

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 6-7, 2012**  
Prepared August 6, 2012

**ITEM NUMBER: 15**

**SUBJECT: Executive Officer's Report to the Board**

**STAFF CONTACT: Kenneth A. Harris Jr. 805/549-3140 or [kharris@waterboards.ca.gov](mailto:kharris@waterboards.ca.gov)**

This item presents a brief discussion of issues that may interest the Board. Upon request, staff can provide more detailed information about any particular item.

**WATER QUALITY CERTIFICATIONS**

[Kim Sanders 805/542-4771]

The tables on the following pages list applications received and certifications issued from June 1, 2012 – July 5, 2012.

**401 Water Quality Certification Applications Received June 1, 2012 – July 5, 2012.**

Applicant	Date Received	Project Title	Project Purpose	Location	County	Receiving Water	Total Impact <sup>1</sup>	Status
Caltrans - Paul Holmes	6/1/2012	Laguna Guardrail	Install/update guardrails on a portion of Route 1 and repair damaged drainage facilities within project limits.	Davenport	Santa Cruz	Scott Creek and Pacific Ocean	0.018 acres	Under staff review
Department of Fish and Game- Jeffrey Shaw	6/4/2012	Whistlestop Levee Repair and Public Access Improvement Project	Replacing the existing culverts in the Whistlestop levee with a 20-ft long bridge and relocating an existing dock.	Whistlestop Lagoon	Monterey	Whistlestop Lagoon and Parsons Slough	0.324 acres	Under staff review
Castlerock Development - Jason Tyra	6/5/2012	Tract 1998 of the Rancho Grande Subdivision	Construct a single family residential development with 15 units, bioswales to collect runoff, and a bottomless culvert for the entrance road.	Arroyo Grande	San Luis Obispo	East fork of Meadow Creek	0.197 acres	Under staff review
Fort Hunter Liggett- Richard Ledford	6/13/2012	Schoonover Road LWC, ASP Bridge LWC	Enhancing existing water crossings by excavating, grading, compacting soil, and placing pre-cast concrete block mats.	Fort Hunter Liggett	Monterey	San Antonio River	0.083 acres	Under staff review
City of San Luis Obispo	6/15/2012	Storm Drain Repairs at Various Locations	Lining existing Corrugated Metal Pipe culverts with PVC in two locations to prevent damage before the current CMP's fail.	San Luis Obispo	San Luis Obispo	Old Garden Creek	191 linear feet	Under staff review
County of San Luis Obispo Dept. of Public Works - Dave Flynn, Deputy Director	6/19/2012	La Panza Road Widening Project	Widening La Panza Rd. with 4 ft. paved shoulders, replacing existing culverts, adding three culverts across La Panza, and flattening side slopes on both sides of the road.	Creston	San Luis Obispo	Drainage ditch	2.2 acres	Under staff review
County of San Luis Obispo Dept. of Public Works - Dave Flynn, Deputy Director	6/29/2012	Cambria Main Street Bridge Replacement Project	Dewater project area, construct new bridge parallel to the existing bridge and demolish existing bridge.	Cambria	San Luis Obispo	Santa Rosa Creek	0.283 acres	Under staff review

Applicant	Date Received	Project Title	Project Purpose	Location	County	Receiving Water	Total Impact <sup>1</sup>	Status
Central Coast Water Authority - Ron Cline	7/2/2012	Reach II Permanent Repairs Project	Replace two exposed segments of water delivery pipeline with new pipe that are buried deeper as a permanent protection measure.	Santa Barbara, Santa Ynez	Santa Barbara	Santa Ynez River, San Lucas Creek	0.18 acres	Under staff review
Joe L. Ruiz Sr./Jr.	7/3/2012	Ruiz Culvert Project	Install a culvert in an open drainage channel, approximately 370' long.	Guadalupe	Santa Barbara	Santa Maria River	0.86 acres	Under staff review
Caltrans -Tom Edell	7/5/2012	Culvert Replacements	Replace two culvert facilities along SR 192.	Santa Barbara	Santa Barbara	Sycamore Creek, Toro Creek	0.005 acres	Under staff review

<sup>[1]</sup> Total Impact includes both temporary and permanent impacts to riparian, streambed, and/or wetland environments within federal jurisdiction.

