



# California Regional Water Resources Control Board Central Coast Region



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Arnold Schwarzenegger  
Governor

## MINUTES REGULAR MEETING Thursday and Friday, February 7-8, 2008 Central Coast Regional Water Board

Chairman Young called the meeting of the Central Coast Water Board to order at 2:30 p.m. on Thursday, February 7, 2008, at the Central Coast Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California.

**1. Roll Call** ..... Office Assistant Sherry Kuykendall

**Board Members Present:**

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

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

Executive Officer Briggs introduced staff and announced that our State Board Liaison would not be able to attend the meeting. He asked parties who wished to speak to complete testimony cards and turn them in. Supplemental sheets that were prepared after the agenda was sent out are as follows: Items 5 and 9 (other items will be covered at tomorrow's meeting).

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

No report available.

**4. Military Facilities Update** ..... Status Reports

Executive Officer Briggs introduced the item by highlighting that Water Board staff members are working on hundreds of cleanup cases at the various military facilities discussed in the staff report. Mr. Briggs also introduced key staff members (Linda Stone, Kristina Seley, Grant Himebaugh, and Carol Kolb [who was not present]) working on these cases.

Board member Hayashi asked for clarification as to where the Monterey Peninsula Airport plume was located. Grant Himebaugh described the location of the plume with respect to the airport runway and local streets.

Board Chair Young asked how long it would take until all of the cases at Vandenberg Air Force Base are cleaned up and closed. Linda Stone said the Air Force's current plan, which is aggressive, is to have all currently identified Installation and Restoration Program cases undergoing cleanup or

closure, to be closed within five years. Ms. Stone indicated that such a time frame may be optimistic. Additionally, the Air Force is currently investigating hundreds of potential contaminated sites, which are identified as Areas of Interest and Areas of Concern. After further characterization, some of these areas may require environmental restoration. The reason there are so many areas of interest/concern is that Vandenberg is a very large facility (100,000 acres) that has a long period of operations (since World War II), and has had multiple defense contractors (e.g., Lockheed) working on leased portions of the base.

Chairman Young inquired how Water Board staff can assure that the base's current operations do not result in future contamination. Ms. Stone pointed out that Vandenberg is regulated under currently existing Water Board regulatory programs, such as storm water, and that the base conducts regular internal audits. Chairperson Young asked if Water Board staff review the results of those audits. Mr. Briggs concluded that cleanup staff and compliance staff will coordinate appropriately to protect water quality and review the internal audits, if necessary. Mr. Briggs said he would provide additional site environmental coordination information in a subsequent report.

Lead Department of Defense staff member Burton Chadwick indicated that the Water Board staff members working on the cleanup cases work in close coordination with other Water Board staff in other regulatory programs at Vandenberg, and clarified that the agenda item was specific to the Installation and Restoration Program (i.e., cleanup).

**5. Enforcement Report..... Status Report**

A written report was submitted and a supplemental sheet was provided regarding the CMC spill. Dr. Press asked about the storm water discharges to Mission Creek in Santa Cruz. He asked if staff was satisfied with the City's response and why a Notice of Violation was not issued. Mr. Briggs clarified that the Regional Board staff had a verbal response and that the City's response was positive and proactive. Mr. Packard noted that Regional Board staff reviewed the turbidity and pH data and they were within acceptable limits.

**6. Reports by Central Coast Water Board Members .....Status Reports**

Board member Hodgin attended and presented at a Santa Cruz County Water District Commission meeting in Santa Cruz on February 6, 2008. Board Chairman Young attended the Chairs' meeting in Sacramento on February 4, 2008.

**7. Approval of December 7, 2007 Meeting Minutes ..... Board Motion**

**MOTION: David Hodgin moved to approve the December 7, 2007 meeting minutes.**  
**SECOND: Gary Shallcross**  
**CARRIED: (5-0) Note: Board members Press and Jeffries abstained from the vote.**

**8. Regional Board Chair and Vice-Chair Elections..... Board Motion**

Executive Officer Briggs noted that the Porter-Cologne Act calls for the Regional Boards to have Chair elections during the first meeting of the calendar year. Regional Boards elect a Vice-Chair to act in place of the Chair when the Chair is not available.

