
Central Coast Regional Water Quality Control Board

REGULAR MEETING MINUTES

Thursday, June 20, 2024, 9:00 a.m.

Friday, June 21, 2024, 9:00 a.m.

**Gilroy City Council Chambers
7341 Rosanna Street, Gilroy, CA, 95020**

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 9:01 a.m. on June 20, 2024.

Board Business

1. Roll Call and declaration of quorum

[Thea Tryon, Clerk to the Board, 805/542-4776, Thea.Tryon@waterboards.ca.gov]

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

Absent: none

Chair Gray, Chair Wolff, Member Rodriguez, and Member Harlan were present in-person thereby presenting a quorum for the meeting and Member Hunter was present via zoom. Chair Gray declared that there was a quorum.

2. Introductions and Staff Recognition

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

Executive Officer Lodge made the following introductions:

- Thea Tryon, clerk to the Board and assistant executive officer; Sophie Froelich, legal counsel; 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.

3. Approval of February 15-16, 2024, Board Meeting Minutes,

Motion: Vice Chair Wolff motioned to approve the minutes.

Second: Member Rodriguez

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

Absent: Member Harlan

Motion Carried: 4 to 0

4. Reports by Regional Board Members

Member Rodriguez:

- March 15-16, 2024, attended the Water Education for Latino Leaders conference in San Jose.
- April 16-17, 2024, attended Cal Mutual Action Water Days.
- May 8-9, 2024, attended Association of California Water Agencies and attended a reception hosted by Friendship for Latinos of Water.
- May 15, 2024, attended the Colorado River Regional Water Quality Control Board meeting in Palm Desert.
- June 12, 2024, attended the Colorado River Board meeting in San Deigo.
- June 18, 2024, attended board meeting briefing.
- Confirmed to Central Coast Water Board seat on February 29, 2024.

Member Hunter:

- June 13, 2024, attended board meeting briefing.

Member Harlan:

- June 11, 2024, attended board meeting briefing.

Vice Chair Wolff:

- February 26, 2024, Cal Poly Agricultural Business program California waterscape related to water use and agriculture.
- March 5, 2024, attended community advisory group meeting for San Luis Obispo County Airport voluntary cleanup and abatement agreement to address PFAS contamination.
- March 7, 2024, met with Freddy Otte, Biologist for the city of San Luis Obispo to discuss the status of San Luis Obispo creek riparian restoration activities and recovery from previous years' floods.
- March 8, 2024, met with Steph Walt to get updates on creek riparian projects in San Luis Obispo County.
- March 16, 2024, Senator Laird toured Wolff Vineyard to see various techniques for reducing irrigation and climate adaptation technologies.
- April 9, 2024, attended community advisory group meeting for San Luis Obispo County Airport voluntary cleanup and abatement agreement to address PFAS contamination.

- May 1, 2024, Wolff Vineyard hosted a tour for Tetra-Tech leveraging technologies for climate adaptation.
- May 31, 2024, attended annual chairs/vice chairs meeting with Ryan Lodge – attended via zoom.
- June 1, 2024, hosted eco tour at Wolff Vineyard to highlight water conservation techniques.
- June 3, 2024, met with Chris Biehl from vineyard team discuss dry farming.
- June 7, 2024, presentation at SLO farm bureau regarding regulatory compliance for irrigated agriculture.
- June 18, 2024, attended board meeting briefing.
- June 19, 2024, hosted a group from New Zealand regarding food and plant research. Planting climate friendly crops.

Chair Gray:

