



# California Regional Water Resources Control Board

## Central Coast Region



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Arnold Schwarzenegger  
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### MINUTES REGULAR MEETING Thursday and Friday, March 20-21, 2008 Central Coast Regional Water Board

#### Thursday, March 20, 2008, 1:30 p.m.

Vice Chairman Russell Jeffries called the meeting of the Central Coast Water Board to order at 1:30 p.m. on Thursday, March 20, 2008, at the Salinas City Council Rotunda Chambers, 200 Lincoln Avenue, Salinas, California.

1. Roll Call ..... Executive Assistant Carol Hewitt

**Board Members Present:**

Chairman Jeffrey Young (arrived at 1:55 p.m.)  
Vice Chair, Russell Jeffries  
David Hodgkin  
Monica Hunter  
Daniel Press  
Gary Shallcross

**Absent:**

John Hayashi

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

Executive Officer Briggs introduced staff and asked parties who wished to speak to complete testimony cards and turn them in. Mr. Briggs noted that our State Board Liaison Gary Wolff will be joining the meeting a little later. Supplemental sheets and the Question and Answer document that were prepared after the agenda was sent out are as follows: Items 6, 7 (Q&A), 8, 9, 10, 11-12, 14, 21, 25, 31, and 33.

3. Approval of February 7-8, 2008 Meeting Minutes ..... Board Motion

**MOTION:** David Hodgkin moved to approve the February meeting minutes.

**SECOND:** Gary Shallcross.

**CARRIED:** Unanimously (5-0)

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

Executive Officer Briggs recommended adding Item No. 32/Emergency, Abandoned, Recalcitrant Account Priority List for Fiscal Year 2008-09 and recommended removing Items 9-13/Monterey Bay and Carmel Bay discharger's related items. Lastly, Mr. Briggs recommended that Item No. 23/Cleanups, Closures, and Corrective Action Plan Approvals be added to the consent calendar.

**MOTION:** Daniel Press moved to approve the consent calendar for items 7, 23, 26-30, and 32.

**SECOND:** Gary Shallcross.

**CARRIED:** Unanimously (5-0)

**6. Appreciation for Improved Storm Water Treatment.....Resolution Nos. R3-2008-0031 & -0032**

Executive Officer Briggs presented the representative of the Monterey County Housing Authority with a Resolution of Appreciation for its use of low impact development (LID) techniques in the construction of the Tynan Village Housing Project. Mr. Briggs also presented the representatives of the Community Housing Improvement Systems and Planning Association with a Resolution of Appreciation for its use of LID techniques in the redevelopment project at the Sherwood Village Senior Living Project.

*(Chairman Young arrived to the meeting at 1:55 p.m.)*

**8. Central Coast Long-Term Environmental Assessment Network.....Information/Discussion**

Executive Officer Briggs introduced the Central Coast Long-Term Environmental Assessment Network (CCLEAN) program to the Board, and introduced Staff Environmental Scientist Karen Worcester, who has managed CCLEAN since its inception. Karen presented background information on CCLEAN objectives, a few of the key five year findings, the outcome of a peer review by Dr. Brock Bernstein, a proposed five-year study plan, and how these new program elements are incorporated into the associated Monitoring and Reporting Programs for the four wastewater treatment plant discharges (City of Santa Cruz, City of Watsonville, Monterey Regional Water Pollution Control Agency, and Carmel Area Wastewater District). Dischargers plan to eliminate river sampling (although Watsonville and Santa Cruz intend to continue sampling Pajaro and San Lorenzo rivers, respectively). They have transferred stream monitoring components to the Central Coast Ambient Monitoring Program and they propose to reduce mussel sampling to once per year to be consistent with the National Status and Trends Program. They propose to add sampling for several emerging chemicals of concern (PBDE and perfluorinated compounds), bioassays for endocrine disruption, and use of high volume sampling devices for addressing Table B compounds in effluent. Karen Worcester concluded that by adopting Items 9, 10, 11, and 12 the Board would be incorporating these concepts into the revised Monitoring and Reporting Programs for the four NPDES permits.

