

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

576th BOARD MEETING MINUTES

FRIDAY, 13 AUGUST 2021, 9:00 a.m.

BOARD MEETING LOCATION

Zoom Teleconference and Webcast

BOARD MEMBERS PRESENT

Avdis, Nicholas	Brar, Raji	Longley, Dr. Karl
Bradford, Mark	Kadara, Denise	Yang, Sean

BOARD MEMBERS ABSENT

Ramirez, Carmen

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

Jahr, Jessica
Lancaster, David
Toft-Dupuy, Bayley

REGIONAL BOARD STAFF PARTICIPATING IN THE MEETING

Armstrong, Scott	Freigen, Susan	Newman, Brian
Baum, John "JJ"	Gamon, Daniel	Nilsen, Mike
Braidman, Brett	Garver, Kelli	Palmer, Joshua
Bosenko, Marissa	Harvey, Dale	Pulupa, Patrick
Brown, Janelle	Hawe, Catherine	Rogers, Clay
Busby, Robert	Kulesza, Dana	Salazar, Brandon
Chintamaneni, Vaneeta	Laputz, Adam	Snyder, Clint
Chow, Bob	Macdonald, Alex	Walsh, Sean
Coughlin, Gene	Maxwell, Mindy	
Ditto, Robert	McDonnell, Sue	
Flower, Christopher	Mello, Joe	

ADDITIONAL ATTENDEES PRESENT WHO WERE IDENTIFIED

Cao, Vivian	Kunda, Victoria	Nelson, M.
Carol	Larson, Bobbi	Rodriguez, Victoria
Giacomini, Pam	Mello, Robyn	Saitone, Tina
Fisher, Kari	Monroy, David	Schohr, Tracy
Houdescheldt, Bruce	Moore, Kelsey	St. Pierre, Briana
Jasper, Herb	Morgan, Nichole	Tate, Kenneth

AGENDA ITEM 1 – CALL TO ORDER

Chair Longley called the 576th Board meeting to order and made introductions. Executive Officer (EO) Pulupa introduced staff. Vice Chair Kadara led the Pledge of Allegiance.

AGENDA ITEM 2 – BOARD MEMBER COMMUNICATIONS

Chair Longley submitted the following communications:

- 29/29 June 2021, 2/6/13/19/22/23/27 July 2021, 2/5/9/12 August 2021 – Participated in meetings with State Water Board, including Division of Drinking Water personnel, local officials, and other stakeholders regarding the development of the planning for special districts for both the Stanislaus County area and the Southwest Tulare County area for the purpose of providing water related services including safe drinking water, wastewater treatment and groundwater recharge.
- 12 July 2021 – Participated in Salinity 5 meeting discussing CV-SALTS administrative issues with CV-SALTS leadership.
- 12 July 2021 – Participated in a call with EO Pulupa, AEO Laputz, and Member Bradford regarding the citizen letter related to combined sewer system concerns.
- 16 July 2021 – Participated in a meeting with State Water Board and Central Valley Regional Board leadership to overview programs, identify areas of concern, and ensure joint projects are well coordinated.
- 2 August 2021 – Participated in Monthly Regional Boards Chairs meeting.

Vice Chair Kadara submitted the following communications:

- 18 June 2021 – Participated in a Sequoia to the Slough field trip hosted by Tulare Basin Watershed Partnership. The trip included looking at all the watersheds starting with Atwell Island Wetlands, Allensworth Area, Pixley Wildlife Refuge, portions of Deer Creek along Highway 99 East, and Deer Creek up to the Sequoias.
- 16 July 2021 – Participated in a meeting with State Water Board executive management and with EO Pulupa and Chair Longley to discuss strategic planning.
- 23 July 2021 – Participated in Community Water Leaders Network session to discuss Groundwater Impacts: “Connecting SGMA and Drought” virtual workshop.
- 10 August 2021 – Participated in Community Water Leaders Network roundtable on Water and Wastewater Arrearage Payment Program (WWAPP). Presentation

from Leslie Laudon of State Water Board who provided timeline, requirements, and implementation for water debt relief.

- During July and August participated in discussions along with Dr. Longley, advocates for improved water and wastewater (small) systems for disadvantaged communities, and State Water Board representatives. The focus of discussions was to collaborate on a one water system with emphasis on consolidation/regional approach to address water/wastewater problems primarily in Southwest Tulare County and abutting portions of Kern County.

Member Bradford submitted the following communications:

- 12 July 2021 – Participated in a call with EO Pulupa, AEO Laputz, and Chair Longley regarding the citizen letter related to combined sewer system concerns.

Member Yang submitted the following communications:

- 4 July 2021 – Participated in a meeting with Sheriff J. LaRue, Siskiyou County, to learn the County's water and other local issues.

AGENDA ITEM 3 – STATE WATER BOARD LIAISON UPDATE

State Water Board Member Nichole Morgan indicated she was looking forward to working with the Regional Board and provided an update as follows:

- The State Water Board has a drought website which provides information on regional drought responses, State Water Board actions, financial assistance, and reporting tools. Ms. Morgan asked the Board to look at the website and provide their feedback (responses could be sent to drought.waterboards.ca.gov).
- On 2 August 2021, the State Water Board issued curtailment orders for 861 water rights holders in the upper Russian River.
- On 3 August 2021, the State Water Board adopted an emergency regulation in the Delta watershed. The emergency regulation must be approved by the Office of Administrative Law and filed with the Secretary of State prior to becoming effective and Curtailment Orders can be issued. Of the 6,600 water rights holders in the Delta watershed, approximately 5,700 could be ordered to curtail diversions as early as this month under the authority provided by the regulation. The remainder of the water rights holders holding older or riparian rights could be subject to curtailment should conditions worsen.
- On 16 July 2021, staff released a draft emergency regulation for the Scott River and Shasta River Watersheds. Public comments were due 23 July 2021 and the public comment period ended on 12 August 2021. On 17 August 2021, the State Water Board will consider an emergency regulation for adoption.

- There is a new California Water and Wastewater Repayment Program. The State Water Board is developing the program to distribute \$1 billion dollars in relief to reduce customer water bills as a result of the COVID-19 pandemic. In early August, the State Water Board opened a survey for community water systems to inform funding allocation and program eligibility. On 19 August 2021, staff provided an overview of the Program.
- The Division of Water Quality has been working on a statewide restoration order and established a streamlined permit process for specific types of environmentally beneficial restoration activities. On 30 June 2021, the State Water Board released the proposed order and draft Environmental Impact Report for public comment. On 4 August 2021, the State Water Board held a public hearing to hear oral comments and the comment period ended 13 August 2021.
- The Division of Water Quality has also been working on an update to the statewide Construction Stormwater General Permit. The Permit regulates stormwater discharges associated with construction activities disturbing one or more acres. The State Water Board adopted the existing permit in 2009.
- On 28 May 2021, the State Water Board released its proposed statewide NPDES Construction General Permit for a 60-day public comment period. On 9/10 June 2021, staff held two public workshops to discuss the contents of the proposed permit reissuance. On 4 August 2021, the State Water Board held a public hearing to hear comments. The public comment period ended 13 August 2021.
- The State Water Board Division of Financial Assistance (DFA) has been allocated \$1.385 billion dollars for water infrastructure funding. On 18 August 2021, the State Water Board will hold a workshop. The item proposes to authorize DFA to administer \$200 million dollars of the funds (\$100 million for drinking water projects and \$100 million for wastewater projects through existing funding programs). Additionally, the item proposes to authorize DFA to transfer \$50 million dollars to water recycling projects.
- On 6 August 2021, the State Water Board released the draft 2021/2022 Financial Expenditure Plan for the Safe and Affordable Drinking Water Fund. On 18 August 2021, the State Water Board will discuss the plan at a Board workshop. The public comment period ends on 27 August 2021. The state advisory group advises the State Water Board on the Drinking Water Fund Expansion Plan and other related CEQA policies. On 6 July 2021, the Advisory Group application window opened.
- On 4 August 2021, staff held a SAFER Advisory Group workshop. The application period ends 31 August 2021. On 12 August 2021, the Advisory Group held a public meeting to discuss needs assessment and the fund expenditure plan.

Comments from Board Members

Vice Chair Kadara stated she appreciated Ms. Morgan's update and welcomed her to the Board. Vice Chair Kadara further stated she was glad to hear the update regarding the funding coming in for safe drinking water and wastewater treatment. Vice Chair Kadara underscored the importance of ensuring smaller water systems and disadvantaged communities had access to safe drinking water and wastewater treatment.

