



# 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 6, 2007 Central Coast Regional Water Board

Chairman Young called the meeting of the Central Coast Water Board to order at 8:30 a.m. on Friday, July 6, 2007, at the Watsonville City Council Chambers, 250 Main Street., Watsonville, California.

**1. Roll Call** ..... Chris Adair

**Board Members Present:**

Chairman Jeffrey Young  
Vice Chair, Russell Jeffries  
Les Bowker  
John Hayashi  
David Hodgkin  
Monica Hunter  
Daniel Press  
Gary Shallcross

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

Executive Officer Briggs introduced staff and State Board member Gary Wolff.

**3. Approval of May 10-11, 2007 Meeting Minutes** ..... Board Motion

**MOTION:** Russell Jeffries moved to approve the May 10-11, 2007 meeting minutes.

**SECOND:** Les Bowker.

**CARRIED:** Unanimously (8-0)

**4. Uncontested Items Calendar** ..... Board Motion

There were no uncontested items on the calendar. Item No. 20 was pulled off the consent calendar for discussion.

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

State Board Liaison Gary Wolff reported on the following issues: Water Rights enforcement policy, suction dredging workshop, the Bodega ASBS, Ocean Plaza scoping for change, and the Carmel River diversion to the Seaside aquifer.

**6. and 20. General WDRs for Food and Vegetable Processing,  
Natural Selection Foods, San Juan Bautista, San Benito County..... Order No. R3-2004-0066**

Prior to hearing Item Nos. 6 and 20, Board member Press recused himself from the discussion based on potential conflict with Natural Selection Foods' contributions to the University of Santa Cruz research program.

Cecile DeMartini, staff Water Resources Control Engineer, responded to questions asked by Board Members regarding past reporting practices and violations for the Natural Selection Foods (NSF) facility. Specifically, Board member Hunter, inquired on how many self monitoring reports NSF had submitted since the adoption of Waste Discharge Requirements (WDR) Order No. 99-99 and NSF's time response for reporting a spill that occurred at the NSF facility in October 2006. Ms. DeMartini stated that, to the best of her knowledge, NSF had provided two self monitoring reports covering the reporting period from 2005 through 2006. With regard to the October 2006 spill, Ms. DeMartini indicated that NSF did provide a spill report to the Water Board at least within a couple of days of the discovery by Water Board staff of the spill into the San Juan Creek. Dr. Hunter clarified the point with Ms. DeMartini that NSF submitted the spill report after Water Board's physical inspection and discovery of the spill in October 2006. Ms. DeMartini concurred.

Dr. Hunter further inquired about items documented in Administrative Civil Liabilities (ACL) Order No. R3-2007-0015, Attachment No. 5 provided with the Item No. 6 Staff Report. Dr. Hunter pointed out that Violation No. 4 of the ACL states NSF increased the disposal irrigation acreage from the permitted 36-acres to an estimated 78-acre area. Ms. DeMartini confirmed this was the case at the time when the ACL was written. Ms. DeMartini further clarified that after the ACL was authored, facility engineers from NSF delineated a buffer between the San Juan Creek and the disposal fields, therefore, reducing the total disposal field area to approximately 67-acres. Dr. Hunter had concerns about the appropriate amount of acreage required to dispose of NSF's current wastewater volume and inquired about their current reporting practices. Ms. DeMartini explained how NSF provided a soils engineering report indicating the allocated 67-acres of disposal fields are capable of receiving up to 380,000 gallons per day if managed appropriately through irrigation rotation and oversight. She further stated that NSF has begun a more intensive monitoring plan on their own accord outside the requirements of the current WDR Order No. 99-99 and are more responsive to Water Board staff.

Dr. Hunter asked about the status and overall cost of the proposed wastewater treatment system to be installed at the NSF facility. Ms. DeMartini stated she has no information on the costs of the wastewater treatment system and the facility is currently constructing the wastewater treatment system to reduce nitrates with near future tertiary treated wastewater effluent.

