California Regional Water Resources Control Board
Central Coast Region

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Arnold Schwarzenegger
Governor

MINUTES
REGULAR MEETING
Friday, February 9, 2007
Central Coast Regional Water Board

Chairman Young called the meeting of the Central Coast Water Board to order at 1:05 p.m. on Friday, February 9, 2007, at the Salinas City Council Chambers, 200 Lincoln Ave., Salinas, California.

1. Roll Call ..... Executive Assistant Carol Hewitt

Board Members Present:
Chairman Jeffrey Young
Vice Chair, Russell Jeffries
Les Bowker
John Hayashi
David Hodgin
Monica Hunter
Daniel Press
Gary Shallcross

2. Introductions ..... Assistant Executive Officer Michael Thomas

Assistant Executive Officer Thomas introduced staff. Chair Young introduced our newest Board member, David Hodgin. Board member Hayashi welcomed Mr. Hodgin.

3. Regional Board Chair and Vice Chair Elections ..... Board Motion

Assistant Executive Officer Michael Thomas introduced the item and recommended that the Board elect a Chair and a Vice Chair.

MOTION: Daniel Press moved to re-elect Jeffrey Young as Chair and Russell Jeffries as Vice Chair of the Board.
SECOND: Gary Shallcross
CARRIED: Unanimously (8-0)

4. Approval of December 1, 2006 Meeting Minutes ..... Board Motion

Chair Young raised a question about the Santa Barbara County Storm Water Management Plan. He asked that future consideration of the plan be clarified. Staff Counsel Lori Okun suggested the following

language be included as an amendment to the December 1, 2006 minutes:

"The Board decided not to place any more items for the Santa Barbara County Storm Water Management Plan on its agenda at this time but will consider the matter at the time of the first annual report."

MOTION: Russell Jeffries moved to approve the December 1, 2006 meeting minutes with amendment as discussed.
SECOND: John Hayashi.
CARRIED: Unanimously (8-0)

5. Uncontested Items Calendar ..... Board Motion

Asst. Executive Officer Michael Thomas recommended that Item Nos. 15, 16, and 17 remain on the consent calendar and recommended removing Item No. 14/California Utilities Service, Inc. for discussion.

MOTION: Russell Jeffries moved to approve Item Nos. 15, 16, and 17 for the consent calendar.
SECOND: John Hayashi
CARRIED: Unanimously (8-0)

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

State Board Liaison Gary Wolff was unable to attend today's meeting. There is no report at this time.

7. Low Threat Cases ..... Information/Discussion/Board Approval

Asst. Executive Officer Michael Thomas noted that this is a written report and asked the Board if there were any questions. Russell Jeffries asked about the Former Chevron Service Station and if there was any nexus between this station and MTBE issues with the California Water Services wells.

Staff Division Manager Harvey Packard noted that if a possible source for MTBE was at that service station, it would have been brought to staff's attention. To date, staff has not heard of any MTBE sources for that particular location.

8. Perchlorate Cases ..... Status Report

Staff Engineer Hector Hernandez introduced staff Geologist Thea Tryon and gave a brief status update to supplement the written staff report. Mr. Hernandez's presentation focused on recent developments concerning the Olin Cleanup case. Specifically, Mr. Hernandez updated the Board concerning (1) bottled water service terminations, (2) onsite soil and groundwater remediation activities, (3) characterization activities in the area northeast of the Olin site, (4) the results of a recent investigation at a mushroom farm, (5) the status of staff's review of three major technical reports recently received including Olin's Revised Cleanup Feasibility Study Report, and (6) staff's intent to issue a replacement cleanup order in the near future.

Mr. Jim Ashcraft, representing the City of Morgan Hill, addressed the Board. Mr.

Ashcraft thanked Board staff for issuing Cleanup or Abatement Order No. R3-2006-0112, which amends Cleanup or Abatement Order No. R3-2005-0114. Mr. Ashcraft also expressed dissatisfaction with Olin's Revised Llagas Subbasin Cleanup Feasibility Study Report and the City's continued dissatisfaction with Olin's characterization activities northeast of the Olin site.