- Feb 22, 2024, met with Clair Wineman of the Grower Shippers Association of Santa Barbara and San Luis Obispo Counties
- February 27, 2024, conversation with Hillary Houser the Executive Director of Heal the Ocean to discuss Goleta West sanitary sewer spill.
- Feb 28, 2024, conversation with Santa Barbara County Supervisor Laura Capps regarding the Goleta West sanitary sewer spill.
- Feb 28, 2024, spoke with Eva Turenchalk, a board member with the Goleta West Sanitary District regarding the sanitary sewer spill.
- March 1, 2024, spoke with Ted Morton, Executive directing of Channelkeeper regarding the Goleta West sanitary sewer spill.
- March 5, 2024, attended community advisory group meeting for San Luis Obispo County Airport voluntary cleanup and abatement agreement to address PFAS contamination.
- March 5 and 14, 2024, spoke with Sarah Lopez from Preservation Inc., on alternative water supply and agricultural order issues.
- April 9, 2024, attended community advisory group meeting for San Luis Obispo County Airport voluntary cleanup and abatement agreement to address PFAS contamination.
- April 9, 2024, spoke with State Water Board member Laurel Firestone regarding alternative water supply issues.
- April 15, 2024, had a conversation with Chelsea Tu with Monterey Waterkeeper regarding the agricultural order and the alternative water supply project.
- May 13, 2024, had a conversation with Chelsea Tu with Monterey Waterkeeper regarding the organophosphate TMDL.
- May 21, 2024, attended community advisory group meeting for San Luis Obispo County Airport voluntary cleanup and abatement agreement to address PFAS contamination.
- May 28, 2024, attended a press conference at the San Luis Obispo County Airport announcing Salud Carbajal sponsored bills for Pollution Free Aviation Sites Act and Save Our Airports Act.

- June 3, 2024, conversation with San Luis Obispo County Board of Supervisor Dawn Ortiz-Legg.
- Attended weekly meeting with Ryan Lodge, Executive Office, and Sophie Froelich, Legal Counsel.
- June 11, 2024, attended board meeting briefing.
- Attend monthly meetings with State Board member Sean Maguire.

Public Comments: none

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

State Water Resources Control Board Member, Sean Maguire, provided updates via Zoom on several priority topics. The State Board is working on convening a second statewide agricultural expert panel to evaluate data collected under the State's Irrigated Lands Regulatory Programs. The proposed questions for the second expert panel to consider are out for public comment until June 28, 2024.

State Board member Maguire discussed the municipal separate storm sewer system (MS4) programs and the inconsistent reporting and accounting of costs in MS4 programs. There is a proposal for new standardized cost reporting policy and State Board staff development a standardized reporting platform. MS4 Phase II permit is scheduled for renewal soon.

State Board member Maguire discussed budget issues recognizing that there will not be clarity until the budget is passed. The State Board will be holding a workshop on July 2 to discuss Clean Water State Revolving Fund Intended Use Plan for fiscal year 2024-25. We are five years into the SAFER drinking water program funded with \$130 million/year for 10 years so we are halfway through the program.

State Board member Maguire mentioned making conservation in California a way of life regulations will be heard at the next State Board meeting. Staff are going through the fourth public comment period for the proposed regulations.

Vice chair Wolff asked about the engagement process for the expert panel questions and about expert panel workshops throughout the state. Chief Deputy Director Karen Mogus indicated that State Board staff worked with regional boards and California Department of Food and Agriculture staff prior to the questions being released for public comments. The expert panel will finalize the questions. Karen Mogus said their budget is not as robust for this expert panel and she needs to check the plan for workshops and report back to Ryan Lodge.

Chair Gray asked about the timeline of convening the expert panel and the makeup of the expert panel. Karen Mogus indicated that still needs to be determined. State Board staff are working with a facilitator to determine the panelist and what the process will be for determining how experts will be selected for the panel.

Member Harlan expressed concerns about timeline for convening expert panel and suggested that State Board establish a timeline.

6. Statewide Aquatic Toxicity Provisions, Karen Mogus, Chief Deputy Director, State Water Resources Control Board Division of Water Quality, 916/341-5423, karen.mogus@waterboards.ca.gov.

Karen Mogus provided an update on the Statewide Aquatic Toxicity Provisions that apply to permitting efforts in the Central Coast Region. Karen Mogus explained the benefits of statewide numeric water quality objectives for acute and chronic toxicity and the long process to develop the toxicity provisions. Board members asked questions related to the cost associated with complying with the new provisions, exemptions associated with biological pesticides, and test species culture crash in laboratories.

Jared Voskuhl from the California Association of Sanitation Agencies commented that his organization has concerns associated with false positives and additional studies funded to improve quality control by laboratories.

