

Water Resources Committee

Summary Notes

Meeting Date: June 9, 2015

Start Time: 4:00 p.m.

Directors Present: John Greci
Bill Stevens
Jim McGrail

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

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

1. Public Comment on Items Not on the Agenda

None.

2. Revised Draft Nutrient Management Plan

At the beginning of the meeting, staff distributed copies of a San Francisco Bay Regional Water Quality Control Board (RWB) letter written to the Zone 7 General Manager, dated June 8, 2015. The letter supported the work done to date on the draft Nutrient Management Plan (NMP), but conditioned RWB's endorsement of the plan on Zone 7's inclusion of a schedule for the development of specific technical recommendations for each Area of Concern. Other NMP improvements were suggested in the letter, as well, with the understanding that they might be addressed later. The public audience included Ms. Dyan Whyte (Assistant Executive Officer, RWB) and Ms. Dilan Roe (Land Use Program Manager, ACEH) who provided additional comments and answered questions asked by the Committee during the meeting.

Staff then gave a PowerPoint presentation summarizing the Draft Nutrient Management Plan, highlighting the revisions made to the Plan since February 2015, including a proposed schedule for developing the Area of Concern-specific technical recommendations that the RWB asked for. At the end of the presentation, staff asked for guidance from the Committee on three NMP items: 1) whether to omit the onsite wastewater treatment systems (OWTS) upgrade exemption for replacement of failed systems when no increase in loading is involved, as requested by ACEH and supported by RWB; 2) whether to include staff's proposed schedule for completion of technical recommendations related to additional monitoring wells, to be installed by developers, for each Area of Concern; and, 3) whether to advance the revised Draft NMP to the full Board for adoption consideration in June.

Summary of Presentation

Staff summarized the revised NMP's content stating that the general premise of the plan hadn't changed from the draft presented to the full Board in February 2015. And that many of the revisions involved the addition of clarifying supplemental information in response to comments received from RWB and ACEH staff. Tables were added in Section 3.3 to show the estimated relative contribution of each nitrogen source in each sub-basin under current and "build-out" conditions, and an appendix was created to include additional information about the Groundwater Basin and the derivation and sensitivity of some of the parameters used in the various NMP analyses. Staff also described a new NMP strategy that encourages continuation of

“Low Impact Development (LID)” best management practices (BMPs) to enhanced onsite percolation of uncontaminated rainwater, which will help to recharge the aquifers and dilute the intrinsic nitrate concentrations. For the Areas of Concern, staff reviewed the recommended special OWTS permit requirements and the proposed schedule for the development of technical recommendations.

Comments, Questions and Discussion

President Greci asked staff if current (or proposed) OWTS policies would require historic-lots-of-record of less than 5 acres located outside the Areas of Concern to install an advanced system. Staff responded that there is currently no advance system requirement for this and the NMP would not change this. Dilan Roe, ACEH Land Use Program Manager, interjected that a requirement for an advanced OWTS could come as a design prerequisite from ACEH if site conditions like soil type, shallow groundwater, or a steep slope exists on site.

Director McGrail said he thought that it was premature to adopt the special OWTS requirements because there is still a lot to be learned about the cause and extent of the high nitrate plumes. President Greci asked what else needed to be done. Director McGrail said he would like to have RWB and County endorsements, and for the need for special OWTS requirements to be clearer. He felt that the proposed requirements were moving forward too fast and that more study was warranted. He also wondered whether Zone 7 was overstepping its authority with regard to future rural development.

Director Stevens stated that there is a budget issue with regard to Zone 7 drilling wells to conduct further investigations. He said property owners should be responsible for financing the investigations, but that he was also sympathetic to those property owners’ who already have development plans for parcels within the Areas of Concern. He suggested that the Board could adopt the draft NMP, but delay the implementation of the special OWTS requirements until later to give people more time to figure out the project impacts and get grants or financing for the necessary investigations, but wanted to hear what ACEH and RWB thought about the idea.

Ms. Roe said that she supports the NMP but feels that it is not the only action needed. In the past, not all County OWTS regulations were enforced by ACEH, so everyone has gotten used to the leniency, which she feels has caused some of the public perception problems. She feels there needs to be more public outreach and community-accepted solutions.

President Greci complimented Ms. Roe for her public outreach efforts. He said he recognizes that the bulk of the nitrate contamination is no fault of the current property owners, but that limiting OWTS loading in Areas of Concern was a proactive measure that Zone 7 should take to make a difference where it can. He said, however, that the biggest difference would come from sewerage the Buena Vista area, and that the RWB should use their influence to get the cities to commit to it. Ms. Roe suggested that there are other potential solutions like community treatment systems. Director McGrail agreed that there should be additional talk about other potential solutions. Ms. Roe added that there is a need for an action to be taken to set goals and objectives because the current situation has OWTS permitting somewhat gridlocked.

