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## Central Coast Regional Water Quality Control Board

### ***REGULAR MEETING MINUTES***

**Thursday, February 15, 2024, 9:00 a.m.**

**Central Coast Water Board Office  
895 Aerovista Place, Suite 101, San Luis Obispo**

**Friday, February 16, 2024, 9:15 a.m.**

**Oso Flaco Lake, Santa Barbara County (in person only)**

Video and teleconference recordings of the meeting are currently available on the following website: <https://cal-span.org/static/meetings-RWQCB-CC.php>

Chair Gray called the meeting to order at 9:00 a.m.

#### **Board Business**

1. Roll Call and declaration of quorum  
[Tammie Olson, Clerk to the Board, 805/549-3140,  
[Tammie.Olson@Waterboards.ca.gov](mailto:Tammie.Olson@Waterboards.ca.gov)]

**Present:** Chair Gray, Vice Chair Wolff, Member Hunter, and Member Rodriguez

**Absent:** Member Harlan

Chair Gray declared a quorum present for the meeting.

2. Introductions and Staff Recognition  
[Ryan Lodge, Executive Officer, 805/549-3140, [Ryan.Lodge@waterboards.ca.gov](mailto:Ryan.Lodge@waterboards.ca.gov)]

Executive Officer Lodge made the following introductions and announcements:

- Tammie Olson, clerk to the Board; Sophie Froelich, legal counsel; Thea Tryon, assistant executive officer; section managers Harvey Packard, Angela Schroeter, and Mary Hamilton.
- State Water Resources Control Board Liaison Sean Maguire on Zoom.
- AGP and staff support for audio visual assistance.
- Court reporter on Zoom for item 7.

**Announcements:**

Staff Introductions and Recognitions:

- Angela Schroeter, Supervising Engineering Geologist, introduced a new staff member, Joey Sisk, the new Senior Water Resource Control Engineer supervising the Active Oilfield / Land Disposal Unit.

Retirement:

- Daniel Ellis, Senior Environmental Scientist, presented a resolution for Peter Bonch Osmolovsky, Engineering Geologist.

Motion: Member Hunter motioned to approve the resolution for Peter Osmolovsky.

Second: Vice Chair Wolff

Aye: Chair Gray, Vice Chair Wolff, Member Hunter, and Member Rodriguez

Abstain: None

Absent: Member Harlan

Motion Carried: 4 to 0

Public Commenters: none

3. Approval of Board Meeting Minutes,

Motion: Member Hunter motioned to approve the December 14-15, 2023, minutes.

Second: Vice Chair Wolff

Aye: Chair Gray, Vice Chair Wolff, Member Hunter

Abstain: Member Rodriguez

Absent: Member Harlan

Motion Carried: 3 to 0

Sophie Froelich, legal counsel, declared that a quorum of members are present and clarified that there would be no need for a further vote on this matter later.

4. Reports by Regional Board Members

**Member Rodriguez:**

- On February 9, 2024, attended a board briefing with Board Chair Gray.
- Mentioned the Senate Rules Committee hearing is on February 21.

**Member Hunter:**

- February 13, 2024, participated in a board briefing.
- February 14, 2024, spoke with Angela Schroeter of the Water Board regarding today's environmental justice and racial equity item. Member Hunter is the liaison to the board for environmental justice.

**Vice Chair Wolff:**

- December 15, 2023: Hosted end-of-the-year festivities with current and former staff.
- January 11-12, 2024, attended the Morro Bay Bird Festival; Vice Chair Wolff provided tours and presentations on vineyard sustainability, emphasizing water conservation.
- January 26, 2024, participated with the Coastal San Luis Resource Conservation District and gave a tour to Senator Laird and his staff of the Tally Ho Creek flood management and site upgrades. Senator Laird had visited a year ago and came back to see the progress made by the California Conservation Corps and the RCD.
- February 13, 2024, attended a board briefing.
- February 13, 2024, attended the Community Advisory Group meeting of the airport parties. Vice Chair Wolff indicated the progress was encouraging and was glad he attended.
- Vice Chair Wolff wanted to share his recent Zoom meeting with a Belgian company, BeeODiversity. They use bees as drones to collect pollen and track pesticides, types of pesticides, application locations, and the type of crops or wild plants pollinated by the bees.
- Vice Chair Wolff also wanted to share a quote by Michel de Montaigne from 1560: "Let us permit nature to have her way; she understands her business better than we do."

**Chair Gray:**

- Attended weekly meetings with Ryan Lodge, Executive Officer, and Sophie Froelich, Legal Counsel.
- Participated in monthly phone calls with State Water Resources Control Board member, Central Coast Liaison Sean Maguire, and the Executive Officer.
- Joined monthly State Board Chairs meetings.
- On February 7, 2024, participated in the Econ Alliance meeting in Santa Maria with the Executive Officer. The Econ Alliance is an economic alliance with Northern Santa Barbara and Southern San Luis Obispo County growers. The meeting included panels on mechanization and pesticide applications.
- On February 9, 2024, attended a board briefing with Member Rodriguez.
- On February 13, 2024, attended the Community Advisory Group meeting of the airport parties.