**MOTION: Board member Hayashi moved to re-elect the current Chairman Young and Vice-Chair Jeffries for 2008.**  
**SECOND: Daniel Press**  
**CARRIED: Unanimously (7-0)**

**9. Consideration of Funding Water Quality Proposals ..... Board Approval**

Executive Officer Roger Briggs provided an introduction for this item, including background information and previous Board direction to staff regarding use of the Guadalupe funds.

Assistant Executive Officer Michael Thomas provided a summary of the Guadalupe settlement, its requirements, and staff's proposals to provide funding for the Paradise Beach acquisition, Avila Ranch acquisition, Central Coast Low Impact Development (LID) Center, Central Coast Ambient Monitoring Program (CCAMP), proper abandonment of monitoring wells from a previous Water Board study, and reservation of any remaining funds for the Board to later consider funding the Santa Barbara County and Southern San Luis Obispo County Watershed Coordinator position or CCAMP.

*(Chairman Young announced a break at 4:45 p.m. The meeting reconvened at 5:05 p.m.)*

Staff Environmental Scientist Karen Worcester provided information on CCAMP, including current activities and additional work that staff would do with the requested augmentation.

Michael Thomas summarized the comments received and staff responses.

The following individuals had comments:

- Bob Hill, Land Conservancy of San Luis Obispo County: Spoke in favor of the Paradise Beach acquisition and answered Board questions about the acquisition.
- Kara Blakeslee, American Land Conservancy: Spoke in favor of the Avila Ranch proposal and answered Water Board questions about the acquisition.
- Kevin Merrill, So. SLO/Santa Barbara Watershed Coalition: Thanked the Board for their past support and spoke about work that has been done by the agency.
- Kay Mercer, So. SLO/Santa Barbara Watershed Coalition: Spoke about work that has been done by the agency with growers and other entities.
- Herb Kandel, Resident, Nipomo: Spoke about community efforts on the Dana Adobe project and asked the Board to consider the Dunes Collaborative.
- Hilda Zacarias, Executive Director, Dana Adobe project: Spoke about the project and funding sources. She urged the Board to support the Dunes Collaborative.
- Jill Falcone, SLO County Storm Water Management Program – Spoke in support of the LID Center and the CCAMP Endowment.
- Brian Stark, Executive Director, SLO County Land Conservancy – Spoke in support of the American Land Conservancy, the Dunes Collaborative, and the Paradise Beach acquisition.
- Katie DiSimone, City of Paso Robles: Spoke in support of the LID Center.
- Steve Shimek, Monterey Coastkeeper: Spoke in support of the LID Center and CCAMP.
- Kathie Matsuyama, Dunes Collaborative/Dunes Center: Spoke in support of the Dunes Collaborative projects, the Paradise Beach acquisition project, and the Avila Ranch acquisition project.
- Gordon Hensley, San Luis Obispo Coastkeeper: Spoke in support of the CCAMP Endowment and the LID Center.
- Julie Thomas, Coastal San Luis Resource Conservation District: Spoke in support of the Dunes Collaborative projects.
- Gary Conley, Monterey Bay National Marine Sanctuary: Spoke in support of the CCAMP Endowment.
- Ronnie Glick, State Parks, Oceano Dunes: Spoke in support of the State Park water body projects.
- Greg Bettencourt, Central Coast Concerned Mountain Bikers: Spoke in support of the Avila Ranch acquisition project.

***California Environmental Protection Agency***

Roger Briggs provided closing remarks and his recommendation to approve Resolution No. R3-2007-0064. The Water Board asked questions to clarify each proposal.

