



California Regional Water Resources Control Board

Central Coast Region



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Arnold Schwarzenegger
Governor

MINUTES REGULAR MEETING Friday, July 11, 2008 Central Coast Regional Water Board

Vice Chair Russell Jeffries called the meeting of the Central Coast Water Board to order at 8:38 a.m. on Friday, July 11, 2008, at the Watsonville City Council Chambers, 276 Main Street, 4th Floor, Watsonville, California.

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

Board Members Present:
Russell Jeffries, Vice Chair
David Hodgin
Monica Hunter
Gary Shallcross
John Hayashi
Daniel Press

Absent:
Chairman Jeffrey Young

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. Supplemental sheets that were prepared after the agenda was sent out are as follows: Items 13, 14, 17, 18, and 19.

3. Approval of May 9, 2008 Minutes.....Board Motion

MOTION: David Hodgin moved to approve the May 9, 2008 minutes.
SECOND: Monica Hunter
CARRIED: Unanimously (6-0)

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

Uncontested items include Items 10 through 12 and 15. Executive Officer Briggs received a late comment regarding Item 15. Water Board Staff Counsel Frances McChesney recommended late comments not be included in the record. Mr. Briggs pointed out that even though the comment is not going to be part of the record, the comment is moot as far as substance. The comments involved increase in flow into the Pajaro River and the item only involved an increase in flow within the plant. Item 15 was left on the consent calendar. Item 19 was added to the consent calendar. Dr. Hunter asked how the Bay Foundation would affect public access to LID program. Assistant Executive Officer Michael Thomas explained that the funds are managed by the Bay Foundation and that the Regional Board office directs and develops projects and makes sure funds are made available to municipalities, non-profits, and environmental organizations that are in the process of developing LID projects.

MOTION: Daniel Press moved to approve the uncontested calendar.
SECOND: Monica Hunter
CARRIED: Unanimously (6-0)



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

State Board Liaison Gary Wolff reported that on June 17, 2008 the Los Angeles Regional Board approved a TMDL for metals for the Los Angeles River. Wording was added to the amendment regarding atmospheric deposition for the benefit of the South Coast Air Quality Management District.

The Mandatory Minimum Penalty (MMP) reduction initiative is continuing to work to reduce the backlog in hopes to have the backlog near zero by the end of the year.

The Assembly Bill 2121 (AB2121) North Coast Instream Flow Standards Workshops are scheduled in Santa Rosa on August 5, 2008 and in Ukiah on August 6, 2008. Mr. Wolff stated that AB2121 has received support from Trout Unlimited, which has received large grants enabling them to develop five pilot studies using real-time monitoring. These studies hope to display more effective water rights systems both economically and environmentally with water used more effectively.

Mr. Wolff is currently working on the Delta Work Plan II and the CalAmerican Water Rights Enforcement Order.

He talked about his visit to the Water Expo Zargoza 2008, located on approximately 50 acres on the Ebro River in Spain. The Expo consists of about 140 world class exhibitions and has about 30,000 – 40,000 visitors each day.

Executive Officer Briggs spoke to the MMP reduction initiative. The California Men's Colony (CMC) is our largest violator and they will be addressed at our September 2008 Board meeting. While our region has accepted the assistance of the Office of Enforcement in eliminating our MMP backlog, our region has less than 1% of the statewide backlog.

Vice Chair Jeffries asked Mr. Wolff to address Supplemental Environmental Projects (SEPs). Mr. Wolff supports the Regional Board's position to leave the SEP policy as it stands.

6. Low Threat and General Discharge Cases Status Reports

Executive Officer Briggs stated that items listed are notifications that staff enrolled one discharger under General NPDES Permit and five General WDRs for wineries. The Board had no questions on the item.

7. Cleanup Cases, Closures, and Corrective Action Plan Approvals Info/Discussion/Board Direction

Executive Officer Briggs summarized two proposed Corrective Actions Plans and explained that staff would proceed with approval of the plans unless the Board objected. There were no objections from the Board members.

Mr. Briggs then explained the year-end summary table of underground tank program activities. Dr. Hunter and Mr. Hodgins asked for clarification to better understand the new format of the report. John Roberson, Water Board staff, explained that staff had closed 18 cases, directed the final destruction of monitoring wells for 5 additional cases and opened 6 new cases this fiscal year. Mr. Briggs emphasized that Water Board staff has directed the successful cleanup and case closure of more than 60% (1130) of the leaking underground tanks reported in the region since the beginning of the program in 1989.

