



California Regional Water Quality Control Board Central Coast Region



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Arnold Schwarzenegger
Governor

MINUTES REGULAR MEETING Thursday and Friday, March 19-20, 2009 Central Coast Regional Water Board

Chairman Jeffrey Young called the meeting of the Central Coast Water Board to order at 11:05 a.m. on Thursday, March 19, 2009, at the Watsonville City Council Chambers, 275 Main Street, Watsonville, California.

Thursday, March 19, 2009

1. Roll Call Executive Assistant Carol Hewitt

Board Members Present:
Chairman Jeffrey Young
Vice Chair, Russell Jeffries
Monica Hunter
David Hodgkin
John Hayashi
Gary Shallcross

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 introduced our new State Board Liaison, Frances Spivy-Weber, and welcomed former Board member Bruce Daniels to the meeting. Supplemental sheets that were prepared after the agenda were sent out are as follows: Item 9 (ltr), 10 (Q&A docs and supp sheets), 11 (Q&A docs and supp sheets).

3. Approval of February 5, 2009 Minutes Board Motion

MOTION: Russell Jeffries moved to approve the February 5, 2009 minutes.
SECOND: John Hayashi
CARRIED: (5-0) Note: Gary Shallcross abstained.

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

Our new State Board Liaison Frances Spivy-Weber discussed and reported on the following: the useful information provided in the State Board Executive Director's monthly reports, the Areas of Special Biological Significance (ASBS) program, and the planned distribution of stimulus funds. Ms. Spivy-Weber is delighted to be assigned as the Region 3 representative and looks forward to participating in future meetings.



5. Uncontested Items Calendar Board Motion

Executive Officer Briggs noted Item 8/Big Basin State Park and Item 9/Moss Landing Commercial Park. The Coastal Commission submitted a letter for Item 9 that discussed intake capability, mitigation, and requested the Board to include as a permit condition a requirement that the applicant provide the Coastal Commission a copy of all data and reports that are to be submitted by the Board.

MOTION: Russell Jeffries moved to approve the uncontested items calendar.

SECOND: David Hodgkin

CARRIED: Unanimously (6-0)

6. Low Threat and General Discharge Cases Status Reports

Executive Officer Briggs noted the contents of the report and asked the Board if they had questions.

7. Staff Closures Board Approval

Executive Officer Briggs noted the contents of the report and asked the Board if they had questions.

10. County of Santa Cruz/Capitola SWMP..... Resolution No. R3-2009-0029

Water Board staff Environmental Scientist Phil Hammer provided background information and recommended the Board adopt Resolution No. R3-2009-0029 to approve the County of Santa Cruz (County)/City of Capitola (City) Stormwater Management Program, including a Table of Required Revisions. The Table of Required Revisions addressed numerous deficiencies of the County's and City's Stormwater Management Program, and included required revisions added in response to Water Board member comments and questions received by Water Board staff prior to the hearing.

Samuel Torres, Counsel for the County, and John Ricker, Water Resources Division Director for the County, presented the County's position on the required revisions. While they had some disagreement with information in the staff report, they stated they were agreeable to the required revisions and were ready for the Stormwater Management Program to be approved. Water Board members asked several questions of the County representatives, to which the County representatives responded.

The following individuals addressed the Water Board: Bruce Daniels of the Soquel Creek Water District, Michael Guth, Barbara Graves, and Kevin Collins. These individuals were generally supportive of Water Board staff's recommendation, but proposed modifications such as requiring exceptions to ordinances to be publicly available, requiring better construction site best management practices, and reviewing effectiveness of code enforcement. Allison Ford of Monterey Coastkeeper also addressed the Water Board, opposing approval of the Stormwater Management Program.

The Water Board proposed a break in order to allow Water Board staff to consider altering its recommendation in light of the testimony heard.

(Chair Young announced a break for lunch and closed session at 1:35 p.m. The meeting reconvened at 2:36 p.m.)

Water Board staff returned and revised its recommendation by proposing modifications to one required revision. The modifications required the County to make any exemptions, exceptions, or variances to its Riparian Corridor and Wetlands Protection Ordinance available to the public.

MOTION: David Hodgin moved to approve the staff recommendation, including the proposed modifications.