Dr. Hunter also stated that the ACL was drafted in April of 2007 and had not been presented to Water Board members until the day of the July 6, 2007 Board meeting. Ms. DeMartini confirmed both statements. Based on the information provided to the Board members in the ACL, Dr. Hunter asked Water Board staff how they determined the \$95,000 penalty amount stated in the ACL. Staff Counsel, Ms. Lori Okun, informed Board members that the ACL was provided as a reference document on Item No. 6 and is not before the Board as an action item, therefore, Ms. Okun did not see it appropriate for Harvey Packard, Supervising WRCE for the Region 3 Water Board Enforcement Unit, to address the question. Dr. Hunter asked if Board members would have an opportunity to address the ACL. Mr. Packard informed Board members that NSF waived their right to a Board hearing and have agreed to pay the \$95,000 penalty, therefore, there would not be a hearing on the ACL using that procedure. Dr. Hunter acknowledged the in-house administrative procedures typical of ACLs but expressed concern due to the October 2006 spill violating the Clean Water Act and possibly impacting aquatic fish habitats; specifically Steelhead trout. Water Board



Executive Officer Roger Briggs, and Board Chairman Jeffrey Young, both indicated that the ACL was not yet completed. Mr. Young requested suggestions on the matter from Ms. Okun and she suggested the Board members could direct Water Board staff not to complete the settlement process with NSF and bring it back for a hearing if that is what the Board members want to do. Board members Shallcross, Jeffries, and Bowker, indicated that overall they agree with Water Board staff's recommendations for ACL items but they also expressed interest and responsibility in understanding the circumstances further of the NSF ACL. Therefore, Mr. Young requested that Mr. Packard set the ACL for a Board meeting so that Board members can understand the underlying facts and then decide how to proceed with the ACL. For the record, Ms. Okun stated the Board is not making any decision on the amount or the allegations stated in the ACL or whether they are true. In addition, Ms. Okun further clarified the Board is only directing Water Board staff to bring the ACL back so the Board can have more information and can make a decision on the item.

Mr. Briggs restated the intent of Item Nos. 6 and 20 to rescind WDR Order No. 99-99 and enroll NSF into WDR Order No. R3-2004-0066.

**MOTION:** David Hodgin moved to approve the staff recommendation for Order No. R3-2004-0066.

**SECOND:** Gary Shallcross.

**CARRIED:** (7-0) Daniel Press was recused from this item.

#### 7. Underground Storage Tank Program & MTBE Cases..... Status Reports

Executive Officer Roger Briggs pointed out in the staff report that the tank program recently reached a milestone of having closed as many cases as there are currently remaining open. Board Member Press inquired as to how many new cases we get every year and commented that it would be beneficial to see the numbers plotted on a chart. Senior Engineering Geologist Burton Chadwick indicated that for the last couple of years we have received about five new cases per year, compared to closing about 20 cases per year. Staff member Chadwick will re-present selected charts that were presented by Assistant Executive Officer Michael Thomas during the June 6, 2007 offsite board meeting showing tank case numbers.

Executive Officer Roger Briggs pointed out the discussion of a truck accident in the staff report for the Chevron Cambria case and stated that it was not environmentally desirable to be trucking highly treated groundwater (from the cleanup process) out of Cambria. Staff member Chadwick said that when the truck accident occurred, the need for trucking treated groundwater to the Santa Maria wastewater treatment plant for disposal was revisited. It is staff's understanding that a settlement between Chevron and Cambria Community Services District stipulates that there will be no disposal of treated groundwater in the Cambria basin.

Executive Officer Briggs updated the Board on the staff report for the California Water Service Supply Wells, stating that the contract for providing Cleanup or Abatement Account money to the Monterey County Water Resources Agency (for investigation into the source of MTBE) has been finalized. Board member Jeffries asked if neighboring leaking underground storage tank cases were still monitoring groundwater. Water Resource Control Engineer John Goni confirmed that neighboring leaking underground storage tank cases continue to move forward, including groundwater monitoring; however, none of them appear to be the source of MTBE in the supply wells. Board member Jeffries stated that it is unfortunate that it has taken so long to get to this point.

Board member Shallcross inquired about the Orcutt Chevron case and the last sampling date in August 2005. Staff member Chadwick confirmed that the sampling date was the most recent available, and explained that the sample was collected from a temporary soil boring--installation of



monitoring wells is pending. Staff member Chadwick agreed with Board member Shallcross that it would be reasonable to expect that permanent monitoring wells should have been installed by now. Board member Shallcross asked staff to call Santa Barbara County Local Oversight Program staff to move well installation along.

**8. Perchlorate Cases .....Status Report**

**Olin Corporation Cleanup Case:**

Staff Geologist Thea Tryon gave a brief status update to supplement the written staff report. Ms. Tryon's presentation focused on recent developments concerning the Olin Cleanup case. Specifically, Ms. Tryon updated the Board concerning (1) bottled-water service terminations and reinstatement, (2) first quarter 2007 groundwater monitoring results, (3) staff's intent to issue a replacement cleanup order at the September 2007 board meeting, and (4) the status of staff's review of major technical reports recently received including Olin's Revised Cleanup Feasibility Study Report.

