TULARE COUNTY WATER COMMISSION
MEETING MINUTES
February 11, 2013

Members Present:
Allen Ishida, Board Representative and Chairman
Mike Ennis, Board Alternate Representative
Mark Larsen, District 3 Appointee
Richard L. Schafer, District 5 Appointee
Keith Watkins, At-Large Appointee
Paul Boyer, District 1 Appointee
Dale Brogan, District 2 Appointee
Dennis Keller, At-Large Appointee

Members Absent:
Chris Kapheim, District 4 Appointee
Susana De Anda, At-Large Appointee
Rudy Mendoza, TCAG Representative

Staff Present:
Julieta Martinez, Tulare County Board of Supervisors
Denise Akins, County Administrative Office
Arlene Silva, County Counsel
Britt Fussel, RMA

Members of the Public who voluntarily provided their names on the attendance sheet:
Carole Clum
Shane Smith
Michael Tharp
Richard Garcia

1. Call to Order

The meeting was called to order at 3:03pm.

2. Public Comment Period

Carole Clum of Three Rivers provided the Commissioners with handouts in regards to the global water crisis and water pollution by oil and gas industries.
See attachment for comments.

3. Approval of Minutes From January 14, 2013 Meeting

Motion by Commissioner Boyer seconded by Commissioner Watkins. Motion approved.

4. Discussion on the Irrigated Lands Regulatory Program Nitrate Monitoring Requirements

Commissioner Schafer stated that Regional Board's proposed irrigated lands regulatory program has been in the making for about 15 months. The Southern San Joaquin Valley Water Coalition representatives have met at least eight times with regional board staff in regards to issues with the proposed new General Order. The new General Order will be adopted in June of this year and become effective around the 1st of July. The draft is still in the making and will be issued for public comment in April.

Commissioner Schafer shared that Tule River Sub-Watershed estimate the costs of surface water monitoring and reporting will confine at less than $2 per acre and the third party costs with the inclusion of groundwater will be somewhere between four and five dollars aper acre. There is a meeting scheduled February 22nd with staff to further discuss issues with the current order.

Commissioner Keller commented that the program costs in the Kaweah are double the two dollars mentioned by Commissioner Schafer, they are now four dollars. Depending on the level of cooperation between the commodity groups, the costs will probably be controllable to the level that they indicate. If they do not engage to the point where their contributions are specific with respect to either water quality information or on farm best management practice, then the costs could be considerably more. The Regional Board's environmental documents mention adjustments that may need to be made on farms. Capitalized costs are over and above the costs of the program implementation that the Sub-Watersheds have been putting together so there have been estimates that have gone as high as thirteen hundred dollars an acre on capitalized costs.

Commissioner Brogan stated that his district in the southern end of the County is part of the Kern River Sub-Watershed and they are viewing the process a bit different. In looking at the process they question how it is determined if a property is determined high or low risk. The rules are a bit different for each classification. In the Kern River area, results will not be seen for fifty to five hundred years. Whatever you do today, the results might not be seen for five hundred years and that does not fix the problem. They are looking at ways to be more proactive, saving money spent on regulations to solve problems.

Commissioner Larson spoke in regards to the Southern San Joaquin Valley Coalition stating that the program being proposed is so large that it is causing them to step back and find the best structure to handle the program. Is it the structure in place today? In terms of Kaweah, it doesn't look like the structure in place today, it may be better for a non-profit type of structure to manage it. This is a very big involved program that forces everyone to step back and look at what structure is best to manage something of this scale. It will be a challenge.

Supervisor Ishida shared that he will serve on a Water Panel on Wednesday, February 13, 2013 at 11:00am at the World AG Expo in Tulare, CA. and he is sure the topic will be covered.

Denise Akins commented that there have been many challenges on the environmental side over the Eastern San Joaquin Order, the Dairy Order, and the courts are coming back and saying they're not stringent enough so it is expected into the future that the program has a foothold and it will move forward.

Supervisor Ishida asked what will done with municipalities like the City of Porterville.

Commissioner Keller stated that in their case they have a double order. They have an order that applies to a PTW, Public Treatment Works, and since the recipient of the wastewater is a private farmer on private land he has yet another permit where he has responsibilities and reporting requirements as well.

