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PUBLIC MEETING  
SANTA BARBARA COUNTY  
CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD

Irrigated Lands Regulatory )  
Program - Water Board Review )  
of the Manner in which Central )  
Coast Groundwater Coalition )  
Groundwater Testing Results )  
are Disclosed to the Public. )  
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TRANSCRIPT OF PROCEEDINGS  
Santa Barbara, California  
Friday, January 30, 2015

Reported by:  
ADRIANA PATRON,  
CSR No. 13834

Job No.:  
3948WQSLO

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1 APPEARANCES:  
2  
3 WATER QUALITY CONTROL BOARD  
4  
5 Jean-Pierre Wolff, Board Chair  
6 Monica Hunter, Vice Chair  
7 Kathleen Thomasberg, Board Member  
8 Jeffrey S. Young, Board Member  
9 Karina Cervantez, Board Member  
10 Michael Johnston, Board Member  
11 Bruce Delgado, Board Member  
12 Ken Harris, Executive Officer  
13 Michael Thomas, Assistant Executive Officer  
14 Tammie Olson, Clerk to the Board  
15 Tamarin Austin, Board Counsel  
16 Lori Okun, Board Counsel  
17 Steven Moore, State Board Liaison  
18 Shawn Hagerty, Counsel for the City  
19 Angela Schroeter  
20 John Robertson  
21 Perry Klassen  
22 Pearl Kan  
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14 TRANSCRIPT OF PROCEEDINGS, taken at  
15 105 East Anapamu Street, Fourth Floor,  
16 Santa Barbara, California, commencing at  
17 9:17 a.m. on Friday, January 30, 2015,  
18 reported by ADRIANA PATRON, CSR No. 13834,  
19 a Certified Shorthand Reporter in and for  
20 the State of California.  
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5	<p>1 Santa Barbara, California, Friday, January 30, 2015 2 9:17 a.m. 3 4 5 MR. WOLFF: Let's start with the continuation for about 6 one hour with the permit Waste Discharge Requirement, which 7 was Item 9 of yesterday. Then what we will do is after 8 that, address Item 16, which is the Irrigated Land 9 Regulatory Program Groundwater Coalition. Then we will move 10 after that to Item 15, which is the Irrigated Land 11 Regulatory Program Next Ag Order. This will allow the bulk 12 of the day to addressing the coalition groundwater item. 13 We appreciate your willingness to work with us on 14 this little change of the schedule, but I think ultimately 15 we'll be able to still, in timely fashion, achieve what we 16 had planned for today. 17 Yesterday where we left off at the closing of our 18 meeting at 5:15 was for our Board, if my understanding is 19 correct, wanting to continue the item to today to allow us 20 the opportunity to give specific directions to staff on how 21 to address the discharge permit. We also agreed that this 22 part of the meeting would not be questions to staff, that 23 perhaps a couple clarifications; but basically more in the 24 spirit of providing direction. 25 So I will also ask legal counsel, Ms. Austin, to</p>	7	<p>1 I think your suggestion, Mr. Chair, of providing 2 staff with specific questions or concepts to look at in 3 drafting those three conditions may provide us a little more 4 chance for reflection, and honing those three conditions 5 into something that the Board finds more acceptable. 6 MR. WOLFF: Question for Mr. Harris to provide further 7 clarification for our Board; timetable in regard to being 8 able to bring to a final solution with this item? 9 MR. HARRIS: Mr. Chair, are you speaking in terms of how 10 to continue the item or not, how it would relate to what the 11 State Board is doing? 12 MR. WOLFF: Yes. 13 MR. HARRIS: If you recall yesterday, Ms. Whitney, on 14 the record, stated it was unlikely the State Board would 15 address their policy before April. If this Board chooses to 16 continue the item until March, that gives us plenty of time 17 to make a final decision before the State Board acts. The 18 City would not be in any jeopardy in getting their permit as 19 requested. 20 MR. WOLFF: This item could be continued in March here 21 in Santa Barbara? 22 MR. HARRIS: We can do that if that's the Board's 23 desire. 24 MR. WOLFF: Now that we have, you know, the horizon laid 25 out, I will open this to my colleagues for additional</p>
6	<p>1 give us some additional reflections that she had the 2 opportunity to review what our next best step could be, 3 legally speaking. So if you could give us a little update, 4 that would be appreciated. 5 MS. AUSTIN: I did meet with Harvey Packard last night. 6 So we did have a chance to talk more about the various 7 regulatory authorities as well as the permit conditions -- 8 the current findings that are in Attachment G. 9 We did discuss the ability of putting the 10 Attachment G findings into the permit as conditions. Based 11 upon some of the discussion yesterday, it sounded like there 12 may be some additional questions from the Board -- some 13 additional clarifications they could provide to staff in 14 terms of more specific direction on what specifically they 15 would like to see in those three conditions. 16 When I talk about the three conditions, I'm 17 speaking about the screen size. I'm talking about the 18 mitigation and also the feasibility study that would look at 19 the potential for subsurface intakes or potential for direct 20 portable reuse. Given those three very broad parameters, if 21 you took the conditions from Attachment G and put them in as 22 is, you know, that is something you could do. Whether or 23 not you would be satisfied based upon the questions we heard 24 yesterday from Board members, that may be something you want 25 to flush out a little bit more today.</p>	8	<p>1 clarifications and direction that you'd like to give staff. 2 DR. HUNTER: If I could start. As I recall at 4:30 when 3 public comment was completed, you had asked staff to comment 4 on some of the issues that were raised. I believe they 5 stated Harvey Packard stated that they needed some time to 6 organize their response, and I think if you could start with 7 that, I would like to hear from staff. 8 MR. WOLFF: Yes, Mr. Johnston? 9 MR. JOHNSTON: I would suggest that before we start 10 hearing from staff, I just have one more framing question 11 I'd like to ask counsel. 12 My questions is this: It seemed like yesterday the 13 options that the Board was looking at -- and it was a little 14 hard to tell from listening, but it sounded like there were 15 some Board members considering it. If we were to simply 16 take those three conditions, perhaps move them into the 17 permit, something like as is and move forward or look at 18 something, as several of these stakeholders had suggested -- 19 attempted to put a condition in there that stated that if a 20 feasibility study showed that it was feasible to do, for 21 example, under seabed intake, that that would be required. 22 So I guess my question is this -- and I sort of 23 heard a little bit of what sounded to me like -- had 24 different takes on it from yourself and from counsel for the 25 State Board.</p>

1 So my questions is, if we just move forward with  
2 moving those three conditions out of Attachment G and into  
3 the -- ratifying it into the permit and don't impose further  
4 requirements regarding the intake, can we down the road  
5 as -- because this is an NPDES permit, revise the permit  
6 conditions as a result of -- perhaps a result of the study  
7 or whatever to, in the future, require changes to the intake  
8 methods?

9 So I guess my question is, is what -- is that --  
10 does it look like that Ocean Plan amendment is going to  
11 limit us from doing that?

12 MS. AUSTIN: You have a kind of catch 22 that you're  
13 facing. And the issue is if you get to a point where you're  
14 going to require these types of changes you run the risk  
15 of -- this exercise has been about a loophole, for lack of a  
16 better term. You have a situation where we needed a finding  
17 that we didn't know that we needed to make, and now we know  
18 we need to make it, so we're trying to smooth things over  
19 and make this permit work for the city of Santa Barbara.

20 We have a situation, though, where if you go down  
21 the road and you say we're going to require the  
22 implementation of that intake, you've kind of defeated the  
23 finding that you're contemplating making the amendment  
24 that's in front of you. You've now created a situation  
25 where you do have a new or expanded facility and then all of

1 the other requirements that go along with a new or expanded  
2 facility would kick in. If that's your desired outcome, you  
3 could certainly go down that path. You could just as easily  
4 say today, "We think it's a new or expanded facility" and  
5 skip the interim.

6 MR. JOHNSTON: I'm not sure you understand my question.  
7 My question is: Can we simply do some version of what staff  
8 is proposing today, perhaps moving the City's offer from  
9 findings to permit conditions?

10 If we do that, does that bar us from at some future  
11 point, changing -- creating -- putting additional  
12 requirements in on the intake?

13 MS. AUSTIN: The challenge will be whether you want the  
14 plant to go into operation in a timely fashion.

15 MR. JOHNSTON: We do.

16 MS. AUSTIN: We do. So adding those requirements --  
17 first of all, you run the legal risk of litigation, of  
18 course. Second of all, you run the risk of defeating this  
19 finding that you're --

20 MR. JOHNSTON: I still don't think you're understanding.  
21 I'm saying if four years down the road, as a result of  
22 whatever the studies show, can we at that point add --  
23 change the conditions? I know we do it all the time with  
24 other kinds of NPDES permits.

25 I'm not saying can we come back next meeting and

1 change things. I understand the urgency for the City  
2 getting this online. I also understand the City's  
3 commitment to do this in the most environmentally  
4 responsible way possible. I think that's evidenced by their  
5 willingness to do the study.

6 My questions is: If we make this finding now, if  
7 we simply put the conditions in -- put as permit conditions  
8 now the things that are in the findings, does that bar us  
9 from four or five years down the road, if the study shows  
10 feasibility, you know, of whether it's direct reuse or under  
11 floor intake, at that point imposing those conditions?

12 MS. AUSTIN: So assuming -- March with an amendment that  
13 makes the finding we're talking about and imposing  
14 conditions in the permit, at some point in the future you  
15 always have the option of a reopener and re-evaluating  
16 conditions attached to a permit. In the future, you can  
17 evaluate the plants operation and so on.

18 The concern we all have, of course, is that you're  
19 dealing with the discharge. This is NPDES authority dealing  
20 with discharge. You're talking about intake. So there's  
21 some fuzzy ground at that point about additional  
22 requirements.

23 MR. JOHNSTON: So we may or may not be able to --

24 MS. AUSTIN: Yes.

25 MR. WOLFF: To further frame this, NPDES permits have

1 renewal cycles; correct? So what's the renewal cycle on  
2 this specific permit?

3 MS. AUSTIN: I don't know when --

4 MR. HARRIS: It's coming up in a couple -- the actual  
5 renewal comes up in a couple of months.

6 MR. WOLFF: The next renewal after a couple of months?

7 MR. HARRIS: Five years.

8 MR. WOLFF: Will be five years.

9 I think this helps to further frame a little bit  
10 what the time frame of permit renewal will be.

11 MR. HARRIS: I'm not a lawyer, but I will ask counsel to  
12 ask Mr. Johnston questions. There are a couple things going  
13 on. One is, by then, the State Board will have adopted  
14 their policy and it will be in place. You will have already  
15 approved the operation of this plant.

16 MR. YOUNG: This is not a normal permit in the sense of,  
17 like, a wastewater treatment plant because of this policy  
18 and that section of the Water Code.

19 So I'm not clear that -- maybe counsel can answer  
20 whether or not we can even come back and do that additional  
21 condition after you've permitted this. I'm not sure how the  
22 interaction with the policy would occur at that point.

23 MS. AUSTIN: The starting point we have is that  
24 discharge is a privilege, not a right. We have reopeners in  
25 our NPDES regulation, and we constantly have -- that's the

1 point of having five-year permit cycles. You are constantly  
2 reevaluating the conditions of discharge.

3 So you do have the option of evaluating whether or  
4 not the discharge makes sense, the conditions you want to  
5 put on it, whether or not beneficial uses are protected.  
6 And that does occur every five years.

7 MR. YOUNG: Can I make a suggestion? Perhaps what we  
8 should be doing is trying not to predetermine what the  
9 outcome is going to be because of these legal permeations  
10 here.

11 Why don't we give staff direction as to what  
12 ideally we would like to see happen with these conditions  
13 and then let them come back to us and say, "This is how you  
14 could possibly do it." You can put all this in about  
15 wanting to be able to add conditions later. Perhaps we  
16 should get a letter from counsel on the pluses and minuses  
17 going forward with these options.

18 MR. WOLFF: And I think, you know, having a clear  
19 understanding of the time horizon is good also. I think  
20 there was some fuzziness in terms of renewal of permits,  
21 et cetera. I think your suggestion is in line with what we  
22 had, I believe, agreed yesterday on what we try to achieve  
23 this morning in the amount of time we have available.

24 I would like to respond to Dr. Hunter in her  
25 request. Is staff prepared to give us some feedback?

1 MR. HARRIS: Could you repeat that, please?

2 MR. WOLFF: Yes. Dr. Hunter requested that staff  
3 provide her a response to the discussions we had pertaining  
4 to this permit.

5 So my question is: Is staff prepared to give us a  
6 response? We customarily, at the end of the item, give an  
7 opportunity for staff to respond and comment. We have not  
8 done that. That's basically the spirit of --

9 MR. HARRIS: I would ask Harvey come to the mic. I was  
10 not part of the conversation last night. I'm going to have  
11 to rely on Harvey to sum things up.

12 MR. PACKARD: This is Harvey Packard. First of all,  
13 there were a couple questions by Board members. One had to  
14 do with mitigation and whether there was mitigation in the  
15 original permit. I think the answer to that is no.

16 Second question had to do -- on the question of  
17 whether information in CEQA studies was adequately  
18 sufficient to make a 13142 finding. Maybe Tamarin can get  
19 into that one a little bit.

20 After that, I can just summarize what we heard  
21 yesterday. We heard -- when we had the staff report and we  
22 heard Dr. Von Langen summarize information that staff  
23 believes gives the Board the opportunity to state now,  
24 clearly, this is an existing facility. So our  
25 recommendation, initially, was adopt the findings in

1 Attachment G, which clarifies the facility as existing.  
2 These are the findings the Board could have made in the  
3 early 1990s.

4 You can do that two ways. You can do that either  
5 as originally recommended in the staff report with just the  
6 finding, Attachment G, or as discussed yesterday, in order  
7 to get operating, it could include those findings as permit  
8 provisions through conditions that Tamarin mentioned. We  
9 actually have some language that we can put on the screen  
10 and pass out and show how the Board could help us. I don't  
11 think there's any reason why the Board couldn't do either of  
12 those things this morning --

13 MR. WOLFF: Could you repeat the last sentence. As a  
14 reminder also, our court reporter had requested to make sure  
15 that we speak to the right level and also -- not in this  
16 case, Mr. Harvey, but that we speak slowly so she can  
17 properly document what we're saying.

18 MR. PACKARD: The last sentence -- well, backing up a  
19 little bit. There are two ways the Board could adopt that  
20 finding as initially proposed in the staff report, which was  
21 simply a finding in attachment G, or as the Board has  
22 discussed, converting those findings into three conditions  
23 as provisions in the permit.

24 I stated that we have some draft text we can look  
25 at this morning with these three conditions as part of the

1 permit. So I don't think there's any reason why the Board  
2 couldn't do either of those options this morning.

3 Then we get into what Channelkeepers brought up and  
4 the three items that Ms. Redmond suggested that the Board  
5 could do also. In our analysis, doing all three of those  
6 things would be the same as determining now, under order,  
7 the facility as new and requiring the current 13142  
8 analysis. The Board could do that -- could make that  
9 finding today because the City would have to do the analysis  
10 first. There would be some time required for the City to do  
11 that.

12 Our recommendation would be to do either one or  
13 two: Adopt the finding as initially proposed in the staff  
14 report, or which is probably more -- I think it's just as  
15 easy and gets at some of the questions the Board has, adopt  
16 the finding and the three conditions in the permit. And we  
17 can look at those, and I think we have hard copies we can  
18 pass out also.

19 My recommendation would be to do number two, adopt  
20 the finding with the three conditions in the permit, and we  
21 can wrap that up in a half an hour if you want to look at  
22 those conditions.

23 MR. WOLFF: Dr. Hunter.

24 DR. HUNTER: Thank you, Mr. Chair.

25 Harvey, I don't know if you have the -- it would

1 help us to understand, if we determine that the facility is  
 2 new and they had to go through the full determination, can  
 3 you project what kind of time frame that might entail? I  
 4 understand we're talking about hypotheticals because these  
 5 processes take the time they take, but what is the best case  
 6 scenario?

7 MR. PACKARD: It would involve re-looking at the four  
 8 parts of the statute: The site, the design, the location  
 9 technology, and mitigation. That's five, but there are four  
 10 that are actually in the Code.

11 In the main ones, they were about our screen design  
 12 and whether it's a screen or subsurface technology. The  
 13 main studies the City would need to do would be the  
 14 feasibility study of the subsurface intake. We've heard the  
 15 City is willing to do that in two years. Whether they can  
 16 do that more quickly is a question they would have to  
 17 answer. I would suspect we're talking on a two-year time  
 18 frame.

19 MR. YOUNG: Could we allow the City to proceed using its  
 20 current intake structure while they do the feasibility  
 21 study?

22 MR. PACKARD: Their current permit allows them to  
 23 operate the facility. The hiccup is what happens if the  
 24 State Board adopts the policy that calls this facility new,  
 25 and that's a question I can't answer.

1 operational state again. We can consider that as part of  
 2 the third condition.

3 MR. YOUNG: The timing?

4 DR. HUNTER: The timing for the study, yes.

5 MR. YOUNG: Staff would get back to us on that and  
 6 confer with the City, and then we'd have some time frame for  
 7 that.

8 As for the mitigation component of this, I do feel  
 9 confident that I'm not satisfied that -- what was initially  
 10 done for the mitigation component under the statute, I don't  
 11 feel confident that was really complied with. So we can  
 12 look at the factors in the statute. Perhaps some of them  
 13 were satisfied, I'm not convinced all of them were. That's  
 14 the trouble I have with this, is that a Monday morning  
 15 quarterback, as to what's going on here.

16 I would want additional work done to satisfy the  
 17 requirements of the statute. One of them is the mitigation  
 18 component. I think they just can't throw money at something  
 19 without us having an idea as to the specific study that  
 20 looks at entrainment so an informed choice can be made as to  
 21 what is the appropriate mitigation. Maybe the results of  
 22 that study show there really is minimal impact and maybe  
 23 very little mitigation needs to be done. That's a potential  
 24 outcome.

25 I do like the idea of taking the findings and

1 MR. YOUNG: Well, we don't have to worry about the State  
 2 Board because it's going to do what it does, and it's going  
 3 to react to what we do. We should just be doing what we  
 4 think is right and let the chips fall where they may.

5 I think from what I'm hearing from the Board, we  
 6 would like the City to be able to operate its plant the way  
 7 it is existing, not be impeded.

8 MR. PACKARD: The current permit allows them to operate  
 9 the facility. The reason we're here today is to give them  
 10 that future certainty which is missing.

11 MR. YOUNG: Well, can we give them that certainty but,  
 12 however, require they do the feasibility study?

13 MR. PACKARD: We can do that. You can make the finding  
 14 that they're existing and make the requirement they do the  
 15 feasibility.

16 DR. HUNTER: That's option number two. Mr. Young, that  
 17 is option number two.

18 MR. YOUNG: I understand that to make these findings and  
 19 make them conditions. If we do that, I want to make sure  
 20 we're also allowing them time to operate with the permit  
 21 they've structured.

22 DR. HUNTER: Right. What I think I'm hearing also is we  
 23 have the opportunity to look at that study in terms of the  
 24 time line, how they actually conduct that study in the  
 25 course of continuing forward with moving the plant to an

1 moving them into some kind of condition. I think we need to  
 2 have counsel brief us internally as to our options in being  
 3 able to look at this down the line when the feasibility  
 4 study comes back and see what options we have for enforcing  
 5 them.

6 MR. WOLFF: Mr. Delgado and then Mr. Johnston had  
 7 questions or wanted comment. Before moving to that, you  
 8 know, let us remind ourselves that we certainly can give  
 9 staff direction to come back to us and further say, "Okay.  
 10 Staff, regarding mediation, review this, confer with the  
 11 City and come back with perhaps some additional  
 12 suggestions."

13 The other item I wanted to bring up, again, I call  
 14 it the time horizon, is realizing also that we need to be  
 15 sensitive to the fact that the -- you know, we are in  
 16 drought conditions. We saw yesterday the projection the  
 17 City made in terms of water availability. Without falling  
 18 in the path of rushing without due diligence and properly  
 19 vetting this process, I think we need to keep in mind the  
 20 time sensitivity of helping the City get this plant online  
 21 so we don't have these unintended consequences.

22 I think we have a responsibility as the Water Board  
 23 not to cause, inadvertently, a drinking water shortage  
 24 because ultimately this impacts human drinking water  
 25 consumption. I think we need to be sensitive about making

1 sure we move this right along and not cause too much delay.  
 2 So having said that, Mr. Delgado, you had a comment  
 3 and then Mr. Johnston.  
 4 MR. DELGADO: I agree that Santa Barbara should reopen  
 5 that desal plant as soon as possible. The other question  
 6 is, what kind of environmental mitigations are appropriate  
 7 and legal, et cetera.  
 8 We heard from the State Board counsel, Mr. Wyles, I  
 9 think yesterday, that we're being asked to do something  
 10 unusual, unprecedented, something that may not make sense  
 11 but that he doesn't think it's a dangerous precedent. Given  
 12 that what we're being asked to do is something out of the  
 13 ordinary and given they already spent 34 million to build  
 14 this plant and they might spend about 40 million to reopen  
 15 it, that's approximately 75 million in capital costs for  
 16 this plant. The \$500,000 in mitigation we were talking  
 17 about yesterday, that's six-tenths of one percent.  
 18 If we're discharging brine into the ocean and we're  
 19 entraining large amounts of larval animals into the system,  
 20 and if, as we're told by the staff this morning, there's no  
 21 mitigation for this project, then I hope when we come back  
 22 in March that our Board gets some clarity on the level of  
 23 environmental impact this project has; because I for one  
 24 haven't read the '91 and '94 EIRs, and that the Board get  
 25 some clarity on the appropriate level of mitigation for that

1 -- for those environmental impacts.  
 2 MR. WOLFF: Thank you, Mr. Delgado.  
 3 Mr. Johnston?  
 4 MR. JOHNSTON: I'd like to see the language that staff  
 5 prepared for what they characterized as option two for  
 6 moving the three findings regarding the actions the City's  
 7 proposed to take into the permit. Frankly, assuming the  
 8 language is acceptable, which I expect it to be, it might  
 9 require a bit of tweaking by us, I'm prepared to move that  
 10 we adopt it. I think there are some uncertainties involved.  
 11 The first is the uncertainty that counsel laid out  
 12 as to whether or not down the road we will legally be able,  
 13 if the -- if the feasibility study shows it's possible to  
 14 require that the city of Santa Barbara do undersea floor  
 15 intake. And, frankly, even if that is not legally possible  
 16 for us to require, if it's feasible, it's quite possible the  
 17 City will choose to do it in any case. That has been their  
 18 history.  
 19 The second uncertainty is, I think Board members  
 20 Young and Delgado have both touched on it, it's difficult to  
 21 do mitigation for something that is going to be entraining  
 22 some apparently small but still real -- I understand it's  
 23 not significant, but the standard was significant impact  
 24 back in '91 -- the amount of plankton and larvae.  
 25 And it's difficult to do, you know, one-for-one

1 mitigation. I don't think mitigation, as Mr. Delgado said,  
 2 is a percentage of the capital cost of the project. That's  
 3 not appropriate. It's simply a factor of the impact.  
 4 But, you know, despite those uncertainties, I think  
 5 given the situation, given the actor that we're dealing  
 6 with, the City of Santa Barbara, which has a history in many  
 7 ways pressured by their citizenry of being a very good  
 8 actor, I think it's appropriate to move that and to move  
 9 this off our plate today. I'd like to see the language, and  
 10 I'd like to make the motion.  
 11 MR. WOLFF: Ms. Cervantez.  
 12 MS. CERVANTEZ: I agree with my fellow Board member  
 13 Johnston that what I heard today is that most of us are in  
 14 agreement that we want to see the city of Santa Barbara  
 15 proceed with reactivating the facility -- the desal  
 16 facility.  
 17 The greatest number of questions seemed to arise  
 18 with the intake design analysis. I'm very cautious about  
 19 proceeding with additional conditions beyond what's  
 20 presented in our report because coming from local  
 21 government, you have the issue of trying to impose  
 22 additional mandates, and a lot of the times they're unfunded  
 23 mandates. I understand we need the flexibility, not just of  
 24 time, but also additional discussion beyond just the  
 25 additional studies to be able to determine how you are going

1 to apply the new findings in your own local context.  
 2 I want to be able to assure the City that it will  
 3 have that option to return to their community and have that  
 4 discussion at the local level of how the new findings would  
 5 apply in the city of Santa Barbara.  
 6 MR. WOLFF: Thank you. Dr. Hunter?  
 7 DR. HUNTER: Yeah, I would like to see the language that  
 8 staff has proposed. I also want to acknowledge  
 9 Ms. Cervantez's comments in terms of maintaining involvement  
 10 of residents in looking at the study which will take some  
 11 time and there is that internal community conversation.  
 12 We already know it's underway. I think that I also  
 13 am in agreement with Mr. Young and Mr. Johnston that the  
 14 mitigation that was offered, which is a sum of money to the  
 15 existing project that I understand is already underway and  
 16 is funded by the Coastal Conservancy, which says to me it is  
 17 a very high-quality, high-priority project and is in some  
 18 phase of work leading to some completion.  
 19 I can understand why the City would find that would  
 20 be a valid and important project that is within the City's  
 21 purview to see beneficial outcomes as a community as a  
 22 whole. However, I feel that mitigation should not be in the  
 23 language that we look at. The mitigation should not be  
 24 linked to any -- any final direction.  
 25 And we might consider, as we have with other

1 permits, giving the City time to discuss with staff how that  
2 money can be identified for mitigation purposes or to  
3 contribute to finishing studies in a shorter time frame and  
4 perhaps allowing the Executive Officer to have review and  
5 oversight of the final decision as to how the mitigation  
6 will be designed.

7 It may be that we want to -- as Board members want  
8 to have the opportunity for Mr. Harris to bring that back to  
9 us when that occurs. That's why I'm interested in the  
10 timeline associated with completing the study, which I  
11 understand now would be mid-permit. If the renewal goes  
12 forward in a few months, then it would be five years instead  
13 of a few months that we're waiting for the permit comes up  
14 for renewal. I would like to see it come at mid-permit if  
15 that's possible.

16 And so we're moving on several tracks but, again,  
17 we're addressing mitigation. Under other circumstances, we  
18 typically have good information. We have some scientific  
19 understanding of what the situation is with the impacts. At  
20 this point we don't have that. I think we rely on  
21 science-based information that guides our understanding of  
22 where the balance is. We won't see one-to-one in that the  
23 marine environment is very, very complicated. I think there  
24 is information existing that can help inform us and see the  
25 picture in a better perspective.

1 MR. WOLFF: If I may, I think the issue pertaining to  
2 the mitigation -- I think this one item I sense my fellow  
3 Board members having a little bit a challenge with is simply  
4 both the qualitative and quantitative aspect of the  
5 mitigation.

6 The qualitative meaning this is the proposed  
7 project; qualitatively going to give the best result in  
8 mitigation offset, realizing we are not comparing apple and  
9 apple in terms of ocean water versus fresh water discharge.

10 And then number two is the qualitative portion of  
11 the proposed mitigation meeting the level of expectation in  
12 relationship to the size of the project. So I think that's  
13 one item that we certainly can also ask staff for direction.  
14 I don't think we're able to resolve that.

15 MR. YOUNG: Do you want us to look at the proposed  
16 conditions? Mr. Johnston has suggested that and I think  
17 perhaps we can get those up there so we can give staff  
18 direction and set the conditions or maybe we need more.

19 MR. WOLFF: Yeah. But what I was trying to do is  
20 summarize so we're all basically looking at, you know, the  
21 similar fashion.

22 Do you have anything to add at this time?

23 MS. THOMASBERG: I think I've been thinking about this a  
24 lot since yesterday. I think that just as you, Chair Wolff,  
25 stated, we want to hasten the process but do it carefully in

1 evaluating the conditions and making sure we're good on that  
2 because we don't want to move too fast, but we want to move  
3 fast enough.

4 MR. WOLFF: So let's see what you have, and as a  
5 reminder, I think at the State Board level making changes on  
6 the fly hasn't always worked very well because we have had  
7 little -- be careful here not to make too many changes.

8 MR. HARRIS: Could you lower the lights, please?

9 MR. YOUNG: Perhaps we can take each paragraph  
10 separately and flush it out from the Board whether we're in  
11 agreement with it and then move on to the next one.  
12 Otherwise we are all over the place.

13 MR. WOLFF: We need to take this indeed in order,  
14 otherwise at 5:00 o'clock we'll still be discussing it.

15 MR. PACKARD: The basic language is copied directly out  
16 of Attachment G, which you've already seen.

17 So the first paragraph talks about the screens, and  
18 it's straight from Attachment G -- less size slot --

19 MR. DELGADO: Excuse me. I don't know that I have in  
20 front of me what's being referred to.

21 MR. WOLFF: Let's first hold off, if you don't mind,  
22 until we've finished passing around all the information so  
23 we all have the same sheet in front of us.

24 MR. JOHNSTON: This is the second handout, second page?

25 MR. WOLFF: So to make sure here, what we have in front

1 of us is G1 and G2.

2 MR. JOHNSTON: Correct.

3 MR. WOLFF: And we have page 26 and 27. Are those the  
4 attachments you've provided us?

5 MR. PACKARD: Yes. You're looking at page 26 and 27.

6 Paragraph "I" talks about the screen size. And as  
7 I mentioned, it's straight out of the language of  
8 Attachment G talking about a one millimeter screen properly  
9 in place and maintained at all times while the facility is  
10 in operation.

11 MR. WOLFF: Any question or comments?

12 MR. YOUNG: That language is fine with me.

13 MR. JOHNSTON: Yup.

14 MR. YOUNG: It doesn't mention type of orientation. I  
15 don't know if that's necessary. That seemed to be the best  
16 types of mesh.

17 MR. PACKARD: This would allow the City to put in the  
18 screens they talked about yesterday which was the wedge wire  
19 opening with the copper nickel alloy.

20 MR. JOHNSTON: That's fine.

21 MR. WOLFF: I look to my left and right.

22 MR. PACKARD: Paragraph II is the mitigation straight  
23 out of Attachment G. \$500,000 from the Coastal Conservancy  
24 for the upper Devereux Slough Restoration Project.

