

ALAB MEETING MINUTES

Monday, December 7, 2015

Members and Alternates Present: Jean-Pierre Wolff, Lisen Bonnier, Jerry Diefenderfer, Sarah Kramer, Eric Michielssen, Don Warden, Joy Fitzhugh, Chuck Pritchard, Claire Wineman, Dan Rodrigues, Royce Larsen, Robert Hartzell, Melanie Blankenship

Absent Members: Greg France, Richard Hawley, David Pruitt, Dick Nock, Neil Roberts, Tom Ikeda, Mark Pearce

Guests Present: David Broadwater – Center for Sludge Information, Linda Chipping – Coastal San Luis RCD, Patricia Wilmore – Paso Robles Wine Country Alliance, Liz Pozzebon – Director Environmental Health, Layci Gragnani – Central Coast Greenhouse Growers Association.

Staff Present: Marc Lea, Lynda Auchinachie – San Luis Obispo County Department of Agriculture, James Caruso - San Luis Obispo County Planning Department; Rich Lichtenfels, Ke Ghiglia – San Luis Obispo County Environmental Health

1. Call to Order: 6:02 Chair Wolff

2. Open Comment:

- Chuck Pritchard shared that on January 22, 2016, from 8:00 am – 4:00 pm, the Salinas River Symposium will be held at the Paso Robles Inn.
- Jean-Pierre Wolff announced that Governor Jerry Brown had reappointed him to the Central Coast Regional Water Quality Control Board (CCRWQCB) for a 4-year term.

3. Announcements from ALAB Members & County Ag Department Staff Updates:

- Marc Lea indicated there was another Asian Citrus Psyllid (ACP) detection in the city of San Luis Obispo (SLO). While there is not an established population of ACP within the county, finds have occurred throughout the county including in the areas of Arroyo Grande, SLO, Cayucos and Nipomo. Treatment of residential citrus surrounding the find site will start in SLO in a few days. Treatment applications have been scaled back on the state level due to the far reaching area in which the ACP has been found. Marc also shared that there was a recent detection of a Light Brown Apple Moth (LBAM) in the city of SLO. Marc indicated that this find was less impactful to citizens because treatments for LBAM are no longer being conducted in our area. There are also no commercial growers impacted by the find. The LBAM program is being revamped and re-evaluated at the state level.
- Marc reiterated the State Water Quality Control Board and the CCRWQCB will not be pursuing a Grazing Regulatory Action Program (GRAP). Marc referenced a letter he shared with ALAB members via email last month from the Executive Officer of the CCRWQCB, Ken Harris.

- Marc shared that medicinal marijuana issues are moving quickly because of legislation recently passed at the State level. On January 1, 2016, medicinal marijuana will be considered an agricultural commodity and subject to various State regulations. Marc indicated that due to a March 1, 2016 deadline for local jurisdictions to have their own ordinances in place that was included within the recent legislation, there is a push to adopt any potential ordinance or land use planning restrictions quickly or run the risk of losing local control. An urgency ordinance may be the only option that can be enacted before the March deadline, although there are reports that the state legislature is trying to either rescind that March deadline or move it back several months. The Board of Supervisors (BOS) will discuss the identified medicinal marijuana issues at their December 15, 2015 hearing.
- Chair Jean-Pierre Wolff indicated that at both the state and regional level the Water Quality Control Board is preparing to regulate medicinal marijuana similar to other irrigated crops in terms of water quality monitoring while meeting legislative requirements. Jean-Pierre indicated that the CCRWQB's concerns regarding marijuana cultivation include pesticide, herbicide, and fertilizer use, as well as erosion control and the impacts to both surface and ground water quality. Workshops will be held to help identify a comprehensive approach to these regulations.

4. Previous Minutes: MOTION: Diefenderfer Approve October 5, 2015, minutes: Motion 2nd: Pritchard

Approved: Unanimous by all voting members in attendance with two abstentions from Wolff and Blankenship due to absence from the October meeting. No "No" votes.

5. ALAB Governance: ALAB membership updates

- Marc Lea reminded ALAB members that January 2016 will be the time to elect members for the Chair and Vice-Chair positions. Marc also indicated that next year the terms will expire for those representing direct marketing/organics, nurseries, vegetable growers and wine grape growers. Marc also mentioned that the Strawberry Commission has not appointed a representative yet.
- Don Warden questioned whether Eric Michielssen remaining an ALAB member while running for the Board of Supervisors represented a conflict of interest. Eric Michielssen offered to resign if there was a perceived problem, and added that he would likely be stepping down at the end of his term in April 2016 anyway. ALAB members discussed the issue and determined an overarching conflict did not exist, and that if any specific issue came up for Michielssen, or any other ALAB member, that represented a conflict of interest then they could recuse themselves from the discussion and action at that time.
- Jerry Diefenderfer recommended the formation of a committee to identify members interested in Chair and Vice-chair positions. Claire Wineman, Lisen Bonnier and Don Warden volunteered for the committee. Claire asked for interested members to contact her by December 20, 2015.

