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California Regional Water Resources Control Board

Central Coast Region

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Arnold Schwarzenegger
Governor

MINUTES REGULAR MEETING Thursday and Friday, September 4-5, 2008 Central Coast Regional Water Board

Chairman Young called the meeting of the Central Coast Water Board to order at 2:35 p.m. on Thursday, September 4, 2008, at the Central Coast Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California.

Thursday, September 4, 2008

1. Roll Call Executive Assistant Carol Hewitt

Board Members Present:

Chairman Jeffrey Young
Vice Chair, Russell Jeffries
Daniel Press
Monica Hunter
Gary Shallcross
John Hayashi (arrived at 2:45 p.m.)

Absent:

David Hodgkin

2. Introductions Executive Officer Roger Briggs

Executive Officer Briggs introduced staff. Senior Engineer Matt Thompson introduced two new storm water staff members Jennifer Epp and Jon Rohrbough. Mr. Briggs asked parties who wished to speak to complete testimony cards and turn them in. Supplemental sheets that were prepared after the agenda was sent out are as follows: Items 8, 19 (Q&A document), 20, 22, 23, and 24.

3. Approval of July 11, 2008 Minutes Board Motion

MOTION: Daniel Press moved to approve the July 11, 2008 minutes.

SECOND: Russell Jeffries

CARRIED: No quorum, vote did not carry. Note: Jeffrey Young abstained and John Hayashi was not present.

(Board member Hayashi arrived at 2:45 p.m.)

SECOND MOTION: Gary Shallcross moved approval of the July 11, 2008 minutes with the following change requested by Gary Wolff: "Item No. 5, Page 2, Paragraph 3, last sentence, change wording to: "hope to display more effective water rights systems....."

SECOND: No second.

CARRIED: (5-0) Note: Jeffrey Young abstained.

4. Uncontested Items Calendar..... Board Motion

Mr. Briggs noted that the uncontested items are scheduled for tomorrow's agenda and recommended that action on this item be deferred until tomorrow's meeting.

5. Public Forum.....Board Direction

Individuals who commented are listed below:

- David Nelson, resident Morro Bay
- Daniel Diaz, Creek Dogs
- Ralph Bishop, Creek Dogs
- Bruce Payne, resident Los Osos

6. Report by State Water Resources Control Board Liaison Status Report

Dr. Gary Wolff reported on the following items: once-through cooling's substitute environmental document status, the delta work plan, the Cal-American hearings schedule, and the recycled water policy. Dr. Press asked about the status of once-through cooling. Dr. Wolff noted that the staff recommendations at State Board are to phase out or impose restrictions equivalent to phasing out once-through cooling or reduce impacts. Chairman Young asked about State Board's progress on on-site wastewater regulations. Dr. Wolff noted that the State Board was asked to approve an extra \$200,000 for supplemental EIR work about three months ago. He also said the current draft of the policy would require new septic system construction to meet substantial standards, but requires minimal standards for existing septic systems.

7. Appreciation of Service for Dr. Daniel Press Plaque of Appreciation

Chairman Young thanked Dr. Press for his years of service and efforts on the Board. Dr. Press noted that he has always supported public agencies and the State of California. He noted how extraordinary the staff has been and has learned a lot from them and his colleagues on the Board, and is very impressed. He also brought his knowledge back to his students at UCSC. Chairman Young read the plaque wording and Dr. Press received a standing ovation from all.

8. Salinas Storm Water Development Standards.....Board Approval

Board member Shallcross recused himself from this item to avoid any appearance of bias.

Senior Water Resource Control Engineer Matt Thompson provided background information and stated the Salinas Storm Water Development Standards (Development Standards) item is a continuation from the July 2008 regular board meeting. Mr. Thompson stated that the latest version of the Development Standards is improved, but does not adequately include measurable and enforceable hydromodification control criteria. He recommended the Board adopt Resolution No. R3-2008-0068 to approve the Development Standards with a list of required revisions dated September 3, 2008. The required revisions included numeric criteria to control hydromodification. Additionally, Mr. Thompson told the Board that City of Salinas staff objected to specific source control practices because of the impact on the agricultural industries in the City.

Board member Press and Chairman Young discussed with staff how to best implement measurable and enforceable controls into the Development Standards.

