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Central Coast Regional Water Quality Control Board

MEETING MINUTES

Central Coast Regional Water Board  
REGULAR MEETING

Thursday, January 29, 2015, 8:30 a.m. - 5:00 p.m.  
Friday, January 30, 2015, 9:00 a.m. - 5:00 p.m.

Santa Barbara County Office  
Supervisors' Board Hearing Room – 4<sup>th</sup> Floor  
105 East Anapamu Street, Santa Barbara

Chair Dr. Jean-Pierre Wolff called the meeting to order on January 29, 2015, at 8:32 a.m.

**Board Business**

**1. Roll Call**

**Tammie Olson, Clerk to the Board**

**Water Board Members Present:**

Jean-Pierre Wolff, Chair; Monica Hunter, Vice Chair; Karina Cervantez; Bruce Delgado; Michael Johnston; Kathleen Thomasberg; and Jeff Young.

**2. Introductions, Staff Recognition, and Awards**

[Kenneth A. Harris Jr., Executive Officer, 805/549-3140, [Ken.Harris@waterboards.ca.gov](mailto:Ken.Harris@waterboards.ca.gov)]

Executive Officer Ken Harris introduced Tammie Olson, Clerk to the Board; Tamarin Austin, Staff Counsel; Michael Thomas, Assistant Executive Officer; and on the phone Lori Okun, Assistant Chief Counsel for regional board attorneys.

State Water Board staff: Phil Wyels, Assistant Chief Counsel for State Board attorneys; Victoria Whitney, Deputy Director for Division of Water Quality; and Meghan Powers, Sea Grant Fellow.

Chairmen Wolff introduced the two new Board Members, Karina Cervantez and Kathleen Thomasberg. Each spoke and thanked the Governor for the opportunity and the Board for the friendly welcome.

Heal the Oceans Presentation: Chairman Wolff and Board member Jeff Young presented Hillary Hauser with a resolution of recognition from the Board.

The following individuals spoke in support of the resolution:

- Janet Wolf, Chair of the Santa Barbara County Board of Supervisors
- Eric Friedman for Salud Carbajal, First District Supervisor, Santa Barbara County
- James Joyce representing Hanna-Beth Jackson, State Senator, District 19

- Steve Hallstead, resident at Rincon Point
- Hillary Houser thanked many people for their efforts.

3. Election of Chair and Vice Chair  
[Kenneth A. Harris Jr., Executive Officer, 805/549-3140, [Ken.Harris@waterboards.ca.gov](mailto:Ken.Harris@waterboards.ca.gov)]

**Nomination: Board Member Johnston nominated Dr. Wolff to serve as the Board Chair for this ensuing year. It was approved unanimously by the Board.**

**Nomination: Board Member Delgado nominated Dr. Hunter to serve as Vice Chair for the ensuing year. It was passed unanimously by the Board.**

4. Approval of the November 13-14, 2014 Board Meeting minutes.

**Motion: Vice Chair Hunter moved to approve the minutes of November 13-14, 2014**  
**Abstain: Board Member Cervantez, and Board Member Thomasberg**  
**Carried: (5-0)**

5. Reports by Central Coast Water Board Members:

- Board Member Delgado:
  - Welcomed new board members
- Board Member Johnston:
  - No report to make
- Board Member Cervantez: :
  - Thanked the board for the welcome and the support
- Board Member Young:
  - Attended the Santa Barbara County Board of Supervisors hearing for the LAMP (Local Agency Management Program) in December.
  - He also met individually with all five Santa Barbara County supervisors.
- Board Member Thomasberg:
  - Met with Central Coast Groundwater Coalition on January 21, 2015.
- Vice Chair Monica Hunter:
  - No meetings reported
  - Gave report on environmental justice activities

