



MINUTES OF
REGULAR MEETING
Thursday and Friday, December 2-3, 2004
Regional Water Quality Control Board

Thursday, December 2, 2004

Chairman Jeffrey Young called the meeting of the Central Coast Regional Water Quality Control Board to order at 1:05 p.m. on December 2, 2004, in the Regional 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
Leslie Bowker
Bruce Daniels
Daniel Press
Gary Shallcross

Absent:

Donald Villeneuve

2. Introductions Executive Officer Roger Briggs

Executive Officer Roger Briggs introduced staff and asked all interested parties who wished to comment to fill out testimony cards and submit them. The State Board Liaison, Gary Carlton, was unable to attend today's meeting due to a

scheduling conflict. Mr. Briggs welcomed and congratulated Russell Jeffries and Daniel Press on their reappointments to the Board. Supplemental sheets are included for Item Nos. 4, 5, 5a, and 34.

4. David Pierson, Creston, San Luis Obispo County Order No. R3-2004-0110

Mr. Briggs announced that on November 29, 2004, Mr. Pierson had paid the \$25,500 assessment recommended in Administrative Civil Liability Complaint No. R3-2004-0110, and waived his right to a hearing of the matter before the Regional Board. Mr. Briggs introduced letters that were received that morning from the Sierra Club and San Luis Obispo County Supervisor-elect James Patterson, both of which advocated higher liability assessments, with the Sierra Club advocating the maximum potential liability of \$1,850,000. Pam Heatherington of ECOSLO, Andrew Cristie of the Sierra Club, and Eva Eberhart, a concerned citizen, addressed the Regional Board in support of a

higher liability being assessed. Mr. Briggs explained that staff had considered all of the relevant factors in arriving at the proposed liability, and recommended that the Regional Board adopt Order No. R3-2004-0110 with a liability of \$25,500.

The Board discussed the nature of a penalty, considering that the proposed amount is not more than the referenced staff costs, and that the proposed liability did not seem appropriate based on the staff report and complaint.

MOTION: Daniel Press moved to direct the Executive Officer to withdraw complaint No. R3-2004-0110 and issue a new complaint. SECONDED by Bruce Daniels CARRIED – Unanimously (6-0)

5. Haig Kelegian, Creston, San Luis Obispo CountyOrder No. R3-2004-0125

Mr. Briggs announced that on November 29, 2004, Mr. Kelegian had paid \$5,500 and agreed to pay the remaining \$20,000 of the \$25,500 assessment recommended in Administrative Civil Liability Complaint No. R3-2004-0125, and waived his right to a hearing of the matter before the Regional Board. Mr. Briggs introduced letters that were received that morning from the Sierra Club and San Luis Obispo County Supervisor-elect James Patterson, both of which advocated higher liability assessments, with the Sierra Club advocating the maximum potential liability of \$1,850,000. Pam Heatherington of ECOSLO, Andrew Cristie of the Sierra Club addressed the Regional Board in support of a higher liability being assessed. Mr. Briggs explained that staff had considered all of

the relevant factors in arriving at the proposed liability, and recommended that the Regional Board adopt Order No. R3-2004-0125 with a liability of \$25,500.

Mr. Daniels asked Mr. Cristie for his opinion on what penalty amount would be reasonable and constitute a deterrent. Mr. Cristie said the maximum amount of \$1,850,000. Chair Young pointed out that penalty amounts are not to be punitive. Dr. Bowker and Mr. Shallcross asked about the differences with this case vs. the Pierson case, and Regional Board staff outlined the main differences.

MOTION: Daniel Press moved to direct the Executive Officer to withdraw complaint No. R3-2004-0125 and issue a new complaint. SECONDED by Bruce Daniels. CARRIED – Unanimously (6-0)

5a. Wastewater Collection Systems Tributary to the Goleta Sanitary District WWTPOrder No. R3-2004-0130

Executive Officer Roger Briggs introduced the item and noted the Supplemental Sheet (dated November 30, 2004) and the associated letter. Board member Daniels questioned whether the Supplement Sheet should be made part of the record, noting that the Board didn't have the opportunity to review. Board member Shallcross recommended a five-minute break to allow Board members time to review the Supplemental Sheet and letter.

(Chairman Young announced a break at 2:20 p.m. The meeting reconvened at 2:28 p.m.)