Salinas City Engineer Carl Niizawa described some of the unique hydrology considerations in Salinas. He stated controlling flows locally could negatively impact flood control in the Salinas Valley due to sedimentation as well as the timing of local runoff and the timing of runoff reaching the City from the upper Gabilan watershed.

Harvey Oslick of RBF Consulting, a hydrology consultant to the City of Salinas, stated the list of required revisions would make the document confusing to the user. He also stated requiring storm water modeling would be expensive to implement without much benefit.

Kenneth Tunstall of Tunstall Engineering stated that the rigorous analysis in the list of required revisions is unnecessary and onerous.

Christie Cromeenes of Salinas Valley Builders Exchange stated that the comment letter she sent was not included in the agenda package. Mr. Thompson stated staff did not receive a letter from Salinas Valley Builders Exchange.

Steve Shimek of Monterey Coastkeeper stated that he could support the August 12 list of required revisions, but not the revised September 3 list.

The Board, staff, and representatives from the City of Salinas discussed ways to make the language in the Development Standards easy to follow while making it clear what is required for compliance. After asking several questions of staff and much deliberation,

MOTION: Daniel Press moved to approve staff's recommendation, but with the following changes to the list of required revisions: 1) add language to Development Standards Section 1 that requires compliance with the source control best management practices of the California Storm Water Quality Association Guidebook, 2) append the Guidebook to the Development Standards, 3) eliminate language proposed for Development Standards Section 1.5.3 (part 4) that may be redundant with other sections of the Development Standards, and 4) add language to Development Standards Section 1.5.3, to the effect that flow- and volume-based BMP's will be calculated as outlined in Chapter 4, Section 4 of the Development Standards.

SECOND: John Hayashi.

CARRIED: Unanimously (5-0) Note: Gary Shallcross was recused.

(Chairman Young announced a break at 6:23 p.m. The meeting reconvened at 6:32 p.m.)

9. Monterey Regional Storm Water Program Implementation Status Report

Environmental Scientist David Innis provided background information and described staff's review of the Monterey Regional Storm Water Management Program 2006/2007 Annual Report (Annual Report). He stated that the program is working well, especially with Minimum Control Measures (MCMs) 1, 2 and 6. He stated MCMs 3, 4 and 5 are less effective and need more work. Mr. Innis reported staff has received comments from Monterey Regional in response to staff's review of the Annual Report as well as one complaint from the public regarding pesticide use in the City of Monterey.

Chair Young stated that Monterey Regional will be submitting their 2007/2008 Annual Report this November and therefore will not have time to incorporate all of staff's comments on the 2006/2007 Annual Report into the 2007/2008 Annual Report.

Assistant Executive Officer Michael Thomas stated that the Annual Report comment letter sent to Monterey Regional outlines the response due date for each comment.

Speakers:

City of Monterey City Engineer Tom Reeves stated that the City of Monterey (City) has a long history of commitment to the environment, however it is challenging for the City to respond to comments on the 2006/2007 Annual Report during August when the City is busy preparing the 2007/2008 Annual Report. He also stated that the Annual Report comment letter from staff incorrectly states the timing of the City's compliance with storm water ordinance requirements.

Assistant Executive Officer Michael Thomas stated that staff will send the City of Monterey a response regarding the timing of their storm water ordinance.

Chair Young requested a staff report to the Board next year containing staff's review of Monterey Regional's 2007/2008 Annual Report.

Monterey Regional Storm Water Management Program - Management Committee Chair Elizabeth Krafft stated that Monterey Regional will be somewhat limited in their ability to provide a detailed Effectiveness Assessment in the 2007/2008 Annual Report but intend to provide a more comprehensive Effectiveness Assessment in the 2008/2009 Annual Report.

Chairman Young adjourned the meeting at 7:05 p.m. The meeting will reconvene on Friday, September 5, 2008 at 8:30 a.m.

Friday, September 5, 2008

Vice Chair Russell Jeffries called the meeting of the Central Coast Water Board to order at 8:35 a.m. on Friday, September 5, 2008, at the Central Coast Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California.

