



California Regional Water Quality Control Board Central Coast Region



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MINUTES REGULAR MEETING Friday, May 8, 2009 Central Coast Regional Water Board

Chairman Jeffrey Young called the meeting of the Central Coast Water Board to order at 8:33 a.m. on Friday, May 8, 2009, at the Central Coast Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California.

Friday, May 8, 2009

1. Roll Call Executive Assistant Carol Hewitt

Board Members Present:

Chairman Jeffrey Young
Vice Chair, Russell Jeffries
Monica Hunter
David Hodgkin
John Hayashi
Gary Shallcross
Tom O'Malley

2. Introductions Executive Officer Roger Briggs

Executive Officer Briggs introduced staff and 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 13, 14, 15, and 16. Mr. Briggs introduced and welcomed our new Board member, Tom O'Malley, who is assigned to the municipal category.

3. Approval of March 19-20, 2009 Minutes Board Motion

MOTION: Gary Shallcross moved to approve the March 19-20, 2009 meeting minutes.

SECOND: John Hayashi

CARRIED: (5-0) Russell Jeffries and Tom O'Malley abstained.

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

Frances Spivy-Weber reported on the budget, constituents of emerging concern blue ribbon task force, the statewide recycled water irrigation permit, conservation efforts regarding potable water (2020), status of stormwater construction and linear permits, and the multi-agency effort on climate change.



5. Resolution of Appreciation for Matt Thompson..... Resolution No. R3-2009-0040

Executive Officer Briggs reported that staff Engineer Matt Thompson has left the Regional Board to accept another position. Mr. Briggs recited a portion of the resolution that described how Matt came to the Regional Board and the progression of his outstanding career during the last thirteen years. He noted that Matt has been a powerful force for change and has made us a better organization.

MOTION: Russell Jeffries moved to approve the Resolution.

SECOND: John Hayashi

CARRIED: Unanimously (7-0)

6. Uncontested Items Calendar Board Motion

Executive Officer Briggs noted Item 20/San Juan Bautista Wastewater Treatment and Reclamation Facility, and Item 21/Ragged Point Inn Wastewater Treatment Facility, and added Item 7/Low Threat and General Discharge Cases as items proposed for the uncontested items calendar. There was no discussion.

MOTION: David Hodgin moved to approve the uncontested items calendar.

SECOND: Russell Jeffries

CARRIED: Unanimously (7-0)

8. Staff Closures Information

Executive Officer Briggs noted the good news that the Circle K Service Station in Atascadero cleanup site met water quality objectives and the case was closed. Board member Hayashi asked how long it took to clean up the site. Staff Engineering Geologist Corey Walsh noted that the site took eleven years to clean up and that the Water Board took over the case in 2002.

9. Recommended Case ClosuresBoard Approval

Executive Officer Briggs noted the three low risk sites and asked the Board if they had questions. The Board had no questions. Mr. Briggs thanked staff members Corey Walsh and John Mijares for their efforts on the sites.

Motion: Russell Jeffries moved to approve the recommended case closures.

Second: Gary Shallcross

Carried: Unanimously (7-0)

10. Underground Storage Tank Program and MTBE Cases Status Report

Executive Officer Briggs noted four high profile MTBE cases and thanked all of the staff working on the sites. The Board asked about new sites and the site assessment process. Senior Staff Engineer Chris Adair and Mr. Briggs provided responses to the Board's questions.

11. Site Cleanup Program Update Status Report

Executive Officer Briggs noted that Senior Engineering Geologist Sheila Soderberg provided the site cleanup program update report. Board member O'Malley commented that the report was very clear and concise and clearly explained the important work of prioritizing in light of budget cuts. He said he appreciated Sheila's work on the report.

12. Enforcement Report Status Report

Executive Officer Briggs asked Enforcement Coordinator Harvey Packard to provide additional information to clarify what the items are and their location. The Board had no questions.