Upon resuming the meeting, Todd Stanley, Regional Board staff, made a brief presentation on proposed Order No. R3-2004-0130, describing the agencies affected, the purpose of the Order, and comments received. Mr. Stanley recommended adoption of the Order with the minor changes described in the Supplemental Sheets.

Chairman Young asked staff what the differences in the proposed Order were in comparison to the existing Order. Mr. Stanley stated that both Orders prohibited spills and required proper operation and maintenance, the proposed Order containing greater detail in describing how the Permittees can achieve those goals. Mr. Shallcross followed up by asking what agencies would need to do differently as a result of the new Order. Mr. Stanley replied that would depend on each agency's current practices. Mr. Shallcross clarified by asking whether there were different requirements in the proposed Order, and if slides or other information was available which showed the major differences or additional burdens upon the Permittees. Mr. Stanley confirmed there were different requirements, and referred the Board to Section D of the Order, which describes implementation requirements for each entity's Management Plan.

Mr. Daniels asked if the proposed Order was the same or similar to other Orders recently

considered, and whether staff had considered using a General Order. Mr. Stanley replied yes to both questions, and legal counsel Lori Okun added that the State Board is currently considering a State General Order for sewer systems, but any final Order would be at least a year away. Based on that, she recommended waiting for the results of the State's efforts before further considering use of a General Order. Mr. Briggs concurred, and endorsed issuing the requirements in the WDR as recommended.

David Gonzales, Assistant Vice Chancellor, Facilities Management, University of California at Santa Barbara (UCSB), requested a delay in the Board's action, stating UCSB had not discussed the proposed Order with legal counsel or other affected agencies on what additional activities would be necessary to comply with the Order. Mr. Gonzales noted that he had contacted Regional Board staff only the week before the meeting, and requested that the Board grant a minimum of six months for additional review.

Chairman Young asked Mr. Gonzales about the relationship between UCSB and the Goleta Sanitary District (GSD). Mr. Gonzales replied that UCSB has a loose relationship with GSD, meeting quarterly, with GSD providing some consultation regarding compliance with NPDES permit requirements, and sewer system testing and repairs.

Mr. Daniels questioned UCSB's lack of awareness that they were currently regulated by a NPDES permit (Order No. 96-21), and also referred to staff's letter dated July 9, 2004, notifying all affected agencies of the pending issuance of the proposed WDR and inviting their questions or comments.

Steve Amerikaner, of Hatch & Parent, legal counsel for Goleta West Sanitary District (GWSD), addressed the Board and also requested additional time before the Board's consideration of the item. Mr. Amerikaner cited GWSD's service of 33,000 customers and approximately 60 miles of sewage line with five full-time employees. He questioned the Board's legal authority to issue the proposed WDR. In addition, he stated the cost of implementing the requirements was unclear, and he suggested the Board need not rush towards adoption. He requested that Regional Board staff

conduct a workshop for agencies affected by the proposed Order, and supported UCSB's request for an additional six months.

Chairman Young suggested the affected agencies work cooperatively in their approach to complying with the Order.

Mr. Amerikaner stated that some of the requirements remained unclear, such as contractor training and jurisdictional language.

Mr. Shallcross suggested that examples of completing such tasks may be available from other agencies.

Ms. Kira Schmidt, Executive Director of Santa Barbara Channelkeeper, spoke in support of the Board's initiative in proposing the Order. She recommended the Order be issued as a NPDES permit, because otherwise citizens and USEPA would not be able to enforce the Order. Ms. Schmidt read a brief letter from EPA endorsing using NPDES permits.

Mr. Daniels noted that sewer overflows to surface waters violate the Clean Water Act, and are subject to third-party lawsuits.

Board member Press stated his openness to a time extension for the Permittees, but cited his support of staff's recommendation. He suggested allowing more time, but retaining the existing completion dates.

In response, Mr. Stanley noted that the questions brought up by various parties were matters of interpretation, and that WDRs always contain interpretive elements. It would not be necessary to delay adoption of the proposed Order to address such questions. Mr. Stanley stressed the inherent flexibility of the Order, and that it was not intended to be punitive, but preventative. The Order did not prescribe how Permittees must proceed in developing their Management Plans, nor did it preclude them from continuing existing partnerships or creating new ones. Also, there was no language in the Order which mandated the agencies' responses to private spills on private property.

