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Central Coast Regional Water Quality Control Board

MEETING MINUTES

Central Coast Regional Water Quality Control Board  
REGULAR MEETING

Thursday, July 30, 2015, 8:30 a.m. – 7:00 p.m.

Friday, July 31, 2015, 9:00 – 5:00 p.m.

Central Coast Water Board Hearing Room  
895 Aerovista Place, Suite 101, San Luis Obispo

Thursday, July 30, 2015, 8:30 a.m.

Chair Dr. Jean-Pierre Wolff called the meeting to order on July 30, 2015, at 8:33 a.m.

**BOARD BUSINESS**

1. Roll Call Tammie Olson, Clerk to the Board

**Water Board Members Present:**

Chair Wolff, Vice Chair Hunter, Member Cervantez, Member Delgado, Member Johnston, and Member Young.

2. Introductions, Staff Recognition, and Awards Kenneth A. Harris Jr., Executive Officer

Executive Officer Ken Harris introduced Tammie Olson, Clerk to the Board; Jessica Jahr, Staff Counsel; and Michael Thomas, Assistant Executive Officer.

3. Approval of the May 28-29, 2015 Board Meeting minutes

**Roll Call Vote:**

**Motion:** Member Delgado moved to approve the minutes of May 28-29, 2015.

**Seconded by:** Vice Chair Hunter

**MOTION CARRIED: 5-0**

**Aye:** Chair Wolff  
Vice Chair Hunter  
Member Cervantez  
Member Delgado  
Member Johnston

**Nay:** None

**Absent:** None

**Abstain:** Member Young

4. Report by Regional Board Members

- Board Member Cervantez:
  - No comment
- Vice Chair Hunter:
  - Reported on environmental justice issues.
- Board Member Young:
  - Nothing to report
- Board Member Delgado:
  - Reported on the progress of Cal Am Desal plant in Monterey.
- Board Member Johnston:
  - Attended a CEQA session regarding Pinto Lake in Watsonville on June 2.
- Chair Wolff
  - Announcements:**
    - If you would like to speak please turn in a speaker card to the Clerk.
    - Board Members Kathleen Thomasberg has resigned from the board. Chair Wolff encouraged people to apply for the opening.
  - Meetings:**
    - June 3, 2015, City of San Luis Obispo utilities manager relating to recycling water in the city.
    - June 3, 2015, San Luis Obispo County Water Resources Advisory Committee.
    - June 15, 2015, telephone conference on wetland actions chaired by State Board Member Steve Moore, also attend by Lisa McCann of Central Coast Water Board staff. There will also be a meeting in Sacramento on Monday, August 3.
    - June 19, 2015, County-wide meeting with interested parties for Proposition 1.
    - June 27, 2015, Mayor of Arroyo Grande, drought-related issues.

5. Report by State Water Resources Control Board Liaison [Steven Moore 916/341-5624]  
Steven Moore gave an overview of recent State Water Board actions, focusing on drought-related activities.

6. Drought Conditions Update by Regional Liaison to Water Rights Division  
[Lisa McCann, 805/549-3132, [Lisa.McCann@waterboards.ca.gov](mailto:Lisa.McCann@waterboards.ca.gov) ]  
Lisa McCann answered questions from the Board regarding her report.

7. Intentionally left blank

**Uncontested Items**

8. All Uncontested items  
Member Young has asked that 9 be removed from the Uncontested Items to be discussed.

9. Waste Discharge Requirements for Cold Canyon Landfill      Order No. R3-2015-0021  
Waste Connections, Inc., San Luis Obispo County  
(Update Waste Discharge Requirements)  
[Ryan Lodge 805/549-3506, [Ryan.Lodge@waterboards.ca.gov](mailto:Ryan.Lodge@waterboards.ca.gov) ]

Board Member Young requested the item be removed from the uncontested calendar due to questions he had regarding the item. Board Member Young asked about private wells located on properties adjacent to the landfill and requested staff provide a project update in the Executive Officer's report within two years, following monitoring and evaluation of whether the landfill has impacted groundwater. Water Board staff Ryan Lodge (Water Resources Control Engineer) and John Robertson (Supervising Engineering Geologist) answered questions regarding how a landfill discharge to groundwater is determined, indicated that neighboring wells are not currently sampled by the landfill, and agreed to provide a project update within two years.