13. City of Grover Beach Stormwater Management Plan Resolution No. R3-2009-0035

Water Resource Control Engineer Tamara Presser provided background information and recommended the Water Board adopt Resolution No. R3-2009-0035 to approve the City of Grover Beach (City) Stormwater Management Plan (SWMP), including a Table of Required Revisions. The Table of Required Revisions addressed deficiencies of the City's SWMP.

During the Public Comment period the following individuals addressed the Water Board:

- John Shoals, Mayor of Grover Beach, and Robert Perrault, City Manager of Grover Beach, presented the City's opinion regarding approval of the City's SWMP, with the Water Board's proposed revisions, and potential difficulties during enrollment under the Phase II Municipal Stormwater Permit (General Permit). The City representatives requested a time extension for both enrollment under the General Permit and for submitting their revised onsite retention standards to serve as interim hydromodification control criteria. They explained the difficulty the City has had in implementing their existing onsite retention standards. The City representatives also explained that implementing the Best Management Practices in their SWMP will be a financial hardship. Water Board members asked several questions of the City representatives, to which the City representatives responded.
- Jerry Bunin, Government Affairs Director of the Central Coast Home Builders Association, presented the Home Builders Association's position on the City's SWMP. The Home Builders Association representative explained that the application of the draft SWMP, with staff's proposed revisions, will deter Smart Growth in the City. Mr. Bunin presented that some hydromodification control measures may hinder development under Smart Growth practices as described in the Environmental Protection Agency (EPA) publication, 'Using Smart Growth Techniques as Stormwater Best Management Practices'. Water Board members asked several questions of the Home Builders Association representative, to which the Home Builders Association representative responded.
- Craig Campbell, Principal Engineer with Wallace Group, discussed his experience designing the Pacific Courtyards mixed use residential development in San Luis Obispo. Mr. Campbell explained if he were required to meet Grover Beach's onsite runoff retention policy for sites that increase imperviousness by 40% or more, then this project could not retain sufficient runoff because of the underground parking garage.
- Urban McLellan of the Home Builders Association discussed EPA's report, 'Using Smart Growth Techniques as Stormwater Best Management Practices.' Mr. McLellan asked the Water Board consider adding applicability criteria to the City's SWMP, delaying the time for implementation of the City's interim hydromodification controls for two years, and suggested defining 'pre-project', the soil and vegetative conditions immediately prior to a proposed project, as the 'hydraulic baseline' for all sites.

- Gordon Hensley, representing the San Luis Obispo Coastkeeper, expressed that the SWMP was compromised and doesn't meet the strict letter of the law [General Permit]. Mr. Hensley recommends the Water Board enroll the City in the General Permit. He prefers no delays and suggests the City and Water Board review the SWMP operational aspects in the first annual report review.
- Kim Busby, Water Quality Management Specialist at California Polytechnic State University Department of Environmental Health and Safety, provided comment on a speaker card asking the low impact development and hydromodification control measures be consistent statewide. She asked that the Regional and State Water Boards use the Low Impact Development Center for examples and policy.

(Chairman Young announced a break at 11:30 a.m. The meeting reconvened at 11:48 a.m.)

Water Board staff (Tamara Presser, Dominic Roques, Lisa McCann) and Board members discussed the questions and issues raised by stakeholders. Staff explained that hydromodification controls can be implemented consistent with Smart Growth techniques; the City is currently close to meeting staff's recommended requirements for shorter-term hydromodification control criteria and has several years to reevaluate their current standards to balance water quality and watershed protection with other City goals. Staff clarified the terminology, approaches, and recommended best management practices for applying post-construction design standard criteria. Staff discussed the importance of establishing the long term criteria in the context of the City's impacts to the watershed and the ocean, and such that the criteria will minimize those impacts and protect the watershed in the future. Staff did not recommend any delay in enrollment or change in time-frames to implement best management practices in the SWMP because the SWMP contains many other water quality controls, besides hydromodification controls, that will have a positive impact upon implementation. Staff also discussed the flexibility Cities have to implement and adapt best management practices in general - to try implementing them and then recommend adjustments. Finally, staff encouraged coordination with other neighboring municipalities and pursuing financial and technical assistance from grants and the LID Center to help alleviate direct costs to the City.