- Chair Jean-Pierre Wolff
  - Recognized:
    - Dr. Wolff thanked Ken Harris and staff for all of their efforts over the past year.
    - Dr. Wolff, Jeff Young, Bruce Delgado, and Monica Hunter thanked former Board Member Mike Jordan for his service to the Board and the communities.
  - Meetings attended:
    - December 2, 2014, San Luis Obispo County Water Resources Advisory Committee representing all matters relating to water in the county.
    - December 9, 2014, City of Morro Bay and the Cayucos Sanitary District pertaining to the location of their new wastewater treatment plant that is being proposed.
    - December 12, 2014, Pismo Beach City Manager – Jim Lewis – topic of recycled water.
    - January 8, 2015, phone conversation Mr. Shimek regarding Monterey County water.
    - January 9, 2015, GRAP Grazing Regulatory Action Project – hosted public workshop at the Central Coast Water Board office.
    - January 28, 2015, Central Coast Groundwater Coalition (CCGC), Mr. Parry Klassen, Abby Taylor-Silva, Claire Wineman, and staff engineer representative regarding the coalition groundwater program.
- 6. Report by State Water Resources Control Board Liaison [Steven Moore, 916/341-5624] Steven Moore gave an overview of recent State Water Board actions, focusing on drought-related activities.
- 7. Drought Conditions Update by Regional Liaison to Water Rights Division [Lisa McCann, 805/549-3132, [Lisa.McCann@waterboards.ca.gov](mailto:Lisa.McCann@waterboards.ca.gov)] Lisa McCann answered questions from the Board regarding her report.
- 8. **Public Forum**  
The Water Board heard public comments from Abby Taylor-Silva, Grower-Shipper Assoc. of Central California, regarding the Salinas River.

### **Permits/Waste Discharge Requirements**

- 9. Amendment of Waste Discharge Requirements, National Pollutant Discharge Elimination System Permit No. CA 0048143 for the City of Santa Barbara, El Estero Waste Water Treatment Facility Order No. R3-2010-0011 [Peter von Langen, 805/549-3688, [peter.vonlangen@waterboards.ca.gov](mailto:peter.vonlangen@waterboards.ca.gov)]

Central Coast Water Board Staff Engineering Geologist Dr. Peter von Langen and State Water Board California Sea Grant Fellow Dr. Meghan Powers summarized the staff report with a PowerPoint presentation. Water Board members questioned whether the studies from the 1990s that predicted minimal impacts still held today. Dr. von Langen summarized that the predicted environmental effects from the relatively small desalination facility would be minimal compared to large once-through cooling facilities and provided examples from a

recent study for the City of Santa Cruz proposed desalination facility which showed minimal effects.

State Water Board attorney Phil Wyels and State Water Board Division of Water Quality Chief Victoria Whitney summarized the State Water Board's proposed desalination policy amendment to the California Ocean Plan and the unique circumstance the City of Santa Barbara (City) is in with respect to the draft Ocean Plan amendment. Water Board members asked questions about the subsurface intake technology available in the early 1990s and the extent of the studies completed at that time. Additional discussion pertained to the definition of whether the facility was new or existing; the effects of the draft Ocean Plan amendment on this definition; and whether the Water Board could require site-specific additional studies on the impacts from impingement and entrainment without delaying the start-up of the facility and the State Water Board's desalination policy.

Following the lunch break, City Public Works Director Rebecca Bjork, City consultant Joe Monaco, and Mayor Helene Schneider gave presentations in support of the permit amendment. Additional discussion pertained to subsurface intake cost and feasibility, marine studies, and other aspects of the desalination facility including composition of the proposed wedge wire screens. Board Members and City staff and counsel discussed making the three initiatives proposed by the City mandatory as part of the facility operation.

Kira Redmond of Santa Barbara Channelkeeper stated her disagreement with the proposed amendment and proposed the Water Board only allow operation of the facility during drought, add a requirement for a feasibility study, require the City do a current-day 13142.5(b) analysis, and require a subsurface intake if found to be feasible.