**MOTION:** Daniel Press moved to approve Resolution No. R3-2007-0064 and to include the following amendments to the staff recommendation:

1. Funding in the amount of \$900,000 for the Paradise Beach acquisition conditional upon additional deed restriction language requiring the protection of ecological resources and restrictions on off road vehicle use on the property.
2. Funding in the amount of \$2.25 million to establish the Central Coast LID Center and to provide LID services. The Executive Officer will use \$2 million to establish an endowment to support the LID Center and will use \$250,000 to provide initial LID services.
3. Funding in the amount of \$4.65 million to augment the existing CCAMP endowment.
4. Funding up to \$120,000 to properly abandon 12 monitoring wells in the Cat Canyon area near Santa Maria, conditional upon the necessary funds not being available from the State Board's Cleanup and Abatement Account. The Executive Officer will request funding from the State Board as soon as possible, and if denied, will use up to \$120,000 from the Guadalupe settlement for this project.

The Board also reserved the remaining Guadalupe settlement funds for future projects, and stated its intent to provide funding for the Santa Barbara County and Southern San Luis Obispo County Watershed Coordinator position pending an acceptable proposal from the Watershed Coalition. The Board did not approve staff's proposal to fund the Avila Ranch acquisition.

**SECOND:** John Hayashi

**CARRIED:** (6-1) Note: David Hodgkin voted no.

Chairman Young adjourned the meeting at 7:30 p.m. The meeting will reconvene on Friday, February 8, 2008 at 8:30 a.m.

**Friday, February 8, 2008 – 8:30 a.m.**

Chairman Young called the meeting of the Central Coast Water Board to order at 8:35 a.m. on Friday, February 8, 2008, at the Central Coast Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California.

**10. Roll Call ..... Executive Assistant Carol Hewitt**

**Board Members Present:**

- Chairman Jeffrey Young
- Vice Chair, Russell Jeffries
- David Hodgins
- Monica Hunter
- Daniel Press
- Gary Shallcross
- John Hayashi

**11. Introductions ..... Executive Officer Roger Briggs**

Executive Officer Roger Briggs introduced staff and asked interested individuals to complete testimony cards and submit them. Supplemental sheets are available for Items 14, 15, 17, and 18.

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

Executive Officer Briggs covered the low threat cases and noted that staff was available for questions. Mr. Briggs thanked Staff Engineer John Mijares for the work he did on the Former Desert Petroleum Station #780 in Watsonville.

**13. Underground Storage Tank Program and MTBE Cases ..... Status Reports**

Executive Officer Briggs noted that the Los Osos Valley Garage/Former Bear Valley Chevron Service Station site is very close to the end of its funding. Staff will ask the State Board for additional funds to continue cleaning up the site. Dr. Press asked for an electronic copy of the Regionwide MTBE List in Excel format. Staff Senior Engineer Chris Adair will send a copy of the report to Dr. Press.

**14. General Waste Discharge Requirements for Wineries ..... Order No. R3-2008-0018**

There were no testimony cards submitted for the item. Mr. Briggs read a supplemental sheet, and noted that the item could be a candidate for consent approval. Board member Press asked questions related to the proposed septic tank/leachfield prohibition. Dr. Press wondered if our prohibition is consistent with the approaches taken by Region 1 and Region 2. Water Board staff Engineer Tom Kukol responded that we were aware of approaches taken by other regions, but have made our own determination. Staff summarized the arguments in the staff report stating that the characteristics of winery wastewater make the reliable use of septic tanks and leachfields problematic.

Dr. Press asked if the proposed leachfield prohibition would curtail winery proliferation. Staff responded that wineries still had other options, such as temporary storage for later reuse in a

vineyard. Dr. Press asked about the impact of a leachfield prohibition on existing facilities. Staff responded that existing facilities were "grandfathered" but would not be allowed to use leachfields as a repair or replacement option.