Mr. Stanley continued that the source of the language in the proposed Order had been

extensively developed by USEPA from the mid 1990's through 2002 as their proposed Compliance, Management, Operations, and Maintenance Program, or CMOM. In 2002, the Santa Ana Regional Board (Region 8) then used the EPA language to develop a General Order for satellite wastewater collection systems tributary to the Orange County Sanitation District. Later in 2002, Region 3 used Region 8's General Order as the basis for a sewer system WDR Order for agencies tributary to the Monterey Regional WWTP.

Chairman Young asked how many entities were covered under similar WDRs. Mr. Stanley replied about seventeen or eighteen, including the proposed Permittees.

Chairman Young asked about the entities' spill histories. Mr. Stanley replied that compliance tracking was difficult with the current system, which can inadvertently attribute spills from a satellite agency to the associated NPDES facility. Overall, spill reporting from Goleta Sanitary District compared favorably with others.

With regard to comments made regarding wet-weather access to portions of a sewer system, Ms. Okun asked rhetorically how an agency can

properly operate a system without access. Mr. Daniels echoed her sentiment.

The Board and its legal counsel deliberated with regard to granting the Permittees additional time. Board member Bowker stated he saw no reason to delay the adoption, and Mr. Shallcross supported taking action at this meeting.

Mr. Briggs responded to some of the Permittees' comments, and stated staff's intent to foster greater proactivity among sewer agencies for the prevention of sewer spills. He pointed out that the intent of the compliance dates shown in the Order was to facilitate meeting the final date for developing and implementing the Management Plans. Mr. Briggs added that adopting the proposed Order today would also provide incentive for all parties to meet with the Regional Board staff to discuss and resolve outstanding issues.

Ms. Okun cited that she had heard nothing at the meeting that necessitated deferring action, and recommended adoption of the Order citing that changes to the language may not happen, so no additional hearing may be necessary. She further noted that it would be administratively advantageous to adopt now, then bring it back later if needed.

MOTION: Gary Shallcross moved for the adoption of Order No. R3-2004-0130 as staff recommended, with direction to staff to work with entities to address outstanding issues and bring the issue back at the March 2005 meeting if necessary. SECONDED by Daniel Press.

Ms. Okun interjected a correction to some language in staff's November 10, 2004 Supplemental Sheet. In the last sentence of staff's recommended change to Order Requirement E.22, she recommended ending the sentence at the comma, and removing the text following the comma. The maker of the motion agreed to include this change in the motion, and the second concurred. Board Member Daniels noted that because these were the last of our region's satellite collection agencies, they could benefit by reviewing and using previously completed plans from other agencies. Mr. Stanley asked Ms. Okun to confirm that Mr. Briggs is authorized to make changes to the Order's monitoring and reporting section and its attachments, without bringing the item back to the Board for a hearing. Ms. Okun responded yes.

MOTION CARRIED - Unanimously (6-0).

(Chairman Young announced a break at 3:55 p.m. The meeting reconvened at 4:07 p.m.)

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32. Public Forum Board Direction

Jack McCurdy/CAPE – Mr. McCurdy expressed concern that the Habitat Enhancement Plan proposed by Duke Energy to mitigate loss of marine life in the Morro Bay estuary will be ineffective.

David Nelson/Morro Bay resident – Mr. Nelson cited new regulations for existing power plants on monitoring parameters and urged the Board to increase monitoring in the Morro Bay estuary. Mr. Nelson also requested that a draft permit be provided for the existing power plant. A lengthy discussion ensued about the value of monitoring.

Dan Berman/Morro Bay National Estuary Program (MBNEP) - Mr. Berman introduced himself and thanked the Board and staff for continued support and involvement with the MBNEP. The program recently approved an amendment to its management plan. The amendment specifically

addresses water withdrawals from the estuary. The amendment acknowledges the fact that water withdrawals can affect the biological productivity of the estuary and calls on the estuary program to develop effective baseline monitoring. It also calls on the program and all the partners in it to ensure that any estuary withdrawals do not harm the estuary.