6. Presentation: Proposed Permanent Land Application of Biosolids Ordinance – EIR comment period, James Caruso – San Luis Obispo County Planning and Building; Rich Lichtenfels, Ke Ghiglia - San Luis Obispo County Environmental Health

- Jean-Pierre Wolff discussed protocol for presentations and questions.
- Rich Lichtenfels introduced Ke Ghiglia and the new Director of Environmental Health, Liz Pozzebon. Rich provided background on the 2004-current interim ordinance and indicated the latest effort was to develop a permanent land application ordinance using highly regulated exceptional quality (EQ) biosolids only. Rich indicated the proposed ordinance is currently going through the initial stages of the environmental review process and input from the agricultural community is desired. Rich indicated the county produces approximately 11,500 tons of biosolids annually and that the majority was trucked to Santa Maria for composting. Rich shared that 64 percent of biosolids generated in California are disposed of through land application.
- Ke Ghiglia guided ALAB members through a PowerPoint presentation that outlined the purpose of the draft ordinance, highlights of the draft ordinance, and the various opportunities for input.
http://www.slocounty.ca.gov/Assets/AG/ALAB/ALAB_Biosolid_Presentation_2015_12_07.pdf
- James Caruso indicated the draft environmental impact review (EIR) process has just begun with the Notice of Preparation (NOP). The NOP provides an opportunity for input from agencies, stakeholders, and the public. Alternatives to the proposed land application ordinance are a critical part of the process and input is desired by December 18, 2015. James shared that Environmental Health is the “applicant” for the proposed ordinance and the role of the Planning Department is limited to completing the environmental review process. James stated the draft EIR should be available for public comment in about one year.
- Claire Wineman requested additional information about the vision behind the prohibition of edible portions of vegetables being in contact with biosolids. Rich Lichtenfels indicated it was a requirement for lesser quality biosolids than EQ and they are proposing more restrictive standards to further protect public health.
- Dan Rodrigues asked about specifics relative to direct contact with the edible portion of the plant. Rich Lichtenfels responded that policies and procedures will need to be developed to provide guidance and clarification while at the same time being reasonable. Growers will be looked to for their expertise on such issues as agronomic application rates which dictate the amount of biosolids that can be applied to a particular crop or location.
- Jerry Diefenderfer asked about what was applied since the adoption of interim ordinances starting in 2004. Rich Lichtenfels stated that there have been zero projects. Rich indicated that there is a 1,500 cubic yard per year limit and that the permanent ordinance would be more restrictive because it would regulate composted biosolids. Rich shared that the goal was to develop a balanced ordinance that is purely protective

of public health. Jerry responded with concerns regarding the expenditure of county funds on an effort that nobody may use.

- Eric Michielssen inquired how the EQ material would be treated. Rich Lichtenfels indicated that there are various treatment regimes such as heat or composting that would enable biosolids to meet EQ standards. Currently, local treatment plants do not have the ability to make EQ.
- Melanie Blankenship raised concerns that biosolids compost material from Santa Maria could be unknowingly applied to land that is used for organic farming. Rich Lichtenfels indicated that there is currently no record of biosolids compost because the interim ordinance does not regulate it. Rich shared that the proposed ordinance would allow for tracking through required reporting.
- Ke Ghiglia indicated that by rule biosolids cannot be used in organic production.
- Joy Fitzhugh reminded ALAB members that the interim ordinance was developed to address concerns that Kern County's attempt to close their door to land application of biosolids originating from outside of their county could result in SLO County's door opening. Rich Lichtenfels provided background on the Kern County situation and the ruling that commerce laws preclude an outright prohibition of biosolids.
- Lisen Bonnier indicated that the proposed land application of biosolids raises several red flags particularly the accumulation limits, along with the potential for pharmaceutical, heavy metal, and chemical content. Rich Lichtenfels responded that the Environmental Protection Agency (EPA) was working on pharmaceutical and personal care product testing and that initial tests show that it is not a major concern. Lisen stated that perhaps the proposal is premature and decisions should not be made until final testing is available. Rich indicated the ordinance is being written to incorporate the latest data as it becomes available and the ordinance could be changed accordingly. Lisen observed that it is a very cumbersome process to change an ordinance.
- Chuck Pritchard raised concerns about application on grazing land where the biosolids may not be adequately incorporated into the soil and what the end result will be to what is being done to the ground.
- Joy Fitzhugh shared that some alfalfa growers have pledged not to use biosolids on crops because the dairy farmers would not accept it due to a variety of concerns.
- Rich Lichtenfels indicated that biosolids are a beneficial soil amendment that should be available to be used, although it is ultimately a grower's decision whether or to apply them to their land.
- Claire Wineman raised concerns about prions or infectious proteins that can't be cooked out of food.
- Chair Jean-Pierre Wolff indicated that under the General Order Title 40 a permit is required by the CCRWQCB for land application of biosolids and that this permit can provide information for constituents and neighbors that can raise flags. Jean-Pierre also shared several concerns regarding the ordinance including: 1) there is no differentiation between soil types (i.e. Class 1, 2, 3, 4 etc. as defined by the NRCS) that addresses

