

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

580th BOARD MEETING MINUTES THURSDAY, 21 APRIL 2022, 1:00 P.M. FRIDAY, 22 APRIL 2022, 9:00 A.M.

THURSDAY, 21 APRIL 2022

BOARD MEETING LOCATION:

1685 E Street, Fresno, CA 93706 and Zoom Teleconference and Webcast

BOARD MEMBERS PRESENT:

Avdis, Nicholas
Bradford, Mark
Brar, Raji

Kadara, Denise
Lee Reeder, Elena
Ramirez, Carmen

Yang, Sean

STATE WATER BOARD MEMBERS PRESENT:

D'Adamo, Dee Dee
Morgan, Nichole

STATE WATER BOARD OFFICE OF CHIEF COUNSEL AND ENFORCEMENT STAFF PRESENT:

Jahr, Jessica
Moskal, Chris
Toft-Dupuy, Bayley

REGIONAL BOARD STAFF PRESENT:

Laputz, Adam
Sauceda, Ralph
Moreno, Roberto
Pulupa, Patrick
Maxwell, Mindy
Coster, Lynn
Brown, Janelle
Palmer, Josh
Chow, Bob
Coughlin, Gene
Hubbard, Lourin

Gamon, Danny
Behnke, Debbie
McConnell, Sue
Marshall, Jim
Kirn, David
Ramsey-Lewis, Jarrod
Burger, Kate
Busby, Rob
Welch, Elizabeth
Smith, Bryan
Nilsen, Mike

Armstrong, Scott
Mills, Scott
Durette, David
Calanchini, Dina
Garver, Kelli
Neptune, Chad
Hatton, Scott
Rodgers, Clay
Snyder, Clint
Wilson, Angela

ADDITIONAL IDENTIFIED ATTENDEES

Cativiela, J.P.
Houdesheldt, Bruce

Claiborne, Michael
Klassen, Perry

Bracamonte, Linda
Nelson, Martha

AGENDA ITEM 1 – CALL TO ORDER

Chair Bradford called the 580th Board Meeting to order and made introductions. Executive Officer (EO) Patrick Pulupa introduced staff. Member Ramirez led the Pledge of Allegiance.

AGENDA ITEM 2 – BOARD MEMBER COMMUNICATIONS

Member Bradford submitted the following communications:

- 4 March 2022 - Attended the Northern California Water Association's Annual Meeting (via Zoom)
- 7 March 2022 – Participated in the “Salty 5” Discussion on CV-SALTS.
- 7 March 2022 – Participated in the monthly Water Board Chairs Discussion with State Water Board.
- 17 March 2022 – Participated in the CV-SALTS Executive Committee Meeting.
- 4 April 2022 – Attended the Stormwater Briefing for Board Members.
- 4 April 2022 Participated in the monthly Water Board Chairs' Discussion with State Water Board.
- 15 April 2022 – Received a briefing from EO Pulupa on the 21/22 April 2022 Board Meeting.
- 20 April 2022 – Met with Dr. Longley.

Vice Chair Kadara submitted the following communications:

During the months of March and April 2022, Vice Chair Kadara participated in several sewer consolidation meetings. Discussions included identifying the best approach to provide wastewater treatment systems to disadvantaged communities in southwest Tulare County. Additionally, there were discussions to include water systems in the planning project.

- 26/27 February 2022 – The Allensworth community was without running water for 30+ hours due to a problem with the booster pump at the well site. As a result, the pump had to be manually turned on for 30+ hours before the problems were corrected. Concurrently, domestic water was flooding streets daily until the problem was remediated 31 March 2022. In the interim, Tulare County's Emergency Services provided bottled water to residents.
- 9 March 2022 – A tour was held in Allensworth. Attendees included Sean Maguire - State Water Board Member, Karla Nemeth - Dept. of Water Resources Director, Cindy Messer - Dept. of Water Resources Deputy Director, representatives from Self Help Enterprises, Leadership Counsel, Clean Water Action, Community Water Center, and many other Environmental Justice groups. All those in attendance were able to witness the Allensworth water crisis in real time.

- 29 March 2022 – State Senator Hurtado visited the community of Allensworth, met with community leaders regarding the water crisis, and offered support to help alleviate the crisis.
- 31 March 2022 – Participated in a panel discussion for Water Hub at Climate Nexus. The discussion topic was climate-driven issues facing the Regional Water Board, as well as challenges and solutions specific to the community of Allensworth.
- 13 April 2022 – Participated in the Environmental Justice/Early Action Plan meeting.
- 15 April 2022 – Received a briefing from EO Pulupa on the 21/22 April 2022 Board Meeting.

Vice Chair Kadara spoke about the need to have a pool of technical and administrative staff trained to assist water districts in disadvantaged communities (DAC). When a water operator, maintenance operator, or general manager is out, the District does not have backup support. With SAFER funds available, funding should be considered for this purpose. DAC are penalized for non-compliance, but staff lacks the ability to effectively serve these Districts. Therefore, it is appropriate to develop a pool of qualified personnel to step in and provide the needed technical support for DACs.

Member Avdis submitted the following communications:

- 3 March 2022 – Attended a Small Grower Listening Summit in Fresno.
- 11 April 2022 – Participated in a Dairy Ex Parte Meeting with Staff and Industry Representatives.

