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Central Coast Regional Water Quality Control Board

MEETING MINUTES

Central Coast Regional Water Quality Control Board  
REGULAR MEETING

Thursday, May 28, 2015, 8:30 a.m. – 7:00 p.m.

Friday, May 29, 2015, 9:00 – 5:00 p.m.

Central Coast Water Board Hearing Room  
895 Aerovista Place, Suite 101, San Luis Obispo

Thursday, May 28, 2015, 8:30 a.m.

Chair Dr. Jean-Pierre Wolff called the meeting to order on May 28, 2015, at 8:30 a.m.

**BOARD BUSINESS**

1. Roll Call

Tammie Olson, Clerk to the Board

**Water Board Members Present:**

Chair Wolff, Vice Chair Hunter, Member Cervantez, Member Delgado, Member Johnston, and Member Thomasberg.

Member Young was not present.

2. Introductions, Staff Recognition, and Awards

Kenneth A. Harris Jr., Executive Officer

Executive Officer Ken Harris introduced Tammie Olson, Clerk to the Board; Lori Okun, Assistant Chief Counsel; and on the phone, Jessica Jahr, Staff Counsel.

Thea Tryon, Enforcement Coordinator, Site Program Cleanup Manager, and Senior Engineering Geologist, gave an update on the Refugio Beach oil spill.

**STAFF RECOGNITIONS:** Ken Harris asked senior staff to introduce new staff and students to the board.

New Staff:

- o Thea Tryon – Sarah Treadwell, Engineering Geologist for Site Cleanup
- o John Robertson – Aaron Katona, Engineering Geologist, Active Oilfield Regulation

- o Chris Adair – Jon Rokke, Water Resources Control Engineer, Waste Discharge Requirements
- o Lisa McCann – Mike Godwin, Engineering Geologist, Stormwater
- o Phil Hammer - Paula Richter, Environmental Scientist, Planning/401 Water Quality Certification Unit.
  
- o Mr. Harris said that two additional staff members will be added to assist with the Active Oilfield Regulation.

Students

- o Thea Tryon – Kendall Stahl worked on Cambria permitting; her last day will be June 10.
- o Phil Hammer - Ashlie Bettance-Kearn.
- o Lisa McCann - James Pilkington, CEQA documentation; his last day was May 28.

Volunteers

- o Angela Schroeter – Ben Calo

3. Approval of the January 29-30, 2015 Board Meeting minutes

**Roll Call Vote:**

**Motion:** Vice Chair Hunter moved to approve the minutes of January 29-30, 2015.

**Seconded by:** Member Delgado

**MOTION CARRIED:**

**Aye:** Chair Wolff  
Vice Chair Hunter  
Member Cervantez  
Member Delgado  
Member Johnston  
Member Thomasberg

**Nay** None

**Absent:** Member Young

**Abstain** None

4. Report by Regional Board Members

- Board Member Thomasberg:
  - o Feb 13, Reception for new board members by the California Strawberry Commission and the Grower-Shipper Association.
  - o March 17, Water quality committee of the Grower-Shipper Association.
  - o March 25, dinner forum for removing barriers to low-impact development.
  
- Vice Chair Hunter:
  - o Attended the Chairs' meeting in Sacramento in Chair Wolff's absence.

- **Board Member Delgado:**
    - Attended meeting for groundwater replenishment project in Monterey County.
    - Attended meeting for Cal Am Desal plant in Monterey, California Public Utilities Commission meeting.
  
  - **Board Member Johnston:**
    - March 25, attended a meeting on opportunities in low-impact development.
  