Commissioner Boyer asked if they are looking at areas where you already have good ground water and comparing them to areas that have sandy soil, etc.

Commissioner Brogan commented that there is a distinction there. A determination would be made and those areas would be exempt.

Commissioner Keller proceeded to say that human consumption would not be the only beneficial use. Some of the beneficial uses have far more restrictive criteria associated with them than human consumption. One example is to look at the discharge of copper to open land or water like the Culter Orosi wastewater treatment plant that has a discharge permit with an allowable level of copper. That level of copper has been historically based on human exposure. Now there is a proposed change in that standard where the beneficial use is the invertebrate life in the segments that are in sand creek and that copper level is now about one one-hundredth of the tolerable level for human beings.

Commissioner Schafer stated that one of the troubling issues throughout this whole process is that the third party, under the proposed order will be required to summarize the nitrogen management plan and the farm evaluation prepared by each grower. The Tulare Lake Basin probably includes 12,000 growers. The Regional Board under the Order is requiring a third party to summarize those 12,000 reports into some kind of usable matrix so that they can evaluate whether best management practices are being implemented, and if they aren't proposed order will be what needs to be done to improve the nitrogen level and the salt level in groundwater.

Supervisor Ishida questioned how a grower with seven different parcels in separate locations puts together that type of report.

Commissioner Schafer stated the program is geared to a township level of reporting. The intention appears to be to summarize the operation of the program to a township level from four domestic wells per township and evaluate the nitrogen in the groundwater. It will be several years in the making. There is a meeting, the ACWA Regions 6 and 7, on Friday, March 15th from 9:30am to 1:00pm. It will be held at the Holiday Inn Visalia.

5. Update on Tulare Lake Basin Disadvantage Community Water Study

Denise Akins stated that a Stakeholder Oversight Advisory Committee meeting was held this past Monday. The group was given an update on the pilot projects and there development. They were also provided with a timeline. The management non-infrastructure project will be ready for review around March 15th. The new sources pilot project, which has been broken out further, will be ready the second week of March. The technical solutions pilot should be ready by March 1st. The individual household solutions pilot project should be ready in Mid-April to begin circulation. Also at the meeting, the group talked about some of the other regional projects that have been going on that

have come out of the process. Tulare County met with CDPH to fund the North Tulare County Surface Water Treatment Project. There is a schedule of work that is being reviewed to amend the contract in hand right now with CDPH. The Seville project will be tied in to that. There is new emergency funding made available by CDPH.

Commissioner Boyer shared that emergency funding from Prop 84 came out last month, two million dollars from the state board, two million from CDPH, are now available. If you have a disadvantaged community with an emergency interim solution for a primary drinking water problem, they could apply for up to $50,000 for a three year period. What we are finding is that $50,000 over a three year period could do quite a bit in a small community but will not go far in a community with over $1,000 connections.

Supervisor Ishida asked the Commissioners to inform Denise Akins with any issues involving legislation.

6. Subcommittee Reports

Commissioner Schafer referenced last month's meeting where there was discussion in regards to the twenty-nine systems that showed exceedances in nitrate levels and discussed how we might obtain data to evaluate the consistency and where it came from. The Commissioner's discussed Michael Hickey assisting with the source of the data. He stated that there was a misunderstanding on direction and review of the data. We have never really evaluated where the data came from, the timing, what exists today for the same system in terms. He asked the Commission to revisit direction to the Resource Management Agency on the gathering of that data.

Britt Fussel will follow up with Michael Spata and other staff.

Julieta Martinez shared that the direction made by Commissioner Schafer at the previous meeting was not recorded in the minutes due to a technicality with the tape recorder and the information was not fully relayed to Michael Tharp.

7. Commissioners Comments

Commissioner Schafer noted that a dear friend and prominent water engineer, Stanley M. Barnes, passed away last Tuesday at the age of eighty six. He was on the California Water Commission for twelve years and Chairman for two years.

Commissioner Keller stated that the Dr. Harter Report is now a matter of public record. Before the end of this week the State Water Resources Control Board will submit a report to the legislature on the Harter Report. The director of CAL EPA stated the report to the legislature contains some fifteen recommendations.