**Roll Call Vote:**

**Motion:** Member Johnston moved to approve item 9

**First:** Member Johnston

**Seconded by:** Vice Chair Hunter

**MOTION CARRIED:6-0**

**Aye:** Chair Wolff  
Vice Chair Hunter  
Member Cervantez  
Member Delgado  
Member Johnston  
Member Young

**Nay:** None

**Absent:** None

**Abstain:** None

**Enforcement**

10. Consider Adopting Administrative Civil Liability Order for Carpinteria Sanitary District, Santa Barbara County  
Administrative Civil Liability Complaint No. R3-2015-0011

[The Board will continue the hearing begun on May 29, 2015. The Board will open the meeting, provide the parties with a chance to address the Board regarding the changes to the draft Administrative Civil Liability Order, and then the Board will vote on the draft Administrative Civil Liability Order.]

[Thea Tryon 805/542-4776, [Thea.Tryon@waterboards.ca.gov](mailto:Thea.Tryon@waterboards.ca.gov)]

The Board Chair reopened the hearing for this case. William Carter for Carpinteria and David Boyers for the Enforcement Team presented closing arguments. The Board members discussed arguments they heard about staff costs and whether secondary treatment significantly reduces pathogens. The Board members went into closed session then proposed revised language. The Board voted and approved the Order with the revised language.

**Roll Call Vote:**

**Motion:** Vice Chair Hunter made a motion to approve the order with the revised language.

**Seconded by:** Member Delgado

**MOTION CARRIED: 4-1**

**Aye:** Chair Wolff  
Vice Chair Hunter  
Member Cervantez  
Member Delgado

**Nay** Member Johnston

**Absent:** None

**Abstain** Member Young

11. Refugio Oil Spill, Santa Barbara County – Hearing to consider adoption of a resolution authorizing referral to the Attorney General for judicial enforcement against Plains Pipeline, LP and all other appropriate parties related to May 19, 2015 oil spill near Refugio State Beach in Santa Barbara County.

[Thea Tryon, 805/542-4776, Thea.Tryon@waterboards.ca.gov]

Michael Thomas, Assistant Executive Officer, and David Boyers, Staff Counsel, State Water Board Office of Enforcement, summarized the purpose of the proposed Resolution to authorize referral of this case to the Attorney General. The Attorney General's office is better able to manage potential enforcement actions where there are multiple agencies and jurisdictions, and the Water Board maintains its option to pursue independent action if necessary. The Water Board adopted the Resolution, with revisions, referring the case to the Attorney General.

**Speakers:**

- Kay Mercer, KMI

**Roll Call Vote:**

**Motion:** Motion was made by Member Young to approve the resolution with the following changes.

1. Judicial enforcement of the Water Code allows for the assessment of higher maximum civil liability, if appropriate, for the Dischargers' possible violations of the Water Code in this case.
2. On May 19, 2015, a release of crude oil occurred from the pipeline. An as yet undetermined, substantial volume of crude oil was released to land and into the Pacific Ocean near Refugio State Beach, possibly in violation of California Water Code ("Water Code") sections 13385 and/or 13350.

**Seconded by:** Vice Chair Hunter

**MOTION CARRIED: 6-0**

**Aye:** Chair Wolff  
Vice Chair Hunter  
Member Cervantez  
Member Delgado  
Member Johnston  
Member Young

**Nay** None

**Absent:** None

**Abstain** None

**Watershed Management and Planning**

12. Intentionally left Blank

13. Total Maximum Daily Loads for Nitrogen Compounds and Orthophosphate in Streams of the Pajaro River Basin, Resolution No. R3-2015-0004  
[Peter Osmolovsky 805/549-3699, [Pete.Osmolovsky@waterboards.ca.gov](mailto:Pete.Osmolovsky@waterboards.ca.gov)]

TMDL staff Mr. Peter Osmolovsky recommended that the Central Coast Water Board adopt Resolution No. R3-2015-0004 amending the Water Quality Control Plan for the Central Coastal Basin to incorporate the TMDLs and an associated water quality improvement strategy.

Water Board members Johnston and Young asked if the TMDL water quality goals and timelines are realistically achievable with regard to the current regulatory measures adopted in the Pajaro River basin. Chair Wolff asked whether we should be looking at the impacts of drought, climate, and precipitation on TMDL implementation – and how these climatological factors might bear on efforts to attain water quality standards. Board members and staff discussed these implications with regard to implementing the proposed TMDLs.

**Motion: Member Young moved to adopt Resolution No. R3-2015-0004**

**Seconded by: Vice Chair Hunter**

**MOTION CARRIED: 6-0**

**Aye: Chair Wolff  
Vice Chair Hunter  
Member Cervantez  
Member Delgado  
Member Johnston  
Member Young**

**Nay None**

**Absent: None**

**Abstain None**

**Speakers**

- Kay Mercer, KMI
- Abby Taylor -Silva, Grower-Shipper Association of Central California
- Kirk Schmidt, Executive Director, Central Coast Water Quality Preservation, Inc.

