

Central Coast Regional Water Quality Control Board

MINUTES

Central Coast Regional Water Board

REGULAR MEETING

Thursday, May 3, 2012

REGULAR MEETING/CLOSED SESSION

Friday, May 4, 2012

Chairman Young called the meeting of the Central Coast Water Board to order at 8:30 a.m. on Thursday, May 3, 2012, at Central Coast Water Board, 895 Aerovista Place, Suite 101, San Luis Obispo.

1. Roll Call – Board MembersMichael Thomas, Assistant Executive Officer

Present:

- Chairman Jeffrey Young
- Vice Chair, Russell Jeffries
- Bruce Delgado
- Monica Hunter
- Mike Johnston
- Mike Jordan
- Jean-Pierre Wolff

Absent:

Note: Bruce Delgado, Michael Johnston, and Russell Jeffries were absent for Roll Call but arrived during Item No. 2, Introductions.

2. Introductions and Staff Recognition Roger Briggs, Executive Officer

Executive Officer Roger Briggs introduced and welcomed Board Counsel Jessica Newman and Board staff. Mr. Briggs asked parties interested in speaking on agenda items to complete testimony cards and return them to staff. He also announced that were supplemental sheets for items 7, 11, 12, and 16; and that Item No. 12 and 13 would be taken up in reverse order.

Chair Young and Mr. Briggs announced that staff Sorrel Marks will continue working remotely for the Central Coast Water Quality Control Board for several months; after which time she will officially retire from State service. Over the years Ms. Marks has been associated with many projects; some of which were long term and extremely demanding. Ms. Marks has shown patience, perseverance and dedication through some very trying projects. She has provided a degree of customer service that is unparalleled and has often gone above and beyond what is expected in that regard. Ms. Marks mentored many staff, passing along her experience and perspective in a friendly, positive and helpful manor. Sorrel's cheerful, positive nature will be missed by all in the office.

Board members and Water Board staff thanked Ms. Marks for her years of service.

JEFFREY S. YOUNG, CHAIR | ROGER W. BRIGGS, EXECUTIVE OFFICER

3. Report by State Water Resources Control Board Liaison . Roger Briggs, Executive Officer State Board Liaison Frances Spivey-Weber was not able to attend the Board meeting.

4. Approval of March 14-15, 2012 Meeting MinutesBoard Motion

MOTION: Jean-Pierre Wolff motioned to approve the March 14-15, 2012 minutes
SECOND: Monica Monica Hunter

- Mike Johnston asserted the minutes did not accurately reflect the discussion that occurred during the March 14-15, 2012 Board meeting regarding Item No. 4, Conditional Waiver of WDR for Irrigated Agriculture.

Motion Withdrawn: Jean-Pierre Wolff withdrew his motion to approve the March 14-15, 2012 minutes

Ultimately the Board decided to re-agendize Item No. 4, Approval of March 14-15, 2012 Meeting Minutes. The item will be taken up at the next Board meeting.

5. Uncontested Items CalendarBoard Motion

Roger Briggs introduced the item and provided a brief description of each item on consent. He also removed Item 8, Staff Closures from consent. Chair Young called for any speaker cards and asked if anyone in the audience wished to request item(s) be removed from the uncontested items calendar. There were no speaker cards and no response from the audience.

In response to Dr. Wolff's question on Item No. 11, Harvey Packard explained the term "control" in regulating salt discharges and the types of control and treatment available. Ziyad Nacasha, District Counsel, Mission Hills CSD summarized their effort to meet the Regional Board limits using self-regenerating water softeners.

MOTION: Russell Jeffries moved to approve the Uncontested Items Calendar
SECOND: Bruce Delgado
CARRIED: Unanimously (7-0)

6. Low Threat and General Discharge CasesInformation/Discussion

Mr. Briggs summarized the low threat discharges cases. Dr. Wolff asked about Chevron's well development; specifically, how deep will the well be? Harvey Packard responded that staff does not know the exact depth, but the well is for cleanup of growundwater pollution and is therefore relatively shallow, not for production.

