



California Regional Water Resources Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental Protection

Internet Address: <http://www.waterboards.ca.gov/centralcoast>
895 Aerovista Place – Suite 101, San Luis Obispo, CA 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

MINUTES REGULAR MEETING Friday, July 7, 2006 Central Coast Regional Water Board

Chairman Jeffrey Young called the meeting of the Central Coast Regional Water Board to order at 8:30 a.m. on July 7, 2006, 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
John Hayashi
Monica Hunter
Gary Shallcross

Absent:
Daniel Press
Leslie Bowker

2. Introductions Executive Officer Roger Briggs

Executive Officer Briggs introduced staff and the State Board Liaisons Jerry Secundy and Gary Wolff. Mr. Briggs asked all those who wished to speak to fill out testimony cards and submit them.

Supplemental sheets and/or letters are available for item numbers 6, 7, 10, and 11.

3. Approval of April 28, 2006 and May 11-12, 2006 Meeting Minutes Board Motion

The April 28, 2006 meeting minutes were not approved at this meeting due to the lack of a quorum of Board members that attended the April meeting.

The April minutes will be approved at a subsequent meeting.

MOTION: Russell Jeffries moved to approve the May 11-12, 2006 meeting minutes.
SECOND: John Hayashi.
CARRIED: Unanimously (5-0)

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

Mr. Jerry Secundy reported on the State Board vision item, storm water numeric limits (two workshops will be held on the issue), recommendations for Areas of Special Biological Significance and the 316(b) Once-Through Cooling Power Plants (four workshops will be held on these issues),

statewide septic system regulations, and exparte communications. Mr. Secundy will no longer be the State Board liaison to the Central Coast Region and but will be liaison to the San Diego Region. Mr. Gary Wolff will be the new liaison for Region 3. Mr. Wolff looks forward to getting to know the Board and Staff

and gave a brief summary of his background and experience. Mr. Jeff Young thanked Jerry Secundy for his excellent service with our Board and presented him with a Certificate of Appreciation.

5. Uncontested Items CalendarBoard Motion

Mr. Briggs recommended removing Item No. 8/California Mens Colony and Item No. 9/Chorro Creek TMDL from the consent calendar.

He also recommended adding Items Nos. 14 and 15 to the calendar.

MOTION: Russell Jeffries moved to approve the consent calendar to remove Item Nos. 8 and 9 and to add Item Nos. 14 and 15.

SECOND: Gary Shallcross

CARRIED: Unanimously (5-0)

6. Santa Barbara County Storm Water Management Plan..... Board Approval

Chairman Young stated that he had a conversation with Mr. Almy of Santa Barbara County regarding permits. He generally described his conversation with Mr. Almy and reminded everyone that the conversation is memorialized in Attachment 9 to the staff report. Due to the conversation being an ex parte contact, Chairman Young asked if anyone attending the meeting objected to him participating on the item. He said that if anyone had any concerns, he would gladly answer questions from anyone if they will come forward. There were no objections.

implementation phase. Mr. Lodge recommended that the Board adopt the resolution to approve the SBCSWMP.

Mr. Robert Almy, Santa Barbara County, gave a presentation on behalf of the County. He stated that the SBCSWMP had been revised several times in response to requests from Regional Board staff and other interested parties. Mr. Almy discussed the development and contents of the SBCSWMP and explained that the monitoring program is a long-term process that will require the evolution of the SBCSWMP over a number of years.

Chairman Young stated that letters submitted to the Board by the Cities of Lompoc and Solvang would not be included in the record since the letters were submitted after the deadline.

(Chairman Young announced a break at 10:35 a.m. The meeting reconvened at 10:50 a.m.)

Water Board Staff Engineer Ryan Lodge presented the Santa Barbara County Storm Water Management Program (SBCSWMP), noting that the SBCSWMP had gone through numerous iterations. Mr. Lodge explained that the iterative process is composed of four stages: assessment, development, implementation and evaluation. He noted that the SBCSWMP has been in the assessment and development stages for three years, and the Plan is now ready to move into the

Chairman Young asked if Santa Barbara County's proposed water quality sampling programs are sufficient to catch improvements in water quality. Mr. Almy said monitoring for the ocean is adequate, and that the Best Management Practices will be monitored by the County.

Board member Shallcross asked about the measurable goals for public education and how they are to be measured. Mr. Almy said on the ground observations are the best means, and there has been a big



improvement in the last eight years in terms of human behavior regarding pet waste.

Mack Walker, Larry Walker Association, spoke in more detail about monitoring and the annual review process of Best Management Practices (BMPs).