particular soil characteristics such as drainage capabilities, slope, erosion potential etc., 2) there is no differentiation between irrigated and non-irrigated soils, 3) determination of setbacks from property line, wells, and ponds, 4) scalability, and 5) assumption of agency alliance on permit issuance. Rich Lichtenfels indicated many of the standards came from the Cornell Waste Management Institute's model code and task force. The requirement for an EQ product added an extra layer of protection to address site constraints. The proposed ordinance is a conservative approach.

- Joy Fitzhugh suggested that there shouldn't be a five cubic yard allowance, and that permitting requirements should apply for any land application. Rich Lichtenfels shared that the five cubic yard limit was an attempt to not penalize small home gardens.
- David Broadwater provided a brief history of his involvement with the biosolids issue as well as a detailed letter outlining his various concerns. David concluded by indicating that he did not believe the proposed ordinance complied with the original direction from the BOS and that the CEQA process should be recommended for termination now. http://www.slocounty.ca.gov/Assets/AG/CSI_Biosolids_2015_12_07.pdf
- Joy Fitzhugh acknowledged that certain processing facilities would not accept produce from sites in which biosolids have been applied. Joy asked if there is a way the ordinance could require that if someone applies biosolids to a site that such actions are recorded on the properties title. Joy expressed concern that someone could unknowingly purchase a property that would have limited production value if product could not be sold. James Caruso indicated that in the past recording info on to a title has not been a successful approach, and suggested a public information request with Environmental Health or the CCRWQCB could provide the desired information.
- James Caruso indicated that the public review period for the draft EIR will most likely be 60 days and that it should allow for ALAB to submit formal comments at that time. Individual ALAB members are welcome to submit comments now on the NOP and throughout the various stages of the EIR process.
- Rich Lichtenfels diplomatically disagreed with David Broadwater's comment that the proposed ordinance does not comply with BOS direction.
- Jerry Diefenderfer asked Lisen Bonnier if she thought the interim ordinance was effective and what we want in a permanent ordinance. Jerry expressed concern over the cost of the EIR for the new proposal if the interim ordinance is already working. Lisen shared that she does think the interim ordinance is working. Lisen suggested exploring adding to the interim ordinance regulation of composted biosolids.
- Jean-Pierre suggested that there might be some value to land applications of biosolids to agricultural land but it may not be the best value and sustainable alternatives to land application must be explored.
- Chuck Pritchard indicated Orange County uses alternative approaches to dispose of their locally produced biosolids.

Future Agenda Items:

- Claire Wineman reminded ALAB members that medicinal marijuana has been defined as a crop/agricultural commodity. Claire expressed her concern about the precedent that would be set by a potential ban on a specific crop from production and transportation, thus depriving a grower the opportunity to benefit from growing a particular crop. Claire requested a discussion regarding implementation of medicinal marijuana legislation.
- Chuck Pritchard suggested adding Senate Bill 88 to an upcoming agenda.
- Jerry Diefenderfer wants ALAB to remain on top of issues that affect agriculture. Jerry indicated water was the number one issue and requested ongoing updates from county agencies as appropriate.

Next meeting – January 4, 2016 - Medicinal marijuana legislation implementation, Senate Bill 88

Meeting Adjourned: 8:09 p.m.

Respectfully submitted by Lynda Auchinachie, County Department of Agriculture/Weights and Measures