**19. Public Forum** .....Board Direction

The following individuals had comments:

- Eric Greening, SLO Coast Alliance/SLO Co. Water Resources Advisory Committee – spoke about the recent CMC spill and potential enforcement action. Mr. Greening suggested substantial penalties and recommended that the penalties be used to fund SLO county water testing efforts or direct funding toward the preparation of a feasibility study for the participation of upper watershed facilities in the Cayucos/Morro Bay joint tertiary wastewater treatment plant.
- Hillary Hauser, Heal the Ocean – provided an update on the Rincon septic to sewer project.
- Jim Ashcraft, City of Morgan Hill – spoke about the CAO and delays on the work plan approval letter from the Regional Board. Mr. Briggs noted that the letter would be sent soon, hopefully within a week.
- Joey Racano, CA Ocean Outfall Group – spoke about the Marine Life Protection Act Initiative. He urged the Board to take swift enforcement action on the CMC spill into the Morro Bay Estuary.
- Dave Duggan, Resident Los Osos – spoke about a DVD he released about the CDO hearings and the Regional Board. He also spoke about various closed sessions held by the Regional Board and the Board's decision not to have a hearing on the CDOs.

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

Executive Officer Briggs clarified an acronym within the Water Quality Certification table. Written information was provided regarding the Pismo-Oceano Vegetable Exchange.

Board member Hayashi asked if Water Board staff had been out to the Greka sites where petroleum products had been released. Water Board Staff Engineering Geologist Rich Chandler indicated that he had inspected both the Bell and Zaca (Greka) sites shortly after those releases occurred. Chairman Young asked what Water Board staff was doing about the situation. Mr. Chandler responded that currently CA Fish & Game and the USEPA were lead agencies on these situations because they have regulatory authority and funding that allows them to take immediate control of the cleanups. Water Board staff are coordinating with them.

Mr. Chandler summarized recent events that occurred since the EO report was prepared including; a multi-agency coordination meeting organized by Water Board staff, other recent Greka releases, Santa Barbara County closure of four facilities, and EPA cleanup orders for four leases. Mr. Briggs briefly discussed the multi-agency coordinating meeting and his guidance to staff. Mr. Briggs stated that he would like to see a third-party audit program of the Greka infrastructure. Mr. Chandler said that the EPA had indicated they were thinking along similar lines. He also stated that the Santa Barbara County Petroleum office had expedited inspections of all Greka facilities resulting in the four shutdown orders.

Chairman Young asked why we did not already have Greka under a storm water permit. Mr. Chandler responded that federal regulations exempt petroleum operations from storm water regulations except under a few specific cases. Water Board Legal Counsel Frances McChesney advised against further discussion of the issues due to possible future enforcement actions and required separation of functions. Mr. Chandler indicated that following emergency cleanup actions, the Water Board may require additional assessment of surface water and groundwater at the release

sites. Chairman Young encouraged staff to continue with their efforts to find ways to bring Greka into compliance.

Executive Officer Briggs congratulated Chris Rose on his promotion to Supervising Senior Environmental Specialist over the Total Maximum Daily Load Program. Mr. Briggs noted that three TMDLs will be coming to the Board at the March Board meeting. Board member Hunter asked for a summary of progress for the TMDLs. Board member Press asked that implementation of the approved TMDLs be included in the summary. Mr. Rose will provide a status report for the Board.

Executive Officer Briggs requested that the Board consider changing the level of delegation regarding the settling of Administrative Civil Liability (ACL) cases at the discretion of the Executive Officer from less than \$100,000 to less than \$300,000. Mr. Briggs showed slides of the current level of delegation and the proposed level of delegation. If the ACL order is not paid or has a Supplemental Environmental Project (SEP) and it is less than \$100,000 the EO could issue an ACL order with the SEP. Mr. Briggs gave reasons why he recommended the increased \$300,000 change and provided a sample case for the Board. The Board asked for a brief summary to be included at the end of the orders.

**MOTION: Gary Shallcross moved to approve the requested change in the Executive Officer's level of delegation to \$300,000 for Administrative Civil Liability cases.**

**SECOND: John Hayashi**

**CARRIED: Unanimously (7-0)**

Executive Officer Briggs discussed the supplemental sheet (Regional Water Board comment letter) sent to Executive Director Dorothy Rice at the State Board regarding the draft enforcement policy. The Board expressed disappointment in the proposed enforcement policy with regard to SEPs and asked staff what could be done to support the views of Region 3. Harvey Packard noted that the State Board is holding a workshop on February 19 in Sacramento on the proposed enforcement policy. Chairman Young asked the Board members if they were interested in attending the workshop. Board member Shallcross raised concerns about funds going into the Cleanup and Abatement Account. Mr. Briggs noted that staff could attend the workshop, and suggested coordinating with Dr. Press after gathering information on potential usefulness of providing further comment.