Dr. Press inquired whether the flow integrated sampling devices collected sediment. Karen Worcester indicated that they are fitted with filters and the filtrate is included in the measurement. Dr. Press noted seasonal patterns in the mussel data, which Ms. Worcester confirmed, with wet season concentrations being generally highest. Chairman Young inquired about the background of Brock Bernstein, the peer reviewer, who is an independent contractor. Chairman Young also asked about the source of PBDE. Ms. Worcester described it as a flame retardant that can volatilize off treated materials, and is found in the discharges and in sea otter tissue. Matt Keeling clarified that it volatiles off of upholstery, electronic devices, and other flame proofed objects, and is ingested and inhaled. Chairman Young inquired why dischargers agreed to sample rivers in the first place, and Ms. Worcester explained it was because they felt they would benefit from showing the comparatively high loads of pollutants in the rivers.

Chairman Young asked what more could be done about legacy pollutants. Ms. Worcester suggested that sediment control in urban and agricultural environments was important and that an upcoming toxicity workshop would address various solutions. In addition to TMDLs and SWMPs, the Board discussed providing information to the Office of the Legislative Analyst to encourage change in chemical use where appropriate. The public needs to be more aware that sediment can transport pollutants. Executive Officer Briggs stated that source control of pharmaceuticals and other chemicals is important; people need to be aware that their daily habits can impact water quality. Chairman Young requested that staff provide information to the Board on what our best strategies are to address this problem.

Dr. Hunter inquired about integration of CCLEAN with the Ocean Plan, which is up for review. Matthew Keeling explained how the Ocean Plan establishes criteria for NPDES permits associated with ocean discharges. Dr. Hunter suggested that we provide information into the Ocean Plan update process related to chemicals of concern in the marine environment. Chairman Young inquired about use of high volume water sampling in the southern part of the Region. Ms. Worcester explained that when CCLEAN started, both Morro Bay and Goleta had rigidly dictated monitoring programs because of their 301(h) waivers, but since that is changing it may be a good time to consider moving a CCLEAN approach farther south. Executive Officer Briggs added that the technique would be valuable for inland dischargers as well as ocean dischargers. Dr. Hunter asked if Dane Hardin would speak about his progress with organizing dischargers in Areas of Special Biological Significance. Mr. Hardin said he had just begun to work with them and that they are interested in a CCLEAN-type approach. He also said pressure from Mr. Gregorio at the State Board was very motivating for them.

Executive Officer Briggs summed up that the Board requested 1) pursue bans of chemicals shown to be causing problems in our Region through the Office of Legislative Affairs, 2) ensure that Storm Water Management Plans address legacy chemicals and other pollutants attached to sediment, 3) ensure that the Ocean Plan update process benefits from any data or recommendations we can share, 4) expand the high volume water sampling approach to treatment plants in other parts of the Region, 5) provide the Board with updates on the ASBS at an upcoming Board meeting, 6) coordinate details of the Toxicity workshop coming up at the May agenda 7) continue with dissemination of information for the public on proper pharmaceutical disposal.

**9.-12. – Carmel, Monterey, Watsonville, and Santa Cruz WWTP Dischargers** .....  
 .....Item Nos. R3-2007-0007, R3-2007-0008, R3-2008-0016 and R3-2005-0003

Executive Officer Briggs explained that these items were removed from the uncontested items calendar as a matter of timing because they were related to previous Item 8 - Central Coast Long-Term Environmental Assessment Network. Mr Briggs included the supplemental sheet changes in the recommendation and provided one correction to Item 12 - City of Santa Cruz WWTP revised Monitoring and Reporting Program, Section V.B. where the concentration presented for chronic toxicity of 1 TUc should read 140 TUc.

**MOTION: Daniel Press moved to approve Items 9 through 12.**  
**SECOND: Monica Hunter**  
**CARRIED: Unanimously (6-0)**

**13. Local Sewage Collection Agencies Tributary to Monterey Regional**  
**Water Pollution Control Agency WWTP, Monterey County** ..... Order No. R3-2002-0078

Executive Officer Briggs provided clarification relating to the timing of this action, which is to rescind the region's regional collection system requirement and replace it with the State Water Board's General Order. The local collection agencies tributary to Monterey Regional WWTP are required to enroll in the State Board's General Order by May 20, 2008. In order to avoid any lapse in coverage, the rescission will be effective on May 20, 2008, or by the date of the last enrollment, whichever is first.