#### 401 Water Quality Certifications Issued June 1, 2012 – July 5, 2012.

Applicant	Date Certified	Project Title	Project Purpose	Location	County	Receiving Water	Total Impact <sup>1</sup>
County of Santa Barbara, Flood Control District - Seth Shank	6/5/2012	Santa Barbara County Annual Routine/Debris Basin Maintenance Plan	Maintain the capacity of key watercourses in the county, to preserve existing conveyance capacity, and to prevent accumulation of obstructing vegetation and sediments. Also, maintain the debris basins to retain the maximum amount of debris possible while allowing biological resources to exist at the basin sites.	Varies	Santa Barbara	Varies	Varies
County of Santa Cruz - Bruce Laclergue	6/26/2012	Pajaro River Bench Excavation Project	Excavate 322,000 cubic yards of sediment from select locations along 7.5 miles of uppermost levee benches and remove 35 mature riparian trees to improve flood capacity. Also, place 19 of the salvaged trees below the OHWM as mitigation habitat.	Watsonville	Santa Cruz	Pajaro River	0.0864 acres

<sup>[1]</sup> Total Impact includes both temporary and permanent impacts to riparian, streambed, and/or wetland environments within federal jurisdiction.

### **AGRICULTURAL REGULATORY PROGRAM - IMPLEMENTATION UPDATE**

Water Board staff has completed many tasks to advance implementation of Agricultural Order No. R3-2012-0011, including evaluation of new enrollments and tier review requests. In addition, staff recommended and the Assistant Executive Officer (for the Interim Acting Executive Officer) approved modifications to requirements in the Monitoring and Reporting Program (MRP) to provide additional time, flexibility, and cost savings for growers to comply with the Agricultural Order. The MRP modifications relate to groundwater and photo monitoring and reporting and are described in more detail below. Staff has also initiated formation of the Technical Advisory Committee to review and recommend third-party, cooperative water quality improvement and monitoring projects.

#### **Enrollment**

Growers continue to enroll in the Agricultural Order using the electronic-Notice of Intent (eNOI) in the Water Board's GeoTracker data management system. Table 1 below includes enrollment statistics for the Agricultural Order as of July 2012. Current enrollment includes approximately 396,283 acres, which reflects new enrollments, acreage updates, and terminations, resulting in

a net increase of approximately 295 acres since May 2012. Enrollment continues to increase as more growers learn about the Agricultural Order and eNOI.

**Table 1. Agricultural Order Enrollment Statistics**

Central Coast Region Irrigated Agriculture Total Estimated Acreage	<b>435,000 acres</b>	
Agricultural Order Total Enrolled Acreage	<b>396,283 acres (91% of estimated total)</b>	
	(378,283 acres) Represented in eNOI	(18,000 acres) Enrolled pre-2010, 195 Growers have not submitted eNOI <sup>1</sup> .
Total eNOI Submittals	1728 eNOI Submittals or 3868 farms/ranches	

<sup>1</sup> The number of growers and acreage enrolled pre-2010 but not represented in eNOI is currently under review.

**Farm Tier Identification and Tier Review Requests**

Staff continues to evaluate tiering for farms newly enrolled in the Agricultural Order. In addition, the Water Board received approximately 94 requests from previously enrolled growers to review and confirm the appropriate tier for their farm. A majority of the tier review requests were based on the grower submitting updated information to the electronic-Notice of Intent (eNOI) to correct old or inaccurate information. Staff is also evaluating these requested tier reviews and plans to complete and notify growers by October or November 2012. Since most of the requests are based on acreage changes that would result in changes from Tier 3 to Tier 2, the timing to complete all the reviews will not affect any grower's ability to implement required conditions of the Order for this calendar year. The first year's conditions are the same for growers in Tier 2 and Tier 3.

**Electronic-Notice of Intent (eNOI) and Annual Compliance Form**

As discussed in the July 2012 Executive Officer Report, staff has prioritized efforts to finalize content for the Annual Compliance Form and include annual compliance reporting functionality associated with the eNOI in GeoTracker, so that growers can electronically submit the Annual Compliance Form in October 2012. The content for the Annual Compliance Form is consistent with the information identified in Part 3 of the Tier 2 and Tier 3 Monitoring and Reporting Program (MRP). In addition, staff considered the information included in the updated Farm Water Quality Management Plan (Farm Plan) template developed by the Central Coast Agricultural Water Quality Coalition so that growers using the template could provide similar information to the Annual Compliance Form. Staff also considered comments and recommendations from a group of technical assistance providers to inform the Annual

Compliance Form. Staff plans to beta-test the Annual Compliance Form with a group of growers in early August, and make the final Annual Compliance Form available to all growers by September 2012. In addition, staff is planning several workshops to assist growers with submitting the Annual Compliance Form, as described in more detail below.