Mr. Jim Ashcraft, representing the City of Morgan Hill, addressed the Board. Mr. Ashcraft requested that the Board require prompt completion of the remediation plan so that Morgan Hill's water users will be relieved of the continuing cost of removing Olin's perchlorate from their groundwater basin in the future.

Several of the Board members asked questions concerning the increasing and decreasing perchlorate trends. Staff provided clarification concerning the data presented.

Chairman Young asked whether the replacement cleanup order will include a cleanup level. Ms. Tryon explained that the goal for groundwater cleanup is background at the method detection limit. However, until field data is available that indicates whether it is technically and economically feasible to clean to the method detection limit, and until data from the forensic geochemistry background study is available, it is premature to set a cleanup level.

Board member Hunter inquired about the status of public participation. Ms. Tryon indicated that Water Board staff is actively addressing public concerns by participating in monthly public meetings held in the Morgan Hill area. Staff indicated that the public is most concerned about receiving bottled water and the speed of the cleanup. Ms. Tryon also explained that the perchlorate community advisory group is currently drafting up some questions that they are interested in having answered. Dr. Hunter indicated that she would like to see these questions once they become available.

*(Chairman Young announced a break.)*

**9. Salinas Storm Water Permit Update ..... Status Report**

Donette Dunaway, staff Engineering Geologist, presented an update of Salinas Permit compliance. This status report was an update of compliance issues that staff discussed at the February 2007 Board hearing. The summary finding is that the City tends to respond to Water Board staff's actions pressing the City toward Permit compliance. The City has received two Notice of Violation letters during this permit term in relation to missing submittal dates for their revised Stormwater Management Plan, Quality Assurance Program Plan, Development Standards Plan, and Annual Report. While the City is slowly coming into compliance with Permit requirements, staff suggested that a Cease and Desist Order with a time schedule is reasonable at this time in order to give the City specific interim goals and due dates. Staff also stated that a formal enforcement order could not



reasonably come to the Board for approval before the December 2007 meeting. Therefore, the City has at least five months to act on their stated intentions to come into compliance. Dr. Hunter advised the City to convene an inclusive Technical Advisory committee to assist in the need for true public input.

Chairman Young raised several questions: 1) Why did the Water Board's CCAMP staff, rather than the City staff, discover water quality exceedances. Water Board staff answered that the City's monitoring program was not yet up to full capacity, and that City inspectors are still learning what to look for at industrial sites. 2) When or how can Low Impact Development be required at small sites? In response, staff discussed retrofit and Caltrans BMPs; 3) Will the City and Water Board staff address the points raised in the June 29, 2007 letter from The Sea Otter Project? Staff pointed out that the staff report topics of concern matched those in the letter, and noted that we would be including Steve Shimek, the letter's author, in the ongoing public participation discussions.

Carl Niizawa stated that the City now requires LID in sub-acre and larger projects.

City Attorney Vallarta stated that new Low Impact Development Standards would be adopted by December 2007. She requested that the Water Board not require the City to adopt interim LID standards, so that they could focus on the final LID standards. Ms. Vallarta also requested Water Board staff accept the June 2007 SWMP as a final and post this document for public review.

Steve Shimek, Monterey Coast Keeper, stated three primary concerns. Mr. Shimek was first concerned that the City's Grading Ordinance does not reference or mention the Salinas Reclamation Canal. Secondly, he believes that the Public, along with Water Board staff were not given adequate notice before the City Council hearing of the Grading Ordinance. Mr. Shimek's last comment related to the ongoing, iterative process between Water Board staff and the City. He stated that the process has proceeded too slowly. He would like to see the Board take action to require the City to comply with their permit.

Board members reiterated the goal is to have the City move forward with compliance efforts to obviate the need for a Cease and Desist Order in December.

*(Chairman Young announced a lunch break. The meeting reconvened at 1:30 p.m.)*

**24. Public Forum** ..... Board Direction

The following individual had comments:

Sarah Corbin, Surfrider Foundation, San Luis Bay Chapter encouraged San Simeon CSD and the Water Board to ensure the CSD upgrades to tertiary treatment in the near future.

**10. Timber Program Update** ..... Status Report

Environmental Scientist Julia Dyer provided the Board with an update of the Timber Harvest Program that included a summary of program activities she conducted over the past year and a preliminary review of temperature and turbidity data.