8. Staff Closures Board Information

Roger Briggs introduced the item and provided a brief description of each case closure. Dr. Wolff asked about Plains Exploration, Arroyo Grande, any mitigation for the environmental damage downstream. Harvey Packard summartzized the actions of Department of Fish and Game and National Fish and Wildlife Agency.

9. Enforcement Report Board Motion

Dr. Hunter asked about violations at the City of Paso Robles wastewater treatment plant in the violations listing. Enforcement Coordinator Harvey Packard summarized the violations and mandatory penalties that are occurring while the city is upgrading its treatment plant and the status of those efforts. Dr. Wolff asked about the Cambria sewage spill of 14,000 gallons, due to circuit breaker problems and lack of a stand-by generator. Harvey noted that staff cannot

discuss the case due to potential pending action. Mr. Delgado pointed out that 40-70% of violations in this month's listing are in San Luis Obispo County.

Mr. Packard presented information about the statewide policies on enforcement and supplemental environmental projects. Dr. Wolff also recommended changes to the enforcement policy language, noting that there is no recognition for inflation. Mr. Packard acknowledged that, but also pointed out that penalties are set in statute and also that the maximum potential penalties are often very high. Dr. Wolff emphasized the importance of SEPs on a local and regional scale. Dr. Wolff noted that SEPs are extremely beneficial and that he does not want to see dilution of the SEP program. Chair Young noted that dischargers can recommend SEPs to the Board at their hearings. Mr. Delgado suggested we bring an enlarged SEP discussion to the Board at a later meeting this year. Dr. Hunter asked staff to provide more detail on staff's proposal that SEPs fund the Joint Effort and LID Initiative.

12. Regional Groundwater Assessment and Protection Program Status Report
Executive Officer Roger Briggs introduced the proposed Groundwater Assessment and Protection (GAP) component of the Central Coast Ambient Monitoring and Assessment Program (CCAMP). Mr. Briggs provided historical context regarding the ongoing success of CCAMP and the need to develop a more robust regional groundwater monitoring program to help the Water Board make informed decisions and address its highest water quality and public health priorities. Board staff Matthew Keeling provided a more detailed description of the proposed program including its overall intent, process, specific and general project descriptions, and funding structure. Assistant Executive Officer Michael Thomas provided historical context regarding the use of the targeted settlement funds to support the proposed project. Mr. Keeling concluded by briefly discussing written comments received prior to the hearing. Courtney Howard (San Luis Obispo County Public Works Department), Steve Shimek (The Otter Project and Monterey Coastkeeper), Kathy Thomasberg (Monterey County Water Resources Agency) and Al Barrow provided verbal comments in support of GAP. Ronnie Glick (California Department of Parks and Recreation), Darlene Din (Grower-Shipper Association), Richard Quandt (Grower-Shipper Association) and Joy Fitzhugh (San Luis Obispo County Farm Bureau) provided verbal comments opposing GAP or suggested that the money proposed for GAP could be better used in other specified ways. Comments in opposition were primarily focused on potential duplication of efforts, use of settlement funds on high priority localized water quality projects versus regional scale monitoring program, use of enforcement actions to support GAP funding, and well data confidentiality.

Chair Young and Board members Dr. Wolff and Mr. Jordan expressed concerns regarding ongoing funding and sustainability of GAP and the need to exercise fiscal conservatism and suggested staff should conduct additional initial outreach to identify potential projects prior to Water Board approval of GAP. Mr. Keeling reminded the Board about CCAMP's similar small initial endowment and stated that a Board-approved and funded program would better support staff efforts to engage stakeholders in the collaborative process to develop and implement GAP. Board staff John Robertson also indicated that time was of the essence to implement GAP's first priority project, the proposed domestic well sampling project and to begin participating in the regional development of salt and nutrient management plans as part of GAP's initial implementation efforts. Board member Dr. Hunter supported officially launching GAP as an

important stakeholder process that would maintain momentum in addressing regional-scale water quality problems by coordinating/consolidating regional groundwater data and in aiding disadvantaged communities. Mr. Thomas re-emphasized that a majority of the settlement funds had already been spent on local projects and that the remaining funds were needed to address regional-scale drinking water pollution problems. Board members Mr. Johnston and Mr. Jordan expressed that the Board should retain the ability to redirect the proposed GAP endowment funds and Basin Planning Funds.