25 MR. WOLFF: I'll start with Mr. Delgado.

1 MR. DELGADO: I wanted to clarify that mitigation being  
 2 right now 500,000 compared to 75 million capital cost was  
 3 not to suggest that mitigation should be a quid pro quo  
 4 link. In certain circumstances I understand that, but what  
 5 I want to say here is that neither should mitigation be an  
 6 arbitrary figure: 500,00, 400,000, 1 million. Unless we  
 7 know what's the appropriate level of mitigation, we don't  
 8 know what that should be. I have no problem with 500,000  
 9 being part of the solution, but I don't know if that's in  
 10 the ballpark or if it's the same order or magnitude of what  
 11 is appropriate for the level of impact.

12 With that said, I'm happy with this language. I'm  
 13 just not in favor of implying that this is it for mitigation  
 14 and you're done and the project can go forward. Though I do  
 15 want the project to operate as soon as possible.

16 MR. WOLFF: Mr. Johnston?

17 MR. JOHNSTON: My first concern is that -- speaks to  
 18 what Dr. Hunter and Board Member Young had raised that they  
 19 wanted to make sure the mitigation was appropriate to the  
 20 impact. And I might -- and the way this is structured  
 21 currently, it's either the upper Devereux Slough Restoration  
 22 Project or another Coastal Wetlands Restoration Project  
 23 approved by the Regional Board.

24 We might want to tweak that language to cover those  
 25 concerns and to say that it would be to a project approved

1 as most suitable mitigation by the -- by the Executive  
 2 Officer so that it's not -- it's not necessarily tied to  
 3 Devereux Slough, if there is more appropriate mitigation.

4 Secondly, on the question of the amount, the City  
 5 testified yesterday that they had applied -- I don't  
 6 remember the details -- a methodology to the study to figure  
 7 out what the impact was going to be, the most impacted  
 8 species was the white croaker and the net impact annually  
 9 was the egg output as one adult croaker, as I recall for  
 10 that particular species. They had made a series of  
 11 calculations and the 500,000 number was over what -- it was  
 12 substantially over what that series of calculations  
 13 produced.

14 I don't know if staff has comments on that. I  
 15 would be more comfortable if we leave the meeting today, and  
 16 the City leaves the meeting today with the sense of the  
 17 dollar amount and ability to talk, going forward with the  
 18 staff as to whether this is the most appropriate mitigation  
 19 project. I don't know if staff has comment on the dollar  
 20 amount and the calculations of that.

21 MR. PACKARD: Unfortunately, we lost our experts, but  
 22 I'll try. What I believe your talking about with the white  
 23 croaker is the studies that Dr. Von Langen talked about that  
 24 were done in the Santa Cruz area, which were probably the  
 25 best idea -- the best studies that we could apply toward

1 this project.

2 As far as I know, this -- there is no data that we  
 3 can point to and say this is this project -- this will be  
 4 the effect of entrainment of this project. We don't have  
 5 that data. All we have is studies in similar situations  
 6 that we can try to point out may apply to some extent to  
 7 this project.

8 We won't have anymore data, as far as I know, in  
 9 March. If we're talking about staff coming back with  
 10 more -- with a better idea of what the effects this project  
 11 would be in this environment, we can't come before March to  
 12 do that. If what Mr. Young is talking about and Dr. Hunter,  
 13 taking some time to do some actual studies about what the  
 14 effects of this project will be in this environment then  
 15 we're talking about, I believe, substantial time to do that.

16 MR. DELGADO: Can I ask a quick clarifying question?  
 17 It's simply this: The EIRs of '91 and '94 did not have any  
 18 data estimating what -- local data for what the project  
 19 impacts would be?

20 MR. PACKARD: I don't want to misstate that. Maybe the  
 21 consultant can refer to that. I believe there were data  
 22 referring to the EIR that talked about the local impacts,  
 23 not necessarily right out here in the harbor, but in the  
 24 general area.

25 MR. MONACO: Joe Monaco, consultant to the City.

1 I just want to clarify, one of the things we  
 2 discussed with both Regional Board and State Board staff is  
 3 exactly what you're talking about here: How do we come up  
 4 with the appropriate amount?

5 So what we looked to was the information that was  
 6 assembled by the expert panel that was charged to look at  
 7 entrainment effects as part of the ocean climate by the  
 8 State Board. One of their initial reports was an effort to  
 9 gather information on entrainment data up and down the  
 10 Coast, not just for desalination but for coastal power  
 11 plants and so forth. They looked at what the effects of  
 12 those projects were and what the mitigation was associated  
 13 with those effects.

14 They used those data to come up with what they felt  
 15 was an appropriate formula or mitigation fee that was  
 16 volume-based. It was a firm million-gallon-per-day intake  
 17 fee amount. I don't recall off the top of my head what that  
 18 fee amount was. We used that to apply to our intake amount  
 19 and came up with a dollar amount.

20 Again, I apologize for not having the specific  
 21 figures on that. That number was somewhere in the order of  
 22 200 to \$300,000. I think between the staff and the City, we  
 23 agreed -- we really wanted to come up with an amount that  
 24 would have a meaningful effect on the mitigation project.  
 25 So that where the \$500,000 figure was then determined. We

1 felt that 500,000 could make a meaningful impact on the  
2 mitigation project.

3 MR. WOLFF: Thank you for the clarification.

4 MR. YOUNG: My concern with this paragraph is that it's  
5 the cart leading the horse. If we don't have the  
6 site-specific data to enable us to really decide what's the  
7 appropriate type of mitigation and level of mitigation, I  
8 would want this to be rewritten simply to require the City,  
9 when it starts its desal plant and starts using the open  
10 ocean intake, that it do the entrainment study at that time  
11 so we actually have the data that can better inform us as to  
12 what kind of mitigation would be appropriate or for what  
13 level. Maybe none is required. Maybe it is minimal. Maybe  
14 it's greater than what all these other studies seem to  
15 suggest. I don't know.

16 I think this is premature. This paragraph is  
17 premature. We'll get to that later. We have to get the  
18 information first. And Subsection D in the statute allows  
19 us to get a baseline study.

20 MR. WOLFF: I don't think -- and I know Mr. Johnston  
21 wanted to speak also. I don't think the mitigation is  
22 premature. It's getting down in the specific --

23 MR. YOUNG: Let's leave mitigation as the next thing for  
24 us to consider. Perhaps it's appropriate. I'd rather get  
25 information to inform us specifically as to what the

1 entrainment and impingement impacts are going to be.

2 MR. WOLFF: If we are -- my understanding from all of  
3 you is that you would have liked to come up with an  
4 amendment language which has three parts, one of which was  
5 the screen. The second was mitigation. The third was an  
6 additional study. So if we want to address the second item,  
7 mitigation, I think perhaps we can -- if we say, "Well,  
8 we'll deal with it down the road," we're really not going  
9 anywhere in trying to --

10 MR. YOUNG: We would be if we require that they do the  
11 entrainment and impingement study. Then with the results of  
12 that study, the type of mitigation will be decided.

13 MR. WOLFF: But I think we need to quantify --

14 MR. YOUNG: Why?

15 MR. WOLFF: I don't think it is very manageable to have  
16 an open-ended requirement of mitigation. Generally, and  
17 correct me if I'm wrong, mitigation on permits has some  
18 specificity to it rather than, "Well, whatever it's going to  
19 take."

20 MR. YOUNG: Well, Tamarin, I thought the Surfrider  
21 Foundation -- Water Board some kind of leeway in being able  
22 to getting back the permits and to make further decisions  
23 based on information that comes back through studies.

24 Am I wrong about that?

25 MS. AUSTIN: Let me take a look at that case. What I

1 was going to suggest is if you would like to take just a  
2 short break, five minutes, and if Jeff would like to speak  
3 with Harvey and Ken and perhaps some representatives of the  
4 City to talk about the concept of the study that you're  
5 speaking of because that is slightly different -- it's a  
6 twist from the current mitigation that's been proposed.

7 So I wonder if it would make sense to have that  
8 conversation and see if -- then during that five minutes, I  
9 can answer your question.

10 MR. YOUNG: It's up to the Board -- what the Board wants  
11 to do. That's my opinion on this paragraph.

12 MR. HAGERTY: If it would help if we could get to this  
13 sooner because we're happy with this language. It does  
14 provide the Board with flexibility about where to designate  
15 the project. We're interested in a meaningful project.

16 If the Board wants to just take this out and  
17 require us to do an entrainment study but allow us to go  
18 forward and operate, I think what I'm hearing from the City,  
19 we're open to that approach too. It would be something we  
20 would be willing to discuss. If we could work it out today,  
21 we would be happy.

22 MR. YOUNG: So, Mr. Hagerty, did you say the City would  
23 be willing to do an impingement and entrainment study?

24 MR. HAGERTY: Correct. In exchange for what's listed  
25 there. We would be open to either approach.

1 MR. YOUNG: Then based on the results of that study,  
2 could we revisit what type of mitigation might be  
3 appropriate?

4 MR. HAGERTY: Yes. We would then have the data to  
5 assess -- we think this is actually -- as was stated, we  
6 think this number here is likely higher than what is  
7 appropriate. If we want to wait, do the study -- the study  
8 is very costly. It's a very costly study to do. We would  
9 be willing to discuss that, and if we could work out  
10 condition language, we would be happy to have that on the  
11 table.

12 MS. AUSTIN: What I'm hearing is that the City is  
13 talking about an exchange, not doing what's listed as Roman  
14 numeral II, but doing an impingement/entrainment study in  
15 lieu of that \$500,000 mitigation, at which point, you would  
16 have information of what mitigation should really look like.

17 The cautionary tale here is that once you have  
18 adopted the findings under 13142.5(b), you don't get to go  
19 back and get a second bite at that apple. You can't require  
20 additional things under that section once you say they have  
21 made all the findings and done all the things they were  
22 supposed to do under that section.

23 MR. YOUNG: Can't it just say that the appropriate  
24 levels of mitigation shall be determined?

25 MR. HAGERTY: In our mind, these are outside of the

1 findings you would otherwise make, which would be a  
2 commitment the City would be making to do the study and use  
3 that study to come back and determine the appropriate  
4 mitigation.

5 We're saying this is the appropriate amount now.  
6 We think it is appropriate. We're putting it on the table.  
7 If you want to get more data to assess whether some other  
8 amount would be appropriate, we're happy to do that. But in  
9 our minds, it doesn't relate to the findings. It is a  
10 separate condition that would be in the permit.

11 DR. HUNTER: I just want to put into this discussion  
12 something we haven't considered, which I've given some  
13 thought to. If we were to go with these conditions and we  
14 establish the timeline for the study, one aspect of that is  
15 that currently, that plant is not operating. What would be  
16 accomplished by allowing the study to start as soon as  
17 possible, whatever that means -- as soon as reasonably  
18 possible, that we would be able to get baseline data prior  
19 to the intake being in operation.

20 So this study, in my mind, would gain what we've  
21 been missing all along, which is a real picture of what the  
22 conditions are at the site. And then over time, as the  
23 study continues, we have a baseline of what the actual  
24 natural conditions are without entrainment and impingement  
25 effects.

1 and give us these iterations of what the consequences are so  
2 we don't step into something today.

3 MR. WOLFF: I have a little sticky here reminding me we  
4 are already one hour in this process.

5 Mr. Johnston?

6 MR. JOHNSTON: My gut feeling tells me -- well, I'm  
7 sympathetic to what Board Member Young is saying. My gut  
8 feeling tells me if we go down that road, we're going to end  
9 up spending a bunch of the City's money on the study, and we  
10 may well get less mitigation than we're going to get right  
11 now. In any case, it's going to be very difficult to get  
12 one -- to mitigation that really comports one-to-one with  
13 the impact in that 30-foot deep, 2,000-foot-out zone.

14 My gut is to say let's take this and move on. As  
15 far as Mr. Delgado wanting to push this to March, I think we  
16 do have as much clarity as we're going to get from staff  
17 from March on the legal implications. Staff is satisfied by  
18 the language. This is not seat-of-the-pants language. This  
19 is something they spent time on, and I respect that. And  
20 we're not going to have more data in March. I'm still  
21 prepared to move adoption of this language as I see it.

22 MR. WOLFF: Mr. Young next.

23 MR. YOUNG: I've already stated how I feel. Once the  
24 Board has individually spoken, you can poll us and see what  
25 direction to give staff on this particular paragraph.

1 I just want to make sure that that is something we  
2 understand about the potential for allowing the City to go  
3 forward and allowing the time line on the study that would  
4 initiate some type of data collection that is robust. But  
5 that would give us a baseline that we don't have now.

6 MR. HARRIS: One comment just to make sure we're all  
7 clear on this: If we put the requirement in, it doesn't  
8 mean that -- let's say they come back with a study -- and  
9 I'm going to give a hypothetical so we can get some clarity  
10 on what we can and cannot do. If we put that in the permit,  
11 and let's say they come back and it's a million dollars or  
12 whatever, and they have to do this or that, my understanding  
13 is that we can't require it at that point. So you're taking  
14 a bit of a chance with that.

15 Is that correct, Ms. Austin?

16 MS. AUSTIN: That's my understanding too.

17 MR. WOLFF: Next I have Mr. Delgado. Then Mr. Johnston  
18 and then Mr. Young.

19 MR. DELGADO: I just want to say that last night we  
20 agreed to come back to just give clarifying direction. I  
21 get the sense that we're rushing into a very detailed  
22 analysis, and it's going to take us hours and this is what  
23 we wanted to avoid.

24 If we could give general direction so, as our  
25 executive officers just said, they can come back in March

1 MR. WOLFF: Next, Ms. Cervantez.

2 MS. CERVANTEZ: Part of what I'm hearing from legal  
3 counsel is that if we -- what I hear from the Board is that  
4 we want to be able to have additional data so we can figure  
5 out enforcement actions if what the studies show are not  
6 implemented. I think there was a lot of metaphors around  
7 time travel for the past. I think now it's time to move  
8 towards -- we're trying to move too far into the future  
9 without providing the opportunity for the City to engage in  
10 the research that they have committed to multiple times for  
11 both the analysis of new intake technologies and also now  
12 for impingement and entrainment. So I'm ready to move on to  
13 what we have before us.

14 MR. HARRIS: Excuse me, Mr. Chair. Just for clarity,  
15 Ms. Cervantez used the term "enforcement." We're not  
16 talking about enforcement actions as part of this. I just  
17 want to be clear.

18 MS. CERVANTEZ: No. Not staff, but Board member  
19 comments have talked about requiring the implementation of  
20 what the feasibility studies produce.

21 MR. HARRIS: That's different than enforcement, though.  
22 I just want to be clear that's not what we're talking about.

23 MR. WOLFF: Ms. Thomasberg?

24 MS. THOMASBERG: I think the acceptance of this right  
25 now is worth the risk to get moving.

1 MR. WOLFF: Dr. Hunter?  
 2 DR. HUNTER: I'm satisfied with the language with one  
 3 exception. I would suggest we remove the word "wetlands,"  
 4 and that the last part that's in 3-4, "Coastal Restoration  
 5 Project." I think that would give us a little more latitude  
 6 in looking at potential mitigation and nexus to the impact.  
 7 MR. JOHNSTON: I would accept that as an amendment to  
 8 the motion I'm proposing.  
 9 MR. WOLFF: From my perspective, that was actually one  
 10 of the suggestions I was going to make is to remove the  
 11 wetlands. I think what it does is basically quantify the  
 12 mitigation effort, and it does provide the flexibility  
 13 through our Regional Board. When we say "Regional Board,"  
 14 perhaps we need to further refine the term, which would be  
 15 either from Regional Board staff or Regional Board Executive  
 16 Officer as we have done in some previous language  
 17 amendments.  
 18 Do you have a comment on that, Mr. Harris?  
 19 MR. HARRIS: No. I would agree it should be approved by  
 20 the Executive Officer. And, yeah, I think that would be a  
 21 good change.  
 22 MR. WOLFF: Any other --  
 23 MS. OLSON: Did we actually have a motion or are we just  
 24 giving our opinions? I just want to make sure I didn't miss  
 25 it.

1 MR. WOLFF: Right now we're opinionating (sic).  
 2 Do we have a motion? We were going paragraph by  
 3 paragraph.  
 4 MR. JOHNSTON: Let's go to the last paragraph.  
 5 MR. WOLFF: With paragraph 2, we're in agreement?  
 6 MR. DELGADO: With the caveat that after studies were  
 7 done -- I just felt -- we heard today this is not data  
 8 driven and it shouldn't be quid pro quo capita costs. I  
 9 believe it should not be arbitrary. We don't know where  
 10 this comes from exactly.  
 11 I'm happy with this language. As general direction  
 12 to staff, for a couple of months they can chew on it and  
 13 bring it back to us in March. That's my level of comfort  
 14 for this.  
 15 Last night we said general direction for this. So  
 16 as far as general direction this morning, for staff to  
 17 contemplate this and -- I'm very happy with it.  
 18 MR. WOLFF: Dr. Hunter?  
 19 DR. HUNTER: Yesterday when we were considering and  
 20 having a discussion, we did not have a provision that  
 21 Mr. Monaco contributed this morning, which is that the State  
 22 Water Board and staff -- Regional Board staff had conferred  
 23 with the expert panel that is working on the desalination  
 24 regulations for the Ocean Protection Act. Maybe Mr. Ross  
 25 can comment on that.

1 That suggests to me that this is within the realm  
 2 of current understanding -- kind of the leading edge what's  
 3 enforcing the state regulations. If that panel and that  
 4 discussion produced the idea that it was somewhere in the  
 5 nature of 200 to 300,000 and the City moved it to 500,000 in  
 6 order to offer what they thought was substantial or  
 7 meaningful mitigation in some restoration or some way of  
 8 addressing degradation of coastal habitats, et cetera, that  
 9 changed -- that was a game changer for me. I felt at that  
 10 point that 500,000 had some valid analysis behind it.  
 11 That expert panel is the best we have right now in  
 12 the state. They are the most informed and have spent, I  
 13 believe, three years looking at that. So I feel that -- I  
 14 also understood that counsel is telling us that we have no  
 15 authority to go back and say, "You must spend a million  
 16 dollars," if it turns out that level of impact reaches  
 17 something along those lines. We can't do that.  
 18 At this point we're assured the City has committed  
 19 500,000 to mitigation. And I would like to consider that  
 20 this is our best and final time.  
 21 MR. WOLFF: We have a consensus. And unless there's a  
 22 compelling reason for one more comment or question, let's  
 23 move to --  
 24 MR. YOUNG: Excuse me. I just need a little  
 25 clarification. Is this project currently being completed?

1 Does the \$500,000 finish the project? Does it need more  
 2 money before we -- that would actually result in mitigation?  
 3 MS. BJORK: Mr. Chair, Mr. Young, my name is  
 4 Rebecca Bjork, for the City of Santa Barbara.  
 5 Yes. There's an ongoing number of projects at  
 6 Devereux Slough, and this will actually result in the  
 7 restoration of wetlands habitat in a portion of one of those  
 8 projects. I will say it's a very attractive project because  
 9 there's a lot of administrative costs to developing a new  
 10 project, but when we can actually provide funding towards  
 11 one that has those costs already covered, we can let the  
 12 money go to work.  
 13 MR. WOLFF: Just on this line, is there an opportunity  
 14 for further matching grants if we the a half million? Say  
 15 if we get that and we can get another X-amount from other  
 16 places?  
 17 MS. BJORK: I don't know if we will have matching for  
 18 them. I know they're very competitive. Typically there is  
 19 matching obligations -- this is a donation, effectively. If  
 20 it's not tied, it would be able to be used as matching. I  
 21 know they have a number of stages of additional projects  
 22 they want to do in the area.  
 23 MR. WOLFF: Thank you for the clarification.  
 24 I suggest we move on to item 3 please.  
 25 MR. PACKARD: Item 3 is the -- little bit different than

1 the language in the finding G as an interim deadline of  
2 submitting the work plan. We propose a date of six months  
3 from now, July 31st, 2015, to submit a work plan for review  
4 by the EO and then a final report by the original date,  
5 June 30th, 2017.

6 MR. WOLFF: Okay. Comments, Mr. Delgado?

7 MR. DELGADO: Can staff clarify the details of what  
8 would be in the report? I don't know if this is just an  
9 analysis of potential alternatives or if it's an in-depth  
10 analysis of technical aspects, direct, potable reuse and  
11 legislative, political requirements to move that ahead. It  
12 seems like there's different levels of studies that we could  
13 be assuming here. I want to get clarification on those.

14 MR. PACKARD: To me it means all the information the  
15 City would need to make a decision on whether subsurface  
16 intakes are feasible, that technologically, cost and  
17 everything that goes into that.

18 MR. DELGADO: So I think this is a good example of a  
19 general direction that with -- you would have 30 to 45 days  
20 to get some ideas about optional specifics because right now  
21 it's just very general. That's what we agreed last night.  
22 So I'm happy with this language.

23 MR. WOLFF: Mr. Johnston?

24 MR. JOHNSTON: I'm happy with the language as is. I'm  
25 happy with adopting it today. While I agree that it is

1 point -- once we have that hearing, we could have a  
2 discussion about what we think we might want to do?

3 MS. AUSTIN: Again, this boils back down to right now  
4 the authority requires studies and implementation of best  
5 available, feasible technology.

6 If you go on today to make the finding that's in  
7 Attachment G that they have satisfied that Code section, you  
8 lose your ability to require all of the things that are  
9 under 13142.5(b), which includes the types of studies and  
10 implementation of those studies that you're speaking about  
11 right now. Then you need to find what is the legal hook to  
12 force them to modify that facility. That's where I would  
13 say you have a very challenging road ahead.

14 MR. DELGADO: If there was more time --

15 MR. WOLFF: My view is, you know, you said July 31st,  
16 but why July 31st and not August? I just want to make sure  
17 that I'm comfortable with the 2017. I just want to make  
18 sure we would get good results and perhaps -- I know  
19 Ms. Bjork Said, "We will do our best to meet that deadline."  
20 Do you need an extra month? Between now and July you're  
21 going to have a lot on your plate in regards to this  
22 project.

23 MS. BJORK: We would be happy to have an extra month.  
24 We would expect to use the time making sure we had good  
25 discussions with your staff and a very thorough study

1 general, I would note that Subhead 1 of it says, "The first  
2 step is they submit a work plan for the study to the  
3 Executive Officer and the Executive Officer approves it."

4 I'm much more prepared to have staff and the  
5 Executive Officer go over what is going to be the fine  
6 details of the study then to have us do that.

7 MR. WOLFF: Mr. Young?

8 MR. YOUNG: Are these time lines okay with the City?

9 MS. BJORK: We will definitely work to make sure we meet  
10 them. The first one is a little tight, but I think it's  
11 doable.

12 MR. YOUNG: Okay. What about the second one?

13 MS. BJORK: The second one is the one we already  
14 committed to. We're comfortable with that.

15 MR. YOUNG: I guess the question is: After we have this  
16 public hearing, no later than June 30th, 2017, we have no  
17 ability to force the City to do anything. It's just going  
18 to be a hearing and they'll tell us what the results are and  
19 what they have decided?

20 MR. HARRIS: That's correct.

21 MR. JOHNSTON: Counsel has said that that's a gray area  
22 legally. We may or may not have authority there.

23 MS. AUSTIN: That's a definite risk. I think Mr. Young  
24 nailed it.

25 MR. YOUNG: But if it's something we can address at that

1 proposal.

2 MR. WOLFF: You know, I would suggest amending it to  
3 August and giving you an extra month.

4 So with this change, I'm looking to my left and  
5 right. So now we have in front of us Item 1, 2 and 3 with  
6 some of the language changes.

7 Yes, Mr. Johnston?

8 MR. JOHNSTON: I would like to move that we adopt Draft  
9 Revised Order Number R32010-0011 with the amendments that  
10 have been provided to us today. In addition, the amendments  
11 which we have discussed here from the podium. And let me  
12 attempt to list those, and I'm willing to be corrected.

13 The first was striking the word "wetlands" from  
14 small Roman numeral ii of (C) desal facility.

15 The second was -- wasn't there something else?

16 MR. WOLFF: Let me answer. That item was to add the  
17 term "Executive Officer" after Regional Water Board.

18 MR. HARRIS: Can I make a suggestion that we allow lead  
19 counsel to read into the record the changes?

20 MS. AUSTIN: This is a recommendation to the Board, and  
21 I believe the term "Regional Water Board" and the Executive  
22 Officer does have delegation authority. It makes sense to  
23 leave that as written Regional Water Board. You do have  
24 flexibility if the Board chooses to later instruct they  
25 bring that back to the full Board, you have that option and

1 you still have the delegation authority. I would leave that  
 2 as "Approved by the Regional Water Board."  
 3 MR. WOLFF: Counsel, why on Item 3, "Executive Officer"?  
 4 I think we need to be consistent. Are we going to say State  
 5 Water Board or Executive Officer?  
 6 MS. AUSTIN: You have the alternative of saying the  
 7 Regional Water Board as well.  
 8 MR. WOLFF: Whichever language we use, I think it needs  
 9 to be the same in each of these sections.  
 10 MS. AUSTIN: I'm comfortable with that suggestion.  
 11 MR. HARRIS: I agree, Counsel. Let's just put Regional  
 12 Water Board in because 3.2 also has Regional Water Board  
 13 listed coming back with the analysis.  
 14 MR. WOLFF: Mr. Johnston, please continue.  
 15 I stand to be corrected.  
 16 MS. AUSTIN: The first change was the removal of the  
 17 term "wetlands." The second change is under iii under  
 18 Sub 1, "Acceptable to the Regional Water Board" as opposed  
 19 to Executive Officer. And Harvey is making those changes on  
 20 the board.  
 21 The next change is from July 31st of 2015, to  
 22 August 31st of 2015. Those are all the corrections I have.  
 23 MR. JOHNSTON: So moved.  
 24 MR. YOUNG: Discussion.  
 25 Are we also approving Attachment G with this?

1 There's a word I'd like to change.  
 2 MR. JOHNSTON: Attachment G as revised is my proposal.  
 3 MR. YOUNG: Okay. There's a word I'd like considered  
 4 for removal in Attachment G and it's in the fourth  
 5 paragraph. It reads, "Thus the Regional Water Board did not  
 6 make a formal determination," about whether the desalination  
 7 complied with the section. I would prefer we strike the  
 8 word "formal determination," because I don't believe we made  
 9 any determination back then.  
 10 MR. WOLFF: Counsel, do you have input on that?  
 11 MS. AUSTIN: I think that is at the discretion of the  
 12 Board.  
 13 MR. JOHNSTON: I'm fine with that amendment to my  
 14 motion, and I would also request that staff take a look at  
 15 the rest of Attachment G since we have made some changes to  
 16 those measures that we're putting in as permit conditions.  
 17 It would be nice to have Attachment G reflect those changes.  
 18 Do you understand what I'm saying?  
 19 MS. AUSTIN: Attachment G has been modified. We left in  
 20 the discussion of the three measures in the back end because  
 21 normally you have Attachment F, your fact sheet that would  
 22 describe all of the permit conditions. Rather than trying  
 23 to modify Attachment F, we left the description of the three  
 24 conditions in Attachment G. And then we simply added the  
 25 sentence that is highlighted on the screen which reflects

1 these measures as set out to the permit conditions in  
 2 section 6C6C.  
 3 MR. JOHNSTON: That's correct. So my suggestion is, as  
 4 we have changed a couple things -- we removed the word  
 5 "wetlands" for example -- that the ones in Attachment G  
 6 comport with the changes we made.  
 7 MS. AUSTIN: I see. Harvey will do those on the screen  
 8 right here. This is the working copy; right, Harvey? We're  
 9 look at removing the term "wetlands."  
 10 MR. JOHNSTON: In that section, we added something about  
 11 equivalent Coastal Restoration Project.  
 12 MS. AUSTIN: The language for Equivalent Coastal  
 13 Restoration Project is in that already.  
 14 MR. JOHNSTON: Okay. Sorry.  
 15 MS. AUSTIN: That's quite all right. I don't think we  
 16 need the term Executive Officer.  
 17 MR. YOUNG: We didn't include the work plan in this  
 18 section. So it's not necessary. The permit already  
 19 requires it.  
 20 MS. AUSTIN: I agree.  
 21 MR. WOLFF: Further discussion? Mr. Delgado?  
 22 MR. DELGADO: Yesterday we told the public who was here,  
 23 including all stakeholders, that today we would be giving  
 24 some process, general direction. Today we sort of had a  
 25 quasi-public comment period where one stakeholder was

1 understandably allowed to provide comment, which has  
 2 impacted some of the Board members' thoughts.  
 3 If this were to be a general direction, I see -- or  
 4 have heard from nobody -- of any other stakeholder because  
 5 probably they thought today was going to be kind of a  
 6 summarization of direction from yesterday.  
 7 I'll be voting no because I don't think we have  
 8 enough information and also because I don't think this has  
 9 been fair to all stakeholder process this morning. Though  
 10 we have made progress in short order consistent with what we  
 11 hoped to have done last night. But we didn't expect last  
 12 night to be having a motion to approve this in the presence  
 13 of only one stakeholder with comment further from one  
 14 stakeholder.  
 15 MR. WOLFF: Just personal observation, we had an  
 16 extensive public comment period yesterday. The reason we  
 17 asked for input is that the City already permitted this.  
 18 It's only right for them to be able to answer specific  
 19 questions.  
 20 MR. DELGADO: Exactly. With new information they  
 21 brought in through their response, there's been no ability  
 22 for other stakeholders to respond in kind. We take full  
 23 value of what we heard from one stakeholder and then we move  
 24 ahead with the position that other stakeholders aren't  
 25 participating.

1 DR. HUNTER: Mr. Delgado, normally if we had continued  
 2 this into -- beyond the 5:00 o'clock closing of the  
 3 building, normally we do not take additional comments once  
 4 the Board moves into its deliberation and discussion. The  
 5 fact that -- my personal view is the permittee continues to  
 6 engage in the dialogue because we're imposing conditions in  
 7 their -- through their expert staff and consultants.

