

Basin Monitoring Program Task Force

May 18, 2009

ATTENDEES:

Lyndy Lewis, City of Corona DWP
Tom Field, City of Riverside
Chandra Johannesson, City of Riverside
Bobby Gustafson, San Bernardino MWD
Val Housel, San Bernardino MWD
Gerard Thibeault, CRWQCB
Hope Smythe, CRWQCB
Cindy Li, CRWQCB
Linda Garcia, WMWD
Ben Pak, CBWM

Norris Brandt, EVMWD
Tim Moore, Risk Sciences
Sam Fuller, SBVMWD
David Aladjem, SBVMWD/WMWD
Jayne Joy, EMWD
Greg Woodside, OCWD
Andy Malone, WE Inc.
Mark Norton, SAWPA
Regina Patterson, SAWPA

Call to Order

The Basin Monitoring Program Task Force meeting was called to order at 9:40 a.m. at the Santa Ana Watershed Project Authority office located at 11615 Sterling Avenue, Riverside, California. Introductions were made.

Meeting Summary Approval – April 30, 2009

Mark Norton presented the April 30, 2009 Meeting Summary for approval. Greg Woodside requested a correction in the second paragraph on page 3 replacing “194 mg/L” with “490 mg/L”. Val Housel asked that a correction be made regarding the motion on page 2 removing her name as the second to the motion. Hearing no additional revisions the meeting Summary was received and filed.

Basin Plan Amendment for SAR Wasteload Allocation Scope and Cost Estimate – WE Inc.

Andy Malone provided “Work Breakdown Structure and Fee Estimate” stating this is a cost estimate to assist the Regional Board with the Basin Plan Amendment. The work will consist of two tasks. Task 1 will develop and run one wasteload allocation alternative for the Basin Plan Amendment. He reported that there is enough budget to not only run it once, but to also present the results to the group, run a revised alternative, prepare reports and attend Task Force meetings. Mr. Moore asked what would be different about this alternative than the final version in the report? Hope Smythe said she spoke to WE Inc. about taking the discharge concentration down to meeting management zone objectives (Chino South) and asked what it would take to do that, if it can be done? Mr. Norton said that is the only basin where we were out of compliance.

Task 2 would be “as requested” assistance to prepare for and attend three Task Force meetings, prepare for and attend three meetings with Regional Board staff, and provide as needed assistance to the Regional Board and Task Force to complete the Basin Plan Amendment. This task is WE Inc.’s cost.

Mr. Norton provided copies of Risk Sciences' May 12, 2009 "Proposal to Prepare Document to Support the Basin Plan Amendment for the Wasteload Allocation" reporting there is a carryover amount of approximately \$50,000. There would be an additional \$5,000 to \$7,000 amount invoiced to each affected Task Force agency to cover the additional costs.

Mr. Norton said there is a third alternative; that is, the Task Force doesn't pay for this it relies on the Regional Board staff to do the best they can.

Mr. Moore said the issues that come up at Temescal aren't unique to them. Alternative solutions for how we deal with that are beyond EMWD's operations.

Following discussion, it was determined that all agencies would benefit from decisions resulting from this report. Mr. Norton said the Basin Plan Amendment is to be completed by the end of the calendar year. Norris Brandt requested that the invoice be sent as a letter proposal for Task Force members to take back to their agencies.

Upon motion by Linda Garcia, seconded by Greg Woodside, the motion unanimously carried:

BMP 09/05-01

MOVED,

Approve the WE Inc. scope of work and cost estimate subject to Task Force agency approval to share costs equally.

RWQCB Reclamation Guidance Document (RGD) Policy – Risk Sciences

Tim Moore said the goal is to create a memorandum of understanding (MOU) for implementation from the Recycled Water Policy and include any of the elements from the RGD that we determine are worth carrying forward. He proceeded to discuss "Key Points from the RGD" (attached) stating that he is tasked with putting together an MOU for which there is widespread agreement. There will be some things we will not reach a consensus on, so we will proceed with the things we can agree on. We will separately decide what to do with the remainder of the items.

Importance of Reclamation

- 1) This would be the opening line of the MOU.
- 2) This is what we assume to be true - using more reclaimed water is a good thing. Mark Norton asked if there would be some concern raised about the Recycled Water Policy? Mr. Moore said it was not said this way until a reclaimed water policy came out. Instead of stating this as a first principle, we would site the Recycled Water Policy as where this came from.

Beneficial Use Protection

- 3) We could cite an existing State guidance document and some existing State Board decisions because this is stated outright. David Aladjem said it is key to include that degradation does not equal impairment.
- 4) The chemical concentration of the discharge can be higher than the objective if there is assimilative capacity and a wasteload allocation that shows that discharge, in combination with others, will meet the objective, then you are in compliance. How will you show if a particular discharge is greater than the objective? You are required to comply with the

wasteload allocation which was developed to achieve compliance with the objective. Cindy Li said there are currently two sets of permit limits based on where you discharge. Mr. Moore said our wasteload allocation was designed to meet a surface water objective at Prado. It was never designed to answer a question of whether it meets the underlying groundwater objective. At that time, Reach 3 was thought to be a gaining reach and there was no recharge. A properly done wasteload allocation is what you have to comply with, and if you are complying with the wasteload allocations, it assumes you're complying with objectives. Ms. Li asked that the wording be changed to say beneficial uses are presumed to be protected.