SECOND: Monica Hunter

CARRIED: Unanimously (6- 0)

11. City of Scotts Valley SWMP Resolution No. R3-2009-0030

Water Board staff Environmental Scientist Phil Hammer provided background information and recommended the Board adopt Resolution No. R3-2009-0030 to approve the City of Scotts Valley (City) Stormwater Management Program, including a Table of Required Revisions. The Table of Required Revisions addressed numerous deficiencies of the City's Stormwater Management Program, and included required revisions added in response to Water Board member comments and questions received by Water Board staff prior to the hearing.

Ken Anderson, Public Works Director for the City, presented the City's position on the required revisions. He stated that the City was in agreement with most of the required revisions, but identified several required revisions that the City wanted modified or deleted. Mr. Anderson's primary reason for requesting the modifications or deletions was the City's small size and lack of resources.

The following individuals addressed the Water Board: Bruce Daniels of the Soquel Creek Water District and Barbara Graves. These individuals were generally supportive of Water Board staff's recommendation, but proposed modifications such including additional specificity in the Stormwater Management Program. Allison Ford and Steve Shimek of Monterey Coastkeeper also addressed the Water Board, opposing approval of the Storm Water Management Program.

In light of the testimony provided to the Water Board, staff altered its recommendation for five required revisions that had been previously added in response to Water Board member comments and questions. Water Board staff recommended that the required revisions be reporting requirements only, as opposed to implementation requirements.

MOTION: Gary Shallcross moved to approve the staff recommendation, including revisions (red items No. 44, etc.) for the Executive Officer to include reporting language that the City should report on any activities covering those or any comments on whether or not those should be permanently included in the SWMP.

SECOND: John Hayashi.

CARRIED: Unanimously (6- 0)

12. Enforcement Report Status Report

Enforcement Coordinator Harvey Packard briefly described actions recently taken by the State Water Resources Control Board. The State Board adopted a new policy regarding Supplemental Environmental Projects (SEPs), and did not act on a proposed policy regarding use of Cleanup and Abatement Account (CAA) funds. Mr. Packard described the effects of these actions on the Regional Board's use of SEPs and the CAA.

State Board member Frances Spivy-Weber provided her perspective on the State Board's actions. Several Board members directed questions and comments to Ms. Spivy-Weber.

Chairman Young adjourned the meeting at 4:44 p.m. The meeting will reconvene on Friday, March 20, 2009 at 8:30 a.m.

Friday, March 20, 2009

Chairman Jeffrey Young called the meeting of the Central Coast Water Board to order at 8:35 a.m. on Friday, March 20, 2009, at the Watsonville City Council Chambers, 275 Main Street, Watsonville, California.

13. Roll Call Executive Assistant Carol Hewitt

Board Members Present:

Chairman Jeffrey Young
Monica Hunter
David Hodgin
John Hayashi
Gary Shallcross

Absent:

Vice-Chair, Russell Jeffries

14. Introductions Executive Officer Roger Briggs

Executive Officer Briggs introduced staff and asked those interested to complete testimony cards and turn them in. Supplemental sheets are available for the following items: 16, 17, 18 (letter and faxes).

15. Uncontested Items Calendar Board Motion

Executive Officer Briggs noted that Item 19 is the only item on the consent calendar. Chairman Young asked the audience if anyone wished to pull the item for discussion. There was no discussion.

MOTION: David Hodgin moved to approve the consent calendar.

SECOND: Gary Shallcross

CARRIED: Unanimously (5-0)

16. TMDLs for Fecal Coliform in Pajaro River Watershed Order No. R3-2009-0008

Water Board Engineering Geologist Pete Osmolovsky presented the proposed Basin Plan amendments that would establish fecal coliform TMDLs and two Discharge Prohibitions; one prohibition would be for Human Fecal Material, and the other for Domestic Animal Waste. Mr. Osmolovsky summarized the various fecal coliform sources, described the water quality objectives, associated allocations, and outlined the TMDL implementation plan. The implementation plan included a new domestic animal waste discharge prohibition for the control of nonpoint sources, and