Member Yang submitted the following communications:

- 3 March 2022 – Attended a Small Grower Listening Summit in Fresno.

AGENDA ITEM 3 – STATE WATER BOARD LIAISON UPDATE

Hydrology and Urban Conservation Update

State Water Board Member Nichole Morgan provided the following updates:

- California has experienced the driest first three months of a year in the State’s recorded history. As of 29 March 2022, 40% of the State is experiencing extreme drought conditions.
- Statewide residential water use for February 2022 was 74 gallons per person per day, which is among the higher statewide averages observed since data collection began. In February 2022, there was a statewide savings of 0.5% relative to February 2020. Cumulative use is still dropping. The July 2021 to February 2022 cumulative savings went from 6.4% in January 2022 to 5.8% in February 2022.
- In February 2022, six out of 10 regions decreased overall water use relative to February 2020. South Lahontan Region had the highest savings at 10.4%, North Coast Region

followed at 5.9%, San Francisco Bay Region at 4.6%, and Tulare Lake Region at 3.3%. The South Coast and North Lahontan Regions had slight savings of less than one percent. The San Joaquin, Central Coast, Colorado River, and Sacramento River regions all saw increases.

- On 21 March 2022 the State Board sent out early warning letters of drought impacts and actions to water rights holders. The Division of Water Rights is preparing curtailment actions for 2022, and the State Water Board will consider emergency regulations to curtail water rights in certain watersheds if dry conditions continue or worsen.

Drought Executive Order

- On 28 March 2022, Governor Newsom signed an Executive Order (via a press release) calling on local water agencies to implement more aggressive conservation measures. The Order authorizes State Water Board to promulgate emergency regulations requiring urban water suppliers to activate Level 2 of their customized Water Shortage Contingency Plans and prepare for a water shortage level of up to 20%.
- The potential measures include banning irrigation of “non-functional” turf or decorative grass adjacent to large industrial and commercial buildings, as well as reducing the days residents can water outdoors.

Delta

- State Water Board staff provide weekly curtailment status updates on the drought webpage and email subscription list.
- On 18 March 2022, State and Federal Project operators submitted a Temporary Urgency Change Petition (TUCP) with the State Water Board requesting changes to water quality requirements for April-June 2022.
- On 4 April 2022, the State Board Executive Director approved the TUCP with conditions. The public comment period ended on 6 April 2022. The State Water Board discussed the TUCP at the 19 April 2022 Board Meeting with presentations from the Department of Water Resources and U.S. Bureau of Reclamation.
- On 29 March 2022, State and Federal Project operators released an informational statement on temperature management. The draft Temperature Management Plan for Shasta Reservoir is anticipated to be released in mid-April 2022. The final Temperature Management Plan is anticipated early May 2022.
- The draft Delta Water Unavailability Methodology report update, and draft Delta Emergency Regulation were released on 19 April 2022.

Scott/Shasta

- Scott: all curtailments are suspended through 22 April 2022.

- Shasta: curtailments were reinstated on 15 March 2022. Most junior water diverters must work with the Watermaster and cease diversions contingent on flow requirements being met.
- Local Cooperative Solutions provide water rights holders with an opportunity to propose alternatives to curtailments under the Drought Emergency Regulation. The State Water Board must approve the local cooperative solutions prior to being implemented.

Water Quality - Proposed Standard for Hexavalent Chromium

- On 21 March 2022, the State Water Board announced a proposed maximum contaminant level (MCL) for hexavalent chromium: 10 parts per billion (ppb). The State Water Board's recent analysis showed an MCL for hexavalent chromium of 10 ppb should be achievable for systems serving 95% of Californians.
- On 5 and 7 April 2022, staff hosted public workshops to present the proposed administrative draft MCL and hear public comments. The public comment period ends 29 April 2022.
- Depending on the size of the system, the proposed implementation period ranges from 2-4 years. The new MCL is expected to go into effect in early 2024, if adopted by the State Board.

Construction Stormwater General Permit

- The Construction Stormwater General Permit regulates stormwater discharges associated with construction activities disturbing one or more acres.
- State Water Board adopted the existing permit in 2009, which expired 2 September 2014. It is administratively extended until the effective date of a reissued permit.
- On 30 March 2022, the State Water Board released the Proposed Statewide Construction Stormwater General Permit Reissuance. Staff held a public workshop to discuss the revisions on 12 April 2022 and a Board workshop was held on 19 April 2022. The public comment period ends 2 May 2022. The State Water Board will consider the adoption of the Proposed Statewide Construction Stormwater General Permit on 19 July 2022.

Programs - Safe and Affordable Funding for Equity and Resilience (SAFER)

- The SAFER program is engaging new outreach and engagement strategies to increase early community engagement, keep local drinking water projects on track, identify potential risks, issues, or delays, build local capacity, and create a path towards equitable and resilient water governance. The State Water Board is partnering with local experts to affect the new strategy.
- On 11 April 2022, staff hosted a SAFER Program: Funding Partner Application Q&A session. Applications were accepted through 15 April 2022 for those that were interested in becoming a Funding Partner.