Board member Press asked why the St. Francis enforcement includes the Santa Cruz County District Attorney. Ms. Dyer stated that this particular case is under multi-agency enforcement action and the DA is coordinating the process. Board legal counsel Lori Okun clarified that some District Attorneys have task forces to handle multi-agency enforcements.



Board member Shallcross asked if these types of situations are typically led by one agency. Ms. Okun responded that it depends on the situation. Sometimes one agency takes the lead and the Water Board will take their own enforcement action apart from the multi-agency process. Other times the various agencies have different jurisdictions such as licensing or monetary penalties.

Board member Press requested staff to estimate how many additional staff are needed to run the Timber Harvest Program more effectively. Dr. Press also requested a copy of Ms. Dyer's power point presentation.

Ms. Dyer stated that assigning a second staff person to the program would be more beneficial than increasing the current resource allocation. Having a second staff person would help eliminate schedule conflicts.

Executive Officer Briggs referenced a letter from Central Coast Forest Association which provides several comments on the management of the Timber Harvest Program. The comments included criticism on the length of time it takes to process General Waivers, frustration that clerical errors and typos hold up the General Waiver process, and that the Monitoring and Reporting Program is requiring temperature monitoring during inappropriate stream conditions.

Ms. Dyer noted that the time to process a General Waiver has been reduced since the adoption of the General Waiver. Ms. Dyer also noted that this is not a good measure of performance of the program as priorities are constantly shifting due to number of applications submitted at a time, violations, petitions, and other time-sensitive issues that must be addressed.

Ms. Dyer respectfully disagreed with the statement that clerical errors and typos hold up the General Waiver process. Staff has regularly found errors in the applications that have direct relevance to drafting an appropriate Monitoring and Reporting Program.

Ms. Dyer stated that the Standard Operating Procedures for temperature monitoring will be modified to allow dischargers to remove monitoring probes when the monitoring station is dry.

Board member Hodgin requested clarification as to the numbers described for case load, applications, and General Waivers. Ms. Dyer clarified that there are 67 plans on file that have already been approved and that new plans are submitted throughout the year.

Chairman Young pointed out a statement in the staff report that explains that staff often sees conditions in the field that may pose a threat to water quality. He then asked if these are conditions that are only apparent to Water Board staff or if other members of the review team see the conditions as well. Chairman Young asked staff how they ensure that the conditions are corrected.

Ms. Dyer stated that other members of the review team recognize the conditions as well. Staff keeps track of such conditions and follows up on subsequent inspections to ensure that the conditions have been addressed.

Chairman Young reiterated that it is important for staff to continue to make an effort to attend all pre-harvest inspections.

Public Testimony:

Landowner Steve Dousman stated that he owns property in the San Lorenzo River watershed. Mr. Dousman said that Water Board staff sent a letter asking him to modify components with the application for the General Waiver such as discrepancies with the count, number of stream crossings, and the name on the plan map. He is discouraged that it has taken four months for a response regarding a General Waiver.



Landowner Dick Burton stated that his family owns 200 acres that is covered under a Non-industrial Timber Management Plan. He anticipated receiving approval under the General Waiver in early July. But, he received the approval in late August. This delay could have cost them thousands of dollars. He considers turbidity sampling of questionable value.

Bob Berlage of Big Creek Lumber stated that it is very important to get documentation in a timely manner. He would like to see more Water Board staff to help the General Waiver process go faster. Mr. Berlage would like to change monitoring so it is not required on weekends and holidays. Instead samples could be taken on the first working day after a storm event. Mr. Berlage also mentioned that there are delays in moving to the second phase of monitoring.

Kevin Collins of the Lompico Watershed Conservancy stated that he is concerned about being included in the Water Board's process for the regulation of timber harvesting in Santa Cruz County. Water Board staff is not formally participating in the CDF process. Mr. Collins would like to see when there are additional site-specific requirements by the Water Board either during the General Waiver approval process and review based on amendments. Mr. Collins is concerned about turbidity sampling protocols. After a Board member inquiry, Mr. Collins clarified that Ms. Dyer is not submitting pre-harvest inspections to CDF due to tight time frames. Therefore, Mr. Collins does not have an opportunity to review these reports prior to the end of public comment.

Senior Engineer, Chris Adair, pointed out that Mr. Collins can review inspection reports as part of the General Waiver approval process. Water Board staff will post approved General Waiver packets to the website to allow public access.

Board member Shallcross pointed out that by this time the public comment period will have closed. Mr. Adair noted that this timeline was developed at the request of the environmental community.