  - **Chair Jean-Pierre Wolff**
    - February 2, 2015, City of San Luis Obispo utilities managers relating to recycling water in the city.
    - February 4, 2015, San Luis Obispo County Water Resources Advisory Committee.
    - February 20, 2015, Adam Hill, San Luis Obispo County supervisor, regarding the drought and groundwater issues
    - March 3, 2015, meeting with Los Osos Community Service District, Golden State Water Company, and the County of San Luis Obispo for a presentation on the proposed groundwater basin plan and use of recycled water for agriculture.
    - March 4, 2015, San Luis Obispo County Water Resources Advisory Committee.
    - March 5, 2015, Mr. Harris, Water Board staff and representative of Santa Barbara County to discuss County LAMP.
    - March 24, 2015, meeting with Steve Moore, and Cal Poly San Luis Obispo Associate Dean Dr. Mark Shelton, exploring concepts of certification for agriculture food and environmental science.
    - March 25, 2015, Bruce Gibson, San Luis Obispo County supervisor re drought and groundwater.
    - March 26, 2015, Cal Poly San Luis Obispo Associate Dean Dr. Mark Shelton, and professor Dr. Malama Bwalaya regarding research in groundwater monitoring with electric fields
    - March 30, 2015, Debbie Arnold, San Luis Obispo County supervisor, regarding drought.
    - April 1, 2015, San Luis Obispo County Water Resources Advisory Committee.
    - April 10, 2015 meeting with Cal Poly President's Office Provost Kathleen Enz Finken regarding drought and recycled water.
    - May 28, 2015, with Thea Tryon met at emergency command center for Refugio Beach oil spill near Santa Barbara, also met with USEPA Region 9 Administrator Jared Blumenfeld and participated at press conference.
  
  - **Board Member Cervantez:**
    - No comment
5. 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.
  
  6. 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.
  
  7. Intentionally left blank

**Uncontested Items**

8. All Uncontested items

Roll Call Vote:

Motion: Chair Wolff moved to Item 9: Consider New Waste Discharge Requirements for Winds Farms (California), Inc., Santa Maria, Santa Barbara County

First: Member Johnston

Seconded by: Vice Chair Hunter

MOTION CARRIED:6-0

Aye: Chair Wolff  
Vice Chair Hunter  
Member Cervantez  
Member Delgado  
Member Johnston  
Member Thomasberg

Nay: None

Absent: Member Young

Abstain: None

9. Consider New Waste Discharge Requirements for Windset Farms (California), Inc., Santa Maria, Santa Barbara County

[Tom Kukol, 805/549-3689, [tom.kukol@waterboards.ca.gov](mailto:tom.kukol@waterboards.ca.gov)]

Motion carried see item 8

10. Left Blank

**Watershed Management and Planning**

11. Left Blank

12. Overview of Groundwater Legislation and Regulations by State Water Resources Control Board Groundwater Program Manager

[Erik Ekdahl, 916/341-5316, [Erik.Ekdahl@waterboards.ca.gov](mailto:Erik.Ekdahl@waterboards.ca.gov)]

Erik Ekdahl, State Water Resources Control Board Groundwater Program Manager, presented an overview of and answered questions about the Sustainable Groundwater Management Act and its implications. He described roles and responsibilities of local entities and implementing state agencies (the State Water Board and the Department of Water Resources), and the schedule for implementation.

Speakers:

**Office of Research Planning and Performance**

Erik Ekdahl, Senior Engineer Geologist

Jessica Bean, Engineering Geologist

Thomas Peltier, Engineering Geologist

**Public Forum**

13. The Water Board heard public comments from **Jeff Edwards, and Steve Shimek of the Otter Project.**

**Discussion/Informational Items**

14. Environmental Justice Update

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

Water Board Senior Engineering Geologist Angela Schroeter introduced Item 14, the annual Environmental Justice (EJ) update to the Board. Vicente Lara of the Environmental Justice Coalition for Water (EJCW) made a presentation to the Board describing their efforts to support the environmental justice community, including implementing the Safe Drinking Water Grant to provide replacement water to residents whose drinking water is affected by nitrate contamination. Mr. Lara also summarized the EJ tour held for Board members in February 2015 and offered the opportunity to conduct an additional EJ tour in fall 2015 for Board members who were unable to attend the tour in February. Board Chair Wolff reiterated the importance to coordinate with the Division of Drinking Water (DDW) on drinking water issues affecting disadvantaged communities. Board Member Hunter emphasized the importance of increasing outreach and education to include public health clinics and schools that may be unaware of the drinking water contamination issues and resources available. Board members also emphasized the need to ensure that grant eligibility criteria do not prevent some disadvantaged communities from participating in Water Board grant programs. Staff will continue to update the Board on the status of projects and activities where staff is actively engaged in EJ issues, including the Central Coast Water Board's implementation of the Human Right to Water law.