CA Water and Wastewater Arrearages Payment Program

- The State Water Board is accepting late applications from wastewater systems through 22 April 2022. As of 29 March 2022, 164 wastewater systems applied. Technical assistance is available for those that need assistance with the application.

Comments from Board Members:

Chair Bradford, Member Ramirez, and EO Pulupa thanked Ms. Morgan for the thorough report. Member Yang requested a copy of the report.

AGENDA ITEM 4 – PUBLIC FORUM

Joanne Kipps (self-represented) provided comments regarding the management of discharges from food processors and waste from wineries. Ms. Kipps stated she retired from the State in 2010 after 21 years of service, including 13 years with the Central Valley Water Board in the Fresno office. When she began working for the Board, management was supportive of staff's efforts to improve ways the Board regulated land discharges of food processing and winery waste. In 2005 and 2006, staff briefed the Board about the apparent widespread groundwater degradation associated with these discharges. The problem was described over 15 years ago and has not gone away. A change in executive management led to changes in priorities and staff's efforts to address this problem eventually waned.

Ms. Kipps indicated she tried to revive the effort by submitting comments to tentative orders for food processors and wineries. Many of her comments pertained to boilerplate language in recent Waste Discharge Requirements that reflect management's evolving approach for dealing with these problematic discharges. California is facing another dry year and global warming will only increase the severity and duration of these droughts. The disappearance of the Sierra snowpack and groundwater pumping restrictions required by Groundwater Management Plans will cause agriculture in the Central Valley to cease as we now know it. Solar farms, groundwater recharge basins, and urban sprawl will replace cropland. Groundwater will need to be increasingly tapped for domestic and municipal use, which is why the Board must protect groundwater now. Ms. Kipps closed by stating the Board members have the authority and responsibility to adopt orders for discharges that have already adversely impacted groundwater, as well as demand these orders prohibit additional impacts when organic overloading is an issue. At a minimum, The Board can prescribe effluent limitations for BOD and settleable solids that reflect primary treatment. This does not require a new law, policy, or regulation. The Board has the authority to do this now.

Comments from Board Members:

Chair Bradford, Vice Chair Kadara, and Member Ramirez thanked Ms. Kipps for her comments.

Kim Burns, E&J Gallo Wineries responded to Ms. Kipps comments. Ms. Burns has been a member of E&J Gallo Winery for 20 years and has helped support the compliance activities of some of the largest wineries in the world. Ms. Burns described the improvements that have been made by Gallo's commitment to the environment. During Ms. Burns' tenure, Gallo spent

tens of millions of dollars on anaerobic treatment systems and is aggressive with land application practices. Gallo's uptake rates agronomically have been exceptional within the last five years and it has one of the most rigorous WDR permits in place. Ms. Burns indicated Gallo recognized there are challenges with CV-SALTS and the drought. However, she wanted to affirm Gallo's commitment to continual improvement and compliance to the environment.

Comments from Board Members:

Chair Bradford thanked Ms. Burns for her comments.

Comments from Staff:

EO Pulupa commented there are legacy impacts throughout the Valley due to food processing practices that CV-SALTS and other mechanisms are working to remediate in the long term. Remediation of those aquifers will take place over decades. However, there are areas for improvement. EO Pulupa further stated when these decisions come up to the Board, staff is transparent about the technological limitations and the economic considerations the Valley's industries are faced with. He agreed with Ms. Kipps in that the discretion is up the Board in terms of how staff structures WDRs and Time Schedule Orders imposed upon dischargers. EO Pulupa did not want to discount the millions (if not billions) of investments the Valley's industries have made to improve groundwater quality.

AGENDA ITEM 5 – EXECUTIVE OFFICER'S REPORT

Chair Bradford noted prior to each Board Meeting, the EO works with the Executive Assistant and the Board's Program Managers to compile a report on the status of the Board's programs and initiatives.

EO Pulupa indicated there was a discussion at the February 2022 Board Meeting about the assignment of Board members to a variety of work groups. Board Member Lee Reeder expressed interest in some of the work groups. EO Pulupa suggested Member Lee Reeder participate in the CV-SALTS/SB 1215 work group with Vice Chair Kadara. Member Brar agreed to take a step back from the work group to allow Member Lee Reeder's participation. Chair Bradford agreed.

EO Pulupa stated there would be other opportunities in the future for all Board Members to participate in other work groups to ensure their interests as Board Members are ably met by staff.

EO Pulupa further indicated there had been some staff turnover. The Executive and Administrative Teams have been working diligently to ensure staff has the tools in place for succession planning. In the two years since the pandemic started, approximately one third of Program Managers turned over. As a result, a number of staff were elevated into those positions. EO Pulupa recognized those new roles. At the same time, Executive staff has been making plans for return to the office, managing proposed office reconfiguration, and ensuring staff expectations are met.

EO Pulupa indicated staff would be working diligently on racial equity work in the coming months. After the adoption of the Equity Resolution at State Water Board, continuance of this effort was delegated to the Regional Boards. Metrics and objectives would be integrated into the planning process to ensure staff is meeting the goals and objectives set by State Water Board.

Comments from Board Members:

Member Yang wanted to verify there were enough staff to meet the goals and objectives of the Racial Equity Plan. EO Pulupa confirmed there is.