Stacy Lawson, City of Lompoc, stated that the City of Lompoc supports Santa Barbara County's efforts to obtain permit coverage. She stressed that the county has been diligent in coordinating meetings between the various cities which has been helpful in exchanging information and approaches to storm water quality issues.

Jill Zachary, City of Santa Barbara, offered to answer any questions from the Board in order to provide input from a local agency's perspective. She further stated that the city and county have worked closely together in the development of their Storm Water Management Programs. Ms. Zachary recommended that the Board approve permit coverage for SBCSWMP.

Kira Schmidt, Santa Barbara Channelkeeper, believes that the SBCSWMP still falls short of meeting the general permit requirements and the Maximum Extent Practicable (MEP) standard. Ms. Schmidt stressed that the SBCSWMP needs to be strengthened and used as a model for other Phase II municipalities. She also stated that the process of moving to adopt the permit is flawed and does not allow for due process and public input. She recommended that the Board direct the County to make changes to the SBCSWMP and submit a revised draft.

Hillary Hauser, Heal the Ocean, stressed that she needed a detailed map showing the boundaries of the county's permit coverage. She urged the Board to reject the current resolution and allow for more public review.

Marco Gonzalez, Coast Law Group LLP, gave a presentation on concerns over jurisdictional and mapping issues. He stated that iterative process, as discussed earlier in the meeting, should not include the entire five year program but instead be limited to BMPs. Mr. Gonzalez stated that the County's justification for

determining permit boundaries needed to be presented in writing so that they may be adequately reviewed by the public.

Anjali Jaiswal, Natural Resource Defense Council (NRDC), asked the Board not to approve the SBCSWMP. She stated that NRDC joins Heal the Ocean in objecting to the process of the hearing. Ms. Jaiswal stressed that the SBCSWMP does not meet MEP and does not adequately protect water quality.

(Chairman Young announced a lunch break at 1:03 p.m. The meeting reconvened at 1:50 p.m.)

Robert Almy responded to questions raised by the Board earlier in the meeting. He also responded to previous comments made by the non-governmental organizations (NGOs). He pointed out areas where the census maps were imprecisely drawn and included non urban areas that shouldn't be covered by the SWMP. Regardless of these small areas with map and aerial photo discrepancies, the County will include the areas that actually are urban. He provided some general budget and staffing information, and discussed inspection schedules for businesses and construction sites. He described post construction runoff controls and street sweeping schedules.

Mack Walker again discussed in detail some technical and practical issues regarding monitoring.

Board member Shallcross asked if staff reviews the agencies' educational material. Ryan Lodge responded that staff does review all the submittals, and made some concluding remarks and recommended adoption of the resolution.

Chairman Young asked the speakers from NRDC, Heal the Ocean, and Santa Barbara Channelkeeper to discuss with the Board their thoughts on getting the permit issued and working on lingering concerns over the next year.

Board member Hunter stated that she would like the program to be approved and for the County to get going on their plan. She also



requested a focused analysis from Water Board staff following the first annual report.

Board member Shallcross stated that he thought the SBCSWMP was too vague. He also noted that he was concerned with the proposed monitoring programs.

The Board requested a Executive Officer's report on stronger enforcement language, a budget breakdown, maps at higher resolution showing the solution to the areas of

discrepancy, and information on construction site inventories to be included in the October 2006 Board meeting agenda.

The Board also directed staff to post the County's annual reports on the Region's website to solicit public comment.

MOTION: Russell Jeffries moved to adopt the Resolution approving the Santa Barbara County Storm Water Management Plan with the recommended changes made during the meeting.

SECOND: John Hayashi

CARRIED: (4-1) Gary Shallcross voted no.

7. Lompoc Regional Wastewater Treatment Plant Order No. R3-2006-0037

Central Coast Water Board Environmental Scientist David LaCaro introduced the item noting that all issues have been resolved during multiple communications with City of Lompoc staff. He highlighted that the City of Lompoc would have difficulty meeting molybdenum and nitrate effluent limitations in the order. As a result, an administrative time schedule order for each constituent is appropriate to provide a long-term solution. Staff recommended adoption of the Order with the modifications detailed in the supplemental sheet.

Board members Jeffries, Shallcross, and Hunter asked questions for clarification. Staff responded with answers regarding compliance history, time schedule orders, facility upgrades, and a Salt Management Study.

Ms. Susan Halpin, Wastewater Superintendent, City of Lompoc, made a statement discussing Lompoc's strong compliance history and that the wastewater treatment plant will be going through upgrades to comply with more stringent limits as well as improve reliability and treatment processes. The upgrades are funded through a State

Revolving Fund loan, which have increased City rates.