Public Commenters: none

5. Report by State Water Resources Control Board Liaison  
[Sean Maguire, 916/341-5877, [Sean.Maguire@waterboards.ca.gov](mailto:Sean.Maguire@waterboards.ca.gov)]

The report by the State Water Resources Control Board liaison, Sean Maguire, focused on several key areas. Sean Maguire highlighted the retirement of the executive director, Eileen Sobeck, and the appointment of Eric Oppenheimer as the

new executive director. Sean Maguire also discussed the adoption of direct potable reuse regulations, emphasizing the challenges associated with implementing such projects, including funding and community support. Sean Maguire touched on the complexity of operating these facilities and the blurring lines between wastewater and drinking water treatment. Additionally, Sean Maguire mentioned the State Water Board's strategic work plan and the many tasks ahead, both at the state and regional levels.

6. Elections of Chair and Vice Chair  
[Ryan Lodge, Executive Officer, 805/549-3140, [Ryan.Lodge@waterboards.ca.gov](mailto:Ryan.Lodge@waterboards.ca.gov)]

Motion: Chair Gray nominated Vice Chair Wolff for another term as Vice Chair.

Second: Member Hunter

Aye: Chair Gray, Vice Chair Wolff, Member Hunter, and Member Rodriguez

Abstain: None

Absent: Member Harlan

Motion Carried: 4 to 0

Motion: Vice Chair Wolff nominated Chair Gray for another term as Chair.

Second: Member Rodriguez

Aye: Chair Gray, Vice Chair Wolff, Member Hunter, and Member Rodriguez

Abstain: None

Absent: Member Harlan

Motion Carried: 4 to 0

## **Enforcement**

7. Consideration of Adoption of an Administrative Civil Liability Order for JSM Organics, Inc., Monterey County, Administrative Civil Liability Complaint No. R3-2023-0050  
[Harvey Packard, Supervising Water Resource Control Engineer, 805/542-4639, [Harvey.Packard@waterboards.ca.gov](mailto:Harvey.Packard@waterboards.ca.gov)]

Chair Gray introduced the item and explained the process for the hearing. Board members and staff confirmed they had no ex-parte communications before the hearing. All persons who were to provide testimony were sworn in, including Javier Zamora of JSM Organics, Inc. and Thea Tryon, Mary Hamilton, Tamara Anderson, and Paula Richter of the Central Coast Water Board's Prosecution Team, and Katya Smirnova of IEC, the Prosecution Team's expert witness.

The Prosecution Team began their case presentation with an introduction by Thea Tryon. Paula Richter and Tamara Anderson provided evidence, argument, and other information relevant to the case. The Prosecution Team's counsel, Julie Macedo, discussed how the Prosecution Team used the penalty methodology in the State Water Board's 2017 Enforcement Policy to arrive at their recommended liability amount. Thea Tryon concluded the Prosecution Team's presentation with their recommendation, which was a penalty amount of \$67,010.

The Advisory Team's counsel, Sophie Froelich, asked several questions of the Prosecution Team concerning, among other things, whether proper notice had been given to JSM Organics about additional days of violation and the appropriateness of disclosing potentially confidential communications. Julie Macedo provided responses.

Javier Zamora presented his case, explaining how he came to own the property, his belief that each tenant farmer needed to file their own total nitrogen applied reports, his reduced 2023 earnings due to storm damage, and his position that the proposed penalty was excessive.

The Board had several questions for Javier Zamora, including why he didn't respond to Irrigated Lands Program staff's and Prosecution Team's reminder emails and notices of violation.

After questions and closing statements, the Board met in closed session to deliberate. After reconvening in open session, Sophie Froelich announced that the Board had deliberated and reached a conclusion and stated the Board's intention to order liability in the amount of \$56,840. Sophie Froelich and the Board then went over the findings in the Board's Order with Javier Zamora and the public.

Member Hunter moved that the Board approve a liability amount of \$56,840 and have the Executive Officer issue an order.

Second: Member Rodriguez

Aye: Chair Gray, Vice Chair Wolff, Member Hunter, and Member Rodriguez

Abstain: None

Absent: Member Harlan

Motion Carried: 4 to 0

After this motion passed, Sophie Froelich suggested that, to ensure the Order would not be issued until after typographical errors and citations to evidence were added, that (a) alternative approval language to be incorporated into the Order; and (b) that the Board rescind its previous vote; and (c) move to approve the alternative language and delegate authority to the Executive Officer to issue the Order consistent with the civil liability amount of \$56,840 and findings presented at the hearing, with certain revisions to add citations and make editorial changes.

Member Rodriguez moved to rescind the Board's earlier approval.