Chair Bradford commended EO Pulupa and the management staff on managing the pandemic over the last two years and the challenges associated with it.

Superior Accomplishment Award

Executive Officer Pulupa presented a Superior Accomplishment Award to the following staff member:

Employee: Debbie Behnke

UNIT: Storm Water/Water Quality Certification Unit

LOCATION: Redding Office

TITLE: Seasonal Clerk

SUPERVISOR: Lynn Coster

The Central Valley Water Board's Redding office management team is pleased to select Debbie Behnke for the Superior Accomplishment Award. Debbie is a Seasonal Clerk in the Redding office and is being recognized for her outstanding work performance. Debbie joined the Central Valley Water Board in May 2017 and works closely with the Storm Water / Water Quality Certification Unit.

Debbie does an excellent job at juggling multiple tasks and various demands of her time. Her work is well-organized and accurate. She is extremely efficient and dependable and gives 100% to the job.

Ambitious and quick to learn, Debbie is always willing and eager to take on new challenges and tasks. Over the past five years, she has gained in-depth knowledge of the program and has developed standard operating procedures for the tasks that she performs. Self-taught, Debbie is extremely knowledgeable in creating ADA-compliant documents and provides assistance not only to Redding staff, but the other offices, as well. To ensure that program performance measures are being met, she maintains a tracking spreadsheet for Water Quality Certification applications and permits. Among many other tasks, she does an outstanding job at regularly updating Access and CIWQS databases, drafting CEQA comment letters, posting CEQA documents on the State Clearinghouse website, and providing administrative support to the unit and other office staff. Her knowledge is quite impressive, despite not having a science background.

Debbie's positive attitude, willingness to help others, and vast knowledge are greatly valued. She is most deserving of recognition for her work and her contributions to the Central Valley Water Board, and we are grateful she is part of the Redding team!

Retirement Resolution

Clay Rodgers, Assistant Executive Officer (Fresno) recognized Doug Patteson's retirement and many years of service (since 1993) with a Resolution.

Comments from Board Members:

Member Ramirez congratulated Doug Patteson on his retirement and stated she could always rely on the assistance provided by him. He was fair with the dischargers and could be counted on for reliable and trustworthy information. Member Ramirez concluded by thanking Mr. Patteson for making her role on the Board easier.

AGENDA ITEM 6 – ADOPTION OF MINUTES FROM PRIOR BOARD MEETING

EO Pulupa indicated the minutes from the February and April 2022 meetings would be approved at the 9/10 June 2022 Meeting.

AGENDA ITEM 7 – ADOPTION OF UNCONTESTED CALENDAR AGENDA ITEMS 10 – 13

UNCONTESTED CALENDAR

NPDES PERMITS (AGENDA ITEM 10)

- a. City of Colusa, Wastewater Treatment Plant, Colusa County – Consideration of NPDES Permit Renewal and Time Schedule Order (NPDES Permit CA0078999)
- b. City of Corning, Corning Wastewater Treatment Plant, Tehama County – Consideration of NPDES Permit Renewal (NPDES Permit CA0004995)
- c. General Waste Discharge Requirements/National Pollutant Discharge Elimination System Permit, Municipal Wastewater Dischargers That Meet Objectives/Criteria At The Point Of Discharge To Surface Water, Consideration of NPDES General Permit Amendment (NPDES Permit CAG585001)
- d. River Highlands Community Services District; County of Yuba; and Gold Village Land Development, LLC.; Hammonton Gold Village Wastewater Treatment Plant, Yuba County – Consideration of NPDES Permit Renewal (NPDES Permit CA0081574)

WASTE DISCHARGE REQUIREMENTS (AGENDA ITEM 11)

- a. Amador County Waste Management and Recycling Department, Buena Vista Landfill, Amador County – Consideration of Revised Waste Discharge Requirements Order No. R5-2018-0020

- b. City of Farmersville, Farmersville Wastewater Treatment Facility, Tulare County – Consideration of Revision of Waste Discharge Requirements Order No. 86-152
- c. County of Tulare, Woodville Disposal Site, Tulare County – Consideration of Revision of Waste Discharge Requirements Order No. R5-2012-0075
- d. Lost Hills Environmental, LLC, Lost Hill Environmental LLC, Kern County – Consideration of Modifications to Waste Discharge Requirements Order No. R5-2010-0123
- e. Merced County Regional Waste Management Authority, Billy Wright Solid Waste Landfill, Merced County – Consideration of Modifications to Waste Discharge Requirements Order No. R5-2011-0061
- f. McCloud Community Services District, McCloud Class III Municipal Solid Waste Landfill, Siskiyou County – Consideration of Revision of Waste Discharge Requirements Order No. R5-2003-0082

RESCISSIONS (AGENDA ITEM 12)

- a. Kingsbury Greens Community Services District, Kingsbury Greens CSD Wastewater Treatment Plant, Nevada County – Waste Discharge Requirements Order No. 95-238
- b. Tim Cohee and the United States Forest Service, China Peak Ski Resort Wastewater Treatment System, Fresno County – Waste Discharge Requirements Order No. 86-065
- c. Young Life, Woodleaf Camp STP’s Wastewater System, Yuba County – Waste Discharge Requirements Order No. R5-2004-0040