8 These are conditions that can be accomplished. So  
 9 we're all on the same page within reality. What we said  
 10 yesterday -- clarifying what our options were and giving the  
 11 staff time to develop response to what -- which is another  
 12 phase that we always engage in, which staff comes back with  
 13 their comments in response to what has been heard.

14 So I consider the City's ability to answer our  
 15 questions part of the clarification that we stated we would  
 16 do this morning, leading to some final -- whether we move  
 17 forward in March and whether we approve the permit today.  
 18 So from my perspective, I think we're totally consistent  
 19 with what Chair Wolff asked us to do.

20 MR. HARRIS: Mr. Chair, if I can make a suggestion.  
 21 One, I think we should get on the record -- I'll have the  
 22 City come up to the podium and state they are agreeable to  
 23 the changes. And secondly, to try to address Mr. Delgado's  
 24 concern, you do have the option of temporarily reopening the  
 25 hearing and asking Coastkeeper, who is here, to provide

1 get the question we had last night answered.

2 MR. JOHNSTON: I would like to call to question. We  
 3 told people who are here for other matters that we would  
 4 attempt to deal with this in a pretty expeditious manner.  
 5 So I'd like to call to question here.

6 MR. DELGADO: To call to question, you need a vote  
 7 approving the calling. You don't just go to vote because  
 8 one member wants to. So take a vote on calling the  
 9 question. So we have to give ayes and nays.

10 MR. WOLFF: Do we have ayes and nays on the question --  
 11 on the motion?

12 MR. JOHNSTON: No, I'm sorry. I made a motion to call  
 13 to question. So I believe the appropriate procedure is to  
 14 take a vote on calling the question, which ends debate and  
 15 allows us to move to a vote.

16 MS. AUSTIN: Did I hear Chair Hunter second the motion?

17 DR. HUNTER: Yes, I did.

18 MR. WOLFF: All in favor of call for question?

19 MS. THOMASBERG: I don't understand this protocol. If  
 20 the question from the other Board member is, we want to  
 21 pursue it, it's yes.

22 MR. YOUNG: We want to pursue the motion.

23 MS. THOMASBERG: Oh, we want to pursue the motion?

24 MR. JOHNSTON: So just to be clear, this is a motion to  
 25 stop further debate, to stop further questions and move

1 comments.

2 It's just a suggestion. At least we do need to get  
 3 the City, I think, to state on the record that they are  
 4 agreeable to the changes.

5 MR. WOLFF: The only hesitation I have is that  
 6 Coastalkeeper are not the only stakeholders in this process.  
 7 By allowing one speaker only, I think it is -- I'm concerned  
 8 about the fairness here.

9 MR. YOUNG: You could open it up to any stakeholders and  
 10 give them a couple minutes.

11 DR. HUNTER: I'm sorry, but Chair Wolff specifically  
 12 said yesterday there would be no further public comments.  
 13 And if people had heard a different direction, they would  
 14 have come to make further comment. And typically we do not  
 15 accept public comment once all of the public comments have  
 16 been stated.

17 MR. YOUNG: You're right.

18 MR. DELGADO: There was one question -- since we're sort  
 19 of moving toward making a decision, last night you said we'd  
 20 have some questions answered. Today staff said there was  
 21 one important question they could not answer and perhaps  
 22 legal counsel could. And that question was: Were the CEQA  
 23 findings in 1991 adequate or not adequate to meet the Water  
 24 Code we're trying to make a finding for today?  
 25 If we are going to make a decision, let's at least

1 directly to an up or down vote.

2 If you're voting yes, you're voting to stop further  
 3 debate and move to closing. If you're voting no, you're  
 4 voting to keep on talking about it.

5 MS. THOMASBERG: I'm voting yes.

6 MR. YOUNG: Yes.

7 DR. HUNTER: Yes.

8 MS. CERVANTEZ: Yes.

9 MR. DELGADO: Yes.

10 MR. WOLFF: Yes.

11 MR. HARRIS: Just to be clear, I think the clerk to the  
 12 Board should do a roll-call count.

13 MS. AUSTIN: For the actual item.

14 DR. HUNTER: I think I need to restate my second based  
 15 on the modifications of counsel.

16 MS. OLSON: Excuse me, I'm getting confused. We  
 17 currently had a motion to adopt everything. You seconded  
 18 it. Then we had discussion. Now we had a second motion.

19 MR. WOLFF: Please let counsel clarify for you.

20 MS. AUSTIN: Mr. Johnston moved to end discussion and  
 21 move to a vote. Vice Chair Hunter seconded that motion.  
 22 Mr. Delgado voted in favor of moving to a vote on the issue  
 23 and end discussion, and that's where we are now.

24 MR. WOLFF: What we are directing you to do is to make a  
 25 roll call.

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1 MS. AUSTIN: Let's just clarify. The items we are  
 2 voting on is NPDES permit with the revisions to Attachment G  
 3 and also the revisions to provision 6(c)6(c) of the permit  
 4 as shown on the screen this morning.  
 5 MS. OLSON: Dr. Wolff.  
 6 MR. WOLFF: Yes.  
 7 MS. OLSON: Dr. Hunter.  
 8 DR. HUNTER: Yes.  
 9 MS. OLSON: Ms. Cervantez.  
 10 MS. CERVANTEZ: Yes.  
 11 MS. OLSON: Mr. Delgado.  
 12 MR. DELGADO: No.  
 13 MS. OLSON: Mr. Johnston.  
 14 MR. JOHNSTON: Yes.  
 15 MS. OLSON: Ms. Thomasberg.  
 16 MS. THOMASBERG: Yes.  
 17 MS. OLSON: Mr. Young.  
 18 MR. YOUNG: No.  
 19 MR. WOLFF: So the motion is carried.  
 20 Could you turn the light on, please?  
 21 MR. HARRIS: I was going to suggest we take a break.  
 22 MR. WOLFF: That was just what I was ready to say. We  
 23 will take a short break and reconvey at 11:00 o'clock.  
 24 (Recess.)  
 25 MR. WOLFF: Public comments will be after 1:30. And

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1 before we start on the Item 16, counsel has some remarks.  
 2 MS. AUSTIN: Yes. Normally we do Board member reports  
 3 on the first day of the meeting, if not, on the second day  
 4 of the meeting. And perhaps not all the parties that are  
 5 here today were here yesterday.  
 6 I would just suggest that if there are any Board  
 7 members who want to disclose any sort of communications or  
 8 other information pertaining to this item, this would be an  
 9 appropriate time to put that on the record.  
 10 MR. WOLFF: Thank you. I will start with my right.  
 11 MR. YOUNG: I met with Perry and Abbey and Cara on  
 12 Wednesday. They came to my office and spent about  
 13 20 minutes or so. And they were simply going over the  
 14 mapping they had done the day of collection. And we had a  
 15 very general discussion what their concerns were and the  
 16 hope that the Board would approve the disclosure mechanisms  
 17 they currently have offered up.  
 18 MR. WOLFF: Thank you. Ms. Thomasberg.  
 19 MS. THOMASBERG: I met with Perry, Abbey, Steve and Cara  
 20 on January 21st Wednesday, for one and a half hours. We  
 21 reviewed basically the same thing that Mr. Young did, the  
 22 background, groundwater monitoring activity,  
 23 characterization efforts, nitrate contour mapping and future  
 24 plans. We had discussion after that.  
 25 MR. WOLFF: I met on Wednesday with Perry, with Abby

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1 with Derrick and Carol on the this Item 16 as it related to  
 2 the contour mapping.  
 3 MS. CERVANTEZ: I just wanted to fully disclose that I  
 4 rent a space from CRLA. They are my landlords. I have  
 5 never spoken with anyone from CRLA regarding the substantive  
 6 issues before the Board today or Ag Order. I don't believe  
 7 that my contractual agreement to rent space has impaired my  
 8 ability to remain impartial or unbiased.  
 9 MR. WOLFF: Mr. Johnston?  
 10 MR. JOHNSTON: I was approached last week by the  
 11 Groundwater Coalition to meet and discuss this item. I  
 12 declined because my schedule did not allow it. I was  
 13 neither approached by it or discussed this with anybody  
 14 else.  
 15 MR. WOLFF: Mr. Delgado?  
 16 MR. DELGADO: No.  
 17 MR. WOLFF: So we will now proceed with this item and  
 18 staff will give us their presentation.  
 19 MR. HARRIS: I have a statement to read first to  
 20 introduce the item.  
 21 MR. WOLFF: Please introduce the item.  
 22 MR. HARRIS: Item 16 is a discussion item for the Board  
 23 regarding the manner in which the Central Coast Groundwater  
 24 Coalition groundwater testing results were disclosed to the  
 25 public.

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1 A little background before we begin: In March  
 2 2012, this Board adopted that Agricultural Order  
 3 R3-2012-0011. The State Board modified the order on  
 4 September 24th, 2013, in response to petitions.  
 5 Subsequently, I issued a Workplan Approval letter  
 6 on July 11th, 2013, to the Central Coast Groundwater  
 7 Coalition approving their cooperative groundwater monitoring  
 8 program. The letter provided details how the CCGC would  
 9 provide data to the Regional Board and how information would  
 10 be made available to the public.  
 11 On July, 3rd, 2014, the California Rural Legal  
 12 Assistance submitted a request for discretionary review by  
 13 the Board on two related issues. One, CCGC notification  
 14 process for wells that had exceeded the nitrate drinking  
 15 water standard. Two, the manner in which the CCGC  
 16 groundwater testing results were disclosed to the public.  
 17 At the November board meeting, we concluded a  
 18 discretionary review of Item 1, and I sent a letter  
 19 memorializing the outcome of that board meeting,  
 20 December 8th, 2014.  
 21 In this item 16, we will hear information  
 22 concerning discretionary review of item number 2. The  
 23 discussion today is to be focused on whether or not the  
 24 process to develop and submit contouring maps by CCGC, as  
 25 established in the Workplan Approval letter, was

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1 appropriate.

2 This is the only issue before the Board today.

3 Importantly, since the Workplan Approval letter issued to

4 CCGC has submitted data and contour maps, the staff have

5 reviewed those maps and described for us the steps they

6 intend to take. The steps they intend to take are

7 applicable per our application of the Workplan Approval

8 letter, the information they give today is not part of the

9 discretionary review. Because it is in effect, the sequel

10 to the story is it may be helpful to have that information

11 as background concerning the process of adopting the

12 Workplan Approval letter.

13 To the extent the Board has feedback on these steps

14 staff are currently taking that is important to staff, but I

15 reiterate that these actions by staff are not part of the

16 discretionary review for the Board. The sole issue before

17 the Board is whether or not the process to develop and

18 submit contouring maps as described in the Workplan Approval

19 letter was appropriate.

20 MR. WOLFF: Thank you, Mr. Harris. So can we have staff

21 give us their presentation?

22 MS. SCHROETER: Good morning. My name is

23 Angela Schroeter. I am a senior engineer and geologist. I

24 manage the groundwater aspects of the Irrigated Lands

25 Regulatory Program in coordination with Chris Rose.

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1 I am here with John Robertson, section manager, as

2 well as Steve. He's an environmental scientist who provides

3 statistical expertise relevant to this issue -- works on and

4 also provides statistical support for the listing policy.

5 So as Mr. Harris, mentioned the purposes of Item 16

6 is to respond to CRLA's July 3rd, 2014, request for

7 discretionary review of Coalition's Groundwater Program,

8 specifically part 2 of the request, which is the manner in

9 which groundwater testing results are disclosed to the

10 public. In their discretionary review request, CRLA

11 indicates that they object to the use of contour maps. They

12 are requesting that the Water Board use individual wells to

13 be displayed on GeoTracker, and they make a statement that

14 the public has a right to readily accessible information

15 about their drinking water and contour mapping should act as

16 a supplement and not as a substitute. And I'll talk a

17 little bit more about GeoTracker and what that is and how we

18 display information.

19 So as Mr. Harris mentioned, the question before the

20 Board is, is the process for reviewing and approving the

21 Coalition's contour maps appropriate as established in the

22 Workplan Approval letter issued by the Executive Officer in

23 July of 2013? As Ken mentioned a little background, I want

24 to describe in a little more detail about how we got up to

25 this point. In March 2012, when the Central Coast Water

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1 Board adopted the Agricultural Order, the -- did not yet

2 exist, and the requirements for individual growers and

3 co-ops were nearly identical.

4 There's one specific condition in the Agricultural

5 Order that's supposed to have dischargers submit data to the

6 Water Board and that's Condition 63. Condition 63 states,

7 "Groundwater quality data must be submitted in a format

8 compatible with an electronically deliverable format used by

9 the State Water Board's GeoTracker's Data Management

10 System."

11 Just a little bit of background, the GeoTracker

12 Data Management System is the system that all the

13 Water Board, the State Board and Regional Board, use to

14 manage groundwater data for our Groundwater Regulatory

15 Programs. That data is uploaded directly to GeoTracker and

16 displayed in an online system.

17 So in the development of the Order, staff had

18 anticipated this data from the Irrigated Lands Regulatory

19 Program would be uploaded to the GeoTracker Program. At the

20 time this Condition 63 applied to individual growers and

21 those who would participate in monitoring programs

22 similarly. This is speaking to the submittal of the data.

23 Then in July of 2013, the Central Coast Groundwater

24 Coalition submitted a proposed work plan for implementing a

25 cooperative groundwater monitoring program. In this

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1 proposed work plan, the Coalition conveyed concerns about

2 disclosing data to the public. They stated, "Any data

3 loaded to GeoTracker would remain on the regulatory-only

4 side of the GeoTracker for the duration of the existing

5 waiver and any extension of that waiver."

6 So this is the first formal written statement from

7 the Coalition expressing concerns about disclosing data and

8 proposing that the data loaded to GeoTracker only remain on

9 the regulatory side. GeoTracker has two sides to it, the

10 regulatory side and the public side. The regulatory side is

11 what we can see as the Water Board, and the public side is

12 what's displayed to the public. Instead, the Coalition

13 proposed to use contour maps in lieu of displaying actual

14 groundwater data for individual wells.

15 So back to the Water Board's -- the Executive

16 Officer, after staff's review of the work plan, we wanted to

17 help support the development of the Cooperative Groundwater

18 Monitoring Program. And so the Executive Officer approved

19 the work plan but with specific conditions. The Workplan

20 Approval letter allowed the Coalition to use contour maps to

21 display for the public -- in lieu of displaying individual

22 well users if the contour maps met specific criteria and

23 were approved by the Executive Officer. So realizing that

24 what we were trading off was individual well data to be

25 displayed to the public in exchange for contour maps, we

1 inserted specific criteria to ensure that the public would  
2 have access to reliable data.

3 The Executive Officer did not agree that data would  
4 remain only on the regulatory side of GeoTracker and not  
5 available to the public. So we asked the Coalition to  
6 strike that language there where it says "any data loaded  
7 would remain on the regulatory side of the GeoTracker."

8 After the submittal -- while the Coalition  
9 submitted the work plan and the Executive Officer approved  
10 it, the Coalition was, at the time, just beginning. They  
11 were still in the process of formalizing their own status in  
12 government. They did not have established Code and  
13 boundaries. They were no groundwater sample locations. At  
14 that time we had the criteria to approve our contour maps,  
15 but it was not known if the contour maps could meet the  
16 criteria.

17 In September 2013, as Mr. Harris mentioned, the  
18 State Board modified the boarder to clarify the groundwater  
19 monitoring requirements. So they emphasized the importance  
20 of drink water safety and nitrates in our water. An example  
21 of one of the modifications was requiring a cooperative  
22 monitoring program and to sample all drinking water. They  
23 also provided for a specific opportunity for discretionary  
24 review due to the significant public interest and value of  
25 the groundwater monitoring data to be collected by

1 cooperatives. The opportunity for discretionary review is  
2 what CRLA is exercising and what we're hearing today.

3 Relative to this issue of public display of  
4 Coalition nitrate well data, I think it's important to  
5 remember these three considerations. The Water Board has  
6 access to all the Central Coast Groundwater Coalition  
7 groundwater data in GeoTracker, similar to the individual  
8 data from the growers who do not participate in the  
9 coalition. This is not an issue about what the Water Board  
10 or staff has access to. This is an issue about how data is  
11 displayed to the public. CRLA wants to maximize the  
12 transparency in public access information. They believe  
13 this is important because their issue relates to unsafe  
14 drinking water, including the actual nitrate data in  
15 individual wells.

16 In contrast, Coalition members desired anonymity to  
17 alleviate security and privacy concerns. They indicated  
18 that these concerns are especially related to individual  
19 well nitrate levels. So this is about two different  
20 perspectives in terms of what data should be exposed to the  
21 public. Again, one stakeholder wants transparency and  
22 another stakeholder wants anonymity. But at the end of the  
23 day, the Water Board has to see all the data and process the  
24 data.

25 The question for the Board then is: Is the process

1 for reviewing and approving Coalition contour maps  
2 appropriate as established in the Central Coast Groundwater  
3 Coalition Workplan Approval letter, which is issued by the  
4 Executive Officer?

5 Now I will go over contour maps criteria. This is  
6 also in your staff report. I believe it's Table 2. This is  
7 a summary of that table. I'm not going to go through all of  
8 the criteria here, just a few examples. Again, this is  
9 criteria captured in the Workplan Approval letter for  
10 Conditions 10 through 13. It includes items, for example,  
11 contour maps must use sufficient sampling density to  
12 provided reliable information. It must see the sampling  
13 size as -- it must characterize groundwater nitrate  
14 concentrations depths, focusing on groundwater. It also  
15 must have certainty that's sufficient for providing reliable  
16 information to the public.

17 These are standard factors that professionals use  
18 to evaluate contour maps. Staff developed these criteria  
19 based upon similar work where we used contour maps in other  
20 programs. We also consulted various references such as  
21 technical guides, contour mapping, as well as studies and  
22 geological surveys.

23 This issue is somewhat different than the use of  
24 contour maps in other programs because in general, contour  
25 maps always come with the actual data. So it's important to

1 remember that in this case, what the Coalition is requesting  
2 is that the contour maps are submitted and displayed in lieu  
3 of the actual data.

4 So this slide shows the process to review and  
5 approve the contour maps as described in the Workplan  
6 Approval letter. The first part here on the left is where  
7 the Central Coast Groundwater Coalition establishes a  
8 program. They're conducting their initial sampling  
9 analysis. They establish the program. They identify  
10 sampling points. They evaluate well density and prioritize  
11 their wells. It's a standard process. They conduct a  
12 sampling and they report that data to the Water Board using  
13 GeoTracker. They evaluate the results, conduct statistical  
14 analysis, determine confidence levels, identify gaps, and  
15 then determine if additional sampling is necessary.

16 Once they have done that, they develop the contour  
17 maps. And the way they develop the contour maps should be  
18 relative to what's required per their Board plan that they  
19 submitted, the conditions specified in the Workplan Approval  
20 letter. And then they substantiate their method and  
21 findings in the technical memorandum, which includes the  
22 contour maps.

23 The Water Board then reviews the technical  
24 memorandum, along with the underlying water quality data and  
25 the contour maps themselves. So then the Water Board and

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1 the staff determines whether or not the contour map was  
 2 acceptable. And the way they do that is, does it meet the  
 3 descriptions and methods described in the CCGC work plan?  
 4 Does it meet the conditions 10 through 13 of the Workplan  
 5 Approval letter? And finally, does it provide reliable  
 6 information to the public in lieu of the actual data?  
 7 If the staff and Executive Officer can answer these  
 8 questions, then the contour map is displayed on GeoTracker  
 9 GAMA. I should have mentioned this previously that  
 10 GeoTracker GAMA is called that because the groundwater can  
 11 be in a separate program and the Water Board also uses it.  
 12 There's a tool for GAMA. So the contour maps would be  
 13 displayed on GeoTracker GAMA if it were approved. No  
 14 individual well data would be displayed to the public for  
 15 the Coalition.  
 16 So recall that on GeoTracker right now, individual  
 17 wells are already displayed. So this is about the Coalition  
 18 data. The data for the Coalitions, in this Central Coast  
 19 Groundwater Coalition, would only be available to the public  
 20 through Public Records Act Request. That's the way they get  
 21 the underlying data.  
 22 If the Executive Officer does not approve the  
 23 contour map, then the Coalition data is posted onto  
 24 GeoTracker GAMA to the public, just like the individual well  
 25 water quality data. This makes the need for a Public

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1 Records Act Request actually unnecessary because the public  
 2 can download data using GeoTracker online.  
 3 Then the question before the Board is, reviewing  
 4 that process, is it appropriate for approving the contour  
 5 maps as established in the Coalition's Workplan Approval  
 6 letter? Staff has -- in response to CRLA's discretionary  
 7 review, staff has reevaluated the process for reviewing and  
 8 approving the contour maps and finds that it is appropriate.  
 9 Staff recommends that the Executive Officer uphold  
 10 the Workplan Approval letter and not make any changes to the  
 11 process for reviewing and approving the contour maps. If  
 12 the Board agrees with that conclusion, that the process is  
 13 appropriate, then the Executive Officer will send a letter  
 14 to all interested parties that memorializes the conclusions  
 15 of the discretionary review and we will implement the next  
 16 steps.  
 17 So I will also provide additional information about  
 18 the contour maps, but I want to remind the Board that this  
 19 is not part of the discretionary review. Staff has  
 20 evaluated the CCGC contour maps and nitrate concentration  
 21 for the Salinas Valley and has determined that the contour  
 22 maps are not sufficient for providing reliable information  
 23 to the public.  
 24 We recommend that the Executive Officer follow the  
 25 process in the Workplan Approval letter and provide public

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1 access to the Central Coast Groundwater Coalition, similar  
 2 to the display on GeoTracker GAMA for individual growers,  
 3 with the exception of providing some level of anonymity  
 4 relative to individual farm information and that's described  
 5 in the staff report.  
 6 We believe that this drinking water -- consistent  
 7 with the relevant policies identified in the staff report  
 8 and also provides access to the critical information.  
 9 Again, the question for the Board is, is the process for  
 10 reviewing and approving the Central Coast Groundwater  
 11 Coalition appropriate as established in the Workplan  
 12 Approval letter? And staff's recommendation is we uphold  
 13 the Workplan Approval letter and not make any changes to the  
 14 process for reviewing and approving the contour maps.  
 15 MR. WOLFF: Questions?  
 16 MS. THOMASBERG: I'm not sure where to start on my  
 17 questions, but let me give it my best shot. I think the  
 18 first thing I'm looking at is some of the wording in the  
 19 slides and wondering if staff were clear with the  
 20 cooperative sampling group on what your staff's expectations  
 21 were? Did you provide them with an example of nitrate  
 22 contouring the staff has done so they know what the road  
 23 looks like for the end product?  
 24 MS. SCHROETER: So I would say the question -- the  
 25 answer is yes. We did talk about expectations. We did not

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1 necessarily provide them with a map. You will recall that  
 2 when we were talking about the Workplan Approval conditions,  
 3 there were no program boundaries yet. So we didn't even  
 4 know where the areas -- where the members would be located.  
 5 We were speculating at that point what the  
 6 boundaries of the contour maps would be. At the time --  
 7 what I believe is very clear in the Workplan Approval letter  
 8 is that the sample density has to be sufficient to provide  
 9 reliable information to the public. In our discussion, we,  
 10 as I think as evidenced in our coordination with the  
 11 Coalition, we talked about our concerns -- staff's concerns  
 12 about whether or not, for example, they have enough members  
 13 in a particular area to give them sampling points such that  
 14 can be contoured. Our membership was unknown.  
 15 We all talked about the fact that there might not  
 16 be enough well data. One of our suggestions, and John was  
 17 there as well as Hector, was to create the program  
 18 boundaries based upon sufficient data to develop contouring  
 19 maps so we don't get into this problem in the future of not  
 20 having sampling points or well data. We didn't necessarily  
 21 talk about, you know, here's an example of the specific map.  
 22 The scale was unknown at the time.  
 23 MS. THOMASBERG: You gave them an idea, and I think from  
 24 a Water Quality analysis standpoint, what is the confidence  
 25 level? Did you go over the confidence level? Did you go

1 over the density? I know the boundaries were not  
2 identified, as you stated, but I think what I'm hearing is  
3 it there was lack of clarity from the Regional Board staff  
4 to the Coalition as to what really was the expectation.

5 You said you talked about it. You didn't have the  
6 map. But in your talking, did you say, for instance, "In a  
7 section, we need -- for accuracy to meet our standards, this  
8 is what we're looking at"? I know U.S. geological survey  
9 has excellent guidelines as to what a sufficient density  
10 would be per wells. Was there that kind of discussion?

11 MS. SCHROETER: There were a lot of detailed discusses  
12 regarding all of the criteria for the contour maps and  
13 Workplan Approval letter; one which was to identify what the  
14 sampling density was so we could determine whether or not  
15 contour maps meet approval.

16 We never got information on their density. It was  
17 not presented in the first April 2014 technical memorandum.  
18 It was not even -- the December 1 had slightly more  
19 information about sampling density for certain wells, not  
20 even for the whole area. We didn't get information from the  
21 Coalition describing the sampling density to be able to  
22 describe it. That being said, it's a clear lack of the  
23 criteria because that information wasn't included in the  
24 technical memorandum.

25 However, we did talk about confidence levels on our

1 criteria. For example, some of the Board members might  
2 recall in an early 2013 Board meeting, we went back and  
3 forth and staff said the confidence level needed was between  
4 90 and 95 percent. That was standard per other scientific  
5 studies. Steve Schmik might recall. He was there. Even I  
6 have a slide from Abbey Taylor Silva presenting an example  
7 of 92 percent. Those were the numbers we were talking about  
8 early on in 2013 prior to the approval letter.

9 MS. THOMASBERG: So we covered the confidence level  
10 issue. Now it goes to the well density. I know that's very  
11 difficult having done that myself when I worked at the Water  
12 Resources Agency. Not only that, we might see a well, but  
13 can you sample it? I did review in the documentation that  
14 there were some additional wells that could have been  
15 sampled, but they didn't get approval from the well owners  
16 who were not part of the Coalition; is that correct? We can  
17 answer that later.

18 I've read so much information on this. I'm trying  
19 to put the pieces of the puzzle together to figure out  
20 exactly, when I sift through all the information, what  
21 really are the critical points.

22 MR. ROBERTSON: If I may. John Robertson with the  
23 Regional Board staff.

24 We had dialogue about that specific issue.  
25 Actually this is a fairly common theme that comes up with a

1 lot of cleanup sites. And we always offer our authority to  
2 assist. And we did in this case too.

3 MS. SCHROETER: The another thing to remember is, from  
4 my perspective and John and Hector and others who were at  
5 these meetings, this is an interesting use of contour maps.  
6 I think it's really important to remember that in all other  
7 cases where the Water Board used contour maps, the public  
8 has the actual data. We have never said, "You only need to  
9 present contour maps. You don't have to present the actual  
10 data." In this case, we were very clear in our expectations  
11 and said if we decide to use contour maps and deny the  
12 public to see the actual data, that contour map has to be  
13 very reliable. It has to have sufficient sampling density.

14 We were very clear when we told them that it's  
15 possible there might not be enough wells in some areas to  
16 get reliable contour maps. That's the risk we're going to  
17 take. I think Mr. Harris's letter is very clear about this  
18 approach and the use of contour maps without knowing the  
19 boundaries of their membership and other aspects.

20 So I think it was a known risk that we might not  
21 have enough sampling points because we were talking about  
22 contour maps having to be sufficient to exchange the actual  
23 data. It's a little different than when we were just  
24 looking at contour maps to assist in the interpretation.

25 MS. THOMASBERG: What was your definition of sufficient

1 density to the group? What wording did you use? Was it  
2 within a township-ring section? Subsection? Was it within  
3 a township range? Was it grids? What was the discussion?

4 MS. SCHROETER: The discussions surrounded mostly around  
5 confidence intervals. We talked at levels of the 90th  
6 percent and 95th percent. We said determine your sampling  
7 density, bring it back to us, and then we will -- the  
8 Executive Officer will approve that for use in contour maps.

9 MS. THOMASBERG: You went back to the confidence level.  
10 I thought we agreed to that. I'm talking about well density  
11 within a geographic area.

12 MS. SCHROETER: Right. It was not known at the time  
13 what the well density was, and we didn't have a  
14 specification of what it needed to be. What we did is we  
15 said, "Give us your information on your sampling density so  
16 we can determine if that is an appropriate level to meet at  
17 92 percent" --

18 MS. THOMASBERG: I'm a little confused. I was thinking  
19 that the confidence level had to do with the data itself,  
20 not the grid or the density. Can you clarify that for me?

21 MS. SCHROETER: Well, I can see if statistical  
22 experts -- if you want to get into the specifics. But, in  
23 general, you need certain amount of sampling density to get  
24 to the 90th percentile.