Chair Longley joined Vice Chair Kadara in welcoming Ms. Morgan to the Board and indicated he was appreciative of her update. Dr. Longley further indicated in the past, a lot of money had been put into small communities that didn't have the capability of managing their systems. He explained the Board was seeking a united approach to make those systems viable and sustainable.

Board Members Brar, Avdis, and Yang congratulated Ms. Morgan on her appointment and welcomed her to the Board.

AGENDA ITEM 4 – PUBLIC FORUM

Vivian Cao, representing Senator Shannon Grove, thanked the Board for their time and asked if there were any reactions to the curtailment orders from constituents. Dr. Longley indicated he had not received any reactions and asked Executive Officer (EO) Pulupa if the Board had received any comments. EO Pulupa replied there were communities throughout the Valley that had a variety of different opinions as to the health of rivers and ecosystems, as well as the ability to continue growing crops and sustainable food in the Valley. However, due to the Central Valley Water Board not having regulatory authority over the curtailment orders, there had been little interaction specific to the curtailment orders themselves. The curtailment orders were directed at the State Water Board level.

Alex MacDonald with the Central Valley Water Board thanked the Board for their time. Mr. MacDonald indicated he wished to honor an outstanding individual that was taken from the Regional Water Board too soon. Tom Pinkos served with distinction during his 30 plus years at the Central Valley Water Board and was the essence of what a Regional Water Board employee should be. He was a man of his word, honest, and one could never doubt his integrity. Tom's door was always open, even when he served as the Executive Officer. Tom was a mentor, engineer, lawyer, musician, friend, and teammate. Mr. Macdonald further stated Tom was a constant professional and he missed his chance to sufficiently thank him while he was still here. Mr. MacDonald stated Tom always wore a Hawaiian shirt on Friday, and since today was Friday, he was wearing one in his honor. Dr. Longley thanked Mr. Macdonald for his comments and remembrance of Tom Pinkos. EO Pulupa echoed Mr. MacDonald's appreciation.

AGENDA ITEM 5 – EXECUTIVE OFFICER’S REPORT

EO Pulupa began the report with a tribute to a recently retired employee who also had an impact on the Board, Brian Newman. EO Pulupa stated Mr. Newman was being honored for his service with the Board, his geniality, and for just generally being an incredible person and role model at the Regional Board. Mr. Newman recently retired as the head of the UST Program. EO Pulupa asked Chair Longley to read the tribute resolution to be given in his honor.

Chair Longley read the resolution as follows:

WHEREAS, Brian Newman spent nearly 36 years at the Board from the time of his Sacramento State graduation as a Civil Engineer until his retirement in December 2020. Alex MacDonald and Brian were the last two Regional Board staff remaining from the days of working downtown at 32nd and S Streets in a converted Safeway warehouse;

WHEREAS, Brian began his Regional Board service in January 1985 at a time when staff were not relegated to a single program and he was an Area Engineer for Glenn, Colusa, Nevada, and Yolo Counties, regulating leaking underground storage tanks (USTs), wastewater treatment plants, landfills, industrial facilities, and contaminated sites;

WHEREAS, Brian was assigned to the UST Program in its infancy in October 1990 when the Regional Board ceased area assignments and reorganized into functional units. Brian was promoted to Senior Water Resources Control Engineer in the UST Program in December 1999 when the Site Cleanup Program split into two sections, one focusing on petroleum cleanups and the other solvents and other hazardous materials;

WHEREAS, in January 2005 Brian was promoted to Supervising Water Resources Control Engineer and became the Storage Tank Program Manager, a position he would hold for fifteen years. With the aid of the Low-Threat UST Case Closure Policy, which was promulgated by the State Water Board in 2012, Brian oversaw the cleanup and ultimate closure of nearly 90% of the UST contamination cases in the Region;

WHEREAS Brian spent 36 years with the Central Valley Water Board, as a result of his high-quality work and outstanding programmatic leadership, rarely appeared before the Board. An impressive feat.

WHEREAS, when Brian started his career, neon clothing was in style and he arrived for inspections in a State-issued Reliant K (part of the Chrysler Corp. bankruptcy bailout) that did not have a radio, so staff was not distracted. At his retirement, face coverings were the biggest fashion rage and he had one of his staff “borrow” a charger in the Cal/EPA garage when the electric Ford Focus (part of the climate change bailout) they were driving needed a charge to make it back to Rancho Cordova;

THEREFORE, BE IT RESOLVED that:

- The members of the Regional Water Quality Board and its staff respectfully extend to Brian, on the occasion of his retirement, our sincere thanks and appreciation for a job well done; and
- The Central Valley Water Board wishes Brian Newman the best in his future endeavors.

Mr. Newman thanked the Board and staff and expressed his appreciation for their words.

EO Pulupa then highlighted the recent employee awards. See August 2021 Executive Officer's Report.

Comments from Board Members

Vice Chair Kadara stated she was pleased to see the recognition staff was receiving and was proud of the accomplishments of the team. She further congratulated Brian Newman on his accomplishments and retirement.

Chair Longley concurred with Vice Chair Kadara's comments and thanked the staff for their hard work.

Board Member Avdis also congratulated the staff and personally thanked them for their accomplishments and congratulated Brian Newman on his retirement.

Chair Longley commented the Executive Officer's report showed that staff is working diligently to protect water quality. He thanked the staff for their efforts. EO Pulupa stated most of the targets are tracking very similar to where they were pre-pandemic and felt the Board had adapted well to the new environment. EO Pulupa further stated staff was planning on an October Board Meeting in person in Redding. Further, management was tracking the Governor's developments with respect to executive orders, public health orders, and changes to legislation that would enable hybrid meetings.

AGENDA ITEM 6 – ADOPTION OF MINUTES FROM PRIOR BOARD MEETING

Motion to adopt previous Board meeting minutes from 17 June 2021 (with revisions on page 23).

Motioned: Member Avdis
 Seconded: Vice Chair Kadara

Roll Call Vote:

Member Bradford	Yes
Member Yang	Yes
Member Avdis	Yes
Vice Chair Kadara	Yes

Member Brar Yes
Chair Longley Yes

Approved by Roll Call Vote of 6-0-0

AGENDA ITEM 7 – ADOPTION OF UNCONTESTED CALENDAR AGENDA ITEMS 11 THROUGH 15

UNCONTESTED CALENDAR

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

Chair Longley noted Item 11 was no longer contested and would be moved to the Uncontested Calendar.

ENFORCEMENT (AGENDA ITEM 11)

11. JG Weststeyn Dairy, LP; The Weststeyn 2015 Irrevocable Trust; Jakob Weststeyn as Trustee of The Weststeyn 2015 Irrevocable Trust; and Gladys Weststeyn, as Trustee of The Weststeyn 2015 Irrevocable Trust; JG Weststeyn Dairy, Glenn County – Consideration of a Cease and Desist Order [Sean Walsh (916) 464-4795]

NPDES PERMITS (AGENDA ITEM 12)

- a. Sewerage Commission, Oroville Region Wastewater Treatment Plant, Butte County – Consideration of NPDES Permit Renewal (NPDES No. CA0079235)

WASTE DISCHARGE REQUIREMENTS (AGENDA ITEM 13)

- a. California American Water, Dunnigan Wastewater Treatment Facility, Yolo County – Consideration of Revised Waste Discharge Requirements
- b. Jamestown Sanitary District, Jamestown Wastewater Treatment Facilities, Tuolumne County – Consideration of Revised Waste Discharge Requirements Order 5-01-062
- c. Lotusland Investment Holdings, Inc., Guenoc Ranch Tiers 2 and 3 Roads Projects, Lake County – Consideration of New Waste Discharge Requirements
- d. Old Durham Wood Company, Old Durham Wood Expansion and Farm Road Improvement Project, Butte County – Consideration of New Waste Discharge Requirements

RESCISSIONS (AGENDA ITEM 14)

- a. Irish Hill Quarry, Amador County – Waste Discharge Requirements Order R5-2014-0109