Henriette Groot/MBNEP - Ms. Groot noted the new EPA power plant regulations are more stringent and that the old intake screens would require modification to make changes in the flow. She discussed modernization of the screens. She also noted that we have the opportunity for a natural experiment at this time. Staff Counsel, Lori Okun, clarified that the new regulations included the entire intake structure in the modernization, not just the screens.

34. Executive Officer's Report Information/Discussion

Mr. Briggs discussed water quality certifications, winery regulation (which has 90% enrollment with the general requirements at this point), the TMDL report, regionwide reports, the agricultural waiver program, and presentations and training. The Regional Board had two storm water

workshops in Santa Barbara that focused on low impact development. Mass inspections were also conducted during the rainy season in October this year with City of San Luis Obispo staff participating jointly with the Regional Board.

33. Reports by Regional Board Members Status Report

Board Member Daniels read a letter received from an anonymous party that raised concerns about the conversion of alkali wet grasslands on the Catellus Property by Moss Landing Marine Labs and/or ABA Consultants. The goal of the work was to reduce pollutant loads from agricultural areas before they entered the Moss Landing Harbor. The letter states that the work has been done without permits or environmental review and that as a result of these activities, an extremely rare ecosystem type, alkali wet grassland, has been lost in some areas and extremely degraded in others. Another concern is the threat to a rare plant species

called alkali clover. Also, the planting of non-native woody species has occurred and is altering the vegetation of wetlands and threatens the flora and fauna that naturally occur there. The letter indicated that Regional Board funding has been used inappropriately in this instance. Executive Officer Briggs will follow-up on the letter.

Board Member Jeffries requested that an alternate representative be designated to provide back-up on the Monterey Bay Marine Sanctuary Advisory Committee. Mr. Briggs will follow-up on the designation of a staff member.

Chairman Young adjourned the public meeting at 5:30 p.m. The meeting will reconvene at 8:30 a.m. on December 3, 2004.

Friday, December 3, 2004

Chairman Jeffrey Young called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:30 a.m. on December 3, 2004, in the Regional Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California.

6. Roll Call..... Executive Assistant Carol Hewitt

Board Members Present:

Chairman Jeffrey Young
Vice-Chair Russell Jeffries
Leslie Bowker
Bruce Daniels
Daniel Press
Gary Shallcross

Absent:

Donald Villeneuve

7. Introductions..... Executive Officer Roger Briggs

Executive Officer Roger Briggs introduced staff and asked all interested parties who wished to comment to fill out testimony cards and submit them. The State Board Liaison, Gary Carlton, was

unable to attend today's meeting due to a scheduling conflict. Supplemental sheets include item numbers 15, 18, 19, 24, 25, 26, 27, and 31.

8. Approval of October 22, 2004 Meeting Minutes.....Board Motion

Board Member Daniels proposed a change to the minutes as follows: Page 4, Item 12, second

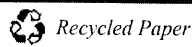
paragraph, third sentence, add words "but they" to the sentence for clarification.

MOTION: Russell Jeffries moved to approve the October 22, 2004 meeting minutes with proposed change. SECONDED by Gary Shallcross. CARRIED – Unanimously (6-0)

9a. Uncontested Items CalendarBoard Motion

Mr. Briggs said item No. 23a/ Chevron Texaco, San Ardo has been removed from the agenda entirely pending the necessary CEQA determination from Monterey County. Item No. 17/Rancho Larios should be removed from the consent calendar.

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MOTION: Bruce Daniels moved to approve the consent calendar minus Items 17 and 23a. **SECONDED** by Russell Jeffries. **CARRIED – Unanimously (6-0).**

10. Low Threat and General Discharge Cases.....Information/Discussion/Board Approval

Executive Officer Briggs reported on Avila Valley Hot Springs, Ravine Water and Amusement Park, Tobin James Cellars,

Kendall-Jackson Winery and Former Arco Service Station No. 2132. There was no Board discussion

Underground Tank Program and MTBE Cases.....Status Report

Mr. Briggs pointed out updated information for Cambria/Chevron station and California Water Service Company Supply Wells.