Commissioner Boyer followed up with the subject of fracking as brought up by Carol Clum. He asked if the County has any authority over fracking. If there are any things that should be done to be prepared, we would want to protect our groundwater quality. He also commented that the County provided some community block grant funding for the Richgrove Services District for a test well in the area.

Commissioner Schafer stated he received notices from the City of Visalia about an election of Visalia Property Owners that now pay forty eight cents per parcel for the Kaweah Lake Enlargement Project. When enacted, it was intended to pay the City of Visalia's share for the Kaweah Lake Enlargement Project. That project is now complete. Of that fee, five cents are said to be needed on an ongoing basis to support continual costs associated with Lake Kaweah flood water storage operations. The remaining forty three cents of the current fee are proposed for ongoing maintenance and improvements of storm water collection system within the city of Visalia. The vote is on March 18, 2013. He posed the question as to what the City will be doing with the money received.

Commissioner Keller stated that the City has basic flood control problems and those funds could be used for cooperative projects with Kaweah Delta that would relieve storm water flows in the lower Kaweah River and Mill Creek. He was not aware of all projects the City has in mind.

Chairman Ishida mentioned that stormwater runoff will become a bigger issue for cities and flood control programs can go hand in hand with groundwater re-charge. He stated that Tulare County may need a flood control district similar to that of Fresno County.

8. Next meeting – Monday, March 11, 2013, 3:00 p.m. – Board of Supervisors Chambers

9. Adjourn

The meeting was adjourned at 4:11pm.

Ms. Carole Clum
45638 S Fork Dr
Three Rivers CA 93271

Carole Clum's Public Comments to Tulare County Water Commission February 11, 2013

The oil and gas industries are stealing our clean water and polluting the air we breathe by hydraulic fracturing and horizontal drilling. The oil and gas exploitation in Kern County affects farmers, ranchers, small business owners, and residents who pump groundwater or who use surface water contaminated by 60 billion gallons of wastewater produced by fracking. According to Halliburton, in the fall of 2011, 50-60% of new oil wells being drilled in Kern County were fracked. I don't know if the Kern Water Bank is being fracked but I'd be surprised if it weren't.

Science magazine describes fracking this way: under extreme pressure, large volumes of chemical-laced water are used to "create a football-shaped cloud of fractured shale 300 meters long" from each horizontal arm of the mother well. The drilling may radiate out a mile or more in a horizontal direction.

Land subsidence may occur due to collapsing tunnels or changes in pressure from gas extraction. This would make it difficult to irrigate a field.

Hydofracturing is exempt from the Clean Water Act and the Clean Air Act thanks to Vice President Dick Cheney, former CEO of Halliburton. This isn't just an enviromental issue. It's an issue of water security and prosperity.

Reasoning, pleading, and presenting scientific studies have not caused decision makers to change course. Lawsuits are the only recourse. A vineyard owner in Kern County asked the local chapter of the Sierra Club to file a lawsuit against a California agency for permitting oil drilling on his land without a CEQA review. The company Century Exploration Resources of Bakersfield would not tell the farmer what chemicals they intended to pump into his land. He was worried about possible contamination of his groundwater. The state's Division of Oil, Gas & Geothermal Resources, known as DOGGR, permitted thousands of new oil/gas wells in 2012 alone. After the lawsuit was filed, DOGGR told the oil company on Nov. 27, 2012, "Following review and analysis of the legal challenge, [the agency] has determined that the proposed well operations will result in more than a minor alteration in the condition of the affected land, and therefore are not exempt pursuant to CEQA Guidelines section 15304."

In a separate lawsuit filed in October 2012, The Sierra Club, Earthjustice, the Center for Biological Diversity, Earthworks, and other environmental advocates went to court with a larger, "pattern and practice" lawsuit to force DOGGR to abide by the state's foremost law that requires public disclosure and protects public health and the environment. The agency has been rubberstamping oil and gas drilling activity, declaring it exempt from environmental review or issuing "negative declarations" that such activity will have "no significant effect" on the environment without any study.