10. Roll Call.....Executive Assistant Carol Hewitt

Board Members Present:

Chairman Jeffrey Young
Vice Chair, Russell Jeffries
Daniel Press
Monica Hunter
Gary Shallcross
John Hayashi (arrived at 10:12 a.m.)

Absent:

David Hodgin

11. Introductions..... Executive Officer Roger Briggs

Executive Officer Briggs introduced staff and asked interested parties to complete testimony cards and turn them in. Supplemental sheets for items are as follows: 19 (Q&A doc), 20, 22, 23, and 24. Mr. Briggs noted that Item 24/California Men’s Colony ACL is settled but the Board will hear comments on the item.

4. Uncontested Items.....Board Motion

Board member Shallcross questioned Item #22 and asked to register a no vote for the item.

MOTION: Daniel Press moved approval of the uncontested items 16, 17, 18, and 19 only.

SECOND: Russell Jeffries.

CARRIED: Unanimously (5-0)

MOTION: Daniel Press moved approval of uncontested item 22.

SECOND: Russell Jeffries.

CARRIED: (4-1) Gary Shallcross voted no.

12. Low Threat and General Discharge Cases Status Reports

Executive Officer Briggs noted the contents of the report and asked the Board if they had questions. The Board had no questions on the item.

13. Cleanup Cases, Closures, and Corrective Action Plan ApprovalsInfo/Discussion/Board Direction

Executive Officer Briggs summarized the recommended case closure of the former Shell/Texaco service station at 12398 Los Osos Valley Road in San Luis Obispo. Mr. Briggs noted that while the groundwater beneath the site contained petroleum hydrocarbon contaminants above Water Board cleanup goals, this low risk site was suitable for closure because of the reasons outlined in the staff report. Board member Hunter asked if there would be any future monitoring at the site. Mr. Briggs explained that once the site is closed, we no longer require monitoring. Staff Engineer Corey Walsh recounted the various

remediation methods used at the site since the early 1990s. He also explained that active remediation ended in mid-2007, and that monitoring results since then have shown a decreasing trend in remaining hydrocarbon constituents. Mr. Walsh briefly explained the process of natural attenuation in response to Dr. Hunter's question regarding staff's assumption that the decreasing trend would continue. Mr. Briggs and Mr. Walsh noted that the only remaining constituent above Water Board cleanup goals is TBA; a typical breakdown product of MTBE. Mr. Briggs also noted that the appearance and breakdown of TBA is the typical course of events in the natural attenuation process and further supports staff's recommendation.

Executive Officer Briggs noted the informational item for a Corrective Action Plan Approval for the Furtado property in Watsonville and asked if the Board had questions for the item. The Board had no questions for the item.

14. Underground Storage Tank Program and MTBE Cases Status Reports and Program Summary

Executive Officer Briggs noted that new information within the report is listed in italics. He asked if the Board had questions on the item. The Board had no questions.

15. Los Osos Wastewater Treatment Facility Update..... Information/Discussion

Executive Officer Roger Briggs introduced the informational item and County of San Luis Obispo Public Works Director Paavo Ogren and Staff Engineer John Waddell provided a brief presentation of the county's progress to date toward developing a wastewater treatment plant in Los Osos.

Prior to the presentation by County staff, San Luis Obispo County Supervisor Bruce Gibson introduced the presentation and indicated that the County's draft California Environmental Quality Act (CEQA) document should be available sometime in October 2008. Supervisor Gibson also indicated that the County has been using a transparent public outreach approach that includes input from the public as well as from multiple local and state agencies. Mr. Ogren and John Waddell provided a PowerPoint presentation that included a discussion of the current CEQA process (a co-equal evaluation of four potential projects), the involvement (and overlapping interest) of multiple local and state agencies, ideas for project funding including design-build, and a timeline for completing the next steps.

Board member Hunter asked whether Morro Bay, as a newly designated Marine Protected Area (MPA), is being considered in project development. Mr. Ogren explained that potential impacts on MPAs and all parts of the environment would be evaluated in the Environmental Impact Report. He pointed out a misconception by some commenters that the Tri-W site was more of a threat to MPAs than the other sites. However, with sandy soils at Tri-W and much tighter soils at the alternate sites, spills would be more likely to run off to the MPAs from the alternate sites. Chairman Young asked for further clarification on "disadvantaged person's assistance." County staff expanded on the County's desire to apply for and receive funding for disadvantaged persons that live in the impacted areas and gave possible scenarios on how those funds might be administered. Mr. Ogren also said the County needs to determine eligibility for loan funding from the State Water Resources Control Board for septic tank effluent pumping systems.