12. Perchlorate CasesStatus Report

Regional Board staff member David Athey provided a brief update on the Whittaker, United Defense and Olin perchlorate sites. Mr. Athey discussed new information that was not included in the December 3, 2004 Staff Report. The new information included: a recent meeting with Whittaker's consultants held to discuss final site-wide cleanup strategies, recent data submittals by United Defense to fill in data gaps in their Phase III soil and groundwater investigation, and mentioned that Regional Board staff will be participating in a meeting regarding Olin's onsite soil cleanup activities on December 6th. Board Member Daniels asked Mr. Athey a question paraphrased as follows: With all the pilot treatment projects that are going on at the

site, have they identified problems with the treatment methods that would slow down implementation? Mr. Athey responded with an example related to onsite soil treatment and that the impediment has been the human element or factor. Mr. Athey pointed out that an onsite soil treatment project was conceivably well designed, but with multiple interested parties the treatment regimen had been modified and results were less than expected. However, Mr. Athey mentioned that the proposed treatment method was still likely to work if operated correctly. The next Regional Board Perchlorate Staff Report will be presented to the Regional Board at the February 10-11, 2005 meeting in Salinas.

13. Enforcement Report.....Status Report

Mr. Briggs discussed Pismo Beach and said staff will be reviewing information about the

substantial spill in the report and determining appropriate enforcement action.

14. Regional Water Quality Planning and Priorities.....Board Discussion

Mr. Briggs reminded the Board that at the Water Quality Coordinating Committee meeting in Ontario, Board Members discussed a need for Regional Boards to discuss longer range water quality policy, priorities, and planning, rather than devoting all Board

meeting time to immediate issues, such as permitting. Mr. Briggs said Chair Young discussed this idea with him and asked Mr. Briggs to add this agenda item for planning/priorities discussion, including:

- Additional follow up information on Low Impact Development (LID) and pervious surfaces, including examples of training and implementation of these design concepts within the Region;
- Suggested priority water quality issues for similar technical presentations and/or Board discussions at future Regional Board meetings; and
- An opportunity for Board discussion of big picture issues

Mr. Briggs also described his new-found awareness of the problem of plastics in the ocean, and said he would like the Board to see a video on the topic at a future meeting. Some of the points Board Members discussed included:

- focusing on one issue instead of many,
- encouragement by everyone including Board Members, to promote low impact development in their own communities,
- raising matching funds for projects,
- use of demonstration projects,
- use of recharge basins,
- encouraging municipalities to incorporate LID,
- identifying impediments (e.g., anti-LID ordinances),
- get the Manzanita project data in a format that can be readily used for encouragement, and
- maybe have a contest or use a credit system to encourage LID.

The Board asked about the list of topics in the staff report:

- Riparian Buffer Zones

- Low impact development
- Innovative stormwater management
- Fire management
- Endangered Species management
- Salts management in critical Basins
- Residual pesticides
- Newly emerging pesticides
- Endocrine disruptors
- Pharmaceuticals and other emerging chemicals impacting water quality
- Innovative monitoring tools
- Sub-lethal toxic effects
- Biocriteria
- Bioengineering
- CCAMP monitoring results
- Local research findings

Mr. Briggs warned about getting into a “topic of the month” cycle. He suggested that the first three topics listed are significant in terms of water quality priority, are very compatible with each other, would be consistent with the direction given to staff at the off-site meeting regarding riparian corridor improvements, as well as the LID concepts discussed at the October meeting, are the best way for the Regional Board to reduce plastics in surface waters, and much of the work can be accomplished through focused emphasis in the storm water program. Consequently, he recommended staff proceed with these three efforts and report back to the Board periodically. The Board agreed but directed staff to provide a brief explanation of each of the items on the above list and what additional information is needed; what are the data gaps for each issue (note: this information will be in the March meeting materials).

24. Guadalupe Settlement Fund: Funding for Cooperative Monitoring Program

For Irrigated Agriculture and Student Staffing Support..... Update and Board Approval

Alison Jones and Julia Dyer presented a proposal for use of Guadalupe Settlement Funds to assist with the establishment of the agricultural cooperative monitoring program and to fund two student assistants to help with the implementation of the agricultural waiver program.

At the September 10, 2004 board meeting, the Board approved \$504,000 of Guadalupe Settlement Fund monies with a request for a follow up item to provide a more detailed scope of work and budget to be reviewed and approved by the board. This funding will be used to support the

agricultural industry for establishing a region wide Cooperative Monitoring Program as described in Monitoring and Reporting Program #R3-2004-0117. Specifically, funds will be utilized for program start-up as well as monitoring at 10 sites in Santa Maria and Oso Flaco watersheds, an additional \$250,000 will be requested from the PG&E Moss Landing settlement fund to monitor 15 sites in Elkhorn Slough and Salinas watersheds.