**MOTION: Russell Jeffries moved to approve Order No. R3-2002-0078.**  
**SECOND: Daniel Press.**  
**CARRIED: Unanimously (6-0)**

*(Chairman announced a break at 3:03 p.m. The meeting reconvened at 3:20 p.m.)*

**14. Kashfi Residence Onsite Disposal System, Monterey County... Resolution No. R3-2008-0020**

Water Resources Control Engineer Matthew Keeling made a presentation providing background for Resolution No. R3-2008-0020. Mr. Keeling addressed the site-specific technical issues regarding the proposed Resolution as well as the area wide issue and historical problem regarding the high density of onsite wastewater disposal systems in the Carmel Highlands area that is generally constrained by poor physical conditions. Mr. Keeling briefly discussed the relationship between the proposed project and the County's adoption of an interim ordinance to limit development within the Carmel Highlands area pending the implementation of an area wide study and onsite wastewater management plan. Mr. Keeling recommended adoption of Resolution No. R3-2008-0020

Chairman Young and Board members Shallcross and Hunter asked questions regarding groundwater quality in the area, Monterey County's level of oversight for water supply well permitting and testing, onsite wastewater disposal system failure tracking and the County's pending implementation of an area wide study and onsite wastewater management plan. Mr. Keeling indicated that he was not aware of any impacted water supply wells in the area or how many wells were in the Carmel Highlands area as a whole, but that each newly developed lot would require a domestic well along with an onsite wastewater disposal system. Mr. Keeling also indicated that he did not have a full record of onsite disposal system failures, but this information along with water supply well information should be considered as part of the pending area wide study used for the development of the onsite wastewater management plan. Allen Stroh and Mary Anne Dennis, Monterey County Department of Environmental Health, responded to Board member questions and indicated they were not aware of impacts to the limited number (5 to 10) of domestic water supply wells in the area or the Carmel Riviera Mutual Water Company supply wells, were currently compiling paper files into an electronic database to track septic system failures, and that a request for proposals for an area wide study and onsite wastewater management plan is currently being prepared.

Russell Juncal, technical consultant for neighboring property owners opposed to the project, gave a presentation pointing out the high density of existing onsite wastewater disposal systems surrounding the domestic water supply test well on the subject property. Mr. Juncal stated that the test well would be under the influence of leachate from existing and proposed onsite disposal systems due to known fractured bedrock conditions within the area as supported by two separate recharge analyses and chloride data from the test well and that its location would preclude neighboring property owners from siting replacement disposal areas. Mr. Juncal indicated that a 250 foot setback requirement for the test well from existing onsite disposal systems should be established per the Basin Plan based on the known fractured conditions within the area and questioned the County's implementation of the interim ordinance.

Legal and technical representatives for the project applicant, Mr. Kashfi, spoke in support of the project. John Bridges indicated that the project has met and or exceeded all permitting requirements to date and that Mr. Kashfi volunteered to install an advanced system in response to Water Board staff's actions regarding the area wide issue. Aaron Bierman, Dave Holland, Richard Dante, and Andrew Brownstone addressed the Board regarding the site-specific geologic and hydrogeologic conditions, water supply well and surface water quality data, and onsite treatment and disposal system design supporting approval of the project. Mr. Kashfi finished with a statement that he was hopeful the project would finally come to fruition after four years of permitting.

Mr. Keeling stated that both sides had valid arguments regarding the permitting of the domestic water supply well and onsite disposal system based on site-specific conditions or the area wide conditions as a whole. Mr. Keeling restated his recommendation to approve the proposed

Resolution given the Water Board did not have the authority to regulate water supply well setbacks from onsite systems and that the proposed onsite wastewater disposal system meets or exceeds the numeric prohibitions and design criteria within the Basin Plan based on the site specific data. Mr. Keeling also stated that the pending onsite wastewater management plan would address the area wide issue for future permitting and may result in additional requirements for the proposed project.

Water Board Legal Counsel Frances McChesney provided clarification regarding the legal nature of the proposed Resolution with regard to the expired waiver policy and indicated that it did not waive any Basin Plan requirements.