CHANGE OF NAME (AGENDA ITEM 13)

- a. Fagundes Brothers, LLC, Fagundes Brothers Reclamation Project, Merced County – Waste Discharge Requirements Order No. 94-036
- b. Snow Flower LLC, Cisco Grove RV Park, Placer County – Waste Discharge Requirements Order No. 96-016

MOTION TO ADOPT AGENDA ITEM 7 (Uncontested Calendar Items 10 through 13)

Motioned: Member Ramirez
 Seconded: Member Brar

Roll Call Vote:

Member Lee Reeder	Yes
Member Brar	Yes
Member Yang	Yes
Member Avdis	Yes
Member Ramirez	Yes

Vice Chair Kadara Yes
Chair Bradford Yes

Approved by Roll Call Vote of 7-0-0

AGENDA ITEM 8 – CV-SALTS ENFORCEMENT PRIORITIES – DISCUSSION OF HOW THE CENTRAL VALLEY WATER BOARD MAY SHIFT RESOURCES TOWARDS ENFORCING PERMITTEES’ FAILURE TO COMPLY WITH NOTICES ISSUED UNDER THE BOARD’S NITRATE AND SALT CONTROL PROGRAMS)

Staff Presentation (Regional Board)

EO Pulupa indicated this was a key issue and provided background on CV-SALTS and nitrate compliance.

CV-SALTS is a regulatory program and one of the biggest undertakings by the Board in decades. The CV-SALTS basin planning effort resulted in compliance options for permittees that cannot comply with existing regulations.

Nitrate and Salt Control Programs were developed to allow dischargers (agricultural, dairy, food processors, POTW sectors, and many municipalities) throughout the Valley to have a pathway to compliance. The goal of these programs is to restore water quality within the surface and groundwater of the Central Valley and meet the long-term objectives under the human rights to water for safe, clean, and affordable drinking water for every human.

Deliberate avoidance of water quality regulations occurring under the CV-SALTS Programs (non-filers that have received multiple notices to comply) is considered a Priority A violation under the State Water Board’s Water Quality Enforcement Policy. Dischargers who have not availed themselves with a compliance option and are failing to respond to Board-issued Notices and directives are eligible for enforcement action. Today’s presentation focuses on repositioning some enforcement resources to meet those objectives.

Under the Salt Control Program, Notices to Comply were sent out to over 3,000 permittees in January 2021. A response (Notice of Intent) was due 15 July 2021. This applied to all permitted dischargers of salt in the Central Valley. Under the Nitrate Control Program, Board staff issued Priority 1 Notices to Comply letters in May 2020, requiring Notices of Intent to be submitted back to the Board in May 2021. Approximately 89% of the salinity dischargers responded to the Salt Control Program’s Notices to Comply, and about 92% of the 1,190 nitrate dischargers responded to the Nitrate Control Program’s Notices to Comply. EO Pulupa then described generally how the Board would be prioritizing cases for enforcement action, and the resources that the Board would be shifting to develop enforcement actions.

Questions and Comments from Board Members:

Member Ramirez asked what entities can use the conservative permitting approach. EO Pulupa indicated stormwater projects were usually able to use that approach, as well as entities that have access to a high-quality water source.

Member Ramirez asked if staff was prepared for legal issues that may arise from the compliance actions. EO Pulupa responded staff will be pursuing one more step to ensure a robust Administrative Civil Liability process. Dischargers have legal notice and the deadline to respond is long past due. The Board is within its jurisdiction to initiate enforcement action.

Vice Chair Kadara asked if the allotted personnel were sufficient to address the work needing to be performed. EO Pulupa confirmed there are enough staff.

Vice Chair Kadara commented it was a thorough presentation and it is important the Board initiate enforcement action against non-compliant dischargers.

Member Brar referred to a recent situation in Allensworth where the community did not have water for over 30 hours. She wanted to know if staff would be able to identify dischargers contributing to water quality issues and ensure residents have access to clean drinking water. EO Pulupa responded yes, and the caveat is solely with respect to nitrates as there are a number of water quality pollutants outside of the Board's jurisdiction. However, if a community is having issues with nitrate impacts, and staff looks at the GIS layers, and see dischargers that have not responded to repeated notices to comply, those are the dischargers that are going to be facing additional scrutiny under this Program.

Chair Bradford asked if there was overlap between the dischargers who are not responding to the Salts and Nitrate letters. EO Pulupa responded yes. One of the more complex problems is there are a number of POTW's in disadvantaged communities that are also not responding to either the Salt or Nitrate Control Programs. Staff has been meeting with them as much as possible. However, there is a dual problem in that these facilities are impacting their own residents through nitrate pollution and cell contamination. Therefore, staff will be working on a separate approach for those dischargers to determine additional compliance options.

[Leadership Counsel – Michael Claiborne – commented on this item. There may have been another comment as well.]

