



# California Regional Water Quality Control Board Central Coast Region



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## MINUTES REGULAR MEETING Thursday, February 4, 2010 Central Coast Regional Water Board

Chairman Jeffrey Young called the meeting of the Central Coast Water Board to order at 8:30 a.m. on Thursday, February 4, 2010, at the Central Coast Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California.

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

**Board Members Present:**  
Chairman Jeffrey Young  
Vice Chair, Russell Jeffries  
David Hodgkin  
Monica Hunter  
John Hayashi  
Tom O'Malley

**Absent:**  
Gary Shallcross

2. Introductions ..... Executive Officer Roger Briggs

Executive Officer Briggs introduced staff and asked parties who wished to speak to complete testimony cards and turn them in. Mr. Briggs also welcomed and introduced State Board staff liaison Walt Pettit. Supplemental sheets that were prepared after the agenda was sent out are as follows: Items 12, 13, 14, and 18.

3. Election of Chair and Vice Chair ..... Board Motion

**MOTION:** John Hayashi moved to re-elect the existing Chair Jeffrey Young and Vice Chair Russell Jeffries.

**SECOND:** David Hodgkin and Tom O'Malley.

**CARRIED:** Unanimously (6-0)

3a. Resolution of Appreciation for Amanda Bern ..... Resolution No. 2010-0018

Executive Officer Briggs announced that staff member Amanda Bern has retired. On Amanda's behalf, Alison Jones thanked the Board for the Resolution and thanked staff for all of the support (gifts, cards, leave credits) that they extended to Amanda during her health care struggles. Alison also noted that Amanda cares deeply for and is very passionate about water quality and worked very hard on agricultural issues for nine years. Mr. Briggs also noted that Amanda developed bilingual water quality short courses in Spanish and Chinese. The Board expressed their appreciation to Amanda and wished her the very best in all her future endeavors. Board member



Hunter noted that she has always heard very good comments in the communities about Amanda's work.

**MOTION: David Hodgin moved to adopt Resolution No. 2010-0018.**

**SECOND: Monica Hunter**

**CARRIED: Unanimously (6-0)**

**4. Approval of December 10, 2009 Meeting Minutes ..... Board Motion**

**MOTION: Russell Jeffries moved to approve the December 10, 2009 meeting minutes.**

**SECOND: David Hodgin**

**CARRIED: Unanimously (6-0)**

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

State Board liaison Walt Pettit provided an update to the Board on the following issues: Los Osos wastewater project, the once-through cooling policy, Russian River winery water withdrawals for frost protection, and follow-up on water bills passed by the legislature. One that directly involves the State Board is to develop numbers for the outflow in the delta for public trust purposes. This will be an informational type of hearing. Dr. Hunter asked Mr. Pettit about the public trust hearings and how the numbers would be applied to future actions for the delta. Mr. Pettit noted that the old Bay-Delta Commission has been revised and renamed and now there is also a Delta Conservancy that has been set up. The two organizations should develop a plan for the Delta and utilize the numbers that the State Board provides.

**6. Uncontested Items Calendar ..... Board Motion**

Executive Officer Briggs recommended approval for Items 12, 13, and 15. Board member O'Malley noted that the City of Santa Maria is doing an excellent job with their wastewater treatment program.

**MOTION: David Hodgin moved to approve the consent calendar.**

**SECOND: Russell Jeffries**

**CARRIED: Unanimously (6-0)**

**7. Enforcement Report ..... Status Report**

Board Member Hunter asked about the status of the California Men's Colony's chlorination upgrade. Staff scientist David LaCaro replied that funding had not yet been approved.

Chair Young asked what enforcement steps typically follow a Notice of Violation (NOV). Mr. Briggs replied that there are many options, depending on the specifics of the case. In some cases, the NOV would be the final enforcement action, in other cases the NOV might lead to other actions, including cleanup orders, cease and desist orders, or penalties.