Chairman Young asked about food safety and the loss of vegetated buffers. He requested an update in the next EO Report on the issue.

Chairman Young addressed the budget information issue and noted that there would be a 10% reduction in general funds. Timber and Planning programs are totally supported by general funds. Chairman Young believes timber funding should not be cut at all.

*(Chairman Young announced a break at 10:07 a.m. The meeting reconvened at 10:24 a.m.)*

#### **15. County of Santa Barbara Phase II MS4 Status Report..... Status Report**

Water Board staff Environmental Scientist Brandon Sanderson summarized Santa Barbara County's Storm Water Management Program (SWMP) 2006/2007 annual report and first year SWMP implementation. He gave examples of correct BMP implementation, pointed out inadequacies in best management practices (BMP) implementation and reporting, and responded to public comments.

Board member Jeffries and Chairman Young expressed concerns about the County's street sweeping program and volunteer water sampling program. Chairman Young asked about the differences in requirements between the General Permit and the SWMP. Dominic Roques explained

that the SWMP goes into greater detail, however requirements are considered together. Monica Hunter asked whether a storm water ordinance had been adopted. Staff explained that the ordinance was adopted, but had not been approved in time for the annual report submittal. Staff is reviewing the ordinance.

Hillary Hauser of Heal the Ocean expressed her concern that the storm water ordinance is inadequate. She also expressed concerns about BMP implementation at a proposed hotel project in Santa Barbara.

Kira Redmond of Santa Barbara Channelkeeper expressed her concerns that the County's first year SWMP implementation was inadequate. She agreed with staff concerns. She stated that County staff is not doing enough to improve water quality, including street sweeping. Board member Press and Chairman Young stated that more information is needed to evaluate the street sweeping program.

Rob Almy of Santa Barbara County's Project Clean Water summarized the County's first year SWMP implementation, including activities conducted above and beyond SWMP requirements such as water quality monitoring. Mr. Almy explained that the County has underground trash interceptors that collect debris and are as effective as sweeping. Chairman Young asked how problems such as that which occurred at 1000 Via Tranquilla in Hope Ranch can be avoided. He stated that the County's Planning and Development Department needs additional training regarding drainage and grading evaluation. Chairman Young emphasized the importance of low impact development (LID) requirements in the County's planning. Dominic Roques pointed out that we must specify criteria that lead to LID and not necessarily specify LID measures the County should use. He noted that pending Construction General Permit revisions will address the criteria for LID and will require developers to implement LID.

Chairman Young requested that the County provide a public review period for the Annual Report. He also requested an electronic copy of the annual report. Chairman Young and Board member Shallcross will review the annual report and provide input.

*(Chairman Young announced a lunch break and closed session meeting at 12:20 p.m. Board member Shallcross left the meeting at 1:25 p.m. The meeting reconvened at 1:40 p.m.)*

**16. & 17. City of Salinas Phase I MS4 Status Report and  
City of Salinas Storm Water Management Plan..... Status Report/Board Approval**

**Item 16**

Staff Engineering Geologist Donette Dunaway presented an update of the City of Salinas Storm Water Management Program and compliance with the Phase I Storm Water Permit. The City of Salinas (City) 2006/2007 Annual Report reported on the implementation of the City's existing Storm Water Management Program (SWMP). Staff reported that the City made significant progress during 2006/2007 and is adequately implementing the SWMP. The City investigated and abated illicit discharges to the storm water system and educated operators to prevent future such discharges. The City adopted a Storm Water Ordinance, which provides the City with authority to require water quality protective measures. The City implemented water quality protection measures (e.g., reduction of pesticide use) through its Maintenance Division. The City is implementing its water quality monitoring program. Staff pointed out several areas that needed improvement: 1) the City must revise the Annual Report format so that it parallels the SWMP and the reporting-year's Work Plan; and 2) the City also must improve its public participation practices for better communication and transparency.