**Public Forum**

14. Public forum will be heard directly after the lunch break, **not before 1:30 p.m.** Any person may address the Board regarding a matter within the Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to three (3) minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should contact the Executive Officer at least one week prior to the meeting. Comments regarding matters that are scheduled for a future meeting will be restricted.

**Speakers**

- Abby Taylor -Silva, Grower-Shipper Association of Central California
- Kirk Schmidt, Executive Director, Central Coast Water Quality Preservation, Inc.

**Discussion/Informational Items**

15. Irrigated Lands Regulatory Program: Central Coast Water Quality Preservation, Inc.  
Presentation of Water Quality Trends and Data Availability  
[Chris Rose, 805/542-4770, [chris.rose@waterboards.ca.gov](mailto:chris.rose@waterboards.ca.gov)]

Sarah Lopez of Central Coast Water Quality Preservation, Inc. (Preservation Inc.) delivered a power point presentation summarizing data and trends of surface water quality in central coast region watersheds with agricultural uses. Ms. Lopez's presentation was followed by a discussion led by Mr. Kirk Schmidt, Preservation Inc. Executive Director, regarding problems associated with uploading the data to a publicly accessible database. Board members inquired about data trends and fees farmers pay for the monitoring service. Public comment included advances toward improved protection of water quality that growers are implementing. There was no board decision associated with the item.

Speakers

- Kay Mercer, KMI

**Closed Session**

16. The Board may meet in closed session as authorized by Government Code section 11126.  
See Item 21

**Friday, July 31, 2015, 9:00 a.m.**

**BOARD BUSINESS**

17. Roll Call  
[Tammie Olson, Clerk to the Board, 805/549-3140, [Tammie.Olson@Waterboards.ca.gov](mailto:Tammie.Olson@Waterboards.ca.gov)]

**Public Forum**

18. Any person may address the Board regarding a matter within the Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to three (3) minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should contact the Executive Officer at least one week prior to the meeting. Comments regarding matters that are scheduled for a future meeting will be restricted.

**Administrative Items**

19. Administrative Discussion – 2016 Board Calendar  
[Kenneth A. Harris Jr., 805/549-3140, [Ken.Harris@waterboards.ca.gov](mailto:Ken.Harris@waterboards.ca.gov)]

2016 Meeting Dates and Locations will be voted on at the next meeting.

Meeting Date		Location
January 28-29, 2016	Regular Meeting	San Luis Obispo
March 17-18, 2016	Regular Meeting	Santa Barbara
May 12-13, 2016	Regular Meeting	Watsonville
July 28-29, 2016	Regular Meeting	San Luis Obispo
September 22-23, 2016	Regular Meeting	Santa Barbara
December 8,9, 2016	Regular Meeting	Monterey Bay

20. Executive Officer's Report

[Kenneth A. Harris Jr., 805/549-3140, [Ken.Harris@waterboards.ca.gov](mailto:Ken.Harris@waterboards.ca.gov)]

Kenneth Harris gave the Executive Officers report.

Speaker:

- Kay Mercer, KMI

21. Central Coast Water Board Strategic Planning Discussion

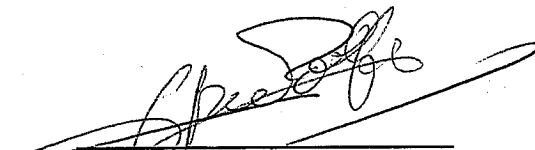
[Kenneth A. Harris Jr., 805/549-3140, [Ken.Harris@waterboards.ca.gov](mailto:Ken.Harris@waterboards.ca.gov)]

Each program manager briefed the Board on their programs priorities and resource needs. Board members asked questions. The Board discussed the drought and its impact on the Region's ability to carry out its core functions. Everyone acknowledged that emergency drought response to community request will remain the Region's top priority. In addition staff provided an update on efforts to maximize the grant dollars flowing into the Central Coast Region.

The Board and staff discussed the fact the Regional Board is has limited resources and must prioritize work. Criteria include threat to human health and the environment, and federal and state program mandates.

Regional Board members requested staff provide regular individual program updates to keep the Board informed. The Board asked that any they be informed of any major changes in priorities.

Chair Wolff adjourned the meeting at approximately 5:30 p.m. July 31, 2015.



Dr. Jean-Pierre Wolff, Chair