Board member Press stated that he felt the Board could make no reasonable findings in support of denying the proposed Resolution.

**MOTION: Gary Shallcross moved to approve Resolution No. R3-2008-0020.**

**SECOND: Daniel Press.**

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

**15. Enforcement Report..... Status Report**

Executive Officer Briggs had one addition for Page 3 of the table. The two entries for the City of Guadalupe received enforcement action last week with the issue of a Cleanup and Abatement Order to address the violations. Chairman Young asked about a violation for the City of Arroyo Grande. Mr. Briggs reported that the City was not accessing the collection system junction properly to allow for proper cleanout. Assistant Executive Officer Michael Thomas issued an Administrative Civil Liability for the violation. Dr. Hunter asked about Supplemental Environmental Projects. Mr. Briggs clarified that the projects are discretionary since they are existing facilities, not required by their storm water permit, and therefore are truly "supplemental."

Chairman Young adjourned the meeting at 5:30 p.m. The meeting will reconvene on Friday, March 21, 2008 at 8:30 a.m.

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**Friday, March 21, 2008, 8:30 a.m.**

Chairman Jeffrey Young called the meeting of the Central Coast Water Board to order at 8:30 a.m. on Friday, March 21, 2008, at the Salinas City Council Rotunda Chambers, 200 Lincoln Avenue, Salinas, California.

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

**Board Members Present:**

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

**Absent:**

- John Hayashi

**17. Introductions** ..... Executive Officer Roger Briggs

Executive Officer Briggs introduced State Board Liaison Gary Wolff and other staff. He asked parties who wished to speak to complete testimony cards and turn them in. Supplemental Sheets were prepared for Items 21, 25, 31, and 33.

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

State Board Liaison Gary Wolff reported on structural reform of the water board system in general, the strategic plan, the Basin Plan Compliance Schedule policy, the Recycled Water policy, the Once-Through Cooling policy, the Wetland Restoration policy, the Construction General Permit in general. Chairman Young asked about the Recycled Water policy. Dr. Wolff noted that incidental runoff and groundwater protection were issues discussed. Dr. Press asked about SEPs and the State Board policy. Dr. Wolff said the Water Quality Enforcement policy draft has a recommendation to allow a smaller percentage of ACLs (25%) be allocated to SEPs. Dr. Press noted that SEPs have been quite successful within our region and would like to keep the existing policy in force. Board member Jeffries concurred with Dr. Press and asked Dr. Wolff to relay the message to the State Board. Dr. Hunted noted that education and outreach are also important components of the SEPs. Board member Shallcross noted that often the Regional Board is seen as an entity that sucks money from the region and sends it to Sacramento; the SEPs help to counteract that misconception.

**18.-19.-20. TMDLs for Pathogens in San Lorenzo River Watershed, Soquel Lagoon Watershed, and Aptos Creek Watershed** ..... Order Nos. R3-2008-0001, -0002, -0003

Staff Environmental Scientist Kim Sanders presented information to support staff's recommendation to the Board to adopt Basin Plan Amendments including: **18.** Amending the Water Quality Control Plan for the Central Coast Basin to (1) De-Designate the Shellfish Harvesting Beneficial Use from San Lorenzo River Estuary; (2) Modify San Lorenzo River Subbasin and Aptos-Soquel Subbasin Prohibition; and (3) Adopt the Total Maximum Daily Loads for Pathogens in San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek. **19.** Amending the Water Quality Control Plan for the Central Coast Basin to (1) Remove the Shellfish Harvesting Beneficial Use for Soquel Lagoon and (2) Adopt the Total Maximum Daily Loads for Pathogens in Soquel Lagoon, Soquel Creek, and Noble Gulch, Santa Cruz, California. **20.** Amending the Water Quality Control Plan for the Central Coast Basin to Adopt Total Maximum Daily Loads for Pathogens in Aptos Creek, Valencia Creek, and Trout Gulch.

Kim Sanders, Shanta Keeling, and Chris Rose all answered questions from Board members.

