



# California Regional Water Quality Control Board Central Coast Region



Linda S. Adams.  
Secretary for  
Environmental Protection

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906  
(805) 549-3147 • Fax (805) 543-0397  
<http://www.waterboards.ca.gov/centralcoast>

Arnold Schwarzenegger  
Governor

## MINUTES REGULAR MEETING Thursday, March 18, 2010 Central Coast Regional Water Board

Chairman Jeffrey Young called the meeting of the Central Coast Water Board to order at 8:35 a.m. on Thursday, March 18, 2010, at the Watsonville City Council Chambers, 275 Main Street, Watsonville, California.

1. Roll Call ..... Executive Assistant Carol Hewitt

**Board Members Present:**

Chairman Jeffrey Young  
Vice Chair, Russell Jeffries  
Gary Shallcross  
David Hodgins  
John Hayashi

**Absent:**

Tom O'Malley  
Monica Hunter

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. He also welcomed and introduced State Board staff liaison Frances Spivy-Weber. Supplemental sheets that were prepared after the agenda was sent out are as follows: Items 9, 10, 12, 16, and additional information for item 18 to be discussed during the item.

3. Approval of February 4, 2010 Meeting Minutes ..... Board Motion

**MOTION:** Russell Jeffries moved to approve the February 4, 2010 meeting minutes.

**SECOND:** John Hayashi

**CARRIED:** (4-1) Note: Gary Shallcross abstained.

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

State Board liaison Frances Spivy-Weber provided an update to the Board on the following issues: state budget challenges, enforcement related to fraud cases, new water legislation, enforcement staffing efforts, scoping for the 303d listing process, and the underground storage tank program audit.



**5. Uncontested Items Calendar ..... Board Motion**

Executive Officer Briggs recommended approval for Items 8, 9, 10, 11, and 15.

**MOTION:** David Hodgin moved to approve the consent calendar for items 8, 9, 10, 11 and 15.

**SECOND:** Gary Shallcross

**CARRIED:** Unanimously (5-0)

**6. Low Threat and General Discharge Cases ..... Status Reports**

Executive Officer Briggs noted the waiver for Whittaker Corporation for discharge to a containment pond and the NPDES Permit for the Davenport County Sanitation District. Board member Hodgin asked about tertiary treatment at the Davenport facility. Harvey Packard noted that the Cemex plant is no longer operating and the CSD is taking control of the discharge.

**7. Perchlorate Cases Update ..... Status Report**

A written report was provided for this item. Staff is available for questions.

Speaker: Jim Ashcraft, Public Works Director, City of Morgan Hill – read a City letter raising concerns on Olin Corporation’s cleanup efforts.

**17. Reports by Central Coast Water Board Members ..... Status Report**

No reports at this time.

**16. Public Forum ..... Board Direction**

The individuals listed below had comments on the draft Ag Order:

- Jon Beard, Tiedemann Nurseries LLC
- Dave Cavanaugh, Cavanaugh Color Nursery

**18. Executive Officer’s Report ..... Information/Discussion**

Mr. Yazdan Emrani, Public Works Director of Monterey County, provided an update on the status of the Monterey County stormwater program. The stormwater ordinance was adopted on March 2, 2010. Mr. Emrani noted that the Monterey County Public Works Department recently took over the stormwater program on July 1, 2009 and said that the County will continue working aggressively on the issue to make sure they are in compliance. The ordinance is now ready for implementation.

Steve Shimek of Monterey CoastKeeper asked about certification of a negative declaration on a 401 certification item. He will communicate with staff on the issue. Chairman Young asked about how

audits and review of annual stormwater reports are being done and the results of the reviews. Mr. Briggs noted that staff is currently targeting certain problem areas in the annual reports. He will provide an update to the Board.

Fran Spivy-Weber noted that the once-through cooling policy is being posted publicly today and is scheduled for the May 4, 2010 State Board meeting for adoption. There will be permit compliance dates within the policy.

Mr. Briggs noted that State Board staff provided training sessions on presentations and dealing with the media.

Mr. Briggs reported that a 5% salary savings (on top of traditional 5% salary savings), 5% pay cut, and 5% additional payment by staff into the retirement system, with elimination of furloughs are proposed by the Governor. He also noted that we have a statewide 9% vacancy rate at this time. The State Board staff believes we will make the 10% salary savings figure by the time the new fiscal year starts July 1.

