

# CV-SALTS Executive Committee Meeting

April 12, 2011 9:00 AM to 3:00 PM

Sacramento Regional Sanitation District Offices – Sunset Maple Room  
10060 Goethe Rd, Sacramento 95827

Teleconference (218) 339-4600 Code: 927571#

**Posted 4-2-11 – Revised 4-10-11**

## Meeting Objective:

- Review, discuss and refine committee member nominations for waterbodies that should be designated MUN, or exempt from that designation, and
- To identify waters that clearly meet the exemption criteria set forth in the Sources of Drinking Water Policy that can serve as uncontroversial reference archetypes for making subsequent MUN determinations.

## AGENDA

- 1) Welcome and Introductions Chair
  - a) Review/Approve [Executive Committee Meeting Notes for March 17, 2011](#) notes – 2 min
  - a) Committee Roll call and [Membership Roster](#)
- 2) Basin Plan MUN Designations – 3 hours  
Tim Moore – Review & discuss Executive Committee Homework #1 package.  
Action: Establish MUN designation criteria based on agreed upon waterbody examples.

## Lunch on your own

- 3) Basin Plan MUN Designations – 2 hours  
Tim Moore – Review & discuss Executive Committee Homework #1 package.  
Action: Establish MUN designation criteria based on agreed upon waterbody examples.
- 4) Set next meeting dates and objectives (April 22 and May 5, 2011)
- 5) Future Items
  - a. All administrative items are deferred to the April 22, 2011 Executive Committee Conference call.

*CV-SALTS meetings are held in compliance with the Bagley-Keene Open Meeting Act set forth in Government Code sections 11120-11132 (§ 11121(d)). The public is entitled to have access to the records of the body which are posted at [www.cvsalinity.org](http://www.cvsalinity.org)*

**CV-SALTS Executive Committee Meeting Notes**  
**March 17, 2011 10:00 AM to 4:00 PM**  
**Sacramento Regional Sanitation District Offices**  
**10060 Goethe Rd, Sacramento 95827**

**Attendees are listed on the Membership Roster**

**AGENDA**

**1) Welcome and Introductions Chair**

- a) Meeting was brought to order by Chair, Parry Klassen, and roll call completed.
- b) Debbie Webster moved to approve, and Mike Nordstrom seconded, and by general acclamation the February 10, 2011 meeting action notes were approved.

**2) Basin Plan Identified Issues**

A discussion on current project status, and specific basin plan issues, was led by Tim Moore. With the progress review checkpoint scheduled in front of the state and regional boards at the end of 2011, the focus will be how to build trust, credibility, and establish buy-in to the process, to ensure funding for year two.

The success rate for groups undertaking this type of effort is only 33%. Stakeholders quit due to

1. frustration over regulatory “orneriness”
2. it costs too much, mostly because it was underfunded from the beginning
3. they get overwhelmed by the complexity

Things that can cause regulatory failure:

1. How much flexibility you have if something is an existing use or not
2. Water quality standards have to protect the most “sensitive” use
3. The need to protect downstream uses
4. The cost of having to show that something is in fact fully protected can be astronomical

Per Tim, the trick to making this work is to *“Agree on the rules and live with the outcome.”*

The “Axioms for Establishing or Revising Water Quality Standards” document, covering the domain of discretion the state and regional boards have, was reviewed.

The interactive “debate model” will be used by the committee to debate the technical merits of each proposal. Arguments, pro and con, will be structured into a spreadsheet matrix to view side by side. Once there is no rebuttal, that will be considered an accepted position.

Specific items on the Basin Plans Needs and Issues document were reviewed for clarification:

- Public health impact of nitrates
- Intended use the of the term “holistically”
- Rationale for “including drought” in Volume/Concentration and Flow
- Beneficial Use: MUN v. AG
- Anti-degradation

The committee when asked to name “the most important issue that has to be addressed in the first year,” offered the following:

- Tulare Lake – groundwater is MUN by default, looking for consideration or study to look at de-designating.
- First encounter of water and whether it be designated as MUN, if you couldn’t drill a well that meets state standard and used as a useful water source.
- How flexibility can be implemented with regard to the application of the objectives, enabling us to carve out a plan that can be implemented going forward.

- San Joaquin basin: some areas draining into the San Joaquin river are challenged areas. Shallow groundwater not used for drinking any longer. How would you treat these regions differently?

#### **HOMEWORK:**

Daniel will provide a link to the GIS map for homework discussion purposes. Tim will email homework to committee members.

Examples provided by committee members will be synthesized down to some generally acceptable criteria. The homework, and responses to it, will serve to complete a lot of the pre-work debate prior to the next meeting.