a human fecal material discharge prohibition to control the discharge of human waste. Mr. Osmolovsky, Water Board Senior staff scientist Chris Rose, and Section Manager Lisa McCann addressed Board comments regarding the waste load and load allocations, the water quality objectives, and TMDL implementation activities. Board member Hayashi specifically inquired if the domestic animal waste discharge prohibition required compliance from small, non-commercial hobby farms and ranchettes, in addition to commercial rangeland operations. Board member Shallcross inquired as to what criteria owners and operators of lands with domestic cattle would use to demonstrate their compliance with the proposed domestic animal waste discharge prohibition. Chairman Young inquired whether *E. coli* data was available in the watershed, and whether it correlated or supported impairment identified via fecal coliform numeric targets. Chairman Young also requested clarification on how individual allocations would sum together to achieve the TMDL, i.e., the basin plan water quality objectives for fecal coliform.

Several attendees of the meeting provided public comment. Ms. Mary Ellen Dick of the Central Coast Agricultural Water Quality Coalition provided public comment expressing concern that fecal coliform does not correlate with human health risk. Ms. Dick also questioned whether domestic animal operations on small non-commercial ranchettes would be regulated. Commenters Ms. Dick and Ms. Pamela Hitchcock, and Mr. Perlman expressed concern that the proposal did not have clear criteria for compliance for owners/operators of lands containing domestic animals. Mr. Mike Miller of Santa Clara County shared that fecal coliform in land runoff was nearly entirely filtered out within the first meter of grasses. Mr. Ray Allen of the San Benito County Cattleman's Association said that recognition of the ongoing rangeland research efforts of the University of California Cooperative Extension and the Rangeland Industry was merited, and that staff should evaluate Dr. Tate and Dr. Atwater's research on bacteria numeric targets. Executive Officer Briggs asked Ms. Dick if she could add to staff's description of corrective actions since she teaches classes on grazing management. She described an extensive list of actions that grazing operators can take to reduce bacterial problems from grazing.

MOTION: Gary Shallcross moved to approve Resolution No. R3-2009-0008 as recommended by staff.

SECOND: Monica Hunter.

CARRIED: Unanimously (5-0)

17. TMDLs for Fecal Coliform in Corralitos and

Salsipuedes Creeks Watershed Order No. R3-2009-0009

Staff Environmental Scientist Kim Sanders presented information to support staff's recommendation to the Board to adopt two Basin Plan Amendments: (1) Adding the Corralitos and Salsipuedes Watershed to the Domestic Animal Waste Discharge Prohibition and the Human Fecal Material Discharge Prohibition (HFMDP), and (2) Adding Total Maximum Daily Loads for Fecal Coliform in Corralitos and Salsipuedes Creek.

Lisa McCann, Chris Rose, and Kim Sanders answered questions from Board members and provided responses to some public comments submitted in writing.

Public Comments:

Robert Ketley thanked staff for their helpfulness and communication regarding comments that the City provided. He also noted that he is concerned that the HFMDP is unreasonable considering hundreds of kids for many years have been swimming in the creeks. Humans have some fecal matter on their bodies at any given time. The Clean Water Act primarily requires making creeks fishable and swimmable. If we make the Creeks swimmable and they are used for this purpose, and

some part of the Creek has a fecal indicator bacteria concentration greater than zero, the HFMDP will be in direct conflict with the Clean Water Act. Mr. Ketley is hoping we can assign the prohibition where appropriate so that sections used by kids for swimming can continue to be used for this purpose.

John Ricker complimented staff on working with his agency extensively and their good working relationship. He emphasized realistic implementation of the HFMDP. He expressed concern that creating another tool (the HFMDP) to address private laterals and onsite systems may be overkill, when we should use existing tools to address these sources.

Patrick Orozco commented that he is a Native American who is concerned that we keep the rivers clean and is happy we are taking steps to protect water quality. He wants us to consider cultural resources before making requirements, as some requirements such as riparian buffers may be a threat to cultural resources.

Alon Perlman said that among regulatory agencies there is duplication of regulations and that the science and purpose of regulations may have been figured out, but the implementers may not have what is required [to execute implementation]. He also said implementers are the people that regulatory agencies need to listen to because these are the people who may know specific beneficial uses of the Creek. He was concerned that regulations with zero tolerance of human fecal material (HFMDP) present problems of being achievable, and can empty the coffers of municipalities.