25 MS. THOMASBERG: So you're referring to the confidence

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1 level of the density, not the confidence level of the data;  
 2 correct? Am I still confused on that?  
 3 MS. SCHROETER: They're related. You need so many data  
 4 points to produce confidence because the of range from one  
 5 point to another point and also the variability in the  
 6 concentrations.  
 7 MS. THOMASBERG: Next question -- the next question has  
 8 to do with the density and the confidence level of the  
 9 density and the lack of confidence in the quality of the  
 10 wells you're sampling, if they're domestic, because some of  
 11 these wells -- the integrity could be pretty bad for some of  
 12 them because they're old farm wells or farmsteads.  
 13 I guess my real questions is if they're being --  
 14 this is putting an apple with an orange, but I need  
 15 clarification on this. Is the confidence level for the  
 16 density really necessary if the quality of the wells you're  
 17 sampling really are -- it's a fruit basket for the quality  
 18 of the data, not necessarily for the sampling. Is the  
 19 quality of the data you're going to see for the nitrate in  
 20 the groundwater?  
 21 Stovepipe wells, which there are some, they're  
 22 30 feet deep and they collect all of the surface water from  
 23 the surrounding area. I'm sure that water quality is pretty  
 24 horrible. Whereas wells drilled next to the river are  
 25 90 feet deep. It could be an old well but because water

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1 gets replenished, it has good quality data.  
 2 I don't need to go into more detail on that but do  
 3 you see where -- are we trying to be too specific for the  
 4 sampling density versus, really, the broad product are the  
 5 wells and the plethora of ages and quality of these wells  
 6 for the purpose of this program?  
 7 MR. HARRIS: If I can interject momentarily. One of the  
 8 things I want to say is that generally with our permits and  
 9 our programs, we do not mandate the method of compliance.  
 10 We just set the performance standard. Such as a permit, you  
 11 have to meet a certain limit and however you do that is up  
 12 to the individual. We don't typically tell people how to do  
 13 their job. In fact, some people argue we're barred from  
 14 doing that.  
 15 In our case with the Ag Program, the Coalition  
 16 approached us and wanted to develop the Coalition and there  
 17 were the negotiations about the data as described by  
 18 Ms. Schroeter. Meeting those requirements was up to the  
 19 Coalition. It wasn't -- we all recognized at the time -- we  
 20 didn't know if they were going to be successful. They  
 21 thought, in all honesty, they would be successful. Nobody  
 22 at that point had any control over the outcome. The outcome  
 23 is just a fact of the facts on the ground.  
 24 MS. THOMASBERG: So then what we're going back to is the  
 25 method of compliance is really the density. It has nothing

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1 to do with the quality of the data.  
 2 MR. HARRIS: No. There are other things. For example  
 3 they could have gone back -- when they did all the sampling,  
 4 they did a lot of sampling -- one thing, a lot of good has  
 5 come out of this program. We need to recognize that and  
 6 recognize the good work the Coalition has done.  
 7 We're talking about a very, very small aspect of  
 8 this whole program and that is these contour maps. When  
 9 they did all the sampling and when the consultant did the  
 10 analysis and came back with the contours, it was completely  
 11 up to the Coalition to decide, "Yes, we feel these are  
 12 adequate to send to the Board," or they could have come to  
 13 us and said, "We don't think they're adequate. We're going  
 14 to try to sample more wells, do more wells, drill new  
 15 wells." They even had that option.  
 16 That's entirely up to the Coalition. We don't get  
 17 involved at the level. It's really the permit holder, for  
 18 example, that has the responsibility to determine how they  
 19 will comply with the conditions or our permits and waivers.  
 20 MS. SCHROETER: If I can answer your question. I think  
 21 part of what you're talking about is -- an important point  
 22 is I've been out to the Salinas Valley and seen the various  
 23 different types of wells; the really old ones, the bright,  
 24 shiny new one. There's a lot of variability with  
 25 instructions.

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1 That was a pretty large topic during the adoption  
 2 of the Agricultural Order. Many of you might recall we  
 3 decided not to require owners install new wells. We knew  
 4 there were limitations but wanted to have a low-cost  
 5 starting point to start gathering with data for shallow  
 6 groundwater and specifically domestic wells. And that was  
 7 the purpose.  
 8 MS. THOMASBERG: Another related question, if I may. My  
 9 understanding is -- and I've had to do a lot of catch-up  
 10 recently in the last two weeks. My understanding is all of  
 11 the data in GeoTracker for those domestic that are -- for  
 12 instance, in Monterey County, my understanding is the  
 13 Environmental Health monitors the 3 to 10 and then the 10  
 14 and up. So would those 3 to 10 connections for domestic  
 15 wells be available to the Coalition and were they?  
 16 So were those other data and smaller systems well  
 17 data available for their mapping?  
 18 MS. SCHROETER: I will let the Coalition speak to that  
 19 themselves. However, we provided all the data available to  
 20 us. All the data in GeoTracker, all the data from  
 21 individual wells, all the data from surveys, all the data  
 22 from the GAMA project. We directed them on what -- I  
 23 believe they had difficulty in getting that data, but they  
 24 did talk to -- they talked to a variety of different sources  
 25 of data. And I believe they were pretty successful. Maybe

1 not completely successful, but they did have a lot of  
2 different data sources to use.

3 MS. THOMASBERG: Another related question is if the  
4 geographic boundaries is made for the well density and no  
5 one lives there in that geographic area, were they still  
6 obliged to get data for that area to be approved for the  
7 density component?

8 MS. SCHROETER: The Workplan Approval letter specified  
9 they needed to have sufficient density for the areas they  
10 were contouring. So if they're going to attempt to contour  
11 an area, there has to be sufficient data to do that.

12 MS. THOMASBERG: I guess where I'm still confused is I  
13 worked with U.S. Geological Surveying to figure out a lean  
14 dense program -- a lean program with sufficient density,  
15 what it would like. I worked with -- so that's why I'm a  
16 little -- not confused why there wasn't a sufficient number  
17 of wells in the grid that would have been stated at the very  
18 beginning so they would know what their chances are of  
19 getting the maps approved for the confidence level you're  
20 requiring.

21 MS. SCHROETER: I would say that was a requirement in  
22 the Workplan Approval letter that was not presented to us.

23 MS. THOMASBERG: I didn't hear what you said.

24 MS. SCHROETER: Providing to us sampling density so we  
25 can discuss and talking about it such that the contour maps

1 could be approved, we did not have the information from this  
2 Coalition regarding sampling density. So that was a  
3 requirement in the Workplan Approval letter that -- in  
4 advance to the contour maps, they give us sampling density  
5 information so we can talk about it and it could be approved  
6 to avoid the problem of insufficient data for contour maps.

7 MS. THOMASBERG: You said that was not --

8 MS. SCHROETER: We still do not have that information.  
9 It was generally covered in the most recent technical  
10 memorandum submitted by them.

11 MS. THOMASBERG: Those are --

12 MS. SCHROETER: Another clarification, I know we're  
13 getting into the weeds probably. However, in the USGS,  
14 Steve can speak to this, typically when we lack data, when  
15 there is sparse data, we'll have maps that look this.  
16 You'll see those white spots in the grids. There are  
17 contour maps all around, and where they lack density, there  
18 are big white splotches. That's how they handle -- no  
19 prediction of mass data. However, what's important to  
20 remember about the USGS example is that actual data is  
21 available to the public.

22 MR. WOLFF: You know, I would like my colleagues to ask  
23 some questions, but you mentioned being in the weeds. We'd  
24 like to see the forest from the trees. You keep talking  
25 about contour maps, and all I'm looking at are PowerPoint

1 slides. I think it would help framing this a little better  
2 if you did put on the screen what we're talking about. That  
3 would help to some extent in what the issue is about.

4 Right now, it's hard to put our heads around that.  
5 That's just a suggestion to pictorially help us. And I'll  
6 hold off my other questions and let my colleagues ask  
7 questions.

8 MS. SCHROETER: Did you want me to put the contour maps  
9 on the screen? Is that what your request was?

10 MR. WOLFF: Yeah. We're talking about contour maps and  
11 the challenges associated with the information. So I would  
12 like to see the --

13 MS. SCHROETER: I'm happy to do that. Just to remind  
14 the Board that what we're talking about is the process to  
15 review and approve. I want to make sure that this is  
16 actually what we're talking about, the Board's deciding.  
17 I'm happy to put the contour maps up, but just to remind you  
18 we're talking about the process to approve.

19 MR. WOLFF: You spent a lot of time explaining the lack  
20 of density of information. So I think it's only fair to ask  
21 to show us, besides words, where the problem lies.

22 MR. ROBERTSON: But if I can, the issue before the Board  
23 is not the criteria. It's just the contour maps and are  
24 those appropriate. To Ms. Schroeter's response it's about  
25 the absence of information to make that judgment. So I'm

1 just trying to bring our focus back away from the contour  
2 maps to the criteria we're using to judge them and is that  
3 appropriate.

4 MR. WOLFF: Well, I will let my colleagues speak, but I  
5 thought some issues were for the public to be able to see  
6 information. I thought that was part of the conversation we  
7 had. So if the public looks at the information -- that's  
8 why I thought it was important to see what the public would  
9 be able to understand looking at those maps. I will -- I  
10 don't want to take my colleague's time. So anyone else have  
11 questions? Mr. Delgado?

12 MR. DELGADO: Just a couple of brief and simple  
13 questions.

14 On the slide that you showed that talked about the  
15 process to review and approve the contour maps and you had a  
16 flow chart whether they were acceptable and if they were,  
17 certain things happened; if they weren't, other things  
18 happened.

19 In the "no" category, the contour maps are not  
20 acceptable, so the result is that the individual well water  
21 data be displayed to the public on GeoTracker, and  
22 therefore, it eliminated the need for Public Request Act.

23 My question is, if they're not acceptable -- go to  
24 the no box on the bottom right -- but then months later,  
25 some time in the future, they provide you with new contour

1 maps that are acceptable, do you reverse the process and  
2 would you pull the individual well water data off GeoTracker  
3 and replace it? That's what I'm asking.

4 MS. SCHROETER: That's an interesting question. The  
5 Workplan Approval letter doesn't speak to that circumstance.  
6 Once the data is out in the public, I think we would be  
7 reluctant to remove data from the public's view. However,  
8 my understanding at this point is it would be a supplement.  
9 So those contour maps would be a supplement to the actual  
10 data.

11 MR. DELGADO: Somewhere in the staff report, and I can't  
12 find it now, there was an estimate of the number of wells  
13 individually outside of the Coalition and then something  
14 like 469 wells that we're talking about here within the  
15 Coalition.

16 Can you tell me the approximate numbers of  
17 individual wells?

18 MS. SCHROETER: Sure. I think it's in the staff report.  
19 I can't find it specifically, but I believe the number of  
20 individual wells is approximately 2,500.

21 MR. DELGADO: So it's similar to the last time we met on  
22 the first half of this issue, which was to address the  
23 notification letters. I think we voted 7 to 0 to sort of  
24 give the Coalition a break and give them a little more  
25 privacy, a little more security than the individual well

1 owners have. So if I'm an individual well owner and my well  
2 is in exceedance of some nitrate, let's say, than that  
3 information is available to the public for 2,500,  
4 potentially, of the individual well owners. But if I'm one  
5 of the 469 Coalition-covered well owners, I'd be a little  
6 bit more protected by the notification letter not being a  
7 public record.

8 Is that approximately true of what we did last  
9 time?

10 MS. SCHROETER: That's correct. However, I believe that  
11 that number for the Coalition has grown a bit.

12 MR. DELGADO: I think I saw 469 in the staff report. I  
13 could be wrong on that.

14 So now bringing it back to today, I see in one of  
15 the documents provided to us, that Water Code Section  
16 13269(a)(2) said that all monitoring results shall be made  
17 available to the public.

18 How do we square with that and be compliant with  
19 providing all monitoring results to the public with a  
20 contour map that requires them only through Public Records  
21 Request to get additional data? I guess that's how we do  
22 it. So it's all available, they just have to go through  
23 extra steps for some data?

24 MS. SCHROETER: That's correct.

25 MR. HARRIS: It's just about how it's presented. That's

1 it.

2 MR. DELGADO: This is kind of an ignorant question, but  
3 I want to ask it anyway. You said that the Water Board sees  
4 all the data, and I guess that's what makes it publicly  
5 available through a Records Request Act.

6 MS. SCHROETER: Just to clarify, any data, documents, or  
7 information that's submitted to the Water Board is a public  
8 record. They submitted the data to us, and we can see that  
9 data and that makes it a public record.

10 MR. DELGADO: Thank you very much.

11 MR. WOLFF: Mr. Johnston?

12 MR. JOHNSTON: Well, Mayor Delgado raised an interesting  
13 question. It's obviously pretty germane what happens if the  
14 Executive Officer does not approve the maps and that appears  
15 to be where it's going. It's kind of difficult to separate  
16 these two questions, but I think it's really appropriate to  
17 do so.

18 And I might suggest that we focus on the process  
19 and that once we have completed our review of the process  
20 and said that we either approve or don't approve of the  
21 Executive Officer's action in his Workplan Approval letter,  
22 that we then the circle around and see if we want to give  
23 any guidance to staff regarding where they're going on not  
24 approving the contour maps.

25 I think I'm going to hold any questions I have

1 until I've heard from both -- I expect we're going to hear  
2 from CRLA and the Coalition. I imagine they both asked for  
3 time. I'll hold my questions until after that.

4 MS. AUSTIN: I just wanted to clarify the information  
5 that has been submitted to the Regional Board is made  
6 available to the public and the one exception that we've  
7 talked about, and I just wanted to clarify, one half -- that  
8 is confidential. But in the concept of what you were  
9 talking about, Mr. Delgado, about the information being  
10 available to the public and their ability to get that  
11 permission. I believe Ms. Schroeter gave the correct  
12 statements.

13 MR. JOHNSTON: There are also a couple of other  
14 exceptions, just for purpose and clarity. One is that if  
15 information is requested, the folks who have given us the  
16 information can make their case to us that it is  
17 confidential business information, I believe.

18 MS. AUSTIN: You mean the well data itself?

19 MR. JOHNSTON: Not the well data. But this applies to  
20 several other different things.

21 MS. AUSTIN: There are other things not related to the  
22 maps. I agree there are other issues we covered pertaining  
23 to other aspects in the order that deal with  
24 confidentiality. But I just want to be sure her comments  
25 were to the data only.

1 MR. WOLFF: Mr. Cervantez?

2 MS. CERVANTEZ: My question had to do with the initial  
3 work plan and deciding some of the performance standards and  
4 outcomes of whether the contour maps is acceptable or not.

5 You made a comment during your presentation that  
6 the scale was unknown at the specific time, meaning at the  
7 beginning when you were trying to figure out the performance  
8 standards and outcomes. I'm understanding that when you  
9 refer to the scale being unknown there were all these  
10 variables of whether you would have access to the wells, the  
11 different ways in which the wells are constructed. Then, of  
12 course, also, how would you sort of figure out the measures  
13 and the methodology with all of that variability.

14 So my concern has to do with not recognizing the  
15 full scale of what the Coalition, and perhaps others in the  
16 future, would have to work with in terms of reporting some  
17 of this data or the confidence intervals, if I'm using that  
18 appropriately. I know some of the process includes  
19 identifying data gaps and areas of uncertainty. But then  
20 I'm wondering where, in this process, if the process allows  
21 for going back and revising or revisiting the initial work  
22 plan now that we're able to identify that there are data  
23 gaps in areas of uncertainty?

24 So not just having a yes or no but -- no the next  
25 slide. There where we're trying to figure out, are these

1 maps acceptable? And we only have the two, yes or no,  
2 rather than in the middle where there are still areas we've  
3 identified as areas of uncertainty and gaps in the data and  
4 if there's a possibility then to go back to the original  
5 work plan and resize some of these performance outcomes.

6 MS. SCHROETER: So let me answer that in a couple  
7 different ways. One answer is that of course there's an  
8 opportunity the Board can -- the Executive Officer can have  
9 a discussion about whether or not we want to go back to the  
10 work plan and revise some of those criteria.

11 I do also want to point out timing is an issue.  
12 The data for individuals is already displayed to the public,  
13 so we don't want to delay too much in providing some amount  
14 of data to the public through the Coalition while it would  
15 be displayed on GeoTracker.

16 But I would actually state that the opportunities  
17 here -- we talked about this with the Coalition. So we  
18 sampled the wells. We conduct the lab analyses, evaluated  
19 the results, conducted statistical analysis, determined  
20 confidence levels, identified gaps in areas of uncertainty.  
21 And then if there are gaps there in that spot, we can't use  
22 the contour maps to go back at that point and request Water  
23 Board assistance to get access to the wells to try and see  
24 if there is additional data that can be collected. That's  
25 where the stats (inaudible).

1 MR. HARRIS: If I can interject. In addition, and  
2 Angela can fill in the details, this is not an absolute  
3 yes-or-no decision that's made at one time. This is an  
4 interim approach that the Board and the Coalition has been  
5 engaged in. There's been a lot of back and forth, a lot of  
6 communication, a lot of discussion about the issues. It's  
7 not all of a sudden we said, you know, "Are we going to make  
8 this decision?" Angela can speak to when we received the  
9 first -- it was last year sometime, I believe.

10 MR. WOLFF: I was going to further clarify for our two  
11 new Board members that our Board has quite a legacy for not  
12 always settling for a yes-or-no vote and use their  
13 out-of-the-box ideas sometimes to make suggestions and  
14 amendments. So I think we need to make sure that our new  
15 Board members know that it's not always a yes or no.

16 And I will let Mr. Young speak.

17 MR. YOUNG: I am interested in hearing what the  
18 Coalition has to say about staff conclusions that Conditions  
19 10 through 13 just can't be -- are not being satisfied. I'd  
20 like to hear what the response is to that.

21 Separate from that, if we look at the contour map  
22 that you put up from December 10th. There's two of them,  
23 and there's quite a difference between the two of them.  
24 Have you taken the -- you have access to the well data.  
25 Have you taken the well data and cross-checked it against

1 the December 10th contour maps?

2 MS. SCHROETER: Yes, we have. If we can dim the lights.  
3 This is the actual contour maps submitted by the Coalition.  
4 On the left is the map submitted April 2014. On the right  
5 is the map submitted in December of 2014. The data are  
6 similar between the two time periods. They collected an  
7 additional -- about an additional 90-something samples  
8 between April and December that they incorporated in the  
9 December analysis. We did do a comparison.

10 You'll notice this is the King City area. Parts of  
11 King City have lots of data, for example. The Coalition  
12 will tell that you there is great agreement for their actual  
13 measurement and predicted measurement. Before they sample  
14 and where the contours are is a good match. So if the  
15 sample says, 52 milligrams of nitrate, then that (inaudible)  
16 in that contour.

17 Where the problem is is where you don't have data.  
18 This is an example here, the northeast corner above  
19 King City. This is an area where we give them data. So in  
20 this April 2014 map, interpretation -- interpretation is  
21 that this exceeds drinking water standards. In the December  
22 version, it does not exceed the drinking water standards.  
23 But there's no data there to test -- to be able to really  
24 validate that.

25 And so the question is, what gives the reliable

1 information to the public? Our issue is that it's possible  
2 that both -- one of these is correct or they're both correct  
3 or it's in the middle someplace probably. But multiple  
4 interpretations are available.

5 MR. YOUNG: But there's no data anyway to support either  
6 interpretation. So what would -- nothing could be released  
7 anyway to the public.

8 In other words, if I have a well in that area and I  
9 want to be informed about the potential of me drinking  
10 contaminated water, there is no data to be released that's  
11 going to help that user.

12 MS. SCHROETER: That's correct, and that's the point  
13 that we're trying to make in terms of releasing the actual  
14 data. What needs to be -- there should be is data. There's  
15 no data available to inform this person. We can't tell the  
16 public it's above the drinking water standard or it's below  
17 the drinking water standard. There simply isn't data. And  
18 multiple interpretations of whether or not the data from the  
19 surrounding areas inform that.

20 MR. YOUNG: Can the contour map amended to reflect that?

21 MR. HARRIS: Just to be clear for the Board, Angela, the  
22 blue would indicate it meets drinking water standards?

23 MS. SCHROETER: Yes.

24 MR. HARRIS: Just to make sure they understand. But you  
25 can't make that determination because there's no data there.

1 difficult logistically and probably wouldn't be that  
2 informative to the public.

3 MR. HARRIS: So the question, again, before the Board --  
4 and I sort of understand why you're asking these questions  
5 about the data. It's really about should the process I  
6 approved be followed? That's what we're asking you, whether  
7 or not you agree with the process. And what's happening is  
8 I think we're looking at the data -- you might say, "Well,  
9 before I make that decision -- I want to look at the data  
10 before I say 'Yeah, I'm going to agree with the Approval  
11 letter or not."

12 I understand why you're doing it, but we have  
13 things a little bit reversed in terms of what we're  
14 discussing. It is true that if you -- hypothetically you  
15 say, "We agree that we should stick with the Approval letter  
16 and the process of approving or disproving the contour  
17 maps." Assuming you say that, in this case, the example is  
18 we would disapprove for the reasons we just discussed.

19 MR. YOUNG: I do understand that. I don't have an issue  
20 with the construct that we've created and that's been  
21 approved for you to do your evaluation.

22 MR. WOLFF: One thing I'd like to suggest to my fellow  
23 Board members is that we're hearing staff and getting their  
24 input. But after lunch, we'll have CRLA, a 30-minute  
25 presentation, which may give us a different set of

1 MR. YOUNG: Why would that require the release of data  
2 from other areas?

3 MS. SCHROETER: I'm not understanding.

4 MR. YOUNG: What you're proposing is releasing all of  
5 the data to the public from the regulatory side; is that  
6 correct?

7 MR. ROBERTSON: Making it available on GeoTracker. So  
8 it would be a practical representation on a map of the  
9 available data points, not an interpretive contouring of the  
10 data points, including areas where you have no data.

11 So there's -- in the areas where there is no data,  
12 you would be not incorrectly biased by either unsafe  
13 drinking water or safe drinking water. You would be given  
14 information there is no data in the graphical representation  
15 on --

16 MS AUSTIN: Mr. Chair -- oh, sorry.

17 MR. ROBERTSON: Did I clarify that?

18 MR. YOUNG: No, it's not clear.

19 MS. SCHROETER: I think what we're talking about is  
20 treating different parts of the map differently. Is that  
21 what you're asking? So that, from a data management  
22 perspective, is very difficult. Right now, we are already  
23 treating all 25 individual growers in a subset of data. And  
24 then we're treating the Coalition data in a subset. So to  
25 further differentiate within the Coalitions is going to be

1 information, and then we will have CCGC give us a 20-minute  
2 presentation.

3 So I think it would help us to see big picture from  
4 all parties. So that's a suggestion. That's why I want to  
5 hold off my questions.

6 Yes, Dr. Hunter.

7 DR. HUNTER: Thank you. I appreciate the reminder to  
8 kind of refocus where we're at. I do have a process  
9 question.

10 So my understanding is that -- if you could put the  
11 process slide back up. So your point, Angela, if I can  
12 restate it to make sure I understand -- is that the one  
13 where -- don't you have one that says "Technical memo"?

14 At the point where you had two technical memos  
15 submitted, one in April and one in December, that coincided  
16 with the generation of contour maps. But the technical memo  
17 was to indicate certain kinds of information to you that  
18 could be evaluated at that point.

19 If I understand you correctly, that technical memo  
20 was to include the way in which they were satisfying the  
21 criteria for achieving confidence of 90 percent in the  
22 contour maps that accompany the technical memo. What I  
23 heard you say was that that level of detail was not  
24 provided.

25 MS. SCHROETER: I believe, if I can restate the

1 question: So the technical memo was to include the  
2 methodology they used to substantiate the findings. That's  
3 correct.

4 I believe what you're asking is sort of the  
5 evaluation, for example, of sample density, whether or not  
6 that was sufficient. That was to occur -- actually, that  
7 discussion was to occur prior to the generation of the  
8 contour maps and also the tech memo. And we didn't have  
9 that information either before contour maps or even after  
10 the contour maps were available.

11 DR. HUNTER: So the question I have is, in the Approval  
12 letter, or in the process itself that was engaged in, what  
13 options does staff have to alert CCGC that they haven't met  
14 that technical memo expectation that was outlined in the  
15 approval letter -- that they were not provided sufficient  
16 information and detail sufficient for staff to let them  
17 know -- to alert them that there are going to be some gaps  
18 here or let's discuss how those contour maps are going to  
19 address that red, blue issue relative to showing, as  
20 GeoTracker does?

21 And I think what's hard for us to grasp is no data.  
22 When there is no data on that, there is no dot. There is no  
23 number. That's what I understand. In the contour maps,  
24 with the interpreted version that CCGC attempted to put  
25 together to compile, somehow they went from red to blue with

1 may not be enough sample points. And then in our  
2 coordination meetings, we talked, you know, make sure we  
3 define our areas for the contour maps and areas without  
4 sufficient data.

5 As the sampling data came in and we talked about  
6 that in one of our coordination meetings, one of the things  
7 that came up frequently was the limitations of the data. As  
8 early as -- I think in the (inaudible) in August. I think  
9 July or August (inaudible). We saw the initial contour  
10 maps. It was at that point we expressed some significant  
11 concerns that there was missing data. And then we conveyed  
12 that to the Coalition at that meeting and phone calls and in  
13 e-mails where I laid out specific options, "What are we  
14 going today about this?" Then the Coalition came to the  
15 Water Board prior to this in the middle of December. I know  
16 there were several opportunities where we attempt to discuss  
17 this issue.

18 Now, going to your question about the white  
19 splotches on a map or trying to (inaudible) where there's no  
20 data. That is not unusual. Groups do do that. However, I  
21 do not think that will be satisfactory to the Coalition, and  
22 we will let them speak to that. The limitations are such  
23 that there are so many different areas where there is  
24 lacking data, that you start -- it's actually looking like  
25 points. If you desire anonymity and start blanking out

1 literally more or less very similar data.

2 And, in fact, if they had presented where they were  
3 lacking sufficient density, there might have been an outcome  
4 to say, "Listen that has to be a white spot and it has to be  
5 in the key that says 'insufficient data'." Not because it's  
6 their problem, but because in their membership, that's not  
7 an area they can cover or it's limited.

8 There is generally insufficient data because  
9 there's no wells or in areas that are sparse in wells -- am  
10 I'm making sense? I'm trying to understand, is this  
11 something in the process that would have been addressed had  
12 that technical memo reached your expectation or criteria?  
13 And then what is the process for letting them know you need  
14 to provide additional information before you can start  
15 contouring?

16 MS. SCHROETER: I think there's two questions there.  
17 The first one is about process and communication about the  
18 expectations relative to sufficient data. So I would say we  
19 had numerous conversations about staff concerns and sample  
20 density. I would say those concerns started really early on  
21 when we were talking about even developing contour maps.

22 At some point I think it would be fair to say that  
23 staff was reluctant because we knew in some areas there  
24 might not be enough sample points. Even very early on, as  
25 it was conveyed in the Workplan Approval letter, that there

1 areas where it's white, you don't achieve the same anonymity  
2 anymore.

3 MR. WOLFF: Okay. So what I suggest is that we take a  
4 lunch break now. And after the lunch, we will have CRLA and  
5 CCGC and comments -- speaker cards for this item which, as  
6 of now, I will close additional speakers cards for this  
7 specific item. I should have done this when we started it.

8 And then we will be the opportunity for public  
9 comment, which was in our agenda. Since we have to -- most  
10 of you have to eat outside of this building, I think  
11 providing one hour lunch is reasonable for everyone.

12 Let's reconvey at 1:30.

13 (Lunch recess.)

14 MR. WOLFF: There's one speaker card where I would like  
15 your -- we have one speaker card which indicates -- that  
16 looks to me like the Santa Barbara item. So I'd like to  
17 remind that the public comments here are for items that are  
18 not on the agenda. You requested five minutes and I will  
19 allocate three minutes. I will Dr. McGowan.

20 DR. MCGOWAN: Thank you, sir. I'm Adam McGowan. I'm a  
21 product of USC School of Medicine, and a doctorate in water  
22 quality. I was the Water Quality planner of Ventura County,  
23 rewrote the 208 Plan and Clean Water Act, and later  
24 (inaudible).

25 MR. WOLFF: Could you speak a little louder.

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1 DR. MCGOWAN: That's my credentials.  
 2 This is a continuing conversation we started some  
 3 years ago with your Board, although some of you were not on  
 4 the Board at the time. It relates to the use of recycled  
 5 water. It has nothing to do with Santa Barbara directly.  
 6 It's an old-standing issue. What we're finding, based on my  
 7 original research and then later public research and various  
 8 journals, is that the water coming out at the end of the  
 9 pipe is vastly different than the water going into the pipe.  
 10 This may be due to the recovery or recitation of stunned  
 11 bacteria, but by no means dead bacteria. That's what's  
 12 coming out of the end of the pipe, and hardly considered  
 13 safe.  
 14 It needs to be tested. That was the fly in the  
 15 ointment when I discussed this last time, was the lack of  
 16 funding to test. If I can hand these out.  
 17 MS. AUSTIN: Mr. Chair, are we in public comments?  
 18 MR. WOLFF: We are supposed to be on public comment.  
 19 MS. AUSTIN: Then, yes. Those would be accepted.  
 20 DR. MCGOWAN: I have five. You'll have to share.  
 21 The point here is that there is going to be a lot  
 22 of money available through the current administration at the  
 23 federal level for doing testing. If you turn to page three,  
 24 you will find a flyer from the State or Federal capital  
 25 dealing with antibody resistance, indicating several

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1 millions, if not billions, will be available.  
 2 On the last two pages are excerpts discussing the  
 3 antibody resistant bacteria that are coming out of the pipe.  
 4 Since this water is going on crops irrigated as well as  
 5 school yards and they're pumping antibody resistant bacteria  
 6 in levels that we cannot record because they're too high, we  
 7 think this is a public health issue that needs to be  
 8 examined.  
 9 There are many funding sources available for that,  
 10 and I'm asking your Board to work with me so we can get some  
 11 of this water tested. If there is a problem with the  
 12 ability of your Board to do this kind of cooperative work, I  
 13 would very much appreciate knowing about it so we can start  
 14 looking elsewhere. Amy Prudent, who is a world-class  
 15 researcher in this area, has been very active in this field  
 16 and is considering assisting you.  
 17 MR. WOLFF: Thank you very much, sir.  
 18 MR. YOUNG: Mr. Chair, are you going to take comments  
 19 from the Board or are you going to wait?  
 20 MR. WOLFF: On the public comments?  
 21 MR. YOUNG: Yes.  
 22 MR. WOLFF: You're welcome to ask a question.  
 23 MR. YOUNG: Dr. McGowan, we have had this discussion  
 24 before. You have come to the Board before. And my  
 25 recommendation has always been to you to go to the State

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1 Water Resources Control Board to look into options and ways  
 2 at getting this research done.  
 3 It's typically not something that a Regional Board  
 4 does on its own. It is of statewide concern, if not  
 5 national concern. I mean, I think you have a legitimate  
 6 issue here that you've raise, and I would like to see  
 7 studies done on it. But we're not a research agency. We  
 8 are a regulatory agency. We regulate discharges. We would  
 9 have no reason to order a discharger to start offering up  
 10 its effluent and pay for any kind of bacterial testing. You  
 11 should be addressing these concerns to the State Water  
 12 Resources Control Board.  
 13 DR. MCGOWAN: Can I get some assistance as an  
 14 introduction from you people?  
 15 MR. YOUNG: Well, Mr. Phil Wyles is right over here. He  
 16 is from the State Water Resources Control Board. Let me  
 17 introduce you to him. He is an attorney, very high up with  
 18 the State Water Resources Control Board. And at least if he  
 19 has your -- do you have your card Phil?  
 20 If you talk to him, he'll tell you -- he'll give  
 21 you some ideas on how to proceed. I would recommend you do  
 22 that.  
 23 MR. WOLFF: I suggest in addition, Mr. Young, that  
 24 introductions are made to Mr. Steve Moore, who also has  
 25 business cards available. Mr. Moore is our State Board

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1 liaison, and he is one of the State Water Board members. So  
 2 if you get in contact with these two individuals, I think  
 3 you'll be in good hands.  
 4 DR. MCGOWAN: Thank you very much for your time.  
 5 MR. WOLFF: Next speaker card, Mr. Steve Schmik.  
 6 MR. SCHMIK: Hello, everyone. I'm Steve Schmik with the  
 7 project in Monterey Coastkeeper. I always begin by saying  
 8 thank you for your service. You don't get paid enough.  
 9 So I'm going to bridge from sort of the desal issue  
 10 you were talking about this morning and some other issues  
 11 that are going to be happening in the lower Salinas Valley,  
 12 and I'll be trying to be very quick.  
 13 There's going to be this rush for desal. There  
 14 already is. We have this -- we were in the middle of the  
 15 drought and everybody wants water. Water for growth, water  
 16 because of drought. Water for a variety of reasons. And  
 17 the reality is we have -- and maybe this is going to bridge  
 18 from the past speaker. We are (inaudible). In the lower  
 19 Salinas, we have the drainage ditch. We've got the Salinas  
 20 industrial ponds. We have the Salinas summer storm water.  
 21 We also have the sewage. That's a bunch of water.  
 22 It's so much water that Monterey does not need a  
 23 desal plant if we were to utilize all this wastewater that's  
 24 washing around out there. So as you may know, we took legal  
 25 action against one of the agencies in Monterey County and

1 that case will be decided on February 17th. And what is  
2 very likely to come back to the Regional Water Quality  
3 Control Board is that you guys are going to have waste  
4 discharge requirements.