Chair Young also asked County staff when they anticipated needing waste discharge requirements from the Water Board. Mr. Ogren stated that there were several steps yet to be completed, but that it would be at least in the second or third quarter of 2009.

Public comments were provided by several members of the audience that were generally focused on the County's processes so far; some were favorable and some were not.

Speakers:

- John Waddell
- Dr. Mary Fullwood

- David Duggan
- Gwynn Taylor
- Piper Reilly
- Joey Racano
- Maria M. Kelly
- Don Bearden
- Chuck Cesena
- Richard Margetson

(Board member Hayashi arrived at 10:12 a.m.)

(Chairman Young announced a break at 10:20 a.m. The meeting reconvened at 10:37 a.m.)

20. Guadalupe Settlement Fund..... Board Approval

Sanitary Engineering Associate Corinne Huckaby gave a brief presentation to the Board recommending that it use Guadalupe settlement dollars to fund watershed coordination activities in an amount up to \$502,125.99 over a three-year period.

Board member Press expressed concern about the Coalition's ability to sustain itself over the long term without continued Water Board funding. Dr. Press also questioned why the scope of work provided funding up to the contract amount. Assistant Executive Officer Michael Thomas explained that if we do not get the outcomes we want, we can cancel the contract or reduce the contract amount. Dr. Press said that he does not want to penalize the Coalition for not securing matching funding, but does want them to demonstrate active fundraising. Dr. Hunter agreed with Dr. Press regarding the funding strategy, acknowledging that they are asking for less and providing more matching funds than in the previous contract term. Dr. Hunter commended the Coalition for establishing a sound program. Vice Chair Jeffries asked that the Coalition report on successes as well as disappointments with fundraising activities. Mr. Jeffries expressed support and believes the dollars are well spent and provide a great amount of water quality protection.

Speakers:

Mary Bianchi, UCCE, Farm Advisor, submitted a letter expressing continuing support for watershed coordinator activities. She thanked the Board for financial support for the short courses project.

Kevin Merrill, CCWGA, requested that the Board fully fund the proposal, committing to spending wisely and having agriculture continue to participate.

Richard Quandt, President, Grower-Shipper Assoc., Coalition Member, speaking on behalf of industry, urged support for continuing funding for the Coalition.

Kay Mercer, Watershed Coordinator, So SLO/SB Counties Watershed Coalition, pending Executive Director, thanked the Board for past funding, and recommended providing the full amount requested.

Chairman Young asked if the organization is going to become self-funded. Ms. Mercer answered yes, this was a major reason behind the merger. With the merger, they will be able to leverage at the national level.

Mr. Briggs clarified that the action item before the Board is the watershed coordination contract, and that the American Land Conservancy had provided the Board with information about its proposal to be considered at a later meeting.

Kara Blakeslee, representing the American Land Conservancy, gave the Board an update on its pending acquisition of the 2,500-acre Wild Cherry Canyon property.

The Board unanimously approved the funding request as revised in item 2, page 3 of the supplemental sheet dated August 29, 2008, with additional language provided by Dr. Press.

MOTION: Daniel Press moved to accept the staff recommendation with revisions to the resolution and with added language to provide evidence of funding to assess Coalition’s goal toward sustainability.

SECOND: Monica Hunter

CARRIED: Unanimously (6-0)

21. Enforcement Report Status Report

Board member Shallcross stated that the settlement proposed as Item 21 did not provide enough information for Board members to understand the justification for reducing a penalty from the maximum liability to some lesser amount. The Board adopted Item 21, as proposed by staff, earlier during the meeting as part of Item 4, Uncontested Items Calendar. Board member Press suggested that, while settlement proposals are unique, future settlement proposals could provide additional information similar to other enforcement cases heard by the Board, including how the violations addressed by the proposed settlement compare with other cases, and how the discharger responded to the violations. Mr. Shallcross agreed with Dr. Press’s suggestion.

