off baggage.

4 In talking about the benefit of these trade-offs
5 that's been going on up and down the discussion table
6 here, the true benefit to me of the Coalition is that
7 it's an internal selling process rather than a
8 regulatory selling process. You know, the first one has
9 your own peers talking to your own peers, the other one
10 has a government entity telling you what to do, and I
11 think there's some huge benefits and cultural change to
12 the first one that come much more slowly in the second
13 one, and I think that supports our goal of where we're
14 going and we'd like to get their quick rather than
15 slower.

16 On the other hand, it's always been about that
17 right-hand column with me on that notification sheet,
18 that that person that's drinking the water is being
19 notified and steps are being taken to either -- if they
20 need the replacement water, they're getting the
21 replacement water and that our staff at any time can
22 feel comfortable with that process, and so I expect that
23 column to be cleaned up.

24 I would also like when that sheet gets finalized
25 that the Coalition kind of makes it in a left-to-right,

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1 horizontal compliance timeline rather than, you know, we
2 notified over here and then we go back four columns and
3 there was or wasn't water, and probably a couple of
4 those other columns might do that, too. So literally
5 you can kind of follow the timeline along in the method
6 that you said you will and follow it column to column,
7 going from left to right, rather than jumping around and
8 trying to be on the same line and meeting compliance.
9 One thing I'll talk about in terms of benefits of
10 trades, I think if you were standing on the
11 environmental justice side of this you might feel like
12 you just got the short shift on this. It's unfortunate
13 they're not here today. Part of our discussion
14 yesterday was looking at the Coalition's website, and
15 some sample or, maybe, draft contour maps, and I will
16 tell you when we have this conversation in January or
17 whenever it comes to the Board, is that part of the
18 trade-off on the privacy protections and the economy of
19 scale and the ability to kind of keep it internal with
20 your membership before you provide it is that the work
21 product is going to have to really answer to what's in
22 my backyard more than a global look.
23 So the examples I saw were basin-wide and a big
24 blob of affected watersheds whereas I think it would be
25 fair for all stakeholders involved to be able to see

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1 that information much more up close, what's in my
2 backyard, where if I was living in a farm community and
3 had a piece of property that was near an agricultural
4 operation, I would want to be able to look at a map and
5 tell if I should fear that there's some type of
6 water-quality issue. That's what I think your end
7 product is going to have to look like, at least in my
8 opinion, for me. That's what I'm going to push for, so
9 that's just a fair warning.
10 Again, I would like to thank the Coalition for
11 working hard, I'd like to thank staff, and again I think
12 the important thing from this point on is to recognize
13 that you're at a threshold or a foundation of trust and
14 we work from there and certainly verify at the end of
15 that, but keep trusting and move forward.
16 Thank you, Mr. Chair.
17 BOARD CHAIR: Thank you.
18 Mr. Johnston?
19 MR. JOHNSTON: Once again, Mr. Jordan stole most of
20 my best lines, despite his sideways quote of Ronald
21 Reagan on trust but verify. Don't think I missed that.
22 I am fine with the executive officer's plan to
23 approve the Coalition proposal. I am also fine with the
24 other piece of the item we are discussing, which is
25 to -- the Board has now, as far as I'm concerned, pretty

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1 thoroughly reviewed the question raised by CRLA of
2 whether or not we should align the individual monitoring
3 and reporting requirements with Coalition ones.
4 I have a couple of other comments. First of all, I
5 have to say when we met on this -- I can't remember if
6 it was on this question. I remember when we met in
7 Santa Barbara I came away feeling like the staff report
8 was more of a persuasive document than an objective
9 laying out of the issues followed by a staff
10 recommendation, and I really liked, John, your staff
11 report today, both the written version and particularly
12 the version that we got orally in front of the Board. I
13 thought that it was very -- hate to use the words "fair
14 and balanced," but that it very clearly laid out our
15 options, that it very clearly laid out the facts and
16 tried to be fair about presenting a different
17 perspective, and I really appreciated that.
18 And, you know, I think both in your presentation
19 and in the questions raised particularly by Mr. Delgado,
20 you know, they both kind of came to the heart of this,
21 which is we are making a trade-off, and when I say "we,"
22 in this case it's an executive officer decision, but
23 there is a trade-off, there is a trade-off of
24 transparency, which is definitely a general public goal
25 of government in particular and our agency in