8. Olin Groundwater Cleanup, Santa Clara County Status Reports and Program Summary

This is a written report. The Board had no questions on the item.



9. Enforcement Report Status Report

Board member Shallcross questioned the last sentence regarding the NOV's. Land Use Section Manager Harvey Packard explained that the laboratory reporting limits were higher than the action levels (not sufficiently accurate).

13. Goodwin Residence, Onsite Disposal System Waiver of Waste Discharge Requirements Santa Barbara, Santa Barbara County Resolution No. R3-2008-0052

Water Resource Control Engineer Ryan Lodge presented information regarding the proposed waiver of waste discharge requirements for the Goodwin Residence. Mr. Lodge pointed out that the onsite treatment and disposal system was designed to comply with all Basin Plan requirements for onsite treatment and disposal systems. Board member Hunter asked if the proposed system would comply with the new Basin Plan requirements for onsite systems. Mr. Lodge indicated that the system would comply with the new Basin Plan requirements. Board member Press asked Mr. Lodge about the easement negotiations between project applicant Mr. Kevin Goodwin and neighboring property owners. Mr. Lodge explained that the parties involved had been in easement negotiations, but failed to reach an agreement. Board member Shallcross asked why this item was not scheduled for September so neighbors would have a better opportunity to attend. Mr. Lodge explained that staff was originally planning to enroll the system under the onsite system waiver which was on the May 2008 agenda, but the waiver was pulled from that agenda and was not approved. Mr. Lodge indicated that timely processing of the application meant bringing it to the July meeting and further delays were costly for the project applicant.

Speakers:

Property owner Kevin Goodwin explained that he would prefer to connect to the sanitary sewer, but cannot continue to negotiate with neighbors and would like to build on the property. Board member Hayashi asked if the sewer issue had been investigated prior to purchasing the property. Mr. Goodwin indicated that he had looked into it and one of the options was to install an onsite system. Board member Press asked what would make the easement work. Mr. Goodwin indicated that it would have to include payment of his legal and design costs. Mr. Goodwin indicated he would prefer to connect to the sewer and his septic system would be plumbed to easily connect to the sanitary system in the future in case an easement agreement could be reached.

Les Goodwin, a family member and representative for John J. Thyne, III, Attorney, read a letter into the record explaining the history of the easement negotiations with neighboring property owners.

Motion: David Hodgin moved to approve the Resolution.
Second: Monica Hunter
Carried: Unanimously (6-0)

14. Camp Lindblad Timber Harvest, Santa Cruz County..... Order No. R3-2008-0048

Staff Environmental Scientist Julia Dyer presented an Individual Conditional Waiver of Waste Discharge Requirements for timber harvest at Camp Lindblad 1-07-119 SCR, in the Kings Creek Watershed of Santa Cruz County. Ms. Dyer recommended that the Water Board approve the conditional waiver.

Water Board members, stakeholders, and other concerned parties discussed the road management program, effective time period of the general waiver, participation in the review process, mitigation clarification within the Camp Lindblad THP, stream crossings, and stream classifications.

(Vice Chair Jeffries announced a break at 10:09 a.m. The meeting reconvened at 10:20 a.m.)



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Speakers:

Registered Professional Forester Jim Hildreth supported the installment of culverts at crossings X3 and X5.

Bob Berlage of Big Creek Lumber stated the need for participation in the review process earlier, rather than later to avoid delays in operations.

Kevin Collins of the Lompico Watershed Conservancy addressed the need for specifics within the Camp Lindblad THP on road surface mitigation affecting water quality.

Board member Press posed questions concerning the Road Management Program, its purpose and ability to regulate over a long term period beyond the general waivers.

Mr. Briggs asked Ms. Dyer why a more specific road rocking requirement isn't an included condition. Ms. Dyer said the forester agreed with rocking and adding the condition would be appropriate.

MOTION: Daniel Press moved to adopt the Camp Lindblad THP individual waiver on the condition that all roads within the WLPZ be rocked.

SECOND: Monica Hunter

CARRIED: Unanimously (6-0)

21a. Executive Officer's Report..... Information/Discussion

Executive Officer Briggs addressed the need to evaluate water quality monitoring data collected per Waivers of Waste Discharge Requirements (WDRs) for timber harvesting, develop methods to streamline the approval process for the Waivers of WDRs, and demonstrate the effectiveness of the timber harvest conditional waiver program.