MOTION: Mike Johnston made a motion to approve GAP with the following additional conditions: 1) Water Board would retain spending authority control over the \$800,000 endowment and remaining balance of the \$500,000 not spent on the proposed Basin Planning project, such that either could be redirected by the Board in the future, 2) interest earnings from the \$500,000 Basin Planning funds and the \$950,000 of the Guadalupe Settlement obligated for the Wild Cherry Canyon project would be available for GAP implementation, and 3) staff would provide a written report to the Board in six months detailing progress towards implementing the GAP work plan. SECOND: Mike Jordan

CARRIED: Unanimously (7-0)

13. Senate Bill (SBX2-1) Report..... Board Direction
Executive Officer Roger Briggs introduced the item and provided context regarding the SBX2-1 UC Davis Report, *Addressing Nitrate in California's Drinking Water* (report), and the State Water Board process for developing recommendations to the legislature to address the levels of nitrate in groundwater. Mr. Briggs indicated that as part of developing recommendations for the legislature, the State Water Board will be holding a work shop in Sacramento on May 23rd, and that Board member Dr. Hunter will participate on behalf of the Central Coast Board at that work shop. Water Board staff Matthew Keeling discussed some of the key findings and recommendations of the report, the actions being taken to address the problem in the Central Coast region, and staff's recommendations to the State Board regarding how to address the problem statewide. Darlene Din (Grower-Shipper Association), Richard Quandt (Grower-Shipper Association), and Ann Myhre (San Ardo Resident/Grower) provided verbal comments expressing concerns over the far reaching implications of the recommendations, the need for a more open and transparent process and the assumption that growers are not implementing nutrient- and irrigation-efficient practices. Ann Myhre also acknowledged and discussed the need for small water system funding. Steve Shimek (The Otter Project and Monterey Coastkeeper) provided verbal comments in support of staff's recommendations. Linde Owen (Los Osos resident) provided comments juxtaposing the science behind the report and the Los Osos Valley nitrate problem and the pending sewer project.

Various Board members provided comments and supported specific staff recommendations, as outlined in the Executive Officer's January 30, 2012 memo to the State Water Board Executive Director, Tom Howard, and Mr. Keeling's presentation. Various Board members also emphasized the need to address the groundwater nitrate problem via source control, with enforcement as necessary, prioritization of recommended actions, statewide requirements, regular, semi-annual or annual reporting to the legislature, and to provide funding in support of necessary programs without being overly burdensome on agriculture. Board member Delgado made a motion for staff to prepare an updated letter to State Water Board for the May 23rd

workshop acknowledging the Board's discussion of the item with an emphasis on four main topics: 1) prioritization of the issues and our actions, 2) balancing of short and long-term costs, 3) the need for enforcement as an element of source control programs, and 4) the protection of riparian and wetland habitat as a component of the nitrate pollution reduction strategy. The letter would also identify any new information provided since the January 30, 2012 letter to State Board.

MOTION: Bruce Delgado

SECOND: Mike Jordan

CARRIED: Unanimously (7-0)

16. City of Salinas Municipal Stormwater Permit..... Status Report
Jennifer Epp asked Chair Young if a letter received by Water Board staff on the morning of May 3, 2012 should be added to the record. Chair Young decided not to receive the letter into the record on the grounds of limited nexus to the adoption of the Draft Order, and directed Water Board staff to evaluate if follow up was needed.

Jennifer Epp and Tamara Presser provided background on the Draft Order and summarized the activities that have occurred since the February 2, 2012 Hearing on the Draft Order. Jennifer Epp recommended that the Board adopt the Draft Order, including the change in Supplemental Sheet No. 1.

Russell Jeffries recalled the Water Board requiring monitoring in Santa Rita Creek upstream and downstream of City influences as part of the current Order, and asked if the Draft Order included monitoring in Santa Rita Creek. Water Board staff responded that Santa Rita Creek monitoring was not included in the current Order or the Draft Order.

Water Board members stated trash is a significant problem in the Reclamation Ditch, Moss Landing, and the Pacific Ocean, and expressed an expectation for seeing evidence in annual reports of the City's progress in reducing trash discharges.