Speakers:

- Vicente Lara, Environmental Justice Coalition for Water

15. Irrigated Lands Regulatory Program Update, Annual Compliance Form and Management Practice Data Summary

Elaine Sahl, 805/542-4654 [Elaine.Sahl@waterboards.ca.gov](mailto:Elaine.Sahl@waterboards.ca.gov)

Chris Rose, 805/542-4770, [chris.rose@waterboards.ca.gov](mailto:chris.rose@waterboards.ca.gov)]

Irrigated Lands Regulatory Program (ILRP) Manager Chris Rose and ILRP staff Elaine Sahl presented summary data and information of grower management practice activity. The data was gathered from grower information reported on the ranch Annual Compliance Form since October 2014. Board members and the public inquired about the baseline concept being considered to track progress over time, and whether one year of data was enough. Board members commented that perhaps some management measures should be weighted more or less than others since their implementation could be more or less effective.

Speakers

- Ms. Claire Wineman of Grower-Shipper
- Mr. Steve Shimek of Monterey Coastkeeper

This was an informational item; there was no decision by the Board.

16. Morro Bay Groundwater Sampling

[Dean Thomas, 805/549-3690, [dean.thomas@waterboards.ca.gov](mailto:dean.thomas@waterboards.ca.gov)]

Rob Livick of the City of Morro Bay provided an overview of the City's groundwater sampling procedures and plans for work on its collection system.

Water Board Engineering Geologist Dean Thomas discussed the results of the city's sampling. Mr. Thomas recommended that Water Board staff not spend any additional resources on this issue.

Public commenters included Linda Stedjee, Marla Bruton-Sadowski, and Richard Sadowski.

The Water Board concurred with staff recommendation to accept the sampling results and not take any additional action.

17. Pre-approved Supplemental Environmental Project Realignment –  
Groundwater Assessment and Protection  
[John Robertson 805/542-4630, [John.Robertson@waterboards.ca.gov](mailto:John.Robertson@waterboards.ca.gov)]

Central Coast Water Board Groundwater Protection Section Manager John Robertson introduced Item 17 and provided a brief presentation to the Water Board regarding staff's change to designate the Groundwater Assessment and Protection (GAP) program as the only pre-approved supplemental environmental project selection available in settlement offers for expedited payment letters associated with enforcement actions. Mr. Robertson indicated that staff made this change in response to the drought in an effort to align with state-wide actions by the Governor and the State Water Board. Mr. Robertson reminded the Water Board that up to 50 percent of the enforcement liability can be applied to a supplemental environmental project, with the remainder being directed to the Cleanup and Abatement Account, and these actions are consistent with the State Water Board's Enforcement and Supplemental Environmental Project policies. Mr. Robertson indicated that both the Central Coast Ambient Monitoring Program (CCAMP) and the Low-Impact Development Initiative (LIDI) are fully funded for their existing scopes of work, whereas GAP is not, and he noted that the Board mentioned this underfunded status for GAP at the July 2014 meeting. Mr. Robertson committed to provide the Board with periodic updates on GAP's project progress with the supplemental environmental project funding, as well as periodic discussions with the Board regarding the program's work plan.

The Water Board supported staff's change noted above. Several Board members also supported Mr. Robertson's recommendation to bring GAP's work plan before the Board on a regular basis. Additionally, Board members requested that LIDI's work plan be regularly reviewed by the Board as well.

Speakers:

- None

### **Closed Session**

18. The Board may meet in closed session as authorized by Government Code section 11126. For this item, the Board will also have a telephonic meeting location. See Item 25

### **Enforcement**

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

Friday, May 29, 2015, 9:00 a.m.

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

**BOARD BUSINESS**

**20. Roll Call**

**Tammie Olson, Clerk to the Board**

Chair Wolff, Vice Chair Hunter, Member Cervantez (arrived after the roll was called); Member Delgado; Member Johnston; and Member Thomasberg.

