

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF DECEMBER 3, 2004

Prepared on November 10, 2004

ITEM NUMBER: 34

SUBJECT: Executive Officer's Report to the Board

Brief discussion of some items of interest to the Board follows. Upon request, staff can provide more detailed information about any particular item.

WATER QUALITY CERTIFICATIONS

[Sandy Cheek 805/542-4633]

In general, staff recommends "Standard Certification" when the applicant proposes adequate mitigation. Measures included in the application must assure that beneficial uses will be protected, and water quality standards will be met.

Conditional Certification is appropriate when a project may adversely impact surface water quality. Conditions allow the project to proceed

under an Army Corps permit, while upholding water quality standards.

Staff will recommend "No Action" when no discharge or adverse impacts are expected. Generally, a project must provide beneficial use and habitat enhancement for no action to be taken by the Regional Board. A chart on the following page lists applications received from September 1, 2004 to October 31, 2004.

WATER QUALITY CERTIFICATION APPLICATIONS RECEIVED FROM SEPTEMBER 1, 2004 THROUGH OCTOBER 31, 2004

County	Date Received	Applicant	Project Description	Receiving Water	Project Location	Certification Date
Santa Clara	9/1/04	Santa Clara Valley Transportation Authority	State Route 152 Traffic Improvement Project B	Old Llagas Creek	Gilroy	9/28/04
San Luis Obispo	9/2/04	San Luis Obispo County Public Works	San Simeon Creek Road Bridge #1	San Simeon Creek	North of Cambria	9/15/04
Santa Clara	9/2/04	County of Santa Clara Road and Airports	Culvert Repair on Church Avenue	Llagas Creek	San Martin	Pending
Santa Barbara	9/8/04	San Luis Obispo Public Works	Culvert Replacement State Hwy 1, Postmile 40.54	Unnamed Drainage to Orcutt Creek	Postmile 40.54	9/22/04
San Luis Obispo	9/9/04	John Silva	Drainage Diversion Remediation	Unnamed tributary to Arroyo Grande Creek	Arroyo Grande	9/27/04

Santa Barbara	9/10/04	Larwin Company	Mesa Verde Residential Development	Orcutt Creek	Orcutt	10/19/04
San Luis Obispo	9/13/04	Michael Smith	Culvert under Driveway, Single Family Residence	North Fork of Paloma Creek	Atascadero	9/17/04
Santa Barbara	9/15/04	Laguna County Sanitation	Orcutt/Solomon Creek, Routine Maintenance	Orcutt and Soloman Creeks	Santa Maria	10/15/04
San Luis Obispo	9/20/04	John Bertoni	Bertoni Tentative Tract 2521	Unnamed tributary to Salinas River	San Luis Obispo	9/29/04
San Luis Obispo	9/28/04	Republic Properties, Inc.	Tract 2469	Unnamed tributary to Salinas River	Paso Robles	10/8/04
San Luis Obispo	9/29/04	Dean and Paula Ott	Ott House Project	Unnamed tributary to Salinas River	Atascadero	10/18/04
Monterey	10/1/04	Monterey County Water Resources Agency	Salinas Valley	Salinas River	Salinas	10/11/04
Monterey	10/4/04	Gary Fusari	Prunedale Self Storage	San Miguel Canyon Creek	Prunedale	Pending
San Luis Obispo	9/29/04	San Luis Obispo County Public Works Department	Las Pilitas Road at Salinas Bridge	Salinas River	Santa Margarita	Pending
San Luis Obispo	10/5/04	Dale Cardin	Landscaping, 1338 Oceanaire Drive	Laguna Lake	San Luis Obispo	Pending
San Luis Obispo	10/4/04	California Army National Guard	Range Foxtrot 1 Culvert	Tributary to Dairy Creek	Camp San Luis Obispo	10/18/04
Santa Barbara	10/6/04	CalTrans	Gaviota Creek Culvert Maintenance	Gaviota Creek	Gaviota Pass	Pending
Santa Barbara	10/15/04	Santa Barbara High School District	Dos Pueblos High School Erosion Mitigation	Glen Annie Creek	Goleta	Pending
Monterey	10/19/04	State Coastal Conservancy	Vicorine Ranch Road Repair	Drainage Swale tributary to Pacific Ocean	Big Sur	Pending

Watershed Reports

Status of Winery Regulation [Matt Thompson 805/549-3159]

Prior to November 2002, only 20 to 25 wineries of the more than 200 wineries in the Central Coast Region had obtained waste discharge requirements. Waivers of waste discharge requirements were issued to dozens of small to medium-sized wineries over the last several decades. All these waivers expired by State law on January 1, 2003. The November 2002 General Waste Discharge Requirements for Discharge of Winery Waste (General WDRs) were developed, in part, to accommodate the increased workload resulting from expiration of these waivers.