AGENDA ITEM 9 – CONSIDERATION OF A RESOLUTION COMMENDING DR. KARL LONGLEY'S SERVICE ON THE CENTRAL VALLEY WATER BOARD – CONSIDERATION OF A RESOLUTION

Many of Dr. Longley's fellow Regional Board Members and Chairs, colleagues, and partners were in attendance to pay tribute to Dr. Longley's long-standing service to the Board, his mentorship, his commitment to environmental justice, and his passion to improve water quality. First to speak was Celeste Cantu, San Diego Regional Water Quality Control Board Chair. Following Celeste was Dee Dee D'Adamo, Vice Chair, State Water Board, Nichole Morgan, State Water Board Member, and Pamela Creedon, former Central Valley Water Board Executive Officer.

Dee Dee D'Adamo, on behalf of the State Board and all Regional Board Members presented Dr. Longley with a painting by a local artist of the San Joaquin River, one of the resources Dr. Longley dedicated his life to preserving and protecting.

Additionally, David Cory and Tess Dunham, Central Valley Salinity Coalition, paid tribute, and appreciation to Dr. Longley’s work with CV-SALTS and meaningful water quality improvement. Tess Dunham presented Dr. Longley with a glass gavel to thank him for his time, effort, and love for the Central Valley.

Bruce Houdesheldt, Northern California Water Association, commemorated Dr. Longley with a poster recognizing his receipt of the Crystal-Clear Award, which is awarded to an individual or entity for their exemplary efforts in improving water quality in the Sacramento Valley.

Michael Claiborne, Leadership Counsel for Justice and Accountability, indicated their support of this Resolution and personally thanked Dr. Longley for his years of service and vast knowledge. Mr. Claiborne also passed along support and thanks from Community Water Center and Clean Water Action.

Perry Klassen, East San Joaquin Water Quality Coalition and Valley Water Collaborative also paid tribute to Dr. Longley and his work with CV-SALTS and nitrates and keeping the Central Valley vibrant.

J.P. Cativiela, Dairy Cares and Dairy Valley Representative Monitoring Program, congratulated Dr. Longley on his honors and accomplishments. Additionally, J.P. thanked Dr. Longley for his leadership and partnership over the years, as well as his creative solutions in CV-SALTS.

EO Pulupa presented Dr. Longley with a framed Proclamation from the State Senate and Chair Bradford read the Proclamation.

EO Pulupa then read a Resolution recognizing his service and dedication to the Central Valley Regional Water Quality Control Board. The framed Resolution was then presented to Dr. Longley, along with a word cloud from Board staff with words that embodied Dr. Longley.

In closing, each of the Central Valley Regional Water Quality Control Board Members individually paid personal tribute to Dr. Longley.

Dr. Longley expressed his gratitude to all that spoke.

MOTION TO APPROVE AGENDA ITEM 9 – Resolution Commending Dr. Karl Longley’s Service to the Central Valley Water Board

Motioned: Member Avdis
Seconded: Vice Chair Kadara

Roll Call Vote:

Member Lee Reeder	Yes
Member Brar	Yes
Member Yang	Yes
Member Avdis	Yes
Member Ramirez	Yes

Vice Chair Kadara Yes
Chair Bradford Yes

Approved by Roll Call Vote of 7-0-0

MEETING ADJOURNED

The Board meeting adjourned at 4:50 p.m. to the following day at 9:00 a.m.

FRIDAY, 22 APRIL 2022

BOARD MEETING LOCATION:

1685 E Street, Fresno, CA 93706 and Zoom Teleconference and Webcast

BOARD MEMBERS PRESENT:

Kadara, Denise	Yang, Sean
Avdis, Nicholas	Ramirez, Carmen
Bradford, Mark	Elena Lee Reeder

STATE WATER BOARD OFFICE OF CHIEF COUNSEL AND ENFORCEMENT STAFF PRESENT:

Jahr, Jessica
Toft-Dupuy, Bayley
Moskal, Chris

REGIONAL BOARD STAFF PRESENT:

Baum, John J.	Garver, Kelli	Snyder, Clint
Brown, Janelle	Howard, Meredith	Maxwell, Mindy
Busby, Rob	Hubbard, Lourin	Alfving, Cameron
Chow, Bob	Laputz, Adam	LaBay, Jennifer
Coughlin, Gene	Marshall, Jim	Moreno, Robert
Durette, David	Pulupa, Patrick	

ADDITIONAL IDENTIFIED ATTENDEES

Fern, Spencer
Barrigan-Perilla, Barbara
AGP Video

AGENDA ITEM 14 – CALL TO ORDER

Chair Bradford called the 580th Board meeting to order and made introductions. EO Pulupa introduced staff. Vice Chair Kadara led the Pledge of Allegiance.

AGENDA ITEM 15 – BOARD MEMBER COMMUNICATIONS

This item was covered on Day 1 (21 April 2022).

AGENDA ITEM 16 – PUBLIC FORUM

There were no commentors for the Public Forum.

AGENDA ITEM 17 – UPDATE ON CENTRAL VALLEY HARMFUL ALGAL BLOOM EFFORTS – INFORMATIONAL ITEM

Staff Presentation (Regional Board)

Dr. Karen Atkins, Environmental Scientist began her presentation. After her presentation, Dr. Janice Cook, Environmental Scientist Specialist working on the Delta Program, would also be giving an update on the Central Valley harmful algal bloom (HAB) efforts.