Board Member Comments:

Dr. Monica Hunter wanted to know if we are forwarding comments regarding Office of Chief Counsel's direction of zero loading for human sources to the State Board. [Note that Dr. Hunter at first equated the State's requirement of zero human source loading with the State's development of new standards for fecal indicator bacteria (FIB)]. She added that we will likely continue to hear comments in terms of the reasonableness of achieving zero human source loading. Dr. Hunter wanted to make sure that public comments are forwarded to state and other regional boards so that we can start to collectively address challenges, such as the homeless and so that larger governing bodies can realize that these local communities are desperate for solutions. Dr. Hunter also mentioned that public comment should be forwarded to the State Board because it might help drive potential technical and financial assistance for communities.

Staff Counsel Frances McChesney clarified for Dr. Hunter the zero human source loading requirement versus the FIB standards. Ms. McChesney added that staff was trying to be responsive to State Board's request of changing human source allocations of fecal coliform loading to zero so that the Basin Plan Amendments are approvable, and that there is not an expectation that responsible parties will achieve zero loading tomorrow. Ms. McChesney also added that compliance with the prohibition may take many years to achieve, and it may never be perfectly achieved, but the point is to have a prohibition which is enforceable and that can lead toward that goal.

Section Manager Lisa McCann said that we are actively watching State Board's efforts to change State standards and have told stakeholders how to contact the State Board. Ms. McCann added that staff did not change the allocation to zero just because directed to do so by the State, but because staff agrees with the human source allocation of zero.

Chairman Young concluded zero is a worthwhile target and that even in the absence of human fecal coliform, human viruses can still be present.

Executive Officer Briggs said that when we forward the Administrative Record to State Board, this is an opportunity to forward all public comments to the State Board. Dr. Hunter also said that it was

helpful to bring attention to the main concerns of stakeholders in this item and that we should do the same in the record to the State.

John Ricker (second comment) requested changes to the Supplemental Sheet having to do with Implementation language for Onsite Wastewater systems. Staff agreed to edit the implementation language per his changes for the staff recommendation.

Board member Hodgkin asked if the HFMDP is duplicative. Kim Sanders said that it is not and provided examples. Counsel McChesney clarified that a separate permit addressing human waste discharge is an exception to the HFMDP and confirmed that we need both regulations. Lisa McCann clarified that our intent was to not duplicate, and confirmed that this prohibition covers discharges that are not under another regulatory scheme.

MOTION: Monica Hunter moved to approve Resolution No. R3-2009-0009 as recommended by staff to include changes in the supplemental sheet and verbal changes by Senior Environmental Scientist Chris Rose.

SECOND: David Hodgkin.

CARRIED: Unanimous (5-0)

18. Regionwide Onsite System Implementation Program.....Board Approval

Executive Officer Briggs briefly described the proposed Basin Plan amendment, reviewed several recently-faxed comment letters, and introduced staff member Sorrel Marks.

Staff Sanitary Engineering Associate Sorrel Marks summarized the proposed Basin Plan amendment regarding the regionwide onsite wastewater implementation program and developing a conditional waiver for onsite wastewater systems. Ms. Marks reviewed the objectives of the proposed Basin Plan amendment, emphasizing the goals for consistent compliance with Basin Plan criteria and potential for regulatory streamlining of multi-agency oversight of onsite systems. Ms. Marks reviewed compliance with CEQA requirements and public participation activities, including a public workshop and written communications. Ms. Marks described the conditional waiver provided for in this Basin Plan amendment and reviewed the conditions applicable in different applicant scenarios. Ms. Marks summarized work remaining to be accomplished in order to implement the proposed conditional waiver and indicated that she anticipates one year will be needed to complete development of Memoranda of Understanding (MOUs) and approve local onsite management plans with local permitting agencies (generally counties) throughout the region. Ms. Marks recommended that the onsite implementation program and associated conditional waiver begin use after a limit period (i.e., one year) to allow for completion of State Water Resources Control Board and Office of Administrative Law approval of the amendment, development of MOUs with local agencies, and completion of local onsite management plans. Ms. Marks reviewed comments on the draft staff report circulated for public review, and summarized late comments received in the last two days.