Several of the Board members asked questions concerning the potential source of perchlorate concentrations northeast of the site. Staff provided clarification concerning the data presented.

Board member Hunter inquired about the status of public participation. Specifically, she inquired about public concerns related to the cleanup, potential health affects, and whether the public feels their needs are being adequately addressed. Staff indicated that Water Board staff is actively addressing public concerns by participating in monthly public meetings held in the Morgan Hill area. Staff indicated that the public are concerned with the drinking water even if the perchlorate concentrations are below the public health goal. Further, the majority of interested members of the public would like for the implementation of groundwater remediation activities to be expedited.

9. Spills, Leaks, Investigations, and Cleanup ..... Status Report

New Board member David Hodgin said that he is President of the Scotts Valley Water District and knows one of the dischargers personally, so he will recuse himself from any Board action on this item. Ms. Okun, staff legal counsel, noted that he could participate on this item since it is a status update only.

Board member Daniel Press asked staff whether the use of Scotts Valley Water District's replacement Well 10 could affect the groundwater conditions. Staff Engineer Karyn Steckling and Scotts Valley Water District's General Manager, Mr. Charles McNiesh, explained that the replacement well would be very similar to the previous well and no significant changes to the groundwater conditions are expected. Mr. McNiesh also stated that the Water District is generally pleased with how the investigation and cleanup is currently progressing; however, they wish that it was progressing at a faster pace. Board Member Russell Jeffries asked staff for an update on the installation of the deep-zone monitoring well. Staff responded that the responsible parties have installed the sentry well but have not yet sampled it.

10. Military Facilities Update ..... Status Report

Chairman Young asked about funding resources for military facilities. Senior Engineer Eric Gobler noted that funding resources are somewhat limited but staff has not had any cleanup activity resource limitations.

Our staff is somewhat concerned about their contracting mechanism for fixed-based contracts for a set amount of funding.

(Chair Young announced a break at 9:30 a.m. The meeting reconvened at 9:40 a.m.)

11. Salinas Phase 1 MS4 Status Report.....Status Report

Assistant Executive Officer Michael Thomas introduced staff. Board member Shallcross recused himself from the hearing to avoid the appearance of bias.

Donette Dunaway, Water Board Engineering Geologist, presented an update of Salinas Permit compliance items of concern. This status report was an update of compliance issues that staff discussed at the September 2006 Board hearing. The summary finding is that the City is slowly coming into compliance with Permit requirements, therefore staff recommended against taking formal enforcement action. Dr. Press stated support for, and Board members concurred with staff's recommendation to proceed with the current course of urging the City to move forward quickly and achieve compliance, rather than levying penalties at this time. Chairman Young recommended that the City require Low Impact Development techniques to be applied in the Future Growth area. Mayor Dennis Donohue, City Attorney Vanessa Vallarta, and Deputy City Manager Rob Russell assured the Board that Low Impact Development methods are utilized in current commercial construction, and would be required in the Future Growth area. Chairman Young and Board members Press and Jeffries questioned the City staff on when and how Low Impact Development methods would be adopted. Mr. Russell stated the City would revise Standard Specifications and Design Standards by December 2007, and that the City is now requiring Low Impact Development through a modified zoning code. Ms. Vallarta stated that new requirements would go into effect 30 days from City Council adoption of an ordinance or resolution.

City staff requested the Water Board rescind the September 2006 Notice of Violation. Board members and legal counsel Lori Okun explained the reasons for sustaining the Notice of Violation, and offered to provide the City with a letter describing current violation status.

Chair Young raised concerns about current delays with compliance and how it would affect the City's compliance for years three, four, and five. He suggested that the City keep Regional Board staff informed of any projected delays.

Steve Shimek, Executive Director of The Otter Project, requested the Water Board members 1) approve the draft Development Standards Plan; 2) send a letter to LAFCO requesting that Low Impact Development methods be required in the Future Growth area; 3) pursue formal enforcement; and 4) require more direct language in the City's Storm Water Management Plan.

(Chair Young announced a break at 11:25 a.m. The meeting reconvened at 11:40 a.m.)