Catherine Moore of the Central Coast Forest Association is concerned that the data collected as a part of the timber harvest program is unfairly focusing on forestry. Ms. Moore would like data from housing developments, roads, parks, etc.

Chairman Young requested staff work with TMDL staff to get a more comprehensive picture of the various land uses contributing to sediment issues in each of the Santa Cruz watersheds.

Cheyenne Borello of Staub Forestry stated that of the seven waivers submitted since January of this year only one has been processed and enrolled. Ms. Borello stated that the Water Board had committed to make processing General Waivers a priority. Ms. Borello also reiterated Mr. Berlage's comment that there are delays within the approval process to move to the second phase of monitoring.

Ms. Dyer responded that applications still waiting for approval are being addressed in order they were received. The two that have been waiting the longest both had incomplete applications.

Jodi Frediani of the Sierra Club agrees that staff needs more resources. Ms. Frediani would like to see stronger participation in the CDF process and a spreadsheet with inspections and data collection information. She feels that it is premature to eliminate the automatic promotion to Tier III monitoring. She also wants to have an opportunity to comment on modifications to the Turbidity SOP.

Chairman Young requested staff to have modifications to the Turbidity SOP available for comment by the public and to make the turbidity and temperature data available to the public.



David Van Lennep of Redwood Empire stated that he is happy that staff is attending more PHIs and supports the concept of acquiring an ATV. Mr. Van Lennep would like to see changes to the Turbidity SOP as the current requirements are overly burdensome or unnecessary.

Board member Hunter asked if staff have consulted with other regions on their process for approving waivers. Ms. Dyer responded that she has spoken with staff from other regions and the processes are not easily compared as the requirements are very different.

Dr. Brian Dieterick of Swanton Pacific Ranch stated that he is conducting a water quality effectiveness study on the Little Creek drainage to determine how well water quality sampling works. Dr. Dieterick stated that turbidity monitoring may not be effective because turbidity is so variable over time and from event to event. Dr. Dieterick suggests that the only type of turbidity monitoring that may be relevant is the upstream and downstream turbidity monitoring of crossings. Dr. Dieterick proposes ground-based monitoring method after a rain fall event to determine management effectiveness.

Executive Officer Briggs summarized that follow-up tasks for staff are to get programmatic information available to the public via the website, distribute to the Board copies of all submitted comment letters and provide a Sediment TMDL status report at the next Board meeting in Santa Cruz County.

**12. Los Osos Community Wastewater System Presentation  
by San Luis Obispo County.....Status Report**

Bruce Gibson, San Luis Obispo County Supervisor, 2nd District, introduced the item with a note of appreciation for holding individual discharge enforcement action in abeyance. He stated the role the County has in the wastewater project under AB2701 and that the County is the right agency to be undertaking this project and that they have assembled an excellent project team to solve the water pollution problem.

Paavo Ogren, San Luis Obispo Public Works, presented a summary of the current progress of the County toward a wastewater treatment facility for Los Osos. The County has drafted a preliminary engineering report, which outlines potential project alternatives to the Tri-W project. The proposition 218 vote is the first step in project implementation and is scheduled for August 28, 2007, with results known on December 11, 2007.

Some Los Osos residents commented on the County progress and process, these included: Bruce Payne, Chris Allebe, Richard Margetson, Julie Tacker, Dr. Mary Fullwood, Chuck Cesena. Sarah Corbin of the Surfrider Foundation also spoke to the need for a wastewater solution for Los Osos.

The Board did not take any action on this item.

**14. S&S Land Development ..... Order No. R3-2007-0031**

Chairman Young described the hearing procedures. Lori Okun announced that she would act as legal counsel for the Board, and that enforcement staff would not have legal representation. Executive Officer Briggs added that he would act as technical advisor to the Board, and introduced Todd Stanley, Harvey Packard, and Assistant Executive Office Michael Thomas as prosecution staff.

Todd Stanley, staff Water Resource Control Engineer, presented an overview of the information provided in the staff report, noting S&S Land Development's failure to submit a timely annual report,





the Water Code's mandatory penalty for such violations, and the discharger's violation history. Mr. Stanley proposed civil liability of \$2,000 for violating reporting requirements of the General Permit for Industrial Storm Water Discharges and the Water Code for the 2005-2006 reporting period.

Chairman Young provided Mr. Jeffrey Vezzolo of S&S Land Development with the opportunity to address the Board. Mr. Vezzolo did not contest the allegations of the complaint, the staff report, or Mr. Stanley's testimony.

