

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

**STAFF REPORT FOR REGULAR MEETING OF JANUARY 28, 2016**  
Prepared on January 8, 2016

**ITEM NUMBER: 13**

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

**STAFF CONTACT: Lisa Horowitz McCann**  
**805/549-3140, [Lisa.McCann@waterboards.ca.gov](mailto:Lisa.McCann@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**

[Phil Hammer 805/549-3882]

The tables on the following pages list applications received and certifications issued from September 29, 2015—December 10, 2015.

**401 Water Quality Certification Applications Received September 29, 2015—December 10, 2015**

Applicant	Date Received	Project Title	Project Purpose	Location	County	Receiving Water	Proposed Total Impact <sup>1</sup>	Status
Montage Development, Inc.- Chuck Francoeur	9/28/2015	Avivo Townhomes Bridge	To construct a bridge over the realigned Escorp Drainage, as proposed in a previous 401 Certification, but never built.	San Luis Obispo	San Luis Obispo	Escorp Drainage	0.24 acres / 75 linear feet	Under Staff Review
Director of Public Works Fort Hunter Liggett-Gregory Vallery	10/2/2015	Mission Road Improvement Project	To improve roadway conditions and to improve driver safety to comply with Federal and State Regulations.	Fort Hunter Liggett	Monterey	Tributary to the San Antonio River	0.19 acres / 260 linear feet	Denied without Prejudice
Monterey County Public Works Dept.- Douglas Poochigian	10/5/2015	Nacimiento Lake Drive at San Antonio River Bridge Replacement	To provide a reliable and safe crossing of the San Antonio River because the existing bridge does not meet current structural design or seismic safety standards.	Unincorporated	Monterey	San Antonio River	0.47 acres / 120 linear feet	Under Staff Review
PB Companies, LLC- John Belsher	10/8/2015	Templeton Care Facility Project	To develop approximately 7.93 acres of land for medical related commercial facilities.	Templeton	San Luis Obispo	Drainage which is tributary to Toad Creek and Salinas River	0.131 acres / 480 linear feet	Denied without Prejudice
Santa Barbara County Flood Control District- Seth Shank	11/10/2015	Unit 2 Capital Improvement Project	To increase water conveyance.	Santa Maria	Santa Barbara	Unit 2 Channel	4.31 acres / 6200 linear feet	Under Staff Review
Caltrans District 5- Larry Bonner	11/19/2015	North Paso Robles Highway 101 Rehabilitation Project	To provide safety and operational improvements and to prevent further deterioration along State Route 101.	San Miguel	San Luis Obispo/ Monterey	San Marcos Creek and two unnamed tributaries to the Salinas River	0.272 acres / 574 linear feet	Under Staff Review

Applicant	Date Received	Project Title	Project Purpose	Location	County	Receiving Water	Proposed Total Impact <sup>1</sup>	Status
Devin Gallagher	11/24/2015	279 Bridge Street Manufacturing Development Project	To develop a manufacturing zoned property with three shell buildings, totaling approximately 24,000 square feet.	San Luis Obispo	San Luis Obispo	Meadow Creek, tributary to San Luis Obispo Creek	0.059 acres / 64 linear feet	Under Staff Review
Sakakihara Farms- Rich Uto	11/24/2015	Bay Farms Road Restoration	To restore habitats disturbed by unpermitted activities including: disking, vegetation removal, placement of two culverts and fill materials in a creek for a road crossing, and slash/debris piling.	Royal Oaks	Monterey	Elkhorn Slough	0.437 acres / 75 linear feet	Under Staff Review
Ambient Communities- Travis Fuentez	12/4/2015	Orcutt Area Specific Plan: Righetti Ranch, Jones, and Imel Properties	To provide infrastructure improvements (such as utility crossings, culverts, and road/construction improvements) to support the residential developments proposed as part of a larger project.	San Luis Obispo	San Luis Obispo	Hansen Creek, Tanglewood Creek, Barranca Creek, and unnamed tributaries	0.77 acres / 1902 linear feet	Under Staff Review

<sup>1</sup> Total Impact includes both temporary and permanent impacts to waters.