- b. Pioneer Creek Mobile Home Community LLC, Pioneer Creek Mobile Home Community, Amador County – Waste Discharge Requirements Order 88-109
- c. Calaveras County Water District, Southworth Ranch Estates Wastewater Treatment Facility, Calaveras County – Waste Discharge Requirements Order 90-258
- d. Nordman of California, Nordman Reedley Distillery, Fresno County – Waste Discharge Requirements Order 93-115
- e. California Department of Transportation, Tejon Pass Safety Roadside Rest Area Wastewater Treatment Facility, Kern County – Waste Discharge Requirements Order 93-051
- f. Tranquillity Public Utility District, Tranquillity Wastewater Treatment Facility, Fresno County – Waste Discharge Requirements Order 80-081

CHANGE OF NAME AND/OR OWNERSHIP (AGENDA ITEM 15)

- a. RPC Properties, LLC, RPC Packing, Porterville Facility – Waste Discharge Requirements Order 97-080
- b. Tejon Ranchorp and Blue Beacon, Blue Beacon Wastewater Treatment Facility, Kern County – Waste Discharge Requirements Order 5-01-002
- c. County of Madera, Service Area #22, Zone of Benefit C, Gunner Ranch Water Reclamation Plant, Madera County – Waste Discharge Requirements Order R5-2019-0084
- d. Alpine Meats, Inc. and Alpine Packing Company, Alpine Meats, San Joaquin County – Order R5-2002-0225
- e. RBS Holdings LLC, Cisco Gas and Food, Placer County – Order 87-211

Motion to approve the uncontested calendar as presented.

Motioned: Member Avdis
 Seconded: Member Bradford

Roll Call Vote:

Member Bradford	Yes
Member Yang	Yes
Member Avdis	Yes
Vice Chair Kadara	Yes
Member Brar	Yes
Chair Longley	Yes

Approved by Roll Call Vote of 6-0-0

IRRIGATED LANDS REGULATORY PROGRAM

AGENDA ITEM 8 – Order Amending the Waste Discharge Requirements General Order for Growers within the Sacramento River Watershed that are members of a Third-Party Group – Consideration of an Order to Exempt Goose Lake Subwatershed

EO Pulupa asked Legal Counsel if there were any disclosures before the hearing began. Counsel Jessica Jahr indicated there was a minor email communication that had no substantive effect.

Dana Kulesza in the Irrigated Lands Regulatory Program (ILRP) indicated she had taken the Oath and was present with Sue McConnell, ILRP Chief and Susan Fregein, ILRP Sr. Environmental Scientist.

Dana indicated staff was bringing a Resolution to the Board to remove the requirement to participate in the ILRP for a small group of irrigated pasture and hay operations in the Goose Lake Subwatershed. The Resolution would revise the Sacramento River Watershed General Order to exempt irrigated agriculture in the Goose Lake Subwatershed.

Dana provided background information on this Project, including a brief summary of the Irrigated Lands Program, tours, outreach, staff recommendation, and public comments received. Additionally, Dana discussed UC Davis and UC Cooperative Extension (UCCE) research findings.

Dana indicated there are just over 6 million acres of irrigated agriculture in the Central Valley Region. Over the past few years, staff had met with several upper watershed groups to see first-hand their low impact farming practices and to hear grower's concerns. In 2017 through 2019, staff and Board members toured the watersheds of Fall River, Pit River, and Upper Feather River and Goose Lake. Additionally, staff held public outreach meetings and listening sessions in October 2019. Staff presented information on potential alternative regulatory options for upper watershed and/or pasture operations based on the work performed through 2019. In 2020, researchers at UC Davis and UCCE conducted research and surveys in the Goose Lake Subwatershed.

Dana explained staff released a draft exemption recommendation in February 2021. The 2019 farm survey reported 7,060 irrigated acres managed by 29 ranchers and growers with 91% in grass pasture and 9% in alfalfa hay. 14% of acres reported using nitrogen fertilizer and zero reported using field scale pesticides. Although some ranches use nitrogen fertilizer, UCD research found there is not enough nitrogen available to affect beneficial uses in this Watershed where agriculture is the predominant land use. Several water quality issues had been identified through monitoring and emerged as the focus of efforts in this Program (these include pesticides, toxicity, and nitrate in

groundwater). However, these impacts had not been measured in the Goose Lake Subwatershed where open rangeland is the predominant crop type and reported pesticide and fertilizer use occurred rarely or never. The UCCE 2020 Goose Lake economic analysis found the regulatory costs to a typical rancher could be eight times higher than a typical Valley floor grower's cost. When revenue figures are factored in, this equated to a subsidization of intensive crop regions by low profit, low impact crops that are located hundreds of miles from water quality issues.

In February 2021, staff released the draft recommendation for a 30-day public comment period. Twelve comment letters were received (from industry organizations, coalition representatives, and local ranchers). All 12 commenters voiced support for the proposed exemption, as well as the exemption to include additional upper watersheds. In June 2021, a second public comment period on the proposed exemption ensued. Eleven comment letters were received, and all 11 letters were in support of the proposed exemption.

Staff recommended adoption of the Resolution to exempt the Goose Lake Subwatershed from current ILRP requirements.

Questions and Comments from Board Members

Chair Longley thanked staff for their work and inquired as to what extent groundwater and surface water was currently being monitored in the Goose Lake Subwatershed, or if there would be future monitoring. Dana replied through the ILRP, samples were collected for several years for surface water and there had not been any groundwater samples collected via the ILRP Program. Dana also indicated if Goose Lake Subwatershed were exempted, they would not be required to sample groundwater through the ILRP.

Chair Longley also asked how far below the sub watershed monitoring was performed. Susan Fregein indicated the Goose Lake Basin was a closed basin and had not had any discharges into the Pit River for 150 years. Therefore, there are no monitoring locations that would represent discharges.

Vice Chair Kadara indicated she agreed with the staff recommendation and noted the slide in the presentation that indicated that the farmers had the least amount of impact yet were paying much higher compliance costs.

Member Avdis echoed Vice Chair Kadara's comment related to costs of compliance for such a low or non-existent threat to water quality. Member Avdis stated he appreciated the work that went into this effort.

Member Bradford indicated based on the history of monitoring in that area, there did not seem to be any issues and he was in support of the exemption.

Comments from Interested Parties

Herb Jasper, representing Goose Lake Subwatershed, stated they had been very progressive in monitoring water. Sampling temperatures, checking turbidities, and E-Coli began in the 1990s. In 2005, the Goose Lake Basin Coalition was formed. Later, they were joined into the Sacramento Valley Coalition Administration. The Goose Lake Subwatershed is irrigated pasture and hay. There are no other agriculture products. Most of the water is across sodded ground. Additionally, there is very little to no pesticide or fertilizer use. Currently, Goose Lake is suffering a severe drought situation and is completely dry and has not been full in 150 years. Mr. Jasper thanked the staff for their hard work and stated he appreciated their assistance.

Chair Longley asked when the last time Goose Lake was completely dry. Mr. Jasper responded 3 years ago. He further stated Goose Lake was on a 60-year cycle. Years 29 through 34 went dry and then again in 1992. Chair Longley thanked Mr. Jasper for his presentation to the Board.

Bruce Houdescheldt, Director of Water Quality, Northern California Water Association (NCWA), a third party representing the Sacramento Valley Water Quality Coalition, indicated staff had covered many of the points he was going to make and thanked them for their attention to this issue, not only for Goose Lake but the upper watersheds as well. Goose Lake is a closed basin and a high desert area at approximately 4,800 feet in elevation. Groundwater trend monitoring shows no nitrates and very limited pesticide or fertilizer use. Bruce indicated NCWA supported the exemption due to the water quality results, documentation of management practices, \$7.7 million in NRCS investments since 2002 benefitting water quality, the economics of irrigated pasture operation, and its consistency with the Board's strategic plan and goal of aligning requirements based on threat to water quality. Chair Longley thanked Bruce for his presentation.

Ken Tate, representing UCCE, stated he was available for any questions from the Board about either the water quality research or the economic evaluations. Mr. Tate indicated he assured the Board the data was solid, as well as evidence based. He further stated they are moving onto performing the same analyses for upper watershed areas, including the Upper Feather River, Pit River so the Board always has the needed information to make an informed decision. Mr. Tate further indicated Brian with NRCS interviewed all 29 of the ranchers in the Goose Lake area to help provide needed information and data. Additionally, Tracy Shore with UCCE in the Upper Feather River interviewed over 80 ranchers in the area. Mr. Tate further indicated they will be working on processing and analyzing that data collaboratively with staff so as other watersheds are discussed, they will have the information to address questions. Chair Longley stated he appreciated the efforts him and his colleagues were undertaking to work on these watersheds.