7. Consideration of Proposed Order R3-2024-0001, Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit CA0049224 for the City of San Luis Obispo Water Resource Recovery Facility, San Luis Obispo County [Sarah Crable, Water Resource Control Engineer, 805/549-3706, sarah.crable@waterboards.ca.gov]

Sarah Crable, Water Resource Control Engineer with the NPDES unit, provided the Board an overview of proposed Order R3-2024-0001, a renewal of an NPDES permit for the City of San Luis Obispo Water Resource Recovery Facility (Facility). Board member Rodriguez asked for clarification on mandatory minimum penalties issued to the facility. Board member Hunter asked for clarification on how and when the bacteria provisions will be incorporated into other NPDES permits. Staff responded that the provisions will be incorporated as the permits are updated. Board members also asked questions related to the average daily discharge and recycled water production plans. Chris Lehman, Deputy Director of Wastewater for the city of San Luis Obispo, provided responses regarding the Facility's daily discharge and recycled water production plans.

Chris Lehman was allotted 15 minutes to speak and presented an overview of the Facility's wastewater operations and rehabilitation of their collection system. He also expressed concerns about not meeting salt limits and that reverse osmosis for treating salts would be unaffordable. Chris Lehman indicated that they are evaluating proposing site-specific water quality objectives. Board member Rodriguez asked about what is being done to incorporate renewable energy and backup

batteries. Chris Lehman indicated that the City has a cogeneration plant, is looking into a solar project, and has a battery for backup.

Public Comments:

- Betsy Elzufon – Speaking on behalf of city of Solvang. The city of Solvang has salt limits. The limits are difficult to meet and the water quality objectives are lower than drinking water standards. Reverse osmosis will not be feasible from an economic sense. They requested a modification to the water quality objectives for salts and requested a delay in the adoption of the city of San Luis Obispo's NPDES permit to perform a regional re-evaluation of salt limits.
- Jarod Voskuhl – Director of Regulatory Affairs with California Association of Sanitation Agencies (CASA). Provided comment in support of the city of San Luis Obispo's request to not have stringent salt limits because of the costs and energy required.
- Dillon Wade – City of Atascadero. Provided comment on the vision of healthy watersheds and not being able to meet the 80 percent goal identified in the Basin Plan due to costs to remove salts and nitrate.

Motion: Member Harlan moved to adopt proposed Order R3-2024-0001.

Second: Vice Chair Wolff.

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

Abstain: None

Absent: None

Motion Carried: 5 to 0

8. Public Forum

Ted Morton – Executive Director of Santa Barbara Channel Keeper – Provided comment and expressed concern regarding large Goleta Slough sewage spill and encouraged Water Board to ensure proper penalties are assessed.

9. Status Update for the Olin Corporation Perchlorate Groundwater Cleanup Case, Morgan Hill, Santa Clara County [Dean Thomas, Engineering Geologist, 805/549-3690, Dean.Thomas@waterboards.ca.gov]

Central Coast Water Board staff Dean Thomas introduced the informational item and Olin representatives David Share and Dane Grimshaw who presented the item. The Olin representatives presented a summary of the investigation and cleanup of the Olin perchlorate case over the past 20 years.

Chair Gray asked about the outreach strategy and about timeline for project completion. Olin representatives indicated outreach included individuals with wells exceeding MCLs, follow up sampling, community meetings, and continued

monitoring. The project still has many years of important work left to be done but Olin is committed to finishing the job. All Board members complimented Olin's commitment to improving water quality.

10. Enforcement Report and Enforcement Program Update [Tamara Anderson, Senior Water Resource Control Engineer, 805/549-3334, Tamara.Anderson@waterboards.ca.gov]

Central Coast Water Board Enforcement Coordinator, Tamara Anderson, provided a brief overview of the enforcement report, a brief overview of the services provided by the enforcement program, a recommendation to maintain the same Central Coast Water Board enforcement program priorities, a summary of administrative civil liabilities from the past five years, and a summary of in-progress and completed projects funded by suspended administrative civil liabilities from the past year. Tamara Anderson provided an update on the Monterey Mushrooms 1,2,3-trichloropropane (TCP) pilot treatment Supplemental Environmental Project (SEP), the City of Salinas sanitary sewer system flow monitoring project and lift station control upgrade project Enhanced Compliance Actions (ECAs), the Monterey One Water Castroville lateral rehabilitation SEP, and the City of San Juan Bautista sanitary sewer force main Compliance Project (CP).