The first step is the application of the Sources of Drinking Water Exemption Policy to the MUN designations in this watershed. Most of the committee time at next meeting will be dedicated to that.

#### **3) Salinity Leadership Group Meeting Recap and notes from February 24, 2010**

A discussion was held regarding the current form and function of the Leadership Group. Concerns were voiced regarding the effectiveness of the forum, particularly with regard to the lack of feedback from the group on issues presented. Suggestions were made that the group might better serve the initiative in the capacity of a steering committee, or board of directors.

Charles Gardiner presented a detailed summary of his observations and recommendations for the Leadership Group in the attached memo to the committee dated March 2, 2011. In an effort to improve the future effectiveness of the Leadership Group forum, Daniel will survey the group regarding current interest of upper level management in actively participating in the leadership group, and report back at the April 22<sup>nd</sup> meeting.

#### **4) 2011 CV-SALTS Progress Milestones Updated**

Daniel reviewed the Milestones for the group and indicated this document would remain a permanent part of the agenda as a tool for monitoring progress. Concern over meeting the July Milestone of "FINAL updated strategy including policy and framework," resulted in a revised, and accelerated, Executive Committee Meeting schedule for April and May. (see #8 below)  
Daniel provided a summary of used/available funds in Cleanup and Abatement.

#### **5) Technical Project Manager Scope Committee Update**

Daniel is functioning as interim chair. Recommendations generated on the next subcommittee conference call may be forwarded to the Executive Committee for comment and review prior to the 4/22 meeting so they may be finalized and approved on 4/22.

#### **6) Groundwater Strategy CV-SALTS Workplan revised**

The revised workplan with table and supporting narrative were reviewed. Presentation before the board is delayed until June.

#### **7) Management Practice Subcommittee Update Status**

Parry indicated Renee Pinel and Tim Johnson have committed to serving on this committee and a conference call date is being set for the next call.

#### **8) Set next meeting objectives and date (April 21, 2011)**

The committee is now scheduled to meet: April 12, April 22 (teleconference only), May 5, and May 26.

#### **9) Public Education and Outreach Committee breakout communications and messages**

A detailed summary of the PEO committee session provided by Charles Gardiner can be found in the attached document: Public Education and Outreach Committee Coordination Meeting – March 17, 2011.

## 10) Future Items

- a) [Technical Objective Recommendations](#) and [Questions](#) from the Knowledge Gained Committee Update – Lisa - 15 min Deferred
- b) 3a/3b Task Force Status – 10 min
- c) Expected Future Roles of the State and Regional Boards, stakeholders, CVSC

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## **Axioms for Establishing or Revising Water Quality Standards**

- 1) Appropriate beneficial uses must be designated. (40 CFR 131.10a)
- 2) Uses must be designated where the use is actually being attained. (40 CFR 131.10i)
- 3) Existing uses may not be downgraded or deleted. (40 CFR 131.10-h-1)
- 4) Existing uses are those uses actually attained in the water body on or after November 28, 1975, whether or not they designated. (40 CFR 131.3e)
- 5) REC1 and Aquatic Life Habitat (ALH) are presumed to be attainable (40 CFR 131.10d)
- 6) Failure to designate Recreation or Aquatic Habitat requires a UAA (40 CFR 131.10j)
- 7) All surface and groundwaters of the state are presumed capable of supporting a MUN use and should be so designated unless the specific waterbody or aquifer qualifies for exemption. (Sources of Drinking Water Policy; SWRCB Res. No. 88-63 & Res. No. 2006-0008)
- 8) Unnamed or undesignated waterbodies are presumed to have the same beneficial uses and objectives as the designated waterbodies to which they are tributary (CV Basin Plans)
- 9) Deleting or downgrading a designated use requires a UAA (40 CFR 131.10j)
- 10) May delete, downgrade or subcategorize a use only under certain conditions (40 CFR 131.10g)
- 11) Seasonal uses are allowed. (40 CFR 131.10f)
- 12) Uses are deemed attainable, and may not be removed, if the use can be achieved with cost-effective and reasonable best management practices for nonpoint source control. (40 CFR 131.10d and 40 CFR 131.10-h-2)

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- 13) Water quality objectives must protect the designated uses. (40 CFR 131.11a)
- 14) Water quality objectives must protect the most sensitive use. (40 CFR 131.11a)
- 15) The level of water quality necessary to protect existing uses must be maintained. (40 CFR 131.12-a-1)
- 16) Water quality objectives must protect downstream beneficial uses (40 CFR 131.10b)
- 17) EPA's recommended water quality criteria are presumed to be protective for the associated designated uses. (40 CFR 131.11)
- 18) Subcategorizing uses to apply less stringent water quality criteria requires a UAA (40 CFR 131.10j)
- 19) Regional Board must consider factors identified in Section CWC §13241, including economics, when adopting water quality objectives to protect beneficial uses.