All known Central Coast wineries were notified through several mailings and workshops of the

need to seek renewal of their waiver or coverage under the General WDRs. All "large" wineries, defined as producing greater than 100,000 cases of wine per year or processing greater than 1,500 tons of grapes per year, that had not yet applied for waste discharge requirements, were required to submit an application for coverage under the General WDRs by May 1, 2003. Although we do not yet have detailed production information for every winery, we believe all large wineries have complied with this requirement. Our records indicate large wineries comprise 10 to 15% of the total number of wineries in the region, however these facilities are assumed to present the greatest threat to water quality based on the volume of their wastewater flow.

All remaining wineries (less than 100,000 cases annual production) were required to submit a request for a waiver or an application for coverage

under the General WDRs by September 1, 2003. As expected, staff has received dozens of waiver requests and applications. As of October 6, 2004, 27 wineries have been enrolled under the General WDRs, 13 wineries have received waivers of WDRs, and 71 wineries have received Small Winery Waivers ("small" is defined as producing less than 5,000 cases of wine per year). Staff is in the process of reviewing approximately 14 additional applications. We've also learned that at least 42 wineries either discharge to a community sewer system and are not required to obtain waste discharge requirements, or produce all wine at large "custom-crush" facilities that have already obtained waste discharge requirements. Overall, the number of wineries accounted for has increased by 152 since November 2002, a five-fold increase. 189 of the approximate 209 known wineries are accounted for (just over 90% compliance).

In December 2003 and July 2004, staff sent reminder letters to all wineries that had not yet applied for waste discharge requirements or a waiver. Response to the letters was good, but approximately 20 wineries remain unaccounted for. We believe some are either 1) not actually wineries, rather wine brands that are produced at "custom-crush" facilities, or 2) vineyards only, therefore are not required to apply, or 3) no longer in business. Consequently, we are likely well over 90% for compliance. However, several of these outstanding wineries are known to be operational and have simply failed to comply. Staff will be contacting these facilities individually. Should these wineries continue to fail to comply, staff may pursue formal enforcement action. In the meantime, we will continue processing applications received thus far.

Regionwide Reports

Total Maximum Daily Load Program [Lisa Horowitz McCann 805/549-3132]

Staff prepared the Los Osos Creek Nutrient TMDL, Dairy Creek Dissolved Oxygen TMDL and the San Luis Obispo Creek Pathogens TMDL for approval by the Regional Board. See Agenda Items 26, 27 and 28, respectively, for this Regional Board Meeting.

Staff also prepared status reports on the Regionwide Sediment Assessment Protocol Development and on the Implementation of the San Lorenzo River Sediment TMDL. See Agenda Items 29 and 30, respectively, for this Regional Board Meeting.

Staff presented draft reports of the TMDLs for sediment and nutrients for the Pajaro River Watershed to stakeholders, via the Pajaro TMDL Advisory Committee in September and in November. Staff will incorporate comments and concerns from the stakeholders into the project reports and pursue presentation of these TMDLs to the Regional Board before the end of this fiscal year (June 2005), if possible.

All staff in the Watershed Assessment Unit attended an annual TMDL Training Event where they heard presentations and participated in discussions of the following topics: 1) the status of the TMDL Program, 2) applicable legal issues, 3) technical issues and suggestions for developing TMDLs for toxicity, pathogen, nutrient and sediment impairments, and 4) implementation plans that rely on different regulatory programs and authorities (e.g. NPDES permits, WDRs, Nonpoint Source Control).

Regional Monitoring and Basin Planning [Karen Worcester 805/549-3333]

CCAMP has hired a new field crew, who has begun training with Mary Adams for upcoming monitoring in the Pajaro watershed and North Coast. We conducted field reconnaissance at all of our proposed sites, and have amended the work plan to conduct additional sediment toxicity with follow-up chemistry. We are also gearing up for installation of staff gauges at a number of our sites.

K. Worcester met with Regional Board staff Mike Higgins, Central Coast Long-term Environmental Assessment Network (CCLEAN) Program Director Dane Hardin, and Akin Babatola and Steve Wolfman of the City of Santa Cruz to discuss details of the upcoming permit revision for the City's wastewater treatment plant. The City is interested in applying technology similar to that used in CCLEAN to effluent monitoring, particularly to assess 30-day averages of Table B constituents. New USGS technology utilizes semi-permeable membrane devices to time integrate

pollutants, allowing for more accurate characterization of pollutants which may either be present occasionally or at very low concentrations. This will permit much more accurate assessment of 30-day averages of these pollutants, and will potentially reduce the number of "non-detects" in the data.