5 And so what's the vision for that? You've got all  
6 this wastewater. A lot of it is channeled though those two  
7 areas. You guys are going to be -- or staff is going to be  
8 part of the solution. My vision for it -- you don't have to  
9 share this. This is my vision. This is public comment.  
10 What we should have in the lower Salinas Valley is an area  
11 dotted with engineered wetlands, which would provide you  
12 with some treatment on both of those -- of those wastewater  
13 resources.

14 It will also provide some relief to the growers  
15 under the waiver. You can easily create a situation where  
16 cooperative growers, putting in a wetlands, that can get  
17 relief from some of the monitoring requirements perhaps.  
18 But then at the bottom of those things, what I'm hoping is  
19 (inaudible) is that that water gets treated.

20 And so the question before you is to what standard  
21 should you treat that water? Should it be to an  
22 agricultural standard where it can just get put back on the  
23 field? And agricultural standard doesn't necessarily take  
24 care of the nitrate, which is a big problem.

25 What I actually hope that you end up requiring is

1 complexity of operations, in order to fill out this form and  
2 the Annual Compliance Forms, some growers I know spent weeks  
3 filling out these forms. One I'm aware of spent 90 percent  
4 of their time for three consecutive weeks filling out these  
5 forms.

6 Regardless of size, members have expressed  
7 frustration with the timing of the reporting deadline,  
8 confusion on how to report crops within the deadline, and  
9 harvested after it. We also identified letters to staff  
10 about confusion surrounding (inaudible) in some cases the  
11 time period specified on the forms. The formulation of  
12 nitrogen required changed between sections on the form and  
13 the reporting requirements related to crop makers versus  
14 land makers were confusing. There were different responses  
15 to questions in certain circumstances. And we're working  
16 with staff. We would like to address these before 2015.

17 Growers following the directions provided prior to  
18 October 1 are now being asked to resubmit data. That  
19 centers around two things: Reporting by crop makers versus  
20 land makers and reporting crops. During the September Q&A  
21 provided by staff, it was stated that crops, such as  
22 brassicas or lettuce, could be grouped together so you have  
23 a similar fertilizer application rate and receive the same  
24 amount of irrigation water. Technically, there are  
25 (inaudible) crops such as brassicas or leafy greens. This

1 advance treatment. It means that it can be used for  
2 farming, but it also can be used for groundwater recharge.  
3 That's my vision. It's a vision of engineered wetlands and  
4 terminal treatment, taking the water to advanced standards,  
5 which gives you the ability to do anything to that water.

6 Thank you so much.

7 MR. WOLFF: Our next speaker card is for Abbey Taylor  
8 Silva.

9 MS. SILVA: I'm Abbey Taylor Silva with the Growership  
10 Association of central California. I wanted to comment on  
11 the 2014 compliance form. This was first required on  
12 October 1st of last year. We sent letters in November and  
13 January to staff. And I wanted to just come and do a quick  
14 overview of that.

15 We understand and very much appreciate the time  
16 that staff is working on this and how hard they're working  
17 to implement (inaudible). Chris Rose and Monica  
18 specifically have made themselves very available to us and  
19 our members by phone, e-mail, and question-and-answer  
20 sessions with my members in September.

21 Many questions were asked at those sessions. Some  
22 of which those were on the frequently asked questions list.  
23 Some of the answers provided, both in written direction and  
24 our panel, are changing. Depending on the number of crops,  
25 the size farming operations, the number of farms and

1 makes sense and is done commonly.

2 Our concern is that staff has been asking for us to  
3 resubmit this data based on a revised interpretation, which  
4 was made after the October deadline. And we very much  
5 appreciated Chris Rose, because he's been very consistently  
6 willing to discuss and work with us on this, and he is  
7 working to set a meeting in February with us and other  
8 members of the Agricultural Community. We've noted it would  
9 be most productive for staff and our members to resolve  
10 these questions in advance of the 2015 reporting deadline,  
11 instead of requiring amendments to the 2014 reporting. And  
12 we encourage staff to focus their time on working with  
13 members that do not submit their required forms in 2014.

14 Additionally, we encourage the Regional Board to  
15 hold region-wide workshops on these forms in 2015 and  
16 beyond. I think that will be most productive for all and  
17 would be appreciated by the members. Thank you.

18 MR. WOLFF: Thank you very much. Dr. Hunter?

19 DR. HUNTER: Thank you. It's always helpful to hear  
20 from you and get the updates.

21 My question for you is, you put forth some really  
22 specific, well-thought out suggestions. I'm hoping you're  
23 going to follow up in writing because I'm usually pretty  
24 good about getting to the bottom line of what you are  
25 suggesting or proposing, but I caught about half of what you

1 just said. I would love to see staff have that spelled out  
 2 and then we will start to hear some of what that looks like.  
 3 I appreciate that, but that was a lot -- you covered a lot  
 4 of ground. So I wanted you to know that that's my feedback.  
 5 Just in a verbal presentation that -- maybe I'm just slower.  
 6 It was a lot and I want to know more about it.

7 MS. SILVA: We have submitted two letters to staff in  
 8 this regard. That was just a quick summary. I'll make sure  
 9 those are provided to you.

10 DR. HUNTER: That would be great. Thank you.

11 MR. WOLFF: We will now proceed with the presentation  
 12 from the CRLA. I believe the request has come for  
 13 25 minutes and we also will hear from CCGC. And I think to  
 14 allow some questions after the CRLA presentation and then  
 15 CCGC would work best because there may be different optics  
 16 on how you look at things. And that way you segregate the  
 17 series of questions rather than waiting for the two  
 18 speakers.

19 Please proceed.

20 MS. KAN: Thank you, Chair Wolff. My name is Pearl Kan.  
 21 I'm an attorney at California Rural Legal Assistance, and I  
 22 work on water issues in the Salinas Valley. Thank you very  
 23 much for taking the time today to hear our discretionary  
 24 review item.

25 I want to begin by clarifying our question that

1 Water Code Section 13269(a)(2). From my understanding of  
 2 the staff report, it's the Regional Board's counsel's  
 3 position that this section is satisfied via the Public  
 4 Record Act Request. So my understanding is that because the  
 5 public can request the CCGC data via a Public Records Act  
 6 Request, that that process satisfies Water Code Section  
 7 13269(a)(2), which specifically applies to ad waivers, such  
 8 as the Irrigated Land Regulatory Program, which states  
 9 unequivocally, that monitoring results shall be made  
 10 available to the public. And it's our position that this is  
 11 -- adds another dimension to the Public Records Act Request  
 12 by requiring that monitoring results be made available to  
 13 the public in a way that the public can understand that  
 14 information.

15 When I make a Public Records Act Request, if I were  
 16 to make one, I would only get the information that's  
 17 submitted by CCGC at that time, and data changes all the  
 18 time. So from my understanding of what the Regional Board's  
 19 position is that the public has the burden to know when to  
 20 request information to have the most timely information  
 21 possible. The public has the burden to figure out what that  
 22 information means. It comes in column. It comes in an  
 23 Excel spreadsheet. It's not in user-friendly mass mode,  
 24 such as Geotracker GAMA.

25 My contention is that this provision was

1 we're presenting to the Board. It's a little bit different  
 2 than the staff's question, and I want to make sure that,  
 3 because this is our discretionary review item, that we're  
 4 very clear on what exactly we're asking this Board to  
 5 review.

6 So I think that with regards to the staff report  
 7 and the staff process for evaluating contour maps, that's  
 8 not something I'm going to speak about. I think that's a  
 9 separate question with regard to what's already been laid  
 10 out in the work plan with regards to contour maps itself.  
 11 Our contention is somewhat different.

12 We're challenging the underlying assumption that  
 13 contour maps are ever an appropriate substitute -- a  
 14 complete substitute for groundwater monitoring data. I want  
 15 to be very clear on the record that is what we're seeking  
 16 discretionary review of, whether contour maps are an  
 17 adequate substitute of groundwater monitoring data.

18 So as we all know, monitoring domestic drinking  
 19 water wells on discharger property, as well as primary  
 20 irrigation well, is a requirement of the order. That is  
 21 kind of the framework we're working with that folks have to  
 22 monitor and test their drinking water wells, regardless of  
 23 their in a Coalition program or it's individual monitoring.

24 Please change the slide. I want to get to this  
 25 portion of the Water Code that was brought up earlier. It's

1 specifically provided to the Water Code, to not reiterate  
 2 what's provided for in the Public Records Act, but to make  
 3 affirmative that obligation that the public should be able  
 4 to readily see monitoring results that come out of any ad  
 5 waiver program, such as the one at issue here.

6 This gets me to process. We've been talking a lot  
 7 about process. Again, the process that is at issue here for  
 8 CRLA is a threshold question of allowing contour maps  
 9 substitute data -- allowing that to happen. Now here we  
 10 have a funny situation because that outcome is the same.  
 11 The staff found that the contour maps were not sufficient so  
 12 that their recommendation is to display them on GeoTracker  
 13 anyway. That's the outcome that we want as well.

14 But we're here to talk about process. Process is  
 15 very fundamental to the whole arrangement. If we were going  
 16 through the process that was introduced by staff and the  
 17 Workplan Approval, it could easily lead to another outcome.  
 18 Right now we have the outcome that's good, in our opinion,  
 19 but it could easily lead to another outcome. This is why  
 20 process is so important and to address that question from  
 21 the very beginning.

22 So here we have, you know, a chart that is just a  
 23 sampling of the kinds of data that's available on Geotracker  
 24 for individual monitoring but that's not available for the  
 25 Coalition. But basically, none of this information is

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1 available on Geotracker GAMA. For folks who are on  
 2 GeoTracker GAMA, they're under the data of that Irrigated  
 3 Lands Regulatory Program. They see everything except for  
 4 the CCGC monitoring wells.

5 I think that poses a question of whether that's  
 6 equitable and whether that's misleading and whether that's  
 7 fair for this subset of dischargers to be allowed to display  
 8 their monitoring information in a way that has a privacy  
 9 measure already in place with a half-square mile  
 10 (inaudible). There's a privacy measure in place that they  
 11 are still not required to display this data-set on  
 12 Geotracker GAMA.

13 Next slide, please. I want to go back to the  
 14 language of the Water Code because I think, again, we're  
 15 conflating some issues here. Contour maps are not  
 16 monitoring results. They are interpretations of data. I  
 17 think we can all agree that an interpretation of data is  
 18 very different but closely related to the data itself. It  
 19 utilizes data to make an analysis. As we all know,  
 20 interpretations are subjective. Data is data. Data is  
 21 objective.

22 This goes to -- prior to lunch, when we were  
 23 debating the different versions of contour maps, this is why  
 24 data is such a necessary alternative to having this debate.  
 25 People need to come to their own interpretations. We

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1 shouldn't have to be a hydrogeologist to be interpreting  
 2 water quality data.

3 In addition to Water Code Section 13269(a)(2),  
 4 there's also the Groundwater Quality Monitoring Act. This  
 5 was put into law back in 2001. The impetus behind this was  
 6 because there was so much data and all these different  
 7 spaces that had to do with groundwater quality, the  
 8 legislature recognized that in order to make this  
 9 information publicly accessible in a way that's  
 10 comprehensive, in a way that's easily useable, that the  
 11 State Water Board shall integrate existing monitoring  
 12 permits. This is in Water Code Section 1078(1)(a). That's  
 13 an affirmative obligation for the Water Board to integrate  
 14 existing monitoring programs.

15 If you allow a subset of dischargers to submit  
 16 contour maps in lieu of actual groundwater monitoring data,  
 17 you go against the statutory language of integration because  
 18 by doing so, you are separating out the data in such a way  
 19 that does not integrate the data.

20 Geotracker GAMA is really important here because it  
 21 implements that law. It actually is a program that  
 22 implements the Groundwater Quality Monitoring Act, which,  
 23 again, has the statutory goal of improving comprehensive  
 24 groundwater monitoring and increasing the availability to  
 25 the public of information about groundwater contamination.

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1 This is something the legislature recognized as critical and  
 2 codified into law for the State Water Board to affirmatively  
 3 integrate the information. And Geotracker GAMA is a  
 4 solution to that.

5 Now, GeoTracker GAMA is comprehensive, integrated,  
 6 publicly viewable, contains over 125 million data records  
 7 from a whole host of data sets, including the Irrigated  
 8 Lands Regulatory Program. So any stakeholder can go on this  
 9 website and see information coming out of the Irrigated  
 10 Lands Regulatory Program. There's about 2,500 individual  
 11 wells that's displayed currently, except for the CCGC  
 12 monitoring wells.

13 Now, based on what Board Member Delgado said, it's  
 14 a small subsection of wells. That's true, but I think on  
 15 the flip side of the argument, I don't see a compelling  
 16 reason to allow that subset to not display their information  
 17 on the website when -- not only the Irrigated Lands  
 18 Regulatory Program, but all these other different programs  
 19 display their information on GeoTracker GAMA with the  
 20 appropriate privacy measures.

21 I want to go to what was -- what I found  
 22 interesting in the staff report was the energy and resources  
 23 that go into keeping this data away from the public.  
 24 There's a substantial amount of resources that go into  
 25 keeping these 469 wells' information off public view. The

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1 mechanisms exist now to display them on GeoTracker GAMA, but  
 2 in order to take them away from public view, we spend more  
 3 staff resources and more time to do so.

4 And I think, you know, the question for the Board  
 5 is whether this is a good use of staff resource and staff  
 6 time to use that resource to keep information away from the  
 7 public.

8 Finally, here is a screen shot of what GeoTracker  
 9 GAMA looks like. You can see on the environmental monitor  
 10 status that there would be a Land Regulatory Program there,  
 11 as well as all the other data sets. This is what it looks  
 12 like. So I want to go to the point that some of you might  
 13 be wondering is, why does the public need this data? Why is  
 14 it so important for the public to have this data?

15 Aside from just the principal of public access to  
 16 local government, you know, I work with different nonprofits  
 17 and different organizations where their goal is to further  
 18 drinking water -- safe drinking water for folks in the  
 19 central coast. And this information is really useful for  
 20 figuring out where contaminated wells are, if you want to  
 21 consolidate a project, if you want to look for a well that  
 22 might be a good place to consolidate with, it's a good place  
 23 to start to figure out what those solutions might look like.  
 24 It makes it easier for folks who are doing work on the  
 25 ground to have that information and access it without having

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1 to jump through hoops to figure it out for themselves.  
2 That's to kind of highlight some of the reasons why  
3 this information might be useful for the public, in addition  
4 to just for the public's right. I also want to emphasize  
5 something Ms. Schroeter brought up in her report. In  
6 condition 63 of the order you all adopted -- well, some of  
7 you weren't on the Board then -- it was made that the  
8 format -- the format submitted for this groundwater  
9 monitoring data had to be compatible with the geographic  
10 (inaudible). So you all agreed to this. It was later on  
11 when contour maps were introduced.  
12 I think we have to take a step back and figure out  
13 what were we thinking then, you know, the principal of what  
14 was behind this order, why we had this discussion, and  
15 whether this type of back and forth is bringing us toward  
16 progress or taking us down another path that has to do with  
17 something else besides improving water quality.  
18 So I want to hammer in the point that contour maps  
19 are not groundwater monitoring results and our discretionary  
20 review should not just focus on the method in which contour  
21 maps are going to be approved, but it takes a step back and  
22 asks that threshold question whether contour maps are ever  
23 appropriate for actual groundwater monitoring data.  
24 Since there is some overlap between process and  
25 outcome and substance here, I want to read additional

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1 findings from the staff report that kind of highlight why we  
2 shouldn't be getting ourselves into the contour maps  
3 territory, which is highly interpretive, subject to lots of  
4 questions, and they're not the data themselves.  
5 So the staff finds the contour maps submitted are  
6 highly interpretive. The groundwater monitoring data  
7 reported to the Central Coast Water Board findings may be  
8 interpreted visually in a number of different ways,  
9 depending upon the underlying assumption the input is used.  
10 You need to kind of come up with underlying assumptions  
11 first to create that contour map. And that contour map can  
12 look very different depending on what assumptions you  
13 utilize to begin with.  
14 I think for the purposes of displaying these  
15 contour maps to the public -- you know, from a lay person,  
16 and I consider myself a lay person, I'm not sure what I'm  
17 supposed to take away from the contour map. I know if I go  
18 on GeoTracker GAMA, I can see exact well information. I can  
19 understand those data sets. I don't know what I'm supposed  
20 to take away from a contour map. What is it supposed to  
21 tell me that I couldn't find in the data myself or come to  
22 my own conclusion?  
23 Is that what we want to set up, is for people to  
24 not be able to come to their own interpretation? Again, I  
25 want to emphasize that in other groundwater situations where

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1 contour maps are provided, the data is also provided but  
2 here we just have the maps. The maps are the interpretation  
3 of the data themselves, as it's spelled out in the  
4 Coalition.  
5 So in conclusion, CRLA respectfully requests the  
6 Board to display the groundwater monitoring results on  
7 GeoTracker conflicted with individual monitoring results,  
8 revoke the use of the contour maps as a substitute for  
9 actual groundwater monitoring results under the Workplan  
10 Approval, and state on the record that any future  
11 (inaudible) must not submit in terms of data and use actual  
12 groundwater monitoring results.  
13 And because this is a hearing for discretionary  
14 review, I ask that, you know, when you make a determination  
15 with regards for our discretionary review item, that you  
16 make that clear on the record. Thank you.  
17 MR. WOLFF: Thank you very much. I will open it now to  
18 questions from my fellow Board members and also, if counsel  
19 has any input.  
20 MS. AUSTIN: Just to direct your attention to  
21 Condition 63 that was referenced earlier and that had to do  
22 with submission of groundwater quality data in EDF format to  
23 GeoTracker, the actual statement in that condition is  
24 groundwater quality data must be submitted in a format  
25 compatible with EDF used by the State Water Board GeoTracker

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1 data management system, or as directed by the Executive  
2 Officer. So there's a second part of that.  
3 MR. WOLFF: Thank you for the clarification. Starting  
4 on my right. Mr. Young.  
5 MR. YOUNG: Question for counsel: So Water Code Section  
6 15269(a)(2), is that requirement satisfied through releasing  
7 data through a Public Records Act Request or does that Water  
8 Code section impose some other obligations on our release of  
9 information?  
10 MS. AUSTIN: You're talking about the monitoring  
11 requirements?  
12 MR. YOUNG: Yes. The monitoring results shall remain  
13 available to the public.  
14 MS. AUSTIN: Correct. This particular section does not  
15 specify, for example, the format.  
16 MR. YOUNG: Yeah, it doesn't. By making the data  
17 available to a Public Records Act Request monitoring  
18 results, does that sufficiently comply with the statute.  
19 MS. AUSTIN: Well, that's certainly my argument.  
20 MR. JOHNSTON: Your argument is yes, it does?  
21 MS. AUSTIN: It does. The monitoring results shall be  
22 made available to the public. So the Board's intent through  
23 the -- the Board's intent with the order and subsequently  
24 the work plan intends the data itself is available to the  
25 public. The contour maps are an additional tool that can be

1 presented on GeoTracker for purposes of interpreting that  
2 data.

3 MR. YOUNG: But the actual results are released upon the  
4 Public Records Act?

5 MS. AUSTIN: They are currently.

6 MR. YOUNG: So that's my question. Does that satisfy  
7 the Water Code section in your opinion?

8 MS. AUSTIN: Yes, it does. I think there may be some  
9 confusion with the groundwater (inaudible). And there's a  
10 slide on this, I don't know if we can go back to it, that  
11 talked about "The State Board shall integrate existing  
12 monitoring and new program elements into GeoTracker. Is  
13 that the one? The state shall do all of the following:  
14 Integrate existing monitoring programs as necessary to  
15 establish a comprehensive monitoring program." And it says,  
16 "And other statistically reliable sampling approaches."

17 I think that's where we got into the conversation  
18 earlier today with Ms. Schroeter concerning the statistical  
19 reliability of the contour maps and whether those would  
20 function in that same way.

21 MS. KAN: I also want to specify that it does say  
22 "direct and." It's not "or." It's "direct and."

23 MS. THOMASBERG: A few questions. Your statement is  
24 based on my rapid reading in the last two weeks, my  
25 understanding is that the ultimate goal for these data

1 MS. THOMASBERG: Then the third point is -- I think this  
2 has to do with interpretation and trained personnel making  
3 interpretations. And many trained people can make that same  
4 interpretation because they're all trained with the same  
5 education, such as professional geologists, professional  
6 engineers.

7 So now my third statement is, do the public really  
8 know and understand that well construction -- if we have a  
9 depth of a well below the ground surface less than 400 feet,  
10 do those people really understand that the construction of  
11 the well as bearing on that water quality data? So  
12 therefore, is that really -- are you really making a correct  
13 statement that the public can judge for themselves and  
14 interpret these water quality data?

15 MS. KAN: What I'm saying is that when you have data  
16 available and when you disclose that data in a way that is  
17 as unadorned and uninterpreted as possible -- the  
18 assumptions that I'm talking about here are the assumptions  
19 that go into creating a contour map. Now, just in the  
20 common usage of "assumption," sure, people approach data  
21 with all kinds of assumptions and I can't speak to that.

22 But I think in order to have an informed  
23 citizenry -- an informed public, it's an obligation to  
24 provide them with the data itself. Not to give them a  
25 version of the data, an interpretation of the data. You

1 (inaudible) and for the cooperative sampling program  
2 individuals is to characterize the groundwater quality; is  
3 that correct?

4 MS. SCHROETER: It's actually much more specific than  
5 that. The purpose is to characterize (inaudible) shallow,  
6 to prioritize areas, individual farms and a whole number of  
7 specific things.

8 MS. THOMASBERG: So the first statement is correct?

9 MS. SCHROETER: The first part is.

10 MS. THOMASBERG: With the understanding there's a lot  
11 more than that.

12 With that in mind you made a statement the public  
13 would want to make their own interpretation; correct?

14 MS. KAN: Yes.

15 MS. THOMASBERG: Then my next question is, for the  
16 public -- this is just a scenario. You don't have to answer  
17 it. It is -- and I'm sure there's a plethora of answers for  
18 this for the public person is, what are the assumptions  
19 they're making? That's just a statement, not a question,  
20 and the answer doesn't need to be there. This is -- I'm  
21 going to rephrase it.

22 The public are making assumptions based on their  
23 own experience and education. Is that fair?

24 MS. KAN: You can finish your statement and I can  
25 address it.

1 know, there are many qualified hydrogeologists, and I'm not  
2 saying that contour maps are not helpful. I'm not say that  
3 they are not instructive. I'm not saying they're not  
4 useful. What I'm saying is that when you substitute data  
5 for contour mapping itself, you're taking away the public's  
6 right to the data itself -- the underlying data.

7 MS. THOMASBERG: My last question for you is, with the  
8 statement you just made that the contour maps complement the  
9 data; is that correct?

10 MS. KAN: Uh-huh.

11 MS. THOMASBERG: So therefore, if the contour maps are  
12 sufficient to give the public a road sign, then -- if  
13 they're interested, then they can request the data through  
14 the Regional Board. I don't understand why the road-sign  
15 method with the contour maps wouldn't be sufficient for the  
16 public purposes.

17 MS. KAN: Well, I think the road sign metaphor depends  
18 on what kind of road signs you're putting up and whether  
19 folks can read the road sign. If you're giving me a contour  
20 map and you tell me there's a sign on it that it should be  
21 alerting me to something, I'm not sure I can determine that  
22 for myself.

23 I'm just speaking for kind of my own experience as  
24 a public -- a member of the public, my experience in data  
25 and interpretation of data. When I look at the map on

1 GeoTracker GAMA with testing results, I see the data there.  
2 It's no interpretation. It's just there. So that, to me,  
3 is what we should start off with, and that to me is what we  
4 should allow the public to see, not to provide an alternate  
5 procedure, more hurdles and more difficulty to the public to  
6 even access that data themselves.

7 MS. THOMASBERG: I find that interesting because if I  
8 was a public person, I would want to see the map. Well, let  
9 me check in this area. I need to request those data for the  
10 specific area around King City.

11 MS. KAN: Well, if I'm not mistaken, you have a  
12 background in hydrogeology.

13 MS. THOMASBERG: Yes.

14 MS. KAN: Not all of us are fortunate enough to have  
15 that background.

16 MS. THOMASBERG: I don't think you need that -- if I  
17 want to buy a house around King City, I'm going to request  
18 the data around King City. That's not hydrogeology. That's  
19 a knowledge of something under the ground. Anyhow, thank  
20 you.

21 I do still have one question for Angela that I  
22 don't really know, at this point in time, if it's changed  
23 with our large municipal wells, the water quality for those  
24 wells, and the depths. Are those in GAMA GeoTracker?

25 MS. SCHROETER: For the large municipal wells, those

1 recommendations, in the area covered by these contour maps,  
2 there's a fair chunk of domestic wells that would not show  
3 up because they are wells that are on either individual  
4 homes or small systems and they are not on properties  
5 regulated by the area landscape.

6 So there was no requirement to test them. Part of  
7 my hope, from the contour maps, would be to be able to inform  
8 people in using water from those wells as to what the  
9 likelihood was that their water was contaminated.

10 Do you have any idea how many of those wells there  
11 are in the area covered by the contour maps that would not  
12 be reported in GeoTracker, even if we were to adopt your  
13 recommendation?

14 MS. SCHROETER: I'm not -- I don't have the number in  
15 front of me. I can easily get it. We talked about those  
16 wells as part of that July 2014 Board meeting. It's in the  
17 tens of thousands of wells for the Salinas Valley. I can  
18 look at it specifically.

19 MR. JOHNSTON: I'd like to hear your thoughts on that  
20 because my concern is, are those people -- and, once again,  
21 we're talking -- we're not talking about whether the maps as  
22 is delivered were acceptable. That's a separate question.

23 We're talking about the process and your concern  
24 about substituting contour map data for simply direct data.  
25 And I would just like to hear what you think about that

1 have been there for a very, very long time.

2 MS. THOMASBERG: Cal Water?

3 MS. SCHROETER: Yes, probably at least 10, 15 years.

4 MS. THOMASBERG: They put it through GeoTracker and  
5 uploaded it?

6 MS. SCHROETER: Yes, as do dry cleaners sites.

7 MS. THOMASBERG: Are we talking about municipal wells --

8 MS. SCHROETER: Any --  
9 (Speaking simultaneously)

10 MR. HARRIS: Angela, don't the municipal wells come over  
11 from the Drinking Water Program? They come over but they  
12 are in GeoTracker?

13 MR. ROBERTSON: Yes, they do. The water logs come  
14 from -- there's water quality information.

15 MR. YOUNG: But the location of the wells are blurred;  
16 is that correct?

17 MS. SCHROETER: That's correct. Consistent with what  
18 (Inaudible) for the individual grower.

19 MS. THOMASBERG: Thank you.

20 MR. JOHNSTON: Good afternoon. I was one of the members  
21 of this Board who was quite willing to give the contour maps  
22 a try subject to them having a sufficient grain of data to  
23 really give useful information. And part of the reason I  
24 was is that there -- my understanding is that there's a fair  
25 chunk of wells that -- even if we were to follow CRLA's

1 because, you know, my thought is those people would be  
2 better served by a good contour map that gives them a high  
3 level of confidence as to what the water in their well is  
4 going to look like when their well isn't going to show up on  
5 GeoTracker no matter what we do because we don't have that  
6 data.

7 MS. KAN: Right. My understanding is that from Matt's  
8 presentation last July is that the Regional Board can  
9 produce those maps as well.

10 MS. SCHROETER: That's correct. We get data and these  
11 point maps on GeoTracker and also produce the contouring. I  
12 think in this case contouring, as Ms. Kan suggested, is  
13 helpful as a supplement for that purposes.

14 MR. JOHNSTON: You're saying that the Regional Board  
15 staff has the resources to do the work the Coalition was  
16 doing at the level they were doing it with a confidence  
17 level that would be acceptable to us?