**401 Water Quality Certifications Issued September 29, 2015—December 10, 2015**

Applicant	Date Certified	Project Title	Project Purpose	Location	County	Receiving Water	Includes LID Retention Feature <sup>2</sup>	Total Impact <sup>1</sup>
Caltrans - Larry Bonner	10/1/2015	Route 46 Corridor Improvement Phase 4 Whitley 2B	To minimize fatal accidents, improve safety, and reduce existing and future peak-hour congestion on State Route 46.	Unincorporated San Luis Obispo County	San Luis Obispo	Hopper Canyon Creek (317.00), Cholame Creek	Y	1.973 acres
California State Lands Commission- Eric Gillies	10/5/2015	Summerland Becker Well Investigation and Assessment	To conduct an investigation regarding the Summerland Field Becker Onshore Well to determine the best method to cap or remediate the well at a future date.	Summerland	Santa Barbara	Pacific Ocean	N/A	0.01 acres / 50 linear feet
City of Watsonville Department of Public Works- Steve Palmisano	10/13/2015	Corralitos Creek Diversion Bank Repair Project	To repair the undermined slope as a result of the previous replacement of a fish ladder for steelhead six years ago.	Corralitos	Santa Cruz	Corralitos Creek	N/A	0.018 acres / 40 linear feet
Caltrans District 5- Larry Bonner	11/4/2015	Linden Avenue and Casitas Pass Road Interchanges Project	To reduce traffic congestion and improve circulation along Route 101 and adjacent local streets.	Carpinteria	Santa Barbara	Carpinteria Creek and a drainage ditch leading to Franklin Creek	Y	1.903 acres
Santa Cruz Port District- Marian Olin	11/10/2015	Santa Cruz Harbor East Access Road Sinkhole Repair	To repair a public safety hazard by filling an existing void, preventing further erosion of the embankment area and damage to the adjacent roadway and utilities.	Santa Cruz	Santa Cruz	Santa Cruz Harbor, Monterey Bay	N/A	0.0091 acres / 41 linear feet

<sup>1</sup> Total Impact includes both temporary and permanent impacts to waters.

<sup>2</sup> Low Impact Development (LID) Retention Features are storm water management structures designed to retain storm water on-site, such as bioretention cells, infiltration trenches, etc.

### **The Central Coast LID Initiative Annual Report Available**

The Central Coast Water Board established the Central Coast LID Initiative in 2008 to support the implementation of LID. The Central Coast LID Initiative provides technical assistance to Central Coast LID stakeholders with a focus on supporting implementation of LID by municipalities. Central Coast LID Initiative Annual Work Plans (for years 2008 to 2015) have identified and pursued three priority assistance categories: Local Regulations, Project Design, and Outreach and Education.

Staff from the Central Coast LID Initiative works with LID and storm water management experts from throughout the West Coast to leverage knowledge and benefit the Central Coast Region. Since 2008, the Central Coast LID Initiative has helped acquire over \$4 million dollars in funding for cities in the region to build LID projects. The Central Coast LID Initiative's 2014-2015 Annual Report describes work completed this past year to promote LID's primary operating principle, namely, managing the landscape to mimic the natural hydrologic cycle to provide economic, social and environmental benefits including those for water quality and water supply. The Annual Report can be viewed at:

[http://www.centralcoastlidi.org/uploads/2013-2014%20Annual%20Report\\_final0.pdf](http://www.centralcoastlidi.org/uploads/2013-2014%20Annual%20Report_final0.pdf)

### **Drought and Climate Change Update/Los Osos Basin Management Issues**

In lieu of the routine individual Board Meeting Agenda Item, Drought Activities Update, the following is a brief status of drought and climate change related activities in the Central Coast Region and the state, and specifically including information about the Los Osos Basin Management Plan.