Alison Jones presented a scope of work and budget describing the tasks needed to establish the program and conduct monitoring at 10 sites in the Santa Maria watershed for one year. She also presented several budget options, all amounts listed are total budgets. Therefore total request from the Guadalupe Settlement Fund would be the listed amount less \$250,000 that will be requested from the PG&E Settlement.

- **Option 1** Fully fund Central Coast Water Quality Preservation Board's proposed budget:
 - Greater emphasis on outreach and communication
 - Geographic considerations taken into account
 - **Total of \$872,321**
- **Option 2**
 - Eliminate Executive Manager
 - Eliminate Policy Manager
 - Adjust follow-up monitoring costs,
 - Keep full report writing
 - **Total of \$777,979**
- **Option 2b**
 - Fund Executive Manager position
 - Eliminate Policy Manager
 - Adjust follow-up monitoring costs
 - Retain full report writing
 - **Total: \$820,642 (additional \$66,642 from fund)**
- **Option 2c**
 - Fund Executive Manager position,
 - Eliminate Policy Manager,
 - Adjust follow-up monitoring costs,
 - Reduce report writing
 - **Total: \$792,526 (additional \$38,526 from fund)**

- **Option 3** - maintain \$504,000 already approved by the Board.
 - Eliminate Executive Manager
 - Eliminate Policy Manager and
 - Adjust follow-up monitoring costs (All of Option 2 reductions)
 - Reduce report writing by 50%
 - **Total: \$749,862**

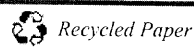
Julia Dyer presented a request for funding of Student Staff Support in the amount of \$20,000. The approved funding would allow for the hiring of two part-time students to shift some of the increased workload related to the agricultural waiver. The \$20,000 will pay for two students to work 15 hours a week for \$12.00 an hour for a full year. Delegating crucial administrative duties to students will free up Board Staff time to accomplish the more technical aspects of the program. Work would be performed under three critical areas: database upkeep and management, filing and record retention, and outreach support (including on and off site meetings).

During public testimony Kevin Merrill (Central Coast Wine Growers Association), Kay Mercer (Santa Barbara and Southern San Luis Obispo Counties Watershed Coordinator), David Martella (Farmer, Salinas and Vice Chair of Northern Ag Committee), Joy Fitzhugh (San Luis Obispo County Farm Bureau) all spoke in favor of the program and approval of Option 1.

During discussion Alison Jones clarified that the funding encompasses a 15-month period without additional funding requests anticipated. Subsequent years of funding will be achieved through other grants or fee assessment. During Board discussion, Mr. Jeffries expressed a willingness to consider continued funding beyond the 15-month allocation if needed. Alison Jones also pointed out that securing this funding is critical in light of the fact that the Central Coast office was only allotted 2 PYs in agricultural waiver resources while other regions are receiving upwards of 5 to 12 PYs. This extra funding would help ensure success of the program in the Central Coast Region.

In addition, the Board expressed that it would be a valuable use of funds to support students for program establishment. The Board is also open for

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funding additional requests to extend the student contracts or to add more positions.

MOTION: Russell Jeffries moved to approve Option #1, plus an additional \$20,000 for the student positions. SECONDED by Daniel Press.

Bruce Daniels suggested placing a dollar amount on the category discretionary funds.

AMENDMENT TO MOTION: Daniel Press recommended funding Option 1 for \$622,000 to include the Executive Manager, to allow \$40,000 for category discretionary funding, and to allow \$20,000 for the student positions. Amendment accepted.

MOTION CARRIED – Unanimously (6-0)

25. Former Pacific Gas and Electric Company, Moss Landing, Monterey County Supplemental Environmental Projects; Request for Funding..... Update and Board Approval

Staff proposed funding four projects from the PG&E Supplemental Environmental Projects. They were the University of California Cooperative Extension Farm Water Quality Classes at \$71,376, Resource Conservation District (RCD) of Monterey County at \$282,290, Grower Shipper Foundation, monitoring water quality at \$250,000 and University of California Cooperative Extension, evaluating the effects of cover crop

practices at \$87,607. Board members Bruce Daniels and Daniel Press were concerned that the RCD proposal was not guaranteed to result in project implementation. After a testimonial from Bryan Largay of the RCD, and changes to the RCD's Scope of Work to ensure implementation, Board members approved funding of all staff recommended projects.