18 MS. SCHROETER: I don't think we would do it the same  
19 way. I think we -- what we traditionally do is produce the  
20 point maps first. And then we decide, when we have  
21 sufficient data, to do the contours. We don't -- we  
22 wouldn't do it the same way and we always rely on the actual  
23 data.

24 MR. WOLFF: Thank you. Dr. Hunter.

25 DR. HUNTER: Thank you, Pearl, for your presentation.

1 So I just want to clarify for myself, your point is  
 2 that the contour maps represent synthesized data. And in  
 3 that sense, it is possible for someone, whether you're a  
 4 resident, whether you have specialized training -- you can  
 5 be a highly experienced expert in groundwater and you still  
 6 would not know what the various assumptions are; what was  
 7 included and what was excluded. It's not possible to tell  
 8 from the contour map.

9 Therefore, the GeoTracker system, which was  
 10 designed to meet the intent of the (inaudible) created a  
 11 database through which different types of data could be  
 12 collected, and within that data, if I understand correctly,  
 13 you can interrogate different data. You can look at depths  
 14 of wells.

15 I don't know what other contextual information is  
 16 available through GeoTracker, but the well depth is part of  
 17 whether it's a drinking water well or whether it's  
 18 irrigation. So there is inherent, in the GeoTracker system,  
 19 a number of factors that would be applied. In the case of  
 20 what concerns do I have -- am I drinking out of a small,  
 21 private well? What is the likelihood it's contaminated? If  
 22 I go to GeoTracker, I can have a starting point that would  
 23 show me how many are there to sample and give me a chance to  
 24 start to pursue the information and perhaps even go to  
 25 Environmental Health and others who could help me interpret

1 So I would like to understand from the staff -- I  
 2 understand we're not here to talk about the maps. But the  
 3 fact is, on this ground, the maps are not -- have been  
 4 determined to not meet the criteria established in the  
 5 Workplan Approval letter. That's on another track.

6 But it does give me pause that maybe this was  
 7 harder to accomplish. Maybe it was more complicated than we  
 8 realized and maybe that leads forward to actually getting a  
 9 perspective of what we can accomplish in reality. That's  
 10 where I stand right now. Because I was very encouraged by  
 11 the Coalition's proposed design and strategy and effort to  
 12 develop a cooperative and bring in reluctant -- maybe that  
 13 that's not the best way to characterize it -- operators who  
 14 felt the challenge, who felt burdened, and who felt that by  
 15 working in your collaborative, formalized process, that they  
 16 would be able to achieve compliance.

17 So there are all these factors floating around.  
 18 And we're starting to see that (inaudible) and listen to the  
 19 remaining presentations. I just wanted to be sure about  
 20 your argument -- the heart of your argument. You can let me  
 21 know if I'm on track or not.

22 MR. WOLFF: Mr. Delgado?

23 MR. DELGADO: Chair, is this the time to ask questions  
 24 of staff based on CRLA's presentation? I don't have any  
 25 direct questions for the speaker, but thank you.

1 that.

2 If I was really, seriously concerned, that would be  
 3 a process that could be engaged in. A community group could  
 4 do it. An individual could do it. A consultant could do  
 5 it. So the problem that you're presenting from your  
 6 perspective is that the synthesized presentation, there is  
 7 no pathway there to go back into the original information to  
 8 say, "This is the same conclusion that I reached." That is,  
 9 to me, a fundamental step in the scientific analysis is that  
 10 you have the option to take that data and determine if you  
 11 come to the same conclusion or not.

12 I think -- it was our hope, and it is our hope,  
 13 that the work of the Coalition would take the additional  
 14 setup and would help to generate this regional perspective  
 15 that we felt had value. That was, at least in my mind, that  
 16 was the starting step to aggregating the data. We were  
 17 taking a leap forward from the individual data sampling  
 18 because it wasn't being synthesized.

19 So that was the expectation. Here we are now and  
 20 questions are being raised and your organization is one that  
 21 has come forward, and after having seen the process now  
 22 played out, your question, I think, is valid and is one that  
 23 we're now here discussing because there's merit in the  
 24 issues and in the limitations. They're inherent in the  
 25 way -- the outcome so far.

1 MR. WOLFF: If you have a question that is associated  
 2 with the CRLA presentation, this is the right time. As I  
 3 mentioned, I think it's valuable to keep the questioning in  
 4 the context of the presenters. So CRLA had made some  
 5 points.

6 Mr. Harris, did you have a --

7 MR. HARRIS: Listening to Vice Chair Hunter, made me  
 8 think that -- maybe it was stated earlier. I want to  
 9 restate it if it was. The GeoTracker doesn't store  
 10 interpretive -- typically it doesn't store interpretive  
 11 information. It only stores raw data. If you think about  
 12 it, it makes sense because that way it's left up to  
 13 individual consultants and government agencies who use it to  
 14 draw their own conclusions using the data in there. It does  
 15 not have the capability to draw contours or anything like  
 16 that.

17 MR. DELGADO: There was some discussion about the Public  
 18 Records Request Act providing the legally required access to  
 19 data. So my question is, when someone puts in a Public  
 20 Records Request, would they get the spreadsheet -- what kind  
 21 of maps would they get? Would they get the GeoTracker maps  
 22 with all the dots that we saw?

23 MS. SCHROETER: I can answer this question because we  
 24 have a hundred Public Records Request Act to deal with. One  
 25 of the points on the slide was that if we put the data out

1 there, it avoids the resources we have to spend (inaudible)  
2 all these Public Records Act Request.

3 Essentially, what they get is the raw data in  
4 tabulated form. They don't get a GeoTracker map. They get  
5 columns that say the well name, the location, the nitrate,  
6 basic information. I do hear from the folks who have  
7 requested data, for example, (inaudible) and students who  
8 request it, it's not an easy process to go from the tabular  
9 data to a map. It does require knowledge of Excel or some  
10 other type of program that requires GIS. That's the whole  
11 purpose of why GeoTracker was actually built was to be able  
12 to put the data in a format that's easily viewable.

13 MR. DELGADO: Can you show us that slide and the map  
14 with the dots? So if I go to GeoTracker today, I can see a  
15 map similar to that with dots that represent half-mile  
16 blurred locations of wells, and I can track through this  
17 spreadsheet that's attached to that map, what the data is  
18 behind those dots.

19 MS. SCHROETER: This is a map -- what you're looking at  
20 here is -- this is a map of the public side of GeoTracker.  
21 This box here says Irrigated Lands Regulatory Program. That  
22 means that data is turned on. In addition, there's all  
23 these other data sets, public supply wells, the GAMA  
24 domestic wells are here, the GAMA (inaudible). That's why  
25 there's so many dots here. All data sets are turned on.

1 because the technical memorandum includes several maps.  
2 It's unclear to staff which map is intended to be the  
3 contour map that is posted on GeoTracker.

4 Staff has assumed, through discussions through the  
5 consultant, that one map that's entitled -- "Estimated  
6 Nitrate Concentrations" is the one that would get -- the one  
7 on GeoTracker. That map doesn't say anything about data  
8 that's been excluded with the exception of the data  
9 that's -- it doesn't say anything about the confidence  
10 intervals associated with that data. There is a little bit  
11 of information that's not available to the public.

12 MR. DELGADO: Okay. Through staff communication through  
13 the Coalition, if staff communicated the Coalition contour  
14 maps would be best if the viewer of those maps was educated  
15 about the assumptions of the confidence intervals relevant  
16 to that map, don't you think that would be a fairly easy  
17 thing to do?

18 MS. SCHROETER: In April 24, we submitted a map of  
19 Salinas Valley. Staff provided ten pages of comments to  
20 that map. One of those comments was it needs to include the  
21 confidence intervals. It needs to tell the data that's  
22 excluded. It needs to say what the data -- the purposes it  
23 was excluded for and several other things. The confidence  
24 level, for example, were not corrected on the version  
25 submitted in 2013.

1 If you click on any one of these dots here, it  
2 shows the concentration of all the data associated with  
3 that. In addition, what's great about GeoTracker and how  
4 staff uses it is (inaudible). You can see wells with  
5 results. I can put in arsenic here and it will light up all  
6 these dots that have arsenic. You can pull from these  
7 numerous data sets.

8 MR. DELGADO: Okay. So if I'm a farm worker, and I have  
9 a family health issue and I have lived in a small labor camp  
10 and educated enough to get on here and see this visual and  
11 click on some dots that are closest to where I live, I can  
12 get some information.

13 Anywhere on that website would I know that it  
14 doesn't include 470 dots, or however many wells are not  
15 publicized? Will I know some are missing that are available  
16 to me if I do a Public Records Request act?

17 MS. SCHROETER: Not at this time because the way it was  
18 portrayed would assume everything was there.

19 MR. DELGADO: My other question is regarding the CRLA's  
20 discussion about consumption. According to the Board plan  
21 that the Coalition is doing its best to comply with, when  
22 they provided the contour maps, do those maps tell the  
23 viewer of the maps the assumptions and the confidence  
24 intervals behind the map?

25 MS. SCHROETER: It's a difficult question to answer

1 MR. DELGADO: My last question that came up during the  
2 CRLA presentation was staff resources. You kind of covered  
3 that when we went over the notification letters several  
4 months ago that there were staff resources and time that it  
5 takes to -- to take this away from public view.

6 So my question about staff resources is,  
7 considering the time that you spend on Public Records Act  
8 Requests because of the need to do that for some of the  
9 information, and considering the time you've taken to sort  
10 through to take that information off, if that time was  
11 instead used, would it be enough to have the State Board  
12 staff produce contour maps that show the assumption,  
13 et cetera, and put those as a useful addition to the raw  
14 data?

15 MS. SCHROETER: Yes.

16 MR. DELGADO: Would it be less time for you to do these  
17 contour maps than it is for the task you're doing in order  
18 to keep the information away from the public outside of the  
19 Public Records Request Act?

20 MS. SCHROETER: Would there be less time?

21 MR. DELGADO: Is it about equal the time you take to do  
22 your own contour maps to the time you're already spending,  
23 or is it even less time to do the contour maps than the time  
24 you're spending to keep some of the information out of the  
25 public view?

1 MS. SCHROETER: We spend an enormous amount of time  
2 trying to keep this out of the public view, not just  
3 Regional Board staff time, but State Board staff time as  
4 well as for GeoTracker.

5 MR. HARRIS: To answer your question, if I'm  
6 interpreting correctly, just because the State Board does  
7 the contouring, it's not going to stop Public Records  
8 Request Act for the raw data.

9 MS. SCHROETER: Well, the Public Records Act --

10 MR. DELGADO: My question is -- I should have said that  
11 my assumption was that if we made the information public so  
12 the staff resources wouldn't have to go to Public Records  
13 Request Act to get the information to the public, would that  
14 save us time -- save us more besides just making the contour  
15 maps ourselves? Would it leave more time left on top of  
16 that to do something else to work with the growers, to get  
17 some other goals, mutually desired goals accomplished?

18 MS. SCHROETER: Yes.

19 MR. HARRIS: One thing before we leave the slide, I  
20 think it's important to note we're just looking at wells  
21 here. And you heard the comment earlier it's 125 million  
22 data points in GeoTracker. If you turned everything on,  
23 which you would see onto a very high level of precision in  
24 terms of the location data, is everything we regulate,  
25 whether it's the DOD sites, dry cleaners, landfills.

1 words, looking at this map that's up here right now on the  
2 public side, you know, if we were just to consider, "Okay.  
3 We've got -- there's some wells that are hidden." If that  
4 was added to this, would it change the information  
5 appreciatively available to the public?

6 MS. SCHROETER: I believe, yes. The reason I believe  
7 that is because the Central Coast Water Coalition membership  
8 is -- well, it's region-wide, but they're heavily weighed in  
9 Monterey County. So the subset of wells available in  
10 Monterey County is pretty slim for the individuals. They're  
11 mostly in the Coalition. And interestingly, that is also  
12 the data where we have very high level of -- so that data is  
13 not published.

14 MR. ROBERTSON: So if I can just add onto that. Some of  
15 the information from CCGC, approximately half of the  
16 wells -- approximately half of the 469 you mentioned are in  
17 the Salinas Valley. So to Ms. Schroeter's point, there's a  
18 bias towards --

19 MR. YOUNG: So it does add considerable information?

20 MR. ROBERTSON: Yeah, better pixelation in the  
21 Salinas Valley.

22 MR. WOLFF: So I think this concludes the questions and  
23 clarification we have. So I want to thank you very much.

24 Could you turn the lights on please. So next we  
25 have the Coalition, which has requested 20 minutes.

1 I know John is most familiar with the ten-mile long  
2 perchlorate boom in Morgan Hill area. And all of those  
3 wells and all that data impacted -- how many domestic wells  
4 did that impact?

5 MR. ROBERTSON: A couple hundred.

6 MR. HARRIS: That is available and individual well  
7 owners were able to pull that data and look at it with a  
8 very high level of precision. And that's true for all the  
9 data points. They're all -- to remind everybody, these are  
10 the only ones we don't show. Everything else is made  
11 publicly available.

12 MR. WOLFF: Mr. Young?

13 MR. YOUNG: Thank you, Mr. Chair.

14 For staff, we've got 469 wells that were not  
15 producing that data on the public side of GeoTracker;  
16 correct? That's the Coalition data?

17 MS. SCHROETER: That's what we knew at the time of the  
18 staff report. I do believe there's some additional data  
19 that's been reflected.

20 MR. YOUNG: So there's about 2,500 wells from the  
21 individual wells that is coming up on the public side. So  
22 there's an additional, like, 18.5 percent information that  
23 could be added to the 2,500, something like that.

24 Do you know whether the addition of the 470 wells  
25 changes the information available to the public? In other

1 MR. KLASSEN: Chair Wolff, members of the Board, here I  
2 am again. I want to start off by saying your review of the  
3 process for approving the maps are -- I believe it's  
4 adequate. You came up with a good process to lay out the  
5 information that needed to be put together to have -- create  
6 these maps.

7 Well, we disagree with the staff conclusion that  
8 the contour maps are not adequate. Set aside  
9 discretionary -- you're supposed to be thinking with both  
10 sides here on those two issues. I want to just focus on the  
11 discretionary review. The other thing that hasn't been  
12 brought out is that, at least from what I can pick out, is  
13 all the staff report is on our technical memos.

14 These were preliminary reports. They were put  
15 together -- volunteers put them together to give staff a  
16 chance to go back and forth with what we were doing -- what  
17 we were developing because this has been acknowledged. This  
18 has not been done before. We submitted the maps in April,  
19 lots of comments came back. We made the changes, submitted  
20 the changes. And here are our changes before you make any  
21 decision about whether contour maps should go forward.

22 We have not sat down with staff to talk about their  
23 concerns about our draft maps. Our draft characterization  
24 report is due a week from Monday. Steve is not here today  
25 because he's working on that draft characterization. We're

1 putting a lot into our final report. That's going to take  
 2 what we've been hearing from staff, constructive comments,  
 3 and fix this so we have an adequate characterization of  
 4 groundwater in our Coalition region. This is what we've  
 5 been driving for since we started this whole program.

6 And the other thing that was mentioned was we  
 7 should have never had the contour maps in the first place.  
 8 If we wouldn't have had the language in that we could do the  
 9 contour maps, try to do as best we can, get as much data as  
 10 we can, I wouldn't even be standing here. No one would have  
 11 joined the Coalition. If today these maps are thrown out, I  
 12 go back to the Coalition and tell them, "Well, the work plan  
 13 didn't happen," the next WDR is not going to be a fun  
 14 undertaking because here we are.

15 We didn't even submit our final report yet and  
 16 you've essentially thrown out the guts of our report if that  
 17 happens. That's something that should be brought to mind.  
 18 There's a lot of technical issues to discuss. I just want  
 19 to make those comments before I go into the slide.

20 The other thing too is we are working to deliver  
 21 those (inaudible). As I mentioned, Steve is working on the  
 22 draft report. We did have to ask for a couple extra weeks.  
 23 Thank you, Jen, for giving us those. This is going to feed  
 24 into what we do in our draft report.

25 The other thing I wanted to say is that I was

1 mapping, the health impact or the health benefits that are  
 2 going to come from the contour maps, kind of off the table  
 3 now.

4 We sampled all the wells -- individually sampled  
 5 all the wells. Set that aside for a minute. I think you  
 6 should be confident that between the individual program with  
 7 staff and us, that I think the health threat for agriculture  
 8 domestic wells is in good shape. I'm going to launch into  
 9 my slides here. I know we have a couple of new Board  
 10 members. I just want to run through some of the statistics  
 11 that we have on membership. It's approximately 78  
 12 landowners and operators. It's about 200,000 acres. That's  
 13 approximately half of the irrigated acreage in the Central  
 14 Coast region. As you can see the split, it is predominantly  
 15 about two-thirds of the acres in that quadrant and about a  
 16 third of it is in southern area.

17 This is kind of small. You can see here the  
 18 breakdown of the exceedances as was mentioned earlier about  
 19 half of the exceedances are coming out of the Salinas  
 20 Valley. Most of the domestic wells are located there. The  
 21 total number of wells -- we sampled about 1,100 wells, some  
 22 of them twice. The domestic wells are totaling 672. The  
 23 reason why is we had the individual programming in the south,  
 24 so we sampled once in the -- last winter and again this past  
 25 summer.

1 hoping to come here and give you an update on what we're  
 2 doing on solving the problems we've begun to identify. I  
 3 came over here to Salinas Valleys to work on BMPs and now  
 4 let's start working on nitrates. I'm doing it in Central  
 5 Valley, and that's what I want to do here. Instead, we're  
 6 talking about contours -- we're spending a lot of time going  
 7 back and forth on these. We meet with our attorneys, with  
 8 our technical people. We need to do that because we want to  
 9 make sure there's a good plan.

10 Angela pointed this out. We came forward with the  
 11 contour mapping. The idea was we didn't -- we didn't know  
 12 how many wells we were going to get. We had no idea. We  
 13 heard 2,500 wells. So we said, "Let's do contouring so we  
 14 don't have to sample 2,500 wells." Well, we got 400 or 500  
 15 wells, so that's good.

16 This was adopted at a time when we didn't have a  
 17 clear sense of what we're going to get. Now we have both  
 18 our members. We have the individual members. We have the  
 19 other data. It's coming together so we can develop these  
 20 contour maps.

21 The other thing is the -- we didn't want to have to  
 22 sample every well because we would be able to tell people,  
 23 with confidence -- we expected that if you have high nitrate  
 24 wells, you better -- you might have a health risk. State  
 25 Board came and said, "No, sample every well." So really the

1 We've done a considerable amount of work. It's  
 2 been recognized by staff. We appreciate that. This is  
 3 brand-new information that would not have been available in  
 4 the program. And then, just again, health -- the potential  
 5 health impacts, at least to the members, we believe have  
 6 been mitigated. Everyone -- almost everyone -- we were  
 7 chasing down six operators or owners of land. Other than  
 8 those six, everyone has responded and told us what they've  
 9 done in the cases when their groundwater is below drinking  
 10 water standard; bottled water predominantly. Some are  
 11 units. We have a few people that say, "I've been drinking  
 12 this water all my life. I'm not drinking new water. I  
 13 don't care if it's got nitrates." So you'll see some of  
 14 those responses in there.

15 Everyone has responded that has tenants, that had  
 16 people that had (inaudible) drinking water that was high in  
 17 nitrates. We do have some numbers that are not up there. A  
 18 lot of people did replace them before they even got in the  
 19 program.

20 So the initial contouring has been explained pretty  
 21 well. The initial submittal was a map of 838 wells,  
 22 included CCGC and some individual wells and the well data  
 23 that was available from GeoTracker. Then when we got the  
 24 comments back from that, we were pretty -- Staff pretty much  
 25 told us this is not good enough confidence intervals.

1 So we went back, added a more sophisticated kriging  
 2 software. We had got the initial number of wells. We  
 3 reduced the study area to 10 meters. Instead of a larger  
 4 area, we took it down to 10 meters, with the kriging to  
 5 get -- hopefully accepted better quality. And that's one of  
 6 the reasons you see the varies -- the differences between  
 7 the maps. It's without a doubt. If there's not wells  
 8 around, there's uncertainty because you have to be able draw  
 9 lines between those data points before you can just have  
 10 kriging follow through. We'll get into that more.

11 Okay. So the next slide, if you could. This is  
 12 the standard deviation that shows up. This is not relative  
 13 to the nitrate levels. This is how -- the darker, hotter  
 14 colors is where there was a little bit more standard  
 15 deviation. Bluer colors is where plain wells -- pretty  
 16 thorough on what we would be able to find.

17 Next slide. We were able to get additional wells  
 18 from the individual programs, a tremendous amount of data  
 19 that helped us to go forward in what we were trying to do  
 20 with contouring. This is the map that results -- you saw  
 21 earlier the comparisons -- you have a little bit of a fair  
 22 comparison. It's like showing you my first draft of an  
 23 article I write on the fly and then show you the finished  
 24 product. We did a lot of work between here and there.

25 I want to go to the next slide. This is a blowup

1 of the these maps. If you go back and forth, this is hard  
 2 to read. This was in your handout. This is the intensity  
 3 we would intend to put out to the public. This is a good  
 4 overall view of the Salinas Valley. Then you go to the next  
 5 map, and this starts to get -- when you finalize it. When  
 6 you finalize, you have the streets and the smaller cities.  
 7 So you can put the finger on there and have a pretty good  
 8 idea of what those levels are going to be.

9 I think the suggestion has been made, and we could  
 10 do this with these maps, that at one point it was talked  
 11 about where it's blue, there's no wells out there. So we  
 12 put a white area there so if you -- there's no wells. I  
 13 don't know why somebody would want to know that.  
 14 Nonetheless, we could change these maps to the degree we  
 15 feel is necessary to be informative.

16 The next slide, this is the -- this is the line  
 17 where -- I should have my hydrogeologist here. This is the  
 18 line that measures the concentrations to the predicted  
 19 level. Most of the data points are below the line, which  
 20 means it's more conservative. If there's a data point,  
 21 we're going to err on the side of that it's probably higher  
 22 than what the data point says. This is a standard deviation  
 23 or a line that shows that this was done with a high level of  
 24 confidence compared to the data points.

25 So we believe the contour maps made by the

1 Coalition are the best representation of the nitrate  
 2 concentrations in the shallow aquifer. We didn't use wells  
 3 that were deeper than 400 feet because domestic wells are  
 4 primarily a shallow well. That's what we were ordered to  
 5 do. That's what we did.

6 You go back and you go on GeoTracker with an  
 7 individual well, most of the time you don't see depth. You  
 8 really don't know -- if I'm pushing this data point and this  
 9 data point, am I looking at 400 feet or am I looking at 60  
 10 feet? So this is something that these contours are made  
 11 with 400 feet and shallower. You're looking at the data  
 12 points on GeoTracker. You do have to click on a lot of  
 13 lines to get an idea -- I guess some people are better at  
 14 that. Those are the kind of things I try to shy away from,  
 15 but everybody's different.

16 The other thing is that anyone can look at these  
 17 maps and have a pretty good sense, "I better go test my  
 18 well," or "I'm probably all right." I think that with some  
 19 more qualifications, we can bring that certainty up. We're  
 20 getting into the world of people being less focused on data.  
 21 They're not all Steve Schmiks that can evaluate and look at  
 22 things closely. Most people are going to kind of go by  
 23 what's generally recommended to them.

24 I'm going too long here. One of the things we also  
 25 wanted to point out that -- it's not just you that will have

1 easy access. The public will have easy access. If they  
 2 want to analyze the data more independently, they have the  
 3 ability to do a PRA request. That's been obvious by the  
 4 number of requests they've done.

5 Approving the maps and displaying them according to  
 6 the work plan will supply the public with more information  
 7 versus, I believe, all the data points. You have our  
 8 position on that. We believe that rejecting the maps would  
 9 limit the understanding of the nitrate health risks to only  
 10 those people who can correctly interpret hundreds of data  
 11 points on their own.

12 I guess I want to stop arguing about confidence  
 13 intervals and start making points about this. I just think  
 14 that if these maps are turned down, it puts us in a really  
 15 awkward position. We spent hundreds of thousands of dollars  
 16 on these maps. Maybe we put them on our website and say,  
 17 "This map has been rejected by the Regional Board." I don't  
 18 think anyone is going to believe it. Even if we put all of  
 19 our qualifiers.

20 So I think we have to figure out a way to make this  
 21 a public benefit. We have the exemplars in front of us.  
 22 Without a doubt, I think the public health threat from  
 23 domestic wells has been satisfied. Let's take our breath  
 24 here and figure out how we can make these usable.

25 Mr. Moore is in this room. There's going to be

1 arguments made about this. This -- groundwater and nitrates  
2 is taking a different level in the State. I think the time  
3 of data points everywhere for researchers, that's fine. The  
4 general public needs to start learning this.

5 We have to help the public understand, not bury  
6 them with data so that they have to go to a group or call up  
7 a group that may not have the same political outlook as they  
8 do.

9 So the point is, we think these are useful tools.  
10 We polled our members last week. They all felt like these  
11 were useful. It helped them in understanding their area.  
12 We talked about the health requests. We just encourage the  
13 staff to continue the dialogue we've been having. It's been  
14 excellent. We have a meeting scheduled for next month to  
15 continue to dialogue to figure out how to get this right.

16 We would just hate to -- I don't know what we're  
17 going to do on our characterization if we have to throw this  
18 out; a massive data dump. That's the only alternative we  
19 might have. We're fulfilling our obligations to our work  
20 plans. And I think that some of the comments were made from  
21 previous speakers that on these 13269(a)(2), it doesn't --  
22 it's talking about making the data available, not displaying  
23 the data.

24 I guess we can agree to disagree on that. We  
25 believe the displaying of the data can be accomplished

1 questions.

2 MR. DELGADO: Thank you, Perry, for your incredible two  
3 years of work. It's showing. You need some sleep.

4 MR. KLASSEN: Too many restaurants in Santa Barbara.

5 MR. DELGADO: I wanted to ask your opinion on the third  
6 recommendation in our staff report that staff plans to  
7 identify individual wells within your Coalition using your  
8 Coalition's identification number, rather than displaying  
9 individual farm information. What's your position and  
10 perspective on that?

11 MR. KLASSEN: We hope and expect that that's the way the  
12 data would go out as it was in our work plan. I think we're  
13 back in the previous steps on doing our best to make contour  
14 maps. It was the way it was in our work plan that that was  
15 going to occur at the end of the order on the discretion of  
16 the Executive Officer. He does have that discretion.  
17 That's been the preferred way we would like to have.

18 I think that's adequate, talking about this  
19 cruising points. That's enough that the public needs to  
20 know if they want to understand what's on those data points.

21 MR. DELGADO: Just so I can be clear on what you mean,  
22 do you prefer individual wells identified with your  
23 Coalition identification rather than individual farming?

24 MR. KLASSEN: Yes.

25 MR. DELGADO: So you agree with that recommendation?

1 through contour maps. The availability is there through the  
2 PRAR request. And then I'm going to work a little bit  
3 PRARs. I don't know -- when I signed up to be a farmer, I  
4 knew I'd have to do a lot of work on certain things that  
5 maybe I didn't want to do, but that's part of the job of  
6 being a public official. I hate to be kind of cold on that,  
7 but that's part of -- especially nowadays, I think everybody  
8 in the Water Board agencies are used to lots of requests on  
9 their data. The ways to streamline that would probably help  
10 in that.

11 So I guess policy issue is, what is the best way to  
12 inform the public regarding nitrate levels in groundwater  
13 based on existing data? I guess our vote is this is the way  
14 to go forward. This was kind of an unusual form to do it on  
15 the Central Coast Groundwater Coalition, but we think the  
16 need is acute. The understanding is critical. And throwing  
17 a bunch of data points out there is, I don't believe, the  
18 way to go forward with this.

19 Anyway, the kriging methods were applied  
20 appropriately and we consulted with experts on geospatial  
21 statistics in an attempt to insure the contours would be the  
22 best possible representation. That's, again, why you saw  
23 the before and after. When we were told to go back and  
24 work, we did. We talked to more experts on how to do this.  
25 So I guess I would stop with that and start taking some

1 MR. KLASSEN: Yes, that's the way it is in our work  
2 plan.

3 MR. DELGADO: This issue about all the work you've done  
4 on the maps, I think everyone agrees that the maps are  
5 useful. What do you think about staff doing the maps in  
6 addition to the information -- raw information being made  
7 available to the public without special request? Forgetting  
8 the raw data for now, could the Board staff provide the same  
9 benefits to the public that come with the contour maps by  
10 doing them themselves?

11 MR. KLASSEN: You think I look bad with no sleep, talk  
12 to your staff there. I don't know when they would do it  
13 because if you look at the time that our hydrogeologist has  
14 spent on this, that's an -- he has staff that are spending  
15 hours and hours just to run these models. You hit go after  
16 you've done the information, and it can take a day or two  
17 for that computer to churn through and create these  
18 contours.

19 So if you have software and John and Angela have  
20 the time, yes. They certainly could do that. I think we've  
21 come very close. One thing to remember is that we are  
22 going -- we have our exact data points. That does us well.  
23 This goes out on GeoTracker is where it's going out. So  
24 staff could equal us. I doubt somebody else could get on  
25 and equal our consistency of the data.

1 MR. DELGADO: Okay. And eventually when you use contour  
2 maps to display to the public, do you find it to be an easy  
3 thing to include the assumptions and confidence intervals?

4 MR. KLASSEN: Yes. Those are what you saw on that first  
5 map we showed. That shows the colors. You can overlay them  
6 side by side. You would like at them side by side and say,  
7 "Okay. This area is fuzzy. It's a little closer to the  
8 number than it should be. I ought to sample that."

9 MR. DELGADO: I was just talking about, if I look at  
10 that map once the final is available as a viewer of that  
11 map, is it easy for you to make sure that the information is  
12 on that map that tells me what the assumptions were that  
13 went into it and the confidence intervals associated with  
14 the points?

15 MR. KLASSEN: If you're talking about doing it in  
16 laymen's terms, the explanation is going to be lengthy. The  
17 coloring you can do without, is probably is easy to  
18 interpret. So, yes.