Speakers:

John Ricker, Santa Cruz County Water Resources Director – stated his support for the proposed onsite implementation program. He described that the onsite management plan implemented by Santa Cruz County has resulted in improved water quality and reduced onsite system failure. Mr. Ricker described a variety of the alternatives that the County has investigated in its efforts to effectively manage onsite systems. Currently, Santa Cruz County collects onsite management fees of \$6.90 county-wide, and \$25.54 in the San Lorenzo Watershed (due to it being targeted for higher level of oversight relating to problems with onsite systems). Additionally, the County inspects its 400 alternative systems annually and there is an associated \$200 inspection fee for inspection of

alternative systems. The large majority (about 95%) of onsite system upgrades in Santa Cruz County are done voluntarily, only about 5% result from problems identified during County inspections.

John Block, Western Growers Association – read a letter summarizing the association's concern regarding "one-size-fits-all" regulations. The letter indicated support for collaborative approaches, compliance with the Basin Plan, and focusing efforts on high-risk areas. Executive Officer Briggs pointed out that the proposed implementation plan appears to be consistent with the association's stated requests regarding focusing on risks associated with older failing systems, since staff's proposal calls for management plans that focus on problem areas and systems.

Richard Placak, Atascadero resident – requested that the item be delayed until further study has been done.

Steve Austin, Paso Robles resident – stated his concern about possible costs associated with the proposed action. Mr. Austen requested the issue be tabled until further public information is available. He questioned if action would affect him at all, who would determine if his system is properly functioning and what costs would he face.

Jerry Tafo, Atascadero resident – requested the item be delayed for further public review.

Greg Kudlick, Templeton resident – requested the item be delayed for further public notification. Mr. Kudlick also expressed dismay reportedly from Jim Irving and the Board of Realtors because they were not directly notified of this action. Council McChesney clarified that proper public notice has been provided in accordance with the law.

Pam Hitchcock, Monterey County resident – read a statement objecting to the action and signed by others. Ms. Hitchcock also asked what an onsite management plan is and are there annual testing or inspection requirements. Also, she inquired if the \$560 fee for enrollment under the waiver an annual or one-time fee.

Blanche Comino, San Luis Obispo County Farm Bureau – stated her belief that we all want septic systems to function properly and for drinking water to be protected. She stated that the proposed action would add an expensive burden for pumping and transportation of septage. Septic system expansion areas may interfere with agricultural operations, and water quality monitoring is best done cooperatively and by an agency rather than by individual property owners.

Alon Perlman, Los Osos resident – expressed support for the regulatory streamlining and he requests more workshops throughout the region. Mr. Perlman believes the CEQA compliance is inadequate. He stated support for replacing "should" with "shall" and made comments relating to onsite criteria (not proposed to be updated with this item).

Ruth Sullivan, Templeton ranch owner – stated that septic systems meet a basic need and should not be disallowed. Ms. Sullivan made a variety of statements based upon her misunderstanding that septic systems were being prohibited from use. She also expressed belief that leachate from septic is pure. Counsel McChesney clarified that this action is a program including a conditional waiver of waste discharge requirements for septic systems.

Staff Section Manager Harvey Packard identified a flyer by Citizens for Clean Water as a source of considerable public misinformation.

Chris Allebe, Los Osos resident – stated there are lots of chemicals involved in this treatment, over 350 gallons per day of chlorine and methane. There is no pollution in septic except in Los Osos. There are no chemicals, motors to maintain, no pipelines and no maintenance cost to the District.

Approximately 10,000 tons of sludge per year is going into Los Osos. If sludge is disposed on agricultural land, then the crops grown on that land cannot touch the ground. EQ solids are high quality and can almost be eaten with a spoon. Mr. Allebe made some additional comments regarding the Los Osos wastewater project.

Bruce Payne, Los Osos resident – requested this item be delayed until additional public notice is provided. The rules are confusing and 13 communities will face discharge prohibitions. Those in Los Osos know there are problems with septics in high ground water and those need to be taken care of. Mr. Payne is not clear what determines prohibition zones. Water Board should not take action that would single out 100,000 properly functioning septic systems.