Bob Berlage of Big Creek Lumber commented on the effects his company and staff have felt as a result of delays in the conditional waiver approval process.

The Central Coast Regional Water Quality Control Board had no objections to staff proceeding with developing a method to streamline the approval process for enrolling dischargers under General Conditional Waivers of Waste Discharge Requirements – Timber Harvest Activities in the Central Coast Region.

16. TMDL Development and Implementation Status Report /Board Approval

TMDL Program Manager Chris Rose presented a Status Report of TMDL Development and Implementation to the Board at the July 11, 2008 hearing in response to a request by Board Members Monica Hunter and Daniel Press at the March 21, 2008 Regional Board meeting. Chris Rose was available for questions at the July 11, 2008 meeting. Board member Hunter commented that during TMDL development, TMDL staff has identified water bodies that are impaired, but not on the 303(d) list of impaired waters. Ms. Hunter said that future status reports should highlight these valuable discoveries by TMDL staff. Board member Press stated that the TMDL program has held a promise for water quality improvement, but he is still waiting to see water quality improvements. Dr. Press commented that he looks forward to reviewing more triennial reviews in the future.



17. Salinas Stormwater Management Program Revisions..... Status Report/Board Approval

Board member Shallcross recused himself from this item. Vice-Chairman Jeffries made a statement to clarify that although he is involved in Salinas, he is not biased in this matter.

Senior Water Resource Control Engineer Matt Thompson stated that the City of Salinas incorporated all Water Board required revisions into its Stormwater Management Program. Mr. Thompson described how Salinas involved the public in its SMWP revisions. After summarizing public comments and staff responses, Mr. Thompson recommended the Water Board approve the revisions and find the SWMP final.

Speakers:

Salinas City Attorney Chris Callihan emphasized that the City incorporated all required revisions and involved the public in its revisions.

Salinas City Attorney Vanessa Vallarta thanked Water Board staff and Board members for their work, and noted that the addition of the stakeholder committee has improved public involvement.

Stakeholder Committee Member Robin Lee stated that implementation of the SWMP could be improved through more City staff resources. She thinks the City Council will now be more supportive of the permit and that the Board should approve the SWMP.

Steve Shimek of Monterey Coastkeeper believes the SWMP measurable goals are unenforceable. He pointed out other problems with the SWMP, including placement of a required public outreach best management practice (BMP) within the SWMP.

After Mr. Thompson displayed the public outreach BMP, Mr. Shimek referred to (BMP 6.18), Water Board Counsel Frances McChesney found Salinas had not incorporated all of the language Water Board staff previously negotiated with Salinas. The BMP should include, "City will make all reasonable attempts to provide a 30-day or more public notice and opportunity for public comment for stormwater - or riparian protection-related documents prepared for City Council adoption." In response to comments about placement of this BMP in the SWMP, Board members determined language should be added to clarify this BMP.

Salinas Stormwater Program Manager Michael Ricker addressed Board member questions regarding Salinas public outreach efforts.

MOTION: Monica Hunter moved to find the Salinas SWMP final, with the language additions described above.

SECOND: David Hodgkin

CARRIED: Unanimously (6-0)

(Vice Chair Jeffries announced a lunch break and closed session at 11:55 p.m. The meeting reconvened at 1:07 p.m.)



18. Salinas Stormwater Management Development Standards Status Report/Board Approval

Board member Shallcross recused himself from this item to avoid the appearance of bias.

Senior Water Resource Control Engineer Matt Thompson provided background information, described staff's review of the draft Salinas development standards, explained how the City of Salinas revised the standards, and described the Low Impact Development Center of Maryland's review of the revised development standards. He stated Salinas is currently revising the standards again, so the standards are not yet available for Water Board consideration or approval. Mr. Thompson also described how Salinas involved the public in development of the standards and updated the Board on the status of development in Salinas' planned future growth areas. After summarizing public comments and staff responses, Mr. Thompson recommended the Water Board delay consideration of the standards until its regular meeting in September 2008.

Vice Chair Jeffries stated he does not want the standards to hinder redevelopment in Salinas.

Speakers:

Salinas City Attorney Chris Callihan described Salinas' efforts to improve the development standards and urged the Water Board to take a balanced approach.

Salinas City Engineer Carl Niizawa described some of the unique hydrology considerations in Salinas.