Dr. Atkins provided a brief scientific overview of HABs which included a description of what they are, how they form, and why we care about them. Dr. Atkins then described which beneficial uses can be affected by HAB outbreaks, and efforts to assess and respond to HABs, including the Board's monitoring under the Surface Water Ambient Monitoring Program and the Board's participation in a multi-agency FHAB incident response team. Partner monitoring is also growing aspect of the HAB Program, which monitoring supports HAB incident response by assisting in the development of monitoring plans, providing training in monitoring methods, providing financial support and supplies for their monitoring, and providing outreach platforms for communicating monitoring results.

Dr. Janice Cook, Sr. Environmental Scientist Specialist - Planning, Sacramento office, then gave a presentation on how HABs intersect with some of the other work performed by the Board, what staff is doing with this information, and what the outcomes will be. Dr. Cook described HABs as directly related to eutrophication, which can be exacerbated by activities regulated, monitored or assessed under the following Board Programs: Total Maximum Daily Load (TMDL), Non-Point Source, Delta Program, Basin Planning, SWAMP, and FHAB. Dr. Cook described efforts to understand HABs in Clear Lake, the Delta, and Hensley and Eastman Lakes.

Comments from Interested Persons

Spencer Fern, Science Coordinator, Restore the Delta, thanked the Board for the opportunity to comment. Further, he thanked the staff that have assisted him with the upcoming HAB season. The training from staff has been invaluable to ensure the data they are gathering is accurate. They look forward to providing the data as they start to collect samples around the Delta and Stockton areas. They will also be sending those samples to the UC Santa Cruz lab to confirm if the collected data is substantiated. That data will be loaded into a database that will soon be publicly available, as well as shared with the Board. Mr. Fern is hoping this collaboration will help bring more visibility of the HABS issue to the communities that live in these areas.

Barbara Barrigan-Perilla, Restore the Delta, thanked the Board for their time. Ms. Barrigan-Perilla stated it was fitting that today was the 50th anniversary of the Clean Water Act. On the one hand they are here as part of an NGO government collaboration geared towards problem solving for the HABS challenge, and at the same time they are worried 50 years into the Clean Water Act there is still so much work to do. She wanted to echo the sentiments expressed by Spencer Fern. She also thanked Dr. Meredith Howard, Dr. Janice Cook, Dr. Karen Atkins, Greg Gearhart, and Melissa Van Dyke from the State Water Board. She thanked EO Pulupa for the gift of their time, the support, and the outreach to their organization to help them build out the HABS testing program. Ms. Barrigan-Perilla also thanked representatives from the Pomo Tribe at Clear Lake for sharing their knowledge to help them initially establish the Program. Ms. Barrigan-Perilla described how Little Manila Rising are partnering with them on the air quality monitoring component to understand how cyanotoxin is linked to PM 2.5 because the communities suffering in Stockton from the cyanotoxin exposure are also AB617 communities with clean air challenges. She indicated they appreciated the staff and acknowledgement of the socio-economic impact on environmental justice communities. Ms. Barrigan-Parilla then described a training for high school and college advocates that work with Little Manila and did a simple exercise about youth recounting a pleasurable water experience in nature. There were ten people in the group and all youth live in impacted communities. Not one of them shared an experience of ever having recreated in a positive way in the Delta. Ms. Barrigan-Parilla emphasized despite growing the growing monitoring program, they believe HABS research needs to be fully funded within the California Water Boards. This work is going to require many hands for solutions to stop worsening conditions in the Delta and all of California's waterways.

Chair Bradford thanked the commenters for their input and stated it was eye-opening to hear that nobody had a positive recreational experience, and they live in Delta communities.

Questions and Comments from Board Members

Member Ramirez asked when mats can be seen floating in water bodies, did it mean they are always HABS or are there other kinds of algae? Dr. Atkins replied when you see what looks like green stringy mats, those are usually green algae. There are also diatoms that have a brownish color and those are not HABS. HABS have a specific benthic look to them.

Member Ramirez referenced the highly publicized deaths of a mother, husband, child, and dog last year near Mariposa that brought awareness to the public on the dangers of HABS. Even though it was determined that harmful algal blooms were not the cause, it still brought needed awareness to the issue.

Member Ramirez further commented there was a lack of partners in the foothills and offered any assistance she could provide. Dr. Atkins replied that is a much-needed area for partners and staff was trying to expand capacity and outreach to that area.

Member Ramirez referenced the visit the Board took to Clear Lake and commented it cemented how important that water body is and helped the Board understand the complexities and issues. She underscored the importance of getting Board Members out in the field. EO Pulupa agreed and noted the June 2022 Board Meeting had a tour component where Board

Members and staff will get out and hear about mining issues in the Foothill areas. Staff plans on doing as much as possible to get Board Members out to talk to communities and see water quality issues firsthand. Vice Chair Kadara agreed that getting out to the community was vital.

