NOTICE OF PUBLIC MEETING CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD Wednesday and Thursday, February 1 & 2, 2012

Salinas City Council Chamber Rotunda, 200 Lincoln Avenue, Salinas, CA 93901

This Notice of Public Meeting provides the agenda for the meeting of the Regional Water Quality Control Board, Central Coast Region. Interested persons may submit written materials in advance of the meeting to the Water Board on these items and will usually have the opportunity for oral comments at the meeting. Water Board Staff will transmit written material to the Water Board Members received by the stated deadlines set forth in a hearing notice for items requiring a hearing or by 5:00 p.m., Wednesday of the week prior to the Board meeting for items not requiring a hearing, For more details on submittal of written materials, see the Conduct of Meeting and Hearing Procedures on Pages 7-9 of this Notice.

<u>Public Forum</u>. The Water Board welcomes information on water quality issues within the Central Coast Region. The public may bring items that are **not** on the agenda to the attention of the Water Board in the Public Forum portion of its regular meetings or may submit such information in writing to the Executive Officer. The Water Board chair generally provides three minutes per speaker during the Public Forum.

Agenda Items. For listed agenda items, the Water Board will generally accept oral comments at the meeting. The Water Board Chair will limit the time for such oral comments. Speakers should be brief and direct their comments to specifics of the matter. Whenever possible, lengthy testimony should be presented to the Water Board staff in writing and only a summary of pertinent points presented verbally. For some items requiring adjudicatory hearings, written materials will be accepted only according to the procedures set forth in a previously issued public notice for the particular agenda item. Speakers should summarize their written comments. For scheduling purposes, requests for extended speaking times (with justification) should be submitted to the Executive Officer (rbriggs@waterboards.ca.gov) as soon as possible after the agenda is mailed, and not later than 5:00 p.m., January 18, 2012. The Chair will decide whether to grant such requests, and staff will let the speakers know if the Chair granted the request. The Chair may change the order of the agenda items at any time.

Wednesday, February 1, 2012 at 3:30 p.m. to 6:30 p.m.

[Frances Spivy-Weber 916/341-5615]

1.	Roll Call [Roger Briggs 805/549-3140]Board Members Present				
2.	Introductions [Roger Briggs]				
3.	Election of Board Chair and Vice ChairBoard Motion				
4.	Board Workshop: Opportunity for Public Comment (Oral only) on the Draft Staff Recommendations for an Updated Agricultural OrderInformation/Discussion [Lisa McCann 805/549-3132]				
Thursday, February 2, 2012 at 8:15					
5.	Roll Call [Roger Briggs 805/549-3140]Board Members Present				
6.	Introductions [Roger Briggs]				

8. Approval of December 1, 2011 Meeting Minutes......Board Motion

Uncontested Items

Low Threat and General Discharge Cases

10. Low Threat and General Discharge CasesInformation/Discussion/Board Approval

General Permit for Discharges with Low Threat to Water Quality, Order No. R3-2011-0223

California American Water, Carmel Valley Drinking Water Well Network, Monterey County [Mike Higgins 805/542-4649]

Soquel Creek Water District, Polo Grounds Well Rehabilitation, Santa Cruz County [Mike Higgins 805/542-4649]

California American Water, Chualar Wells Nos. 3 and 4, Monterey County [Mike Higgins 805/542-4649]

Statewide General Waste Discharge Requirements for Small Domestic Wastewater Systems, Order No. 97-10-DWQ

Rancho Cielo Youth Campus, Salinas, Monterey County [Tom Kukol 805/549-3689]

General Waste Discharge Requirements for Discharges of Winery Waste, Order No. R3-2008-0018

Miramar Vineyards, 12255 New Avenue, San Martin, Santa Clara County [Cecile DeMartini, 805/542-4782]

General Waiver of Waste Discharge Requirements for Specific Types of Discharges, Order No. R3-2008-0010

