California Regional Water Quality Control Board
Central Coast Region

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MINUTES

Central Coast Regional Water Board

REGULAR MEETING
Thursday, July 14, 2011

Chairman Young called the meeting of the Central Coast Water Board to order at 8:30 a.m. on Thursday, July 14, 2011, at Watsonville City Council Chambers, Watsonville CA.

1. Roll Call – Board Members..... Assistant Executive Officer Michael Thomas

Present:	**Absent:**
Chairman Jeffrey Young	N/A
Vice Chair, Russell Jeffries	
John Hayashi	
David Hodgin	
Monica Hunter	
Jean-Pierre Wolff	

2. Introductions..... Environmental Program Manager Lisa McCann
Chair Young explained that Executive Roger Briggs was at the staff table so that Environmental Program Manager Lisa McCann could gain some experience by taking the role of advisor to the Board for this meeting. Other staff will have the opportunity for this experience at some subsequent meetings. Ms. McCann introduced Board staff, State Board Staff Counsel Jessica Newman and State Board Staff Liaison Frances Spivey-Weber. Ms. McCann asked parties who wished to speak to complete testimony cards and turn them in.

3. Report by State Water Resources Control Board Liaison ..... Status Report
State Board Staff Liaison Frances Spivey-Weber discussed the 2011/2012 budget and summarized some of the changes that come with it; including programs switching from general fund to fee-based structure. Ms. Spivey-Weber reported on newly appointed CalEPA Secretary Matthew Rodriguez and provided an update on appointments to the Central Coast Water Board. She announced there is a Water Quality Coordinating Committee meeting scheduled for September 26-27, 2011, the primary focus of which will be storm water and ground water issues. Ms. Spivey-Weber also announced that the "Citizen's Guide to Working with the California Water Boards" is complete and available online.

4. Approval of May 4-5, 2011 Meeting Minutes.....Board Motion
Chairman Young introduced the item. Dr. Wolff requested the minutes be corrected to show he recused himself but was present during the meeting. Dr. Wolff also pointed out a transcription error on the minutes for Item 20 and requested correction.

MOTION: Russell Jeffries moved to approve the May 4-5, 2011 minutes with the noted corrections.
SECOND: Monica Hunter
CARRIED: Unanimously (6-0)

5. Uncontested Items Calendar.....Board Motion
Environmental Program Manager Lisa McCann summarized Items 11, 12, and 13 and recommended they remain on consent. Ms. McCann thanked Board staff for their work on these cases.

MOTION: David Hodgin moved to approve the uncontested items calendar
SECOND: Russell Jeffries
CARRIED: Unanimously (6-0)

6. Low Threat and General Discharge Cases .....Information/Discussion
Ms. McCann introduced the item and asked if there were any questions from the Board. The Board had no questions or comments. Ms. McCann thanked Board staff for their work on these cases.

7. Staff Closures.....Information/Discussion
Ms. McCann introduced the item and thanked Board staff for their work in closing this case. There were no questions or comments from the Board on this item.

8. Recommended Case Closures .....Information/Discussion
Ms. McCann introduced the item and summarized the recommended case closures. Water Board staff answered Board Member questions regarding deed restrictions on several of the sites recommended for closure.

Staff reiterated that residual contamination at these sites is limited in extent, continues to degrade naturally and that any risk to human health or the environment is mitigated by appropriate restrictions.

9. Olin Corporation, 425 Tennant Avenue, R3-2011-0209.....Board Motion
10. Olin Corporation, 425 Tennant Avenue, R3-2011-0210..... Board Motion
Ms. McCann introduced Items 9 and 10 and explained the items will be heard together but that each must be voted on, either together or separately, by the Board.

Central Coast Water Board Engineering Geologist Dean Thomas presented proposed Waste Discharge Requirements (WDR Order No. R3-2011-0209) for the Olin Treated Groundwater Reinjection Facility, and Resolution No. R3-2011-0210, Adoption of Mitigated Negative Declaration for the Aquifer Containment and Cleanup System (Resolution). The presentation covered specifics in the WDR, including the project details (extraction wells, pipeline, onsite treatment system expansion, and injection wells), reason for the Aquifer Containment and Cleanup System (ACS), and review of staff's anti-degradation analysis.

During Mr. Thomas' presentation, Water Board member Dr. Monica Hunter asked for clarification on the perchlorate treatment method and Water Board Chairman Jeff Young asked about the effluent discharge location. Mr. Thomas responded that the system incorporates ion exchange vessels in a lead/lag (polishing) configuration and that the effluent will be recharged to the shallow aquifer onsite through injection wells. Dr. Hunter also asked about the concentration of perchlorate in the Tennant Well. Mr. Thomas responded that the concentration was between 5 and 6 micrograms per liter.