Dyan Whyte, Assistant Executive Officer of the RWB, said the permit gridlock is real. California law requires denial of new permits if groundwater is impacted above the established Basin limit and there is no solution in place. By mandate, the RWB wants all groundwater to

meet drinking water standards. She said the RWB is willing to accept interim measures while additional investigation and solutions are being developed. She said that the NMP's special OWTS requirements are technology based and acceptable to keep land use development moving forward at a careful pace. Concannon Winery's Waste Discharge Requirement is an example of this. She stated that now is a good time to approve the NMP and start the additional investigations because Proposition 1 has set aside grant monies for these kinds of studies. She feels that developers should be willing to help because it is in their own best interest to find solutions early, and added that the RWB is willing to help with resources as well. She added that RWB and ACEH have been meeting with LAFCO to discuss the issues over cities extending sewer service to some of the Areas of Concern.

Director Stevens wants RWB and Zone 7 to continue to work together on this. He suggested that Zone 7 should budget for further investigation of nitrate occurrences. General Manager Ms. Duerig said that this year's budget already provides for the employment of two college interns this summer for the Groundwater Section to help with the data and information compilation and some groundwater sampling effort to determine what data gaps exist for some Areas of Concern.

Director Stevens agreed with scheduling the Greenville area first, but thought the overall schedule seemed too aggressive. Ms. Duerig clarified that work scheduled to be completed in 2016 would not be reported until the annual groundwater management report came out in Spring 2017, but that the results of the data review and whatever groundwater sampling that can be accomplished with existing wells could be reported earlier and used to identify potential location for new monitoring.

Director Stevens suggested that Zone 7 could adopt the NMP without implementation of the special OWTS permit piece. Ms. Duerig said that if there is no plan, then there may be no development in the unsewered Areas of Concern. Ms. Whyte clarified that the implementation of any special OWTS requirements would have to be done by ACEH as it is their responsibility as delegated by the RWB. And that any OWTS requirement implemented before a Local Area Management Plan (LAMP) is finalized between ACEH and RWB to handle special conditions such as high nitrate areas, would be considered only interim. Ideally, the NMP will be used to address the groundwater protection considerations in the LAMP. The draft LAMP is due in 2016 and must be finalized by 2018.

Staff suggested that a good way to think about the NMP's special OWTS provisions is that it establishes acceptable onsite wastewater loading limits for ACEH and RWB to apply when exercising their permitting responsibilities.

President Greci and Director Stevens reiterated that they would like Zone 7 to continue to work with RWB and ACEH on the OWTS issues, and move forward with the NMP adoption process. President Greci said it is a good plan based on good science. Director Stevens asked Ms. Whyte if it was okay that the special OWTS requirements didn't take effect until after January 2016. Ms. Whyte said realistically it might be longer due to the LAMP schedule but having it in a plan allows them some leeway to permit OWTS and other wastewater discharges in the Areas of Concern. Besides, she wants to keep working with the cities to sewer some unsewered areas. Director McGrail asked what the advantage was of adopting the NMP without implementation of the OWTS requirements. Ms. Whyte said it would solidify Zone 7's commitment to the management of groundwater quality, and that without the NMP, ACEH and RWB will be forced to develop the LAMP requirements for Livermore Valley without the groundwater basin

manager's perspective. Staff added that perhaps the most compelling reason to adopt a NMP now is that many of the State grant programs require the applicants to have adopted Salt/Nutrient Management Plans for eligibility. Since Zone 7 has only adopted a Salt Management Plan, its eligibility may be called into question, whereas there should be no question if Zone 7 adopts a NMP.

All three Directors agreed that the NMP has committee support for adoption and should now be presented to the full Board for their consideration.

3. Verbal Reports

Ms. Duerig said that BBID has been informed that their pre-1914 water rights are being curtailed this year. Unfortunately, a lot has already been invested in annual crops which have already been planted and they are desperate for water. BBID has approached Zone 7 with a deal to acquire 3,000 acre-feet of water this year and have agreed to pay Zone 7 back at 1.5 to 1 over the next three years.

All three Directors agreed that the General Manager should move forward with the deal under her operational authority, although Director Stevens said he felt a little guilty for Zone 7 to profit off of BBID because they have been so good to Zone 7 in the past. Ms. Duerig said that the deal was willingly offered by BBID but still needs approvals.

4. Adjournment

The meeting was adjourned at approximately 5:45 p.m.