Ms. Halpin added that trihalomethanes (THMs) and nitrate limits cannot be met with the current facility and will be addressed through the plant upgrades. The City believes that molybdenum is an inappropriate application of Basin Plan objectives.

She went on to explain that molybdenum objectives identified in the Basin Plan protect irrigation of livestock forage, a beneficial use which the City believes does not occur downstream of the plant effluent discharge.

The City is hoping for either a Basin Plan amendment for molybdenum or a site-specific objective for Santa Ynez River.

Board member Hunter asked if the plant upgrades would increase the capacity and noted that page F-3 of the Order had high flows, above design capacity. As a response, Ms. Halpin explained that the upgrades would include the construction of a flow equalization basin to address increased discharge flows to San Miguelito Creek. As a result, the design capacity may increase to 5.5. MGD. The high numbers identified on F-3 of Order No. R3-



2006-0037 indicates peak wet weather flows. Currently, the facility can facilitate 10 MGD peak wet weather flows.

The new facility will have a peak wet weather flow of approximately 16 MGD.

MOTION: Russell Jeffries moved to adopt Order No. R3-2006-0037 with the modifications detailed in the supplemental sheet, as recommended by staff.

SECOND: John Hayashi

CARRIED: Unanimously (5-0)

8. California Mens Colony Order No. R3-2006-0032

Staff Environmental Scientist Allison Millhollen introduced the item. Ms. Millhollen noted San Luis Obispo Coastkeeper's late comment letter, as well as California Men's Colony's concerns about the effective date of the permit. Chair Young did not accept the letter into the record. Larry Parlin of Corollo Engineering, California Department of Correction and Rehabilitation's engineering consultant for the wastewater treatment upgrades, requested a delay in the effective of the permit. He stated that the California Department of Correction and Rehabilitation and California Men's Colony have no control over the upgrade process and that additional enforcement will not accelerate completion of the project. He recommended that the Board not adopt the permit.

Gordon Hensley of the San Luis Obispo Coastkeeper stated that the Board couldn't adopt interim effluent limits or a compliance schedule in permits after May 2005. He also recommended that there be specific language added to the permit that specifically prohibits sewage spills.

Lori Okun stated that the permit, as written, complies with the State Implementation Policy.

Board Division Chief Harvey Packard stated that staff is willing to work with Discharger on a time schedule order for compliance with the total nitrogen effluent limitation.

MOTION: Russell Jeffries moved to adopt Order No. R3-2006-0032.

SECOND: Gary Shallcross

CARRIED: Unanimously (5-0)

9. Chorro Creek Nutrient and Dissolved Oxygen TMDL Resolution No. R3-2006-044

The Board had no questions on this item.

MOTION: Gary Shallcross moved to adopt Resolution No. R3-2006-0044.

SECOND: John Hayashi

CARRIED: Unanimously (5-0)

17. Public Forum Board Direction

There were no comments for Public Forum.

(Board member Hayashi left the meeting at 4:25 p.m.)



10. Agricultural Discharge Regulation Update Status Report

Senior Environmental Scientist Alison Jones provided a brief update on the Conditional Agricultural Waiver for Irrigated Lands, including progress and challenges in implementing the second year of the program.

The program goal of 80% enrollment (acreage) was exceeded, but efforts to find non-filers were delayed because of staffing issues. The program recently underwent an extensive planning process, to more efficiently use existing resources. Alison Jones introduced staff members and their assignments. The first letters to non-filers were sent out in June and the program is on track to continue mailings over the next few months. The program has the potential to grow by another 50% or more as more operations enroll.

Alison then presented the results of the first year of agricultural water quality monitoring required by the Conditional Waiver. Under the waiver order, growers may join a cooperative monitoring program, which does in-stream monitoring at a network of 50 sites throughout the agricultural areas of the region. During the first year (Phase I) a total of 25 sites, in the Santa Maria and Salinas watersheds were monitored. In general, many sites exceeded nitrate standards and recommended orthophosphate levels. Many sites also showed significant toxicity. The monitoring program includes a follow-up component, to further characterize and solve problems. The follow-up proposal submitted by Central Coast Water Quality Preservation, Inc. (CCWQP), the industry-led non-profit agency conducting the program, is to test all 25 sites for a suite of organophosphate pesticides, to determine the cause of the toxicity. Follow-up will also include working with technical assistance agencies and outreach partners to identify practices and inform growers of the results of monitoring.