Raytheon B-2 Facility, 75 Coromar Drive, Goleta, Santa Barbara County [Dean Thomas 805/549-3690]

Santa Cruz Industries, 411 Swift Street, Santa Cruz, Santa Cruz County [Dean Thomas 805/549-3690]

Whittaker, 2751 San Juan Road, Hollister, San Benito County [Kristina Seley 805/549-3121]

Former Nottingham Company, 13577 Blackie Road (aka 10775 Cara Mia Parkway), Castroville, Monterey County [Wei Liu 805/542-4648]

Shell Oil Products US, 150 S. La Cumbre Road, Santa Barbara, Santa Barbara County [Chris Adair 805/549-3761]

Shell Oil Products US, 1000 Coast Village Road, Montecito, Santa Barbara County [Chris Adair 805/549-3761]

Chevron Environmental Management Company, 165 N. Fairview Avenue, Goleta, Santa Barbara County [Chris Adair 805/549-3761]

Cleanup Cases

7-Eleven Store #32415, 1212 Fremont Boulevard, Seaside, Monterey County [Wei Liu 805/542-4648]

Former Tosco Facility #05432, 899 Hawthorne Street, Monterey, Monterey County [Wei Liu 805/542-4648]

*12. Recommended Closures

Burns' Property, 553 Munras Avenue, Monterey, Monterey County [Wei Liu 805/542-4648]

Waste Discharge Requirements

- *13. Tres Pinos County Water District, San Benito County.......Order No. R3-2011-0220 (Adopt Waste Discharge Requirements)
 [Cecile DeMartini 805/542-4782]
- *15. California Valley Solar Ranch Class II Surface Impoundments Order No. R3-2011-0225 San Luis Obispo County (Adopt Waste Discharge Requirements) [Ryan Lodge 805/549-3506]

*17. Timber Harvest Activities	Order No. R3-2012-0007
General Conditional Waiver of Waste Discharge Requirements	
[Mike Higgins 805/542-4649]	
Enforcement	

Enforcement

18. Enforcement Report......Status Report [Harvey Packard 805/542-4639]

Watershed Protection

- [Harvey Packard 805/542-4639]
- 20. City of Santa Barbara Low Impact Development Award. Resolution No. R3-2012-0014 [Roger Briggs 805/549-3140]

Permits

21. City of Salinas Municipal Stormwater Permit, Monterey County......Order No. R3-2012-0005 Reissuance of NPDES Permit No. CA0049981) [Jennifer Epp 805/594-6181]

Administrative Items

- [Any person may address the Board regarding a matter within the Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to three minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should contact the Executive Officer at least one week prior to the meeting (the Thursday before a Thursday meeting). Comments regarding matters that are scheduled for a future meeting will be restricted.]
- 23. Reports by Regional Board Members Status Reports
- 24. Executive Officer's Report [Roger Briggs 805/549-3140]...... Information/Discussion

Water Quality Certifications

ITwo charts are provided in the agenda listing the applications received and certification issued from October 24, 2011 to December 14, 2011. A listing of pending applications for Water Quality Certifications pursuant to Section 401 of the Clean Water Act may be obtained by calling Kim Sanders at 805/542-4771]

Administrative Reports

Budget Update [Roger Briggs 805/549-3140] Presentations and Training [Roger Briggs 805/549-3140]

Closed Session

Discussion of Cases in Litigation [Sr. Staff Counsel Frances McChesney].. Closed Session The Board will meet in closed session to discuss pending litigation, as authorized by Government Code (GC) Section 11126[e][2][A], in the cases of:

- 1. Monterey Coastkeeper, et al. v. California Regional Water Quality Control Board, Central Coast Region (Monterey County Superior Court Case No. M111983)(Extension of 2004 Ag Order);
- 2. Petition of Monterey Coastkeeper, Santa Barbara Channelkeeper and San Luis Obispo Coastkeeper (Resolution No. R3-2011-0208, Executive Officer Extension of the 2004 Agricultural Order No. R3-2004-0117)
- 3. Petition of William Elliott (Resolution No. R3-2011-0208, Executive Officer Extension of the 2004 Agricultural Order No. R3-2004-0117
- 4. Voices of the Wetlands, et al, v. Regional Water Quality Control Board (Monterey County Superior Court No. M54889; Sixth District Court of Appeals Case No. H028021):
- 5. Los Osos Community Services District v. Central Coast Water Board (ACL Order R3-2005-0137) (San Luis Obispo County Superior Court Case No. CV 060633);
- 6. Central Coast Water Board v. Los Osos Community Services District (San Luis Obispo County Case No. CV-051074);
- 7. Los Osos CSD v. Central Coast Water Board (San Luis Obispo County Case No. CV 060146 (TSO 00-131);
- 8. Los Osos Community Services District (Bankruptcy), Central District of California Case No. ND 06-10548-RR;
- 9. Maxine Heim v. Central Coast Water Board, San Luis Obispo County Superior Court Case No. CV 989572;
- 10. Ken Berry, et al. v. Central Coast Water Board, et al. (Sacramento Superior Court; CEQA Challenge to Los Osos CDOs);
- 11. Prohibition Zone Legal Defense Fund, et al., v. Central Coast Water Board, et al. (San Luis Obispo Superior Court Case No. CV070472) (Los Osos CDOs);
- 12. Petition of Desal Response Group (Ocean View CSD Desalination Facility, Ocean View Plaza, Monterey CA; Order No. R3-2007-0040 [NPDES Permit No. CA0050016]), SWRCB/OCC File No. A-1873;
- 13. Petitions of Cambria Community Services District (Chevron Service Station No. 9-0919 under General Permit No. 01-134), SWRCB/OCC File Nos. A-1462 and A-1462a.
- 14. Petition of City of Lompoc (Santa Barbara County, Resolution No. R3-2008-0071 for City of Lompoc Storm Water Management Program), SWRCB/OCC File No. A-1965.
- 15. Casmalia Hazardous Waste Site Litigation: U.S. v. State of California and Related Matters.

The Board may discuss significant exposure to litigation as authorized by GC Section 11126[e][2][B]. The Board may also decide whether to initiate litigation as authorized by GC Section 11126[e][2][C]. The Board is not required to allow public comment on closed session items. (See GC Section 11125.7(d).

The Board may also meet in Closed Session to deliberate on a decision to be reached based upon evidence introduced in a hearing, as authorized by GC Section 11126(c) (3).

Adjournment

The next scheduled Board meeting will be held on March 15, 2012 in San Luis Obispo.

CENTRAL COAST WATER BOARD MEETING SCHEDULE 2012

Date	City	Address		
		Salinas City Council Chamber Rotunda		
February 1-2, 2012	Salinas	200 Lincoln Avenue, Salinas, CA 93901		
		Central Coast Water Board Conference Room		
March 15, 2012	San Luis	895 Aerovista Place, Suite 101, San Luis Obispo, CA		
	Obispo	93401-7906		
		Central Coast Water Board Conference Room		
May 3, 2012	San Luis	895 Aerovista Place, Suite 101, San Luis Obispo, CA		
	Obispo	93401-7906		
June 7, 2012	San Luis	To be announced		
(offsite)	Obispo	II.		
		Watsonville City Council Chambers, 275 Main Street, 4 th		
July 12, 2012 Watsonville Floor, Watsonville, CA 950		Floor, Watsonville, CA 95076		
		Central Coast Water Board Conference Room		
September 6, 2012	San Luis	895 Aerovista Place, Suite 101, San Luis Obispo, CA		
	Obispo	93401-7906		
		Santa Barbara County Supervisors Board Hearing Room		
October 18, 2012	Santa	105 Anapamu Street, 4 th Floor, Santa Barbara, CA 93101		
	Barbara			
		Central Coast Water Board Conference Room		
December 6, 2012	San Luis	895 Aerovista Place, Suite 101, San Luis Obispo, CA		
	Obispo	93401-7906		