MOTION: David Hodgin moved to adopt Resolution No. R3-2009-0035 with staff's Table of Revisions.
SECOND: Tom O'Malley
CARRIED: Unanimously (7-0)

(Chairman Young announced a break for lunch and closed session at 12:40 p.m. The meeting reconvened at 1:20 p.m.)

14. Santa Barbara County Stormwater Program Review Status Report

Water Board staff Environmental Scientist Brandon Sanderson summarized Santa Barbara County's Storm Water Management Program (SWMP) 2007/2008 annual report and second year SWMP implementation. He provided background of annual report review and audit processes, and pointed out positives and inadequacies in best management practices (BMP) implementation and reporting. He introduced Joy Hufschmid as Santa Barbara County Project Clean Water's new Storm Water Manager.

Board member Shallcross expressed concern with the County's enforcement. Board member Hunter stated that the annual report measurable goal status table needs more detail. She also stated that there should be better effectiveness evaluations for BMP outreach, involvement, and

implementation trends. She noted low implementation and participation in North Santa Barbara County activities, and recommended the County obtain more support from partnering groups and organizations.

Chairman Young acknowledged staff development of enforcement approaches. He asked staff what they learned from annual report reviews and audit and how enforcement strategies will benefit SWMPs. He expressed concerns with the County's street sweeping program and allocation of funding between north and south Santa Barbara County.

Joy Hufschmid of Santa Barbara County recognized that improvements to SWMP are needed and that implementation is an adaptive process. She expressed concerns that one year requirement to develop interim-hydrmodification criteria is not enough time and noted regional coordination with Low Impact Development Center.

Jerry Bunin of the Home Builders Association expressed concerns with staff recommendations for County's inspection enforcement and compliance procedures. Board member O'Malley was concerned that these were additional requirements for the County to implement on development projects.

Chairman Young requested that staff share a copy of the Water Board year three annual report review staff letter with Board members.

15. Status of Los Osos Wastewater Project and Water Balance

in the Los Osos Groundwater BasinInformation/Discussion

Staff Environmental Scientist David LaCaro introduced the item and specifically pointed out the areas where the Water Board has authority (i.e., wastewater discharges, stormwater permits, and recycled water policy requirements) and those areas where it does not have authority (i.e., water use, seawater intrusion, and water conservation).

The County of San Luis Obispo's Los Osos Wastewater Project Engineer John Waddell provided an update on the progress of the project's environmental impact report, coastal development permit, draft facilities plan, planning commission hearings, design-build contracting, and the community survey results. The County's Public Works Director Paavo Ogren provided a discussion of the County's project acceptance and approval process.

Rob Miller, representing one of the water purveyors, provided a discussion on the general characteristics of the Los Osos groundwater basin, status of drinking water supply, seawater intrusion and associated mitigation efforts, current actions to be completed in accordance with the Interlocutory Stipulated Judgment (ISJ), and water conservation goals.

Water Board members asked the County and Mr. Miller questions regarding the timing of the technical studies that are currently being conducted in accordance with the ISJ and certification of the Los Osos Wastewater Project Environmental Impact report. Mr. Miller explained that some technical studies are to be completed by June 2009. These studies will assess the water production potential of the upper aquifer (before and after the wastewater project), update the steady state hydraulic model, evaluate and determine the creek compartment safe yield, evaluate groundwater recharge options, and evaluate options for beneficial reuse of reclaimed water. Mr. Ogren added that if this study is completed before the certification of the Environmental Impact Report, then pertinent aspects of that technical study will be incorporated into the Los Osos Wastewater Project.