Steve Shimek of the Monterey CoastKeeper raised concerns about stormwater violations by the Monterey Regional group of agencies. He suggested that the Board not waste time by requiring modifications to the stormwater management plan, but instead require strict compliance with the

existing plan. Chair Young requested that staff provide an update to the Board. Mr. Briggs stated that staff would provide the report at the next meeting, which is the March meeting in Watsonville.

**8. Low Threat and General Discharge Cases** .....Status Reports

This is an informational item and written report. The Board members had no questions.

**9. Staff Case Closures** ..... Information

Mr. Briggs noted that these items are good news because the sites have met water quality objectives. Staff members were able to administratively close the sites. Mr. Briggs thanked staff for their efforts on the sites. The Board had no questions.

**10. Recommended Case Closures** .....Board Approval

Mr. Briggs recommended two cases considered to be low risk be closed. Mr. Briggs thanked staff members Rich Chandler and John Mijares for their work on the sites. The Board had no comments.

**11. Land Disposal Program Update** ..... Status Report

Mr. Briggs noted that this report has been provided annually, however, with the current reductions in budget and staffing the report may be provided less frequently. He noted the report is very comprehensive and informative on several of the priority sites as well as other sites. Additional information is provided on how staff focused on prioritization. Board members asked questions relating to the characterization of priority sites, the listing of sites, and archiving of site information. The Board thanked Thea Tryon and her team for the update and requested that the update be posted on the Water Board website so it is accessible to the public for review.

**14. Joseph Gallo Farms Feed Lot** ..... Order No. 2010-0004

Executive Officer Briggs introduced the item, mentioned two supplemental sheets, and stated that Chair Young allowed Monterey Coastkeeper and Gallo representatives fifteen minutes to present information. Chair Young interjected that late comments from the Sierra Club and the Environmental Justice for Water Coalition would not be accepted. Mr. Briggs introduced Water Board staff engineer Tom Kukol.

Mr. Kukol presented information regarding the facility and the proposed permit. Gallo's Carl Morris summarized Gallo's dairy business. Gallo's technical consultant, Steve Mockenhaupt, followed up by describing the feedlot's runoff control, manure control, pond capacity, and nutrient control.

Chairman Young called upon Monterey Coastkeeper representative Steve Shimek for his presentation. Mr. Shimek presented testimony to support his case that the proposed permit is inadequate because of insufficient technical analysis and because of procedural deficiencies. Mr. Shimek suggested that a one-year permit might be appropriate to address permit problems.

Board member Jeffries questioned staff's thoroughness in analyzing the facility's nitrogen impacts to groundwater, prompting an inquiry/discussion about regional and local groundwater nitrogen.

Executive Officer Briggs asked Gallo to address Mr. Shimek's alleged discrepancy on pond capacity calculations. Gallo consultant Mockenhaupt stated that there was a misunderstanding about how the cited numbers were interpreted.

Chairman Young asked how the number of head (of cattle) affect runoff/pond capacity numbers. Mockenhaupt responded that the number of head does not change the amount of runoff appreciably.

Chairman Young asked about the timing of proposed groundwater monitoring, prompting a discussion about the feasibility of different monitoring deadlines. Board member Hayashi asked if Gallo grows silage. Gallo representative Morris stated that oats are harvested as wet silage. Board member Hayashi asked if Gallo irrigates from ponds during dry weather. Gallo representative Morris stated that during dry weather, Gallo does not appreciably irrigate from collection ponds. Board member Hayashi asked if Gallo's silage burns out. Gallo representative Morris responded negatively.

Executive Officer Briggs asked Gallo representative Morris to address Mr. Shimek's comments that USDA has never heard about triple cropping. Morris said he never spoke with that USDA representative, but Gallo can, and has, triple-cropped.

Board member O'Malley asked about the regulation of stormwater runoff from trash and equipment. He also asked if any municipalities complained about Gallo's contamination. Staff engineer Kukol replied that none have complained.