Pam Giacomini, a rancher in Hat Creek (Upper Pit Watershed) thanked the Board and staff for letting her comment. She offered a tour of her ranch and the area to the Board

and staff (perhaps in October). Pam indicated this discussion and collaboration has been happening for 10 years. Data showed little to no risk for adverse effects to water quality. As indicated by Dr. Tate, the science, best management practices in economics, made a strong case to exempt Goose Lake from the ILRP. Pam agreed this action aligned with one of the strategic goals, which was to match the regulatory burden with the risk posed. Pam further stated she was working closely with Dr. Tate, Dr. Saitone (UCCE) and other UCCE agents that believe this process could be replicated in other areas, such as high upper elevation continuous forage operations that are far different from the Valley floor intensive agriculture operations. Chair Longley thanked her for comments.

Kari Fisher, California Farm Bureau, thanked the Board and staff for the opportunity to provide comments. Kari indicated the Farm Bureau supported this exemption due to the low threat of irrigated pasture (as seen by the management practices), irrigation practices, and agronomic practices in this area. Kari indicated the Bureau was looking forward to working with UCCE and others in the future to assess other upper watersheds. Chair Longley thanked her for her comments.

Victoria Rodriguez, regulatory advocate for the California Cattlemen's Association thanked the Board and staff for their time and expressed support for the staff recommendation. She further emphasized the irrigated pastures in the Goose Lake Watershed provided critical forage for livestock. With the amount of grazing on those lands, as well as the high costs associated with regulatory compliance and low yield, made it difficult for ranchers and producers to continue this work. Chair Longley thanked her for her comments.

Chair Longley asked Dr. Tate what the average number of acres for each cow/calf was on the irrigated pasture. Dr. Tate replied it is approximately two acres for a cow/calf for a six-month grazing period during the Summer growing season. Chair Longley also confirmed UCCE had not seen significant manure run-off. Dr. Tate confirmed. Dr. Tate further stated it was not economically feasible to fertilize, especially because there was no grazing during the irrigation season. The cost of nitrogen and the limited rate of return made it unfeasible.

EO Pulupa indicated these efforts were underway for quite some time and it was 2018/19 meetings in Redding that gave direction to move ahead. Although it is unusual for a regulatory agency to step back from regulating, the information gathered showed there are no significant water quality impacts due to the irrigation of crops in this area. EO Pulupa felt this recommendation was supported by data, and regulatory compliance in the ILRP was unnecessary. EO Pulupa thanked staff for their work and efforts and indicated it was his recommendation to adopt this Resolution to exempt the 29 growers from the ILRP.

Member Avdis stated his appreciation to staff and stakeholders for the work and participation and indicated it was his hope the Board continued to look at additional areas where regulation could be streamlined to prioritize threats to water quality. Further, Member Avdis indicated his support of staff's recommendation.

Member Bradford stated he was in support of the recommendation and inquired as to the precedent being set for other farmers that feel they should be exempted from certain regulations. EO Pulupa stated the bar was set very high and this was unique in terms of where this watershed was located. This watershed was unlike other kinds of hydrologic systems the Regional Board had been concerned with (with respect to CV-SALTS). EO Pulupa indicated staff was looking at scaling back where appropriate. Further, Rebecca Tabor had been instrumental in working through several monitoring reductions for Sacramento Valley growers where the existing data showed no operational water quality impacts. This watershed was unique and relatively small. Dr. Tate and Dr. Saitone had the opportunity to talk with each one of the 29 growers individually and understands exactly what the conditions are. Where there are thousands of growers, or particularly when there were enrollees not enrolled in the Program, this effort becomes more complicated. The Regional Board recognizes when the regulations don't make sense. EO Pulupa concluded by stating this is something staff was continuing to think critically about as they worked on all regulatory areas.

Vice Chair Kadara stated she enjoyed her time when she visited the area in 2017. Being no negative comments on this project and the fact that nitrates and pesticides had not been identified, this was the type of project that needed to be exempt from the ILRP regulations. Vice Chair Kadara concluded by stating she looked forward to other opportunities when there were no impacts to water quality identified, agreed with staff's recommendation, and thanked them for their efforts. Chair Longley concurred.

Motion to approve the staff recommendation to exempt 29 growers in the Goose Lake Watershed from the Irrigated Lands Regulatory Program requirements.

Motioned: Member Avdis
Seconded: Member Bradford
Roll Call Vote:
Member Bradford Yes
Member Yang Yes
Member Avdis Yes
Vice Chair Kadara Yes
Member Brar Yes
Chair Longley Yes

Approved by Roll Call Vote of 6-0-0

AGENDA ITEM 9 – Status Update of the Drinking Water Well Monitoring Requirement in the Irrigated Lands Regulatory Program General Orders – Information Item Only

Bob Ditto, ILRP Compliance and Outreach Unit Supervisor began his presentation by stating he was giving an update on the drinking water well monitoring requirements for members or owners of commercial irrigated lands. In 2018, the State Water Board issued an Order in response to petitions for the East San Joaquin waste discharge requirements. The Order required members of the ILRP to sample active drinking water

wells located on enrolled parcels for nitrate, plus nitrite as nitrogen, to identify drinking water wells that had nitrate concentrations exceeding the drinking water standard. Secondly, to notify those well users of the potential health risk.

Staff developed an outreach schedule based on potential risks of groundwater. In 2019, staff began with the East San Joaquin Coalition and expanded into Tulare Lake Basin in 2020 (which included seven water quality coalitions). In 2021, outreach efforts expanded to the San Joaquin Delta West side and the grassland drainage area (and will be expanded to the remaining coalitions in 2022). There are approximately 15,000 members in the participating coalitions, with 26% of members having sampled (all members are required to sample). Those with active wells on enrolled parcels and members of the San Joaquin Delta West side and grassland drainage area have until the end of 2021 to sample. Staff receives data from the 2021 farm evaluation to validate which members had active drinking water wells. As of 1 July 2021, there were over 7,300 wells sampled, with just under 30% exceeding the drinking water standard.

Members are initially required to sample active drinking water wells annually. Sample testing must be performed by an ELAP certified laboratory for testing nitrate plus nitrite as nitrogen. There is an exemption from sampling if the drinking water well is not used for human consumption. Members must keep records (such as photo documentation or bottled water receipts) establishing that the well is not used for drinking water. Members are required to submit a form and sample to the lab. The form was designed to make it easier for the laboratories to create accounts in GeoTracker. The laboratory enters this data into Geo tracker and provides the member with a global ID number for the well. The global ID number is used for future sampling events. Based on sample results, a member will either continue to sample annually or if the sample result exceeds the drinking water standard of 10 milligrams per liter, the member will be required to follow the notification requirements. No further sampling is required after three years of consecutive samples showing no exceedances. Members evaluate their results and if all results are less than 8 milligrams per liter, sampling will be reduced to once every five years. If a sample is between 8-10 milligrams per liter, members will continue to sample annually until they meet three consecutive years with all samples under 8 milligrams per liter. If a member's sample exceeds 10 milligrams per liter, they would follow the notification requirements. Notification requirements are to immediately notify the users (using the notification template) and send a signed copy to the Central Valley Water Board.

Bob explained staff created an outreach package to send to all members at the start of 2021. The package contained a quick reference guide, a member information form, the notification template, and an informational trifold. Staff also sends a "reminder to sample" postcard to coalition members each year. Staff also updated the website with a new drinking water well monitoring webpage. Most of the outreach materials had been translated into Spanish, Punjabi, and Hmong.

The Drinking Water Well Monitoring Program required certified laboratories to enter the member well data from the drinking water well into Geo tracker. The well information includes a county APN or latitude and longitude. Geo tracker display this information in a public map. One of the top priorities of this Program is to ensure notification is

completed once an exceedance is submitted to Geo tracker and identified by staff. If a notification was not received from the member, staff would send a notification request. If the member did not respond, a Notice of Violation is issued. Currently, members are at a 95% compliance rate.

Comments from Board Members

Chair Longley asked if the 95% compliance rate was accurate. Bob replied yes, and staff was working diligently to get the last 5%. Chair Longley also wanted to know if the GeoTracker was able to be modified to show samples over 10 milligrams per liter. Bob appreciated the suggestion and replied yes, the program was developed by staff and data tracking was currently being worked on, so the Program was able to be modified.