12. Enforcement Report.....Status Report

A written report was submitted for this item. Board member Hayashi asked about the Oceano Community Services District. Division Manager Harvey Packard reported that the CSD received a Notice of Violation for failure to submit a Notice of Intent for Phase II MS4 storm water coverage.

Board member Bowker asked about CIWQS and the report format. Dr. Bowker would like description and location clarification on several of the listings. Mr. Packard will follow-up with staff on listing clarification.

[Note: Item #13 was removed from the agenda and will be placed on a future agenda]

14. California Utilities Service, Inc. ..... Order No. R3-2007-0008

Assistant Executive Officer Michael Thomas introduced the item and noted that a public comment card had been submitted for the item by Susan Bacigalupi. Staff Engineer Matthew Keeling suggested foregoing the formal presentation to address Ms. Bacigalupi's concerns directly. Chairman Young agreed. Ms. Okun questioned why the proposed order did not include Title 22 requirement for reclamation standards and asked if the irrigation disposal area was on-site. Matthew Keeling responded that the disposal area was geographically separate from the treatment area, but that it was owned by the facility and had restricted public access and was therefore not subject to reclamation requirements. Ms. Bacigalupi expressed her concerns over reported flow discrepancies, potential public access to disposal areas, violation history, record keeping, reporting, and the level of required staff oversight. Matthew Keeling responded that facility operation and reporting had improved greatly over the last several years, influent flow meters installed in 2005 were accurately measuring flows, gates on the agricultural roads adjacent to the irrigation disposal area restricted public access, and signage was present noting the disposal of wastewater effluent. Board member Hunter asked what the disposal area visual monitoring frequency was and questioned the potential exposure of farm workers on the agricultural fields adjacent to the spray irrigation disposal area. Matthew Keeling responded that daily visual monitoring of the disposal area was required and that overspray on to the agricultural areas was prohibited, but that no information was available as to the potential exposure of farm workers to the sprayed effluent. Tom Adcock and Edward Alexandre of California Utilities Services, Inc. confirmed that bilingual signage was present along with embankments separating the irrigation disposal area from agricultural fields and that gates restricted public access at either end of the agricultural area. Based on information regarding the irrigation equipment provided by Mr. Adcock and Mr. Alexandre, Board member Hayashi indicated that overspray and mist were unlikely to reach the agricultural areas and farm workers. Board member Jeffries expressed his concern over public access from the dry Salinas River bed and questioned the compliance history discussion within the staff report in light of Ms. Bacigalupi comments.

Matthew Keeling indicated that the compliance history did not discuss older violations that had been rectified given the permit was over ten years old. Chairman Young indicated the Board wanted a complete compliance history discussion for the life of each permit brought before it and requested that staff bring an update to the Board at the July hearing with photos of the irrigation disposal area, access points and signage.

MOTION: Daniel Press moved to adopt Order No. R3-2007-2008.
SECOND: Les Bowker
CARRIED: Unanimously (8-0)

18. Guadalupe Settlement Fund: Funding for Additional Farm Water Quality Planning Short Courses and a Food Safety/Water Quality Conference ..... Board Motion

This item requested the Board to consider allocating Guadalupe settlement dollars to fund two projects with University of California Cooperative Extension (UCCE): Farm Water Quality Planning Short Courses and A Food Safety/Water Quality Conference. Staff Sanitary Engineering Associate Corinne Huckaby provided a brief presentation to the Board for their consideration to amend UCCE's existing Guadalupe contract by adding $29,860 to conduct an additional six farm water quality short courses (including

one in Spanish) in San Luis Obispo and Santa Barbara counties in 2007. Staff Environmental Scientist Alison Jones presented an overview of UCCE's Food Safety and Water Quality Conference. The conference will provide a forum for food safety and water quality experts to exchange information and identify opportunities for coordinated management of food safety and environmental protection. UCCE is requesting $10,000 (an additional $60,000 is being leveraged from other sources).

The Board had several questions on the project proposal for the food safety/water quality conference. Mary Bianchi from UCCE was present to answer specific questions. Ms. Bianchi, along with help from a 23-member group, has worked extensively over 18 months to develop the conference. Dr. Daniel Press wanted to know who was invited and where the conference is to be held. He also inquired about Board members attending. Mary responded that there was a short time to make a difference and attendees were being chosen in terms of expertise to determine research that needs to occur over the long term and develop a significant product; and less to do with policy. Board member Press felt that the conference invitees should include a more interdisciplinary team (including economists, physical scientists, and policymakers).