Chairman Young inquired about the link between the Stormwater Management Plans within the area and the TMDL. He requested a Board update when these Management Plans are adopted in the Santa Cruz area and wanted information on how the Management Plans will be different because of the TMDLs.

The Board inquired how staff is going to address the homeless issue. Staff acknowledged that this was a difficult issue and had not come to a conclusion on how to address the problem. Roger Briggs commented that the homeless issue is a societal issue that should include water quality considerations in how local agencies police the situation, and provide assistance. That is, trying to keep encampments away from creeks should be a priority. Akin Babatola of the City of Santa Cruz agreed and commented that they have been working on different ways to address this issue such as hiring a "park ranger" to patrol areas where there are homeless encampments. Mr. Babatola also

commented that the effort surrounding the homeless issue is not only a water quality issue but a social issue as well.

Dr. Press questioned how much of the contribution came from natural sources. John Ricker from the County of Santa Cruz Environmental Health acknowledged there were still more management measures to put into place to control the controllable, but noted that the contribution from natural sources may be significant. Akin Babatola from the City of Santa Cruz commented that any contribution from humans greater than 10% is worth controlling.

Dr. Press also questioned the contribution from onsite wastewater disposal systems in the San Lorenzo River Watershed. Staff displayed a slide provided by the County of Santa Cruz that showed failures from onsite systems steadily decreasing. Mr. Ricker also provided information on the details of their Wastewater Management Plan within the San Lorenzo River Watershed.

Mr. Babatola stated the municipalities are beginning to work on efforts to address spills and leaks from private laterals. Chairman Young questioned the City of Santa Cruz (Steven Wolfman) as to whether the City has an ordinance that covers the maintenance of private laterals. Mr. Wolfman replied that the City did not have an ordinance yet, but is working on such an ordinance. Chairman Young questioned whether the City investigates to see if private laterals are leaking. Mr. Wolfman replied that the City does perform investigations at times, such as videoing up the lateral. Daniel Press questioned whether or not the City of Santa Cruz supported the TMDL. Mr. Babatola said they supported it.

Kevin Collins, a member of the public who lives in the San Lorenzo River Watershed, commented that there have been problems with septic systems in the past. He thinks this may be more of a problem than the County may be aware of. He also mentioned one house depending on an outhouse and another that formerly discharged directly into Lompico Creek.

Dr. Press commended staff for their work on the TMDLs.

Chris Rose thanked all the speakers for their comments.

**MOTION:** David Hodgin moved to approve TMDL Order Nos. R3-2008-0001, R3-2008-0002, and R3-2008-0003.

**SECOND:** Daniel Press.

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

## 21. Sediment Control Progress in Santa Cruz County..... Status Report

Staff Environmental Scientist Katie McNeill summarized the staff report. Dr. Daniel Press asked about the TMDL methodology used to determine sediment loading from different sources (as shown in a pie chart of sediment loading percentages from land use categories), including timber roads and private rural roads; the method and criteria for prioritization such as fisheries impairment and sediment discharge; and the availability of reports demonstrating short-term sediment reductions from non-county private roads. Ms. McNeill discussed the data collection methodology and timing, and resulting limitations about conclusions one should draw from the data. Chairman Young inquired about the status of existing ambient monitoring efforts to show success in achieving water quality improvements. David Hodgin asked about progress of specific TMDL implementation actions, including Santa Cruz County Resource Conservation District's private rural roads projects that result in watershed health and near-term measurable water quality results. Dr. Hunter inquired as to the County of Santa Cruz's Stormwater Program enrollment timeframe. Russell Jeffries asked about the status of sediment discharges to Arana Gulch and the geographic coverage of implementation in the

Pajaro River watershed. Executive Officer Briggs described the criteria (sediment severity, location, fisheries impairment) that could be used for better prioritizing road projects.

