

Water Resources Committee

Summary Notes

Meeting Date: Nov. 5, 2014

Start Time: 4:00 p.m.

Directors Present: John Greci
Bill Stevens
Jim McGrail

Staff Present: J. Duerig, K. Arends,
T. Rooze, M. Katen

Director Greci called the meeting to order at 4:05 p.m.

1. Public Comment on Items Not on the Agenda

None.

2. Draft Nutrient Management Plan

Staff gave a PowerPoint presentation summarizing the Draft Nutrient Management Plan and answered questions from the committee and from the public. The Committee and the audience gave verbal comments during the meeting.

Summary of Presentation

Staff summarized the history of the project, project outreach activities, some groundwater basin characteristics, the methodology and results of their nutrient loading analyses, continuation of existing nutrient management measures regionally and the need for additional management measures in some degraded or threatened parts of the groundwater basin and the strategies behind the selected implementation measures.

According to staff's assessment, all of the sub-basins have sufficient assimilative capacity to accommodate the planned future recycled water projects; however, measures should be taken to minimize the nutrient loading from all manageable sources, such as: 1) fertilizer use; 2) recycled water use; 3) livestock manure at confined animal facilities; and onsite wastewater treatment systems (OWTS). The NMP recommends the continued use of existing best management practices (BMPs) for all these potential sources of nitrogen, and recommends that new septic systems installed in the high nitrate areas-of-concern include pre-treatment equipment that removes at least 50% of the nitrogen from the effluent before disposal to the subsurface unless adequate hydrogeologic information is submitted demonstrating that the site should not be an area of concern.

Comments and Questions

President Greci asked if the audience had any questions or comments. One member of the public spoke about her concern for the planned expansion of recycled water use over the Main Basin which could potentially degrade quality of the Valley's water supply. Five other public members asked the following questions pertaining to the proposed special septic tank permit requirements for new OWTS installations inside the areas-of-concern:

1. Would a failed conventional septic tank system require replacement with an engineered treatment system (i.e., one engineered for nitrate removal)?
2. Does Zone 7 have any plans to do any additional testing to better define the nitrate "hot spots?"

3. Can Zone 7 make the data and copies of reports available to the public?
4. What is Alameda County Environmental Health Agency's involvement in the development, approval and implementation of these requirements?
5. Are we guaranteed that these requirements will meet the State's (or RWQCB's) requirements?
6. Can Zone 7 provide an example of an acceptable hydrogeologic study that would meet the requirement for new commercial OWTS installation? Can Zone 7 provide some of the parameters that would go into the study?
7. Will Zone 7 have the final say on the OWTS approval?
8. Will reducing the loading from OWTS fix the nitrate problem or are there other historical sources that will prevent these areas from improving?
9. What are Zone 7 and RWQCB doing to encourage the City of Livermore to extend its sewer to the "hot spots?"

The questions were followed by discussions, with many comments related to the requirement for new septic systems in the areas-of concern to be engineered systems having nitrogen reduction pretreatment. Comments included: Zone 7's data is too sparse to justify the size of the areas-of-concern; small hot-spots areas should be acceptable as long as the main basin is meeting water quality objectives; there are other major sources of nitrogen other than septic tank effluent. It was expressed that Zone 7 should limit its nutrient management concern to the Main Basin; many of the rural residents can't afford engineered systems; in many of the areas-of-concern residents already have a public water supply, the others can figure out their own water supply; it looks like rural residents are being forced to do expensive studies unnecessarily.

Staff and Committee members supported the proposed septic tank provisions. They explained how it is within Zone 7's mission to protect and manage groundwater within the fringe areas as well as the Main Basin, and how the proposed nitrogen reduction in the areas-of-concern was the "low hanging fruit" for nitrate management in the areas-of-concern. Staff mentioned that the pre-treatment requirement would only apply to new septic tank installations. Staff also mentioned that some of Cal Water's municipal water supply wells down gradient from the high nitrate hot spots are already impacted. Director Stevens compared the measures to a requirement to upgrade certain features to comply with the latest building code when doing a building remodel.

At the conclusion of the discussion, the committee thanked everyone who participated, but was in consensus that the item should be brought to the full board. Director McGrail stated that he would be absent at the next board meeting and requested that the item come to the board in December so that he could be present when the Board considers approval of the NMP.

3. Status Update on Draft Well Ordinance and Proposed Permit Fees

Kurt Arends gave an update on the staff's meeting with the Alameda County Public Works Agency (ACPWA) to discuss their concern over Zone 7's proposed well ordinance. Mr. Arends reported that ACPWA would like to update the county's well ordinance using much of the draft language that Zone 7 staff developed for the proposed Zone 7 ordinance. At the meeting, it was suggested that the county ordinance could be re-written such that both agencies could use the county ordinance, if it was clear that Zone 7 would be the Implementing Agency within Zone 7's jurisdiction and could set and adjust its own permit fees independent of ACPWA's. The Committee asked staff what the downside was with moving forward with the Zone 7 ordinance at the next full board meeting. Staff recommended that the Committee allow staff time to continue to work with ACPWA over the next month on new county ordinance language that acknowledges Zone 7's jurisdiction and authority. The Committee agreed with staff's recommendation.

When asked if the audience had any questions or comments, one member of the public said he would like to see the detail on the special permit requirement areas and suggested that the proposed fees for domestic well constructions and destructions in the rural areas were set too high and should not be tied to the expense incurred for managing toxic sites in the urban areas. Staff agreed to provide the current map showing special requirement areas and also communicated that the groundwater basin is being managed for everyone including the rural population. President Greci stated that the fees were developed using actual costs of the program and Director Stevens added that the permit fees should be the same for all permittees regardless of location.

4. Verbal Reports

None.

5. Adjournment

Meeting was adjourned at approximately 5:40 p.m.