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1 particular. There is a trade-off of that for what we
2 perceive to be benefits of dealing with the Coalition,
3 and I just want to spend 30 seconds giving my
4 perspective of the value of that trade-off.
5 I agree with most of what Mr. Jordan said, that we
6 are building some trust, it is easier for farmers to
7 hear it from farmers. I know from a lifetime of dealing
8 with people in the industry how hard it is to herd those
9 cats. You know, farmers are almost by definition
10 culturally very individualistic and have trouble moving
11 in groups.
12 I think that, you know, it's a little disappointing
13 to me to hear from staff, and I have no reason to
14 disbelieve it, that we're still really spending more
15 resources on the Coalition pieces than on the individual
16 reporting pieces. Part of my view going in was that
17 there would be efficiencies of scale. I still hope to
18 see that. You know, I think a lot of our staff time has
19 been spent in these kind of duking out how we handle
20 that issue, how we handle that issue, whereas with the
21 individual reporters we're just telling them.
22 Hopefully, once we're over that hump, those economies of
23 scale will kick in.
24 But it's not just about economy of scale and it's
25 not just about -- I think that as Mr. Jordan said, it's

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1 about helping to move a cultural shift because if this
2 were point-source discharge, you know, if it's a waste
3 treatment plant that's putting out unacceptable
4 contaminants into the waters of the state, we know how
5 to deal with that. These questions we're trying to deal
6 with in terms of the nitrate pollution in particular,
7 this is still a moving target for all of us on all
8 sides, and I really think that our best chance of moving
9 as quickly as possible is to engage the creativity of
10 agriculturalists in coming up with solutions.
11 There's just a trade-off; the more we're jacking
12 them up and they are defending themselves, the less I
13 think we see of that. Now, that's my theory and we're
14 going to have to go through this whole ag waiver again
15 pretty soon, and I'm hoping that before we get to that
16 point that we see results that show that it is getting
17 more efficient in terms of staff time to deal with the
18 Coalition, that it has been this point relative to
19 dealing with individual agriculturalists.
20 I'm hoping to see more positive engagement where we
21 actually get the Coalition and the environmental justice
22 community talking to each other instead of fighting with
23 each other through us.
24 And, frankly, I'm open to revisiting how much the
25 Coalition is a positive value and how we look at the

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1 monitoring stuff when we go back and look at the new ag
2 waiver, but I'm still hopeful that we're on the right
3 track here.
4 BOARD CHAIR: Thank you, Mr. Johnston.
5 Dr. Hunter?
6 DR. HUNTER: So ditto and ditto. I'm in total
7 agreement with everything said. And to add to Abby's
8 comments, or in keeping with Abby's comments about the
9 compromise that was reached, it is appreciated that the
10 dialog, and respected that the dialog is going on in the
11 community among those that have built and invested and
12 showed trust with good leadership and good staffing and
13 technical support.
14 So you know the wheels are on -- what was it you
15 said, Mr. Young? -- the wheels are on the wagon. So I
16 do appreciate that, but I also respect that. I also say
17 that that is what I have asked for all along. I have
18 asked repeatedly of you and Claire and Kay how can you
19 hold these dialogs within your own communities so that
20 we are getting the best ideas coming forward, not the
21 conflict and concerns but, really, when you walk in this
22 door you're coming in with a more or less uniform idea
23 of how to go forward.
24 So I really appreciate the fact that we have you
25 two really attending these meetings on a regular basis