LEAD STAFF PERSONS

Roger W. Briggs, Executive Officer	805-549-3140
Michael Thomas, Assistant Executive Officer/Ombudsman	805-542-4623
Cyndee Jones, Regional Administrative Officer	805-549-3372
Frances McChesney, Senior Staff Counsel	916-341-5174
Jessica Newman, Staff Counsel	916-341-5168
Harvey Packard, Section Manager/Aquatic Habitat	805-542-4639
Lisa Horowitz McCann, Section Mgr. /Watershed Planning & Protection	805-549-3132
John Robertson, Section Manager/Groundwater Protection	805-542-4630
Sheila Soderberg, NPDES Permits/Dept. of Defense Program	805-549-3592
Thea Tryon, Land Disposal/Site Cleanup Program	805-542-4776
Chris Adair, Underground Tanks/Cleanup/WDR Permits	805-549-3761
Chris Rose, TMDLs/Non-point Source	805-542-4770
Phil Hammer, Storm Water//401Water Quality Certification	805-549-3882
Angela Schroeter, Agricultural Regulatory Program/Basin Planning	<i>8</i> 05-542-4644
Karen Worcester, Regional Monitoring/Basin Planning	805-549-3333
Alison Jones, Non-point Source Program	805-542-4646

Please email, send, or fax correspondence to:

Central Coast Water Board 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906

Phone: 805-549-3147 Fax: 805-543-0397 Email: centralcoast@waterboards.ca.gov

CENTRAL COAST WATER BOARD MEMBERS

Board Member	Appointment Category	Term Expires
Jean-Pierre Wolff San Luis Obispo	Irrigated Agriculture	9/30/2015
VACANT	Water Quality	9/30/2014
Monica S. Hunter Los Osos	Public	9/30/2012
Russell M. Jeffries Vice-Chair, Salinas	Water Quality	9/30/2012
Michael Jordan Santa Barbara	Recreation, Fish or Wildlife	9/30/2014
Jeffrey S. Young Chair, Santa Barbara	Water Supply	9/30/2013
Bruce Delgado Marina	Municipal Government	9/30/2013
VACANT	Industrial Water Use	9/30/2012
Michael Johnston Watsonville	County Government	9/30/2015

CONDUCT OF MEETING AND HEARING PROCEDURES

- A The primary duty of the Central Coast Water Board is to protect the quality of waters within the Region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all domestic, municipal, and industrial waste discharges. Specific responsibilities and procedures of the Regional Water Quality Control Boards and the State Water Resources Control Board are set forth in the Porter-Cologne Water Quality Act Division 7 of the California Water Code.
- B The purpose of the meeting is for the Board to obtain input from concerned and affected persons and make decisions after considering the recommendations made by the Executive Officer. The Board will vote only on matters listed on the agenda as action items. The Board may give direction to the Executive Officer on any matter discussed during the meeting.
- C Agenda items are numbered for identification purposes and will not necessarily be considered in the order listed.
- D RULES FOR LATE SUBMISSION OF WRITTEN MATERIALS: This paragraph applies only if there are no deadlines for written evidence, testimony or comments in a separate hearing notice for an item. Written material received after the due date on the first page of the agenda and before noon on the Monday of board meeting week generally will not be provided to Board members until the day of the meeting, but will become part of the record unless the Chair rules that the late submission would prejudice the Central Coast Water Board staff or any party. Written material received after noon on the Monday of board meeting week will not be provided to Board members or become part of the record, unless the Chair approves the late submission. The Chair will not approve a late submission if doing so would prejudice any party (including Central Coast Water Board staff) or the Board, but may modify this rule if a party demonstrates severe hardship. The Chair will rule at or before the hearing. Late submissions that consist of evidence (as opposed to policy statements or comments) will generally be deemed prejudicial unless all designated parties (see below) have time to consider the evidence before the meeting.
- E The Board and staff welcome information on pertinent issues, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take the appropriate action. Lengthy testimony should be presented to the Board in writing and only a summary of pertinent points presented verbally. In order to give everyone an opportunity to be heard, comments should have been previously submitted in writing and a time limit on presentations may be imposed on any agenda item. Speakers should plan to summarize key points within three minutes. You will need to receive approval from the Chair prior to meetings to speak for longer than three minutes. Please make your request to the Executive Officer at least one week before the meeting.
- F Material presented to the Board, as part of testimony (e.g., photographs, slides, charts, diagrams, etc.) must be left with the Assistant Executive Officer, Michael Thomas. Photographs or slides of large exhibits are acceptable. If you plan to use visual aids such as PowerPoint, contact the Central Coast Water Board staff prior to