Steve Shimek of Monterey Coastkeeper asked the Board to consider formal enforcement or prescribe interim hydromodification control criteria.

Stakeholder Committee Member Robin Lee asked about a problem with voting on the permit in the past or the SWMP in the previous item even though the development standards weren't done. She also commended the city for implementing LID on projects before the SWMP and standards are approved. Mr. Briggs said the permit and the SWMP contain a requirement to prepare the development standards, so they acknowledge that the standards were to be developed in the future. He said the standards are late and that's frustrating, but that doesn't mean the Board's actions are flawed.

Lori Atkinson of Salinas Chamber of Commerce asked the Water Board to consider the economic implications of the development standards more, especially as they relate to redevelopment

Salinas Resident Katherine Kobrinsky Evans asked the Water Board to consider the economic implications of the development standards more, especially as they relate to redevelopment

Sheryl Mackenzie, Consultant for Salinas Valley Builders Exchange asked the Water Board to consider the economic implications of the development standards more, especially as they relate to redevelopment.

Mr. Thompson responded to some of the comments. He explained why interim hydromodification control criteria are not necessary. He highlighted a 2007 EPA study that demonstrates low impact development is generally less expensive than conventional development.

Board member Press encouraged Mr. Shimek to provide more constructive input. After some brief discussion, Board members agreed to continue this matter to its September 2008 regular meeting in San Luis Obispo.



20. Reports by Regional Board MembersStatus Reports

Vice-Chairman Jeffries attended the Monterey Bay National Marine Sanctuary Advisory Council meeting on June 20, 2008 and discussed the proposed MPAs in Federal waters. This information is posted on their website for public feedback. Mr. Jeffries also visited Fresh Express with staff and observed a project on food products and food safety. He met with the President of the company and voiced his concerns about water quality issues. Fresh Express will release a report to the public on September 11, 2008 and staff will be invited to attend the event at that time.

Board member Hunter spoke about the Santa Cruz pilot desalination plant project funded by Prop 50. Santa Cruz is the first in Monterey Bay area to have such a project and is taking the environmental impact of desalination and the model they will be providing to other communities very seriously. The final project will have new technology that will meet water needs and will reduce the impact to marine environments. Dr. Hunter thanked the people of California for providing the bond money.

21b. Executive Officer’s Report Information/Discussion

Executive Officer Briggs asked the Board if they had questions on the report. Board member Shallcross asked about two items on the Water Quality Certification chart (Pg 3 first item and Pg 4 last item) regarding the ratio amount for acreage mitigation. Dr. Press noted the word “generally” in the footnote. Matt Thompson reported that the mitigation ratio is 2 to 1 for the Chris Perry property item on Pg 3. The mitigation ratio is still in negotiation for the San Luis Obispo Airport Hotel item on Pg. 4.

Mr. Briggs noted a follow-up report to the Board on sediment reduction measures for the San Lorenzo River. A follow-up report on irrigation tape in Nipomo Creek and local recycle programs for the tape is also included. Board member Hayashi reported that his company offers no cost tape and other plastics recycling at two offices in Arroyo Grande or Santa Maria.

Mr. Briggs noted a once-through cooling water policy update is included. The State Board staff is reviewing comments received. The State Board is currently reviewing the Strategic Plan and staff will present a revised plan at their September 2, 2008 meeting. The Air Resources Control Board released a draft scoping plan two weeks ago for the Climate Change Plan. Workshops are being held during the summer on climate change.

ASBS proposals are being solicited during October 2008.

Mr. Briggs also discussed the state budget status regarding payments to vendors, students, exempt staff, and others.

22. Public ForumBoard Direction

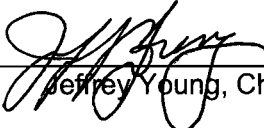
The following individuals had comments:

Steve Shimek, Monterey Coastkeeper, discussed the February 15, 2008 stormwater guidance letter and concern about subsequent exemptions and time extensions to Santa Cruz area municipalities. Robin Lee, Stakeholder Committee Member, asked about the Agriculture program status and a couple of farm runoff problems that she has noticed near Santa Rita Creek northeast of Salinas.



Vice Chair Jeffries adjourned the meeting at 3:21 p.m. The next Board meeting will be held on September 5, 2008 in San Luis Obispo.

The meeting was audio recorded and the minutes were reviewed by management and approved by the Board at its September 5, 2008 meeting in San Luis Obispo, California.



Jeffrey Young, Chairman

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