Speakers:

- Al Barrow
- Bruce Payne

(Chairman Young announced a break for closed session and lunch at 12:30 p.m. The meeting reconvened at 1:45 p.m.)

(Board member Hayashi left the meeting during the lunch break)

23. California Men’s Colony MMP Order No. R3-2008-0054

Executive Officer Briggs introduced the item and explained that since CMC had waived its right to a hearing, this was not a public hearing. Water Board Enforcement Coordinator Harvey Packard asked the Board to concur with the prosecution team’s recommended penalty amount, but to not adopt an order to allow staff and the CMC to work out the details of a supplemental environmental project.

Speakers:

- Al Barrow
- Joey Racano
- Dan Berman

Dr. Press suggested that the Board not approve the recommended amount of the order, but have staff return with a higher penalty amount for the violations of chlorine effluent limitations. Dr. Hunter also supported reissuing the complaint for a higher amount.

MOTION: Monica Hunter moved to reject the penalty amount and direct staff to reissue the complaint.

SECOND: Gary Shallcross

CARRIED: Unanimously (5-0) (Note: Board member Hayashi was not present for this item)

24. California Men’s Colony ACL Order No. R3-2008-0026

Executive Officer Briggs introduced the item and explained his considerations in accepting the proposed settlement of \$40,000. Since Mr. Briggs accepted the settlement prior to the hearing, no Board action was needed.

Speakers:

- Al Barrow
- Bruce Payne
- Dr. Mary Fullwood
- Joey Racano

25. 2009 Board Meeting CalendarBoard Motion

Executive Officer Briggs recommended approval of the proposed 2009 Board meeting calendar. Board member Shallcross noted that Board member Hayashi had no conflicts with the calendar.

MOTION: Gary Shallcross moved approval of the 2009 Board meeting calendar.

SECOND: Monica Hunter.

CARRIED: Unanimously (5-0)

26. Reports by Central Coast Water Board Members Status Report

No reports at this time.

27. Executive Officer’s Report..... Information/Discussion

Executive Officer Briggs asked the Board if there were questions on the Water Quality Certifications portion of the report. Board member Hunter asked to hear more about two withdrawn applications for sand and gravel mining on the Salinas River. Mr. Briggs noted potential geomorphology problems from such operations and that he just signed a letter on the Viborg application to the County where Mr. Viborg questioned the Regional Board’s authority to regulate the activity. Staff Engineer Matt Thompson clarified that the dischargers withdrew their applications in order to satisfy CEQA requirements. The dischargers are trying to get permission from the County at this time to proceed.

Mr. Briggs noted on Page 7 of the Regional Monitoring report that CCAMP is on track in the Santa Barbara coastal watersheds going into the dry weather toxicity, 24 hour monitoring for oxygen sags, etc. The lab contract is on schedule for the first time in many years due to the funding with the CCAMP Endowment. The endowment allows us to weather the budget storms.

On the Irrigated Ag Program inspections in the Santa Maria area should dovetail well with the Watershed Coordinator’s work in identifying problems. Dr. Hunter asked about Nipomo Creek. Mr. Briggs will follow-up with Dr. Hunter on Nipomo Creek.

Budget Change Proposals are providing increases in funding on a statewide basis. There are also budget cuts (-2.4 PY’s) for our region. We are hoping to borrow PY’s from other agencies.

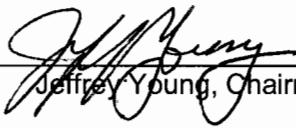
The Governor declared emergencies after the California fires. Assessments needed to be completed in our region.

The WQCC meeting is coming up on October 27-28, 2008 in Sacramento. Our Chair and staff proposed an agenda item for a statewide education program regarding low impact development.

Board member Shallcross provided information about a couple of large grading projects in an effort to raise awareness of potential problems as the rainy season approaches. Matt Thompson has asked his stormwater staff to contact all the local agencies to make sure the contractors button-up their sites.

Chairman Young adjourned the meeting at 3:30 p.m. The next Board meeting will be held on October 17, 2008 in Santa Barbara.

The meeting was audio recorded and the minutes were reviewed by management and approved by the Board at its October 17, 2008 meeting in Santa Barbara, California.



Jeffrey Young, Chairman

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E/CD/CCWB MINUTES 1999-2008