The Water Board heard public comments from Ray Stokes, Joshua Haggmark for Robert Sulnick, Leslie Wiscomb, Susan Jordan, Sheila Lodge, Russell Ruiz, Michael Cohen, Tom Mosby, Joe Geever, Conner Everts, Mike Jordan, and Kate Rees. The Water Board discussed the amendment, but due to time constraints, continued the item until Friday morning, January 30, 2015.

On Friday morning, Central Coast Water Board Supervising Engineer Harvey Packard summarized the previous day's discussion and recommended that the Water Board adopt the proposed Finding G with permit provisions requiring that the City upgrade the intake screen, fund the environmental mitigation project, and perform subsurface feasibility studies. Mr. Harris also discussed the option of continuing the item until March if the Board desired. Water Board discussions centered on the adequacy of mitigation for unknown impacts. The Board voted 5-2 to approve the amendment with the three proposed environmental projects put into the provisions section of the Order.

**Motion: Board Member Johnston moved to close debate and call the question.**

**Second: Vice Chair Hunter**

**The motion having passed, a roll call vote was taken on the proposed amendment to the permit. Specifically, the amendment adopts Attachment G (as amended during the meeting) and the amendments to section VI.C.6.c of the permit (as drafted by staff and counsel and amended during the meeting):**

**Ayes: Chair Wolff, Vice Chair Hunter, Board Members Cervantez, Johnston, and Thomasberg.**

**Nos: Board member Delgado, Board Member Young**  
**Carried 5-2**

**Discussion/Informational Items**

10. Central Coast LID Initiative Update  
[Dominic Roques, 805/542-4780, [dominic.roques@waterboards.ca.gov](mailto:dominic.roques@waterboards.ca.gov)]  
This item was taken off of the agenda and will be on a future agenda.

**Enforcement**

11. Enforcement Report  
[Thea Tryon, 805/542-4776, [Thea.Tryon@waterboards.ca.gov](mailto:Thea.Tryon@waterboards.ca.gov) ]

**Closed Session**

12. During the lunch break, the Board met in closed session as authorized by Government Code section 11126, to discuss *South San Luis Obispo County Sanitation District v. California State Water Resources Control Board; Regional Water Quality Control Board, Central Coast* (Case No. 14CV-0596) and Petition of Carmen Zamora and Environmental Law Foundation (Discretionary Review of Irrigated Lands Regulatory Program; Central Coast Groundwater Coalition Workplan Approvals and Approvals of Revisions to Workplan; Regional Board Order R3-2012-0011, as modified by State Board Order WQ 2013-0101 (Jan. 16, 2013).

**Friday, January 30, 2014, 9:00 a.m.**

Chair Dr. Jean-Pierre Wolff called the meeting to order on January 30, 2015, at 9:17 a.m.

13. **Roll Call** **Tammie Olson, Clerk to the Board**  
**Water Board Members Present:**  
Jean-Pierre Wolff, Chair; Monica Hunter, Vice Chair; Karina Cervantez; Bruce Delgado; Kathleen Thomasberg; and Jeff Young. (Roll call was taken visually by the clerk. All Water Board Members were present)

**Permits/Waste Discharge Requirements (cont.)**

9. Amendment of Waste Discharge Requirements, the National Pollutant Discharge Elimination System Permit No. CA 0048143 for the City of Santa Barbara, El Estero Waste Water Treatment Facility Order No. R3-2010-0011

The discussion was continued from the previous day. Please see item above for complete description.

**Discussion/Informational Items**

14. Item left blank
15. Irrigated Lands Regulatory Program – Timing and Planning for the Next Agricultural Order  
[Chris Rose, 805/542-4770, [Chris.rose@waterboards.ca.gov](mailto:Chris.rose@waterboards.ca.gov)]

Irrigated Lands Program Manager Christopher Rose presented an informational item to the Board recommending a stakeholder outreach process and timing for developing a revised Agricultural Order. The current Agricultural Order will expire in March 2017. Mr. Rose recommended waiting to begin the renewal process until key legal and State Water Board petition items related to agricultural regulation are resolved. The Board had no objection to

staff's recommendation to wait. The Board directed staff to bring a status report to the Board in the fall of 2015, at which time the Board may give further feedback regarding the renewal process and timing.