Kirk Schmidt, the Executive Director of Central Coast Water Quality Preservation, Inc. (CCWQP), stated that they had completed and submitted data for Phase I and three months of Phase II. They will be looking at 24

orthophosphate pesticides using gas chromatograph, to help them determine causes of the toxicity. They will look at two dry and two wet season samples, starting in August and September. They hired Marc Los Huertos of UC Santa Cruz to prepare a report for each site that is understandable to farmers. He mentioned the problem with their new grant funds under Proposition 40 and 50, which have an end date of two years, but enough funds for three, and requested Board support for an extension. They are urging enforcement for operations that are not complying and are glad Jill Wilson is on board. He noted that the database fell through the cracks during the past year and expressed gratitude for Peter Meertens' work.

Morgan Rafferty, the Executive Director of Environmental Central of San Luis Obispo, asked if Board members received the letter sent by the four environmental organizations, commending staff and the leaders of the agricultural community. She said the monitoring results confirm the need to monitor water quality and urged the Board to increase the level of staffing, in order to meet the goal of 100% enrollment. She stated the desire of her organization to work with staff.

Board member Hunter requested that staff work with UC Cooperative Extension to characterize special need outreach efforts (Chinese, Spanish, etc.).

Chairman Young asked if the goal was for the cooperative monitoring program to fund itself. Alison replied affirmatively and Kirk Schmidt added that that was another reason to stretch the grants out for three years, so that the money could be used efficiently.

Board member Hunter noted that changes to Proposition 50 would have to come from the legislature, so they should talk to their representative. Kirk Schmidt stated that their Senator was supportive.



(Chairman Young announced a break at 5:14 p.m. The meeting reconvened at 5:25 p.m.)

11. Timber Program Update Status Report

Staff Environmental Scientist Julia Dyer provided an update to the Board. The status report outlined work accomplished by Water Board staff under the Timber Harvest Program (THP) since July 2005 when the Water Board adopted the General Waiver.

During discussion, Chairman Young requested additional information regarding the concerns of foresters that staff members are not completing applications promptly.

Ms. Dyer replied that if a forester would like a plan to be enrolled under the General Waiver in time to conduct harvesting during the same season the application is submitted, they should provide the application in advance of August 30. She pointed out that the nine plans submitted in 2005 were received at the end of September and beginning of October. She then presented a timeline showing plans and time elapsed before enrollment, along with other relevant dates. She spoke about additional staff priorities including response to petition of the General Waiver, site inspections, developing standard operating procedures, and other activities accomplished under the Timber Harvest Program. The balance of these priorities play a role in the length of time it takes for a plan to be enrolled under the General Waiver. She finally noted that all plans seeking enrollment were approved in advance of the harvesting season, which began in May of 2006.

Board Member Young asked for more specifics on the plans that received Notices of Violation (NOV) for conducting harvest activities without a waiver.

Ms. Dyer replied that two plan applicants conducted harvest before being enrolled under the General Waiver, and completed operations before November 15, 2005. Julia cited this date as the "drop-dead date" for harvesting and all harvest related activities. She affirmed they conducted harvesting (more than just falling) activities after they had

applied, but before they had been approved, and that NOV's had been issued in response. She also confirmed that the two are now enrolled under the General Waiver and are performing required monitoring.

Board Member Shallcross voiced concern that an NOV is not strong enough disincentive for conducting harvest activities without waiver coverage. Mr. Briggs commented that staff is looking in to other enforcement strategies.

Mr. David Van Lennep, Registered Professional Forester for Redwood Empire explained that it is likely that landowners conduct harvesting without waiver coverage due to financial constraints. Harvesting was done in a limited fashion, utilizing required BMPs.

Nadia Hamey, a Registered Professional Forester for Big Creek Lumber Company feels the General Waiver is more cumbersome and time consuming than necessary. She feels staff expends more time than needed processing the waivers given the comprehensive, detailed information presented in application. She noted that the scope of many Monitoring and Reporting Programs (MRPs) place financial hardships on small forest landowners and should be reassessed for relevancy. In summation, she hopes the overall General Waiver process can be revised for improved efficiency.

Ms. Dyer acknowledged that plans are received throughout the year, following the plan's approval by CDF, and three applications are currently waiting for enrollment under the General Waiver.

Mr. Bob Berlage, Big Creek Lumber Company, would like staff to accept applications after close of public comment in the California Department of Forestry (CDF) process but before the plan is approved by CDF. The length of time between the close of public comments and approval of the plan is



on average ten days. Mr. Berlage mentioned that in some cases timberland is the only land use in a watershed that is required to conduct monitoring. He feels the workload resulting from Monitoring Requirement Programs (MRPs) placed on timber harvest sites in the Central Coast Region is unjust due to size and relative impact of projects. He argues that both agricultural dischargers in this region and much larger THPs in other regions have proportionally less strict requirements than those placed on Central Coast Region timber harvest activities.