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- 20) Where current water quality is better than necessary to protect designated uses, the existing higher quality must be preserved unless allowing lower quality would provide "maximum benefit to the people of California" (SWRCB Res. No. 68-16) and (for surface waters) is "necessary to accommodate important economic or social development in the area in which the waters are located." provided that all existing uses will remain fully protected (40 CFR 131.12-a-2).
- 21) States may adopt and implement mixing zones, variances and low flow policies (40 CFR 131.13)

## CV-SALTS Committee Rosters

Executive Committee Membership		2011 March	2011 12-Apr
Nomination Category	Name and		
<b>Leadership Partners 1</b>	Pamela Creedon/Jeanne Chilcott Regional WQCB	✓	
	2 Darrin Polhemus, State Water Resources Control Board	✓	
	3 Jose Faria/Ernie Taylor Department of Water Resources		
	4 Lisa Holm, US Bureau of Reclamation	✓	
	5 TBD - Environmental Justice		
	6 TBD - Environmental, Water Quality		
<b>Comm. Co-chairs 1</b>	Parry Klassen, Chair Executive Committee	✓	
	2 Jeff Willett, Vice Chair Executive Committee	✓	
	3 Joe DiGiorgio, Public Education & Outreach Comm.	✓	
	4 Lisa Holm, Technical Advisory Committee	✓	
	5 Nigel Quinn, Technical Advisory Committee	✓	
	6 David Cory, Economic and Social Cost Committee	✓	
<b>CV Salinity Coalition 1</b>	Bobbi Larson, CASA	✓	
	2 Debbie Webster, CVCWA	✓	
	3 Dave Cory, San Joaquin River Drainage Authority	✓	
	4 Steve Hogg, City of Fresno		
	5 Trudi Hughes/Mona Shulman, Ca League of Food Processors	✓	
	6 Tim Schmelzer/Chris Savage, Wine Institute		
	7 Steve Bailey, City of Tracy		
	8 Jeff Willett, City of Stockton	✓	
	9 Linda Dorn, Sacramento Regional CSD	✓	
	10 Dennis Westcot, San Joaquin River Group		
	11 Nick Pinhey, City of Modesto		
	12 Tim Johnson, California Rice Commission		
	13 Phil Govea, City of Manteca		
	14 Parry Klassen, E. San Joaquin Water Quality Coalition	✓	
	15 Mike Nordstrom/Doug Davis Tulare Lake Drainage/Storage Districts	✓	
	16 Karna Harrigfeld, Stockton East Water District	✓	
	17 Renee Pinel, Western Plant Health Association		
	18 Travis Peterson, City of Vacaville	✓	

### Participants Identified:

Geoff Anderson, DWR

Bruce Houdesheldt, NCWA/Sac Valley WQC

Dan Odenweller, RWQCB

Danny Merkely, California Farm Bureau

Emily Alejandrino/Jim Martin, CVRWQCB

Emily Robidart Rooney, Ag Council

Gail Cismowski, CVRWQCB

Jenny Crouse, Ironhouse Sanitary District

Erick Althorp SSIWQC

Mark Dorman, Rainsoft Water PWQA

Mark Felton, Culligan Water and PWQA

Mark Gowdy, SWRCB, Water Rights

Rick Staggs, City of Fresno

Robert Chrobak and Stuart Childs Kennedy/Jenks

Ron Crites, Brown and Caldwell

Erica DeHollan, LA C

Tess Dunham, Somach

Stan Dean, SRCD

Fern Wilson, City of Vacaville

Jim Martin, RWQCB

Rob Neenan, CA League Food Proc

Melanie Thomson, CUWA

Leila Khatib, Kennedy Jenks

Sue Giampietro, The Wine Group

Jen-Pierre, J.P., Cativiela, Dairy

Ernie Taylor

Karl Longley, CSU Fresno

Andy Malone, Wildermuth Env.

Chad Dibble, CDFG

David Miller, GEI Consultants

Gary Carlton, Kennedy Jenks

Jamil Ibrahim, MWH Global

Jay Simi, CVRWQCB

Jodi Pontureri, SWRCB

Joe LeClaire, Wildermuth Env.

Ken Landau, RWQCB

Larry Rodriguez, Kern County WA

Mark Larsen, Kaweah Delta WCD

Rita Schmitt-Sudman, WEF

Rob Beggs, Brown and Caldwell

Roberta Firoved