



California Regional Water Resources Control Board

Central Coast Region



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Arnold Schwarzenegger
Governor

MINUTES REGULAR MEETING Thursday, September 2, 2010 Central Coast Regional Water Board

Chairman Young called the meeting of the Central Coast Water Board to order at 8:30 a.m. on Thursday, September 2, 2010, at the Central Coast Water Board Watershed Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California.

1. Roll Call.....Administrative Assistant Carol Hewitt

Board Members Present:
Chairman Jeffrey Young
Vice Chair, Russell Jeffries
David Hodgkin
Monica Hunter
Gary Shallcross

Absent:
John Hayashi

2. Introductions Executive Officer Roger Briggs

Executive Officer Briggs introduced staff and announced that our State Board Liaison would not be able to attend the meeting. He asked parties who wished to speak to complete testimony cards and turn them in. Supplemental sheets that were prepared after the agenda was sent out are as follows: Items 18 and 20.

3. Elkhorn Slough Partnership Recognition Information

Executive Officer Briggs introduced Nancy Siepel of CalTrans. Nancy presented the Regional Board with a plaque for the Exemplary Ecosystem Initiative Award for 2009 from the Federal Highway Administration. CalTrans has been the lead in putting together a group of eleven agencies that participated in promoting early mitigation for Elkhorn Slough watershed for transportation projects within a certain geographic boundary. Ms. Siepel also presented a certificate to Dominic Roques for his role as our primary staff contact person.

4. Approval of July 7, 2010 and July 8, 2010 Minutes Board Motion

MOTION: Russell Jeffries moved to approve the July 7 and July 8, 2010 minutes.
SECOND: Monica Hunter
CARRIED: Unanimously (5-0)

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

No report available

6. Uncontested Items CalendarBoard Motion

Uncontested items include Items 11, and 13 through 17. There were no questions on the items.

MOTION: Russell Jeffries moved to approve the uncontested items calendar.

SECOND: David Hodgkin

CARRIED: Unanimously (5-0)

7. Low Threat and General Discharge Cases Status Reports

The Board had no questions on this item.

8. Staff Closures Info/Discussion/Board Direction

Executive Officer Briggs noted that all of the sites have met the water quality objectives due to the excellent staff work and efforts by the dischargers to clean up the sites.

9. Recommended Case ClosuresBoard Approval

Executive Officer Briggs noted that the first two sites (USAF Santa Rosa Island and the Cowan Property) are recommended by staff for closure since they pose very little risk for future groundwater use. The third site (San Paso Truck Stop) was placed on the agenda pending the receipt of new information on the site. The information has not been received as yet. Mr. Briggs said staff will proceed with site closure for the first two cases unless the Board directs otherwise. The Board did not direct any other action.

10. Conoco-Phillips Pipeline, Nipomo Creek Status Report

Executive Officer Briggs pointed out that there are two items on the agenda in the same vicinity. One addresses cleanup of irrigation tape (Item #23) and the other addresses a historic pipeline spill (Item #10). Mr. Briggs said he approved a Corrective Action Plan for the spill. The Board had no questions.

12. Enforcement Report Status Report

Mr. Briggs introduced the report and asked the Board if there were any questions. Board member Jeffries asked the about the four 13267 letters listed in the report. Enforcement Coordinator Harvey Packard explained that staff sent letters to four farm owners and operators near the San Jerardo Cooperative requiring information about nitrate in groundwater and their nutrient application practices.

18. TMDL's for Fecal Coliform in the Lower Salinas River Watershed Resolution No. R3-2010-0017

This agenda item was a continuation of a hearing from the March 18, 2010 Water Board meeting.

Water Board staff member Pete Osmolovsky presented the recommendation for 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 and Water Board TMDL Program manager Chris Rose addressed Board questions about the proposed basin plan amendments. Board member Hunter said she was not present at the March 2010 Board meeting, but had reviewed the item, including the minutes from the previous hearing, and would like to participate. Dr. Hunter asked if the prohibition and requirements are in the basin plan. Mr. Osmolovsky and Mr. Rose responded that the wording for the prohibition is in the basin plan and that the lower Salinas River watershed would be added to it and the requirements for demonstrating compliance with the prohibitions are being developed.

Dr. Hunter asked how grazing lands fit into the source analysis. Mr. Osmolovsky responded that the source category "domestic animals" broadly applies to a range of domestic animal operations located outside municipal separate storm sewer system (MS4) jurisdictions, including livestock associated with grazing operations, as well as farm animals and domestic pets located on smaller parcels of rural properties.

Chairman Young asked how staff will address unpermitted grazing sources. Mr. Rose responded that there is currently no program to address this source and that staff is currently developing such a program.