the meeting to arrange for equipment set-up. You must provide a printed or electronic copy of any PowerPoint presentation. All Board files, exhibits, and agenda material pertaining to items on this agenda are hereby part of the record.

G - BOARD MEETING PRINCIPLES AND CONDUCT: Any person who appears before the Board has an obligation not to act abusively or discourteously. Zealous representation of your interest, or the interest of a person or organization you represent, should be carried out in a professional manner. Speakers should not engage in derogatory conduct based on race, national origin, religion, gender, sexual orientation, or similar characteristics of any person. Speakers should always be civil and courteous when communicating with Board members, staff, or other interested persons. All speakers should be punctual and prepared for all Board meeting appearances so that all matters may start on time and proceed efficiently. The Board will not delay proceedings to accommodate late arrivals. The same considerations apply to members of the audience who choose not to address the Board.

The Board may refuse to allow any person who engages in discourteous or disruptive conduct to speak. In the event that any person or group intentionally interrupts the orderly conduct of a meeting, the Board can have the person or group removed from the meeting. In the event that order cannot be restored by the removal of individuals who are interrupting the meeting, the Board may order the meeting room cleared and continue in session. (Gov. Code § 11126.5.) The Board may place reasonable limitations on taking still or video photographs or using placards or signage if these disrupt the meeting.

The Board may also issue contempt sanctions in adjudicatory proceedings. "Adjudicatory proceedings" include all permitting, cleanup and enforcement matters, but do not include basin planning. Any person is subject to the contempt sanction in an adjudicatory proceeding, whether or not the person is a "party" to the matter. The Board can issue contempt citations for the following conduct: obstruction or interruption of the meeting or hearing by any of the following: (1) disorderly, contemptuous, or insolent behavior toward the Board; (2) breach of the peace, boisterous conduct, or violent disturbance; or (3) other unlawful interference with the process or proceedings. Conduct that is not in the Boardroom but that is near the meeting or hearing can also give rise to contempt sanctions. (Ca. Gov. Code sections 11455.10-11455.30; Ca. Code of Civ. Proc. section 128.5; Cal. Code of Regs, tit. 23, sections 648(b), 648.8.)

If the Board decides to impose contempt sanctions, the process is as follows. The Board first makes findings that a person should be cited for contempt. The findings are then referred to a court. The court will issue an order to the person(s) involved to appear before the court and defend the contempt charge. The court then may issue the same types of contempt penalties that would apply in a civil court trial, or dismiss the matter. In addition, the Board can order payment of attorney's fees when any person engages in bad faith actions or tactics that are "frivolous" or solely intended to cause unnecessary delay. In that case, the person engaging in the improper conduct must pay the attorneys fees of any party that result from the conduct. "Frivolous" means totally and completely without merit, or for the sole purpose of harassing another party (including Water Board staff). An order to pay attorney's fees takes effect immediately, does not require court action, and cannot be petitioned to the State Water Board.