#### ***State-wide Activities***

The State Water Resources Control Board and the Department of Water Resources held a series of informational meetings in October and November 2015 which included presentations on the Sustainable Groundwater Management Act (SGMA) and the State's role, financial assistance resources, and an update on recent drought activities. The meetings also included a discussion of SGMA activity in local basins. Meeting presentations and handouts are available at:

[http://www.waterboards.ca.gov/water\\_issues/programs/gmp/local\\_assistance.shtml#meetings](http://www.waterboards.ca.gov/water_issues/programs/gmp/local_assistance.shtml#meetings)

The State Water Resources Control Board (State Water Board) staff has relaxed some water rights curtailment due to improved rainfall and forecasts. The State Water Board determined in December that sufficient water is now available to support diversions by all junior priority class rights in the Scott River watershed in the North Coast Region. Water Rights Division staff's determination of water availability is based on precipitation and flow estimates forecasted by the National Oceanic and Atmospheric Administration's (NOAA) California Nevada River Forecast Center.

On November 13, 2015, Governor Brown issued Executive Order B-36-15 (EO B-36-15) calling for an extension of urban water use restrictions until October 31, 2016, should drought conditions persist through January 2016. Between August and November 2015 State Water Board staff convened a small group of individuals representing a variety of water interests to further explore potential modification of the Emergency Regulation. The State Water Board also held a public workshop on December 7, 2015, to solicit input on elements of the existing Emergency Regulation, if any, that should be modified. Additional public comments were due by January 6, 2016. The stakeholder process and workshop led to development of several proposals for modification of the Emergency Regulation, including recommendations to reduce urban water use suppliers targets to account for items such as water efficient growth since 2013, use of drought resilient water supplies (such as recycled wastewater), and local climate conditions (e.g., where evapotranspiration is higher).

### **Central Coast Water Board Activities**

Central Coast Water Board staff (Water Board staff) continues to track progress on plans and approvals for the Pure Water Monterey recycled water project. This project will replenish the Seaside groundwater basin from new sources of wastewater, including local municipal and industrial wastewater and storm-water runoff. Water Board staff also has met and will meet again with representatives from the Monterey County Water Resources Agency and the Monterey Regional Water Pollution Control Agency to provide permitting guidance and assistance.

Water Board staff is facilitating pro-active submittal of plans and applications for Water Quality Certifications and Waste Discharge Requirements, and processing them expeditiously, to accommodate weather-related activities while minimizing negative impacts to water quality or beneficial uses. Additionally, Water Board staff has been coordinating with public agencies and property owners who manage storm water and flood protection infrastructure and services to facilitate storm preparedness to prevent negative impacts from flooding and erosion.

The Los Osos Basin Management Committee recently initiated meetings and implementation of the Basin Management Plan to resolve seawater intrusion and achieve sustainable groundwater management for the Los Osos Basin. At the last regularly scheduled Central Coast Water Board meeting, on Thursday, November 19, 2015, stakeholders requested that the Central Coast Water Board respond to "Points to Address" submitted at the meeting. The "Points to Address" and Water Board staff responses are as follows:

#### **1. Point:**

"The Stipulated Judgment states that the parties will still have to comply with state and federal laws for the protection of **water quality**. Therefore, you may still have the ability to implement a water quality objective and control plan for **chlorides**. An enforceable, time-specific objective for reducing **chlorides** in the Basin is a bottom line for sustainable management of the Basin."

#### **Response:**

An effort to develop a water quality objective for chloride would require significant resources (a full-time staff person plus administrative and legal review and public process for one to two years). The project would require significant research to establish a scientific basis for establishing a chloride objective. The associated implementation plan to achieve a specific objective would likely be a long-term plan to sustainably manage the basin, which the Interlocutory Stipulated Judgment parties have already completed. This duplicative effort is not justifiable at this time.

#### **2. Point:**

"Implement or modify the **Salt and Nutrient Management Plan, Recycled Water Master Plan, and septic system management plan** so they **require** conservation, recycled water use, and **metering and monitoring**. All of these improve **water quality**."

#### **Response:**

The County of San Luis Obispo is required to be working on a salt and nutrient management plan consistent with the state's recycled water policy by the Central Coast Water Board's permit to operate the wastewater treatment facility. Provision 6 of the permit states: "The Discharger shall participate in a basin-wide stakeholder group and participate in the development of the salt and nutrient management plan as required by the Recycled Water Policy."