### **Groundwater Monitoring and Reporting**

In response to a request from agricultural representatives, the Executive Officer approved an extension of the date to elect cooperative groundwater monitoring until August 1, 2012. As of August 1, 2012, growers have elected cooperative groundwater monitoring for approximately 1353 farms. These growers have until March 15, 2013 to submit a cooperative groundwater monitoring proposal for review and approval by the Executive Officer. Leading up to the August 1, 2012 deadline, staff responded to hundreds of phone calls from growers to confirm requirements and instructions on how to elect cooperative groundwater monitoring in the eNOI.

In addition, in August 2012, the Assistant Executive Officer (for the Interim Acting Executive Officer) approved modifications to groundwater monitoring and reporting requirements in the Monitoring and Reporting Program No. R3-2012-0011. Growers now have additional time to sample groundwater wells. The first round of sampling must be conducted from September – December 2012. The second round of sampling must be conducted from March – April 2013. The modifications also removed requirements for growers to measure depth to groundwater during groundwater monitoring. In addition, the modifications to the MRP clarified that growers do not need to submit a separate groundwater report in October 2013, if they report groundwater information in the eNOI and upload groundwater monitoring data to GeoTracker. These modifications affect all growers enrolled in the Agricultural Order (Tier 1, Tier 2, and Tier 3) and provide additional time, flexibility, and cost savings for growers to comply with the Agricultural Order.

The revised Monitoring and Reporting program has been updated on the Water Board's website.

Staff is also working to ensure that growers can successfully conduct groundwater sampling and upload the required groundwater monitoring information to GeoTracker. In July 2012, staff held a workshop specifically for laboratories and technical assistance providers to present information on the groundwater monitoring requirements and how to format and upload analytical data to GeoTracker.

Staff is also continuing efforts to establish a grant project that will provide funds for free groundwater sampling and laboratory analytical services for growers, focusing on small and/or economically disadvantaged growers who qualify as "Limited Resource Farmers/Ranchers or Socially Disadvantaged Operators" as defined by the U.S Department of Agriculture.

### **Photo Monitoring and Reporting**

In July 2012, the Executive Officer approved photo monitoring protocols for Tier 2 and Tier 3 growers with farms that contain or are adjacent to a water body impaired for temperature, turbidity, or sediment. The photo monitoring protocols are available on the Water Board's website.

In August 2012, the Assistant Executive Officer (for the Interim Acting Executive Officer) approved modifications to photo monitoring and reporting requirements in the MRP, and in the protocols document previously approved by the Executive Officer in July 2012. This modification only affects Tier 2 and Tier 3 growers who have a farm or ranch that contains or is

adjacent to a creek impaired for sediment, turbidity, or temperature. Rather than submit photo monitoring with the Annual Compliance Form, this modification requires growers to maintain digital photos and photo documentation in the Farm Plan and submit upon request. Similar to the modifications related to groundwater monitoring and reporting, this modification provides additional flexibility and cost savings for growers to comply with the Agricultural Order. These modifications are also updated in the revised Monitoring and Reporting Program and the Photo Monitoring Protocols on the Water Board's website.

### **Compliance Assistance and Grower Workshops**

As discussed in the July 2012 Executive Officer Report, staff continues to provide compliance assistance to growers regarding upcoming requirements. Staff plans to hold several workshops throughout the region in September and October to inform Tier 2 and Tier 3 growers of the Annual Compliance Form, including a specific workshop dedicated to technical assistance providers and agricultural industry groups, so that they can provide similar assistance to growers. In addition, staff is also coordinating with local colleges to provide growers with the use of computer facilities and assistance in completing the Annual Compliance Form. Similar to the eNOI, staff also intends to provide compliance assistance in-person and via phone to help growers submit the Annual Compliance Form.

### **Technical Advisory Committee**

Staff has initiated formation of the Technical Advisory Committee to review and recommend third-party, cooperative water quality improvement and monitoring projects to the Executive Officer for approval, as required by the Agricultural Order. As specified in the Agricultural Order, the committee is to be comprised of two academics or researchers with expertise in agricultural practices and/or water quality, one farm advisor, one grower representative, one environmental representative, one environmental justice or environmental health representative and one Water Board staff person. Staff has spoken with some key stakeholders, and continues to contact additional stakeholders, to inform them that the Water Board is forming the committee, to discuss the roles and responsibilities of the committee, and to solicit nominations for participants in the categories identified above and required by the Agricultural Order. Staff is also pursuing the use of a third-party, neutral person to provide consulting and facilitation assistance to establish the committee. Staff anticipates distributing an invitation to submit nominations for committee participation in September 2012.

### **Next Steps**

In summary, the highest priority for staff's implementation of the Agricultural Order is to finalize the Annual Compliance Form and work to ensure that growers can successfully upload the required groundwater monitoring information in GeoTracker. Staff intends to provide compliance assistance through workshops, in-person and via phone in advance of and in October when these requirements are due.