Board members asked Mr. Vezzolo for detailed reasons for failing to submit the annual report on time, and what he proposed the Board do. He stated that he was unable to provide the report because of business responsibilities, and requested that the Board reduce the liability or eliminate it completely.

Board members asked Mr. Stanley about the discharger's compliance history and its consideration in establishing the recommended liability, how correspondence was mailed to the discharger, and discussed the basis of the recommendation in relation to other enforcement actions against similar dischargers.

Board members considered several alternative actions. Executive Officer Briggs reminded the Board that part of the goal is to encourage compliance from all other permittees. A penalty reduction would encourage more Board hearings and less compliance. Board member Hodgkin pointed out a reduction would not be fair to those who paid the penalties and waived the right to a hearing.

**MOTION: Daniel Press moved to adopt Order No. R3-2007-0031 as recommended by staff.**

**SECOND: Gary Shallcross.**

**CARRIED: Unanimously (8-0)**

*(Board member Jeffries left the meeting at 4:30 p.m. Chairman Young announced a break.)*

#### **16. Moss Landing Power Plant Backflushing Settlement.....Board Approval**

This item requested that the Board consider allocating PG&E Moss Landing Power Plant settlement dollars to fund two projects, one with the Agriculture and Land-Based Training Association (ALBA) for wetland and stream crossing restoration and one with the Central Coast Agriculture Water Quality Coalition (Coalition) and Community Alliance with Family Farmers (CAFF) to implement vegetative conservation practices.

Alison Jones gave a brief presentation describing the proposed projects. Both projects were requesting implementation funds. The Board was asked to approve allocation of \$190,000 to ALBA to restore wetlands on Cameros Creek and replace an existing wet crossing with a bridge, and to approve allocation of \$200,000 to the Coalition and CAFF to implement grassed waterways, hedgerows and cover crops on farms.

The Board had concerns about vegetated practices in the Coalition grant being removed because of food safety requirements. Alison Jones and Lori Okun will review the contract language to see how contract language could be changed to require practices to remain in place for a specified period of time. Board member Dr. Daniel Press had a question about the personnel costs of the Coalition budget. Dawn Mathes with the Coalition and Sam Earnshaw with CAFF explained the amount of staff time necessary to work with farmers to identify, design and implement vegetated practices.

**MOTION: Daniel Press moved to approve the funding requests as recommended by staff.**

**SECOND: Gary Shallcross.**

**CARRIED: (7-0)**



**21. Ocean View Plaza CSD, Monterey**..... Order No. R3-2007-0040

Staff Environmental Scientist Dr. Peter von Langen presented a brief overview of the proposed project, emphasizing recent proposed changes to the tentative permit to require the use of a buried intake structure. Several Board members had questions and concerns regarding the provision allowing the Discharger to use an open-ocean intake if the subsurface intake were to fail.

Anthony Lombardo, representing the Discharger, confirmed that the proposed changes were acceptable to the Discharger.

Sarah Corbin, representing Surfrider Foundation, Connor Everts, and Gordon Hensley provided public comments on the proposed order.

Board members discussed several changes to permit language, including striking the phrase regarding infeasibility of the subsurface intake, adding a requirement that the Discharger report to the Executive Officer if the open-ocean intake is used for more than 15 consecutive days, and adding language to Finding N specifying that the permit does not allow violation of the Marine Life Protection Act.

**MOTION: Daniel Press moved to adopt Order No. R3-2007-0040 with the proposed changes.**

**SECOND: Gary Shallcross**

**CARRIED: (6-1)** Monica Hunter voted no.

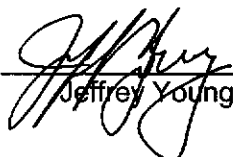
**22. Carmel Area Wastewater District** ..... Order No. R3-2007-0026

This item was removed from the agenda for any action. Mr. Hank Smith, Secretary, Carmel River Steelhead Association requested that the Board schedule a special meeting to authorize the release of tertiary treated water into the Carmel River lagoon due to a very dry year and continued illegal overdraft by Cal Am. An authorized release of tertiary treated water may save fish in the lagoon.

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Chairman Young adjourned the meeting at 7:00 p.m. A special Board meeting will be held on August 23, 2007, in Salinas.

The meeting was audio recorded and the minutes were reviewed by management and approved by the Board at its September 7, 2007 meeting in San Luis Obispo, California.

  
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Jeffrey Young, Chairman

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