Mr. Young feels that Water Board staff has a handle on the process and the need for detailed review of applications is merited due to the history of discrepancies in the applications.

Mr. Van Lennep explained that it is critical for the foresters to be able to use the extended winter period (Oct 15 to Nov 15) to harvest. Mr. Van Lennep also requested that the regulation of timber harvest activities allow a forester, on a plan originally evaluated as Tier II, to conduct the Tier II monitoring if they don't do winter operations. When winter operations are conducted, a plan automatically receives Tier III monitoring requirements.

Ms. Dyer stated that one plan filed an amendment with CDF to delete the option to harvest during the winter. This allowed them to remain at Tier I as evaluated by the Eligibility Criteria.

Jodi Frediani, Citizens for Responsible Forest Management, expressed concern that the resource allocation of 0.6 PYs for staff is not enough to adequately administer the Timber Harvest Program; that staff has not provided official comments to CDF in the first and second review process; that the monitoring and reporting program is not sufficient to

determine if beneficial uses are being protected; and that stakeholders are being excluded from portions of the process. She also found it inappropriate that one of her e-mails was forwarded to a forester.

Ms. Dyer clarified that the e-mail that Ms. Frediani referenced was not forwarded. Ms. Frediani had sent an e-mail requesting specific information on a particular timber harvest plan. She then replied to Ms. Frediani and at the same time copied the forester so he would address the specific concern.

Chris Adair specified that staff would continue to appropriately involve all stakeholders in the process of the regulation of timber harvest activities.

Mr. Briggs said that agenda items for timber harvest program activities will be held at meetings in the northern portion of the region, if possible. Additionally, whenever possible, stakeholders should be provided with agenda items as soon as they are available.

Ms. Dyer committed to providing an Executive Officer's Report for the September Board meeting. Per Board direction, the Executive Officer's report will outline:

- Additional enforcement options for dischargers that conduct timber harvest activities without enrollment under the General Waiver.
- Methods for streamlining the process for enrolling plans under the General Waiver.
- Incorporating the option for a forester to conduct Tier II monitoring for a plan that has been evaluated as such when winter operations are proposed but not conducted.

12. Enforcement Report..... Status Report

The Board asked about the Timber Harvest Plan violations (THP). Mr. Van Lennep, Redwood Empire Sawmills, believes that the Bear Creek THP was either operated without

a waiver of waste discharge or it operated without being enrolled in the General Waiver. The Bear Creek THP was previously approved in 2000.



The Board asked about violations for the Los Osos CSD. Division Chief Harvey Packard noted that four violations were part of the Los Osos Administrative Civil Liability that was adopted by the Board in January 2006.

District Attorney recently settled the criminal case with three years probation and \$33,500 in fines to Mr. Furtado. The terms of his probation include compliance with his waste discharge requirements.

Mr. Packard provided an update to the Board on the Furtado Dairy spill. The Santa Clara

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

Executive Officer Briggs noted that there are three general discharge cases, two closed cases, and two cases recommended for closure.

Senior Engineering Geologist Burton Chadwick is available for questions.

18. Reports by Central Coast Water Board Members Status Report

There are no reports at this time.

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

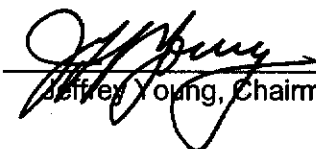
Mr. Briggs summarized a letter from Mr. Mike Hill, Department of Fish and Game. Mr. Hill recently received a sustained superior accomplishment award from his agency and was compelled to write a letter to give credit to several of our staff members for their supportive work.

The Board asked about upcoming storm water management plans. Mr. Briggs noted that the Monterey Regional Storm Water Management Plan is scheduled for the September 7-8 meeting in Monterey and that three more plans are scheduled for the October 20 meeting in Santa Barbara for the cities of Lompoc, Santa Maria, and Buellton. The Board also asked about a Los Osos listing for a storm water management plan. Mr. Briggs will follow-up on the origination of the listing and report back to the Board.

Mr. Briggs noted an update on storm water permits, an update for the Arana Gulch progress with the hard pan on the Frisbee golf course, a summary of funding that has been steered toward resource conservation districts, and a summary on the San Jerardo contamination issue.

Chairman Young adjourned the meeting at 7:00 p.m. The next Board meeting will be held on September 7-8, 2006 in Monterey.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its September 7-8, 2006 meeting in Monterey, California.



Jeffrey Young, Chairman

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