16. Irrigated Lands Regulatory Program – Central Coast Water Board Review of the Manner in Which Central Coast Groundwater Coalition Groundwater Testing Results are Disclosed to the Public

[Angela Schroeter, 805/542-4644, [Angela.schroeter@waterboards.ca.gov](mailto:Angela.schroeter@waterboards.ca.gov)]

[John Robertson, 805/542-4630, [John.robertson@waterboards.ca.gov](mailto:John.robertson@waterboards.ca.gov) ]

Central Coast Water Board staff, Angela Schroeter and John Robertson, introduced the item and made a presentation to the Board regarding this issue, the second part of California Rural Legal Association's (CRLA's) July 3, 2014, request for discretionary review of the Central Coast Groundwater Coalition's (CCGC's) groundwater monitoring program, specifically the manner in which groundwater testing results are disclosed to the public (contour maps). The specific question before the Board was, "Is the process for reviewing and approving CCGC contour maps appropriate, as established in the Executive Officer's July 11, 2013 CCGC Workplan Approval letter?" CRLA's representative, Pearl Kan, made a presentation to the Board regarding CRLA's specific request for discretionary review regarding the appropriateness of the Workplan approval conditions for authorizing the graphical display of groundwater data in lieu of posting the actual groundwater data directly on the Water Board's GeoTracker data base. CCGC's representative, Parry Klassen, also made a presentation to the Board regarding CCGC's contour maps displaying groundwater data.

After much discussion regarding the Workplan approval conditions and the contour maps developed by the CCGC, the Board concurred with staff's conclusion that the Workplan approval process and approval conditions are appropriate. The Board concurred with staff's recommendations that the Executive Office uphold the Workplan approval letter and not make any changes to the process for reviewing and approving CCGC contour maps. Per the Executive Officer's recommendation, the Board asked staff to continue to work with CCGC staff to evaluate their contour maps and to provide the Board with an update at the March or May Board meeting.

The Board's discussion of this item and concurrence with staff's recommendation and conclusion that the approved CCGC Workplan conditions are appropriate fulfilled the Board's review of CRLA's request for discretionary review regarding the Executive Officer's July 11, 2013, Workplan Approval Letter, as it relates to the manner in which the groundwater CCGC's testing results will be disclosed to the public. The Executive Officer will send a letter to all interested parties that memorializes the conclusion of CRLA's request for discretionary review.

Speakers:

- Pearl Kan, California Rural Legal Assistance
- Parry Klassen, Central Coast Groundwater Coalition
- Abby Taylor-Silva, Grower-Shipper Assoc. of Central California
- Kay Mercer-Consultant
- Steve Shimek, The Otter Project

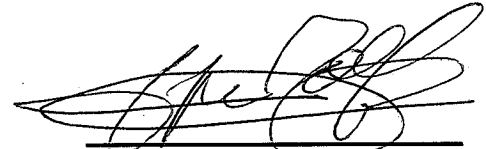
**Public Forum**

17. The Water Board heard public comments from Dr. Edo McGowan, Steve Shimek, and Abby Taylor-Silva.

**Administrative Items**

18. Executive Officer's Report  
[Kenneth A. Harris Jr., 805/549-3140, [Ken.Harris@waterboards.ca.gov](mailto:Ken.Harris@waterboards.ca.gov)]  
No discussion.
19. Central Coast Water Board Strategic Planning Discussion  
[Kenneth A. Harris Jr., 805/549-3140, [Ken.Harris@waterboards.ca.gov](mailto:Ken.Harris@waterboards.ca.gov)]  
Note: This item is at the Board's discretion and as time allows.
20. Discussion of Cases in Litigation Staff Counsel Tamarin Austin  
There was no closed session on Friday.

Chair Wolff adjourned the meeting at approximately 4:47 p.m. January 30, 2015.



Dr. Jean-Pierre Wolff, Chair