Member Avdis asked if any challenges were identified in getting the remaining 5%. Bob replied once a member was identified, there were no issues getting the needed data. On the member information form, there is an email address and sometimes a phone number for staff to contact. If no response is received from the member, a letter is sent. Additionally, GeoTracker sends an email when the sample is submitted. Based on that result, that email contains the notification template with a brief description on what to do next. If the sample submitted is below 10 milligrams per liter, an email is generated indicating the member only needs to submit annual samples. Staff tries to get as much information as possible out to the grower as quickly as possible. Staff then follows up with an email and/or phone call, and a letter if necessary. If there is no response, staff issues a Notice of Violation. Bob indicated staff had not issued many Notice of Violations because compliance was so high.

Member Bradford noted there were almost 30% of wells sampled in exceedance of the established guidelines and wanted to know if that was expected. Additionally, Member Bradford asked how many people were on those drinking water wells that were affected by the exceedances. Bob indicated staff was not surprised by the exceedances and the Program started in the areas that were most impacted. In terms of the San Joaquin and Tulare lake basins, Tulare had some higher numbers but that was expected. Bob did not know how many individuals had been served by those impacted wells. However, typically the notification occurs to individual associated with the APN.

Vice Chair Kadara also wanted to know if the wells exceeding the regulation were in a populated area. If so, what was that number. Bob replied he would get that information to the Board. Vice Chair Kadara stated she appreciated the presentation and was looking forward to seeing 100% compliance.

Chair Longley asked if there was data on the individual wells. Bob replied there is no detailed data on the wells themselves. However, outreach is targeted at the members to identify their wells, sample them, and send notices if they exceed. Dr. Longley felt having information on individual wells (such as the type of pump they were using) would be useful for future work. Bob also confirmed the testing is only performed on domestic wells, not agricultural wells.

EO Pulupa noted that this Program was a mandate under the State Water Board's as East San Joaquin Order. It was also notable that sampling is occurring on agricultural parcels with communities right next door that were not performing sampling. EO Pulupa thanked Bob and his team for getting this program up and running (as is was a huge resource commitment).

Member Yang asked if staff had data on the depth of the wells and wondered if the newer well sampling would make a difference based on the depth of the wells. Bob replied it was important to remember the State Water Board Petition Order, the real purpose behind this Program was to identify the wells that had nitrate concentrations exceeding the drinking water standard and then notify those users and ensure they were aware of the potential health risks when drinking the water. Bob stated while this was something staff was obtaining data for (nitrates in groundwater), currently the focus was to ensure exceedance notifications to affected users.

Chair Longley thanked Bob for his presentation.

Comments from Interested Parties

Bruce Houdesheldt stated (since the passage of SB200 and the revisions to the San Joaquin Order), State Water Board had implemented GIS tools, specifically on domestic well trend monitoring and the other on aquifer risk assessment, which looked at nitrates. Bruce asked how those tools and those results integrate with the data that's being collected from on farm drinking water well programs. Bob replied most of that information was USGS, so it went through qualified laboratories. Also, this data is gathered in one-mile plots, so data is gathered from a certain number of wells within a specific area to give an average concentration. Bob stated this would be a great question for the State Water Board in terms of being able to use that data. Chair Longley stated a lot of work and a lot of money was going into sampling, so we wanted to get the biggest return on investment. Chair Longley felt this was an issue the Board wanted to continue discussing to determine how staff could use that data to regulate better in the future.

AGENDA ITEM 10 – Executive Officer's Annual Report to the Board: Summary of the Performance of the Board's 19 Water Quality Programs in Fiscal Year 20/21 – Information Item Only

EO Pulupa indicated this update was the Annual Program Report to the Board that occurs every August. The Portfolio Management process, whereby staff determined goals for next year and reviewed accomplishments of the past year. EO Pulupa noted this information (minus the case study) could be found on the Regional Board's webpage (along with resources and personnel commitments). In December, Programs and priorities will be discussed again.

EO Pulupa then discussed the 19 water quality programs (previously phrased as 18 water quality programs). However, CV-SALTS (although listed under the Basin Planning

Program) had a specific and large workload so it was called out as a specific Water Quality Program. EO Pulupa indicated the following:

Permitting Programs

These Programs include the NPDES Program, Waste Discharged to Land Program, Water Quality Certification Program, and Stormwater Program). The goals of the NPDES Program is to regulate point source discharges to protect beneficial uses and where appropriate, consider the cost of compliance when developing permit conditions. This past year, the NPDES Program continued to see success with a workload that allowed staff to keep pace with permit renewals (a key focus of U.S. EPA oversight of the Program). Staff continued to develop ways of ensuring permits were consistent with the new statewide toxicity provisions. EO Pulupa pointed out the Sacramento Regional Wastewater Plant (Regional San) EchoWater Project. The NPDES Program saw the completion of a major milestone for the largest permittee, Regional San located in Elk Grove. The Project made up more than 60% of all wastewater treatment plant discharges. In 2010, the Board adopted regulations requiring permittees to implement tertiary filtration and biological nutrient removal (BNR). To meet these new requirements, Regional San began implementing the EchoWater Project with an initial cost estimate of \$1.5 to \$2.1 billion. Regional San recently reported the tertiary filtration upgrades are ahead of schedule and in April 2021, the facility began to fully implement the BNR facilities. This resulted in a reduction of more than 30,000 pounds of ammonia per day discharge to Sacramento and San Joaquin Delta. Since July of 2018, the result is almost zero with the nitrifying side stream and full BNR operation. In 2000, virtually none of the delta wastewater treatment facilities provided nutrient removal. However, due to Board requirements, most of the delta municipalities had been upgrading their facilities to provide advanced treatment. Today, 99.8% of the wastewater discharged to the Delta is treated to remove nutrients.

Waste Discharge to Land Program

This Program primarily regulates waste discharges that may affect groundwater quality. This is the oldest State Water Quality Control Program regulating sewage treatment facilities, food processing facilities, and other industries discharging non-hazardous wastes. The Program currently regulates 1,400 facilities. The Program accomplished its work by expediting the issuance of new or revised permits, seeking out permanent dischargers developing new General Orders, and is one of the main Programs tasked with CV-SALTS implementation. This past year, staff completed numerous permanent actions and enrollments and reviewed a daunting amount of reports. The Program was also tasked with assisting in a major State Water Board effort to better understand the impacts of PFOS and PFOA. The State Water Board issued a monitoring notice to 102 publicly owned treatment works in the Central Valley. Work permitting staff reviewed and provided comments on 53 PFOS groundwater work plans (a subset of the 102 POTW's). This represented a major step forward in helping states understand the impacts of chemicals. This work would not have been possible without the input from Central Valley Water Board permitting staff.

Water Quality Certification Program

This Program protects wetlands, riparian areas, and headwaters. Generally, this Program required a permit from U.S. Army Corp of Engineers, which required a state

certification pursuant to section 401 of the Clean Water Act. These certifications have enforceable provisions to ensure projects are meeting state water quality requirements. This Program is also responsible for implementing the State and Federal Wetlands No Net Loss Policies and the State Water Board's new Dredge/Fill Procedures. This Program was able to review more than 200 project applications and issued close to 300 actions. Staff participated in an Interagency Review Team for the Central Valley In Lieu Fee Program and continued to develop a General Permit for maintenance dredging. Staff was also key to the development of the Placer County Conservation Program (PCCP). In November 2020 (after 20 years in development), the Board adopted three programmatic general certifications and waste discharge requirements in support of the PCCP. The PCCP covers approximately 201,000 acres in Western Placer County and is designated to accommodate the planned land development in the area, while ensuring that environmental protections will support the survival and well-being of hundreds of plant and animal species. 50,000 to 60,000 acres will become part of a reserve system. This conservation reserve system would preserve many acres of vernal pool habitat and approximately 50% of the counties remaining stock of these fragile seasonal ecosystems will be protected by this single PCCP Program. In April 2021, the PCCP received its final regulatory approval and received direction to begin implementation.