During the presentation on nitrate distribution and anticipated effluent concentrations, Chairman Young asked about the range in nitrate concentrations found. Mr. Thomas responded that concentrations exceeded 80 milligrams per liter in some areas within the ACS recharge zone; however, within the ACS capture area, there are only a couple of areas above the drinking water standard of 45 mg/L.

Water Board member Dr. Jean-Pierre Wolff asked whether the treatment method for perchlorate was a best available technology and if it had been used elsewhere successfully. Mr. Thomas responded that the technology is successfully used by Olin on this cleanup at domestic wellheads as well as the existing onsite treatment system since 2004 and is also a common technology used at other large cleanup sites. Dr. Wolff also asked how the cleanup timeframe of 12 years for the intermediate aquifer was derived. Mr. Thomas responded that data from site-specific aquifer testing, use of a groundwater flow model (USGS' Modflow), and the fact that perchlorate behaves as a salt (which is relatively easy to model because it travels at the speed of groundwater and does not adhere to soil particles), has allowed for good predictions of cleanup time; however, these estimates will be verified once the pumps start. Executive Officer Roger Briggs added that unlike many treatment systems in the region, the Olin on-site system has not had breakthroughs and thus not had any discharge violations in its eleven years of operation, making this technology about as bullet proof and dependable as any system can be.

Dr. Hunter asked whether the 39 mg/L effluent limit and controls were protective of the drinking water standard, and whether the monitoring can identify problems in the aquifer in time to fix any problems should they occur. Chairman Young followed by asking about where the sample for the limit is collected. Mr. Thomas responded that the sample is collected before the treated water is distributed to the six injection wells and that 39 mg/L represents the long-term quarterly average that can be recharged to the aquifer. Despite anticipated average effluent nitrate concentrations of about 33 mg/L, the WDR sets the nitrate effluent limit at 39 mg/L to allow for some variability in nitrate concentrations to occur. Dr. Hunter followed up by asking what would occur to the system if all three extraction wells start having excessive levels of nitrate? Mr. Thomas responded that although it is highly unlikely this scenario would occur, if it did, it would result in a shutdown and re-tooling of the system. Since Olin's preferred method for handling nitrate is blending, as is the preferred method for water municipalities, Olin would have to find another source of water that is sufficiently low in nitrate.

Chairman Young asked, since Olin did not cause the nitrate, and nitrate is prevalent in the Llagas Subbasin, why have an effluent limit? Mr. Thomas responded by saying that we have to ensure that the drinking water standard is not exceeded and because of the anti-degradation policy, the WDR must have limits that demonstrate that the drinking water standard will not be exceeded.

Robert Cerruti of the Perchorate Community Advisory Group (PCAG) and Andrea Ventura, on behalf of Clean Water Action and its members in the Llagas Subbasin, provided comments supporting adoption of the WDR and approval of the resolution.

MOTION: Monica Hunter moved to approve Item 9 and Item 10
SECOND: David Hodgin
CARRIED: Unanimously (6-0)

14. Enforcement Report..... Status Report
Enforcement Coordinator Harvey Packard briefly summarized the written report.

Board members asked for clarification about the various types of Ag enforcement items. They encouraged staff to continue pursuing operations and farms that have not filed for coverage under the Ag Order and suggested ways to identify ag operators that have not enrolled in the Ag Order, such as looking at data collected by the Department of Food and Agriculture and commodity groups. Board members also directed staff to consider policy and long-term implications when evaluating enforcement/penalities for those who choose individual monitoring instead of participating in the cooperative monitoring program and then do not follow through. Board members also requested that future enforcement reports include details for current enforcement actions for failure to pay Ag Order enrollment fees.

Darlene Dinn commented that the electronic NOI for the Ag Order was difficult for some farmers and suggested ways to improve the process.

Danny Merkeley of the California Farm Bureau Federation suggested staff coordinate with State Water Resources Control Board staff currently managing the surface water diversion database as farm operators are currently involved in data entry.

Kirk Schmidt of Water Quality Preservation, Inc. presented a letter to the Board and discussed problems with the Ag Order database, specifically related to his organization's ability to use the data to bill farmers participating in the Cooperative Monitoring Program.

Board members, staff, and Mr. Schmidt further discussed improvements to the data base and related enforcement and billing issues based on the information collected. Board members reiterated the importance of resolving data management issues, continuing to pursue enforcement, and asked staff to keep the Board informed of progress.

Chair Young asked Mr. Schmidt to submit status information by August 15, 2011, for the Board to review.

15. TMDL Program ..... Status Report
TMDL Program Manager Chris Rose summarized the status report. Board member Jean-Pierre Wolff asked whether the TMDL program was addressing legacy pesticides in any of the TMDL projects. Mr. Rose briefly described the Santa Maria Watershed TMDL and the legacy pesticide component of that project.