Second: Member Hunter

Aye: Chair Gray, Vice Chair Wolff, Member Hunter, and Member Rodriguez

Abstain: None

Absent: Member Harlan

Motion Carried: 4 to 0

Member Rodriguez then offered the following motion:

That the Board delegate its authority to the Executive Officer to issue Order R3-2024-0025, consistent with the findings presented at the hearing following closed session, for liability in the amount of \$56,840, that it is the Board's intent to allow Javier Zamora 30 days to file a petition from the time that Executive Officer Ryan Lodge signs the order, and that a new finding be added to the order, as follows:

At the hearing held on February 15, 2024, the Central Coast Regional Water Quality Control Board also delegated authority to the Executive Officer to issue Administrative Civil Liability Order R3-2024-0025 consistent with the civil liability amount and findings presented by the Advisory Team and the Board at the hearing, with certain revisions to add citations and make other editorial corrections. The issuance by the Executive Officer of Administrative Civil Liability Order R3-2024-0025 will constitute the final action of the Board pursuant to Water Code section 13320.

Second: Member Hunter

Aye: Chair Gray, Vice Chair Wolff, Member Hunter, and Member Rodriguez

Abstain: None

Absent: Member Harlan

Motion Carried: 4 to 0

8. Enforcement Report

[Tamara Anderson, Senior Water Resource Control Engineer, 805/549-3334, [Tamara.Anderson@waterboards.ca.gov](mailto:Tamara.Anderson@waterboards.ca.gov)]

Central Coast Water Board Enforcement Coordinator Tamara Anderson was available for questions. Board members thanked enforcement staff for preparing the enforcement report but did not have questions.

**Discussion/Informational Items**

9. Environmental Justice, Racial Equity, and Tribal Affairs – Annual Update

[Angela Schroeter, Supervising Engineering Geologist, 805/542-4644, [Angela.Schroeter@waterboards.ca.gov](mailto:Angela.Schroeter@waterboards.ca.gov); Daniel Ellis, Senior Environmental Scientist, 805/549-3889, [Daniel.Ellis@waterboards.ca.gov](mailto:Daniel.Ellis@waterboards.ca.gov); Kathy Truong, Water Resource Control Engineer, 805/549-3293, [Kathy.Truong@waterboards.ca.gov](mailto:Kathy.Truong@waterboards.ca.gov)]

Ryan Lodge introduced Item 9: Environmental Justice, Racial Equity, and Tribal Affairs – Annual Update. Kathy Truong, Angela Schroeter, and Daniel Ellis presented on the Central Coast Water Board staff's ongoing efforts to develop and implement a working Environmental Justice, Racial Equity, and Tribal Engagement Action Plan. Kathy Truong described the internal resources and training that is available to support staff in conducting community outreach and engagement, including a Project Tracker that is available to staff and the public on Central Coast Water Board's website. Daniel Ellis provided detailed information on Tribal outreach

and the Tribal Beneficial Uses Project. Member Hunter and Chair Gray recognized the Central Coast Water Board's long history of advancing environmental justice and the human right to water, especially the Central Coast Water Board's commitment to collecting relevant data to support water quality priorities and making it available to the public. Board Members also discussed the Central Coast Community Based Water Quality Grants Program and requested an update at a future board meeting.

### **Public Forum**

#### 10. Public forum

- Becky McFarland of Los Osos regarding the groundwater basin management committee

### **Administrative Items**

#### 11. Executive Officer's Report

[Ryan Lodge, Executive Officer, 805/549-3140, [Ryan.Lodge@waterboards.ca.gov](mailto:Ryan.Lodge@waterboards.ca.gov)]

Executive Officer Lodge introduced the item and asked if there were any questions. Board members indicated they had no questions on the item.

Public Commenters: none

The meeting was adjourned for the day at 5:23 p.m.

Friday, February 16, 2024, 9:15 a.m.

Chair Gray called the meeting to order at 9:23 a.m.

**Board Business**

12. Roll Call

Executive Officer Lodge documented Board Member attendance.

**Present:** Chair Gray, Vice Chair Wolff, Member Hunter, Member Rodriguez

**Absent:** Member Harlan

**Educational Field Trip**

13. Field Trip – Visit Oso Flaco Creek and Oso Flaco Lake area installed agricultural best management practices.

[Ryan Lodge, Executive Officer, 805/549-3140, [Ryan.Lodge@waterboards.ca.gov](mailto:Ryan.Lodge@waterboards.ca.gov)]

**Board Members**

Chair Gray  
Vice Chair Wolff  
Member Hunter  
Member Rodriguez

**Staff**

Ryan Lodge  
Mary Hamilton  
Daniel Ellis  
Peter Meertens  
Katie McNeil  
Caroline Webster  
Ryan Lee  
Alia Ajina

Sarah C.  
Audrey Liebhaber  
Leah Lemoine  
Joey Sisk  
Harvey Packard  
Megan Mortimer-  
Lamb  
Jordan Haserot

**Public:**

- Christopher D’Aiuto, PROVOST & PRITCHARD CONSULTING GROUP
- Heather Billing, PROVOST & PRITCHARD CONSULTING GROUP, Environmental Specialist, QISP
- Maggy Avila, Sunberry Growers AW1645
- Jon Freitas, Freitas Farms
- Traci Roberts, D’Arrigo Brothers
- Brett Ferini from Rancho Laguna Farms

Chair Gray adjourned the meeting at 12:47 p.m.

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Jane Gray, Chair