Stormwater Program

This Program implements construction industrial and municipal permits to regulate the discharge of pollutants in stormwater to waters of the U.S. These permits require implementation of best management practices (and other program elements), and controls to minimize the discharge of pollutants. Board staff review monitoring and other program reports, conduct compliance inspections and audits, and conduct enforcement actions as needed. Stormwater staff are prolific in conducting inspections (396 construction inspections, 231 industrial inspections, and 75 municipal inspections/audits). Additionally, staff participated in multi-agency trash cleanups, supported post wildfire sediment and erosion control measures and assessments, and coordinated implementation of Pyrethroids Control Program that pertained to stormwater. EO Pulupa highlighted a key project to illustrate the activities of the Stormwater Program, the Market Center and Block 7 Project (an affordable housing and revitalization development located in downtown Redding). In June 2018, the California Strategic Growth Council awarded \$20 million in grant funding for this Project (to include housing units, 75% of which will be affordable housing, retail, office space, and parking structures). Sustainable transportation improvements were also part of the Project (to include over a half mile of sidewalks, approximately four miles of bike lanes, and a Bike Share Program). Project challenges included implementing and maintaining best management practices to prevent sediment and erosion discharges. During a storm event in May of 2020, the Central Valley Water Board inspected the site in response to a complaint regarding trapped sediment. The discharger responded immediately, took corrective action, and deployed additional best management practices.

Planning, Monitoring, and Assessment Program

This Program oversees the Basin Planning Program (to include TMDL and the Delta Programs), CV-SALTS, Surface Water Ambient Monitoring Program (SWAMP), and Non-Point Source Program. The SWAMP and the Non-Point Source Program water

quality control plans provide the foundation for all Central Valley Water Board regulatory actions. The TMDL and Delta programs also fall within the greater Basin Planning Program, which provides some oversight for CV-SALTS. The goals of the Planning Program are to establish policies to preserve and enhance water quality and protect beneficial uses, conduct triennial reviews to ensure basin plans address public concerns, continue to be effective in meeting Program goals, protect and restore surface waters by conducting water quality assessments, and establish implementation plans (including total maximum daily load plans under the Federal Clean Water Act) to address impairments. As the unit that also oversees the Delta Program, the Basin Planning Program is responsible for coordinating actions to ensure protection of Delta water quality. This past year, the Planning Program developed a region-wide assessment work plan focused on the evaluation of bio stimulatory and bio integrity impacts, and supported efforts for the 2018, 2020/2022 integrated reports. The Planning Program also continued implementation of existing priority TMDL and related control programs and continued to work on the Delta Nutrient Research Plan and Delta Regional Monitoring Program.

The Delta Program has allocated resources to address harmful algal blooms (HABs) in the Sacramento/San Joaquin Delta. HABs are a key component of the Nutrient Research Plan. Projects are focused on filling high priority data gaps. Board staff are implementing the Freshwater, Estuary, and HABs Program which includes bloom response, monitoring, and building partnerships with local stakeholders. Ongoing projects provide information on bloom initiation and sources, potential risks for human health, trophic transfer of cyanotoxins to food webs, stressors for native fish, and possible mitigation methods to alleviate blooms and cyanotoxins. Board staff have been collaborating and developing partnerships with several organizations and residents focused on these priorities (including in Discovery Bay and on the Stockton Waterfront). The HABs Initiation Project is investigating if *Microcystis* blooms throughout the Delta are generated by benthic resting cells (*Microcystis* cells) that overwinter at the sediment surface. The project monitoring cyanotoxin concentrations and water samples included ten sampling locations and organisms that include clams, crayfish, and smaller sediment dwelling animals. The pilot Mitigation Development Project utilized experiments to optimize treatment of HABs using hydrogen peroxide. Hydrogen peroxide has many advantages since it degrades to molecular oxygen in water, leaves no chemical residue, and could potentially degrade cyanotoxins, thus alleviating low dissolved oxygen issues that often result when bacterial blooms deteriorate.

CV-SALTS Program

The Central Valley Salinity Alternatives for Long Term Sustainability initiative is a stakeholder driven effort that developed a regulatory framework to address legacy and ongoing salt and nitrate accumulation in the Valley. The goals of the Program are to ensure safe drinking water supplies, reduce salt and nitrate loading to protect beneficial uses, and implement long term managed restoration of impaired waterbodies. In the past year, revisions to the Salt and Nitrate Control Program were adopted by the Central Valley Water Board and approved by the State Water Board. Preliminary management zone proposals and Early Action Plans were received and reviewed with implementation of zones beginning May 2021. One particularly notable accomplishment (in addition to the nitrate and control measures), was the mailing of over 3,200

customized Notice to Comply letters beginning January 2021. All salinity dischargers in the area needed to receive a Notice to implement the Program. In the subsequent weeks, staff fielded hundreds of calls and emails from permittees and consultants and coordinated with lead staff from other programs to ensure that each inquiry was provided a timely response and a high degree of customer service. Staff also participated in or coordinated numerous outreach and informational events to help inform permittees of new requirements.

Surface Water Ambient Monitoring Program (SWAMP)

This Program was created to fill the legislative mandate for a unifying program that would coordinate all surface water quality monitoring conducted by the State and Regional Water Boards. The SWAMP Program conducts water quality monitoring directly (and through collaborative partnerships) and provides numerous reports, fact sheets, and tools designed to support water resource management in California. SWAMP monitoring projects assess overall water quality status and trends, identify water quality problems and potential sources, and evaluates program effectiveness. This past year, Program staff conducted phase one of a Bacteria Source Identification Study in the Lower American River, supported HAB incident response monitoring, and deployed continuous temperature loggers to support the Board's Climate Change Work Plan. Additionally, SWAMP staff supported the recreational beneficial use studies in the Upper San Joaquin River and the Lower Kings River watersheds every summer since 2007. SWAMP staff also monitored E coli in swimming holes to monitor recreational safety as an indicator of potential fecal pollution. To date, SWAMP staff and its partners collected nearly 3,000 samples from 172 recreational sites. This past year, Fresno SWAMP staff continued to monitor popular recreation areas in the upper portion of the San Joaquin River watershed. Additionally, staff added insights in the Lower Kings River watershed to keep the public and local agency partners informed of current conditions. SWAMP staff is continuing to post weekly E coli results to an interactive online map.

Non-Point Source Program (NPS)

NPS pollution is the leading cause of water quality impairments in California. Leveraging limited grant funds, the NPS Program works to restore waters impacted by NPS pollution and protect impaired water bodies by assessing problem sources and implementing management programs. This past year, NPS staff obtained phosphorus load information for the Clear Lake TMDL, participated in the Clear Lake Blue Ribbon Committee, coordinated campfire recovery projects, and completed annual updates to the list of surface waters with Surface Water Quality Management Plans (as well as their status for pesticide TMDL's, ILRP Pesticide Management Plans, and San Joaquin River selenium). NPS staff also continued work on the Battle Creek Watershed Plan. The Battle Creek watershed is an important salmonid fishery and hosts spawning, rearing, and migratory habitats for threatened and endangered salmonid species. In May 2019, the watershed-based plan was completed to address sediment impacts and other water body uncertainties. The watershed-based plan identified several short and long term needs to reduce sediment impacts to surface water and guide decision making efforts within the watershed. Several sediment reduction projects were identified, and grant funding secured, including a newly executed grant in the amount of \$603,654 for road decommissioning in the South fork of Battle Creek. Additionally, a

data portal was created to store the watershed-based plan and other relevant Battle Creek data. The data portal also allows users to visualize available watershed data and create user specific maps from various stakeholder databases.

Administrative Program

The Regional Board employs approximately 250 permanent employees and 40 temporary/part time employees. Of those, 18 serve as the administrative team. The program provides administrative support and is responsible for activities related to budget projection and tracking, contract grant development, management procurement, laboratory services management, record keeping, billing, personnel and human resources recruitment, physical distribution of mail and electronic content, managing the vehicle fleet, and logistics. This past year the administrative staff processed and reconciled over 1,100 employee training requests, assisted in the production and remediation of over 1,000 documents to make them Americans for Disability Act accessible, and assisted with and completed over 10,000 mailouts (even with COVID protocols in place). One case highlight is the eRPA process. Early in the pandemic, the State Water Board's Human Resources Branch established a new paperless electronic process for completing requests for personnel action (eRPA). These are central for filling vacancies, position reclassifications, employee transfers, and retirements. Each step of this process required specific staff from administrative support (including managers and supervisors) to complete certain steps to move the eRPA through to completion. This electronic process allowed for transparency and tracking of the eRPA through the report status and archive views. The new electronic workflow model was far more complicated than the past process and was not subject to beta testing or much training. Nonetheless, administrative staff learned the new paperless system, developed additional in-house training guides, and provided critical training to supervisors in an evolving virtual environment. During fiscal year 2021, program staff processed over 130 eRPAs. It is anticipated that the number of eRPAs will increase substantially over the next fiscal year.