16. Public Forum..... Board Direction
Chairman Young introduced the item.

Mr. Michael Bethke, CEO, 14th District Agricultural Association, on behalf of the Santa Cruz County Fair and Event Center Board, offered to work with staff on Pajaro River Watershed TMDL implementation plan. Dr. Wolff noted that Resource Conservation Districts are currently in a grant cycle that could be helpful for these fairground and creek issues. Mr. Briggs noted that he and Harvey Packard had just been out to the fairgrounds the previous evening as follow up to a meeting with the City of Watsonville. The City is considering College Lake (immediately downstream of the fairgrounds) in it's basin management plans so Mr. Bethke should coordinate with the City and the RCD.

Mr. Steve Shimek, Monterey Coastkeeper and Otter Project, relayed sentiments expressed by Monterey Regional and others regarding Phase II Stormwater Permit issues versus agricultural runoff and the need to reduce disparity between agricultural regulation and others.

17. Executive Officer's Report ..... Information/Discussion
Lisa McCann reviewed the various sections of the report. The Board asked about the approval timing for Section 401 Water Quality Certifications. Ms. McCann said staff attempts to process applications expeditiously, and pointed out that projects may be deemed approved if we don't act within 60 days. The Board also directed staff to alert the California Department of Public Health about the fungicide data report, and to contact the Department of Pesticide Regulation regarding follow up to fungicides in coastal lagoons. On the Plains Petroleum part of the report, the Board discussed that the project only has a ten year life, so any proposed use of the nearly one million gallons a day of cleaned up water would not be sustainable beyond that time.

Public Comment:
Darlene Din, Agricultural Consultant – Tim Hartz's report was not intended for regulatory support, and the study is applicable to fields with residual nitrogen in the fields (note: the EO Report included this information). Dr. Hartz's statement is attached.

Danny Merkley, California Farm Bureau Federation – Growers have made a lot of improvements in nutrient management over the years and will continue to do so.

18. Annual Off-Site Meeting Agenda..... Information/Discussion
Roger Briggs and Michael Thomas discussed the three sections in the agenda item. Mr. Briggs displayed priorities that the Board has discussed recently but listed them in a more brief and concise manner, in priority order and asked the Board for feedback. Some of the discussion points:

- The challenge and necessity of constant prioritization as our framework shifts - Staff needs to inform the Board as new issues come up – what is their priority and what other priorities might they affect?

- The Board serves an important function by providing one of the few state agency public forums. We need to answer everyone with complaints/issues even if their issue is not the highest priority for the Board (and recognize that everyone's issue is typically high priority to them).

- What methods can be used to inform the Board members of other Boards' innovative and successful methods that might be helpful in our own region? The State Board Executive Director's report? Mr. Briggs said he would forward the report for the Board to evaluate. The Water Quality Coordinating Committee? Meetings are too infrequent for this purpose.

- How can our Board better inform the public of our accomplishments, priorities, and efforts? The Board discussed posting on our web site, getting better at networking and Board outreach, and maybe advertising some of the regional issue reports that we already prepare but repackaging them as 'State of the Region' updates.

Public Comment:
Darlene Din, Agricultural Consultant – Said she often thinks the Regional Boards should be eliminated but then realizes it is helpful to have a local board so that she doesn't have to make so many trips to Sacramento. It is frustrating that she can't talk to Board members individually about pending items and that the only access is through public meetings. She said it appeared the staff set the priorities and the Board did not change them.

Chairman Young adjourned the meeting at approximately 3:00 p.m. The next Board meeting will be held on September 1, 2011, in San Luis Obispo, CA.

This meeting was audio recorded; the minutes were reviewed by management and will be approved by the Board at its September 1, 2011 meeting in San Luis Obispo, CA.

Jeffrey Young

w/ Darlene Den attachment

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9/1/2011 #4 Minutes Executive Officer Report from
Direct public comment by Darlene Din July 14, 2011

The PG&E Settlement-funded research by Tim Hartz was not intended for regulatory purposes, instead for grower education. I'm concerned that the staff report is written in an effort to support their regulation, and does not adequately explain that the fields in the study do not represent all lettuce fields, but rather only those where a large amount of residual soil nitrate is carried over from a previous crop. We've spoken to Dr. Hartz, who confirmed that limitation of the study, and expressed his hope that his study would not be interpreted to say that the entire lettuce industry could achieve the degree of reduction in N fertilizer application that was possible in the test fields. These fields were chosen specifically because they presented an opportunity for growers to reduce N application, thereby both reducing environmental N loading and saving money. I encourage you to read Dr. Hartz's full report for a more accurate summary of his findings