The conference is scheduled to be held on April 23-25, 2007. Dr. Les Bowker asked if the proceedings will be published. According to Mary, EPA will facilitate publishing proceedings. We will place them on our water board website.

Board member Gary Shallcross was concerned about the Guadalupe fund nexus. Alison Jones pointed out that each of the Guadalupe Fund criteria was met with exception of petroleum nexus. Board member John Hayashi voiced concern that if we don't see coordination on this issue, we'll have impacts down the road.

Mr. Shallcross confirmed with Alison that the invited speakers were balanced. More discussion ensued about the experts that should be invited, including policymakers. Board members Daniel Press and Monica Hunter will receive an invitation to attend the conference.

The recommendation to allocate $39,860 Guadalupe funds for the two projects was read again to the Board.

MOTION: Gary Shallcross moved to approve the funding request.
SECOND: Les Bowker
CARRIED: Unanimously (8-0)

19. E.coli and Food Safety..... Status Report

Alison Jones briefed the Board members regarding recent developments related to food safety issues. California Department of Food and Agriculture (CDFA) held a hearing in Monterey on January 12, 2007 on the proposed marketing agreement for handlers of leafy greens. Board member Russ Jefferies and Assistant Executive Officer Michael Thomas spoke at the hearing to raise concerns about potential conflicts between recommended food safety Good Agricultural Practices (GAPs) and water quality protection practices, such as vegetated filter strips and riparian buffers. Draft GAPs are being developed by Western Growers Association.

Alison Jones also briefed the Board on a meeting of the California Roundtable for Agriculture and the Environment where she spoke about concerns related to the draft GAPs. As a result of that meeting, Water Board, National Marine Fisheries Service

(NMFS), Department of Fish and Game (DFG), Natural Resources Defense Council (NRDC), Natural Resources Conservation Service (NRCS) and several others in attendance at that meeting were able to open a dialogue with Western Growers, also in attendance. Alison and members of the above organizations coordinated to provide combined comments on the draft GAPs to Western Growers on February 9, 2007.

Board member Dr. Daniel Press expressed his support for region wide regulations for grazing and livestock. Michael Thomas reminded the Board that staff is thoroughly looking into this issue to determine the appropriate regulatory approach.

Alison will continue to pursue more dialogue and discussion about our concerns with Western Growers, CDFA and others. Growers are in risk management mode; they could face either being unable to sell their crops or enforcement action from us.

An important part of this issue will be to work toward making in-roads with the buyers. Buyers and third party auditors conduct inspections and may require growers to remove all vegetation in the vicinity of the crop. Board member Hayashi noted that scored reports are posted on the internet and available to the public. Growers can be scored low for having conservation practices in place.

20. Public Forum ..... Board Direction

The following individual had made public comment:

Denise Estrada, City of Salinas - spoke about outreach programs in the City of Salinas.

21. Reports by Central Coast Water Board Members ..... Status Reports

Board members discussed the food and safety meeting that was held on January 12 in Monterey, a doctoral student currently studying food safety and water quality, and supplemental environmental projects.

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

Assistant Executive Officer Michael Thomas and Division Manager Harvey Packard reported on the DeLaveaga Disc Golf Course and provided photos showing improved areas on the course.

Previously, the Board had requested that Mr. Thomas provide an update on the Dalidio project.

Staff Counsel Lori Okun clarified the possible role of our agency in conjunction with CEQA regulations.

Mr. Thomas asked about the possibility of implementing low impact development for the project. Ms. Okun believes that it would be possible include low impact development measures.

Chairman Young adjourned the meeting at 3:40 p.m. The next regular Board meeting will be held on March 23, 2007, in San Luis Obispo.

The meeting was audio recorded and the minutes were reviewed by management and approved by the Board at its March 23, 2007 meeting in San Luis Obispo, California.

Jeffrey Young, Chairman with additions to #11 by chair

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