Special Permitting Programs

These include the ILRP, Oilfield Program, Land Disposal Program, Confined Animal Facilities Program, Mines Program, Cannabis Program, and the Forest Activities Program. In the Central Valley Region there are over 30,000 irrigated agricultural operations on over six million acres of land. The ILRP Regulatory Program regulates these operations to protect beneficial uses of surface and groundwater. ILRP Program staff provide oversight of coalition and grower activities and conduct compliance and outreach activities to maximize grower enrollment and compliance. This past year, Program staff updated eight ILRP General Orders to include Salt and Nitrate Control Program requirements, approved 19 surface water quality management plan completions, expanded the On Farm Drinking Water Well Monitoring Program, and approved a groundwater protection formula methodology (which is key to protecting groundwater from nitrates). Additionally, this past year the completion of the East San Joaquin Expert Panel review was completed. In 2012, the Central Valley Water Board adopted the East San Joaquin General Order to regulate pollutants from agricultural lands. Environmental groups petitioned the State Water Board asserting that Surface Water Monitoring Programs did not effectively show if water quality objectives were met. In response, the State Water Board directed the Central Valley Water Board to

implement an independent expert review of the surface water monitoring framework. Board staff contracted with the Southern California Coastal Watershed Research Project to facilitate and administer the external expert review. A Stakeholder Advisory Group was formed to assist with the selection of a five-member expert panel. This effort included three public panel meetings and multiple opportunities for public comments. The final findings and recommendations were submitted in December 2020 and brought to the Central Valley Water Board in February 2021. The Expert Panel found the overall surface water monitoring framework met the ILRP regulatory requirements and made several recommendations to improve the Monitoring Program. This review was essential to the legitimacy of the Board's regulatory programs.

Oil Fields Program

Most California oil production occurs in the Central Valley. Formation water produced with the oil is known as produced wastewater and is comprised of the largest volume of waste generated by oil production. Produced wastewater is typically saline and is disposed of by land application, primarily ponds or underground injection. The Oilfield Program regulates oilfield discharges to ensure the protection of surface and groundwaters and reviews proposed aquifer exemption applications, UIC permits, and SB4 related Groundwater Monitoring Programs to ensure activities are protective of water quality. This past year, this Program oversaw multiple pond closures, inspected 64 facilities, issued 44 UIC project review letters, reviewed nine SB4 applications, 12 SB4 groundwater monitoring plans, and 10 SB4 groundwater monitoring reports. This Program also brought the Food Safety Expert Panel white paper to the Board for a final review. The Oilfield Program also issued several Water Code 13267 informational orders to better understand potential impacts due to the injection of oilfield produced wastewater. The United States Geological Survey publication revealed injected fluids in the Lost Hills, North Belridge, and South Belridge oil fields may have migrated out of areas of the aquifer that were exempted from the protections of the Federal Safe Drinking Water Act. The USGS publication concluded that groundwater in the Tulare formation has been impacted by the injection of produced water for the purpose of waste disposal but was unable to determine the lateral extent of these impacts. Board staff issued five orders under Water Code Section 13267 requiring operators in these fields to investigate and determine the lateral and vertical extent of potential impacts. In response to the orders, operators proposed to prepare site conceptual hydrogeological characterization reports. To date, four reports have been submitted and are being reviewed by Board staff.

Land Disposal Program

The goals of this Program are to protect surface water and groundwater quality from contaminants associated with landfills, liquid waste surface impoundments, and other waste containment units, ensure permits are kept up to date with applicable regulations, and implement timely enforcement where necessary. This past year, the Program presented eight individual permits for the Board's consideration, enrolled additional dischargers under the Composting General Order, and conducted 23 permitting and construction related inspections. One major new permit developed by the Land Disposal Program was a waste discharge requirements (WDRs) for the White Rock North Dump at the Aerojet Waste Consolidation Unit in Sacramento County. In late 2019, staff were approached by Aerojet Rocketdyne regarding a proposal to build a new Class II landfill

that would be used to contain up to one million cubic yards of waste soil and inert construction debris from the Aerojet Landfill, as well as various soil cleanup projects at the Aerojet Superfund site. The proposed Aerojet Waste Consolidation Unit would be located on top of a portion of the White Rock North Dump, a pre-regulation dump that never received proper closure. Adoption of WDRs provided for the closure of the White Rock North Dump and a 97% reduction in truck traffic would have been used to truck the waste to various landfills within the Central Valley Region. Board staff worked very closely with the Discharger, various consultants, and local agencies throughout 2020 to facilitate the properly designed Waste Management Unit and adoption of the associated WDRs. This Project allowed for the redevelopment of valuable property for commercial use within the County, relocated waste from an unlined landfill to a lined unit (offering greater water quality protection), consolidated impacted soil that may be contributing to groundwater contamination from various parts of the Superfund site, and facilitated a proper cover over the prior dump that was never appropriately closed.

Confined Animal Facilities Program

The Central Valley is home to a variety of agricultural operations that rely on animals (cows, deer, sheep, goats, pigs, and poultry). Confined animal facilities are ranches where livestock are held and provided food for a significant part of the time. The goal of this Program is to ensure the human right to safe, clean, affordable, and accessible water by protecting waters potentially affected by discharges from confined animal facilities, while preserving the benefits of a healthy and sustainable livestock industry. This past year, staff developed a process for Confined Animal Facilities to participate as members of third-party industry groups and CV-SALTS. The Program conducted 291 inspections, issued four formal enforcement orders (for off property discharges from dairies or for over applying to land application areas), and reviewed and commented on several remediation work plans from dairies in areas of shallow groundwater. This past year, Confined Animal Facilities program staff participated in a Technical Advisory Committee for evaluating and ranking grant proposals for dairy digesters. This effort supports the California Air Resource Board's plan for reducing short lived climate pollutants (particularly methane to address the impact of climate change). In the past five years, nearly \$200 million of cap and trade money has been granted to fund the design and construction of approximately 120 new dairy digesters in the Central Valley. Each project involves a detailed review of a design report from the digester, pond liner, and review of a post-construction report (in addition to the engineering aspects of the installation, includes an operation and maintenance plan and modern reporting plan to detect leakage). Last fiscal year, staff reviewed approximately 50 dairy digester designer reports and completed approximately 40 post-construction report reviews to ensure digesters funded by the Grant Program are designed and built to specifications that are protective of water quality.

Mine Program

The Program's goal is to eliminate surface water and groundwater impacts from past mining operations and prevent further degradation to waters of the state. Central Valley Water Board staff regulates 10 mine sites with known or potential water quality impacts and is a subset of the 47,000 abandoned mines with physical or environmental hazards identified in California through the Department of Conservation. Discharges of waste from these mine sites can have devastating effects on receding waters and can

significantly limit or obliterate beneficial uses for miles downstream. This past year, Mine Program staff inspected 23 mines to assess site conditions, updated the Board's approach to ranking the water quality threat posed by the mines, and issued multiple permit amendments and renewals to enhance water quality protections for certain mine sites. Mine staff also worked on a particularly difficult situation involving the Bully Hill and Rising Star mines which are abandoned copper mines along the Squaw Creek arm of Shasta Lake. Extensive remediation was conducted, including the installation of bulkhead seals, consolidation, and capping of waste rock at the Rising Star mine, and the diversion of Town Creek around the Bully Hill waste rock pile. In 2009, the bankruptcy of the property owner Lyondell Chemical Company resulted in the formation of the Lyondell Trust to manage \$8 million dollars for remedial activities between 2011 and present. Lyondell Trust funded the construction of two passive treatment systems that staff hoped would have eliminated a lot of the water quality impacts. However, funds are running out and the mines are still impacting the waterways. Staff requested the Trust evaluate projects that could be implemented with the remaining funds. The major projects recommended by the assessment include improvements to the Rising Star Bypass Channel and the Rising Star culvert system and erosion next to the containment structures to accommodate 100-year storm event. Implementation is expected to harden the mine site by providing long term protection for the Rising Star waste rock containment cell and passive treatment system. This solution mitigates a significant source of pollution until the State finds a way to finance more extensive cleanup.