### **State Water Board Stay Request Hearing on August 30, 2012**

Staff's other high priority task is to prepare for the State Water Board's August 30, 2012 Stay Request hearing regarding the Ag Order. Staff's testimony is due August 27, 2012. The State Water Board is holding a hearing to consider a narrow range of issues related to the Ag Order and the Stay Request. The Public Notice for this hearing has been sent to the Regional Board members separately.

Additional information about the Agricultural Regulatory Program, including a copy of the Agricultural Order and associated Monitoring and Reporting Program, is available at: [http://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/ag\\_waivers/index.shtml](http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/index.shtml)

### **STATE WATER BOARD LOW-THREAT CLOSURE POLICY FOR UNDERGROUND STORAGE TANK CASES**

On May 1, 2012 the State Water Board adopted a state-wide low threat closure policy ([Policy](#)). The Policy establishes criteria for closure of Underground Storage Tank (UST) cases that present a low threat to human health, safety, and the environment and is intended to provide state-wide consistency that will facilitate the appropriate closure of UST cases and improve both the UST Cleanup Program and use of the Cleanup Fund.

The Policy establishes low-risk closure criteria that include concentration maximums (specific to benzene and methyl *tertiary*-butyl ether [MTBE]) and dissolved plume distance maximums, based on differing distance scenarios to groundwater supply wells or surface water bodies (receptors). The maximum concentration numbers and maximum lengths for dissolved phase plumes are based on the state-wide history with thousands of UST cases. Both the concentration maximums and the maximum dissolved plume lengths in the Policy are larger than what has historically been considered for low-risk closure in our Region. Central Coast Water Board groundwater staff submitted comments to the State Board UST staff regarding the Policy.

The newly adopted State Board policy contains both general and media specific criteria for establishing whether a case should be considered low-threat. The [Resolution](#) which enacted the Policy also requires Water Board staff to review all their open UST cases within one year. If the case meets the policy criteria, Water Board staff will issue a 60-day public notice regarding closure. After all public comments have been resolved, the Water Board's Executive Officer must then issue case closure letter within 30 days. This process is different than our historical practice of recommending closures at Regional Board meetings (such as Item 10 on this agenda). In the future, these closures will be approved by the Executive Officer per the State Board Policy. Regional Water Board staff will present a table of case closures to the Regional Board every six months for information purposes.

### **ADMINISTRATIVE REPORTS**

#### **Budget Update**

Our budget and staffing situation are very challenging, so it is vital that staff keep the Water Board informed so that we are on the same page about work expectations, priorities, and what we can and cannot do. As staff noted in July, we are dealing with several major reductions, including:

1. Our staff numbers have decreased from about 79 to less than 59 over the past several years, and they continue to decline. However, the total potential workload has increased.
2. As of July 1, the Governor approved another overall 5% reduction in staff time via furloughs.
3. Many of our staff are at retirement age, and are decreasing their time bases (working part time), or retiring outright, and we cannot hire to replace them.

4. Our Admin unit, which provides support services to the Board and all staff, is severely understaffed, and we have been unable to hire to resolve the problem.
5. We have relied heavily on student employees to help fill the gaps, especially for admin duties; however, as of the end of August, we are losing all 15 of our students per the Governor's directive to cancel the Water Board's student contract.
6. We cannot simply assign admin type duties to technical staff due to job classifications as described in union contracts.

One of our most serious challenges is that our admin unit had already been reduced to a fraction of its necessary size prior to the Governor's most recent decision to enact another 5% cut through furloughs. We have been using students to do a long list of admin type duties, like data entry, answering general public phone calls, and mailing documents, preparing Board meeting agenda items, etc., while technical staff continued to focus on their highest priority cases. Losing all our students is a major loss of flexible resources.

All this means that our prioritization process is more critical than ever, and we have to realize that we cannot continue to function as if we still have the resources we had just a couple years ago, or even a few months ago. Staff will continuously prioritize and make difficult choices about what we can and cannot do, and we will keep the Board informed so that we are on the same page and the Board knows what to expect from staff. The Board can help a great deal by supporting staff in focusing our efforts on the highest priority water quality issues. This can be very challenging because the public has many expectations of the Water Board organization, and every issue is the most important issue to someone. This is also difficult for Board members and staff because we are dedicated to the Board's mission and we want to deal with all the important issues we face. Today, whenever we decide whether to take on an issue or a task, we have to ask ourselves: "What will we not do in order to accomplish this new task"? Going forward, we will have difficult choices. If we do not make these difficult choices, we will take on much more than we can accomplish, and the result will be poor work on many things, rather than good work on fewer, high priority things.