Mr. Briggs discussed Board outreach plans. Chairman Young and Mr. Briggs will meet with the Santa Barbara Urban Creeks Council next month in Santa Barbara. Board member O'Malley asked Mr. Briggs to address the Atascadero City Council next month. The Santa Clara Valley Water District (SCVWD) requested to meet with our Board and staff. Board member Hodgkin volunteered to participate in the meeting with SCVWD which is scheduled for March 29 in San Jose. The meeting was set up as a two part meeting, the first part including Board members and the second part to be a staff level meeting. Board member Hodgkin invited Mr. Briggs to speak at the upcoming Association of California Water Agencies meeting in Lompoc on April 11.

Mr. Briggs provided a power point presentation on emerging contaminants. A Daily Journal article entitled, "Pharmaceuticals in the Environment: Something Can Be Done" was shared with the Board. The article noted that hospice practices and healthcare facilities can improve their control methods for disposing of contaminants. Drugs also pass through our bodies and get into the water. That is the major source of drugs in receiving waters. The Regional Board provides a link on their website to a document that shows the proper disposal of residential household medications. Mr. Briggs drafted a letter to California Hospice Organization and National Hospice Organization for State Board Executive Director Dorothy Rice's consideration and signature. USEPA may wish to participate in signing the letter. A meeting is currently being scheduled to discuss the issue with our Regional Board, State Board, and USEPA. The federal Resource Conservation Recovery Act (RCRA) has requirements that could regulate the disposal of pharmaceuticals. The Dept. of Toxic Substance Control (DTSC) and Dept. of Public Health (DPH) both have roles to enforce RCRA depending on the type of waste. A more traditional route to use is pre-treatment requirements. The role of pre-treatment is to keep the bad stuff out of the sewer systems. However, pre-treatment for pharmaceuticals has not been addressed. We are investigating whether we can use our authority through pre-treatment requirements to assist with the issue. One of the issues is permit limits. Another angle would be to use the Antidegradation Policy as opposed to having strict permit limits. Board member Hodgkin spoke with a care facility owner about drug disposal and the owner stated that ongoing workshops are available to care facilities. The workshops provide written guidelines for drug disposal. Most of the facilities have a contract or agreement with the drug provider to pick up the drugs and dispose of them on a regular basis. Fran Spivy-Weber noted that the Blue Ribbon Task Force will have a draft report in April and a final report with recommendations available in June this year. Once a policy is out for the enforcement of RCRA, DTSC and DPH will look at the policy and we will have an opportunity to create work plans among the agencies on where we should focus our efforts and long term planning. Chair Young asked for a follow-up status report once the policy is finalized. Chair Young wants to make sure our agency is doing all it can to keep these constituents out of our waters.

*(Chairman Young announced a break at 10:09 a.m. The meeting reconvened at 10:26 a.m.)*

**16. Public Forum** (continued)..... Board Direction

The individuals listed below had comments:

- Kevin Collins, Lompico Watershed Conservancy
- Kay Mercer, Central Coast Ag Water Quality Coalition
- Marty Johnson, Representative for six RCDs that participate in the Ag Water Quality Alliance
- Darlene Din, Ag Land Use Consultant
- Steve Shimek, Monterey CoastKeeper

**14. Enforcement Report** ..... Status Report

Reed Sato, Director of the State Board Office of Enforcement, provided a presentation on the recently adopted Water Quality Enforcement Policy and Policy on Supplemental Environmental Projects.

**12. TMDLs for Fecal Coliform in the Lower Salinas River Watershed**..... Res. No. R3-2010-0017

Water Board staff member Pete Osmolovsky presented proposed basin plan amendments that would establish fecal coliform TMDLs in the Lower Salinas River watershed and would also add the Lower Salinas River watershed to two existing discharge prohibitions: the Domestic Animal Waste Discharge Prohibition and the Human Fecal Material Discharge Prohibition.