19 MR. DELGADO: You can refer to a document that would  
20 have the assumptions?

21 MR. KLASSEN: Yes.

22 MR. DELGADO: My last question is just to clarify  
23 something you said about the health benefits of the contour  
24 maps. Basically, it would no longer be very significant if  
25 you require -- they are no longer significant because every

1 just kind of scanning the table, not including confidence  
2 intervals in the maps and not indicating areas of  
3 uncertainty, just a couple of examples.

4 So you said there's a final report coming in a  
5 couple of weeks?

6 MR. KLASSEN: A draft final.

7 MR. JOHNSTON: Do you anticipate making any changes to  
8 the maps or what staff has the final version of the maps?

9 MR. KLASSEN: We anticipate making changes.

10 MR. JOHNSTON: So then is what I'm hearing from you  
11 today is it's premature to reject the maps because they  
12 don't have the final maps?

13 MR. KLASSEN: Yes.

14 MR. JOHNSTON: Okay. I will return to asking staff  
15 about that later. That's my only question.

16 MR. YOUNG: So specifically with the claim that there  
17 are areas in the maps where the data is uncertain, there may  
18 be no data, but you have it colorized blue.

19 Can this be fixed so that you're recolorizing those  
20 areas where there is no data and there should be no  
21 interpretation made, such that we don't run into that  
22 uncertainty problem?

23 MR. KLASSEN: Yes, that's technically possible.

24 MR. YOUNG: Technically possible, but it sounds like  
25 that's what staff -- one of the things they're complaining

1 well has been required to be sampled.

2 MR. KLASSEN: Yes, because in our work order, it said  
3 we're supposed to characterize the groundwater in our  
4 members' area. It was not -- you could also (inaudible) the  
5 whole region, which I believe these do. Our language says  
6 in the areas of our members where we have numbers, Salinas  
7 Valley would have more than Hollister, then any of our  
8 members -- yes. I believe that would have been satisfied.  
9 We contoured it well with the neighbor of our members and  
10 able to have pretty high confidence, but also the people  
11 that are surrounding that may not be the neighbors. Yes, we  
12 have sampled the wells.

13 MR. DELGADO: Is that right to understand that because  
14 every well is required to be sampled, that it's no longer  
15 beneficial to have the contour maps?

16 MR. KLASSEN: For the reason of notifying our members  
17 about potential for high nitrates. We went in there  
18 thinking maybe we'll get a thousand members, a thousand  
19 wells. That's going to be hard to test. So we had 400  
20 members that we were able to test and verify.

21 MR. DELGADO: Thank you very much.

22 MR. WOLFF: Mr. Johnston.

23 MR. JOHNSTON: Thank you, Mr. Chair. So a couple  
24 questions. Staff has, for a variety of reasons, informed us  
25 that they intend to reject these maps. Reasons such as,

1 about.

2 MR. KLASSEN: Right. We're hearing about the December  
3 comments. So we have been -- I needed Steve. My assistant  
4 is -- I'm sorry. I really should have Steve on this  
5 presentation.

6 Not all the areas that are blue are lacking data.  
7 Some of those areas are supported by data that indicate  
8 those levels are accurate. In that circumstance, we're  
9 using that, but not as a data point line.

10 MR. YOUNG: Got you. I understand that. My concern is  
11 there are areas depicted blue that maybe they shouldn't be  
12 depicted in any color. So therefore, the map is misleading  
13 in that regard.

14 MR. KLASSEN: This draft map is -- yes, we perceive it  
15 as misleading.

16 MR. YOUNG: So do we have to go back and adjust the work  
17 plan so they can make adjustment to the mapping they've  
18 done, or is the work plan detail sufficient enough to allow  
19 these changes?

20 MR. HARRIS: I think -- I'll ask Angela because she's  
21 more familiar with the details of the timeline than John. I  
22 don't know. I think at the very least we will have to  
23 adjust the due dates of the reports.

24 MR. YOUNG: I am not too concerned about due dates.

25 MR. HARRIS: We have changed due dates in the past.

1 MR. YOUNG: Where we have criteria and formula stuff or  
2 what we're requiring --

3 MR. HARRIS: I'll ask Angela to speak to that.

4 MS. SCHROETER: I want to draw your attention to the  
5 supplemental sheet on page 3 where we respond directly to  
6 the comment from the Coalition that these maps are drafts  
7 and that the evaluation of them is premature.

8 Staff's understanding and knowing that this is  
9 different from Mr. Klassen's, the techno mode were intended  
10 to transmit these program-specific areas. The Coalition has  
11 four areas. We have Salinas, Pajaro, Agoura Hills, and the  
12 southern part of the region. All four of those are being  
13 analyzed separately as unique areas. The contour maps have  
14 the techno modes. According to the CCGC work plan, as well  
15 as the Workplan Approval letter, specify that those techno  
16 modes are to be where we see the final data in that area,  
17 the contour maps and the methods and substantiation of the  
18 findings.

19 From my perspective, that's very clear. And, in  
20 fact, in the Workplan Approval letter, it specifically gives  
21 the date of January 1st of 2015, which is now passed, the  
22 date for whether or not the contour maps are approved. We  
23 never intended for those characterizations purposes  
24 compilation of all the areas to be the final place where we  
25 decide the contours. That was meant to say we need one big

1 years ago we all would have been foreseers of the difficulty  
2 of doing this, I think we all would have thought differently  
3 of how we do this. Ken has that analogy stuck in my mind  
4 that we're building this car as it's driving down the road.

5 It's your decision. If you want to stop the truck  
6 and say, "This is done," then let's do that. I still think  
7 there's a value in having these contour maps, and the State  
8 needs to think about this, about the value of these contour  
9 maps. Yes, the data needs to be out there for those wanting  
10 to do research. I guess I would consider -- I apologize.  
11 My recollection of the exact dates and requirements is not  
12 as accurate as they might be. I guess the point I'm trying  
13 to make is do we want to continue making this effort to try  
14 to include making a value out of what we spent all this  
15 effort on?

16 MR. YOUNG: If I can continue to staff. So knowing the  
17 limitations that we now have with the data, because of the  
18 way it's so spread out, is there a way for them to produce  
19 contour maps that would be approved?

20 MS. SCHROETER: So I will also let John answer this  
21 question.

22 I think even before we endeavored down this road of  
23 contour maps, staff knew it was going to be difficult. We  
24 were willing to give it a try. I mean, there are certain  
25 areas that it might be more doable than others. If at least

1 report that combines all of the information. The Workplan  
2 Approval letter also specifies the data, once we approve or  
3 disapprove of the maps, will be posted by March 1st, 2015,  
4 the contour maps and/or individual data.

5 There comes into question now that we told the  
6 Coalition as well as the public that that's when the data  
7 becomes available. In terms of the changes to the work  
8 plan, not only would we have to adjust dates for the  
9 deliverables, we also have to adjust the dates for the  
10 (inaudible). We also have to adjust the dates for when the  
11 public gets to see any data. There's significant changes  
12 that would have to occur.

13 MR. YOUNG: Well, but --

14 MR. HARRIS: That does create -- if we end up changing  
15 the Workplan Approval letter, those changes -- I'm going to  
16 ask legal if they want to chime in on this. Now we have  
17 changes, in essence, that could be petitioned back to this  
18 Board. Not petitions, but someone could request -- if I  
19 make changes to the work plan, under my authority consistent  
20 with the State Board's order, those changes could be --  
21 someone could ask for review again before you. So I just  
22 want to point that out that we could be back here arguing  
23 again over whatever changes I make. That's not due to us,  
24 that's due to the language in the State Board's order.

25 MR. KLASSEN: Could I add something to this? If two

1 one of the criteria is of sufficient reliability to provide  
2 reliable information to the public, especially related to  
3 the drinking water and public health, I'm not sure that can  
4 be done. It's probably not sufficiently reliable for that  
5 purpose.

6 MR. YOUNG: Even if you take out those areas where you  
7 don't have data?

8 MS. SCHROETER: I'm not sure that is reliable in  
9 exchange for the actual data.

10 MR. JOHNSTON: What do you mean by that?

11 MR. YOUNG: The actual data seems available through a  
12 Public Records Act with us. That is the actual data.

13 MS. SCHROETER: Right. But it's not as easy for the  
14 normal public person to get at.

15 MR. HARRIS: Related to this, it's a tangent discussion,  
16 and I want to make sure you're aware of this. You know that  
17 the State Board has put together -- actually it's built on  
18 the wastewater treatment system tool that we used. But they  
19 have a system online where you can go in and plug in your  
20 address, and it will tell you whether or not there is a  
21 contaminated well. That tool does not contain the data from  
22 the Coalition.

23 So there's a -- you could say, in essence, because  
24 that data is not included that members of the public are not  
25 getting a truly accurate sense of the threat to their

1 drinking water. I only say that because you should be aware  
2 that there are ramifications beyond just what we're asking  
3 the Coalition to do or what we're displaying and how the  
4 data gets used around the state.

5 MR. YOUNG: Nothing more. I just wanted to say, you  
6 know, stepping back somewhat from this, I think we should  
7 acknowledge there's been an awful lot of good work done by  
8 the Coalition. We tend to lose focus of that when we get so  
9 buried in the details of what we're doing. So I'm impressed  
10 with getting all of those wells sampled, with all the data  
11 being collected, with what you guys have done. I think it's  
12 impressive. It's not lost on me. Now we're in another  
13 conundrum. We were in one yesterday, and here's another  
14 one.

15 MR. ROBERTSON: Mr. Young, I agree. The work that the  
16 Coalition has done has been outstanding. This is not to  
17 denigrate their contour mapping ability in any way. The  
18 fundamental question is, are the contour maps an adequate  
19 surrogate for the underlying data in GeoTracker? It's a  
20 graphic representation.

21 MR. YOUNG: I think what Mr. Klassen is saying you have  
22 to wait for that final version to come out before you give  
23 any final determination on that. That's what I've heard.

24 Is that something that is reasonable for you to do  
25 or not?

1 We're talking about three different things here.  
2 We're talking about contour maps, are they adequate. Then  
3 we have the question before you in terms of the process, and  
4 then there's the CRLA review that has to be dealt with  
5 today. I think legal may have to figure out how to deal  
6 with a couple of them.

7 MR. WOLFF: I will hold my questions but, perhaps, right  
8 now what we could do is comment on Mr. Harris.

9 MR. JOHNSTON: I agree with, Mr. Harris. The  
10 appropriate -- I think the appropriate order to handle these  
11 things is to say, first, do we or do we not complete our  
12 review, essentially, of the Workplan Approval letter and say  
13 do we or don't we chose to take any action on that.

14 Personally, I'm fine with that. And part of why  
15 I'm fine with it is there were, as we're hearing today, some  
16 pretty stiff specifications as to standards these contour  
17 maps had to meet to be acceptable.

18 And frankly -- and then I think the follow-up  
19 question is, do we want to give staff direction on how to  
20 proceed on this? And frankly -- well, it may require  
21 changing dates. I would not be interested in anything that  
22 relaxes the high standards we set for what these contour  
23 maps have to deliver to the public in terms of real,  
24 comprehensible data. The whole basis -- there were two  
25 basis for us approving this.

1 MR. HARRIS: Mr. Chair, I just wonder at this point --  
2 and maybe fatigue is getting the better of my common sense,  
3 but maybe we pause and try to work with the Coalition. It  
4 doesn't get to necessarily the question of -- I think we're  
5 talking about multiple things here today. You still have  
6 the question before you about the process. And it may be  
7 that you say, "Yeah, we are going to agree with the  
8 process," but we say, let's hold off for a second in terms  
9 of staff making the final determination and sit down with  
10 the Coalition and try to work with some of the issues we  
11 have.

12 If we're successful in November, maybe we can be --  
13 we tried before on this and weren't successful, but maybe  
14 the Coalition and we can come to some level of agreement.  
15 It does mean we will have to delay deadlines, but I think in  
16 the context of the multi-decade time period that it's going  
17 to take to solve this problem, I don't think that's  
18 significant. A couple months here and there I don't think  
19 is a big deal.

20 We still have one more important item to deal with  
21 today, but it doesn't -- you still have to deal with what we  
22 put before and you that is the question about the Approval  
23 letter and whether you still all agree with the process.  
24 Then, of course, there's CRLA's review you have to deal  
25 with. I think legal may have to sort this out.

1 One was -- we talked about contour maps a year ago.  
2 The basis were we saw a benefit of sending people into the  
3 Coalition, and we were willing to give it a try to see if it  
4 did provide a richer and more accessible understanding of  
5 their own position for people living on domestic wells in  
6 this area, including people who were living on domestic  
7 wells that are not anywhere in GeoTracker because they're  
8 not on any land. They're on small systems.

9 I think the first step is to complete our review  
10 and, frankly, my sense is that I'm satisfied with the  
11 original conditions that the Executive Officer laid out. I  
12 think we're seeing some illustrations today that those were  
13 fairly stiff conditions. And then we move to the others.

14 MR. WOLFF: Firstly, you indicated your draft report is  
15 going to clarify and enhance some of weaknesses which  
16 currently staff is pointing out to correct?

17 MR. KLASSEN: Yes.

18 MR. WOLFF: Two, you stated you were open to  
19 enhancements and suggestions as you would work with staff?

20 MR. KLASSEN: Sure, yes.

21 MR. WOLFF: Am I understanding correctly that the  
22 problem is not systemic throughout all the maps? Your  
23 problem is more regionalized in the south versus north on  
24 those maps?

25 MR. KLASSEN: Yes, the availability of the data.

1 MR. WOLFF: So we're not talking about a wholesale big  
2 problem throughout, but it's more regionalized and  
3 therefore, the efforts can be more focused on those areas.

4 So I would like to get your input. The question  
5 that was put forth to us in the very beginning of the staff  
6 presentation was basically a yes or no; correct? Yes or no.

7 Could you comment on the yes or no. If it was a  
8 yes and if it was a no, in terms of what we asked to  
9 respond?

10 MR. KLASSEN: I'd vote yes.

11 MR. WOLFF: You'd vote yes.

12 MR. KLASSEN: The well data will eventually be displayed  
13 in a public place, as in the plan, at the end of the program  
14 or based on the Executive Officer's discretion.

15 MR. WOLFF: The reason for this question is not to put  
16 you on the spot. Although, the spotlights are right on you.  
17 It was more to solicit your feedback as we often do when  
18 we're asked to make decisions. That was the purpose in  
19 asking you.

20 MR. KLASSEN: I'm not ready to give up. I saw the staff  
21 report. I was very discouraged. I wanted to -- before we  
22 came here -- maybe at the time it would have been good to  
23 really sit down and have that continued discussion because  
24 this is a complicated undertaking.

25 There are things we learn about these data gaps.

1 MR. KLASSEN: That makes a good point that it is kind of  
2 an all-or-nothing kind of thing, and I've never quite  
3 understood why it had to be that way. I think we can parse  
4 these maps. If we don't know, then certainly, let's not put  
5 out contours. But there are also data-rich areas, and  
6 generally the data-rich areas are where the populations are.  
7 If there's no data, there's nothing going on in those areas.

8 So you know, I'm not a geologist, but from a  
9 practical standpoint of helping the public understand, I  
10 think we should -- this is a disservice to abandon this at  
11 this point.

12 MR. WOLFF: I would say I think we realize that this is  
13 a complex subject. And, you know, the optimism is not  
14 optimism from the a definition that "Oh, this is a cakewalk.  
15 You'll solve this very easily." The optimism is based on  
16 the fact we haven't seen the drafts yet.

17 There's a commitment from the Coalition to make  
18 some enhancements as needed. So I think you're close to the  
19 finishing line as stated. We need to give that a little bit  
20 more time.

21 MS. THOMASBERG: That was a good discussion before.  
22 That was clarification for me on the deadline for the maps  
23 and the potential that we could change the timeline. Thank  
24 you for that.

25 The other part that I didn't really understand as

1 There's just no wells, no homes, nothing there. Throughout  
2 the whole map we could be having area that has low  
3 confidence. I guess I don't quite understand that, as a  
4 laymen, why that makes the whole map useless. We have to  
5 figure out compromises of how to make that as beneficial as  
6 we can.

7 MR. WOLFF: Ms. Olson, could you turn the lights on,  
8 please.

9 I guess what you're saying is you're very close to  
10 finishing and you're almost there and you would like to have  
11 the opportunity of working a little bit more with staff in  
12 first giving staff what your final draft is and then do a  
13 little tweaking as needed; right?

14 MR. KLASSEN: I would like to see a strong Coalition go  
15 into the next discussion. If this goes to no today, I don't  
16 know that that could happen.

17 MR. WOLFF: Angela?

18 MS. SCHROETER: I would like to make a comment. With  
19 all due respect to Perry, I definitely want to be optimistic  
20 about the process. However, I think the problem is larger  
21 than just Salinas. We have -- we've written similar  
22 comments on Pajaro. That's not to say the entire map is  
23 bad, but there are big parts of those contour maps for which  
24 there is not much data. I don't want to leave here today to  
25 be overly optimistic.

1 the new kid on the block is I didn't realize that the  
2 Coalition's acreage, that is the focus, correct, for the  
3 density of wells in the maps. Do I have that correct? That  
4 for all the Coalition's acres, that's what you, as staff,  
5 are looking at, for density of wells; correct?

6 MS. SCHROETER: For the areas of the Coalition contours.  
7 We're not telling them how to contour.

8 MS. THOMASBERG: I understand that, but from a  
9 geographic area -- acres represented by the Coalition, that  
10 is their expectation, that the density should be sufficient  
11 to meet the confidence levels?

12 MS. SCHROETER: Our expectation is that the density is  
13 sufficient for the contours they produce.

14 MS. THOMASBERG: So I'm hopeful that we continue with  
15 the mapping. Let me tell you why. In 1988, nitrate in the  
16 Salinas Valley were contoured by Dr. Snow, my predecessor at  
17 the agency. Then in 1988, the State document on nitrate  
18 groundwater was published. The agency monitoring -- Water  
19 Resource Agency made first hit for Salinas Valley for trying  
20 to contour. If you look at the '88 map, it's pretty  
21 rudimentary, but it served a purpose.

22 Then in 1995, one of my first jobs at the agency  
23 was to do nitrate mapping (inaudible). We did it with dots  
24 big enough to park five cars where you wouldn't know where  
25 the map -- where the data -- where the well was. But, in

1 fact, we published those maps in an appendix. That was  
2 before (inaudible) but we did the well locator in the  
3 township subsection. So that's the '95 report that your  
4 staff know quite well.

5 Finally, during that '95 report, we worked very  
6 closely with the consolidated chemistry laboratory at the  
7 Monterey County Health Department and Jerry talked to the  
8 public health nurses frequently because they would come in  
9 and bring water samples in or talk to Jerry about public  
10 health issues. That's when we found out that these maps  
11 that we produced in 1995 were so helpful to public health  
12 nurses because they could see the areas where the wells that  
13 were sampled, these were agriculture production wells. But  
14 it was an indicator of where the hit in high nitrate work  
15 because we graded dots by the concentration of the nitrate.

16 My statement to you -- actually to all the  
17 regulators is, we were told not to tell the Health  
18 Department head because he would get mad we were impinging  
19 on his territory. That's what we had to deal with. We slid  
20 the maps to the laboratory director. That has changed.

21 So my statement now is, even with the lack of data  
22 on the white shadows around the contours for public and  
23 subareas because I can't -- these would be so helpful for  
24 public health nurses, especially in the rural areas to go  
25 out and become aware of potentially high nitrate wells in

1 I think that the high standards are good because  
2 what we're doing is, we're spending a lot of staff time to  
3 go against the grain of our society. The trend is increased  
4 transparency. This is reducing transparency on purpose. So  
5 I think the standards need to be high so we get good data to  
6 the public that needs it the most.

7 I'm not opposed to relaxed deadlines, even  
8 understanding that we might get a review because we're  
9 changing the work plan. But there's one small thing, maybe  
10 not so small, I would really suggest. I'm bothered and  
11 concerned that people looking at the dot map on GeoTracker  
12 don't know that it is specifically excludes 470 dots. So  
13 there should be -- I hope there's a way that the viewer of  
14 that map -- because with the reduction on transparency on  
15 purpose, there should be an obligation of disclosure about  
16 that reduction of transparency.

17 If I go on that map, I would like to know that it  
18 should say there are approximately 470 wells not on this map  
19 they are available through the Public Records Request Act so  
20 that everything is maybe not transparent, but at least  
21 everyone is on the same level of knowledge.

22 There's no way the farm worker is going to know  
23 there's dots missing. There's no way for that farm worker  
24 to know that if she or he doesn't do a Public Records  
25 Request Act, whatever that is, that they should ask for

1 domestic homes. That's my statement.

2 MS. SCHROETER: Can I make a comment? So I totally  
3 agree with you, Ms. Thomasberg. And I would suggest that  
4 the Board consider, either now or a future date, the benefit  
5 of having both. There's value in the contour maps. They  
6 are one interpretation. They may not fill out the whole  
7 area, but you have the actual date and a single  
8 interpretation where we can caveat some of the assumptions  
9 and (inaudible) analysis. I think that's the best of both  
10 worlds. I think the Board should consider that.

11 MS. THOMASBERG: Is there a potential possibility in the  
12 future, in those areas with sparse wells, because there's  
13 two ag wells and continuous acres. Is there a possibility  
14 that monitored wells be drilled and given to the appropriate  
15 Water Resource agency for monitoring? That's another  
16 concept.

17 MR. WOLFF: That's probably another chapter.  
18 Mr. Delgado?

19 MR. DELGADO: I appreciate the fact that we couldn't  
20 envision these details coming out before going down this  
21 path. So we went down the path -- started on the path. So  
22 I think it's good we stick to our agreement to give the  
23 contour maps a chance. I agree with the Board members that  
24 we not change the process, for example, by reducing the  
25 standards that the contour maps need to meet.

1 those additional dots. That way they might find out if  
2 there's a well nearby contaminating their use that doesn't  
3 show on that map.

4 I don't know. That may be a big thing or a small  
5 thing, as you see it. I guess this is a big system. It's  
6 not just a system for our use.

7 MR. HARRIS: Mr. Delgado, we are not able to implement  
8 changes to GeoTracker readily that would enable to put flags  
9 or anything on it.

10 MR. YOUNG: What does "readily" mean? Does that mean  
11 never or does it mean it could be done.

12 MR. HARRIS: It's really -- unfortunately there is a --  
13 Mr. Moore is here. We had a vigorous debate at NCC this  
14 week about -- you know, there are a number of new programs  
15 coming up. One was the regulatory program. There's the  
16 marijuana program.

17 There is the issue about the various irrigated  
18 lands program around the state. There's a big internal  
19 debate within the Water Boards about what appropriate system  
20 is to display data. There's GeoTracker, there's Smart.  
21 There's -- we have three primary data systems. We haven't  
22 agreed amongst ourselves on how to display the information.

23 At the same time, (inaudible) it can be a rather  
24 torturous process to fund and get the paperwork in place so  
25 we can modify the database. It's not private industry. It

1 could be tough.  
 2 MR. ROBERTSON: We've spoken to GeoTracker staff and  
 3 they are reluctant and resistant to the notion of putting a  
 4 notation on it because it's contrary to the  
 5 GroundwaterQuality Monitoring Act (inaudible) which is  
 6 GeoTracker GAMA. We're paddling against this stream.

7 MR. YOUNG: I would like to hear from counsel about the  
 8 third thing before us, and that is the CRLA review.

9 MR. WOLFF: We can do that. One more question and then  
 10 what I would like to do is I have three speaker cards on  
 11 this topic, and I think we need to get also those input  
 12 before we cast our minds.

13 DR. HUNTER: My question can be answered by staff, but  
 14 it refers to something Mr. Klassen said and that is the data  
 15 will be made public at the end of the program.

16 Can you tell me what that means?

17 MR. ROBERTSON: The concept is the data would go to the  
 18 public side GeoTracker at a date that's a date certain that  
 19 was the previous anticipated expiration of this ag waiver,  
 20 if the contour maps are --

21 MS. SCHROETER: To rephrase that, we did not agree to  
 22 show contour maps forever. We said if the contour maps are  
 23 approved, we'll show contour maps for the duration of this  
 24 quarter. After the quarter expires, all bets are off.  
 25 We're going to go back to the system of GeoTracker.

1 date certain (inaudible) the well-specific data they would  
 2 go public on GeoTracker.

3 They found that unacceptable, and I don't mean to  
 4 denigrate that. They couldn't come to that place where they  
 5 proposed a date certain for --

6 DR. HUNTER: Maybe, Mr. Klassen, would you make that  
 7 statement that the data will become public at the end of  
 8 this program, the way you phrased it. Can you help me  
 9 understand what your members' expectation is and what the  
 10 current status is.

11 MR. KLASSEN: Yes, because the date certain now -- may  
 12 change that date.

13 DR. HUNTER: Let's assume we're still talking about what  
 14 we know right now.

15 MR. KLASSEN: There's already a discussion that the  
 16 order was going to be pushed back. So March 2017, the  
 17 program should end in March 2019. We didn't want to say  
 18 March 2017 because the language said at the end of the  
 19 order. The end of the order --

20 DR. HUNTER: But the point I'm trying to understand is  
 21 your membership, the Coalition, accepts the fact that at the  
 22 end of this current order, the data is then public, but the  
 23 wells will only be identified by the Coalition.

24 MR. KLASSEN: Yes.

25 MR. ROBERTSON: So the Workplan Approval letter action

1 DR. HUNTER: We're talking about -- this is a process  
 2 that's in place. We entered into an effort to see what is  
 3 the most beneficial way to build on the ability to  
 4 (inaudible) data and provide an additional type of analysis  
 5 that the individual growers don't have to do. So we're  
 6 saying that that is only going to occur during the current  
 7 permit?

8 MS. SCHROETER: That's correct. We're willing to make  
 9 that comment in an effort to reflect (inaudible).

10 MR. ROBERTSON: The specific date for that is  
 11 March 14th, 2017, which is the anticipated expiration date.

12 DR. HUNTER: That's an important dimension of this  
 13 because I think I had in my mind that those 469 wells will  
 14 never come or move across that boundary between. So now my  
 15 understanding is within relatively -- in the near future,  
 16 those wells will be -- will show up on GeoTracker.

17 And, for example, with the case of Mr. Harris's  
 18 example of the web page where you can put your address in  
 19 and see what -- any wells that are contaminated. You can  
 20 query it and it will show you everything within 2,000 feet  
 21 of your well. That eventually will be in place.

22 MR. ROBERTSON: That was the anticipation. In trying to  
 23 come to some middle ground before we got to this meeting, we  
 24 had discussions with the Coalition about committing to that  
 25 day, having them propose that date or some alternate date or

1 is date certain. It's not the expiration of the order. It  
 2 is March 14, 2017. It is date certain. It's Attachment 2.

3 MR. WOLFF: I think, counsel, you were going to respond  
 4 to the request of Mr. Young?

5 MR. YOUNG: The third item we were to addressing was the  
 6 CRLA review.

7 MS. AUSTIN: So the question for the Board today is  
 8 whether or not it would make changes to the process that the  
 9 set forward in the work plan regarding the contour maps.

10 MS. KAN: May I interject on that since it's our  
 11 discretionary review item. I just want to state for the  
 12 record what exactly we're requesting from this Board.

13 So the question from CRLA that we raised in our  
 14 discretionary review letter is for the Board to answer on  
 15 the record, as a procedural issue, whether this Board thinks  
 16 contour maps are an appropriate substitute for actual  
 17 groundwater monitoring data consistent with the individual  
 18 monitoring program?

19 MS. AUSTIN: The way I understand the process is that  
 20 the Executive Officer has signed a Workplan Approval letter.  
 21 And what is being taken up in discretionary review is that  
 22 letter. When I talk about the process as it pertains to the  
 23 contour maps, I'm talking about -- perhaps I'm saying the  
 24 same thing slightly differently.

25 I just want to be clear the question before the

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1 Board is, would we change the Workplan Approval letter  
 2 sitting here today as it pertains to contour maps, or is the  
 3 board comfortable with the Workplan Approval letter as it  
 4 stands?  
 5 MR. WOLFF: Now, if I'm understanding correctly is still  
 6 the yes-or-no question because the yes-or-no question is  
 7 about the work plan.  
 8 MS. AUSTIN: I'm an attorney. We don't answer yes or  
 9 no. So I would say yes or no are certainly possible  
 10 options. The Board could decide to rewrite the Workplan  
 11 Approval letter and insert new conditions or change the  
 12 Workplan Approval letter. So there's more options.  
 13 MR. WOLFF: What I was trying to -- what I heard from  
 14 you had a great similarity to what we were asked to vote on.  
 15 So that's where I was going with that.  
 16 MR. HARRIS: I think there is. We are asking you to  
 17 basically state yes or no that you agree with the work plan  
 18 in terms of our ability to review and accept or reject them  
 19 and the conditions that you expect. That's what we're  
 20 asking.  
 21 And I guess at the same time you need to reiterate  
 22 on what Ms. Kan is asking is -- I would interpret that if  
 23 you accept what we are asking you, in essence, you are  
 24 answering her question in that you think that contours are a  
 25 reasonable substitute for data.