The recycled water policy anticipates that stakeholder groups will complete salt and nutrient management plans by 2014 to facilitate basin-wide management of salts and nutrients from all sources in a manner that optimizes recycled water use while ensuring protection of groundwater supply and beneficial uses, agricultural beneficial uses, and human health. Water Board staff provides guidance during the stakeholder-led development of these plans.

The Water Board has no authority or jurisdiction to require revisions to the Los Osos Community Services District 2002 Recycled Water Master Plan to require conservation, recycled water use, and metering and monitoring.

The County is currently developing a local agency management program (LAMP) for management of onsite wastewater disposal county wide. A LAMP is not required, but without a LAMP the County would have to comply with stringent design and siting criteria. If the County develops a LAMP, it must be consistent with the state onsite systems policy. The policy does not require conservation or recycled water use but does require groundwater monitoring.

A salt and nutrient management plan, recycled water master plan, and septic system management plan are all developed and implemented by local agencies. The only way the state can require conservation, recycled water use, and metering and monitoring would be through an adjudication process.

**3. Point:**

"Require a **Storm Water Management Plan** that captures and infiltrates the runoff now flowing to the estuary (as shown in the photo presented) and Los Osos Creek. The Basin Plan rejects storm water recharge as a supplemental water source, but low cost, low impact development (LID) (which your Board recognizes as the Best Management Practice) could infiltrate a substantial amount of water (possibly 200 AFY) that now pollutes the estuary and creek." [Note added: No photo was submitted to the Central Coast Water Board with the "Points to Address" document]

**Response:**

Los Osos CSD provided the Central Coast Water Board with estimates of runoff volumes pumped to the Bay and to Los Osos Creek. Consistent with estimates reported in the Los Osos Basin Plan, the data indicate less than 25 AF were discharged annually from the community's three pump stations for the years 2009 - 2014. Up to 90% of total annual discharge to the Bay was from the 8th & El Morro pump station. Runoff pumped from 16th & Paso Robles pump station infiltrates before reaching Los Osos Creek, according to long-term observations by Los Osos CSD staff. While the figures reported are estimates based on pumping rates, they are an order of magnitude lower than the 200 AFY figure included in the stakeholder comment.

The Los Osos Basin Plan does not recommend implementation of storm water capture at this time because of the relatively small quantity of water expected to be generated. The Basin Plan indicates storm-water capture may be pursued in the future once other Basin Plan programs have been completed. The Basin Plan reasonably concludes that LID-type roadside facilities such as bioretention, percolation trenches, and new terminal percolation basins may not be viable in many low-lying areas of the community until the Los Osos Waste Water Plant (LOWWP) is implemented, increasing the separation between the ground surface and groundwater elevations.

The urban footprint of Los Osos is predominantly on highly infiltrative sands, and most rainfall runoff from impervious surfaces infiltrates in undeveloped areas naturally, or with the

aid of infrastructure such as the many County-constructed percolation basins throughout the community. The relatively small quantities of runoff pumped to the Bay are evidence of this. However, as new and redevelopment occurs in the future, additional impervious surface can be expected to increase runoff volumes. Current County regulations require runoff retention for any new or replaced impervious surface over 15,000 square feet, and most smaller developments would also be expected to infiltrate runoff as an LID water quality treatment strategy. These regulations are pursuant to Central Coast Water Board Resolution R3-20013-0032 and the State Water Board NPDES Phase II Municipal Storm Water General Permit.

Also per the State Water Board's General Permit, San Luis Obispo County is currently engaged in an effort to improve the effectiveness of its Storm Water Management Program. As part of this effort, the County will delineate small, roughly 100-acre, catchments that drain to specific outfalls, and estimate runoff quantities and pollutant loading discharged. One intended outcome of this catchment-scale work is to identify areas with greatest potential for alternative storm-water management strategies, including infiltrative strategies like those the County is already pursuing more opportunistically. For example, San Luis Obispo County constructed such facilities in several upland locations during the LOWWP collection system construction. While these facilities are expected to have limited effect on the amount of water discharged to surface receiving waters, they contribute to reduced nuisance flooding in some neighborhoods (e.g., 15th Street).