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1 and helping to convey the process going on and helping
2 us to gain respect for the fact that farmers are
3 changing the way they work with one another, and we
4 understand that that takes a great deal of effort.
5 I also want to bring up the role of the CRLA and
6 other EJ organizations. Now we've got this one piece
7 solved, now we have the next step ahead of us, and I
8 want to also recognize and hope that we can find that
9 same kind of balance in recognizing the role of CRLA and
10 others that are increasingly growing capacity to work at
11 a community level, because we know that many of these
12 problems are occurring in places that lack institutional
13 structure, lack governance, lack the ability to organize
14 and speak in rooms like this and hearings, and so I do
15 want to acknowledge the involvement of these
16 organizations. They weren't involved five years ago.
17 Ten years ago it wasn't even on the map in the Central
18 Coast area.
19 Now that we understand and have seen more -- I
20 think we're getting down to more of that community
21 understanding and we intend to get better informed about
22 that. I am hoping that we can keep that dialog going
23 around the table and hopefully, as Mr. Johnston says,
24 you know, bringing all of the stakeholders together into
25 these dialogs, because these are hard issues and we

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1 can't get through them until we talk it out, and there's
2 no way around that. You know, we can't put it in the
3 corner and we can't just simply delay the conversation.
4 So I do value all of the work and all of these
5 different priorities that we are confronted with, and I
6 think I'm hearing more and more that, you know, from the
7 farmer's side, there is also appreciation of how urgent
8 this issue is. I do agree with that it would be good to
9 have a better, clearer story of how many of these
10 growers and ranch operations have been cleaning up their
11 water.
12 That's another picture that -- piece of the picture
13 that's becoming a little more into perspective for us,
14 because so often the farmer is characterized as causing
15 the problem and with no concern or care for people that
16 are getting impacted by contaminated water, and I simply
17 don't believe that that's true across the board, and so
18 I'm happy that we've had opportunities to talk with
19 farmers in the field and we want to make the same
20 opportunities to hear from folks who live in rural areas
21 who are affected, we know that the groundwater is
22 contaminated, and so in the process, hopefully, we have
23 a productive dialog, not simply a contentious one,
24 continuing to argue and debating over black and white,
25 but to really find that common ground where we can make

1 some progress forward. So I appreciate what you're
 2 doing and I look forward to January.
 3 BOARD CHAIR: Thank you, Dr. Hunter, and again my
 4 apologies for the faux pas, a big one, that I just made.
 5 DR. HUNTER: That's okay.
 6 BOARD CHAIR: Mr. Jeffries.
 7 MR. JEFFRIES: I'm not going to be quite as long, I
 8 hope, anyway.
 9 I agree with the staff's report and I agree with
 10 Mr. Harris and his analogy that we're going to have to
 11 wait and see what really happens, probably a year, year
 12 and a half from now is where it's really going to shine.
 13 I think that the Coalition has made and the staff
 14 has made as well, I think that the process is working,
 15 and instead of where we heard before, the hours, you
 16 talk about time and energy and cost of the two years of
 17 hearings that we had on the ag waiver and the hours that
 18 we spent doing all of that, and so any new -- if you put
 19 it in a business analogy, even a new business when you
 20 start up, there's always bumps in the road and you have
 21 to be able to level those bumps out by negotiating with
 22 whatever area that you're having problems with, and I
 23 think that the Coalition is doing that with their
 24 members as well as is doing with our staff, and likewise
 25 I want to congratulate the staff. Instead of saying