Board member Jeffries stated that 1) he could not support the current motion because no groundwater monitoring data from the new program are available, 2) historic use of the feedlot has caused a lot of nitrate contamination in the area, 3) a past report shows nitrate contamination, and 4) it was important for the Board to see a groundwater plan before deciding on the permit. Staff Counsel McChesney responded, explaining the legal context of the proposed permit with respect to the federal CAFO regulations.

Board member Hodgin asked if a one-year permit would be appropriate. Staff Counsel McChesney responded that adopting a short-duration permit is legal but not recommended. Board member Hodgin followed up by asking how Board member Jeffries' concerns could be met. Staff Counsel McChesney suggested that staff could give a status report in one year.

Board member Hunter asked how the Board could review the submitted groundwater plan. Chairman Young responded that the Board does not review plans, but a status report in a year will provide the Board more information. Staff Counsel McChesney added that the Board does not normally review groundwater monitoring plans. Mr. Briggs stated that the discharger is directed to consider the comments already received from Coastkeeper as Gallo develops its groundwater plan, and that the Water Board staff will provide additional opportunity for public comment on the draft plan. Board member Hunter directed staff to take into account stormwater issues and Board member Jeffries' cited historic reports in staff's followup to the order.

**MOTION:** Tom O'Malley moved to adopt staff's recommendation to adopt the Order and, close to one year later (at a northern board meeting), have staff provide a report describing the status of the yet-to-be implemented groundwater monitoring program, and change the groundwater submittal plan deadline to 120 days.

**SECOND:** John Hayashi

**CARRIED:** Unanimously (6-0)

*(Chair Young announced a break at 10:58 a.m. The meeting reconvened at 11:14 a.m.)*

**16. Public Forum** ..... Board Direction

The individuals listed below had comments:

Jeff Edwards, Private sector, Los Osos – raised concerns about SLO County and their handling of the Los Osos Wastewater Project. He asked the Board to work with the County.

Julie Tacker, Resident, Los Osos - raised concerns about the decommissioning of existing septic tanks.

Steve Shimek, Monterey CoastKeeper – provided a presentation to raise Board awareness about thousands of rodent poison bait stations on agricultural properties in our region that may pose a threat to water quality.

**17. Reports by Central Coast Water Board Members** ..... Status Report

Board member O'Malley discussed the LID Center and follow up outreach with the City of Atascadero.

**18. Executive Officer's Report** ..... Information/Discussion

Executive Officer Briggs will provide a presentation to the City of Atascadero on LID and will follow up with Wade McKinney. Mr. Briggs discussed the budget status with regard to the State Board plan for salary savings reductions, and staff priorities in programs.

Mr. Briggs also discussed Board outreach and some of the responses received. The City of Monterey submitted a letter that encouraged amending Prop 218 due to stormwater program challenges. The letter also pointed out that runoff contaminants of zinc and copper from automobile brake pads would need State legislation for regulation. Walt Pettit noted that the auto brake pad contaminant issue was researched in the Bay area about ten or twelve years ago to get information out to the manufacturers. He did not know if there was any change initiated by the manufacturers. Board members discussed other sources of stormwater contaminants and work that could be done to address the issue.

Mr. Briggs reported that the draft irrigated agriculture order was issued for review. He noted that the Board will have a workshop on the order in May. Hard copies of the draft order were provided to those Board members that requested them.

Mr. Briggs discussed Board meeting date and location conflicts for the December 9, 2010 Board meeting. The Board will change the December Board meeting location to Watsonville. Board member O'Malley may have a conflict for the March 18 meeting. The Board discussed the May 12-13 Board meeting and decided to place the regular items at 8:30 a.m. and the irrigated ag workshop at 1:00 p.m. on May 12. The Greka hearing will be scheduled for May 13 at 8:30 a.m.

The Board held a closed session meeting following the Executive Officer's report.

Chairman Young adjourned the meeting at 12:15 p.m. The next Board meeting will be held on March 18, 2010 in Watsonville.

The meeting was audio recorded and the minutes were reviewed by management and approved by the Board at its March 18, 2010 meeting in Watsonville, California.

  
Jeffrey Young, Chairman

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