Chairman Young asked staff how they would get owners/operators of domestic animal operations to implement the TMDL, specifically, what kind of documentation, formal permit, or "paper trail" would be developed or required from owners/operators of lands with domestic animals in order to demonstrate compliance with the domestic animal waste discharge prohibition. Mr. Rose stated that the non-point source policy allows group submittals, and that staff may leverage existing ranch plans. Mr. Osmolovsky reiterated that staff is still working on development of specific reporting requirements and timelines, and these reporting activities will be developed with the input of stakeholders. Mr. Osmolovsky noted that formal regulatory oversight of owners/operators of lands with domestic animals would not commence until the years 2012 to 2014, in accordance with the TMDL implementation plan, giving staff a significant time frame in which to solicit stakeholders for input in developing specific monitoring and reporting requirements. Executive Officer Briggs noted that the TMDL represents a framework which gets things going.

Chairman Young stated that management practices to limit livestock from water bodies are well known, but wondered how staff would identify dischargers. Mr. Rose replied that we don't have a program to identify dischargers in place, but that we will be developing one.

Board member Shallcross asked how a third-party entity comes into play with respect to representing livestock responsible parties during implementation of the TMDL. Mr. Rose responded a third-party entity is a go-between the Water Board and the regulated community, as described in the Non-Point Source Policy.

Board member Shallcross asked if the owners/operators of man-made waterways were responsible for discharges. Mr. Osmolovsky replied that water conveyance structures located inside MS4 jurisdictions are the responsibility of MS4-permitted entities. Mr. Osmolovsky stated that outside MS4 jurisdictions staff did not evaluate who owned specific man-made ditches or water-conveyance structures, but that the landowners discharging to the waterbodies are responsible parties.

Board member Jeffries mentioned that there are multiple sources of bacteria in the lower Salinas Watershed that get mixed up in the network of drainages, and the problem and solutions are complex. Mr. Rose agreed and suggested that although the sources and solutions are complex, that we know enough to move forward. Mr. Briggs added that there are monitoring sites that allow us to make some determinations about contributions from various bacteria sources.

Board member Jeffries stated that there were numerous tributaries and asked how staff would identify all the sources, especially small sources and homeless encampments. He also asked how it would all work together, and where is the road map for how to implement. Mr. Rose noted that non-point source

pollution identification and regulation is indeed a significant task and again added we know enough to move forward. Board member Jeffries noted that the Monterey County Water Resources Agency's rubber dam project on the lower Salinas River involves management of surface waters and he wondered if fecal indicator bacteria-impaired surface waters from the rubber dam project were delivered onto irrigated croplands. Mr. Rose indicated that it was highly unlikely that growers were applying surface waters from the lower Salinas River rubber dam project onto croplands due to the concerns associated with food safety.

Ms. Darlene Din, Agricultural Land Use Consultant, provided public comments for the item. Ms. Din stated the Water Board should recognize that grazing land is an environmental benefit; that ranchers are responsible land stewards. Ms. Din said that the Resource Conservation District (RCD) and the Natural Resources Conservation Service (NRCS) could be part of the implementation phase but she cautioned that the RCD and NRCS should not be viewed as an "arm" of the Water Board in terms of implementation activities because these aforementioned entities have an established relationship with ranchers. Ms. Din mentioned that the cost of compliance is a concern for ranchers. Ms. Din also stated that water from the Salinas River rubber dam gets treated before being used for irrigation of crops. Mr. Rose responded and said that staff is sensitive to the concerns Ms. Din raised, and will keep this issue in mind as we move forward in the implementation phase. Mr. Osmolovsky concluded by reiterating that staff recommends adoption, and that these basin plan amendments have the potential to address one of the central coast region's most bacteria impaired watersheds.

Mr. Young concluded by stating that the Water Board would be interested in how staff will be working to implement solutions for unregulated non-point sources.

MOTION: Gary Shallcross moved to adopt staff's recommendation for Resolution No. R3-2010-0017.
SECOND: Monica Hunter
CARRIED: Unanimously (5-0)

(Chairman Young announced a break at 10:07 a.m. The meeting reconvened at 10:23 a.m.)

19. Central Coast Ambient Monitoring Program (CCAMP) Status Report

Staff member Karen Worcester did a short presentation on the new Central Coast Ambient Monitoring Program website (www.ccamp.org). She demonstrated the various geographic, analytical, and mapping features of the website. Supporting map overlays include groundwater nitrate concentrations, population, agricultural pesticide applications, and location of TMDL watersheds. The prototype website also has information on land use cover and pounds of pesticides applied in the watershed above any monitoring site.