Public participation is very important to the Board. Members of the public should not be afraid to comment on matters before the Board, even if they do not fully understand the applicable law. However, public participation is hampered by an individual's or a group's disruptive conduct. It is not the intent of the Board to use its contempt powers (including attorney's fee orders) before providing a warning and allowing an opportunity to correct the conduct and avoid contempt proceedings. Additional information on Board meeting conduct is available on our website:

http://www.waterboards.ca.gov/centralcoast/resources/docs/board_meeting_conduct.pdf

H - HEARING RULES FOR CONTESTED HEARINGS IN ADJUDICATORY MATTERS (WASTE DISCHARGE OR WATER RECYCLING REQUIREMENTS, NPDES PERMITS, ADMINISTRATIVE CIVIL LIABILITY ORDERS AND INVESTIGATION OR ENFORCEMENT ORDERS [CWC §§ 13267, 13300-13308, 13383]: This section applies unless there are different requirements in a hearing notice for an item. Designated parties may request these procedures: to call and examine witnesses; to have witnesses testify under oath; to receive a witness list from other designated parties; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; to rebut the evidence against him or her; and to make opening or closing statements. A request for these hearing procedures must be received by the Executive Officer at least five working days before the hearing, and must specify the procedures the designated party is requesting.

Designated parties are any persons named in the proposed order. Central Coast Water Board staff is a designated party for administrative civil liability complaints, and for cease and desist orders that establish monetary liability and that are not issued concurrently with waste discharge requirements. All other persons wishing to testify or provide comments are interested persons and not designated parties. Such interested persons may request status as a designated party for purposes of an item by submitting such request in writing to the Central Coast Water Board no later than two weeks after the draft order is available for public comment. The request must explain the basis for status as a designated party and, in particular, how the person is directly affected by the discharge.

- I- The Board Chair may specify a time limit for oral presentations and testimony. Board members may interrupt a presentation with questions or comments. The time for Board member questions and witnesses' answers will not count toward the time limit for a presentation. In order for presentations to be fully understood, presenters must use a rate of speaking comparable to what is acceptable to a court reporter. Please do not race through presentations faster than a normal, clear speech pattern.
- J A copy of the procedures governing Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Central Coast Water Board are conducted pursuant to Government Code sections 11400 et seq. but not Government Code sections 11500 et seq. The Chair may waive any procedural statutes or regulations that are not required by the United States or California Constitutions.

- K All Board files, exhibits, and agenda material pertaining to items on this agenda are hereby part of the record.
- L Any person affected adversely by a decision of the Board, may petition the State Water Resources Control Board (State Water Board) according to Water Code section 13320 and Title 23 California Code of Regulations section 2050. The Petition should be addressed to Office of Chief Counsel and must be received by the State Water Board within 30 days of the Board's action or failure to act (i.e., the meeting date). Copies of the law and regulations applicable to filing petitions will be provided upon request and are available on the State Water Board website, www.waterboards.ca.gov
- M The facility is accessible to people with disabilities. Individuals who require special accommodations are requested to contact John Goni (805/542-4628) at least seven working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.
- N All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit pending before the Central Coast Water Board must submit a statement to the Board disclosing any contributions of \$100 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent within the last 12 months to any Central Coast Water Board Member.
- O All permit applicants or persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Central Coast Water Board, are prohibited from making a contribution of \$100 (or more) to any Board Member for three months following a Central Coast Water Board decision on the permit application.
- P The Board may conduct any scheduled hearing as a Panel Hearing as allowed by law in the event of a lack of a Board member quorum. In the event that a Panel Hearing is held, final action on that item will not be taken until a Board member quorum is present. The Board generally will not accept additional public comment or testimony after the Panel Hearing, unless the proposed order is substantially changed. (Water Code Section 13228.14, gov. Code Section 11125.7)

Salinas City Council Chambers 200 Lincoln Avenue, Salinas, CA 93901