MOTION: Russell Jeffries moved to approve the Request for Funding for the Supplemental Environmental Projects. SECONDED by Daniel Press. CARRIED – Unanimously (6-0)

17. County Services Area No. 45, Rancho Larios, San Benito County..... Order No. R3-2004-0153

Regional Board staff Engineer Scott Phillips, reviewed the errata sheet to correct the proposed order. Mr. Phillips also responded to a question from the Board regarding the effluent limitation for chloride. Board Member Daniels suggested a

limitation of 350 mg/L would be more appropriate than the proposed value of 400 mg/L. Mr. Phillips agreed and stated that the discharger did not object to that change.

MOTION: Bruce Daniels moved to approve Order No. R3-2004-0153 with the recommended changes. SECONDED by Russell Jeffries. CARRIED – Unanimously (6-0)

28. San Luis Obispo Creek Pathogen TMDL..... Resolution No. R3-2004-0142

Regional Board staff Environmental Scientist, Christopher Rose, presented the proposed Basin Plan Amendment. Mr. Rose summarized sources of fecal coliform in San Luis Obispo Creek and

identified key elements in the Implementation Plan of the TMDL. Mr. David Hix, Wastewater Division Manager for the City of San Luis Obispo, commented on the proposed Basin Plan

Amendment. Mr. Hix requested that a sentence contained in the Source Analysis section of the Resolution, stating that the combined urban and human sources account for 75% of the total fecal

coliform loading, be removed. The Board agreed to remove the sentence, but requested that the results of DNA analysis used in the source analysis be summarized in its place.

MOTION: Bruce Daniels moved approval with the change. SECONDED by Les Bowker. CARRIED – Unanimously (6-0)

(Chairman Young announced a lunch break at 12:35 p.m. The meeting reconvened at 1:25 p.m.)

29. Development of a Regional Sediment Assessment Framework.....Status Report

Regional Board staff Engineer, Mark Angelo, presented the status of the Regional Sediment Assessment Framework. The Regional Sediment Assessment Framework is a strategy for

identifying and assessing sediment impacts to water quality throughout the Central Coast Region. There were no public or Board comments on the item.

30. San Lorenzo River Sediment TMDL Implementation and MonitoringStatus Report

Regional Board staff Environmental Scientist, Katie McNeill, described the status of the implementation actions and progress towards initiating them and developing a schedule. Board

Members were supportive of staff seeking additional funds to monitor the TMDL numeric targets.

31. Summary of Timber Activities and Proposed ActionsStatus Report

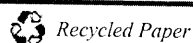
Regional Board staff Engineer, Howard Kolb, presented a status report regarding Summary of Timber Activities and Proposed Actions. The Board meeting included public comment and discussion of potential impacts to water quality and beneficial uses from timber harvest activities. There was extensive discussion regarding monitoring to confirm protection of resources. The following points sum up the presentation and discussion:

1. Regional Board staff should evaluate the tools (statistics, models, etc) available for data interpretation. The data evaluation tools should be reviewed by experts (for example, Dr. Harris, Dr. Reid, etc.)
2. Regional Board staff should clarify a letter (new title "Clarification for Proposed timber harvest activities, including tree falling, without Waste Discharge Requirements (WDRs) or Waiver of Waste Discharge Requirements") to state that the Regional Board letter is not to be construed as approval

for any activity that has potential to discharge waste into waters of the state and/or impact water quality and associated beneficial uses. The Regional Board letter is not a waiver of the requirement to obtain WDRs or a waiver for such discharges, or of the Board's ability to take enforcement action for any timber harvest activity, including tree falling, if we receive information that the activities are causing or threatening to cause discharges of waste.

3. Regional Board staff should conduct additional inspections and spend more time in the field with the Registered Professional Foresters, particularly during storm events.
4. Regional Board staff should evaluate the use of turbidity to "ground truth" field observations.
5. There may be a need for an issue paper to discuss the need for monitoring. Issues addressed in this paper may include various types of monitoring, costs, how monitoring can be adapted to various conditions, pros and

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- cons of particular monitoring efforts, and a recommendation on how to proceed.
6. Regional Board staff should consider including site monitoring and management practices monitoring as part of the overall monitoring program to ensure that management practices are working.