Water Board staff is currently reviewing the City's Storm Water Development Standards (Development Standards), which specify the application of Low Impact Development (LID) measures, as required by the City's permit. Chairman Jeff Young asked if LID requirements will apply to public buildings and to new streets. Staff answered that LID would be required by the Development Standards. Water Board attorney Frances McChesney answered a question about public notice and stated that the Bagley-Keene Act and Porter-Cologne Act require a minimum 10-day public period for the City storm water documents.

**Item 17**

Water Board staff Engineering Geologist Donette Dunaway presented staff's evaluation of the City's draft SWMP and recommended that the Central Coast Water Board adopt Resolution No. R3-2008-0012, which approves the City's June 2007 draft SWMP with modifications.

To comply with the City's 2005 NPDES Permit, the City submitted a draft SWMP to the Central Coast Water Board in January 2007. Water Board staff commented on the draft SWMP and the City submitted a revised draft SWMP in June 2007. Staff reviewed the June 2007 draft SWMP and created a Required Revision table, which are necessary for the SWMP to be in compliance with the Permit and meet the maximum extent practicable (MEP) standard. The Required Revision table incorporates input from the public and the City.

Chairman Young expressed surprise that stakeholders were not satisfied with the public participation. Staff responded that Resolution 2.aaa addresses this concern; however, the resolution only applies to documents submitted to City Council. There are no requirements regarding public review of the Annual Reports. The City does voluntarily post Annual Reports on their web site.

Board member Daniel Press stated that he wants all developments, including any in the annexation area, to be subject to LID requirements contained in the Development Standards. Staff stated that LID measures are required by the Permit and the Development Standards will be brought to the Water Board in July 2008. The City stated the proposed annexation will be considered for approval by Local Agency Formation Commission of Monterey County (LAFCO) in March 2008. The City also stated that the annexation process will require three Environmental Impact Reports (EIR) and each includes a 45-day public review period.

Board member Jeffries stated he would like a mechanism to preserve LID measures after they are installed, and that Codes, Covenants and Restrictions (CC&Rs) do not work.

Water Board Assistant Executive Officer Thomas and Board member Jeffries asked about the City's plans for its annexation area.

Steve Shimek, Monterey Coastkeeper commented that the SWMP was very late, that the City was not very helpful in providing documents to him, that the City's LID projects are not good, that the SWMP does not meet the MEP standard, and measurable goals are inadequate. Chairman Young stated that SWMP development is an iterative process.

Board members deliberated, asked staff some questions, expressed concern about public participation, and emphasized the importance of the Development Standards. Staff recommended adopting the SWMP now so that there is an enforceable SWMP in place.

**MOTION:** David Hodgin moved to adopt the staff recommendation to approve the SWMP. Daniel Press proposed an amendment to the motion that would allow for review of the City's progress with public participation improvements, and reopening the SWMP when the Board considers the Development Standards in July 2008. The amendment was accepted.

**SECOND:** John Hayashi

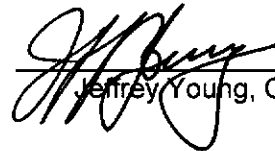
**CARRIED:** Unanimously (6-0)

Chairman Young and Board member Hunter will review the City's SWMP, staff's comments, and the Annual Report. Chairman Young requested an electronic copy of the SWMP and Annual Report.

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Chairman Young adjourned the meeting at 4:45 p.m. The next Board meeting will be held on March 20-21, 2008, in Salinas.

The meeting was audio recorded and the minutes were reviewed by management and approved by the Board at its March 20-21, 2008 meeting in Salinas, California.

  
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Jeffrey Young, Chairman

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E/CD/CCWB MINUTES 1999-2008