Public comment from five speakers included the following:

- John Ricker, representing Santa Cruz County and the Technical Advisory Committee for the Resource Conservation District's private rural roads projects, commented on the benefits of a non-regulatory process for addressing sediment from private rural roads, and sediment contribution criteria for selecting cost-share rural roads projects and providing technical assistance; and provided a status of erosion control projects in Arana Gluch.
- Michael Hyatt, California Geologic Survey commented that he noticed a change in the level of detail included in Timber Harvest Plans since the adoption of the General Timber Waiver. This has improved how foresters address and mitigate potential sediment sources (including roads).
- Kevin Collins, representing the Lompico Watershed Conservancy, commented that there is an opportunity to measure suspended sediment load; the private rural road improvement program is useful; Santa Cruz County Planning Department is not being effective in enforcing code violations, and responds only to citizen complaints rather than staff-initiated investigations, and is not responding as effectively as possible in addressing construction-related problems.
- Katherine Moore, Central Coast foresters commented that general timber waivers are needed in a shorter processing time-frame, similar to that of the North Coast Water Board, and requested that foresters be allowed to harvest while waiting for a waiver.
- Bob Berlage, Big Creek Lumber Company, commented on timber permit streamlining; and asked questions regarding the TMDL source analysis methodology, and the breakdown of source contributions from natural sources, private roads, and timber roads, and regulatory requirements for timber harvesting.
- David Van Lennep, forester, commented that foresters are implementing privately funded projects and measuring success, and requested that staff streamline the process; and questioned the sediment delivery rate from private vs. timber roads.
- Dennis Davie, Sierra Club, commented that the contributions from timber lands are underestimated in the TMDL Source Analysis.

Chairman Young inquired as to the geographic coverage of the County's stormwater program, and commented that the general permit will include oversight of construction sites, and members of the public should submit comments into the County of Santa Cruz's permit review process.

Executive Officer Briggs explained that an evaluation of monitoring associated with the Timber Harvest Program is scheduled for July 2008. Chairman Young also requested that this update include permit streamlining as part of the Timber Program. Chairman Young described the necessary differences between the regulatory requirements of the Agriculture Program and the Timber Program.

Dr. Press stated concerns related to the uncertainties and current applicability of the sediment loading assessments methodology, that an unmanaged private road should not be compared to a well-managed timber road, and the implications of these uncertainties. Dr. Press suggested a re-evaluation of sediment loading inventory. David Hodgkin also requested that dates and references be added to graphs depicting data.



Staff Counsel Frances McChesney explained that TMDLs rely on information available during development and the time of adoption, and the key to the TMDL is the Implementation Plan, rather than relative percentages of sediment loading.

For the benefit of public awareness Board members directed Water Board staff, prior to the next triennial review scheduled in 2010, to provide a list of priority implementation actions that will have shorter-term measurable water quality improvements, and actions that individual members of the public can implement to reduce sediment loading to the San Lorenzo River. Board members also directed staff to provide an update on the Timber Harvest Program related to permit streamlining and an evaluation of the required monitoring data. The Board also said staff needs to broaden the TMDL status item scheduled for May 2008, to include this information in a subsequent meeting (July 2008 or September 2008) with a preference for July as it is in Watsonville.

Staff responded to comments, questions, and concerns from Board Members and members of the public. These are summarized as follows:

- Staff derived the sediment loading percentages from past scientific studies that relied on sediment production and sediment delivery rates from as early as 1993; these were documented as part of the TMDL which was adopted in 2003, via an open public participation and approval process; new information gained may inform and update source contributions (including timber roads); however, no new assessments have been done to update this significantly in the near-term;
- Collaborative efforts are resulting in quantifiable sediment reductions; staff and stakeholders are focusing implementation on the highest priority areas (private rural roads, timber roads, urban runoff);
- Staff is implementing a stormwater enrollment cycle and has hired a new stormwater staff person; staff anticipates that the County of Santa Cruz will be enrolled in the general permit in January 2009 - one board meeting later than originally anticipated;
- Existing monitoring will demonstrate progress towards protecting salmonid populations and biological aquatic habitat and improving water quality; staff is building the monitoring capability by initiating bioassessment and numeric target measurements to document tangible improvements;
- The Pajaro River Sediment TMDL addresses the entire watershed in multiple counties and monitoring is planned for four locations;
- Staff will include an update of implementation progress, as well as water and aquatic habitat quality data in the San Lorenzo River Sediment triennial review scheduled for 2010; this triennial review will also include documented short-term sediment reductions from non-county private roads;
- Staff will provide an update at a subsequent board meeting with a TMDL summary (scheduled for July 2008), a list of priority implementation actions that will have shorter-term effects, as well as shorter-term indicators, and actions that the public can be doing to reduce sediment discharges to the San Lorenzo River; at this time, staff will also provide an update of the Timber Harvest Program related to permit streamlining and a review of monitoring data.