Mr. Osmolovsky summarized the various fecal coliform sources, described the water quality objectives, associated allocations, responsible parties, and outlined the TMDL implementation plan. Mr. Osmolovsky, and Water Board TMDL Program manager Chris Rose addressed Board comments regarding the waste load and load allocations, and TMDL implementation activities. Chairman Young asked if natural sources exceeded their allocation then would other responsible parties consequently need to reduce their allocation below the water quality objective. Mr. Young also asked if we know how many landowners would be subject to compliance with the domestic animal waste discharge prohibition, and what the regulatory compliance options for these responsible parties are. Board member Hayashi asked how the human fecal material discharge prohibition would be enforced on owners and operators of lands with homeless persons. Mr. Hayashi stated that the compliance options for landowners with homeless persons were not adequate to address the complexity of the social problem and the logistics of removing homeless persons from landowner property.

*(Chairman Young announced a break for lunch and closed session at 12:15 p.m. The meeting reconvened at 1:15 p.m.)*

Mr. Aaron Johnson, President of the Monterey Cattlemen's Association, gave a fifteen minute presentation on the draft *Central Coast NPS Grazing and Benefits of Grazing* report developed by livestock interests; in addition, several attendees of the meeting provided public comment.

Mr. Johnson requested that livestock industry stakeholders receive more time to review the proposed basin plan amendments, and to interface and collaborate with other central coast livestock stakeholders with regard to developing potential implementation details.

Mr. Scott Violini, livestock producer, stated that economic outcomes were not addressed in sufficient detail, and asked the Board to reconsider adoption.

Ms. Darlene Dinn, Agricultural Land Use consultant, stated that there was insufficient review time of the proposed basin plan amendments; asserted that the CEQA document was insufficient; asked the Board to consider economic costs to landowners; and requested that the Board postpone adoption of the proposed amendments.

Kay Mercer, Central Coast Agricultural Water Quality Coalition, stated that there was insufficient review time of the proposed basin plan amendments; that lumping rural residential and commercial sources was inappropriate; that economic analysis was insufficient; and that she had concerns about peer review.

Ryan Morris invited Water Board and staff to a meeting April 15 in Watsonville, with the Central Coast Rangeland Coalition. Mr. Morris stated that there is a lot of rangeland monitoring that is very interesting and should be taken into consideration.

Joe Morris, President of the San Benito County Cattlemen's Association, stated that TMDL development has not been a collegial process. He stated that he didn't know how to comply with the domestic animal waste discharge prohibition and that this will have unintended consequences.

Terry Bengard, commercial livestock owner and operator, noted that she has water troughs on her property and that the upstream property owner diverts water around her property. She stated that TMDL development has not been a fair process and the proposed basin plan amendments could be detrimental to the cattle industry.

Steve Shimek, Monterey Coast Keeper, stated his support for grazing land use over other types land uses. Mr. Shimek suggested that there might be more sources of indicator bacteria, including composting facilities and the Gallo feedlot near Gonzales. Mr. Shimek stated the he could not support the Cattlemen's request for additional time as this TMDL has been in development for years.

Jim Keller, Big Sur Land Trust, stated that rangelands act as filters for pollutants. Mr. Keller stated that postponing Board action for 90 days was a good idea.

Following the public comment period Board member Hayashi stated that he still had a problem with the implementation plan and the compliance options for landowners with homeless persons on their property, and that he would consequently not support a motion where the property owner is held responsible for discharges from homeless encampments. With regard to Mr. Hayashi's statements, Water Board legal counsel Frances McChesney stated that staff must identify all probable sources of pollution and she noted that the Section 13350 Water Code provides that responsible parties may not be held liable civilly for a discharge if they have exercised every reasonable precaution to prevent or mitigate the discharge.

Vice Chairman Jeffries stated that he would rather have more people lined up with us on our proposed basin plan amendments, and if it required a 90 day extension then he would support that. Chairman Young told the livestock representatives that they should meet with their stakeholders and educate them, and Mr. Young noted that this was important for the process. The Board concurred that a 90-day extension was warranted and determined that the agenda item would be deferred to a future Board meeting.

**18. Executive Officer's Report** (continued).....Information/Discussion

Executive Officer Briggs reported that the Regional Board has a 60 year anniversary this year. He passed out copies of the minutes from the first Regional Board meeting, held on January 12, 1950 in King City.

Chairman Young adjourned the meeting at 3:26 p.m. The next Board meeting will be held on May 12-13, 2010 in San Luis Obispo.

The meeting was audio recorded and the minutes were reviewed by management and approved by the Board at its May 12-13, 2010 meeting in San Luis Obispo, California.

  
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Jeffrey Young, Chairman

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