Members of the public provided comments generally regarding seawater intrusion, water conservation, and reuse of reclaimed water in the Los Osos groundwater basin. Frank Ausilio, Gwynn Taylor, Al Barrow, Bill Moylan, Steve Paige, Gail McPherson, Keith Wimer, Beverley De Witt-Moylan, Lawson Schaller, Alon Perlman, Julie Tacker, Jeff Edwards, Leon Goldin, Martha Goldin, Don Bearden, Richard Margetson, Bruce Payne, Linde Owen, Piper Reilly, and Ben DiFatta addressed the Water Board. Water Board counsel Frances McChesney explained that this item was informational and that no Board action was required. Board member Hunter asked that staff send a letter to the Board of Supervisors recommending all feasible actions for solving the seawater intrusion problem, with conservation as soon as possible, and taking into consideration the June 2009 technical report (if it's done) for the Los Osos Wastewater Project. The Board discussed this suggestion and the Chair directed Executive Officer Briggs to send a letter.

16. Settlement Fund Grant Proposals Resolution No. R3-2009-0041

Part 1 - Consideration of revising funding allocation to the Low Impact Development Center

Assistant Executive Officer Michael Thomas provided background on the current funding source and the Central Coast Low Impact Development Center (LID). He also stated the goal of LID is to achieve whole watershed protection and that in order to accomplish the goal, hydromodification control must be implemented regionwide. Mr. Thomas also discussed the specifics of funding and the reasons why he and Dr. Inglis are requesting the Board allow the Executive Officer to spend down the existing endowment previously approved by the Board as a funding source for the LID Center.

Dr. Inglis provided background on her work with the LID Center and highlighted several areas that she has been working on and accomplishments to date. Dr. Inglis also responded to Board questions about meeting with jurisdictions currently developing and implementing stormwater plans, trainings, budget allocation, and implementation complexities.

Michael Thomas recommended the Board adopt the revised resolution.

Speakers:

- Alon Perlman, resident of Los Osos
- Al Barrow, CASE

MOTION: Tom O'Malley moved to adopt Resolution No. R3-2009-0041

SECOND: Monica Hunter

CARRIED: Unanimously (7-0)

Part 2 – Consideration of other requests for funding allocation

Assistant Executive Officer Michael Thomas stated that there is about \$2 million left in the Guadalupe settlement account. The City of Atascadero had indicated they wished to have some funding, however, Executive Officer Briggs received a letter from the City of Atascadero that withdrew the request for funding. Resource Conservation Districts have requested a large amount of funding for loaning purposes but the Regional Board staff has indicated that it is not an appropriate use for the funds and the fund does not have lending mechanisms in place. The American Land Conservancy has requested \$950,000 for funding for the Cherry Canyon Project which is 2,400 acres of coastal land, and the Board received over a hundred letters in support of this request. Mr. Thomas said the conservation easement proposal was a great project for this local area but recommended that the Board keep the funds in reserve for regionwide high priority projects.

Speakers:

- Kara Blakeslee, American Land Conservancy, project proponent
- Kelli Schonher, Central Coast Concerned Mountain Bikers - support
- Nick Franco, California State Parks - support
- Paavo Ogren, SLO County - support
- Susan Devine, Rep for SLO County Supervisor Adam Hill - support
- Kathy Longacre, SLOPOST/SLO Count Train Committee - support
- Christie Cutter, CCCMB - support
- Greg Bettencourt, Cayucos Land Conservancy - support
- John Carsel, Cayucos Citizens Advisory - support
- Roger Lyon, resident, Cayucos - support
- Cherie Aispuro, Rep for SLO County Supervisor Gibson - support
- Robert Hill, Land Management of SLO - support
- Al Barrow, CASE – non support
- Bruce Payne, resident, Los Osos - support

MOTION: Russell Jeffries moved to approve \$950,000 for the Cherry Canyon Project until June 30, 2010 and contingent upon the American Land Conservancy's procurement of all other funds.