Vice Chair Kadara commented she remembered a presentation from 2016 when HABS became an issue and noted the numbers were increasing due to climate change. She further stated while climate change is a contributing factor, she wanted to know what the contributing factors were for increasing numbers in disadvantaged communities. Dr. Atkins stated the HABS in disadvantaged communities was community and water body dependent and speculated it was possibly nutrient pollution in the area or, as it related to the Stockton area, there are a lot of stagnant waterways with dead ends. EO Pulupa commented it is one of the reasons why the Board has partnerships in the Stockton area, and it is a very complicated issue. HABS are at the nexus of water quality and water rights issues and merits more study and inquiry. It is a combination of the geometry of the water system and the combination of heat and flow. EO Pulupa further stated the Board has control over the nutrients and there are major efforts underway for bio stimulatory and bio integrity to understand the drivers. With Clear Lake, staff looked at it very closely and adopted a TMDL. A lot of research and thought went into that effort and it turned out staff was not correct as to the main driver of HABS. It wasn't phosphorus as much as other issues, so it is an incredibly complex problem that occurs more often in disadvantaged communities and areas where there is sensitivity to water supply issues. It is an issue that merits additional study, which is why staff is diligently working on it. Dr. Atkins stated part of the growth in numbers comes from staff receiving more reports. Vice Chair Kadara commented it was an excellent presentation.

Vice Chair Kadara indicated her concern is around funding to provide more direct assistance in addressing this problem. The issue of HABS has increased since her time on the Board. EO Pulupa indicated staff was trying to provide as much funding as possible to assist partners who are active in areas where there are a lot of HAB blooms. A decent amount of what Dr. Howard does on a day-to-day basis is to work with partners and empower local citizen scientists in understanding the water quality concerns within their communities.

Member Avdis thanked Dr. Atkins for her presentation and felt it was very informative. He further asked what the long-term trajectory was to address the most at risk water bodies and the most at risk disadvantaged communities. Dr. Atkins replied staff is going to start collecting more data to gain a better understanding of which waterbodies needed to be prioritized. Once that is complete, staff can begin moving towards implementation measures. EO Pulupa stated part of the challenge is funding. Planning work is not as easily funded. This effort is more of an assessment of water quality. It is a complex issue for the Board, not just in terms of resources but what the regulatory approach needs to be. Dr. Meredith Howard indicated there is a eutrophication assessment in the Region and one of the goals is to use existing data and satellite imagery to identify general conditions and determine which water bodies need to be prioritized. The goal is to help narrow the scope of where the Board should put its limited resources.

Member Avdis thanked Dr. Cook for her work and commented the immediate concern is the potential impacts to human health and animals and wanted to understand what staff does to communicate those potential impacts. EO Pulupa indicated this area is one of the heaviest

components of the collaboration that occurs as part of follow-up communication. When a report is made, staff performs follow-up testing and then public health notifications to agencies managing the body of water are made. Region 5 works with CDPH and local health officers. Statutorily and under California Constitution, there is a lot of power vested in local health officers. With issues like E Coli contamination and HABS, authority is vested into local health officers to follow-up with the appropriate signage. Staff provides the information and will be transparent about putting information on the public website.

Chair Bradford asked if there was a publication or outreach efforts to let the public know the symptoms of being exposed to HABS. Dr. Atkins replied there is information on the Board's website, as well as materials at many state parks. Additionally, there are signs posted at affected areas with links to additional information. Staff also performs some public outreach every year informing the public when the HAB season is approaching and what to watch out for. Chair Bradford also asked what the symptoms were after exposure. Dr. Atkins replied that depended upon what type of cyanobacteria exposure occurred. Many of the human symptoms included a skin rash if there was dermal contact, or it could be a chronic long-term condition such as tumors. For dogs, there can be an immediate response such as a seizure and then suddenly pass away. Because we don't know the early symptoms in dogs, often it's dramatic.

EO Pulupa asked Dr. Atkins to speak to the process and coordination with the public health aspect of HAB exposure. Dr. Atkins replied that because the Board does not deal with the public health aspect, reports are referred to an interagency work group that has expertise in that area. The work group will collect data and investigate individual cases. They will determine whether it warrants being sent to the CDC database. They do not conclude whether a report is definitively HAB related, but they do narrow it down and then decide whether to send it to the CDC.

Member Yang thanked Dr. Atkins for the presentation and asked how many staff are working on this assessment project. Dr. Atkins replied there are many different programs working on HABS at the State Water Board. Regarding the FHAB program, there are five individuals statewide and she was the only person for the Central Valley Water Board. Member Yang asked if any future funds will be allocated to support this program. EO Pulupa indicated that would be part of the legislative process and while there is some recognition the need is there and additional resources will be required, one of the challenges whenever we're talking about a program like this is if we are putting this on existing staff what will be taken off their plate. CDPH, Fish and Wildlife, State Water Board, counties and local governments, and water managers all have roles, so it is a complicated interagency question. EO Pulupa stated within the Board's funding there are some discretionary funds, as well as SWAMP funds allocated to the analysis of samples. Much of that data is provided in the Executive Officer's Report.

Member Yang asked if there was a plan to provide information to the public. Dr. Atkins replied data from partners is posted on public maps. All partners are asked to send data they have collected and then staff will post it on their behalf for the public to see. Additionally, public health agencies are notified. Staff will post signs by the water body itself and signage is provided to local agencies.

Member Lee Reeder expressed her support for pursuing additional funds for HAB research, reporting, and for implementing solutions.

MEETING ADJOURNED

The Board meeting adjourned at 10:49 a.m. to the 9/10 June 2022 Board meeting.