1 "No, you're going to do it this way or else," you're
 2 starting to say there's other ways to look at this,
 3 there's other ways that we can work this out, and I
 4 think there's a lot of applause that goes both ways.
 5 Maybe the wheels on the wagon are there. I'm going
 6 to use another analogy: The train has left the station.
 7 And I think that we all need to get aboard and work this
 8 through because the end result is to clean up the
 9 groundwater. That's what we're all about. The farmers,
 10 they are great stewards of the land. Don't let anybody
 11 kid you that they don't care. They do care. And those
 12 people have a lot of investment in their properties and
 13 their product that they put out to the public. And I
 14 think that we have to be, and I think everybody has used
 15 that same word, trust, and I think we've heard that from
 16 day one from the Coalition, that we have to give them
 17 some trust and we have to accept their trust that
 18 they're going to do the right thing, and I firmly
 19 believe that they are on the right road, and I think the
 20 value that they're going to provide will show up, that
 21 it's going to save the staff a lot of time. They may
 22 not see it now, but I think there's a lot of added value
 23 that is going to come out of their documents and graphs,
 24 contour maps, all the information that they will have at
 25 their fingertips that they didn't have before, nor did

1 we have before for our whole area.
 2 I'm happy the Coalition is established and I hope
 3 more of the farmers join the Coalition and the property
 4 owners. I think that's increasingly an important issue
 5 because farmers, as I've said before, if you get a bunch
 6 of farmers in the room and if they find out that they've
 7 got one bad apple that's causing a lot of problems, they
 8 come down on him pretty hard and they straighten him out
 9 as quickly as they possibly they can.
 10 So I have a lot of confidence and trust in the
 11 Coalition that they are going in the right way, and I
 12 appreciate all the staff and Coalition, what they've
 13 done, and so I'm looking forward to working with them in
 14 the future.
 15 Thank you, Mr. Chair.
 16 BOARD CHAIR: Thank you.
 17 Mayor Delgado?
 18 MR. DELGADO: I appreciate all the comments from
 19 Board members. Thank you.
 20 And staff, I just sense that you've been in a tough
 21 place doing a lot of hard work and getting different
 22 direction at times and going with the new directions and
 23 just I want to applaud you for all the hard work that
 24 you've done.
 25 MR. YOUNG: Well, the rest of you have just sucked

1 all the air out. What else can be said? I'm in
 2 agreement with just about everything that's been said.
 3 The train has left the station a long time ago, and this
 4 is just one of those little bumps in the road to where
 5 we want to get to at the end. This is the notification
 6 process, so we've worked it out, staff has taken our
 7 suggestions to heart and made some changes in what
 8 information they could accept to make their review and
 9 verification work, and I applaud them for doing it, and
 10 for the Coalition for coming up with a way to make it
 11 work.
 12 I think we're kind of beyond this one, to check
 13 this one off the list, and we're ready for the next one
 14 that you've got, but I'm in support of the
 15 recommendations.
 16 BOARD CHAIR: Thank you, Mr. Young.
 17 And I myself support Item 15, staff recommendation,
 18 and also the executive officer plan to approve the
 19 Coalition proposal.
 20 It is still work in progress, both for the
 21 individual monitoring and for the Coalition. It was
 22 treated on how we can further refine the process to
 23 follow up once a year once we follow up, et cetera. So
 24 both sides, it's work in progress.
 25 I also would like to thank the Coalition for its

1 efforts in basically putting your reputation on the line
2 with the Board because, yourself, you probably had to
3 use the "trust us" word with your members so they trust
4 you that you will do the right thing, so I think there's
5 a lot of that trust that goes around.

6 I also would like to commend staff for giving a
7 presentation which I thought was very factual and
8 totally void of advocacy. It was presented with facts
9 and it was, I think, done very, very well, and so I
10 think this is a great approach to continue on how to
11 address the Board with some of your proposals and
12 recommendations. It's a work in progress, particularly
13 for you, that you migrated from the decoder ring from
14 the relational key.

15 So strike this off record. I couldn't resist
16 putting that little droplet of humor to these very long
17 discussions.

18 So there you have it, Mr. Harris.

19 MR. HARRIS: Thank you. I appreciate all your
20 comments, but I was just looking for a "yes," "no" or
21 "maybe."

22 BOARD CHAIR: You know, we all have our own style,
23 Mr. Harris. So this concludes Item 15.

24 (Proceedings concluded at 4:33 p.m.)
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