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

Executive Office Briggs noted that the City of San Luis Obispo will be enrolled in the General Waiver regarding their sewer line replacement and the need to discharge treated water at the site. The Board had no questions.

**24. Perchlorate Cases, Santa Clara and San Benito Counties .....Status Reports**

Mr. Jim Ashcraft, representing the City of Morgan Hill, addressed the Board and presented three issues for the Board's consideration. Mr. Ashcraft provided a letter, which included the following assertions:

- 1) The City of Morgan Hill has treated and removed perchlorate from 1.6 billion gallons of groundwater.
- 2) The Tennant Well is slowing the spread of Olin's contamination to hundreds of private wells to the south and is the only well removing perchlorate from the deep aquifer.
- 3) The Tennant Well's perchlorate concentrations average 6 parts per billion since 2006.

Board Chairman Young requested a status update on the legal briefs regarding the Tennant Well. Board Counsel, Frances McChesney indicated that she needs to complete her evaluation of the briefs and an update to the Board is forthcoming. Ms. McChesney also indicated that Water Board staff is preparing a response to the City of Morgan Hill petition of Cleanup and Abatement Order No. R3-2007-0077.

Executive Officer Roger Briggs asked Mr. Ashcraft why the City does not blend the Tennant Well water to reduce perchlorate concentrations below the Department of Public Health Maximum Contaminant Level. Mr. Ashcraft indicated that to blend Tennant Well water would require a two-mile long pipeline to a nearby reservoir where the blending would be done and this was not economically feasible.

Ms. Sylvia Hamilton, representing the Perchlorate Community Advisory Group, expressed her appreciation to the Water Board, staff, and Olin for all the work on the cleanup case to date. Ms. Hamilton voiced her concerns about monitored attenuation and the length of time it may take to cleanup the plume downgradient of the site and the length of time affected well owners may remain on bottled water. Ms. Hamilton also indicated that she was looking forward to seeing Olin's contingency plan and the Water Board's revised monitoring and reporting program.

*(Chairman Young announced a break for lunch and closed session at 12:10 p.m. The meeting reconvened at 1:15 p.m.)*

**25. Former Vapor Cleaners, Monterey County.....Board Direction**

Staff Water Resource Control Engineer Karyn Steckling presented background information for the former Vapor Cleaners cleanup case, summarized the State Board Order requirements and the Board's options, and presented Water Board staff's recommendation and rationale. Dr. Press asked Water Board staff about chlorinated solvent source removal and current concentrations, and Water Board staff and Mr. Howard Whitney, a former environmental consultant for Mr. Quinones, answered Dr. Press' questions.

Several speakers addressed the Board and answered the Board members' and Executive Officer's questions. City of Monterey Mayor, Chuck Della Sala, recommended that the Board continue the item to the July 2008 Board meeting to allow time for Water Board staff and the Responsible Parties to work together first. City of Monterey Engineer Tom Reeves gave a brief presentation that described where Staff and the City agree and disagree and emphasized that the City would follow through on working towards a solution for this site. Mr. Alan Waltner, an attorney representing the City of Monterey, recommended that the site pursue closure using institutional controls after the Responsible Parties determine that the waste is only under City-owned properties. Mr. Hans Herb, an attorney representing Mr. Quinones, commented that he believed the case should have been handled on a staff-level and requested that the Board close the case. Mr. Herb also mentioned that staff had only met with Mr. Quinones a couple times in the past 21 years. Mr. Howard Whitney, gave a brief presentation about previous cleanup work and the current site conditions. Mr. Whitney suggested the Board close the site with deed restrictions. Mr. Quinones, the former dry cleaner operator and property owner, gave a brief biography, explained that there is no purpose to clean up the site any further, and requested the Board close the site. Mr. Steve Shimek, Monterey Coastkeeper, pointed out that it is not yet determined whether there would be exposure to kids digging in the sand at the beach, and he recommended further characterization.