The catchment delineation and prioritization work being undertaken by the County is likely to provide a basis for evaluating more strategic approaches that may be pursued in low-lying areas such as the catchment draining to the 8th & El Morro pump station. Central Coast Water Board staff believes the County's efforts conform to General Permit requirements, complement its existing Storm Water Management Program, and negate the need for an additional plan as suggested by the stakeholder comment.

**4. Point:**

"Request the parties to make improvements in the Basin Plan Agreement."

**Response:**

Central Coast Water Board and State Water Board staff will continue to review and track the process and implementation progress of the Basin Management Plan. Staff will recommend improvements if progress towards sustainable groundwater management is inadequate or is determined to be unachievable.

**5. Point:**

"Request the State Board to seek legislation to place the Basin on probationary status and intervene in the near future to ensure the Basin Plan is improved."

**Response:**

It would be inappropriate for Central Coast Water Board or State Board members to lobby for legislation to preemptively place the Los Osos groundwater basin in probationary status.

The requests would circumvent the process established by the Sustainable Groundwater Management Act (SGMA). The legislature and the Governor have expressed a strong desire for groundwater to be managed at the local level. Local stakeholders have recognized the groundwater issues faced in the basin by adjudicating groundwater use in a portion of the basin. The non-adjudicated part of the basin must still comply with SGMA, and a groundwater sustainability agency must be formed by 2017. Furthermore, the timeline to sustainably manage that portion of the basin must conform with SGMA's deadlines, and will

require a sustainability plan no later than 2020. If that plan is judged to be inadequate by the Department of Water Resources, then the State Water Board can directly intervene.

Additionally, there is a formal process laid out by the Governor's office for consideration of legislative proposals by state agencies, including the State Water Board and Central Coast Water Board. Beginning in July of each year, the Office of Legislative Affairs will solicit legislative concepts from members and staff of the State and Regional Boards. Viable legislative concepts are developed into legislative proposals and submitted to CalEPA and the Governor's office for approval. The Central Coast Water Board would need to follow this process if it is interested in pursuing this idea, beginning with submittal of a legislative concept in July 2016 upon the Office of Legislative Affairs' solicitation.

The most prudent course of action at this time would be to allow local groundwater management efforts to proceed, provide technical input where appropriate, and to request regular updates on the outcomes of groundwater management efforts to continue to monitor progress.

**6. Point:**

"Schedule a follow up meeting to take these actions."

**Response:**

The Central Coast Water Board will continue to review basin management through periodic staff reports.

The San Luis Obispo Local Agency Formation Commission (LAFCO) approved formation of the Paso Robles Basin Water District at its meeting in September 2015. The official formation of the district will be presented for a vote in Paso Robles soon based on the conditions of approval from LAFCO. Additional information can be found here:

[http://www.slolafco.com/PR\\_Water\\_Basin.htm](http://www.slolafco.com/PR_Water_Basin.htm).

Weather reports indicate that El Nino storms will continue to bring rain and potential floods to the Central Coast. Areas where there are wildfire burn scars and steep slopes are particularly susceptible to flooding and mudslides. Several media outlets reported on high waves, mudslides and sand washing away from beaches or blocking harbors and lagoons in the Central Coast due to storms in December 2015 and January 2016. Storms are predicted to calm down this week. However, there are some chances for scattered rain showers at the end of the week on the Central Coast and then more wet and unsettled weather is forecast through the following week. No big storms are expected at this point until later in the month. Water Board staff continues to anticipate problematic areas and facilities so they can ensure proper protection of life and property while protecting water quality and beneficial uses as much as possible.

**Status of Buckley Road, San Luis Obispo, Trichloroethylene in Wells**

[placeholder for information to be provided later]

**Attachments**

1. Table 3 - Groundwater Section, Case Closure Performance Scoreboard
2. Table 4 - Groundwater Case Closures
3. Table 5 – Enrollments in General Orders/Waivers