In response to board member questions, Tamara Anderson and Thea Tryon provided additional information about staff coordination with partner agencies regarding complaints received through the CalEPA complaint system, the types of projects that can qualify for settlement projects pursuant to the State Water Board's Enforcement Policy and State Water Board's Policy on SEPs, and tracking of administrative civil liabilities going to the State Water Board's Cleanup and Abatement Account (CAA) and uses of CAA monies.

Community Water Center shared an update on work funded through the \$1.8 million dollar grant from State Water Board to add systems to treat 1,2,3-TCP, investigate various treatment options to disinfect residents' water to address bacteriological issues, and continue operating and monitoring the 1,2,3-TCP treatment systems installed through the SEP. In response to board member questions, Community Water Center shared that 1,2,3-TCP treatment system operation and maintenance costs are summarized in the final project report, treatment systems are being replicated for future installations, Community Water Center regularly communicates with households with installed treatment systems, and most of the households that are receiving treatment systems are in areas planned for future drinking water system consolidations, so the 1,2,3-TCP treatment systems are temporary until implementation of long-term solutions.

11. Executive Officer's Report [Ryan Lodge, Executive Officer, 805/549-3140, Ryan.Lodge@waterboards.ca.gov]

Ryan Lodge updated the board on the Rose Foundation's small community grants program funded by the PG&E settlement funds and the Salinas Stewardship Group's discontinuation of the agreement to provide replacement water to residents.

12. Board Calendar 2025 [Ryan Lodge, Executive Officer, 805/549-3140, Ryan.Lodge@waterboards.ca.gov]

Member Rodriguez moved that the Board approve the proposed calendar.
Second: Member Harlan
Aye: Chair Gray, Vice Chair Wolff, Member Rodriguez, Member Harlan, Member Hunter
Abstain: None
Absent: None
Motion Carried: 5 to 0

Chair Gray adjourned meeting at 3:46 p.m.

FRIDAY, June 21, 2024 – Chair Gray started the meeting at: 9:01 a.m.

13. Roll Call and declaration of quorum (Harvey Packard, Clerk to the Board)

Present: Chair Gray, Vice Chair Wolff, Member Hunter, Member Rodriguez, and Member Harlan
Absent: none

Chair Gray declared that Member Hunter was attending the meeting virtually via Zoom and Chair Gray, Chair Wolff, Member Rodriguez, and Member Harlan were present in-person thereby presenting a quorum for the meeting.

14. Introductions

[Ryan Lodge, Executive Officer, 805/549-3140, Ryan.Lodge@waterboards.ca.gov]
Executive Officer Lodge made the following introductions:

- Harvey Packard, Clerk to the Board and section manager; Sophie Froelich, legal counsel; section manager Mary Hamilton.
- AGP and staff support for audio visual assistance.

15. Consideration of a Proposed Resolution Adopting a Proposed Amendment to the Water Quality Control Plan for the Central Coastal Basin to Establish Total Maximum Daily Loads for Organophosphate Pesticides and Toxicity in the Lower Salinas River Watershed, Monterey County, California [Larry Harlan, Environmental Scientist, 805/594-6195, Larry.Harlan@waterboards.ca.gov and Daniel Ellis, TMDL Program Manager, 805/549-3889, Daniel.Ellis@waterboards.ca.gov]

Central Coast Water Board staff, Larry Harlan, presented the proposed Total Maximum Daily Loads (TMDLs) that would be established as a Basin Plan amendment. At the conclusion of the presentation, staff recommended the Board adopt the TMDLs and Basin Plan amendment with minor changes as proposed in the supplemental sheet for this item.