Gail McPherson, Citizens for Clean Water and Los Osos resident – Ms. McPherson stated that her flyer is accurate, the words are from the Water Board website, and a man with a well has additional things he needs to do. Ms. McPherson wants to incorporate by reference any and all comments that support a continuance even when continuance was not requested or suggested. Amendment is not required. Who was notified? The \$45,000 that it will cost to upgrade a system if that well does not comply or if the waterway is too close, is not being addressed. Ms. McPherson stated that she would not accept unclear criteria that might force her to lose her home. Ms. McPherson referenced CEQA problems she perceived with the State Board's AB 885 drafts. Ms. McPherson stated that she hadn't had time to look at the staff report for today.

Shaunna Sullivan, Attorney and Los Osos resident - Ms. Sullivan referred to her correspondence of April 2008, and repeated her objection to the proposed waiver. Ms. Sullivan attended the November 14, 2008 scoping meeting. She states that it is improper to force local agencies to regulate septic systems (unfunded mandate). She also believes that the notice was improper since it stated the meeting was going to be in Salinas. Ms. Sullivan also asked what happens if someone on less than one acre has a failing septic system.

C.Z. Whitney, Agriculture Business & Labor Organization of San Luis Obispo – opposes adoption of the proposed resolution. Specifically, Mr. Whitney opposes authorizing the Executive Officer to enter into MOUs with local jurisdictions. Item should be continued until all stakeholders have been notified and hearings have been held in San Luis County. If action is taken today, it should be to deny the proposal and re-adopt the waiver that expired in 2004.

Steve Dickmeyer, San Miguel resident – has not seen the proposed regulations and wants the item continued until a website with such regulations is made available to the public. He urged the Water Board to petition the State Legislature to develop laws requiring formation of service areas. Everyone wants clean water and you cannot destroy people in the process.

Ruby Roth - Supports continuance. Ms. Roth had a new system installed and doesn't believe she should be required to replace it.

Corinne Kuhnle – requested the item be tabled and expressed her concern over an ongoing \$560 fee and believes more people should be notified. Ms. Kuhnle wants communication from Water Board staff regarding these fees. She expressed her belief that the fee would apply to all existing system owners. Ms. Marks clarified that the one-time application fee of \$560 would only apply to new systems applying for enrollment under the waiver. Counsel McChesney repeated a brief summary of what is being considered today, the streamlining provided by the conditional waiver for onsite systems and described the State Water Board's efforts to develop state-wide regulations, and that no fee would be due to the Water Board if a local agency develops the referenced management plans. Counsel McChesney also reviewed the public notice process followed by the Water Board.

David Athey, City of Atascadero – stated his support for the proposed waiver and inquired if any funding will be available for development of local onsite management plans. Mr. Athey also stated

that the City of Atascadero implements the Basin Plan criteria, but doesn't think the City needs an onsite management plan but the City is proceeding with preparation of a plan. Mr. Athey also requested that the Water Board direct staff to direct stormwater or regional monitoring money to support development of onsite management plans.

Steve Shimek, San Luis Obispo Coastkeeper and Monterey Coastkeeper – stated his support for the proposed waiver and requested that the Water Board not postpone its decision on this item. Mr. Shimek indicated that areas with onsite system problems need to be addressed and that this implementation program will help address those problems.

Joy Sprague – submitted some late written comments and stated her support for less cost and less bureaucracy, so long as public involvement in the San Luis Obispo County onsite management plan is not stifled.

Counsel McChesney summarized documents submitted during public testimony that should be included in the record because they relate to this agenda item.