- 5) We all agreed that, for nitrogen, below 5 mg/L was no problem and that above 5 mg/L was becoming a problem. Sam Fuller said there may be some controversy over 500 mg/L for TDS too. Mr. Moore said these are presumptive thresholds, but they establish who has the burden of proof. Mr. Fuller said the magnitude of change may be more important than the objective.
- 6) We wanted to acknowledge that we built safety factors in the original calculations. We have to show there is a safety factor in there somewhere. They should be described as none beyond what has already been included.

Burden of Proof

- 7) There are thresholds where we think the burden of proof shifts. Hope Smythe asked if we talked about the analysis for the mass balance evaluation? Mr. Moore said we didn't then, but it is now highly defined in the Cooperative Agreement. We will cite it.
- 8) The burden of proof changes. It's easy below 5 mg/L, harder above 5 mg/L and extremely hard above 8 mg/L nitrogen. The document describes both elements as being the burden and shifting in relation to both. We will capture both elements.

Compliance Determination

- 9) Initially compliance is determined at the point of discharge. Compliance with the wasteload allocation or with the underlying objective demonstrates that. We may allow surrogate points of compliance, like what are used at Prado Dam. We also say that it would be preferable to determine compliance in the groundwater, but it is costly and difficult, so we often move the point of compliance to a surface water objective, with a safety factor built in, because it's easier and less expensive. If you are meeting the objective at the point of compliance, it presumes the downstream objectives are met. It was not necessary to make a demonstration at any point other than the point of compliance with those objectives.
- 10) Surrogate points-of-compliance may be allowed – same as #9.
- 11) He will make it clear. Mr. Thibeault recommended changing this to a positive to make it stronger.
- 12) These are used to measure current ambient quality.
- 13) You can have an impact on a well field but it does not make it a violation of objectives. This is clearly an issue for CEQA. We weren't going to have objectives decided on a sub-zonal basis. The sub-zonal impacts are different from making a claim that the objectives are violated. Mr. Thibeault recommended going back to any written discussions on the RGD on how the explanation is factored. Mr. Moore said we agreed that board could not agree to give away statutory authority.
- 14) Simplified as if you stayed at or below 5 mg/L nitrogen.
- 15) ASR was the example. Either it won't be there long or it will be very confined. That is the principle Chino Basin relies on. It is spatially limited and doesn't get to Orange County. We don't change our definitions.

Maximum Benefit Demonstrations

- 16) Increasing potable water supply = maximum benefit.
- 17) Pollution remediation projects = maximum benefit.
- 18) To rely on reclamation – new rationale for degrading water quality.
- 19) This is Prado and Seven Oaks.
- 20) If you are increasing reclaimed water in the upper watershed, there has to be a net increase to the watershed. That is not a rationale for degrading water quality. You have to show it.
- 21) Habitat restoration projects = maximum benefit.

We need these six things (16 through 19) as things which were deemed to be intrinsically valuable. All of them are rebuttable. They are things we want to incentivize and encourage.

Other Clarifications

- 22) No comment.
- 23) This is in Porter-Cologne now and the Regional Board is not required to allocate available assimilative capacity. This is one that will not be carried forward.
- 24) Change references from “groundwater basin” to “management zone”.
- 25) See #13
- 26) This item may go away.
- 27) Technology based standards (BAT, BMP, BCT) are just that, and they operate independently of the water quality based standards. Minimum levels of effort.
- 28) Included in the Cooperative Agreement.
- 29) Rancho Caballero all over again.

Interpretive Tools and Calculations for Future Ambient Water Quality Updates – WE Inc. and Risk Sciences Cost Estimate

Discussion on this item was deferred to next meeting, however, Mr. Malone of WE Inc. did request that Task 3 – Well Attrition Analysis for Watershed be included in the revised budget due to the need to complete this work as soon as possible.

Mr. Norton will prepare a breakdown of costs for the new FY 09-10 budget and provide it prior to the next meeting.

Future Meeting - Tuesday, June 16, 2009 at 1:30 p.m.

Adjournment

The Basin Monitoring Program Task Force meeting adjourned at 12:05 p.m.

Handouts

1. Key Points from the RGD – Risk Sciences
2. Proposal to Prepare Documents to Support Basin Plan Amendment for WLA – Risk Sciences
3. Work Breakdown Structure and Fee Estimate for Basin Plan Amendment – WE Inc.
4. Work Breakdown Structure and Fee Estimate for Interpretive Tools and Calculations for Future Ambient Water Quality Recalculations – WE Inc. (deferred to June 16th meeting)