Public comment

Kevin Collins, Lompico Watershed Conservancy, commented that he felt the October, 2004 letter regarding "Clarification for Processing of Timber Harvest Waivers" was 'giving permission' to log without a waiver outside of the WLPZ.. Staff counsel reiterated that if activities threaten to cause a water quality problem then the project proponent must have a waiver, that cutting trees without a waiver was at the risk of the project proponent, and that tree cutting could not proceed under any circumstances without a Timber Harvest Plan (THP) accepted by California Department of Forestry (CDF).

David VanLennep – Redwood Empire – Noted that Foresters are licensed professionals, legally accountable for their work. He also recounted the oversight associated with timber harvest as including CDF, Department of Fish and Game, County inspectors and Regional Board staff.

Sarah Newkirk, Ocean Conservancy, Supports the board in moving forward for an alternative approach to timber regulation. The individual waivers are cumbersome. Monitoring must demonstrate that water quality is being protected during timber harvest operations. In future efforts it is important to involve the experts. Allow stakeholders to voice concerns during waiver development instead of after. All sides are not in agreement that turbidity monitoring is an inadequate tool.

Jodi Frediani, Citizens for Responsible Forest Management and Sierra Club - with turbidity monitoring and grab sampling you can determine when and where the problems are happening. Monitoring data is not coming to the Regional Board office and in turn not available for public review, this is a gap in accountability. Forest Practice Rules have not been certified as BMPs, therefore when Forest Practices Rules are

implemented it does not always mean that everything is being taken care of. Considering the nature of the Santa Cruz Mountains and impacts from Timber Harvest Operations, THPs should be listed under high or very high threat levels.

Janet Webb, Big Creek Lumber, the Regional Board letter (tree cutting without a waiver) is very clear on the timber harvest issues. The harvesting process involves several stages and felling of the trees is just one component and is traditionally accomplished during the winter. Trees are only felled under very specific circumstances. Ms. Webb believes that trees can be felled without a discharge. Grab sample turbidity monitoring will not tell you anything because of all the variables involved with the situation. Trust and verification will come with a stronger field presence of Regional Board staff both pre and post harvest.

Steve Auten, Big Creek Lumber, showed the board several photos of BMPs and Timber Harvest operations to demonstrate how these activities range from low impact to improvement of the landscape. Mr. Auten also commends Regional Board staff for their strong field presence and welcomes them out for continued field inspections.

Andy Morris, Big Creek Lumber, said regarding the turbidity issues, turbidity sampling can produce deceptive results as it is collecting data not just on the timber harvest. Turbidity monitoring may also provide data from large acreages of non-harvested land.

Brian Dietterick, Cal Poly - In the Morro Bay paired watershed study there was success in turbidity sampling. This was using automated samplers, taking 10 samples per event, over a period of 10 years, and using a linear modeling technique to show trend after BMPs were in place. This yielded a total of nearly 1,000 sample points. In Little Creek they are approaching a point where they can make some determinations about the data. But, not where they can conduct statistical analysis. Dr. Dietterick is not in favor of using turbidity monitoring on individual THPs. It is not a simple question to answer, as there is a large amount of variability between stations and between storm events.

Board discussion indicated that the Regional Board staff should consider including site monitoring and

management practices monitoring as part of the overall monitoring program to ensure that management practices are working. Before the Regional Board considers a conditional general waiver for long-term management of timber harvest activities, the "monitoring question" (type of monitoring, frequency, etc.) needed additional

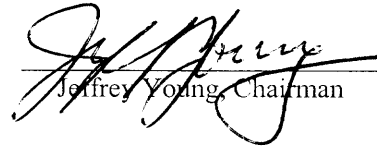
review prior to development of a conditional general waiver. The Regional Board directed staff to return in February 2005 to discuss monitoring.

32. Public Forum Board Direction

There was no public comment.

Chairman Young adjourned the public meeting at 5:40 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its February 10 and 11, 2004 meeting in Salinas, California.


Jeffrey Young, Chairman

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