Cannabis Program

The Central Valley Water Board's Cannabis Regulatory Program regulates waste discharges associated with cannabis cultivation. The Program's goals are to increase enrollments in the Statewide General Order, perform targeted enforcement in high value watersheds, continue education outreach to cultivators, and coordinate with other agencies at the state and local level. This past year, the Cannabis Program enrolled 444 cultivators, conducted 10 outreach events, 16 compliance inspections, 29 enforcement inspections, and issued two administrative civil liability orders. Cannabis staff also conducted a major effort and enrollment in Lake County, one of the few permissive counties in the Region. In mid-2020, Lake County issued a moratorium indicating the County will not accept cannabis permit applications unless the property the permit is associated with was enrolled in the Water Quality Protection Programs by 31 October 2020. This resulted in a large influx of applications to the Board. In order to process the large influx of applications, staff drafted an FAQ document that automatically replied to emails. The FAQ has since grown and is an invaluable resource for saving time in reoccurring customer service interactions. Staff also evaluated the enrollment process and Notice of Applicability preparation process to eliminate all unnecessary steps. This effort involved a collaboration effort with the Redding and Rancho Cordova offices and Lake County. Prior to September 2020, the Central Valley Water Board had 191 Lake County applicants and enrollees. By October 31, there were 446 enrollees.

Forest Activities Program

This Program seeks to prevent impacts to surface waters due to discharges of pollutants related to forest land management practices. These pollutants include

sediment petroleum products, pesticides and herbicides, and other waste materials in accordance with the state's 2004 Nonpoint Source Implementation Policy. This past year staff conducted 312 inspections and provided technical expertise for nine grants or contracts aimed at improving forest lands and watersheds with legacy logging impacts. Staff developed a prioritization tool to evaluate the need for field inspections for postfire and utility vegetation management. Staff continues to work on a new permit for activities conducted by the U.S. Forest Service and the Bureau of Land Management. Additionally, staff continued work on a Forest Practice Program pesticide sampling project. In 2013, program staff began testing new passive and pumping sampling technology that allowed samples to be collected over longer periods of time. Initial goals included evaluating product design and producing a sampling protocol that would allow staff to monitor for multiple pesticides. Early testing resulted in multiple pesticide detections but provided no corresponding and reliable concentration data. Program staff subsequently assisted in the development of a new laboratory methodology (based off the work of the United States Geological Survey) that allowed for assessment of up to 155 current use pesticides, including many commonly related to cannabis cultivation and forest management. Program staff was now working with the State Water Board's Environmental Lab Aggregation Program to validate and achieve aggregation for the resulting methodology. Program staff coordinated with the contracted labs to use existing methodologies but allowed for limited sampling while the final eLab methodology was being accredited. Staff are working with Cal Fire to retrieve passive samplers during the winter. These samplers were deployed for 14 days.

Enforcement and Cleanup

These Programs include the Compliance Enforcement Program, Site Cleanup Program, and Underground Storage Tank Program. The State Water Board and nine Regional Water Quality Control Boards protect the waters of the State by ensuring compliance with clean water laws and taking enforcement actions when violations occur. The goals of the Compliance Enforcement Program include protecting water quality by enforcement of State and Federal laws and policies, and to take swift fair enforcement actions, conduct inspections, respond to complaints, and apply technical expertise to ensure enforceable permits are protective of water quality. This past year, compliance enforcement staff conducted 1,570 inspections, issued 1,414 enforcement actions, collaborated with the City of Sacramento and other watershed partners on the cleanup of Steelhead Creek, and issued a \$2.5 million penalty to address illicit discharges to Mule Creek from the California Department of Corrections and Rehabilitation. An example of the types of actions the Compliance Enforcement Program undertakes is an Administrative Civil Liability Order to the City of Jackson, the California Department of Transportation (Caltrans), and the Central Coast Financial Group. This order addressed a sewage spill to Jackson Creek. The \$203,580 penalty stemmed from an incident in February 2018 when a sewer line was damaged during overnight construction (during the repair of Caltrans storm drain lines across Hwy 49 in Jackson). Miscommunication, incorrect markings, and a broken main were to blame for this 57,000-gallon sewage spill. The City of Jackson is designated as a community with financial hardship. The City of Jackson and Caltrans construction could direct payment to the City's wastewater collection system in lieu of directing the funds to the cleanup and abatement fund. Using these funds, the City provided grant funding to homeowners to replace aging private

lateral lines and improve existing lines, which offered further protection to Jackson Creek.

Site Cleanup Program

This Program provides technical and regulatory oversight of cleanup activities of sites impacted by releases of pollutants to soil, gas, groundwater, surface water, sediments, and indoor air. Site cleanups include large industrial facilities, military bases, oil refineries, factories, and smaller facilities (dry cleaners and metal plating shops). Many properties are in urban areas and environmental justice communities. Cleanup often results in contaminant removal and reduced impact to water and economic growth. This past year, staff conducted technical reviews of over 1,000 site investigation remediation and remedial design documents. Staff continued efforts to identify sites eligible for grants to the Site Cleanup Subaccount Program and to reduce site backlog in Geo tracker. One cleanup site that exemplified the work with this Program is the former Community Linen site in Sacramento. The source of the PCE contamination is from a steam laundry facility that operated from 1957 to 1985. After purchasing the property, SMUD demolished the site, removed the PCE contaminated storage tank, and converted the property to a parking lot with a solar charging station. The Board began working on the project in 2013 after a property investigation at a nearby site showed solvents still present. The final remedial action plan was approved in March 2021 following the distribution of a public factsheet and virtual public meeting. Construction of the remedial systems will begin this Summer. This case illustrates the value of both strong technical oversight of cleanup efforts and involving the community.

Underground Storage Tank (UST) and Above Ground Storage (AST) Tank Program

This Program addresses leak prevention and provides oversight of leaking underground tank cleanups and facilitates reimbursement to responsible parties conducting those cleanups. The goal of the Program is to protect the public and the environment from the effects of unauthorized releases from USTs through the investigation and mitigation of released constituents. This past year, UST staff moved nine stalled cases into active remediation, reviewed 90% of open cases for possible closure (a total of 496 cases), and closed 63 cases after finding that there was no further risk to the environment or public health. Frank's One Stop in Manteca is a priority case because multiple domestic wells were impacted with the chemical constituent MTBE. Staff put it into the Emergency Abandon Recalcitrant Program (EAR Program). After the site's \$1.5 million UST cleanup fund money was expended, there was no viable responsible party to fund additional work. Well owners were offered a connection to a newly installed City of Manteca water main. The goal was to connect the residences to the City's water main and destroy the associated impacted domestic wells. Out of the proposed 15 residences, nine agreed to accept water connections. One owner of a vacant property agreed to have their well destroyed. By the end of 2021, all well destructions and water connections will be completed, except for one water connection (which will be finished soon). Through the EAR Program, Board staff was able to find the source of affordable and safe drinking water for several residents who are disadvantaged community members and remove well conduits to groundwater.

Comments from Board Members

Chair Longley stated the Annual Report highlights the tremendous amount of work that is performed by Regional Water Board's staff. He further stated the staff and the issuing of permits was important to help provide a safe source of drinking water. Chair Longley further commented he felt it was important to also develop a strategy to addressing arsenic issues in the future.

Member Avdis stated the presentation was a great overview and underscored the oversight breadth and scope the Board has. He asked about resource allocation to the Programs. EO Pulupa indicated resource allocation was very specific and regimented and highlighted how he was looking at ways to maximize resource allocation and manage expectations.

Member Bradford stated he appreciated EO Pulupa's thorough presentation and felt it was important the Board realize how many programmatic areas were being covered by staff. He further stated staff was excellent at what they did.

Member Brar echoed Member Bradford's comments and her appreciation for the thorough and concise report.

Vice Chair Kadara commented on the success of the Cannabis Program. She further commented staff did a tremendous job and felt the work that was put into these programs was commendable. EO Pulupa thanked Vice Chair Kadara and stated her comments were appreciated by staff.

Vice Chair Kadara further stated she appreciated the detailed minutes and thanked Mindy Maxwell for her responsiveness to the Board. Chair Longley echoed Vice Chair Kadara's comments.

Comments from Interested Parties

Bruce Houdescheldt commented he felt it was important for staff to continue partnerships with other agencies to avoid duplication of efforts.

EO Pulupa indicated staff was working diligently at making data standards the same.

Counsel announced the Closed Session as Valley Water Management Company litigation.

Meeting Adjourned

The Board meeting adjourned at 1:30 p.m. to the 14/15 October Board Meeting in Redding, CA.