SECOND: Tom O'Malley

CARRIED: Unanimously (7-0)

17.-18.-19. TMDLs for Pathogens in San Lorenzo River Watershed, Soquel Lagoon Watershed, and Aptos Creek Watershed Order No. R3-2009-0023, No. 0024, and No. 0025

Staff Environmental Scientist Katie McNeill was prepared to deliver a presentation to support staff's recommendation to the Board to adopt the three items representing eight Basin Plan Amendments:

1. Item 17: Resolution R3-2009-0023 - (a) Remove The Shellfish Harvesting Beneficial Use for San Lorenzo River Estuary, (b) Add the San Lorenzo River Watershed to the Human Fecal Material Discharge Prohibition and the Domestic Animal Waste Discharge Prohibition, and (c) Adopt Total Maximum Daily Loads For Pathogens in San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek
2. Item 18: Resolution R3-2009-0024 - (a) Remove the Shellfish Harvesting Beneficial Use for Soquel Lagoon, (b) Add the Soquel Lagoon Watershed to the Human Fecal Material Discharge Prohibition and the Domestic Animal Waste Discharge Prohibition, and (c) Adopt Total Maximum Daily Loads for Pathogens in Soquel Lagoon, Soquel Creek, and Noble Gulch
3. Item 19: Resolution R3-2009-0025 - (a) Add the Aptos Creek Watershed to the Human Fecal Material Discharge Prohibition and the Domestic Animal Waste Discharge Prohibition, and (b) Adopt Total Maximum Daily Loads for Pathogens in Aptos Creek, Valencia Creek, and Trout Gulch.

Katie McNeill was accompanied by Staff Environmental Scientists, Kim Sanders and Larry Harlan. The Program Manager for the Total Maximum Daily Load Program, Chris Rose, was also present to provide support.

There were no public comments during the hearing and the Board members had no questions. Water Board staff supervisor Chris Rose said that there were proposed changes to the documents based on late public comments. Chris Rose also said that the comments and staff responses were memorialized in writing and would be submitted to the State Board, but that the Board members did not have the changes in their item packets. Katie McNeill summarized the changes.

MOTION: Russell Jeffries moved to adopt Resolutions R3-2009-0023, No. 0024, and No. 0025, with recommended changes.

SECOND: David Hodgin

CARRIED: Unanimously (7-0)

22. Public Forum Board Direction

The individuals listed below had comments:

- Don Bearden, resident Los Osos
- Gewynn Taylor, resident Los Osos
- Piper Reilly, resident Los Osos
- Bruce Payne, resident Los Osos
- Al Barrow, CASE
- Alon Perlman, resident Los Osos

23. Reports by Central Coast Water Board Members Status Report

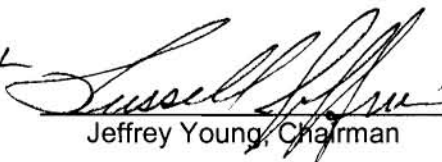
Russell Jeffries reported that he attended a Monterey Bay National Marine Sanctuary Advisory Committee meeting and that they are in the process of setting up subcommittees to look at marine protected areas in federal waters. Tom O'Malley thanked Michael Thomas and Roger Briggs for working with him along with other staff members. David Hodgin complimented staff on the quality of their documents. He noted the small amount of typographical errors in the large volumes of paper submitted for review.

24. Executive Officer's Report Information/Discussion

Executive Officer Briggs noted that staff followed up on a complaint received regarding the Salinas River (on page 4 of the EO report). He said that Monterey County Water Resources Agency decided to withdraw their 404 application for an emergency channel maintenance project. The Water Quality Coordinating Committee fall meeting is scheduled for October 26-27, 2009. The location will be announced at a later time.

Chairman Young adjourned the meeting at 6:30 p.m. The next Board meeting (offsite) will be held on June 3, 2009 in Avila Beach.

The meeting was audio recorded and the minutes were reviewed by management and approved by the Board at its July 10, 2009 meeting in Watsonville, California.

PS & FBL

 Jeffrey Young, Chairman

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