Ms. Marks responded to comments and questions raised during the public testimony, most of which were addressed in the staff report. Ms. Marks summarized public participation activities including the workshop, newspaper publication, direct mailing, website postings, letters, and telephone calls. Responding to specific questions, Ms. Marks clarified that several members of the Board of Realtors were notified and staff asks those notified to please share the information with others that might be interested because that helps get the word out. Ms. Marks said that the "interested parties list" (which receives direct mailings) currently includes approximately 88 individuals, including those who submitted written comments for the related item last May (although Ms. Marks was not sure if those who spoke but did not submit written comments were included). Guidance for developing onsite management plans is included in the staff report, on the Water Board's website, and has been distributed at workshops and meetings. The guidance is intended to clarify what the Executive Officer will be looking for in reviewing onsite management plans for approval. No annual fees or annual inspections are required of properly functioning existing systems as part of this program. This proposed implementation program does not address tank pumping, solids disposal, expansion into agricultural areas, or costs relating to solids disposal. CEQA compliance is described in the staff report. Local agencies will identify problem areas in their onsite management plans. Those problem areas may be based upon a variety of local conditions, and are not specifically addressed in this action, which provides more local discretion. Mr. Briggs pointed out local agencies will utilize their existing data on failure rates and known water quality impacts. Ms. Marks continued that today's action does not address minimum lot size for onsite systems or how to address failed systems. The Basin Plan criteria calls for failed systems to be repaired to meet the Basin Plan criteria to the greatest extent practicable – though none of that is in today's action.

Dr. Hunter asked about the "draft" designation on the attached guidance document. Ms. McChesney said the proposed amendment refers to the guidance, so that the Executive Officer could compare the proposed local plans to that guidance. Dr. Hunter and Chairman Young requested that onsite system information be posted more visibly on the Water Board website and linked to available resources and brief summaries of actions. Such information might be best presented in a FAQ (frequently asked questions) document.

Executive Officer Briggs responded to additional comments in that the Water Board has had criteria for onsite systems for 26 years, those criteria were updated last year, and those changes were minor because the 26 year old criteria have held up well. He pointed out that the \$45,000 per system cost fears seem to refer to AB 885 drafts which are not before the Board today. Counsel McChesney addressed concerns of unfunded mandates by clarifying that this action does not require a local management plan. However, without this waiver, local agencies are not authorized to

approve onsite systems without Water Board approval, so the option for a management plan provides for regulatory streamlining.

No revisions or changes were needed to the proposed Resolution.

MOTION: Gary Shallcross moved to approve Resolution No. R3-2009-0012 as recommended.

SECOND: David Hodgin.

CARRIED: Unanimously (5-0)

Water Board Member Shallcross thanked those who took the time to participate in the meeting.

20. Public Forum Board Direction

The individuals listed below had comments:

- o Alon Perlman, Los Osos resident
- o Chris Allebe, Los Osos resident
- o Gail McPherson, Citizens for Clean Water and Los Osos resident
- o Steve Shimek, San Luis Obispo Coastkeeper and Monterey Coastkeeper
- o Bruce Payne, Los Osos resident
- o C. Z. Whitney, Agriculture Business & Labor Organization of San Luis Obispo
- o Shaunna Sullivan, Attorney and Los Osos resident

21. Reports by Central Coast Water Board Members Status Report

Executive Officer Briggs and Chairman Young attended the most recent Water Quality Coordinating Committee (WQCC) meeting in Chino Hills. Mr. Briggs will provide the Board with the information, materials, and notes from that meeting. Mr. Briggs noted that the meeting turned out to be very useful. Chairman Young shared his WQCC information with Board member Hunter.

22. Executive Officer's Report Information/Discussion

Executive Officer Briggs noted that the furlough program is still in effect. He reported that it is no longer mandatory to close our offices on the first and third Fridays, however, staff will still be taking their floating furlough days within the next few years. Those time and pay cuts translate into a 9.2% reduction in staffing for all tasks across the board, which is nearly 10 personnel years for the duration of the current furlough program through June 2010. The Board's management team has adjusted assignments to coincide with these reductions. Mr. Briggs noted a letter that is included in the Board packets from the Lompico Watershed Conservancy that discusses the connection of TMDLs to Timber Harvest Plans (THP). This issue will be discussed when the next THP comes before the Board.

Chairman Young adjourned the meeting at 3:53 p.m. The next Board meeting will be held on May 8, 2009 in San Luis Obispo.

The meeting was audio recorded and the minutes were reviewed by management and approved by the Board at its May 8, 2009 meeting in San Luis Obispo, California.



Jeffrey Young, Chairman

H/ALLMYDOCS/BOARD MINUTES/2009/MAR09mins/carol