Steve Shimek of Monterey Coastkeeper complimented the website and the CCAMP program, but felt that more should be done to assess sedimentation as a water quality problem. Ms. Worcester responded that she agreed that CCAMP could have a more robust sediment assessment program, but added that CCAMP did collect some data that showed evidence of sediment problems (like total suspended solids, embeddedness, and other habitat related parameters). She commented that recent internal discussions about the potential expansion of the CCAMP program included adding more detailed habitat assessment work, and that CCAMP will consider additional program elements to address sediment as part of the program expansion planning process.

20. Public Forum.....Board Direction

The following individuals had comments:

- Jeff Edwards, resident Los Osos
- Gewynn Taylor, resident Los Osos
- Andy Caldwell, COLAB
- Bardin Bengard, farmer Salinas
- Steve Shimek, Monterey Coastkeeper
- Aaron Johnson, Monterey County Cattlemen's Association
- Frank Ausilio, resident Los Osos
- Ben DiFatta, resident Los Osos
- Linde Owen, LOCAC and resident Los Osos
- Steve Paige, resident Los Osos
- Elaine Watson, resident Los Osos
- Keith Wimer, Los Osos Sustainability Group
- Richard Margetson, resident Los Osos

(Chair Young announced a break for lunch and closed session at 12:35 p.m. The meeting reconvened at 1:32 p.m.)

21. Regional Board Calendar.....Board Motion

The Board members accepted the proposed calendar for 2011. Mr. Briggs noted that the June 1, 2011 offsite date may change if the Board wishes to align it with the July 14 Board meeting in Watsonville. This way, it would mean less travel for several Board members.

22. Regional Board Member ReportsStatus Reports

Chairman Young and staff member Dominic Roques attended the Santa Barbara County Supervisors meeting in Santa Maria on August 10. The county staff gave a presentation on their stormwater permit. Mr. Roques provided additional information during the presentation. Chairman Young suggested that Regional Board staff assist more municipal agencies with their stormwater updates to their governing bodies.

Board member Hunter announced the Coast and Ocean Regional Roundtable meeting dates of Sept. 30 (San Luis Obispo county), Oct. 18 (Santa Cruz county), and Oct. 25 (Monterey county). Dr. Hunter has conducted the meetings for the last three years. The issues to be discussed are marine debris, low impact development, and updates on harmful algal blooms.

Board member Jeffries attended a Monterey Bay National Marine Sanctuary Advisory Council meeting on August 19. Mr. Jeffries brought a copy of a MBNMS resolution on salmon declines for Regional Board staff input. He will attend the next MBNMS meeting and share the Regional Board staff input with them.

23. Executive Officer's Report.....Information/Discussion

Agricultural Regulatory Program Information

Executive Officer Briggs introduced staff member Angela Schroeter. Ms. Schroeter noted that this report is a follow-up to the July ag workshop when the Board asked staff to clarify the relationship between the authority of the Board and the Department of Pesticide Regulation (DPR), as well as how we coordinate

California Environmental Protection Agency

with the Department of Fish and Game (DFG). Speakers included: Dr. John Sanders/DPR, Mr. Mike Hill/DFG, Kirk Schmidt/Preservation, Inc., Darlene Din/Ag Consultant, Steve Shimek/Monterey Coastkeeper, We will include an informal transcription of their testimony as an attachment to the forthcoming staff report on the Irrigated Agriculture Order.

The following speakers spoke at an earlier time during the meeting: Bill Coy/Avocado Grower, Kevin Merrill/Santa Barbara County Farm Bureau, and Joy Fitzhugh/San Luis Obispo County Farm Bureau.

Update on Agriculture Waste in Nipomo Creeks

Board member Hunter asked staff about cleanup efforts for the Nipomo Creeks. Staff member Angela Schroeter reported that cleanup efforts included the following: 13267 letters sent to some local residents, inspections were completed after cleanup activity was done, plans were submitted for ongoing maintenance. Staff is confident that improvements have been made, plans are in place to prevent ongoing pollution, and the Regional Board staff has coordinated more closely with local cleanup groups for reporting any problems. Dr. Hunter asked if the ag waiver would include language for cleanup efforts for irrigation tubing. Ms. Schroeter noted that the preliminary ag waiver does include language for this type of pollution. Mr. Briggs offered to send the Board members the most recent letter that the Regional Board staff sent out to the residents (including photos).

Chairman Young adjourned the meeting at 3:47 p.m. The next Board meeting will be held on November 5, 2010 in Santa Barbara, CA.

The meeting was audio recorded and the minutes were reviewed by management and approved by the Board at its November 5, 2010 meeting in Santa Barbara, CA.


Jeffrey Young, Chairman

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