Vice Chair Wolff engaged in a discussion with staff regarding the agricultural use of pesticides, how pesticide use restrictions may prove to be beneficial over time, and that these restrictions may lead to changes or substitutions in pesticide use. Member Hunter engaged with staff about the process for these TMDLs to be integrated into the Agricultural Order as well as timelines. Chair Gray asked how the Agricultural Order will implement the TMDL. Chair Gray, Vice Chair Wolff, and Member Hunter inquired about the monitoring requirements contained in the City of Salinas stormwater permit. The questions were answered by Larry Harlan, Mary Hamilton, Environmental Program Manager; Leah Lemoine, Senior Water Resources Control Engineer, Stormwater Program; Sophie Froelich, Office of Chief Counsel.

Public Comments:

- Heidi Niggemeyer, Stormwater Program Manager for the city of Salinas, stated that the city should not be assigned waste load allocations for these pesticides based on existing data. Heidi Niggemeyer also proposed changes to the Basin Plan amendment language contained in the Supplemental Sheet.
- Chelsea Tu, Executive Director of the Monterey Waterkeeper, commented that the TMDL project should be revised to include interim numeric milestones to gage progress before the 2032 compliance date. Chelsea Tu acknowledged that the Agricultural Order requires establishment of these milestones in the development of Surface Water Follow-up Implementation Plans and that there should be an opportunity for the public to review the Surface Water Follow-up Implementation Plans required by the Agricultural Order.

1st Motion

Motion: Vice Chair Wolff moved to adopt Resolution No. R3-2024-0002 with minor changes as suggested by the City of Salinas.

Second: Member Rodriguez

2nd Motion

Motion: Chair Gray moved to adopt Resolution No. R3-2024-0002 with minor changes as recommended in the Supplemental Sheet.

Second: Member Harlan

Sophie Froelich, Legal Counsel to the Board, advised that the second motion be voted on first. Board members voted on the second motion as follows:

Aye: Chair Gray, Member Hunter, Member Harlan,

Nay: Vice Chair Wolf, Member Rodriguez
Abstain: None
Motion Carried: 3 to 2

16. Consideration of a Proposed Resolution Adopting Proposed Amendments to the Water Quality Control Plan for the Central Coastal Basin to Incorporate Applicable Provisions of Statewide Plans and Policies [Jamie Pratt, Environmental Scientist, 805/594-3761, Jamie.Pratt@waterboards.ca.gov and Daniel Ellis, TMDL Program Manager, 805/549-3889, Daniel.Ellis@waterboards.ca.gov]

Central Coast Water Board staff, Jamie Pratt, presented proposed amendments that would make non-regulatory changes to the Basin Plan to incorporate applicable provisions of statewide water quality control plans and policies, comply with current Web Content Accessibility Guidelines, and make editorial changes. These amendments improve the application and implementation of the Basin Plan and water quality standards in the region.

Board members engaged in a discussion with staff regarding outdated information in the Basin Plan, particularly in Chapter 1 tables. Staff responded that they plan to include non-regulatory changes with the next Basin Plan amendment and that this specific edit was proposed in the Preliminary List for the Triennial Review of the Basin Plan, which the Board would have the opportunity to prioritize soon. Chair Gray engaged in a discussion with staff regarding the Tribal outreach that has ensued and that is planned. Staff responded that the approach was and will continue to prioritize building relationships and trust with Tribal representatives in the region, and that this will be the overall focus of outreach and engagement moving forward, regardless of specific projects coming before the Board.

There was one public commentor: Sam Cohen, a representative of the Santa Ynez Band of Chumash Indians. The commentor was in support of this item, specifically the amendments to add the Tribal Beneficial Use definitions to the Basin Plan. Additional evidence included into the record that was not in the agenda package was a public comment received on June 20, 2024. On behalf of the Tribal Chair of the Amah Mutsun Tribal Band and President of the Board of Amah Mutsun Land Trust, Adam French submitted a comment email in support of the amendments to add the Tribal Beneficial Use definitions to the Basin Plan.

The Board unanimously voted to adopt the Resolution and Basin Plan amendments.

Motion: Board Member Rodriguez moved to adopt proposed Resolution R3-2024-0003

Second: Board Member Harlan

Aye: Chair Gray, Vice Chair Wolf, Member Hunter, Member Harlan, Member Rodriguez

Nay: None

Abstain: None
Motion Carried: 5 to 0

Chair Gray adjourned the meeting at 10:58 a.m.

Jane Gray, Chair

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