As Quality Assurance Officer, Karen Worcester reviewed and commented on the Quality Assurance Program Plan for the Cooperative Monitoring Program for Agriculture. This plan was developed by consultants on a very short turn-around time, so that it could be sent out in draft form with the Request for Proposals for the monitoring program itself. The final QAPP will be approved after finalized site lists and several other details are completed.

We have moved forward on development of a Web based registration system for the Ag-Waiver program. Tetrach presented conceptual screen designs based on our original design for web based Notice of Intent entry, Ranch Information entry, and Management Practice Reporting entry. In addition we have proceeded with design of a web based monitoring data reporting system. The prototype designs for both the NOI data management system and the monitoring data reporting system have been placed on the web for discussion and development purposes. These may be viewed at:

<http://www.ccamp.org/Agriculture/Ag-Program-Demo.html>

We are working with the State Board's Office of Information Technology to assure compatibility with the CIWQS system and other ongoing OIT efforts. In order to comply with deadlines in the Board order and MRP the NOI system deployment is scheduled for Dec 1, 2004 and the Monitoring Data Reporting system for Jan 1, 2005.

The Ag Waiver Team has been conducting a number of educational outreach meetings related to the agricultural waiver. In particular, meetings have been held in Salinas, Solvang, and San Luis Obispo to educate technical outreach staff from U.C. Cooperative Extension, Resource Conservation Districts, National Resource Conservation Service and other organizations on the details of the waiver. We believe that the time spent educating technical service providers will provide multi-fold benefit, because of the amount of time these individuals spend working directly

with growers. Presentations have also been made to the Pesticide Applicators Association and the Agriculture and Land-based Training Association (ALBA). This latter meeting was conducted bilingually. Several farm water quality short courses have been held recently as well.

Cleanup Reports

Underground Tanks Summary Report dated October 21, 2004 [Burton Chadwick 805/542-4786]

[See Attachment No. 1]

Administrative Reports

Presentations and Training [Roger Briggs 805/549-3140]

On September 22, 2004, Engineering Geologist Burton Chadwick attended "Art and the Science of Leadership" training conducted by the Water Board Academy. The course, one in a series of three classes, discussed leadership traits and described six primary leadership styles.

On September 29, 2004, Engineering Geologist Burton Chadwick attended "Practical Performance Management" training sponsored by the State Water Resources Control Board's Executive Office. The course focused on development of performance measures and the use of goals and measures as a management tool, for example, in setting priorities, assessing program effectiveness and reporting environmental results.

On October 19 and 20, 2004, Engineering Geologist Burton Chadwick attended "The Work of Leadership" training conducted by the Water Board Academy. The course, the second in a series of three classes, discussed the difference between leadership and management, highlighted a number of leadership styles, and demonstrated a variety of leadership tools.

On November 3, 2004, Mr. George E. DeVaul, of Shell Global Solutions (US), Inc., Houston, Texas presented information on the biodegradation of methyl tertiary-butyl ether (MTBE) and tri-butyl alcohol (TBA) to technical staff. Approximately 15 Central Coast Regional Board staff attended. The PowerPoint presentation was entitled "MTBE to

TBA conversion and biodegradation in aerobic, anaerobic, and methanogenic soil conditions for several UST sites in Orange County, CA, USA.” The presentation provided results from laboratory microcosm analyses conducted on soil collected below the water table at three underground storage tank (UST) sites in Orange County, California. The tests indicated biodegradation of MTBE and TBA in aerobic and selected anaerobic conditions. In a number of the microcosms, decreases in MTBE over time were matched by an increase in TBA, with a later, subsequent decrease in TBA levels following MTBE depletion. Microcosm analyses in methanogenic conditions indicated degradation of MTBE and conversion of MTBE to TBA, with a subsequent decrease in TBA in only one of nine of the methanogenic microcosms after up to 200 days. The observed microcosm results provide evidence for a likely source of elevated TBA levels in groundwater at the three sites under investigation, as well as promising indication of natural biodegradation of both MTBE and TBA in a range of biogeochemical conditions.

On November 1 and 2 (half day each), most Regional Board staff attended enforcement training in our conference room. Training modules on various aspects of enforcement were presented by three staff from the enforcement unit at the State Board, and by Lori Okun, Roger Briggs, Gerhardt Hubner, Michael Thomas, and San Luis Obispo County Deputy District Attorney (Environmental Issues) Steve Von Dohlen.

Lastly, both Sheila Soderberg and Burton Chadwick will be completing two weeks of required new supervisor training, as they have both been promoted to Senior Engineering Geologists, backfilling positions previously held by Michael LeBrun and Jay Cano. Sheila is leading the Spills and Leaks Cleanup Unit (SLIC) and Burton is skippering the Underground Tanks Unit. Congratulations to both.

ATTACHMENTS

1. Underground Tanks Summary Report dated October 21, 2004