After the speakers addressed the Board, Water Board staff clarified that we had never received a request to meet with Mr. Quinones that we did not accept. Water Board staff answered Mr. Hodgins' question regarding the Cost Recovery program and invoices sent to Mr. Quinones. Dr. Hunter emphasized the need for characterization to determine whether it is safe for people to enjoy the beach and dig in the sand. Mr. Jeffries pointed out that staff needs to consider the economic value of the perched groundwater aquifer when determining the way to proceed.

The Board discussed the options before them and decided to do the following:

- Not pursue removing the drinking water beneficial use designation at this time.
- Require the Responsible Parties to characterize/delineate the edge of the chlorinated solvent waste in soil and groundwater.
- Direct staff and Responsible Parties work together to determine a closure strategy.
- Not require the Responsible Parties perform cleanup activities at this time.
- Keep the Board posted on progress, and come back to the Board if Water Board staff and the Responsible Parties come to an impasse.

*(Chairman Young announced a break at 3:25 p.m. The meeting reconvened at 3:40 p.m.)*

**31. RMC 2006-2007 Timber Harvest, Santa Cruz County..... Order No. R3-2008-0013**

Staff Environmental Scientist Julia Dyer presented an Individual Conditional Waiver of Waste Discharge Requirements for timber harvest at RMC 2006 – 2007 1-06-080 SCR, in the San Vicente Creek Watershed of Santa Cruz County. Ms. Dyer presented site-specific information, explained proposed conditions, and recommended the Water Board approve the conditional waiver.

Water Board members discussed road improvement, county involvement, harvesting prior to approval of waiver, and potential future enforcement. The Board directed that monitoring be conducted by a third party and that monitoring triggers be added to inform Water Board staff of high receiving water turbidity or temperature.

The Water Board heard testimony from Louis Schipper of CEMEX (landowner). Kevin Collins of Lompico Watershed Conservancy requested a comprehensive sediment study before harvesting. Steve Shimek of Monterey Coastkeeper requested denial of waiver or that the waiver include more stringent requirements. Dennis Davie of the Sierra Club requested denial of waiver and

improvement of the watershed. Forester David Van Lennep said the subject land is well managed. Bob Berlage of Big Creek Lumber spoke about the hardships caused by delays in approving waivers.

**MOTION:** David Hodgin moved to adopt Order No. R3-2008-0013/Individual Conditional Waiver of Waste Discharge Requirements for RMC 2006–2007 with the addition of third party monitoring and numeric monitoring triggers.

**SECOND:** Russell Jeffries.

**CARRIED:** (5-1) Gary Shallcross voted no.

**34. Public Forum** .....Board Direction

The following individual had comments:

- Steve Shimek, Monterey Coastkeeper – raised concerns on the Salinas Stormwater Plan with regard to future growth, omission of project details by the City, lack of public involvement in the process, and that the City has acted as a development proponent.

*(Chairman Young left the meeting at 5:20 p.m.)*

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

Executive Officer Briggs noted that an update for the Carmel River Lagoon and Carmel Valley addresses restoration efforts, mitigation efforts, and water management planning for the area.

A State Board meeting will be held on April 1-2 in Monterey. Mr. Briggs will provide a policy statement for the CDO that will be considered at the meeting. He will also provide a Region 3 update and an update on the sustainability climate change group.

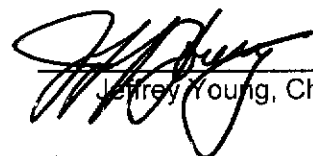
Mr. Briggs showed a picture of an existing water diversion structure in Corralitos Creek that will be replaced by the City of Watsonville to provide a better fish passage – a positive note for ending the Board meeting.

Dr. Hunter thanked Matt Thompson and Karen Worcester for their participation and expertise at the two conferences on the land-sea connection that Dr. Hunter organized.

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Vice Chairman Jeffries adjourned the meeting at 5:30 p.m. The next Board meeting will be held on May 9, 2008, in San Luis Obispo.

The meeting was audio recorded and the minutes were reviewed by management and approved by the Board at its May 9, 2008 meeting in San Luis Obispo, California.



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 Jeffrey Young, Chairman