Member Young was not present.

**Public Forum**

21. 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 (3) 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. Comments regarding matters that are scheduled for a future meeting will be restricted.

The Water Board heard public comments from **Chuck Cesena, Patrick McGibney and Richard Margetson.**

**Enforcement**

22. Consider Adopting Administrative Civil Liability Order for Carpinteria Sanitary District, Santa Barbara County  
[Thea Tryon, 805/542-4776 [Thea.Tryon@waterboards.ca.gov](mailto:Thea.Tryon@waterboards.ca.gov) and David Boyers, Office of Enforcement, 916/341-5276, [David.Boyers@waterboards.ca.gov](mailto:David.Boyers@waterboards.ca.gov)]

The Prosecution Team presented information to support its recommendation for issuing an order for administrative civil liability of \$96,775 against the Carpinteria Sanitary District, which included \$15,000 in MMPs and \$81,775 in discretionary liability and staff costs. The administrative civil liability complaint alleged the Carpinteria Sanitary District committed several violations of its NPDES permit, Order No. R3-2011-0003, including a self-reported discharge of 281,250 gallons of non-chlorinated effluent to the Pacific Ocean on October 3, 2012.

Presenters for the Prosecution Team included:

- David Boyers, Assistant Chief Counsel, Office of Enforcement, State Water Resources Control Board
- Matthew Buffleben, Ph.D, Senior Water Resource Control Engineer, Office of Enforcement, State Water Resources Control Board
- Leo Sarmiento, Water Resource Control Engineer, Office of Enforcement, State Water Resources Control Board
- Harvey Packard, Supervising Engineer, Central Coast Regional Water Quality Control Board

The defendants responded with evidence indicating that the proposed penalty was too high and, in fact, should be considered a mandatory minimum penalty, reducing the penalty to a few thousand dollars.

Presenters for the Defense Team included:

- William W. Carter, Attorney, Musick, Peeler & Garrett
- Craig Murray, General Manager, Carpinteria Sanitary District
- Beverly Hann, P.E., Senior Engineer Associate, Carollo Engineers
- Daniel Hennessy, Managing Scientist, Anchor QEA, LLC

The defense also called Peter von Langen, Ph.D, Engineering Geologist, Central Coast Regional Water Quality Control Board, as a witness.

Board members, along with Advisory Team members Ken Harris, Executive Officer of the Central Coast Regional Water Quality Control Board, and Lori Okun, Office of Chief Counsel, State Water Resources Control Board, asked questions.

The key topics discussed and raised by Board members included the following:

- Whether the discharge caused "harm" to beneficial uses as defined in the Enforcement Policy;
- The value of the "harm" factor for penalty calculation per the Enforcement Policy;
- The validity of the fate and transport model that predicted levels of fecal indicator bacteria at the point of discharge and beyond;
- Whether having an alarm system for the chlorination system is industry standard practice;
- Whether other equipment, such as shut-off valves or backup pumps, would have prevented the discharge;
- The cause of the chlorination system failure, e.g. pump failure, air-lock in the pump;
- The Carpinteria Sanitary District's culpability for the discharge;
- Whether the cost of monitoring following the discharge (which the Carpinteria Sanitary District did not conduct as required by the permit) should be included as part of the economic benefit factor in the Enforcement Policy; and
- What the actual cost of monitoring would have been.

There was no testimony from the public or other interested parties.

After the hearing was complete, Chair Wolff closed the hearing and the Board went into closed session to deliberate. After about two hours of deliberation, the Board reconvened and announced that a draft order would be presented for review and comment by the parties prior to the next the Board meeting.

### **Administrative Items**

23. Executive Officer's Report

[Kenneth A. Harris Jr., 805/549-3140, [Ken.Harris@waterboards.ca.gov](mailto:Ken.Harris@waterboards.ca.gov)]  
No discussion

24. 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.

No action

Chair Wolff adjourned the meeting at approximately 5:30 p.m. May 29, 2015.



Dr. Jean-Pierre Wolff, Chair