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1 Does that make sense to you?  
 2 MS. KAN: I just want to make clear that those are  
 3 somewhat separate questions posed by the staff, you know,  
 4 that hinges on the assumption that I'm challenging, which is  
 5 that contour maps are an appropriate substitute.  
 6 So I understand that this is about Workplan  
 7 Approval, would the Workplan Approval approve that  
 8 substitution. That's what I want to make clear for this  
 9 Board to answer separately from this other question from the  
 10 Regional Board staff.  
 11 MR. HARRIS: I understand what she's saying.  
 12 MS. AUSTIN: I want to clarify this is not an action  
 13 item. So what is before the Board today is to decide if  
 14 there are no changes, there is no action.  
 15 In the sense of, if you chose to make changes, that  
 16 would be an action. When we talk about a vote, this is not  
 17 a voting item. This is giving direction back to Mr. Harris  
 18 whether the Board is content with the conditions and the  
 19 protocol of using contour maps or whether the Board is  
 20 uncomfortable with the Workplan Approval letter and wishes  
 21 to make alterations.  
 22 MR. WOLFF: So what we're doing is not a vote, but a  
 23 consensus?  
 24 MR. HARRIS: I think you could do two of them. One is a  
 25 consensus that you -- wait. It's a consensus that you agree

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1 with the work plan in terms how you evaluate and accept or  
 2 reject the contours and a consensus on whether or not you  
 3 feel that contours are a reasonable substitute for data.  
 4 Would that answer your question? Can we do that?  
 5 MR. WOLFF: So what I'd like is for counsel to -- let's  
 6 memorialize once we have these figured out because then when  
 7 it will be time to build consensus, I'm going to ask you to  
 8 repeat these items because it's getting late and I cannot  
 9 read my scribbles so that way it's in exactly the language  
 10 you are comfortable with.  
 11 MS. AUSTIN: The language I'm comfortable with this  
 12 Board is choosing whether to not act, which is we're  
 13 comfortable with the Workplan Approval letter. There are no  
 14 changes to be made. The alternative is this Board proposes  
 15 certain changes or gives direction to the staff, to Mr.  
 16 Harris, to alter the Workplan Approval letter.  
 17 Those are the options for what we should be doing  
 18 today.  
 19 MR. HARRIS: So is it your opinion, counsel, that if  
 20 they consensus, that they've also satisfied CRLA's review?  
 21 MS. AUSTIN: I would say -- well, the request for  
 22 discretionary -- this is a very unique process that doesn't  
 23 apply to anywhere else. We're kind of in new territory. We  
 24 are special. So the request for discretionary reviewing is  
 25 saying that Mr. Harris has taken an action and that was his

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1 Workplan Approval letter, and it's contesting that action.  
 2 And so the analysis today is do we agree with the  
 3 Workplan Approval letter? So, therefore, we have no  
 4 changes, or do we want to make alterations? There is an  
 5 overriding question of do we want to use contour maps at  
 6 all? I think that is inherent if you accept the Workplan  
 7 Approval letter, you accept the use contour maps. If you  
 8 want to make changes, that would be the other option.  
 9 MR. HARRIS: So does that make sense to Ms. Kan?  
 10 MS. KAN: I think it does. I would just say that  
 11 because this is a very new process, if you could just state  
 12 on the record that that is part of your consensus item that  
 13 you agree are an appropriate substitute because that is the  
 14 portion of the work plan that we challenged in our July  
 15 discretionary review. So I just want to state on the record  
 16 that that is what is -- you agree that that is appropriate  
 17 under the Workplan Approval.  
 18 MR. WOLFF: Counsel?  
 19 MS. AUSTIN: Board members are welcome to comment on the  
 20 use of contour maps and their comfortable level. That is  
 21 not an action item for the Board to say, "I agree with the  
 22 use of contour maps." We're not take a vote on the use of  
 23 contour maps.  
 24 MR. WOLFF: Could I submit the other item too is that  
 25 side of this consensus, we were going to consider giving

1 direction to staff regarding the draft report and work with  
2 staff in the finalizing it. That's, in a sense, what we  
3 have discussed earlier.

4 MR. HARRIS: I don't think that's -- yes, it's kind of  
5 an add-on to what you're being asked to do.

6 MR. WOLFF: So there's a couple of questions. I know  
7 we're getting a little fidgety here. I would like to have,  
8 also, our three public comments to be taken care of, then we  
9 take a break, get a chance for brain cells to reposition  
10 themselves and we can finalize that item, if you're  
11 comfortable with that.

12 MR. JOHNSTON: I just had a question for counsel. Is it  
13 within the -- there was some discussion about a staff  
14 meeting with the Coalition to see if they could -- what  
15 could be done to make the maps meet the criteria that were  
16 laid out in the letter. And I believe Mr. Harris raised  
17 that would require adjusting some deadlines.

18 Is that within Mr. Harris's authority to do without  
19 Board action.

20 MS. AUSTIN: Yes.

21 MR. WOLFF: I would like at this time to have --

22 MS. CERVANTEZ: I had a question with the CRLA question  
23 about the substitute for data being new to this conversation  
24 and also to the work plan and now how we're trying to  
25 measure the outcomes and performance based on what's set out

1 is just wrong. They're not. Mr. Young, here is my point:  
2 Ask your own lawyer -- the Regional Board's lawyer. You  
3 know that -- ask your own lawyer, "Okay. Is the Public  
4 Record Act equivalent?" And you're asking your lawyer to  
5 say that on the record. Of course she's going to say, "Yes  
6 it's equivalent." If you ask Pearl, if you were to ask my  
7 lawyer, they would say it's not equivalent. That's where  
8 the argument is. If you as the Regional Board ask your  
9 lawyer, they're going to say it's equivalent.

10 I back up CRLA's position that there is -- we have  
11 slid far. The Coalition say it's draft, and now they're  
12 going to say they're going to submit a draft report. And  
13 what they submitted shows areas where there's no data and  
14 they're saying the water is fine to drink. So is that true?  
15 You don't know. Look, what you tried to do is (inaudible)  
16 because a lot of people don't understand data.

17 The Executive Officer did a good thing. He said,  
18 "Let's have certain parameters to make sure this is well  
19 done." But now you've seen the product, and the product  
20 misrepresents areas.

21 Let's get back to the original question. What is  
22 the best thing to do for the public? And the best thing to  
23 do for the public is to show -- is to have the maps and to  
24 show the data, the raw data. Why do you think every other  
25 program out there does maps and backs it up with the data.

1 in the workplan.

2 With the substitute for data, if I'm understanding  
3 correctly, the actual data is available by Public Records  
4 Act Request?

5 MS. SCHROETER: That's correct.

6 MS. CERVANTEZ: And so with the contour maps, that's a  
7 visual representation of an interpretation of some of the  
8 actual data?

9 MS. SCHROETER: That's correct.

10 MS. CERVANTEZ: So I don't understand the question of  
11 substitute for data if the data can be accessed through the  
12 Public Records Act Request.

13 MS. SCHROETER: Substitute for the actual data displayed  
14 on GeoTracker.

15 MR. WOLFF: I would like to ask Mr. Schmik to come to  
16 the podium. You have three minutes.

17 MR. SCHMIK: So let's get back to the baseline. The  
18 baseline is 13269 says monitoring data shall be made  
19 available to the public. The second part of the baseline,  
20 the waiver says the Coalition data should be equivalent to  
21 the individual data. In other words, the Coalition data  
22 should be equivalent to the individual data. That's the  
23 basis.

24 We have slid from that. We have slid from that.  
25 That's not what we're doing. So to say they are equivalent

1 It's because it's the right thing. It's because it's the  
2 most accurate thing.

3 Do the right thing for public health. There's  
4 people that think graphically, let them think that way.  
5 Give them a map, but give them an accurate map. There are  
6 people that think in terms of numbers. Are you assuming  
7 that the Public Records Request Act is a perfect system?

8 I will end with the fact that I know for a fact  
9 it's not. And it takes months -- and I'm faulting them, but  
10 it takes your staff months to reply to a Public Records  
11 Request. Thank you.

12 MR. WOLFF: Thank you. Next we'll have Kay Mercer.

13 MS. MERCER: Good afternoon. Thank you for allowing me  
14 to come before you. I'm going to talk more from a growers  
15 perspective. We talked about where CRLA is coming from,  
16 where staff is coming from. The grower really hasn't been  
17 represented in this. We talked about the Coalition, but  
18 that is an organization.

19 The individual growers have had expectations of the  
20 order, as well as costs incurred. The first thing I want to  
21 say is I've been to a couple of CCGC meetings. I've seen  
22 the maps, but I never really looked at them. Today I sat in  
23 the back of the room and I opened it up and I was able to  
24 identify all of my clients' farms, exactly where they were,  
25 and exactly what the nitrate concentrations were in the

1 relative fields, down to the fields and ranches where they  
2 were. I'm not a member of the public, but I was able to do  
3 that. I don't know how I'm different than a member of the  
4 public.

5 The second thing I want to say is there's been a  
6 lot of uncertainty since March of 2012. Every time a grower  
7 feels like he understands what is expected of him, it  
8 changes. I just want to talk about what was adopted  
9 September 23rd, 2013. The State Board says in their order,  
10 at a minimum, the Cooperative Groundwater Monitoring Effort  
11 must include sufficient monitoring adequately characterized,  
12 the groundwater aquifers in the local area of the  
13 dischargers characterize the groundwater quality of the  
14 upper-most aquifer in identify and evaluate groundwater used  
15 for domestic purposes.

16 It also went on to say because water evaluation is  
17 a very high priority, the Cooperative Groundwater Monitoring  
18 Proposal must, at a minimum, include one or more -- one or  
19 more of the following approaches: Number one, direct  
20 sampling. Number two, (inaudible) existing data for the  
21 wells, that it has been sampled and analyzed for nitrate  
22 using the US/EPA method at least twice within five years, or  
23 statistically valid projections of groundwater quality.

24 That's what the State said was required. So let's  
25 go back to uncertainty. When the clients were asked to

1 MS. SILVA: Thank you. I want to take a moment and  
2 clarify. Dr. Hunter, you asked a question.

3 MR. HARRIS: Can you identify yourself, please?

4 MS. SILVA: Sorry. Abbey Taylor Silva for the  
5 Growership Association.

6 Dr. Hunter, you asked about the final date. I want  
7 to clarify a few things. I want to read to you the language  
8 directly from Ken Harris's Approval letter for this program.  
9 He said, "Therefore, I do not agree to withhold the  
10 cooperative program individual well data and maps on the  
11 public GeoTracker in perpetuity unless reviewed and approved  
12 by the Central Coast Water Board to evaluate and adopt  
13 future irrigated lands or a similar order for discharge  
14 (inaudible) operations."

15 So I read that to understand that while Ken Harris  
16 doesn't believe that the data should be held after the  
17 duration of the quarter. It is up to the Board to make that  
18 decision. That's how I understand it. I just wanted to  
19 share that.

20 In regards to my comments I wanted to share with  
21 you, when we built this program in 2013, success was not  
22 defined as a specific number of wells, a specific confidence  
23 level, or any of those. It was defined as working together  
24 to identify as many wells as possible. Staff offered to  
25 assist us by knocking on doors. There were more wells that

1 enroll -- I'm going to tell you I am, pragmatic and I am  
2 skeptical in my recommendation to my clients and my personal  
3 clients do not enroll. The reason is because you're going  
4 to spend much more money in the Coalition and in the end,  
5 CRLA is going to force you to put your data on the public  
6 site.

7 I have four clients that's 2,000 acres. They have  
8 each spent \$24,000 to be in the Coalition. That's \$100,000.  
9 If you throw these contour maps away, that's \$100,000 that  
10 was not spent on improving water quality. So that's kind of  
11 my point on the enrollment.

12 My real concern on the GeoTracker maps is food  
13 security and National Security. I've gotten on these maps.  
14 I've looked at these maps. You can get a street view.  
15 Anyone, if they can find the wells and look at the  
16 construction of the wells, they can contaminate those wells  
17 and jeopardize our food supply.

18 MR. WOLFF: I gave you I little extra time, but I --

19 MS. MERCER: I'm sorry about that. So sorry about that.

20 So anyway, I have concerns about when this data  
21 becomes public, how it's going to be used, not by the  
22 public, but by people who want to do harm to our food  
23 supply. Please keep that in mind.

24 MR. WOLFF: Thank you. Abbey Taylor Silva. This is our  
25 last speaker card for this particular item.

1 were sampled and put into our program.

2 In the end, even individual wells -- in the  
3 individual program, wells for other agencies are  
4 incorporated into our maps. We have taken everything  
5 available. These are the best possible maps with all the  
6 information available, but we are very happy to continue  
7 working with staff and are open to ideas.

8 Angela Schroeter, in her comments, mentioned the  
9 90 percent confidence level maps presented when we were  
10 talking about this program, and that was an example of  
11 contours and something (inaudible) just provided. And  
12 hindsight being 20/20, the 90 percent might have not been  
13 the right representation. I was fairly new to this whole  
14 concept.

15 I also want to make sure that wasn't a promise of a  
16 90 percent confidence level. We had a number of  
17 conversations with staff noting that we didn't know how many  
18 wells there would be, and we were kind of move on with this  
19 process.

20 That said, I believe in many cases we're going to  
21 be able to achieve a 90 percent confidence interval, but we  
22 have to understand that with that, that is our goal. The  
23 level of certainty on that number on the map is going to  
24 change, and I mean that in that you can have a dot on a map  
25 that says this contour line is five parts nitrate at

1 66 percent confidence, or you can have a dot on the map that  
2 says this is area is 2.5 to 7.5 range with 90 percent  
3 confidence.

4 These are semantics we're talking about, but I want  
5 the to illustrate we're willing to -- what is the highest  
6 priority? We are willing to find a way to get there. That  
7 is why you have a number of different types of maps in that  
8 final technical report.

9 The final thing I want to say is we've talked a lot  
10 about that March 15th date. I talked to our CCGC Board and  
11 this March 15th date is so important. I've heard time again  
12 from the public they want maps available by March 15th. I  
13 appreciate the discussion about changing timelines. As a  
14 Board member of CCGC, I would opine that we would be able to  
15 give you a draft that could go on our website and Regional  
16 Board's and note that it's a draft and continue working on  
17 it.

18 Thank you.

19 MR. HARRIS: Mr. Chair, I don't want too picky, but it  
20 sounded to me like Ms. Taylor was representing CCGC and not  
21 as an individual. I think your presentation should have  
22 been part of the CCGC presentation and not as a public  
23 speaker. Just a point of clarification.

24 MR. WOLFF: Okay. And what we need to do is give a  
25 break to our court reporter because I think your fingers are

1 Let's get on the record as far as whether the Board has some  
2 consensus about that.

3 MR. WOLFF: This is a consensus, so I'm going to start  
4 with my left.

5 MR. DELGADO: Yes.

6 MR. WOLFF: Mr. Johnston.

7 MR. JOHNSTON: Yes.

8 MR. YOUNG: I will say yes so long as staff has the  
9 flexibility to accept changes to the contour maps that  
10 reflect areas that don't have data. In other words, to  
11 carve out the uncertain areas because I don't want to have  
12 to set up to where we're back to hear all over again and the  
13 maps are thrown out.

14 MR. HARRIS: Let me ask another clarifying question,  
15 since we're going to extend deadlines anyway, would you like  
16 us to come back with new maps and our final decision in  
17 March for the Board's -- or do you want me to make that  
18 decision?

19 At some point a decision will have been made. Do  
20 you want me to make that decision or do you want me to share  
21 that with you? I can come back with a recommendation and  
22 see if you concur with it. The advantage of that is, is I  
23 made a decision and somebody disagrees with it, you don't  
24 have to go through the process of bringing it back to your  
25 for discretionary review. As I've been doing, I bring it to

1 going to freeze.

2 So at this time, ten minutes, Mr. Harris?

3 MR. HARRIS: We have to be out of here by 5:00 and we  
4 still have -- well, we are going to jettison a number of  
5 items. I'm going to recommend to the Board that we only  
6 deal with the last item and we don't worry about anything  
7 else today. We have 55 minutes to complete our business.

8 MR. WOLFF: So ten minutes?

9 MR. HARRIS: I guess.

10 (Recess.)

11 MR. HARRIS: We should come to some level of consensus  
12 regarding the -- agree or disagree with the existing  
13 Workplan Approval letter, and if you want to give us  
14 directions on how to move forward to work with the  
15 Coalition.

16 And then finally, we should state on the record  
17 that as part of this -- we need to first hear what your  
18 decision is regarding my letter and the conditions for  
19 reviewing the Coalition's maps. And then I have one thing  
20 depending on what the outcome of that question is.

21 Is that clear?

22 MR. WOLFF: No.

23 MR. HARRIS: One step at a time. So staff is asking  
24 earlier the question of do you agree with the process by  
25 which we are going to judge the Coalition's contour maps.

1 you, it's done and if people are unhappy, we can move to the  
2 next step.

3 MR. YOUNG: I think that makes sense. Yeah, sure.

4 MR. WOLFF: Ms. Thomasberg?

5 MS. THOMASBERG: Yes.

6 DR. HUNTER: Yes.

7 MR. WOLFF: Everyone yes.

8 MS. AUSTIN: Just so the record is clear as to what the  
9 yes indicates, at this point in time the Board has no  
10 changes to the Workplan Approval letter.

11 MR. WOLFF: And when Mr. Young said "Yes, but," it kind  
12 of confirmed to our attorneys they have difficulty with just  
13 a yes. I want to inject just a little levity because it has  
14 been a long day, and I appreciate everybody's patience.

15 MR. HARRIS: Second item: Direction from the Board to  
16 me and staff on how we should work with the Coalition to  
17 resolve the issues we talked about today regarding the  
18 contour maps, if we can.

19 MR. WOLFF: Could you one more time repeat this in a  
20 short version.

21 MR. HARRIS: I'm looking for direction from the Board  
22 telling me and staff what your expectations are regarding  
23 working with the Coalition to do our best to bring back  
24 approvable contour maps.

25 MR. WOLFF: Mr. Johnston?

1 MR. JOHNSTON: I would suggest for consideration on that  
2 that the direction is that staff meet with the Coalition and  
3 any other stakeholders they feel they should meet with to  
4 attempt to bring us back a finalized contour map and a  
5 recommendation on them, and that they consider the  
6 suggestion made by Board Member Young of looking at carving  
7 out from the contour maps, which I will assume means  
8 reporting data, the areas that do not have sufficient levels  
9 of certainty.

10 MR. WOLFF: Mr. Delgado.

11 MR. DELGADO: I would hope that staff respect the  
12 Coalition's desire to keep the March deadline for the draft  
13 report so there's something up for the public to see. CRLA  
14 came here today to bring this to our attention. Unless  
15 we're careful, (inaudible) that there's been some relaxed  
16 deadline, which probably is sort of in the other direction  
17 of why they started all this.

18 I really appreciate the Coalition and their Board  
19 want to maintain that March deadline at least for a draft.  
20 So I hope that's something that staff will discuss with  
21 them. And, secondly, that staff will seek to maintain the  
22 standards -- high standards. I wouldn't want to see a  
23 relaxation of the statistical significant standards.

24 MR. YOUNG: We'll leave that up to staff to decide  
25 whether that's achievable.

1 this discussion and with the staff's input today in terms of  
2 really spelling out how much more complicated this has  
3 provided to be, I still feel that, as Mr. Klassen pointed  
4 out, we're not true through with the effort.

5 So I consider your commitment to pursuing that and  
6 working with staff to do something that you've done all  
7 along. But I also want to say to Ms. Kan that inherent in  
8 the Approval letter are what we're starting to understand  
9 now to be some very high-level conditions that we hadn't  
10 seen yet. And I have great faith in science and technology  
11 to help inform the public in different ways. What I see in  
12 the short-term -- and I realize public health urgency and  
13 short term is a loaded kind of concept because every day  
14 someone is drinking contaminated water that's not  
15 acceptable.

16 I think in the short term where we're headed is  
17 ultimately ending up with graphic illustrations, some effort  
18 to work with a community that has had many challenges in  
19 stepping into this new world under the Irrigated Act permit,  
20 and that among the 2,500 -- many wells or how many operators  
21 (inaudible).

22 MS. SCHROETER: Approximately 2,500 operators and about  
23 4,000.

24 DR. HUNTER: So among those, we have small subset that's  
25 running more or less a pilot. And they happen to be working

1 MR. DELGADO: Right. But they're asking at this time  
2 for some direction of what we want -- hope they work with  
3 the Coalition to do.

4 MR. WOLFF: I think what Mr. Young is saying is we need  
5 to be careful we don't tell staff to meet a certain  
6 statistical level because there may be some instance where  
7 that is not technically possible.

8 MR. DELGADO: Right. So current status quo is where  
9 that can't be met, unless I'm wrong, then the data goes into  
10 the GeoTracker as raw data. That's the process we didn't  
11 change. Am I wrong on that?

12 MS. SCHROETER: That's correct.

13 MR. WOLFF: Okay. Do you have a comment to  
14 Mr. Delgado's?

15 MR. HARRIS: You've already said you agree with the  
16 manner in which we're going to review the contour maps.  
17 That would include the high quality standards that we  
18 expect.

19 The one comment I would say is we've already agreed  
20 we will bring them back to you with the recommendation on  
21 whether or not to approve them or not. We will recommend to  
22 you what to do at the March Board meeting.

23 MR. WOLFF: I think we're in agreement to that.

24 Dr. Hunter?

25 DR. HUNTER: Yes. I think that at this point following

1 in the areas that are most at risk in terms of general  
2 understanding.

3 So I have to say that I think it's worth the effort  
4 to continue with the understanding that is going to be  
5 there. And we won't see the need to have this line between  
6 what's public and what's not. I think that in the interim,  
7 these maps are an attempt to express what we know in a way  
8 that's more accessible to folks that are just coming to  
9 understand that they might be drinking contaminated water.

10 If these maps are going to be posted in March and  
11 at that point we start to hear from the public that what  
12 we've posted doesn't tell them anything, then we come to  
13 that part of the process where we're starting to see what  
14 the public response is to that pilot -- to this effort to  
15 take the data move it into a different form.

16 I'm not comfortable with the idea that GeoTracker  
17 is left with a situation where it represents all the  
18 existing data that's incorporated. We all know this still  
19 has huge gaps in what is posted there. The existing data is  
20 not everything we need to know.

21 There is some inherent constraints in GeoTracker as  
22 it is. I'm willing to live with that discomfort a little  
23 longer while we see where we end up with the final contour  
24 maps, what staff determines to be -- whether or not this  
25 technical criteria can be accomplished. And then at that

1 point, we understand where we're going -- at some point  
2 we're going to restart the process for the next, and we'll  
3 be informed by this. We will know. We gave it a good  
4 whirl.

5 I think it has value. I thought so then. I still  
6 think so. I do see Ms. Kan's concerns. I feel they're  
7 valid. Questioning whether or not this is a good substitute  
8 is a question that needs to be looked at and we will  
9 continue to look at. I don't think we're ready to make that  
10 decision. At least I'm not ready to make that decision  
11 today. I think we have more work to do on this.

12 MR. WOLFF: Thank you. I would like to wrap this up  
13 into a decision because we are going to get our eviction  
14 notice.

15 MR. HARRIS: We have critical timelines to meet the next  
16 agenda, which is only two months away. I may -- I would  
17 like the Board -- I'm going to take the discretion findings  
18 to bump this to May if the Coalition is making progress and  
19 we are not ready and need additional time. I'm just letting  
20 you know, we may not make the March, but we will come to you  
21 and let you know what's happening.

22 MR. WOLFF: Okay.

23 MR. HARRIS: I think we have the direction we need.

24 MR. WOLFF: So your action?

25 MR. HARRIS: The last one has to do with the

1 that we are going to bring forth to you or you know we are  
2 proposing to not start the process for the next order.

3 I would suggest we go over the discussion at the  
4 next meeting and not this meeting. In 25 minutes, I don't  
5 think that the court reporter and everybody else can pack up  
6 and get out of here by 5:00 o'clock. That's my  
7 recommendation.

8 MR. YOUNG: I'm fine with that. I wouldn't need much  
9 time anyway to comment on what needs to be commented on. I  
10 see no reason we have to fit into a -- begin the renewal of  
11 the next order.

12 MR. HARRIS: Do you want to start the item?

13 MR. YOUNG: I think we can do that.

14 MR. HARRIS: Okay. Chris, real quick.

15 MR. ROSE: Based on the interest in brevity and levity,  
16 I rest my case.

17 MR. WOLFF: So any question?

18 MR. ROSE: I'm not going to show you my slide  
19 presentation. We have three petitions that are from the  
20 State Board for (inaudible) We have a civil case against  
21 our order as a result of the State Board's order that was in  
22 September 2015. We've just begun the current order in  
23 October 2, 2013. So we won't do that for about a year and  
24 three months.

25 As I really enjoy Perry's metaphor that we're

1 discretionary review. If you can just state on the record  
2 that this proceeding satisfies that discretionary review. I  
3 think that will take care of the CRLA's request for  
4 discretionary review. That will end this item.

5 MR. WOLFF: I saw a nod from. It's not a vote.

6 MS. THOMASBERG: One more statement to all of you who  
7 have worked so hard, good job. You will benefit from this  
8 later.

9 MR. WOLFF: Thank you. I saw a nod from my fellow Board  
10 members. So this review that we had satisfies the CRLA's  
11 request.

12 MR. HARRIS: For discretionary review.

13 MR. WOLFF: For discretionary review. Any other  
14 language I should add to the statement, Ms. Austin?

15 MS. AUSTIN: I don't have anything further. Thank you.

16 MR. WOLFF: I will also concur with what was said  
17 earlier that I think we've gone a long ways. And sometimes  
18 it can be a little frustrating, but if we look where we are  
19 today versus where we were four years ago, I mean day and  
20 night. I want to thank all of you for your diligence and  
21 patience moving through this process.

22 MR. HARRIS: We're not done. We have one more item, and  
23 I question whether or not we can complete that item in the  
24 time allowed that will allow us to pack up and get out of  
25 here. I'm going to make a proposal that we just acknowledge

1 building the car as we're driving. And not only for this  
2 particular issue, but for the many issues for which you  
3 haven't even had an opportunity to even talk about yet  
4 because the requirements hadn't even passed.

5 So given all of that, we recommend that we wait  
6 until we begin the process to renew the waiver or the order  
7 or whatever it is going to be until after some of these  
8 things have been resolved. That's one thing. Let's wait to  
9 begin that process.

10 The second thing is we will bring this issue to you  
11 in the fall of 2015. That will basically summarize the  
12 petition in the civil case and everything that we need to  
13 discuss from and now until then, which will give us more  
14 clarity and then again we can discuss it in the fall.

15 MR. WOLFF: For due process, I have two speaker cards  
16 for this item. We need to give the opportunity to these two  
17 people.

18 MR. HARRIS: Two minutes.

19 MR. WOLFF: Yes. Mr. Schmik.

20 MR. SCHMIK: I will try and do it in two minutes. I did  
21 submit a letter. I sent it late. So thank you for the  
22 opportunity. My name is Steve Schmik. Thank you for the  
23 opportunity to comment on the item.

24 I am the civil case. So as you are aware of  
25 Coalition (inaudible) challenges the State Water Resources

1 Control Board changes. That brief will be available on our  
2 website probably tomorrow.

3 The case should be heard in superior court on  
4 May 15th, and we are hopeful -- we are -- I will say that  
5 within 90 percent confidence intervals that it will be heard  
6 at that time. There was only one request for demurrer and  
7 that will be heard at the same time of the case actually.

8 I do not see value in starting the process until  
9 some of this stuff is settled dust.

10 There was a second issue, and that's the timeline  
11 that was proposed, the two-year timeline. We do not believe  
12 that a long two-year deliberation serves the process well.  
13 We believe that a much shorter process is (inaudible). The  
14 proposed timeline -- we just don't see it as serving the ag  
15 order well. I will end there. My letter will be resent so  
16 it -- ca you distribute the letter?

17 MR. WOLFF: We did not accept other letters, so I think,  
18 you know, we need to be fair with all parties.

19 MR. ROSE: If I submit it now as just a letter to the  
20 Board, you would receive it, would you not?

21 MS. AUSTIN: That is true.

22 MR. WOLFF: Abbey if you can quickly come to the podium.  
23 Two minutes.

24 MS. SILVA: Abbey Taylor Silva Growership Association  
25 for Central California.

1 usually in the comment time frame when we except to get  
2 comments. And there's a time frame when staff is responding  
3 to comments. And if somebody presents their letter or their  
4 documents as we walk into the hearing, there is a prejudice  
5 to staff and their inability to go through the information  
6 or process the information or provide a response. It also  
7 pressures the other parties would don't have access to that  
8 letter or information. In this particular case, you don't  
9 have an item pending and this is all -- Mr. Schmik was  
10 suggesting he would submit this as part of the file that  
11 pertains to the ag order. In this particular case, it's not  
12 part of the administrative record for a particular action.

13 MR. WOLFF: Fine. Thank you for the clarification.

14 MR. JOHNSTON: I would submit for consensus that I  
15 think -- there seems to be general consensus that everyone's  
16 interests are better served with starting the process after  
17 some of these matters have been resolved.

18 I would submit we revisit this in the middle of the  
19 summer. And since this is an information item anyway, I  
20 think at that point we look at the question of how long the  
21 process is. I don't think we need to address that today.

22 MR. WOLFF: Looking at thumbs up.

23 MR. YOUNG: I'm in agreement. I think it would be in  
24 the fall that staff is recommending they would come back to  
25 us and that would be fine.

1 We agree with the staff's recommendation of how  
2 they affect the petition regarding the San Joaquin River  
3 watershed. The ag water is especially important to our  
4 members and essentially the future of nitrate reporting  
5 statewide.

6 We agree that the outcomes of these questions could  
7 significantly shape the goals in setting the future ag  
8 orders. We already began assessing opportunities for the  
9 next ag order with (inaudible). And as I mentioned to you  
10 in July, GSA is specifically working with Central Coast and  
11 marine labs (inaudible) for an offer to understand how to  
12 get to water quality and how the water should be.

13 While we support staff's recommendations, we do  
14 stress the importance of following the two-year timeline  
15 recommended by staff once the State Water Board's decision  
16 has been made. We don't want to rush through a shorter  
17 timeline to try to get to an arbitrary date.

18 MR. WOLFF: Thank you. And just for clarification,  
19 Counsel, we had some other speakers on the agenda items, and  
20 we did not let them provide letters. We asked them to read  
21 out loud their letter because we would not accept it.

22 So I'm confused here.

23 MS. AUSTIN: This is a bizarre situation. We're dealing  
24 with informational item. So typically and when we're  
25 dealing with (inaudible) and we have a late letter, it's

1 MR. HARRIS: If anything changes between now and then,  
2 each Board member offers an opportunity to bring you up to  
3 date.

4 MR. WOLFF: We have a consensus.

5 Thank you very much for staff. Thank you for your  
6 help today. And also members of the public. This meeting  
7 is adjourned.

8 (Meeting adjourned at 4:47 p.m.)

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