Public Comment:

- Gary Petersen, Public Works Director, City of Salinas, described the increased understanding gained as a result of working together with Water Board staff since the February 2, 2012 Hearing, and stated that the City had already begun complying with Draft Order provisions. He stated the City has remaining concerns and that there are many unknowns regarding the Draft Order, but that the two staffs had built a good relationship based on agreement over the importance of remaining in compliance with the Order. He also stated that the City does not own the Reclamation Ditch, but that the City recognizes trash is an issue that the City must address.
- Steve Shimek, Otter Project / Monterey Bay Coastkeeper, recommended adoption of the Draft Order. He also called for the City and Monterey County Water Resources Agency to take responsibility for their discharges into the Reclamation Ditch.
- David Athey, City of Paso Robles, read a letter from the Monterey Regional Stormwater Permit participants group expressing concerns on the language in the Draft Order related to ministerial project approvals.

Water Board staff explained that the applicable Draft Order requirements are appropriate for ministerial projects. The Water Board told Mr. Athey that if the letter was submitted to the Water Board, legal and technical staff would review the comments with Mr. Athey.

MOTION: Michael Johnston moved to adopt Order No. R3-2012-0005 including the changes in Supplemental Sheet # 1

CARRIED: Unanimously (7-0)

17. Public Forum Board Direction

- Darlene Din, Growers-Shippers Association (comment card read by Lori Okun) - requested the Board extend the timeline on the Monitoring and Reporting Program within the Ag Waiver an additional 90 days.
- Al Barrow, Los Osos - stated Los Osos Waste Water Treatment Project (WWTP) is a disaster waiting to happen, it has dewatering and liquification issues.
- Jeff Edwards, Los Osos - Los Osos WWTP has several unresolved issues including seawater intrusion and dewatering. Suggest a sub committee with two Board members be developed to address issues.
- Julie Tacker, Los Osos - expected to see Los Osos WWTP on the Board meeting agenda. The Board is getting updates from the public regarding no nitrate testing, no groundwater management plan, the County doing dirty deals with the school district, no CEQA analysis of dewatering, and no option for purchasing site out of town.
- Gwynn Taylor, Los Osos - asked if the letter for full implementation of Los Osos nitrate testing been sent out? (Mr. Briggs and the Board confirmed the letter had been sent out. A copy of the letter was provided to Ms. Taylor.) Nitrate problem is the basis of the WWTP, but it is a small problem compared to seawater intrusion, which is made worse by the WWTP.

Harvey Packard said an update on the Los Osos issue is scheduled for the September 2012 Board meeting. Staff has not yet reviewed the dewatering plan. The Board formed a subcommittee with Dr. Wolff and Dr. Hunter.

18. Reports by Regional Board Members Status Reports

Board members had nothing to report.

19. Executive Officer's Report Information/Discussion

Chairman Young adjourned the meeting to closed session at approximately 5:30 p.m. and later adjourned the Regional Water Board meeting at approximately 8:30 p.m.

Friday, May 4, 2012

Chairman Young called the meeting of the Central Coast Water Board to order at 8:15 a.m. at the Central Coast Regional Water Quality Control Board, 895 Aerovista Place, Suite 101, San Luis Obispo.

1. Roll Call – Board Members Roger Briggs, Executive Officer

Present:

Chairman Jeffrey Young
Vice Chair, Russell Jeffries
Bruce Delgado
Monica Hunter
Mike Johnston
Mike Jordan
Jean-Pierre Wolff

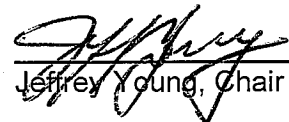
Absent:

2. Introductions Jeffrey Young, Board Chair
Chair Young announced that Lori Okun, State Water Board Council was present.

3. Adjourn to Closed Session Jeffrey Young, Board Chair
Chair Young announced the Board would adjourn to closed session.

Chairman Young adjourned the meeting at approximately 7:15 p.m. The next Board meeting will be held on July 11-12, 2012, in Watsonville, CA.

This meeting was audio recorded; the minutes were reviewed by management and will be approved by the Board at the July 11-12, 2012 meeting in Watsonville, CA.



Jeffrey Young, Chair